# CONGRESSIONAL RECORD:

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# THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-NINTH CONGRESS, SECOND SESSION.

VOLUME XLI.

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VOLUME XLI, PART II.

# CONGRESSIONAL RECORD,

FIFTY-NINTH CONGRESS, SECOND SESSION.

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The amendments recommended by the committee were read, as follows:

In line 6, after "of," insert "Company L."
In line 7 change "Volunteers" to "Volunteer" and insert thereafter
"Infantry."

The amendments were agreed to.
The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# NETTIE G. KRUGER.

The next pension business was the bill (H. R. 20581) granting an increase of pension to Nettie G. Kruger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nettie G. Kruger, widow of Charles W. Gruger, late of United States Marine Corps, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: Provided, however, That in the event of the death of Emilie L. Kruger, helpless and dependent child of said Charles W. Kruger, the additional pension herein granted shall cease and determine.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "twenty-four" and insert "eighteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## MARY E. P. BARR.

The next pension business was the bill (H. R. 20605) granting a pension to Mary E. P. Barr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. P. Barr, widow of William F. Barr, late of Company G, Fifth Regiment Tennessee Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

# WILLIAM P. HUFF.

The next pension business was the bill (H. R. 21033) granting an increase of pension to William P. Huff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William P. Huff, late of Company —, Second Regiment Kentucky Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 6, after "Company," insert "C." In line 7 change "Volunteer" to "Volunteers" and strike out "Infantry."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# ROBERT J. DEWEY.

The next pension business was the bill (H. R. 21043) granting a pension to Robert J. Dewey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert J. Dewey, late of Company H, Seventh Regiment United States Infantry, and pay him a pension at the rate of \$30 per month.

The amendments recommended by the committee were read. as follows:

In line 7, after "Infantry," insert "war with Spain."
In line 8 strike out "thirty" and insert "twelve."
In same line, after the word "month," insert "in lieu of that he is now receiving."
Amend the title so as read: "A bill granting an increase of pension to Robert J. Dewey."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# JESSE HARRAL.

The next pension business was the bill (H. R. 21046) granting a pension to Jesse Harral.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse

Harral, late of Captain Cook's company, Tennessee Infantry, Cherokee Indian disturbances, and pay him a pension at the rate of \$16 per month.

The amendments recommended by the committee were read, . as follows:

In line 6, after "Captain," insert "H. W. Cooke's." In same line, after "company," insert "Third Battalion." In line 8 strike out "sixteen" and insert "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# JESSE J. MELTON.

The next pension business was the bill (H. R. 21047) granting an increase of pension to Jesse J. Melton,

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse J. Melton, late of Capt. A. L. Pickens's company, First Regiment Alabama Volunteers, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out "Captain A. L." and change "Pickens's" to "Pickens'."

The amendment was agreed to.
The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# JEREMIAH BUFFINGTON.

The next pension business was the bill (H. R. 21274) granting an increase of pension to Jeremiah Buffington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jeremiah Buffington, late of Company B, Fourth Regiment Indiana Volunteers, war with Mexico, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "forty" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# MARTIN HEILER.

The next pension business was the bill (H. R. 21279) granting an increase of pension to Martin Heiler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin Heiler, alias Martin Huyler, late of Battery F, First Regiment United States Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 7, after "Artillery," insert "Florida Indian war." In line 8 strike out "twenty-four" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# ELIZABETH WILSON.

The next pension business was the bill (H. R. 21322) granting an increase of pension to Elizabeth Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Wilson, widow of Washington C. Wilson, late of Company F, First Regiment Alabama Volunteers, war with Mexico, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out "thirty" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# BENJAMIN BRAGG.

The next pension business was the bill (H. R. 21432) granting an increase of pension to Benjamin Bragg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Benjamin Bragg, late of Company F, Thirteenth Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

# MARY RESECCA CARROLL.

The next pension business was the bill (H. R. 21470) granting an increase of pension to Mary R. Carroll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary R. Carroll, widow of Zachariah H. Carroll, late of Company A, Twelfth Regiment United States Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change the name of the beneficiary where it appears in the title and body of the bill from "Mary R. Carroll" to "Mary Rebecca Carroll." In line 7, after "Infantry," insert "war with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# ADALINE H. MALONE.

The next pension business was the bill (H. R. 21471) granting an increase of pension to Adaline H. Malone.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adaline H. Malone, widow of William P. Malone, late of Captain Cowan's company, Alabama Volunteer Cavalry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out "P." and insert "Patrick" in Heu thereof.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILEY H. JACKSON.

The next pension business was the bill (H. R. 21472) granting an increase of pension to Wiley H. Jackson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wiley H. Jackson, late of Captain William R. Porter's company, Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "R" and insert "N." In line 7, after "Cavalry," insert "war with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LUCY COLE.

The next pension business was the bill (H. R. 21481) granting an increase of pension to Lucy Cole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy Cole, widow of James B. Cole, late of Company D, Mormon Battalion Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers" and strike out "Infantry."
In line 8 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL B. DAVIS.

The next pension business was the bill (H. R. 21496) granting an increase of pension to Samuel B. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel B. Davis, late of Company B, First Regiment North Carolina Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers" and strike out Infantry."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# MARY E. HOBBS.

The next pension business was the bill (H. R. 21497) granting an increase of pension to Mary E. Hobbs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Hobbs, widow of William Hobbs, late of Company I, First Regiment Mississippi Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Volunteer Infantry" and insert "Rifles." In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# CHARLOTTE GAME.

The next pension business was the bill (H. R. 21529) granting a pension to Charlotte Game.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charlotte Game, widow of Edwin Game, late of Company B, First Regiment North Carolina Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

## SARAH R. HARRINGTON.

The next pension business was the bill (H. R. 21579) granting a pension to Sarah R. Harrington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah R. Harrington, late brigadier-general, United States Marine Corps, retired, and pay her a pension at the rate of \$75 per month.

The amendments recommended by the committee were read, as

In line 7, after "late," insert "first lleutenant" and strike out brigadier-general."
In line 8 strike out "seventy-five" and insert "twenty-five."
In line 9, after "month," insert "in lieu of that she is now re-

ceiving."

Amend the title so as to read: "A bill granting an increase of pension to Sarah R. Harrington."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROY L. JONES.

The next pension business was the bill (H. R. 21598) granting a pension to Roy L. Jones. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Roy L. Jones, late of Company L. Fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$25 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after "Infantry," insert "war with Spain." In line 8 strike out "twenty-five" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FELIX G. MORRISON.

The next pension business was the bill (H. R. 21606) granting an increase of pension to Felix G. Morrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Felix G. Morrison, late of Company E, Third Regiment Tennessee Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers" and strike out "Infantry."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES S. HART.

The next pension business was the bill (H. R. 21612) granting an increase of pension to James S. Hart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James S. Hart, late of Company E, Iowa Battalion Mormon Volunteers, war with Mexico, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "twenty-five" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN TIMS.

The next pension business was the bill (H. R. 21761) granting an increase of pension to John Tims.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Tims, late of Company F, Third Regiment Illinois Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers" and strike out "Infantry."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANK BREAZEALE.

The next pension business was the bill (H. R. 21882) granting an increase of pension to Frank Breazeale.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank Breazeale, late a soldier in the Mexican war, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 6 strike out "late a soldier in the Mexican war" and insert after "Breazeale" the words "late of Company F (Captain Roberts's), First Regiment Texas Mounted Volunteers." In line 7 insert "war with Mexico" before "and."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. SAUNDERS.

The next pension business was the bill (H. R. 21883) granting an increase of pension to George W. Saunders.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Saunders, late of Company F. Second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

Mr. LOUDENSLAGER. Mr. Speaker, I move that that bill lie on the table, as I am informed that the intended beneficiary

The motion was agreed to.

JOHN BRYANT.

The next pension business was the bill (H. R. 21886) granting an increase of pension to John Bryant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Bryant, late of Capt. Edward Tucker's company, Colonel Dancey's regiment, Florida Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change "Captain" to Captains" and strike out "Edward Tucker's company" and insert "Tucker's, McClellan's, and Rob-

erts's."
In line 7 strike out "Colonel Dancey's regiment" and insert "companies," and strike out "Seminole" and insert "Florida."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES H. HAYMAN.

The next pension business was the bill (H. R. 21887) granting an increase of pension to James H. Hayman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Hayman, late of Captain Johnson's company, Florida Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "company," insert "independent." In line 7 strike out "Seminole Indian war" and insert "war with

Mexico."

In line 8 strike out "sixteen" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANDREW CANOVA.

The next pension business was the bill (H. R. 21888) granting an increase of pension to Andrew Canova. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Canova, late of Captains Hooker's and Moseley's companies, Florida Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change "Captains" to "Captain," and after "Hooker's" insert "independent company" and strike out "and Moseley's."

In line 7 strike out "companies," and after "Florida" insert "Mounted."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELDRIDGE UNDERWOOD.

The next pension business was the bill (H. R. 22024) granting an increase of pension to Eldrige Underwood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eldrige Underwood, late of Company D, Fourth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

Change the name of the beneficiary where it appears in the title and the body of the bill from "Eldrige Underwood" to "Eldridge Underwood."

ood." In line 7 change "Volunteer" to "Volunteers." Strike out "Infantry" and insert thereafter "wan In line 8 strike out "thirty" and insert "twenty. war with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZA M. SCOTT.

The next pension business was the bill (H. R. 22073) granting an increase of pension to Eliza M. Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza M. Scott, widow of Walter F. Scott, late of Company A, First Regiment Arkansas Volunteer Mounted Infantry, war with Mexico, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late," strike out "of" and insert "second lieut-

In line 7 strike out "Volunteer" and "Infantry" and insert, after e word "Mounted," "Volunteers."
In line 8 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# STEPHEN ROBINSON.

The next pension business was the bill (H. R. 22241) granting an increase of pension to Stephen Robinson.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen Robinson, late of Company E, Sixteenth Regiment Kentucky Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Kentucky Volunteer" and insert "United States."
In line S strike out "thirty" and insert "twenty."

Mr. LOUDENSLAGER. Mr. Speaker, that amount should be \$30 instead of \$20. It was intended that it should be \$30, but was erroneously reported from the committee.

The SPEAKER pro tempore. That result can be accomplished by voting down the amendment.

The amendment was rejected.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

# JAMES W. CAMPBELL.

The next pension business was the bill (H. R. 22243) granting an increase of pension to James W. Campbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Campbell, late of Company B, Fourth Regiment Kentucky Volunteers, war with Mexico, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# LIBBY BARNHILL.

The next pension business was the bill (H. R. 22264) granting an increase of pension to Sibby Barnhill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sibby Barnhill, widow of William Barnhill, late of Captain Cunningham's company, Third Regiment North Carolina Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Sibby" and insert in lieu thereof the

In line 6 strike out the word "Libby."

In line 8 strike out "Volunteer Infantry, war with Mexico," and insert "Militia, Cherokee Indian disturbances."

Amend the title so as to read: "A bill granting an increase of pension to Libby Barnhill."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# ELIZABETH JANE HANCHER.

The next pension business was the bill (H. R. 22265) granting an increase of pension to Elizabeth Jane Hencher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Jane Hencher, widow of John Hencher, late of Company C, Second Regiment Mississippi Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change the name of the beneficiary where it appears in the title and the body of the bill from "Elizabeth Jane Hencher" to "Elizabeth Jane Hancher."

In line 6 change "John Hencher" to "John Hancher."
In line 7 strike out "Volunteer."
In line 8, after the word "Infantry," insert "war with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# DELPHIE THORNE.

The next pension business was the bill (H. R. 22266) granting an increase of pension to Delphie Thorne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Delphie Thorne, widow of Dempsey J. Thorne, late of Company A, First Regiment North Carolina Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# LOUISA DUNCAN.

The next pension business was the bill (H. R. 22306) granting an increase of pension to Louisa Duncan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa Duncan, widow of Benjamin Duncan, late of Company D, Third Regiment Missouri Mounted Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "Benjamin," insert "F."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# MARY A. KERR.

The next pension business was the bill (H. R. 22310) granting an increase of pension to Mary A. Kerr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Kerr, widow of John Kerr, late of Company F, Second Regiment Illinois Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# MARGARET A. M'ADOO.

The next pension business was the bill (H. R. 22409) granting an increase of pension to Margaret A. McAdoo.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret A. McAdoo, widow of — McAdoo, late of Captain Murray's Company B, Second Regiment Tennessee Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 insert, after "widow of," the word "Austin." In line 7 strike out "Captain Murray's." In line 8 strike out "Volunteers" and insert "Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# EDWARD WESLEY WARD.

The next pension business was the bill (H. R. 22420) granting an increase of pension to Edward Wesley Ward.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Wesley Ward, late of Company E, Second Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 change "Volunteer" to "Volunteers," and insert thereafter war with Mexico."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# WILLIAM J. JOHNSON.

The next pension business was the bill (H. R. 22422) granting an increase of pension to William J. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of William J. Johnson, late of Company C, Mormon Battalion, Iowa Volunteers, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before "Mormon," insert "Iowa Battalion" and after "Mormon," strike out "Battalion, Iowa.' In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# WILLIAM OLIVER ANDERSON.

The next pension business was the bill (H. R. 22444) granting an increase of pension to W. O. Anderson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. O. Anderson, late of Company B, First Illinois Volunteers, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

Change the name of the beneficiary where it appears in the title and body of the bill from "W. O. Anderson" to "William Oliver Anderson."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# MARY KIRK.

The next pension business was the bill (H. R. 22827) granting an increase of pension to Mary Kirk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Kirk, widow of Maj. E. B. Kirk, quartermaster, retired, and pay her a pension at the rate of \$50 per month in lieu of that she is now re-

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Major E." and insert "Ezra." In same line, fter "Kirk," insert "late major and." In line 7, before "retired." insert "U. S. Army." In same line strike out "fifty" and insert "thirty-five."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# GEORGE SPALDING.

The next pension business was the bill (H. R. 22829) granting an increase of pension to George Spalding.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Spalding, late of Company D, Regiment Maryland and District of Columbia Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Regiment."
In line 7 strike out the words "Volunteer Infantry" and insert the word "Volunteers."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# THOMAS L. WILLIAMS.

The next pension business was the bill (H. R. 22881) granting an increase of pension to Thomas L. Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas L. Williams, late of Company — Regiment Georgia Volunteer Infantry, Indian war, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read. as follows:

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# LUCINDA DAVIDSON.

The next pension business was the bill (H. R. 22941) granting an increase of pension to Lucinda Davidson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucinda Davidson, widow of Adley Davidson, late of Company A, First Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers" and strike out "Infantry."
In line 8, before "and," insert "war with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# EMILY HIBERNIA TRABUE.

The next pension business was the bill (H. R. 22993) granting an increase of pension to Emily Hebernia Trabue.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily Hebernia Trabue, widow of Robert P. Trabue, late of Company B, Fourth Regiment Kentucky Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change the name of the beneficiary, where it occurs in the title and body of the bill, from "Emily Hebernia Trabue" to "Emily Hibernia Trabue."
In line 6, after "late," insert "first lieutenant."
In line 7 change "Volunteer" to "Volunteers" and strike out "In-

fantry."
In line 9 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Emily Hibernia Trabue."

# ANDREW CASEY

The next pension business was the bill (H. R. 23307) granting an increase of pension to Andrew Casey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Casey, late of Battery D, Second Regiment United States Artillery, war with Mexico, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Battery" and insert "Company."
In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# JANE METTS.

The next pension business was the bill (S. 5138) granting an increase of pension to Jane Metts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Metts, wildow of Thomas J. Metts, alias Jefferson Metts, late of Capt. James A. Pickett's company, Florida Mounted Volunteers, Seminole Indian war, and pay her a pension at the rate of \$8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# EMILY KILLIAN.

The next pension business was the bill (S. 6001) granting an increase of pension to Emily Killian.

The bill was read, as follows: Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily Killian, widow of William W. Killian, late lieutenant, Captain Cunningham's company, North Carolina Volunteers, Cherokee Indian disturbances, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# NELLIE PAXTON.

The next pension business was the bill (S. 6230) granting an increase of pension to Nellie Paxton.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nellie Paxton, widow of William Paxton, late of Company A, Third Regiment United States Dragoons, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed

ingly read the third time, and passed.

# PAUL BAKER.

The next pension business was the bill (S. 6266) granting an increase of pension to Paul Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Paul Baker, late of Company B, First Battalion, Louisiana Mounted Volunteers, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# SHERROD HAMILTON.

The next pension business was the bill (S. 6368) granting an increase of pension to Sherrod Hamilton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sherrod Hamilton, late of Captain Johnston's independent company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# BETSEY A. HODGES.

The next pension business was the bill (S. 6538) granting an increase of pension to Betsey A. Hodges.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Betsey A. Hodges, widow of Seaborn R. Hodges, late of Captain William C. Newbern's company, Georgia Volunteers, Florida Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

The next pension business was the bill (S. 6833) granting an increase of pension to Bettie May Vose.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bettie May Vose, widow of William P. Vose, late colonel, Artillery Corps, and brigadier-general. United States Army, retired, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read. as follows:

In line 8, after the word "of," strike out "fifty" and insert in lieu thereof the word "thirty-five."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

# SAMUEL JACKSON.

The next pension business was the bill (S. 6978) granting an increase of pension to Samuel Jackson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Jackson, late of Company A, Sixteenth Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accord-

ingly read the third time, and passed.

# MICHAEL V. HENNESSY.

The next pension business was the bill (S. 822) granting an increase of pension to Michael V. Hennessy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael V. Hennessy, late of Company G, Two hundred and third Regiment New York Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$20 per month.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "of," strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

# RUFUS C. ALLEN.

The next pension business was the bill (S. 4510) granting an increase of pension to Rufus C. Allen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rufus C. Allen, late of Captain Hunt's company, Mormon Battalion, Iowa Volunteers, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

### AARON DANIELS.

The next pension business was the bill (S. 4542) granting an increase of pension to Aaron Daniels.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aaron Daniels, late of Captain Roberts' company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# WILLIAM H. KIMBALL.

The next pension business was the bill (S. 4908) granting an increase of pension to William H. Kimball.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Kimball, late Captain Company A. Battalion Life Guards, Nauvoo Legion, Utah Volunteer Militia, Utah Indian war, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "of," strike out the word "twenty" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

# LOUIS A. BAIRD.

The next pension business was the bill (S. 5001) granting an increase of pension to Louis A. Baird.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louis A. Baird, late of Company A, Seventeenth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8, after the word "of," strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

# GEORGE A. TUCKER.

The next pension business was the bill (S. 5041) granting an increase of pension to George A. Tucker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George A. Tucker, late of Battery K, Third Regiment United States Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

# JOHN W. CONNELL.

The next pension business was the bill (S. 5084) granting an increase of pension to John W. Connell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of John W. Connell, late of Company L. Forty-ninth Regiment Iowa Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# JOSEPH JOHNSTON.

The next pension business was the bill (S. 6367) granting an increase of pension to Joseph Johnston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Johnston, late of Captain Cox's company, Georgia Volunteers, Cherokee Indian disturbances, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accord-

ingly read the third time, and passed.

On motion of Mr. Sulloway, a motion to reconsider the several votes by which the various bills were passed was laid on the table.

# ADJOURNMENT UNTIL MONDAY.

Mr. PAYNE. Mr. Speaker, I move that when the House adjourn to-day it adjourn to meet on Monday next.

The motion was agreed to.

# COST OF FIVE LIGHT-HOUSE TENDERS.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 21689) to increase the limit of cost of five light-house tenders heretofore authorized.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That the limit of cost of tender for inspector in the third light-house district, in the Light-House Establishment, under the Light-House Board, in the Department of Commerce and Labor, heretofore authorized, is hereby increased by the sum of \$65,000, so as to make the total limit of cost \$200,000 instead of \$135,000, as heretofore authorized.

SEC 2. That the limit of cost of tender for inspector in the sixth light-house district, heretofore authorized, is hereby increased by the sum of \$60,000, so as to make the total limit of cost \$200,000 instead of \$140,000, as heretofore authorized.

SEC 3. That the limit of cost of tender for inspector in the eleventh light-house district, heretofore authorized, is hereby increased by the sum of \$60,000, so as to make the total limit of cost \$200,000 instead of \$140,000, as heretofore authorized.

SEC 4. That the limit of cost of tender for engineer service in the twelfth light-house district, heretofore authorized, is hereby increased by the sum of \$65,000, so as to make the total limit of cost \$215,000 instead of \$150,000, as heretofore authorized.

SEC 5. That the limit of cost of tender for inspection service in the thirteenth light-house district, heretofore authorized, is hereby increased by the sum of \$65,000, so as to make the total limit of cost \$215,000 instead of \$150,000, as heretofore authorized.

SEC 6. That the Secretary of Commerce and Labor is hereby authorized to enter into contracts for any or all of the tenders herein referred to within the respective limits of cost, as provided by this act. SEC 7. That the President may direct that all or any of the tenders in this act referred to shall be constructed in any of the Government navy-yards within the respective limits of cost provided.

The SPEAKER. Is there objection to the present consideration of the direct of the bill?

The SPEAKER. Is there objection to the present considera-

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Illinois if this is a unanimous report of the committee?

Mr. MANN. It is a unanimous report.
Mr. WILLIAMS. And in the opinion of the committee the necessity exists for the increase?

Mr. MANN. In the opinion of the committee, unanimously expressed, there is necessity for the increase.

The SPEAKER. The Chair hears no objection. is on the engrossment and third reading of the bill. The question

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. Mann, a motion to reconsider the last vote was laid on the table.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly the House (at 1 o'clock and 48 minutes) adjourned, under its previous order, until Monday next at 12 o'clock noon.

# EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as

A letter from Hamilton, Colbert & Hamilton, transmitting statement of receipts and expenditures of the Georgetown Barge, Dock, Elevator and Railway Company for the year ended December 31, 1906-to the Committee on the District of Columbia,

cember 31, 1906—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Public Printer submitting an estimate of transfer of appropriation for leaves of absence, Government Printing Office-to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for additional land for Government Hospital for the Insane—to the Committee on Appropriations,

and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Director of the Bureau of Engraving and Printing submitting a recommendation for the construction of a new building for the Bureau of Engraving and Printingto the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a statement of the findings filed by the court in the case of Charles M. Carter and others against The United States, dismissed on stipulation of parties-to the Committee on War

Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a statement of the findings filed by the court in the case of heirs of R. Hannah against The United States, dismissed on defendant's motion-to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a statement of the findings filed by the court in the cases of James Mattox and others against The United States, dismissed for lack of loyalty-to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Interior, submitting papers relating to the claim of Dr. G. W. Harkins, of Coalgate, Ind. T.—

to the Committee on Claims, and ordered to be printed.

# REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. ALEXANDER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 9976) to provide for the appointment of an additional district judge in and for the southern district of the State of Ohio, reported the same with amendment, accompanied by a report (No. 6204); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOSS, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 7372) to authorize the acceptance by the Secretary of the Navy, as a gift, of a sail boat for use of the midshipmen at the Naval Academy, reported the same without amendment, accompanied by a report (No. 6206); which said bill and report were referred to the House Calendar.

Mr. BIRDSALL, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 19965) to provide for the purchase and distribution of a digest of reports of the Supreme Court of the United States, reported the same without amendment, accompanied by a report (No. 6207); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also from the same committee, to which was referred the bill of the House (H. R. 20990) to create a new division of the southern judicial district of Iowa and to provide for terms of court at Ottumwa, Iowa, and for a clerk for said court, and for other purposes, reported the same without amendment, accompanied by a report (No. 6208); which said bill and report were referred to the House Calendar.

Mr. GAINES of West Virginia, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 23218) to authorize the Kentucky and West Virginia Bridge Company to construct a bridge across the Tug Fork of Big Sandy River at or near Williamson, in Mingo County, W. Va., to a point on the east side of said river in Pike County, Ky., reported the same without amendment, accompanied by a report (No. 6209); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the and ordered to be printed.

A letter from the Secretary of the Interstate Commerce Commission, submitting a record of mail matter sent out from the Commission under the penalty provision from July 1 to Delay a station on the Norfolk and Western Railway, reported the same without amendment, accompanied by a report (No. 6210); which said bill and report were referred to the House Calendar.

Mr. OLCOTT, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 19568) vacating Alexander place and Poplar street in the subdivision of a part of a tract called Lincoln, D. C., and vesting title in the present owner, reported the same with amendment, accompanied by a report (No. 6211); which said bill and report were referred to the House Calendar.

Mr. TAYLOR of Ohio, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 23201) to amend the act approved March 1, 1905, entitled "An act to amend section 4 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," reported the same without amendment, accompanied by a report (No. 6212); which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 23556) prohibiting the purchase or procurement, sale, gift, or disposition of intoxicating liquors to minors by unlicensed persons, reported the same without amendment, accompanied by a report (No. 6213); which said bill and report were referred to the House Calendar.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the joint resolution of the Senate (S. R. 76) providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C., reported the same without amendment, accompanied by a report (No. 6214); which said joint resolution and report were referred to the House Calendar.

Mr. TAYLOR of Ohio, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 6578) to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, and to amend an act amendatory thereof approved June 20, 1906, reported the same without amendment, accompanied by a report (No. 6215); which said bill and report were referred to the House Calendar.

# REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bill of the following title was reported from committee, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DAWSON, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 1160) to correct the military record of John McKinnon, alias John Mack, reported the same without amendment, accompanied by a report (No. 6205); which said bill and report were referred to the Private Calendar.

# PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. BROWN: A bill (H. R. 24043) to authorize the sale of timber on certain of the land reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin—to the Committee on Indian Affairs.

By Mr. MILLER (by request): A bill (H. R. 24044) to empower the Court of Claims to ascertain the amount to be paid in certain litigation against intermarried whites in the Cherokee Nation, and for other purposes—to the Committee on Indian Affairs

By Mr. MEYER: A bill (H. R. 24045) to provide for the establishment of an immigration station at New Orleans, in the State of Louisiana, and the erection in said city, on a site to be selected for said station, of a public building—to the Committee on Immigration and Naturalization.

By Mr. BRICK: A bill (H. R. 24046) to incorporate the Hungarian Reformed Federation of America—to the Committee on the Judiciary.

By Mr. JAMES: A bill (H. R. 24047) to authorize Chapter No. 376 of the Daughters of the American Revolution to erect a fountain on the property of the United States at Paducah, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. JONES of Washington: A bill (H. R. 24048) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Spokane and Inland Empire Railroad Company, its successors and assigns—to the Committee on Military Affairs.

By Mr. BRICK: A bill (H. R. 24049) to amend the laws of the United States relating to the registration of trade-marks to the Committee on Patents.

By Mr. CLARK of Florida: A bill (H. R. 24050) prohibiting common carriers of passengers from limiting the time for the use of interstate tickets—to the Committee on Interstate and Foreign Commerce.

By Mr. WATSON: A bill (H. R. 24051) to provide for fixing a uniform standard of classification and grading of wheat, flax, corn, oats, barley, rye, and other grains, and for other purposes—to the Committee on Agriculture.

By Mr. WALLACE: A bill (H. R. 24052) to appropriate \$50,000, in addition to the sum now being expended, for demonstration farm work in the cotton-growing States afflicted with the Mexican boll weevil—to the Committee on Agriculture.

the Mexican boll weevil—to the Committee on Agriculture. By Mr. BEDE: A bill (H. R. 24053) to authorize Western Power Company to construct a dam across the Rainy Lake River—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 24054) for the relief of the Mille Lac band of Chippewa Indians of the State of Minnesota—to the Committee on Indian Affairs.

By Mr. DALE: A bill (H. R. 24055) for the erection of a Federal building at Carbondale, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. MORRELL: A joint resolution (H. J. Res. 216) providing for the manner of consideration of the rivers and harbors appropriation bill—to the Committee on Rivers and Harbors.

# PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BENNETT of Kentucky: A bill (H. R. 24056) granting an increase of pension to Reuben Copher—to the Committee on Pensions.

By Mr. BIRDSALL: A bill (H. R. 24057) granting an increase of pension to Abraham Colby—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 24058) granting an increase of pension to Conrad Theuersbacher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24059) granting an increase of pension to William M. McGruder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24060) granting a pension to S. Effie Park-hill—to the Committee on Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 24061) granting an increase of pension to John C. Nelson—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 24062) granting a pension to Louisa Lewis—to the Committee on Invalid Pensions.
By Mr. CONNER: A bill (H. R. 24063) granting an increase

By Mr. CONNER: A bill (H. R. 24063) granting an increase of pension to George P. Hanson—to the Committee on Pensions. By Mr. CUSHMAN: A bill (H. R. 24064) granting a pension to Marray—to the Committee on Pensions

to Mary Murray—to the Committee on Pensions.

By Mr. DAWSON: A bill (H. R. 24065) granting an increase of pension to Sophia Murphy—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 24066) granting an increase of pension to William Powers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24067) granting an increase of pension to John Ruf—to the Committee on Invalid Pensions.

By Mr. DRESSER: A bill (H. R. 24068) granting an increase of pension to John Maginnis—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 24069) for the relief of James Erwin—to the Committee on War Claims.

By Mr. FOSTER of Indiana: A bill (H. R. 24070) granting an increase of pension to Isaac B. Sandusky—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24071) granting an increase of pension to Samuel McCormick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24072) granting an increase of pension to

Also, a bill (H. R. 24072) granting an increase of pension to Andrew J. McCutchan—to the Committee on Invalid Pensions.

\*Also, a bill (H. R. 24073) granting an increase of pension to Edwin French—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 24074) granting an increase of pension to William Hale—to the Committee on Pensions.

By Mr. HIGGINS: A bill (H. R. 24075) granting an increase of pension to Sylvester Wade—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 24076) granting an increase of pension to Austin Fosdick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24077) granting an increase of pension to William Martin—to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 24078) granting an increase of pension to Warren J. Sevey—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Ohio: A bill (H. R. 24079) granting an increase of pension to David Jones-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24080) granting an increase of pension to John M. McKee-to the Committee on Invalid Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 24081) granting a pension to William H. Gray-to the Committee on Invalid

Also, a bill (H. R. 24082) granting an increase of pension to Luke Shinnerss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24083) for the relief of the heirs at law of David W. Dodson-to the Committee on Claims.

Also, a bill (H. R. 24084) to remove the charge of desertion

against Frank H. Loud—to the Committee on Military Affairs.

By Mr. KLINE: A bill (H. R. 24085) granting an increase of pension to Allen F. Kemmerer—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 24086) granting an increase of pension to William B. Biesecker—to the Committee on Invalid Pensions

By Mr. LEE: A bill (H. R. 24087) for the relief of the congregation of the Kingston Methodist Church, of Bartow County, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 24088) for the relief of the congregation of the Union Methodist Church, near Tilton, Whitfield County,

to the Committee on War Claims. By Mr. LITTAUER: A bill (H. R. 24089) granting an increase of pension to Oscar Curtis-to the Committee on Invalid

Also, a bill (H. R. 24090) granting an increase of pension to Alexander Guyon—to the Committee on Invalid Pensions.

By Mr. McKINLAY of California: A bill (H. R. 24091) to remove the charge of desertion against Patrick Brodigan and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. McLAIN: A bill (H. R. 24092) for the relief of the estate of Louisa Harper, deceased—to the Committee on War Claims.

By Mr. MADDEN: A bill (H. R. 24093) granting an increase of pension to Henry McCall—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 24094) granting an increase of pension to Abraham W. Potts-to the Committee on Invalid Pensions.

By Mr. MORRELL: A bill (H. R. 24095) for the relief of the heirs of Benjamin Holliday, deceased-to the Committee on

By Mr. PERKINS: A bill (H. R. 24096) granting an increase of pension to Oscar F. Peacock-to the Committee on Invalid

By Mr. REEDER: A bill (H. R. 24097) for the relief of Henry J. McBroom, and to correct his military record—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24098) granting a pension to Horace Ber-

lew—to the Committee on Invalid Pensions.

By Mr. RIVES: A bill (H. R. 24099) granting an increase of pension to Benjamin J. Puckett—to the Committee on Invalid Pensions.

By Mr. WEEMS: A bill (H. R. 24100) granting an increase of pension to Henry W. Wilson—to the Committee on Invalid Pen-

Also, a bill (H. R. 24101) granting an increase of pension to George W. Ashton-to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 24102) for the relief of T. M. Davidson, administrator of Margaret Davidson, deceased to the Committee on War Claims.

# CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred, as follows:

A bill (H. R. 21294) granting an increase of pension to Lizzie D. Allen-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23847) for the relief of William Donnelly and Patrick Egan—Committee on Military Affairs discharged, and referred to the Committee on War Claims.

A bill (H. R. 23861) granting a pension to William L. Snider—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22153) granting a pension to Antonio Archuleta-Committee on Pensions discharged, and referred to Committee on Invalid Pensions.

A bill (H. R. 23688) granting an increase of pension to William H. Hawley-Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 23994) granting an increase of pension to William Q. Anderson-Committee on Invalid Pensions discharged,

and referred to the Committee on Pensions.

A bill (H. R. 24004) granting an increase of pension to Margaret Drum-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

# PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerks desk and referred as follows:

By the SPEAKER: Petition of Hollingsworth Division, No. 10, Railway Conductors of America, relative to railway ployees-sixteen-hour bill; employees of the Indianapolis division of the Pennsylvania Railway, and Columbus Division of the Brotherhood of Locomotive Engineers, against bill H. R. 18671—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Honolulu and island and county of Oahu, for an appropriation for a dry dock in Honolulu Harbor-

to the Committee on Naval Affairs.

Also, petition of the New Jersey State Federation of Women's Clubs, to provide for collecting information as to labor of children-to the Committee on Labor.

Also, petition of the National Business League, for reorganization of the consular service—to the Committee on Foreign Affairs.

Also, petition of the National Business League, for revision of the public land laws—to the Committee on the Public Lands.

Also, petition of the Citizens' Association of New York City, for reform of the currency laws-to the Committee on Banking and Currency.

Also, paper to accompany bill for relief of William M. Mooreto the Committee on Invalid Pensions.

By Mr. ACHESON: Petition of the International Seamen's Union of America, against the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the State Camp of New York, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. ALLEN of New Jersey: Petition of the National Business League, for reform of the public-land laws-to the Committee on the Public Lands.

Also, petition of the National Business League, for improvement of the consular service—to the Committee on Foreign Affairs.

Also, petition of the New Jersey State Federation of Women's Clubs, for investigation of the condition of child labor in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BARCHFELD: Petitions of citizens of Lee, Iowa; Benzie, Mich.; Rapides, La.; Allen, Ind.; Bardwell, Ky.; the Elk County Medical Society; citizens of Lyon, Ky.; Anniston, Ala.; Crittenden, Ky.; Biloxi, Miss., and Edgefield, S. C., against enactment of S. 5221, regulating the practice of osteopathy in the District of Columbia-to the Committee on the District of Columbia.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of John Heinricks (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. BURLEIGH: Paper to accompany bill for relief of William McCauley-to the Committee on Invalid Pensions.

Also, petition of Wilbur H. Maffit, favoring restriction of immigration (S. 4403)-to the Committee on Immigration and Naturalization.

By Mr. DALZELL: Petition of the National Business League, for reform of the land laws-to the Committee on the Public

Also, petition of the National Business League, for improvement of the consular service-to the Committee on Foreign Affairs.

By Mr. DAVIS of Minnesota: Petition of the National Business League, for revision of the public land laws-to the Committee on the Public Lands.

By Mr. DAWSON: Petition of the Woman's Union Label League of Davenport, Iowa, for the Beveridge child-labor billto the Committee on Labor.

By Mr. DE ARMOND: Paper to accompany bill for relief of William H. Watson—to the Committee on Invalid Pensions.
By Mr. DRAPER: Petition of Adolph C. Hottenroth et al., for

legislation to improve the condition of the currency-to the Committee on Banking and Currency.

Also, petition of the National Business League, for improvement of the consular service-to the Committee on Foreign

Also, petition of the National Business League, for the improvement of the land laws—to the Committee on the Public Lands

By Mr. FLOYD: Paper to accompany bill for relief of J. Mc-Wood—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the Association of Army Nurses, for the Dalzell bill-to the Committee on Invalid Pensions.

Also, petition of Fahs & Hubbard, of Hinckley, Ill., for an amendment to the railway rate law to allow contracts for exchange of advertising for transportation—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Franco-American Food Company, for modification of the meat-inspection law-to the Committee on

Agriculture.

Also, petition of the Monmouth (Ill.) Commercial Club, for an appropriation to improve the upper Mississippi-to the Committee on Rivers and Harbors.

By Mr. HERMANN: Petition of the Commercial Club of Eugene City, Oreg., for an appropriation of \$100,000 for a public building in said city-to the Committee on Public Buildings and

By Mr. HINSHAW: Paper to accompany bill for relief of Austin Fosdick and William Martin-to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: Petitions of the Webber Club, of Ogden; T. A. Thovesen, of Logan, et al., for passage of bills for regulation of the hours of work in first and second class post-offices-to the Committee on the Post-Office and Post-Roads.

Also, petition of the Deseret News, against tariff on linotype machines-to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Louis Miller-to the

Committee on Invalid Pensions.

By Mr. KENNEDY of Ohio: Petition of Adolph C. Holtenroth et al., for improvement of the currency laws—to the Committee on Banking and Currency.

Also, petition of Cleveland and Pittsburg division of Pennsylvania lines, against the sixteen-hour bill (H. R. 18671)-to the Committee on Interstate and Foreign Commerce.

Also, petition of conductors on the Pennsylvania lines west of Pittsburg, against the sixteen-hour bill (H. R. 18671)—to the Committee on Interstate and Foreign Commerce.

Also, petition of the New Immigrants' Protective League, against the Lodge-Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of the Association of Army Nurses of the Civil War, for the Dalzell bill to pension ex-prisoners of war—to the Committee on Invalid Pensions.

Also, petition of J. W. Rolands, Canton, Ohio, against the employment of all Asiatic cooly labor on the Panama Canal—to the Committee on Labor.

Also, petition of the trainmen of the Pennsylvania system west of Pittsburg, against the sixteen-hour bill (H. R. 18671)-to the Committee on Interstate and Foreign Commerce

By Mr. LAFEAN: Petition of the Association of Army Nurses of the Civil War, for the Dalzell bill pensioning ex-prisoners of war-to the Committee on Invalid Pensions

By Mr. LEE: Papers to accompany bills for relief of the estate of William B. Quinn, the estate of Nancy Cates, the estate of Gunters Peters, and the estate of Alec Baswell-to the Committee on War Claims.

By Mr. LINDSAY: Petition of the National Business League, for permanent consular improvement and commercial enlargement-to the Committee on Foreign Affairs.

Also, petition of the National Business League, for revision of the land laws-to the Committee on the Public Lands.

By Mr. LITTAUER: Paper to accompany bill for relief of

Oscar Curtis—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Alexander Guyon—

Also, paper to accompany bill for relief of Alexander Guyon— to the Committee on Invalid Pensions.

By Mr. McLAIN: Paper to accompany bill for relief of Mary Reed Simons—to the Committee on War Claims.

Also, paper to accompany bill for relief of estate of Louisa

arper—to the Committee on War Claims. By Mr. NORRIS: Resolutions of the Omaha Grain Exchange, asking for improvement of the Missouri River—to the Committee on Rivers and Harbors.

By Mr. REYBURN: Petition of the National Business League, for reform of the land laws-to the Committee on the Public

By Mr. RIORDAN: Petition of the National Business League, for permanent consular improvement and commercial enlargement-to the Committee on Foreign Affairs.

Also, petition of the New Immigrants' Protective League. against the Lodge-Gardner immigration bill—to the Committee on Immigration and Naturalization,

Also, petition of the National Business League, for conservation of the public domain by revision of the land laws-to the Committee on the Public Lands.

By Mr. SHERMAN: Petition of J. M. Brainard, of Rome, N. Y., against certain amendments to proposed copyright law—to the Committee on Patents.

By Mr. STERLING: Papers to accompany bills for relief of J. H. Arrowsmith, James O. Neal, James E. Fitzgerald, and Samuel Stauffer—to the Committee on Invalid Pensions. By Mr. WALLACE: Petition of citizens of Arkadelphia, Ark.,

county of Clark, for an appropriation of \$50,000 for extension of work of the farmer's cooperative cotton demonstration—to the Committee on Agriculture.

By Mr. WEEMS: Petition of the Times, Martins Ferry, and the Steubenville Gazette, against tariff on linotype machines-

to the Committee on Ways and Means.

Also, petitions of Enterprise Council, No. 331; Martins Ferry Council, No. 39; Ohio Valley Council, No. 21; General Fremont Council, No. 14; Steubenville Council, No. 144; Barnesville Council, No. 190, and Toronto Council, No. 10, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)-to the Committee on Immigration and Naturaliza-

By Mr. WHARTON: Petition of the One hundred and thirteenth Illinois Veteran Volunteer Infantry Association, at Watseka, Ill., for certain amendments to the pension laws-to the Committee on Invalid Pensions.

# SENATE.

# SATURDAY, January 12, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Gallinger, and by unanimous consent, the further reading was dispensed with. The VICE-PRESIDENT. The Journal stands approved.

CLAIM OF DR. G. W. HARKINS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting papers with respect to a voucher for \$2,000, being the claim of Dr. G. W. Harkins, of Colgate, Ind. T., for services in the suppression of smallpox in that Territory; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

# MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its chief clerk, announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

S. 822. An act granting a pension to Michael V. Hennessey; S. 5001. An act granting an increase of pension to Louis A.

S. 5041. An act granting an increase of pension to George A. Tucker; S. 4908. An act granting an increase of pension to William H.

Kimball; and S. 6833. An act granting an increase of pension to Bettie May

Vose. The message also announced that the House had passed the

following bills; in which it requested the concurrence of the Senate: H. R. 637. An act granting an increase of pension to William

H. Bone: H. R. 676. An act granting an increase of pension to Musgrove

E. O'Connor; H. R. 725. An act granting an increase of pension to George E.

H. R. 742. An act granting an increase of pension to James

Wintersteen: H. R. 1150. An act granting an increase of pension to Emma J.

Turner: H. R. 1185. An act granting a pension to Josiah C. Hancock;

H. R. 1252. An act granting an increase of pension to Mary E. Mathes

H. R. 1337. An act granting an increase of pension to James B. Evans:

H. R. 1512. An act granting an increase of pension to Melvin T. Edmonds;

H. R. 1693. An act granting an increase of pension to Joseph Q. Oviatt;

H. R. 1717. An act granting an increase of pension to George M. Fowler;

H. R. 1723. An act granting an increase of pension to Rutson J. Bullock;

H. R. 1937. An act granting an increase of pension to Joseph B. Williams;

H. R. 2055. An act granting an increase of pension to Joanna L. Cox:

H. R. 2056. An act granting an increase of pension to Lucas Longendycke;

H. R. 2175. An act granting an increase of pension to James W. Bliss, alias James Warren;

H. R. 2286. An act granting an increase of pension to Jacob Miller;

H. R. 2294. An act granting a pension to John J. Berger;

H. R. 2399. An act granting an increase of pension to Charles F. Sancrainte;

H. R. 2421. An act granting an increase of pension to Daniel S. Mevis:

H. R. 2726. An act granting an increase of pension to John C. Keach;

H. R. 2764. An act granting an increase of pension to George L. Robinson;

H. R. 2769. An act granting an increase of pension to Ethan A. Valentine;

H. R. 2793. An act granting an increase of pension to Nathan D. Chapman;

H. R. 2826. An act granting an increase of pension to Samuel Prochel:

H. R. 3740. An act granting an increase of pension to John G. H. Armistead;

H. R. 3989. An act granting an increase of pension to Hiram T. Houghton:

H. R. 4149. An act granting an increase of pension to Thompson Wall;

H. R. 4151. An act granting an increase of pension to John W. Howard:

H. R. 4166. An act granting an increase of pension to John G. V. Herndon;

H. R. 4346. An act granting an increase of pension to Thomas H. B. Schooling;

H. R. 4670. An act granting an increase of pension to Edward B. Tanner;

H. R. 4673. An act granting an increase of pension to Samuel Rowe;

H. R. 4692. An act granting an increase of pension to Levi Welch;

H. R. 4719. An act granting an increase of pension to Mary J. Trumbull;

H. R. 4833. An act granting an increase of pension to Samuel F. Anderson;

H. R. 5173. An act granting an increase of pension to Jacob Henninger;

H. R. 5174. An act granting an increase of pension to Patrick Turney;

H. R. 5187. An act granting an increase of pension to Robert John;

H. R. 5595. An act granting an increase of pension to Elisha
 Brown;
 H. R. 5729. An act granting an increase of pension to Norman

H. Cole;
H. R. 5776. An act granting an increase of pension to Priscilla

H. R. 5776. An act granting an increase of pension to Priscilla A. Campbell; H. R. 5801. An act granting an increase of pension to Algernon

E. Castner; H. R. 5829. An act granting an increase of pension to George

H. R. 5829. An act granting an increase of pension to George Anderson; H. R. 6057. An act granting an increase of pension to Emery

Crawford; H. R. 6060. An act granting an increase of pension to Lorenzo

B. Fish; H. R. 6088. An act granting an increase of pension to James

H. R. 6065. An act granting an increase of pension to James H. R. 6165. An act granting an increase of pension to Nelson

Everson;
H. R. 6424. An act granting an increase of pension to Reison

Price; H. R. 6493. An act granting an increase of pension to Eli

Boynton; H. R. 6519. An act granting an increase of pension to Samuel

W. Whybark; H. R. 6524. An act granting an increase of pension to Amos

H. R. 6537. An act granting an increase of pension to William Jackson;

H. R. 6894. An act granting an increase of pension to Daniel O. Corbin;

H. R. 7378. An act granting an increase of pension to John L. Brown:

H. R. 7393. An act granting an increase of pension to Ferdinand David;

H. R. 7551. An act granting a pension to Daniel Robb;

H. R. 7555. An act granting an increase of pension to John S. Roseberry;

H. R. 7581. An act granting an increase of pension to Emile Cloe;
 H. R. 7666. An act granting an increase of pension to Joseph

C. Mahaffey; H. R. 7804. An act granting an increase of pension to John

Frett, jr.;
H. R. 8247. An act granting an increase of pension to Sarah J. Littleton:

J. Littleton; H. R. 8553. An act granting an increase of pension to Thomas E. Avlesworth;

H. R. 8667. An act granting an increase of pension to Andrew

Larick; H. R. 9024. An act granting an increase of pension to Lewis

H. R. 9278. An act granting an increase of pension to Melville A. Nichols:

H. R. 9673. An act granting a pension to Oliver H. Griffin;

H. R. 9921. An act granting a pension to Ann Lytle;

H. R. 10033. An act granting an increase of pension to Samuel C. Roe;

H. R. 10219. An act granting an increase of pension to George S. Boyd;

H. B. 10317. An act granting an increase of pension to Clarissa A. Frederick;

H. R. 10402. An act granting an increase of pension to Albert H. Campbell;

H. R. 10440. An act granting an increase of pension to Amaziah G. Sheppard;
 H. R. 10721. An act granting an increase of pension to Harriett

I. Levis;

H. R. 10738. An act granting an increase of pension to Thomas Prosser;

H. R. 11141. An act granting an increase of pension to Jesse
 S. Miller;
 H. R. 11174. An act granting an increase of pension to Isaac

Richards;
H. R. 11307. An act granting an increase of pension to Joseph

J. Roberts; H. R. 11362. An act granting an increase of pension to Nich-

olas A. Bovee; H. R. 11708. An act granting an increase of pension to Jesse A. Ask;

H. R. 11869. An act granting an increase of pension to Henry A. Geduldig:

H. R. 11959. An act granting an increase of pension to Henry
 J. Rice;
 H. R. 12497. An act granting an increase of pension to Allen

H. R. 12497. An act granting an increase of pension to Allen
 M. Haight;
 H. R. 12523. An act granting an increase of pension to Gan-

celo Leighton;
H. R. 13031. An act granting an increase of pension to Thomas

H. R. 13031. An act granting an increase of pension to Thomas H. Leslie: H. R. 13201. An act granting a pension to Sarah A. Jones:

H. R. 13253. An act granting an increase of pension to Robert
 M. C. Hill;
 H. R. 13740. An act granting an increase of pension to Jere-

miah Bard; H. R. 13805. An act granting an increase of pension to Isaac Gordon;

H. R. 13806. An act granting an increase of pension to John Campbell;

H. R. 13956. An act granting an increase of pension to Alfred Featheringill;

H. R. 13975. An act granting an increase of pension to Thomas H. Primrose:

H. R. 14046. An act granting a pension to Jimison F. Skeens; H. R. 14378. An act granting an increase of pension to Charles

Settle; H. R. 14675. An act granting an increase of pension to James Davis:

H. R. 14715. An act granting an increase of pension to Har-

mon W. McDonald; H. R. 14860. An act granting an increase of pension to William D. Campbell;

H. R. 14884. An act granting an increase of pension to Henry Stauffer:

H. R. 14983. An act granting an increase of pension to R. T. Dillard Zimmerman

H. R. 14995. An act granting an increase of pension to James H. Bell:

H. R. 15017. An act granting an increase of pension to Joseph Strope;

H. R. 15139. An act granting an increase of pension to James P Mullen

H. R. 15317. An act granting an increase of pension to James B. F. Callon

H. R. 15463. An act granting an increase of pension to John Robb. first:

H. R. 15630. An act granting a pension to Sarah Kizer;

H. R. 15631. An act granting an increase of pension to Henry C. Worley

H. R. 15839. An act granting an increase of pension to Mary J. Burroughs;

H. R. 15860. An act granting an increase of pension to Sarah

H. R. 15868. An act granting an increase of pension to William H. Scullen;

H. R. 15874. An act granting an increase of pension to Benjamin B. Ream;

H. R. 15965. An act granting an increase of pension to Stephen

H. R. 16181. An act granting an increase of pension to Ann Rafferty;

H. R. 16283. An act granting an increase of pension to Archibald H. R. Calvin;

H. R. 16340. An act granting an increase of pension to William M. Harris :

H. R. 16458. An act granting an increase of pension to Daniel W. Gillam

H. R. 16487. An act granting an increase of pension to Martha Lavender

H. R. 16493. An act granting an increase of pension to William T. Sallee:

H. R. 16506. An act granting an increase of pension to Kate S. Church:

H. R. 16698. An act granting an increase of pension to Henry

H. Davis H. R. 16813. An act granting an increase of pension to Charles Brumm:

H. R. 16886. An act granting an increase of pension to Elizabeth A. Murrey

H. R. 17058. An act granting an increase of pension to James H. O'Brien :

H. R. 17094. An act granting an increase of pension to James H. Sperry

H. R. 17204. An act granting a pension to Sarah E. Robey H. R. 17330. An act granting an increase of pension to Wil-

liam Tuders H. R. 17331. An act granting an increase of pension to Douglas V. Donnelly;

H. R. 17334. An act granting an increase of pension to Henry Power

H. R. 17335. An act granting an increase of pension to Lewis F. Belden :

H. R. 17369. An act granting an increase of pension to Minor B. Monaghan :

H. R. 17483. An act granting an increase of pension to William H. Loyd;

H. R. 17484. An act granting an increase of pension to John

E. Gillispie, alias John G. Elliott; H. R. 17581. An act granting an increase of pension to Aquilla

Williams: H. R. 17620. An act granting an increase of pension to Michael

Pendergast, alias Michael Blake; H. R. 17634. An act granting an increase of pension to John S.

Cochran: H. R. 17642. An act granting an increase of pension to Roland

M. Johnson; H. R. 17712. An act granting an increase of pension to Frank

J. Biederman; H. R. 17773. An act granting an increase of pension to Carel

H. R. 17810. An act granting an increase of pension to Saul

Coulson: H. R. 17817. An act granting an increase of pension to John

Grimm;
H. R. 17988. An act granting a pension to Edward G. Hausen; H. R. 18014. An act granting an increase of pension to Elbridge P. Boyden;

H. R. 18042. An act granting an increase of pension to James H. Sinclair;

H. R. 18242. An act granting an increase of pension to Francis Anderson;

H. R. 18248. An act granting an increase of pension to John D. Evans

H. R. 18322. An act granting an increase of pension to Hezekiah James

H. R. 18323. An act granting an increase of pension to Richard R. Rankin

H. R. 18383. An act granting an increase of pension to Frederick Shinaman :

H. R. 18574. An act granting an increase of pension to Levi Miles

H. R. 18681. An act granting an increase of pension to William E. Gray;
H. R. 18723. An act granting an increase of pension to Wil-

liam E. Hanigan ;

H. R. 18881. An act granting an increase of pension to Alexander B. Mott: H. R. 18969. An act granting an increase of pension to Her-

man Hagemiller:

H. R. 19133. An act granting an increase of pension to Fergus P. McMillan;

H. R. 19263. An act granting an increase of pension to John Ingram:

H. R. 19271. An act granting an increase of pension to Joseph J. Branvan

H. R. 19294. An act granting an increase of pension to Francis M. Hatten:

H. R. 19384. An act granting an increase of pension to Susan E. Hernandez ;

H. R. 19385. An act granting an increase of pension to Agnes E. Calvert

H. R. 19400. An act granting an increase of pension to Washington M. Brown;

H. R. 19401. An act granting an increase of pension to Campbell Cowan;

H. R. 19448. An act granting an increase of pension to Abiram P. McConnell;

H. R. 19526. An act granting an increase of pension to Judson H. Holcomb;

H. R. 19546. An act granting a pension to Sarah M. Roach; H. R. 19581. An act granting an increase of pension to Mary E. Bookhammer ;

H. R. 19628. An act granting an increase of pension to Elizabeth Mooney

H. R. 19706. An act granting an increase of pension to Almon Wood;

H. R. 19762. An act granting an increase of pension to Clara C. Edsall:

H. R. 19770. An act granting an increase of pension to James G. Van Dewalker;

H. R. 19772. An act granting a pension to Mary L. Kirlin; H. R. 19832. An act granting an increase of pension to George

W. Smith; H. R. 19863. An act granting an increase of pension to Walter B. Swain

H. R. 19869. An act granting an increase of pension to John E. Bowles

H. R. 19943. An act granting an increase of pension to Edward La Coste

H. R. 19967. An act granting an increase of pension to Martin L. Ohr

H. R. 19969. An act granting an increase of pension to Henry K. Burger:

H. R. 19976. An act granting a pension to Nelson Isbill;

H. R. 19994. An act granting a pension to Ritty M. Lane; H. R. 20000. An act granting an increase of pension to Thomas R. Elliott

H. R. 20036. An act granting an increase of pension to Oliver T. Westmoreland;

H. R. 20060. An act granting an increase of pension to Anna E. Hughes

H. R. 20079. An act granting an increase of pension to Rich-

ard F. Barret; H. R. 20091. An act granting an increase of pension to John

H. R. 20188. An act granting an increase of pension to John H. McCain, alias John Croft;

H. R. 20189. An act granting an increase of pension to Thomas W. Daniels

H. R. 20201. An act granting an increase of pension to Charles

W. Airey; H. R. 20212. An act granting an increase of pension to George W. Green;

H. R. 20215. An act granting an increase of pension to Riley J. Berkley

H. R. 20224. An act granting an increase of pension to Philip Hamman .

H. R. 20236. An act granting an increase of pension to William E. Richards

H. R. 20244. An act granting an increase of pension to Alfred Hayward:

H. R. 20286. An act granting an increase of pension to Bartholomew Holmes:

H. R. 20291. An act granting an increase of pension to Emma F. Buchanan:

H. R. 20356. An act granting an increase of pension to Mary T. Mathis

H. R. 20415. An act granting an increase of pension to John H. Krom;

H. R. 20557. An act granting an increase of pension to Webster Miller

H. R. 20558. An act granting an increase of pension to Mark W. Terrill

H. R. 20568. An act granting an increase of pension to Chester R. Pitt:

H. R. 20571. An act granting an increase of pension to Frederick J. Dowland:

H. R. 20581. An act granting an increase of pension to Nettie G. Kruger :

H. R. 20586. An act granting an increase of pension to Calvin Judson:

H. R. 20587. An act granting an increase of pension to Francis McMahon:

H. R. 20589. An act granting an increase of pension to Amanda

H. R. 20605. An act granting a pension to Mary E. P. Barr; H. R. 20613. An act granting an increase of pension to Hiram

H. R. 20614. An act granting an increase of pension to James Howardson

H. R. 20618. An act granting an increase of pension to George W. Brinton :

H. R. 20647. An act granting an increase of pension to Dominick Garvey

H. R. 20654. An act granting an increase of pension to William A. Nichols

H. R. 20685. An act granting an increase of pension to Joseph R. Benham:

H. R. 20686. An act granting an increase of pension to Joshua S. Javne

H. R. 20689. An act granting an increase of pension to Francis Doughty

H. R. 20715. An act granting an increase of pension to Charles Ballantyne:

H. R. 20717. An act granting an increase of pension to Adelbert E. Bleekman; H. R. 20719. An act granting an increase of pension to James

C. Price; H. R. 20727. An act granting an increase of pension to William

Conwell: H. R. 20728. An act granting an increase of pension to Ira D.

Hill; H. R. 20729. An act granting an increase of pension to Benja-

min Lyons H. R. 20730. An act granting an increase of pension to John

Carpenter H. R. 20731. An act granting an increase of pension to Peter Buchmann:

H. R. 20733. An act granting an increase of pension to Oscar Andrews

H. R. 20734. An act granting an increase of pension to Amos Kellner

H. R. 20737. An act granting an increase of pension to William G. Whitney;

H. R. 20821. An act granting an increase of pension to John L. Newman;

H. R. 20822. An act granting an increase of pension to Milton L. Howard;

H. R. 20831. An act granting an increase of pension to James R. Dunlap; H. R. 20834. An act granting an increase of pension to Frank-

lin Comstock;

H. R. 20842. An act granting an increase of pension to Henry H. R. 20851. An act granting an increase of pension to Henry

Hamme: H. R. 20852. An act granting an increase of pension to Theodore T. Tate;

H. R. 20854. An act granting an increase of pension to Thomas

Welch; H. R. 20855. An act granting an increase of pension to George

H. R. 20856. An act granting an increase of pension to Catharine A. Greene

H. R. 20859. An act granting an increase of pension to Henry C. Hughes:

H. R. 20860. An act granting an increase of pension to Charles T. Chapman;

H. R. 20861. An act granting an increase of pension to Catharine Weigert;

H. R. 20862. An act granting an increase of pension to August Weber

H. R. 20881. An act granting an increase of pension to Martha J. Weaverling;

H. R. 20882. An act granting an increase of pension to Luther W. Harris:

H. R. 20887. An act granting an increase of pension to Emma Walters

H. R. 20929. An act granting an increase of pension to Thomas D. King

H. R. 20930. An act granting an increase of pension to Joseph Rouge: H. R. 20931. An act granting an increase of pension to John

N. Shear H. R. 20960. An act granting an increase of pension to Sarah

M. Bickford

H. R. 20966. An act granting an increase of pension to Thomas Jones

H. R. 20967. An act granting an increase of pension to Samuel W. Hines;

H. R. 20970. An act granting an increase of pension to Edgar H. R. 20973. An act granting an increase of pension to Henry

Lufft: H. R. 21000. An act granting an increase of pension to Mary

Evans; H. R. 21002. An act granting an increase of pension to Wil-

liam Wiggins; H. R. 21026. An act granting a pension to Delia S. Humphrey; H. R. 21033. An act granting an increase of pension to Wil-

liam P. Huff: H. R. 21043. An act granting an increase of pension to Robert J. Dewey

H. R. 21046. An act granting a pension to Jesse Harral;
H. R. 21047. An act granting an increase of pension to Jesse

J. Melton H. R. 21060. An act granting an increase of pension to Gottlieb Kirchner

H. R. 21061. An act granting an increase of pension to James

Collins: H. R. 21077. An act granting an increase of pension to Andrew M. Dunn;

H. R. 21078. An act granting an increase of pension to Henry

H. R. 21079. An act granting an increase of pension to Patrick

H. R. 21086. An act granting an increase of pension to Jerry Johnson; H. R. 21113. An act granting an increase of pension to Emma

M. Chamberlin; H. R. 21122. An act granting an increase of pension to Nathan

Small: H. R. 21123. An act granting an increase of pension to Law-

rence McHugh; H. R. 21139. An act granting an increase of pension to Willa

Fyffe; H. R. 21148. An act granting an increase of pension to Jacob

A. Graham H. R. 21157. An act granting an increase of pension to George

C. Peak : H. R. 21161. An act granting an increase of pension to Henry J. Rhodes

H. R. 21162. An act granting an increase of pension to John W. Humphrey;

H. R. 21227. An act granting an increase of pension to Parthena Lasley;

H. R. 21246. An act granting a pension to Margaret Guilroy; H. R. 21255. An act granting an increase of pension to Thomas

McDowell: H. R. 21256. An act granting an increase of pension to William Foster

H. R. 21258. An act granting an increase of pension to James Dopp;

H. R. 21264. An act granting an increase of pension to David J. Wise

H. R. 21270. An act granting an increase of pension to Ellen Sullivan:

H. R. 21274. An act granting an increase of pension to Jeremiah Buffington;

H. R. 21277. An act granting an increase of pension to Robert Martin:

H. R. 21279. An act granting an increase of pension to Martin

H. R. 21280. An act granting an increase of pension to Isaac

H. R. 21281. An act granting an increase of pension to Catharine Ludwig;

H. R. 21283. An act granting an increase of pension to Frederick De Planque;

H. R. 21303. An act granting an increase of pension to James Edward Bristol;

H. R. 21307. An act granting an increase of pension to Samuel Fauver:

H. R. 21320. An act granting an increase of pension to Malinda H. Hitchcock;

H. R. 21322. An act granting an increase of pension to Elizabeth Wilson:

H. R. 21325. An act granting an increase of pension to George O. Tibbitts;

H. R. 21331. An act granting an increase of pension to Robert O. Bradley;

H. R. 21332. An act granting an increase of pension to John R.

H. R. 21335. An act granting an increase of pension to Harvey S. Nettleton

H. R. 21343. An act granting an increase of pension to James C. Murray:

H. R. 21344. An act granting an increase of pension to Edward S. Lightbourn;

H. R. 21347. An act granting an increase of pension to Jeannette M. Gniney:

H. R. 21354. An act granting a pension to Mary Shutler;

H. R. 21355. An act granting an increase of pension to John

H. R. 21375. An act granting an increase of pension to John S. Cornwell:

H. R. 21376. An act granting an increase of pension to John W. Stichter

H. R. 21427. An act granting an increase of pension to Thomas L. Moody

H. R. 21428. An act granting an increase of pension to Cornelius H. Lawrence:

H. R. 21432. An act granting an increase of pension to Benjamin Bragg

H. R. 21446. An act granting an increase of pension to William A. Crum

H. R. 21448. An act granting an increase of pension to Jesse Jackman;

H. R. 21470. An act granting an increase of pension to Mary Rebecca Carroll:

H. R. 21471. An act granting an increase of pension to Adaline H. Malone

H. R. 21472. An act granting an increase of pension to Wiley H. Jackson

H. R. 21481. An act granting an increase of pension to Lucy Cole:

H. R. 21483. An act granting an increase of pension to George S. Woods

H. R. 21496. An act granting an increase of pension to Samuel

H. R. 21497. An act granting an increase of pension to Mary

H. R. 21499. An act granting an increase of pension to Henry A. Weiand;

H. R. 21519. An act granting an increase of pension to Montezuma St. John

H. R. 21524. An act granting an increase of pension to Elison Gatewood:

H. R. 21529. An act granting a pension to Charlotte Game: H. R. 21532. An act granting an increase of pension to William

H. R. 21534. An act granting an increase of pension to Henry

H. R. 21535. An act granting an increase of pension to William

E. Feelev H. R. 21542. An act granting an increase of pension to Erastus

A. Thomas:

H. R. 21543. An act granting an increase of pension to Addison Thompson

H. R. 21551. An act granting an increase of pension to Alfred E. Lucas

H. R. 21564. An act granting an increase of pension to Daniel

H. R. 21575. An act granting an increase of pension to Calvin E. Morley ;

H. R. 21579. An act granting an increase of pension to Sarah R. Harrington;

H. R. 21598. An act granting a pension to Roy L. Jones; H. R. 21603. An act granting an increase of pension to Calvin S. Mullins

H. R. 21606. An act granting an increase of pension to Felix G. Morrison

H. R. 21612. An act granting an increase of pension to James S. Hart

H. R. 21615. An act granting an increase of pension to David Yoder;

H. R. 21617. An act granting an increase of pension to William Miller;

H. R. 21624. An act granting an increase of pension to William H. Willey;

H. R. 21626. An act granting an increase of pension to Calvin H. R. 21630. An act granting an increase of pension to John

F. Yeargin H. R. 21634. An act granting an increase of pension to Emma

Sickler : H. R. 21636. An act granting an increase of pension to Elias

Miller H. R. 21643. An act granting an increase of pension to Ed-

ward Ford : H. R. 21644. An act granting an increase of pension to Sheldon Hess

H. R. 21648. An act granting an increase of pension to Michael Gaus

H. R. 21651. An act granting an increase of pension to Jacob B. Butts

H. R. 21660. An act granting an increase of pension to Emma Fehr H. R. 21667. An act granting an increase of pension to John

W. Towle: H. R. 21689. An act to increase the limit of cost of five light-

house tenders heretofore authorized; H. R. 21702. An act granting an increase of pension to John

Cyrus Rinehart H. R. 21724. An act granting an increase of pension to John

D. Martin H. R. 21761. An act granting an increase of pension to John Tims

H. R. 21767. An act granting an increase of pension to George

Young; H. R. 21793. An act granting an increase of pension to Charles

H. R. 21798. An act granting an increase of pension to Andrew Spencer H. R. 21808. An act granting an increase of pension to Levi

Mitchell H. R. 21819. An act granting an increase of pension to Joseph

Peach: H. R. 21828. An act granting an increase of pension to Noah

Perrin: H. R. 21832. An act granting an increase of pension to John

W. Wilkinson; H. R. 21836. An act granting an increase of pension to Mary

H. R. 21837. An act granting an increase of pension to James W. Kasson;

H. R. 21843. An act granting an increase of pension to Robert

H. Delaney; H. R. 21848. An act granting an increase of pension to Charles W. Arthur

H. R. 21852. An act granting an increase of pension to James M. Eaman

H. R. 21856. An act granting an increase of pension to John G. Viall H. R. 21859. An act granting an increase of pension to Simon

Stone: H. R. 21881. An act granting an increase of pension to Mahala

M. Jones H. R. 21882. An act granting an increase of pension to Frank Breazeale

H. R. 21886. An act granting an increase of pension to John Bryant:

H. R. 21887. An act granting an increase of pension to James

H. R. 21888. An act granting an increase of pension to Andrew Canova;

H. R. 21896. An act granting an increase of pension to George H. Field:

H. R. 21906. An act granting an increase of pension to John M. Bruder

H. R. 21909. An act granting an increase of pension to George W. W. Tanner

H. R. 21913. An act granting an increase of pension to Henry

H. R. 21915. An act granting an increase of pension to John A. Smith:

H. R. 21960. An act granting an increase of pension to Sarah H. R. 21961. An act granting an increase of pension to Harvey

F. Wood; H. R. 21991. An act granting an increase of pension to Red-

mond Roche; H. R. 21997. An act granting an increase of pension to Martha

H. R. 22003. An act granting an increase of pension to Alex-

ander Matchett: H. R. 22015. An act granting an increase of pension to William Reese

H. R. 22024. An act granting an increase of pension to Eldridge Underwood:

H. R. 22039. An act granting a pension to Alethia White; H. R. 22047. An act granting an increase of pension to George

Tinkham ;

H. R. 22048. An act granting an increase of pension to Orrin Freeman;

H. R. 22052. An act granting an increase of pension to James A. Meredith;

H. R. 22065. An act granting an increase of pension to Henry Utter;

H. R. 22067. An act granting an increase of pension to Levi

E. Miller; H. R. 22069. An act granting an increase of pension to Caroline W. Congdon;
H. R. 22073. An act granting an increase of pension to Eliza

M. Scott :

H. R. 22085. An act granting an increase of pension to Randolph Wesson:

H. R. 22088. An act granting an increase of pension to Gottlieb Schweizer

H. R. 22090. An act granting an increase of pension to Severt Larson:

H. R. 22092. An act granting an increase of pension to Simon

H. R. 22094. An act granting an increase of pension to Albert

H. R. 22102. An act granting an increase of pension to Borre Peterson; H. R. 22103. An act granting an increase of pension to Warren

P. Hubbs : H. R. 22155. An act granting an increase of pension to Andrew

J. Armstrong

H. R. 22203. An act granting an increase of pension to Oliver J. Burns : H. R. 22207. An act granting an increase of pension to Wil-

liam A. Harlan H. R. 22214. An act granting an increase of pension to Thomas

J. Prouty; H. R. 22217. An act granting an increase of pension to George

W. Boughner; H. R. 22237. An act granting an increase of pension to Nathan

H. R. 22238. An act granting an increase of pension to James

Stinson; H. R. 22241. An act granting an increase of pension to Stephen

Robinson; H. R. 22243. An act granting an increase of pension to James

W. Campbell : H. R. 22264. An act granting an increase of pension to Libby

Barnhill: H. R. 22265. An act granting an increase of pension to Eliza-

beth Jane Hancher:

H. R. 22266. An act granting an increase of pension to Delphie Thorne

H. R. 22270. An act granting an increase of pension to Michael

Hogan; H. R. 22272. An act granting an increase of pension to George

H. R. 22280. An act granting an increase of pension to Emily V. Ackley :

H. R. 22281. An act granting an increase of pension to Leonard Tyler:

H. R. 22288. An act granting an increase of pension to Samuel L. Davis

H. R. 22306. An act granting an increase of pension to Louisa

H. R. 22310. An act granting an increase of pension to Mary

H. R. 22376. An act granting an increase of pension to William M. Colby;

H. R. 22409. An act granting an increase of pension to Margaret A. McAdoo; H. R. 22416. An act granting an increase of pension to Bar-

bara E. Schwab:

H. R. 22420. An act granting an increase of pension to Edward Wesley Ward;

H. R. 22422. An act granting an increase of pension to William J. Johnson;

H. R. 22424. An act granting an increase of pension to William Faulkner

H. R. 22431. An act granting an increase of pension to Alden Youngman:

H. R. 22442. An act granting an increase of pension to John Clark

H. R. 22444. An act granting an increase of pension to William Oliver Anderson;

H. R. 22445. An act granting a pension to Adaline T. Fisher; H. R. 22447. An act granting an increase of pension to Frank Schadler

H. R. 22448. An act granting a pension to F. Medora Johnson; H. R. 22451. An act granting an increase of pension to John McCaslin;

H. R. 22452. An act granting an increase of pension to William A. Narrin:

H. R. 22500. An act granting an increase of pension to Minor Cleavenger

H. R. 22501. An act granting an increase of pension to Austin

H. R. 22502. An act granting an increase of pension to Orren D. Haskell;

H. R. 22506: An act granting an increase of pension to James F. Smith;

H. R. 22528. An act granting an increase of pension to Daniel

H. R. 22551. An act granting an increase of pension to Wilson Siddell: H. R. 22566. An act granting an increase of pension to Joseph

L. Six: H. R. 22568. An act granting an increase of pension to John

H. Christman; H. R. 22602. An act granting an increase of pension to John

H. Passon: H. R. 22605. An act granting an increase of pension to John R. Hargrave;

H. R. 22607. An act granting an increase of pension to John T. Hetherlin;

H. R. 22624. An act granting an increase of pension to Louisa. M. Carothers

H. R. 22651. An act granting an increase of pension to Sarah E. Cadmus

H. R. 22684. An act granting an increase of pension to William Sherk H. R. 22706. An act granting an increase of pension to Wil-

liam Smoker H. R. 22710. An act granting an increase of pension to Nelson Cornell:

H. R. 22711. An act granting an increase of pension to Jacob Kures;

H. R. 22717. An act granting an increase of pension to Mary

A. Brick ; H. R. 22718. An act granting an increase of pension to Wil-

liam Dean; H. R. 22734. An act granting an increase of pension to Michael Maier:

H. R. 22748. An act granting an increase of pension to Willard P. Fisher;

H. R. 22749. An act granting an increase of pension to Della

S. Easton; H. R. 22756. An act granting an increase of pension to Levi E. Curtis;

H. R. 22757. An act granting an increase of pension to Joshua E. Hyatt;

H. R. 22766. An act granting an increase of pension to Soren V. Kalsem:

H. R. 22771. An act granting an increase of pension to William J. Courter;

H. R. 22776. An act granting an increase of pension to James E. Converse:

H. R. 22827. An act granting an increase of pension to Mary Kirk:

H. R. 22829. An act granting an increase of pension to George Spalding:

H. R. 22853. An act granting an increase of pension to Burden H. Barrett:

H. R. 22858. An act granting an increase of pension to John

A. Henry;
H. R. 22881. An act granting an increase of pension to Thomas
L. Williams;

H. R. 22926. An act granting a pension to Louisa Bartlett;

H. R. 22932. An act granting an increase of pension to Bryngel Severson;

H. R. 22937. An act granting an increase of pension to Edward Murphy;

H. R. 22941. An act granting an increase of pension to Lucinda Davidson;

H. R. 22976. An act granting an increase of pension to Milton Stevens;

H. R. 22993. An act granting an increase of pension to Emily Hibernia Trabue;

H. R. 22994. An act granting an increase of pension to Lucinda C. Musgrove;

H. R. 22995. An act granting an increase of pension to Nathaniel Y. Buck;

thaniel Y. Buck; H. R. 22997. An act granting an increase of pension to Edmond D. Doud;

H. R. 23036. An act granting an increase of pension to John C. Mitchell:

H. R. 23051. An act granting an increase of pension to Volna S. Topping:

H. R. 23122. An act granting an increase of pension to Melissa D. Whitman;

H. R. 23133. An act granting an increase of pension to John

Cowan; H. R. 23166. An act granting an increase of pension to William

S. Voris; H. R. 23171. An act granting an increase of pension to Harmon

Veatch; H. R. 23263. An act granting an increase of pension to Michael

Downs; and H. R. 23307. An act granting an increase of pension to Andrew

Casey.

The foregoing House pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

# PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of John C. Lane and sundry other citizens of Honolulu and the county and island of Oahu, praying that an appropriation be made for the construction of a dry dock in the harbor of Honolulu; which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a memorial of the Indianapolis Hebrew Congregation, of Indianapolis, Ind., remonstrating against the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. FRYE presented a petition of the New England Waterworks Association, praying that increased appropriations be made for the gauging of the streams of the country; which was referred to the Committee on Appropriations.

Mr. GALLINGER presented a memorial of the Everett Choral Society, of Boston, Mass., remonstrating against the passage of the so-called "nonrental of music bill;" which was referred to the Committee on Patents.

He also presented a memorial of sundry citizens of Washington, D. C., remonstrating against the enactment of legislation to amend and consolidate the acts with respect to copyright; which was referred to the Committee on Patents.

Mr. DANIEL presented a memorial of sundry citizens of Alexandria, Va., and a petition of sundry citizens of Washington, D. C., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a memorial of Local Council No. 65, Junior Order United American Mechanics, of Newport News, Va., remonstrating against the enactment of legislation establishing

a port of entry for immigrants at that city; which was referred to the Committee on Immigration.

He also presented petitions of Tidewater Council, No. 30, of Norfolk; of Hallwood Council, No. 150, of Hallwood; of Valley Forge Council, No. 145, of Newport News, and of George Washington Council, No. 88, of Oak Grove, all of the Junior Order of United American Mechanics, in the State of Virginia, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. BURKETT presented a petition of the Omaha Grain Exchange and of the Omaha Commercial Club of Nebraska, praying that an appropriation be made for the improvement of the navigation of the Mississippi River; which was referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of Grand Island, Nebr., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented petitions of the Woman's Christian Temperance Union of Lincoln, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a memorial of the librarian of the city library of Lincoln, Nebr., and the memorial of Stephen L. Geisthardt, of Lincoln, Nebr., remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyrights; which were referred to the Committee on Patents.

He also presented a petition of the congregation of the Reformed Presbyterian Church of Beulah, Nebr., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. DEPEW presented petitions of sundry citizens of Angelica, Sloansville, and Carmel, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also (for Mr. Platt) presented a petition of the Dark Tobacco Planters' Protective Association of Tennessee, Kentucky, and Virginia, praying for the enactment of legislation to repeal the internal-revenue tax on-leaf tobacco; which was referred to the Committee on Finance.

Mr. CLAPP (for Mr. Gamble) presented a memorial of sundry citizens of Bowdle, S. Dak., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. WARREN presented sundry papers to accompany the bill (8, 7576) for the relief of F. W. Beardslee; which were referred to the Committee on Claims.

Mr. HOPKINS presented a petition of the National Business League of Chicago, Ill., praying for the enactment of legislation to reorganize the consular service of the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of the National Business League of Chicago, Ill., praying for the enactment of legislation to revise the public-land laws of the United States; which was referred to the Committee on Public Lands.

He also presented the petition of Minnie Mae Blackburn, widow of John R. Blackburn, of the State of Illinois, and the petition of Harry J. O'Brien, of the State of Illinois, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine volunteers; which were referred to the Committee on Claims.

Mr. BULKELEY presented a memorial of George E. Tingley, of Mystic, Conn., remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyright; which was referred to the Committee on Patents.

He also presented a petition of the Business Men's Association of Danbury, Conn., praying for the enactment of legislation providing for a reclassification and increase in the salaries of postal clerks in all first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CLAPP presented a petition of the Woman's Christian Temperance Union of Browns Valley, Minn., and a petition of sundry citizens of Litchfield, Minn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. KEAN (for Mr. Dryden) presented a petition of sundry colored citizens of Trenton, N. J., praying for an investigation

into the dismissals of three companies of the Twenty-fifth Infan-

try; which was ordered to lie on the table.

He also (for Mr. DRYDEN) presented petitions of sundry citizens of Newark, East Orange, Plainfield, Summit, and Chester, all in the State of New Jersey, praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also (for Mr. DRYDEN) presented petitions of sundry manufacturers of Avondale, Orange, Newark, and Jersey City, all in the State of New Jersey, and of New York City, N. Y., praying that an appropriation be made for the construction of a waterway from the Lakes to the Gulf of Mexico; which were referred to the Committee on Commerce.

He also (for Mr. Dryden) presented a petition of the Woman's Club of Glen Ridge, N. J., praying for the enactment of legislation to prohibit the employment of children in factories and mines; which was referred to the Committee on Education

and Labor.

Mr. BRANDEGEE presented a petition of the Business Men's Association of Danbury, Conn., praying that an appropriation be made providing for an increase in the salaries of postal clerks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of George E. Tingley, of Mystic, Conn., remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyright; which was referred to the Committee on Patents.

## REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 15769) granting an increase of pension to William W. Bennett, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and

submitted reports thereon:

A bill (H. R. 1026) granting an increase of pension to Thomas M. Wilcox;

A bill (H. R. 18677) granting a pension to Martin Alphons Luther;

A bill (H. R. 21578) granting an increase of pension to Andrew J. Gaskey;

A bill (H. R. 13887) granting an increase of pension to Joseph T. Eagler;

A bill (H. R. 10804) granting an increase of pension to John H. Worley;

A bill (H. R. 10958) granting an increase of pension to Levi Dodson;

A bill (H. R. 8563) granting an increase of pension to William H. Hays;

A bill (H. R. 10751) granting an increase of pension to George W. Harris;

A bill (H. R. 20617) granting an increase of pension to Isaac N. S. Will;

A bill (H. R. 10531) granting an increase of pension to William G. Binkley;

A bill (H. R. 19970) granting an increase of pension to Eugene Demers;

A bill (H. R. 10755) granting an increase of pension to Anna Flynn;
A bill (H. R. 20714) granting an increase of pension to Report

A bill (H. R. 20714) granting an increase of pension to Robert Turley;

A bill (H. R. 20559) granting an increase of pension to John Bradley:

A bill (H. R. 7488) granting an increase of pension to Jacob L. Hatton;

A bill (H. R. 15004) granting an increase of pension to Wil-

liam J. McAtee; A bill (H. R. 7476) granting an increase of pension to George C. Dean;

A bill (H. R. 8789) granting an increase of pension to Levi Chapman:

A bill (H. R. 6911) granting an increase of pension to William J. Turner:

J. Turner;
A bill (H. R. 3355) granting an increase of pension to James

L. Allen; A bill (H. R. 19390) granting an increase of pension to Wil-

liam R. Sears; and A bill (H. R. 19725) granting an increase of pension to How-

ard Bennett.

Mr. McCUMBER (for Mr. Carmack), from the Committee on Pensions, to whom was referred the bill (H. R. 15763) granting an increase of pension to Gainford N. Upton, reported it

without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom were

referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 20623) granting an increase of pension to James B. O. Horbach;

A bill (H. R. 2422) granting an increase of pension to Earl K. Childs;

A bill (H. R. 3297) granting an increase of pension to Thomas Lonergan;

A bill (H. R. 3195) granting an increase of pension to Milton S. Collins;

A bill (H. R. 3228) granting an increase of pension to Michael Doyle;

Å bill (H. R. 10364) granting an increase of pension to John P. Patterson;

A bill (H. R. 2290) granting an increase of pension to Peter Reedy;

A bill (H. R. 2761) granting an increase of pension to Michael

A bill (H. R. 2761) granting an increase of pension to Michael Mahoney;

A bill (H. R. 2822) granting an increase of pension to Levi Gates; A bill (H. R. 2909) granting an increase of pension to Jacob

T. Wise;
A bill (H. R. 3194) granting an increase of pension to Samuel

Harvey; A bill (H. R. 3234) granting an increase of pension to Rush

Deskines;
A bill (H. R. 3733) granting an increase of pension to Simeon D. Chelf;

A bill (H. R. 3980) granting a pension to Frank G. Hammond; A bill (H. R. 3494) granting an increase of pension to Albert A. Talham;

A bill (H. R. 3496) granting an increase of pension to Edward Walton;

A bill (H. R. 15471) granting an increase of pension to Eli Stover;

A bill (H. R. 13455) granting an increase of pension to Josiah P. Higgins;

A bill (H. R. 20968) granting an increase of pension to Waitman T. Mathers;

A bill (H. R. 20891) granting an increase of pension to Hugh Blair; and

A bill (H. R. 14543) granting an increase of pension to Charles Barnell, alias Richard North.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 522) granting an increase of pension to Frederick Roschdiantzky:

A bill (H. R. 562) granting an increase of pension to John F. Mohn;

A bill (H. R. 600) granting an increase of pension to Oliver N. McLain;
A bill (H. R. 747) granting an increase of pension to Robert

Smith;
A bill (H. R. 1060) granting an increase of pension to Marga-

ret E. Lounsbury;
A bill (H. R. 1067) granting an increase of pension to Jacob

Bender; A bill (H. R. 1068) granting an increase of pension to William

S. Quigley;
A bill (H. R. 1673) granting an increase of pension to Jennie

E. Edson; A bill (H. R. 1687) granting an increase of pension to James C. Daly:

A bill (H. R. 1706) granting an increase of pension to George H. Washburn:

A bill (H. R. 1709) granting an increase of pension to Brice P. Munns:

A bill (H. R. 1800) granting a pension to Eliza J. Ingle; A bill (H. R. 1891) granting an increase of pension to Simeon

A bill (H. R. 1891) granting an increase of pension to Simeon York;

A bill (H. R. 1904) granting an increase of pension to Nelson R. Satterlee;

A bill (H. R. 1938) granting an increase of pension to Thomas B. Foutty;

A bill (H. R. 1169) granting an increase of pension to Oliver P. Pierce;

A bill (H. R. 1249) granting a pension to William R. Fulk; A bill (H. R. 1372) granting a pension to Josephine I. Richmond:

A bill (H. R. 1500) granting a pension to Emily J. Sherman; A bill (H. R. 10789) granting a pension to David Wilborn; and

A bill (H. R. 18454) granting an increase of pension to Barlow Davis.

Mr. CLAPP, from the Committee on Claims, to whom was referred the bill (S. 1569) for the relief of the estate of W. W. Jackson, deceased, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 16944) to amend section 878 of the Code of Law for the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. DUBOIS, from the Committee on the District of Columbia, to whom was referred the bill (8, 7028) for the relief of the Allis-Chalmers Company, of Milwaukee, Wis., reported it without amendment, and submitted a report thereon.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 19482) granting an increase of pension to Sarah E. Cannell:

A bill (H. R. 14298) granting an increase of pension to John

Remick: A bill (H. R. 4386) granting an increase of pension to Zelinda

E. Odenbaugh: A bill (H. R. 4648) granting an increase of pension to Sarah

A. Dedrick : A bill (H. R. 4656) granting an increase of pension to Thomas

A bill (H. R. 4663) granting an increase of pension to Horace B. Tanner;

A bill (H. R. 4705) granting a pension to Harriet E. Palmer; A bill (H. R. 4834) granting an increase of pension to Silas V. White

A bill (H. R. 19296) granting an increase of pension to Assov

A bill (H. R. 18742) granting an increase of pension to Martin V. Barney

A bill (H. R. 13241) granting an increase of pension to Fran-

cis Haner; and
A bill (H. R. 12911) granting an increase of pension to Ambrose S. Delaware.

Mr. BRANDEGEE, from the Committee on Forest Reserva-tions and the Protection of Game, to whom was referred the bill (H. R. 15335) for the protection of game animals, birds, and fishes in the Olympic Forest Reserve of the United States, in the State of Washington, reported it without amendment, and submitted a report thereon.

# FISH-CULTURAL STATION IN MAINE.

Mr. HOPKINS. By direction of the Committee on Fisheries. I report back favorably, without amendment, the bill (S. 7675) to establish a fish-cultural station on the Kennebec River, in the State of Maine. I desire to call the attention of the senior Senator from Maine [Mr. Frye] to the bill.

Mr. FRYE. Mr. President, the Senate will personally oblige me if they will permit present consideration of this little bill.

The VICE-PRESIDENT. The bill will be read for the in-

formation of the Senate.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate \$25,000 for the establishment of a fish-cultural station in the State of Maine, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point at or near Gardiner, on the Kennebec River, to be selected by the Secretary of Commerce and Labor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

# BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 7758) granting an increase of pension to Osman Warren; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 7759) to provide for the appointment of an additional district judge in and for the northern judicial district of the State of California; which was read twice by its title, and referred to the Committee on the Judiciary

Mr. HOPKINS introduced a bill (8, 7760) to authorize the Albany Railroad Bridge Company or the Chicago and North-western Railway Company to reconstruct a bridge across the Mississippi River; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Com-

Mr. PILES introduced a bill (S. 7762) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Spokane and Inland Empire Railroad Company, its successors and assigns; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. KITTREDGE introduced the following bills: which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7763) granting an increase of pension to Jacob S.

Hawkins; and
A bill (S. 7764) granting an increase of pension to Davis Gilborne.

Mr. McCREARY introduced a bill (S. 7765) for the relief of Louisa Jackman and the legal representatives of Mrs. Martha Vaughn, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on

Pensions:

A bill (S. 7766) granting a pension to William H. Denham; and

A bill (S. 7767) granting a pension to William G. Mandeville (with accompanying papers).

Mr. GEARIN introduced a bill (S. 7768) granting an increase

of pension to Alonzo P. Mann; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (S. 7769) to provide for the erection of a public building in the city of Lagrange, Ga.;

A bill (S. 7770) to provide for a public building in the city of Cedartown, Ga.; and
A bill (S. 7771) to provide for the erection of a public building in the city of Cartersville, Ga.
Mr. DU PONT introduced a bill (S. 7772) granting a pension of Ellen Doubletter which was need twice by its title and reto Ellen Dougherty; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TILLMAN introduced a bill (S. 7773) for the relief of George M. Stackhouse; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 7774) for the relief of the heirs of Denis O'Callaghan, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. BRANDEGEE introduced a bill (S. 7775) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher; which was read twice by its title, and referred to the Committee on Claims.

Mr. FLINT introduced a bill (S. 7776) to provide for protecting the interests of the United States on the lower Colorado River, for the establishment of the Imperial Valley and the Colorado River irrigation projects, and for other purposes; which was read twice by its title, and referred to the Committee on Irrigation.

# AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. DUBOIS submitted an amendment, proposing to appropriate \$1,500,000 in payment of the Indians residing on the Colville Reservation for the cession by these Indians to the United States of certain land open to settlement by act of Congress, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed. Mr. CLAPP submitted an amendment granting certain land

to the town of Pawnee, in Pawnee County, Okla., for park, educational, and other public purposes, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

NATIONAL, STATE, AND LOCAL COMMERCIAL ORGANIZATIONS.

# On motion of Mr. Gallinger, it was

Ordered, That the original manuscript copy of Senate Document No. 74, Fifty-ninth Congress, second session, "National, State, and Local Commercial Organizations, etc." be taken from the files of the Senate and returned to the Interstate Commerce Commission.

# SHORTAGE OF CARS.

Mr. CULBERSON. Mr. President, several weeks ago I presented a memorial from the Cattle Raisers' Association of Texas in reference to the shortage of cars, and had it printed in the RECORD, and I called the especial attention of the chairman of the Committee on Interstate Commerce to the matter. So far as I know, that committee has taken no action in ref-erence to the subject. I therefore introduce a bill, which I send to the desk, and I ask that it be printed in the RECORD and referred to that committee.

The bill (S. 7761) to require railroad companies engaged in

interstate commerce to promptly furnish transportation for the shipment of live stock, and for other purposes, was read

the first time by its title,
Mr. ALDRICH. I should like to hear the bill read.
The VICE-PRESIDENT. At the request of the Senator from Rhode Island, the Secretary will read the bill.
The bill was read the second time at length, as follows:

Mr. Addreich. I should like to hear the bill read.

The VICE-PRESIDET. At the request of the Senator from Rhode Island, the Secretary will read the bill.

The bill was read the second time at length, as follows:

\*\*Be it enacted, etc., That it is hereby declared to be the duty of every merce, approved, and the property of the proper

by any unavoidable accident or cause beyond the shipper's control such liability shall not apply.

SEC. 2. That it shall be the duty of every railroad company to exchange loaded and empty stock cars used in such traffic with every other railroad forming a part of any route or with which it has joint rates for such live-stock shipments, and for each of such railroad companies to furnish to its said connecting lines as many empty cars suitable for carrying live stock as may be delivered to it loaded by such connecting carrier for the purpose of transportation over its line or to

any point on its line, and to make such delivery of empty cars upon the demand of such connecting carrier within a reasonable time, to be fixed by rules and regulations of the Interstate Commerce Commission. The Interstate Commerce Commission is hereby authorized and empowered to make and establish all needful rules and regulations, general and special, applicable to the peculiar circumstances and conditions and to different railroads and localities and for different kinds and classes of live stock, for furnishing cars to shippers, the furnishing and the exchange and interchange of live-stock cars, loaded and empty, by such railroad companies as between each other, in order to facilitate the movement, careful, prompt, and safe handling of, and to prevent injury to, live stock in shipment, prescribing in such rules and regulations the time and manner of the furnishing and interchange of such cars, loaded and empty, and the time, place, terms, and conditions upon which such interchange shall be made and the reasonable compensation to be paid for the use of such cars or for injury or loss or destruction thereof and the length of time which it may deem reasonable in which to comply with a notice on the part of any railroad company, after reasonable demand therefor, to furnish to its connecting line within the time so specified by and in accordance with the rules and regulations of the Interstate Commerce Commission empty cars in lieu of loaded stock cars delivered to it by the railroad company making such demand, or the failure of any railroad company to the railroad demand or to which it is lawfully entitled, by lease or otherwise, shall render such defaulting railroad company liable to pay to the railroad making such demand \$25 per day for each day's delay in furnishing or returning each car, to be recovered by suit in the circuit court of the United States in any district in which such delay or refusal shall have occurred: Provided, That no railroad company shall be required to permit its cars to go off its own

Mr. HANSBROUGH. I desire to call the attention of the members of the Committee on Interstate Commerce to the very great necessity, if they propose to consider this bill, of extending it to shipments of grain. As I heard the bill read, I think it pertains only to the shipment of live stock. I think the necessity of a law of this kind relative to the shipment of grain is much greater than it is with respect to live stock.

The VICE-PRESIDENT. The bill will be referred to the

Committee on Interstate Commerce.

Mr. CULBERSON. In the same connection, I ask to have printed in the RECORD and referred to the committee a publication in the Dallas (Tex.) Times-Herald, December 9, on "The real cause of car famines," and another on "Reciprocal demurrage," to which I especially invite not only the attention of the chairman of the Committee on Interstate Commerce, but of the entire committee.

There being no objection, the paper was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

SHIPPERS WANT DEMURRAGE TOO—NATIONAL ORGANIZATION NOW PROPOSES A NEW PLAN FOR RAILBOADS—WOULD STOP DELAYS—J. FARLEY, MANAGER OF THE DALLAS FREIGHT BUREAU, QUOTES FROM AMERICAN SHIPPERS' BULLETIN.

Dallas, Tex., December 8, 1906.

To the Times-Herald:

I hand you an article from the monthly bulletin for October of the American Shippers' Association, with headquarters in Chicago (of the executive committee of which I have the honor to be a member), on "The real cause of car famine," and another on "Reciprocal demurrage," which please print. This is the greatest association of freight on earth, and the whole country is taking much interest in these two subjects. It is clear there is the worst kind of bad management in the movement of freight cars. If freight cars were required by law to be furnished in two days when asked for by shippers, and then to be moved in two days, and roads were required after to move them 50 miles per day, and proper demurrage given to shippers for each day over this time, and they were allowed to deduct it from expense bills, car famines and delays in getting freight to shippers would cease. Take an instance: It is 681 miles from St. Louis to Dallas. Suppose a concern in St. Louis asked for a car for Dallas and the roads allowed two days to place it, two more to start it, and it must not be more than fourteen days in getting to Dallas, the shipper to have demurrage after eighteen days. The only trouble is the amount of demurrage the shipper should have. It should be much greater than allowed railroads, as delay on his goods may ruin him or cause him great loss of trade-or price. The commercial bodies of the whole country seem coming to a concrete conclusion that reciprocal demurrage is the only remedy for delays in freight and car famines.

J. Farley,

Manager Dallas Freight Ruseau

Manager Dallas Freight Bureau.

The article from the American Shippers' Association bulletin, referred to by Mr. Farley, is as follows:

THE REAL CAUSE OF CAR FAMINES.

"There is something wrong in the operating systems of the railroads on freight business. Car famines occur because the roads are so incredibly slow in handling their cars.

"The average freight car only 'works' during the year the equivalent of one hour in twenty-four. It spends the equivalent of twenty-three hours out of twenty-four in loafing or sleeping somewhere on siding or in yards. If the average car could only be made to 'work' two hours a day, or even an hour and a half, there would be no car famine the coming winter.

"The average car only 'works' carrying freight 15.95 miles per day, and the total distance traveled, with freight or empty, only figures 23.24 miles per day.

miles per day.

"(The statistical report of the Interstate Commerce Commission for the fiscal year ending June 30, 1904, shows that the railroads had in service 1,692,194 freight cars, not including cars used by the roads for

construction, etc. The total distance covered by local cars was 9,849,576,535 car miles; by empty cars, chiefly coal cars, 4,501,804,975 car miles; total, 14,353,650,056 car miles. Dividing the car mileage by the number of cars and by the number of days in the year, gives the dally averages above mentioned.)

# NO SHORTAGE OF MOTIVE POWER.

No SHORTAGE OF MOTIVE FOWER.

"When the country suffers from a combination of car shortage and terminal congestion, which always come together, the railroads make the excuse that they do not have enough motive power to move the business and that the locomotive shops can not fill their orders fast enough. Official records of the Interstate Commerce Commission do not bear out this claim.

"The last full statistical report of the Commission (for 1904) shows that the roads had in service 27,029 freight locomotives, not including 7,610 switch engines. There were 1,692,194 freight cars in service, so that the roads had an average of 1 freight locomotive to 62 freight cars, not including switch engines. The roads evidently have almost enough motive power to keep in constant motion all the freight cars in the country; yet it appears that the freight cars averaged only 23.24 miles per day.

"Freight locomotives actually work only 54 miles per day hauling trains, equal to about three hours of good schedule runs. The locomotive is almost as inefficient as the car, "working' three hours out of the twenty-four and loafing or sleeping twenty-one hours. The average man engaged in business or working in a factory must put in ten hours a day, and there is no reason why freight cars and locomotives should spend so much time loafing.

Shippers Not at fault.

spend so much time loafing.

SHIPPERS NOT AT FAULT.

"Of course, the railroad man will blame it all on the shipper by claiming that the time is lost while cars are in the hands of the shipper for loading or unloading. But demurrage charges are universally enforced against shippers, so that the excuse will not hold. The average car only makes one or two trips a month, and it is in the hands of the shipper only a small portion of the total time.

"Figures have been compiled by shippers which apparently show that after a car is turned over to the road it only makes an average of 60 miles per day to destination, although nominal schedules of the railroads call for 15 to 20 miles per hour. There is something wrong.

"The freight car only earns for the road an average of \$2.23 per day, but it only works one hour a day. The railroad loses money by car shortages and famines. Delays in shipment obstruct trade and make the volume of business less for both carrier and shipper. The roads can promote a greater volume of business if they will give better service. Business don't always wait for a railroad to get around. Millions of dollars of orders for merchandise are canceled in every car famine, or the goods lie unsold on the merchant's shelf until another season because they were received too late.

RAILROADS HAVE A "SOFT SNAP."

# RAILROADS HAVE A "SOFT SNAP."

"A manufacturer who only operates his equipment for one hour or three hours a day would soon go into bankruptcy. In the case of a railroad it simply charges higher rates to make up for its own lack of efficiency in management.

"If the shippers of the United States would say something on this question every time they talk or write to a railroad man, they would get results. Your customers are not backward in saying things to you when you get shiftless. When there is something wrong in your business, you generally straighten it out if you hear about it often enough.

"Cooperation on the part of the shippers of the United States will correct every abuse of transportation. Here is a good opportunity to try it.

# RECIPEOCAL DEMURRAGE.

"Many of the shippers of the country are coming to the conclusion that the railroad should be held responsible for failure to furnish cars when they are wanted. In Illinois a large number of the leading shippers have become interested in a movement to ask the legislature for a law similar to the reciprocal demurrage law of some of the other

States.

"Reciprocal demurrage would seldom compensate the shipper for loss incurred by failure to obtain cars, because a firm may lose a great deal by one day's delay on one car. Many shippers believe, however, that a reasonable law to fix responsibility on the carrier would act as a decided check upon any carelessness of the read in allowing empty cars to bank up in one place when they are needed elsewhere to move business.

to bank up in one place when they are needed elsewhere to move business.

"The railroad is a common carrier, holding a charter of great value from the State, and favored by a multitude of special laws which have been enacted to make the business of railroads profitable. Railroad companies control the commercial highways of the country, and they should be required to perform the service which they monopolize.

"A railway can always obtain new capital for the asking from the investors of the country, and if it does not provide itself with sufficient equipment to take care of the business offered by shippers, it should suffer a penalty a great deal more severe than paying a little demurrage to the suffering shipper. No railroad company in likely to lose materially in its earnings from paying demurrage. It would not be in any sense a penalty, but would act merely as a check on inefficient management.

"It is especially important to the small shippers of the country. The large shipper has a leverage to use on the roads which is generally effective in protecting his interests, especially since the laws forbid paying rebates or making money concessions of any kind to the big shipper. The small firm has usually suffered first in a car shortage, and there is likely to be a great deal more of this in the future. If a shipper could prove that a railroad had willfully discriminated against him, there is no doubt that he could collect heavy damages, but the railroad can offer so many excuses that it is practically impossible for a judge or jury to unravel a case of this kind. A reciprocal demurrage compensation.

"The record of demurrage claims would show conclusively whether one shipper has been discriminated against in favor of other shippers in the allotment of cars. Figures that have been quoted in this bulletin show that there is no lack of equipment to handle all the business that may be offered to the railroads, and every measure that will promote greater efficiency is in the right direction."

# PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had on the 9th instant approved and signed the following acts:

# On January 9:

S. 55. An act for the widening of Bladensburg road, and for other purposes;

S. 64. An act for the extension of Seventh street and Franklin street NE., and for other purposes;

S. 68. An act for the widening of a section of Columbia road east of Sixteenth street;

S. 133. An act authorizing the extension of Twenty-third street NW. to Kalorama road;
S. 2098. An act authorizing the extension of Second street

NW. from Elm street north to Bryant street, of W street from its present terminus west of Flagler place to Second street, and of W street west of Second street eastwardly to Second street;

S. 2260. An act authorizing the extension of Meridian place NW .

S. 5246. An act to provide for the extension of Geneseo place and Summit place, District of Columbia; and S. 5565. An act to close certain alleys in the District of Co-

lumbia.

## HOUSE BILL REFERRED.

H. R. 21689. An act to increase the limit of cost of five lighthouse tenders heretofore authorized was read twice by its title, and referred to the Committee on Commerce.

# IMPERIAL VALLEY OR SALTON SINK REGION.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

The governor of the State of California and individuals and communities in southern California have made urgent appeals to me to take as the "Imperial Valley" or "Salton Sink" region from threatened destruction by the overflow of Colorado River. The situation appears so serious and urgent that I now refer the matter to the Congress for its consideration, together with my recommendations upon the subject. Briefly stated the conditions are these: The Imperial Valley, so called, in San Diego County, Cal., includes a large tract of country below sea level. Southeast of the valley and considerably above its level is the which the river pursues a tortuous course, finally entering the Gulf of California. The lands in Imperial Valley are 200 feet or more below which the river pursues a tortuous course, finally entering the Gulf of California. The lands in Imperial Valley are 200 feet or more below the level of Colorado River. Down as far as the international border they are protected from inundation by low-lying bills. South of the boundary, in the Republic of Mexico, the hills cease abruptly and only the broad low mud banks of the river protect the valley from being converted into an initiad sea or land. In our the United States can neither aid nor protect the United States. The United States can neither aid nor protect the luterests of its citizens without going upon foreign soil.

Nature has through many centuries protected this great depression from overflow, but the restless river, constantly shifting, has annually needed to cause it to do so.

This condition has been long known, and through many years schemes have been discussed either to convert the Salton Sink area into a lake or to irrigate the desert lands below sea level by making a cut in Mexico chrough the west bank of the Colorado River. It was also well understood that if the cut in the ban

of the numerous smaller speculators attracted to the subsidiary organ-

of the numerous smaller speculators attracted to the subsidiary organizations, were of the most visionary character. Actual investments made have been small in proportion to estimates of wealth which appeared to be possible of realization.

The company entered upon its construction work with large plans but with inadequate capital. All of its structures for the control and distribution of water were temporary in character, being built of wood and of the smallest possible dimensions. Through the efforts thus made a large amount of land was brought under cultivation, and at one time it was reported that over 100,000 acres were being more or less irrigated.

thus made a large amount of land was brought under cultivation, and at one time it was reported that over 100,000 acres were being more or less irrigated.

The first heading of the canal of the California Development Company was in the United States immediately north of the Mexican border. It was found, however, after a time that the heading on the United States side of the line did not give a grade to furnish sufficient flow of water, and after headings had been opened at other points without successful results, a cut in the river bank was made 4 miles farther south, in Mexican territory. This gave the water a shorter and steeper course toward the valley. The making of this cut in a bank composed of light alluvial soil above a depression such as this, without controlling devices, was criminal negligence. This short cut on Mexican soil was made in the fall of 1904. It was gradually eroded by the passage of the water, and in the spring of 1905 the floods of the Colorado River, entering the artificial cut, rapidly widened and deepened it until the entire flow of the river was turned westerly down the relatively steep slope in the Imperial Valley and thence into what is known as "Salton Sink" or "Salton Sea."

After the mischief became apparent strenuous efforts were made by the California Development Company to close the break, but these were without success. Finally the Southern Pacific Company, finding its tracks imperiled and traffic seriously interfered with, advanced money to the California Development Company, received as security a majority of the shares of the company, and thus took charge of the situation.

By means of the facilities available to the Southern Pacific Com-

a majority of the shares of the company, and thus took charge of the situation.

By means of the facilities available to the Southern Pacific Company the break in the west bank of the Colorado River was closed on November 4, 1906. A month later, however, a sudden rise in the river undermined the poorly constructed levees immediately south of the former break, and the water again resumed its course into the Salton Sea.

The results have been highly alarming, as it appears that if the water is

the former break, and the water again resumed its course into the Salton Sea.

The results have been highly alarming, as it appears that if the water is not checked it will cut a very deep channel which, progressing upstream in a series of cataracts, will result in conditions such that the water can not be diverted by gravity into the canals already built in the Imperial Valley. If the break is not closed before the coming spring flood of 1907, it appears highly probable that all of the property values created in this valley will be wiped out, including farms and towns, as well as the revenues derived by the Southern Pacific Company. Ultimately the channel will be deepened in the main stream itself up to and beyond the town of Yuma, destroying the homes and farms there, the great railroad bridge, and the Government works at Laguna dam above Yuma.

It is difficult to estimate how many people have settled in the valley, the figures varying from 6,000 persons up to as high as 10,000. It is also difficult to ascertain how much money has been actually spent in real improvements. Town lots have been laid off, sold at auction, and several hundred buildings erected in the various small settlements scattered throughout the tract. The greater part of the public land has been taken up under the homestead or desert entry laws, and sufficient work has been done to secure title. Some crops have been raised and under favorable conditions the output in the near future will be large.

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has been taken up under the homestead or desert entry laws, and sufficient work has been done to secure title. Some crops have been raised and under favorable conditions the output in the near future will be large.

The actual amount of tangible wealth or securities possessed by the settlers to-day upon which money can be raised is believed to be very small. Nearly all individual property has been expended in securing water rights from the California Development Company, or from the other organizations handling the water supply and controlled by this company. It is evident that the people have slender resources to fall back upon and, in view of the threatened calamity, are practically helpless. The California Development Company is also unable to meet the exigency. The obligations assumed by the sale of water rights are so great that the property of the company is not adequate to meet these obligations. In other words, a gift of the visible property of this company, and of its rights would not be a sufficient offset to the assumption of its liabilities. Nevertheless, the people in their desperation were reported as trying to issue and sell bonds secured by their property in order to give to the California Development Company a million dollars to assist in repairing the break.

The complications which have arisen from the transfer of the property and the involved relations of the California Development Company with its numerous subsidiary companies are such that the United States would not be justified in having any dealings with this company until the complications are removed and the Government has a full understanding of every phase of the situation.

It has been stated above that the California Development Company has not the financial strength to repair the break and to restore the bank of the Colorado River to such permanent condition that a similar occurrence can not happen. It is further understood that the Southern Pacific Company, having expended \$2,000,000 or more for the protection of its interests,

financial loss to the United States will be great. The entire irrigable area which will be either submerged or deprived of water in the Imperial Valley and along the Colorado River is capable of adding to the permanent population of Arizona and California at least \$50,000 people and probably \$500,000. Much of the land will be worth from \$500 to \$1,500 per acre to individual owners, or a total of from \$350,000,000. The point to be especially emphasized is that prompt action must be taken, if any; otherwise the conditions may become so extreme as to be impracticable of remedy. The history of past attempts to close the break in the river bank has shown that each time, through delay, the work has cost double or treble what it would have cost had prompt action been taken. It is probable now that with an expenditure of \$2,000,000 the river can be restored to its former channel and held there indefinitely, but if this action is not taken immediately, several times this sum may be required to restore it, and possibly it can not be restored unless enormous sums are expended.

At the present moment there appears to be only one agency equal to the task of controlling the river—namely, the Sodthern Pacific Company, with its transportation facilities, its equipment, and control of the California Development Company and subsidiary companies. The need of railroad facilities and equipment and the international complications are such that the officers of the United States, even with unlimited funds, could not carry on the work with the celerity required. It is only the fact that the officers of the Southern Pacific Company, acting also as officers of the California Development Company, have been able to apply all its resources for transportation, motive power, and the operation of the road that has made it possible to control the situation to the extent which they have already done. The Southern Pacific Company is now reported to be working strenuously to fill the break through which the Colorado River is flowing westward to th

for work done since the break of November 4, 1906, is one for future consideration; for work done prior to that date no claim can be admitted.

But one practicable course is now open for consideration.

The Southern Pacific Company must continue its work to close the break and restore the river to its proper channel. The United States can then take charge, making the protective works permanent and providing for their maintenance.

It is not believed that a free gift of this money should be made, as by its investment the stability of property of great value will be secured and the increase in land values throughout the Imperial Valley will be sufficient to justify the provision that this money should be returned to the Government.

The Reclamation Service should be authorized to take steps at once for the construction of an irrigation project, under the terms of the reclamation act, for the lands in the Imperial Valley and in the lower Colorado River Valley. The Service should be in position to proceed actively with the organization of the project and the construction of the works as soon as the conditions in regard to the protection of the valley against overflow will justify expenditures for this purpose.

To accomplish this, the United States should acquire the rights of the California Development Company and its subsidiary corporations in the United States and Mexico upon such reasonable terms as shall protect the interests of the Government and of the water users. The United States should obtain, by convention with Mexico, the right to carry water through that country upon reasonable conditions.

Most of the land in the Imperial Valley has been entered under the terms of the desert-land act or the homestead laws, and title has not passed out of the United States.

The construction work required would be: The main canal some 6 miles in length from Laguna Dam into the Imperial Valley; the repair and partial reconstruction of the present distribution system in the valley and its extension to other lands, mainl

fore be impossible to construct a reclamation project for the Imperial Valley with the funds now in hand, and it will be necessary for Congress to make specific appropriation for this work if it decides to undertake it.

Such appropriation would be expended for a project carried out under all the provisions of the reclamation act, requiring the return to the reclamation fund of the cost of construction and maintenance of the irrigation works, and there should be the further requirement that the cost of permanent protective works and their maintenance be repaid.

The interests of the Government in this matter are so great in the protection of its own property, particularly of the public lands, that Congress is justified in taking prompt and effective measures toward the relief of the present situation. No steps, however, should be taken except with a broad comprehension of the magnitude of the work and with the belief that within the next ten years the works and development will be carried out to their full proportions.

The plan in general is to enter upon a broad, comprehensive scheme of development for all the irrigable land upon Colorado River, with needed storage at the headwaters, so that none of the water of this great river which can be put to beneficial use will be allowed to go to waste. The Imperial Valley will never have a safe and adequate supply of water until the main canal extends from the Laguna dam. At each end this dam is connected with rock bluffs and provides a permanent heading founded on rock for the diversion of the water. Any works built below this point would not be safe from destruction by floods, and can not be depended upon for a permanent and reliable supply of water to the valley.

If Congress does not give authority and make adequate provision to take up this work in the way suggested it must be inferred that it acquiesces in the abandonment of the work at Laguna and of all future attempts to utilize the valuable public domain in this part of the country.

country.

THEODORE ROOSEVELT.

Mr. PERKINS. Mr. President, as the carrying into effect of the recommendations made in the message of the President is likely to affect our relations with the Republic of Mexico, it seems to me proper to ask that it be referred to the Committee on Foreign Relations, and that, with the accompanying maps, it be printed. I make that motion.

The motion was agreed to.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

The VICE-PRESIDENT. The morning business is closed. Mr. FORAKER. Mr. President, I ask that Senate resolution No. 208 may now be laid before the Senate.

The VICE-PRESIDENT laid before the Senate the resolution submitted by Mr. Foraker on December 20, 1906, as modified; which was read, as follows:

Resolved, That the Committee on Military Affairs be, and hereby is, authorized to take such further testimony as may be necessary to establish the facts connected with the discharge of members of Companies B, C, and D, Twenty-fifth United States Infantry, and that it be, and hereby is, authorized to send for persons and papers and administer oaths, and report thereon, by bill or otherwise.

The committee, or any subcommittee thereof, is further authorized, if deemed necessary, to visit Brownsville, Tex., inspect the locality of the recent disturbance, and examine witnesses there.

Mr. TILLMAN. Mr. President, this resolution has already occupied the attention of the Senate during several legislative days, and it undoubtedly has excited a great deal of interest throughout the country. The discussion in this body has been throughout the country. The discussion in this body has been so far engaged in by distinguished lawyers. In some of its aspects it has the appearance of a case in court in which certain members of the Twenty-fifth Regiment, or rather certain enlisted men belonging to that regiment, are under indictment. The President of the United States is the prosecutor as well as the executioner. Following the simile of a trial in court, the array of counsel for the defense and for the prosecution is not yet complete; but so far as their names have appeared on the record there is an element of incongruity and of the ridiculous almost in the queerness of the alignment. For instance, as attorneys aiding the prosecution, or pressing it, we had the distinguished Senator from Texas [Mr. Culberson], a Democrat; the distinguished Senator from Massachusetts [Mr. Lodge], a Republican, coupled with the distinguished Senator from Virginia LM. ginia [Mr. Daniel], a Democrat, and for the defense—if it shall be so considered when I get through—I shall be put in the record as aiding the distinguished Senator from Ohio [Mr. FORAKER ].

Of course, being nothing more than a cornfield lawyer, my contribution to the legal discussion of this question will be very limited and comparatively worthless. My colleague and brother attorney must realize that, so far as legal assistance is to go, he will get little or no aid from me; and I must confess that thus

far I do not think he needs any.

But the ridiculousness of the situation is made apparent when one considers that a Senator from the North, who, by reason of his radical and aggressive utterances and, probably, actions in the past once gave him the name of "Fire Alarm"—I say that Senator finds himself aligned with that Senator from the South who is supposed to have a broiled negro for breakfast [laughter], who is known to justify lynching for rape, and whose attitude is one of not hatred toward the negroes, but of a feeling akin to it, in the belief that white men are made of better clay than negroes and that white men alone are entitled to participate in government—I say this alliance is an odd one.

I want to say, Mr. President, that I appear here in this connection, and I shall present the views which I shall give to the Senate upon the broad and general proposition, although coming from South Carolina and known as probably the most ultra of my brethren in this Chamber on the subject of the race question—that even I, while I may be alone, and, as I am informed, am already alone in my attitude—even I want to see the negroes

treated fairly and justly.

The President of the United States has, in my opinion, dealt with certain men of the Twenty-fifth Infantry very unjustly. He has gone entirely too far in dealing with some of them, while he has stopped very, very far short of meting out proper punishment and justice to others of them. My proposition in discussing this question will be to try to prove that even he has no right nor any authority to punish an innocent man because some men have been guilty.

What are the charges against these 167 men whose skins are What are the charges against these for her whose sams are black who have been summarily discharged from the United States Army by Executive order? They are very grave. I shall now read from the President's special message, found in Senate Document 155. Speaking of the troops, he says:

They have stolidly and as one man broken their oaths of enlistment and refused to help discover the criminals.

I propose to read the oath of enlistment, so that Senators may understand just how much there is of truth in the President's accusation:

I, A B, do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to the rules and Articles of War.

I see nothing in this oath which makes it obligatory upon a man belonging to these three companies of the Twenty-fifth Infantry to tell something that he does not know or to tell something that might incriminate himself. The Constitution, I believe, protects a man from being compelled to answer questions like that.

I have read all the testimony, or, I should say, the exhibits, for there is very little real testimony submitted in this Document No. 155, and I have not been able to discover wherein a single man has broken his oath of enlistment.

Further down in his message the President says:

People have spoken as if this discharge from the service was a punishment. I deny emphatically that such is the case, because as punishment it is utterly inadequate. The punishment meet for mutineers and murderers such as those guilty of the Brownsyllle assault is death; and a punishment only less severe ought to be meted out to those who have aided and abetted mutiny and murder and treason by refusing to help in their detection.

So we have the charge of the breaking of the oath of enlistment, supplemented by charges of mutiny, treason, and conspiracy of silence. I have here somewhere—and I will put the exact definition in the RECORD-what the law and the dictionaries define as treason and mutiny. Senators are all familiar with the words; they know what they mean; and I deny emphatically that a solitary man of the Twenty-fifth Infantry has been guilty of either mutiny or treason. Murder has undoubtedly been committed, and conspiracy to murder has been committed, and, as I believe, by some of these very men; but in no case and in no report of any inspector are more than twenty charged with participation in that crime. Nowhere do we find more than twenty involved; yet 167 men have been discharged. Here are the definitions I spoke of:

DEFINITIONS.

Mutiny.—1. Insurrection against constituted authority, particularly military or naval authority; concerted revolt against the rules of discipline or the lawful commands of a superior officer; hence, generally forcible resistance to rightful authority; insubordination.

2. Violent commotion; tumult; strife.

Treason.—1. The offense of trying to overthrow the government of the state to which the offender owes allegiance, or of betraying the state into the hands of a foreign power; disloyalty; treachery.

2. Loosely, the betrayal of any trust or confidence; treashery; perfidy.

The President says that their discharge without honor is not a punishment. Then, why did he do it? Why did he not seek to obtain the necessary evidence to convict the guilty and leave the innocent alone? Who is responsible for the failure of justice?

In the first place, these troops were sent to Texas against the protest of one of the Senators from Texas and of the Member of Congress representing that district, who warned the War Department of the dangers and the almost inevitable result of their going there. Their warnings were brushed aside as of no concern or moment to the authorities, and the troops were sent. They were sent there, too, in the face of their known record, as officially set forth in this document, as a lawless, brutal, murderous set of cutthroats. Trouble broke out almost immediately, as could have been known from the character of the men and the character of the town. A soldier jostles some ladies or pushes them off the sidewalk. He is clubbed by a Federal officer-I have not traced it to see whether or not he is a northern man, but he holds an important position in the custom-house. Another soldier is either pushed or jostled off the sidewalk leading from the boat and gets in the mud. The negroes attempt to exercise their privileges, as they think they were entitled to, of drinking with white men at the same This is denied, and they grow very angry. A day or two later as respectable a woman as lives in the city of Brownsville is seized by the hair by a soldier in broad daylight, violently thrown to the ground; the man runs off and makes his escape, having given this exhibition of unsoldierly conduct.

When the commanding officer is informed of it he pooh-poohs the accusation. It is hardly worth his consideration, because forsooth there is a "tenderloin district" near by. He did not even take the trouble to inquire whether this was a respectable woman or not. He makes no move to detect the brute who had been guilty of it. He acts altogether as though there was nothing dangerous around there, nothing worthy of his consideration, nothing that would cause him to think it worth while to tighten the discipline, to take precautions, to try to bring about an understanding with the authorities of the city, and so on, and stop these clashes.

So within two weeks—I believe they got there on the 28th of July—on the 13th of August, about midnight, somebody runs amuck; a white man is killed in one of the barrooms where the negroes had been denied the privilege of drinking. of police has his horse killed under him, his arm shattered so it has to be amputated; houses are perforated with bulletshouses in which women and children are lying in bed and where the lights are still burning. The men being in the dark, of course it is difficult to prove positively that these were colored soldiers, but I do not imagine that any evidence will ever be produced or can be produced to show that this crime was not committed by some of the Twenty-fifth Infantry stationed at I am thoroughly satisfied of it myself. I am Fort Brown. · convinced by the negative rather than the positive testimony, and from my knowledge of negro character after fifty-nine years' contact with them. I claim to know as much about the characteristics of the American negro as any man living, and I have no more doubt the negro soldiers did these infamous things than

that I am alive and standing here.

The Senate committee, if it shall be authorized, may go to Brownsville and investigate to the limit, and I hope, since there is the desire for the fullest possible light, with which I agree, that it will be able to get evidence which will shield the innocent negroes and at the same time enable the guilty ones to be punished.

I ask to incorporate in the Record a brief résumé or synopsis of the different acts of violence, murder, riot, shooting up towns, etc., of the Twenty-fifth Infantry which has been compiled and sent to us, supplemented by one case coming from Key West, Fla., which appeared in yesterday's Record in the speech of Mr. Slayden, of Texas, in the shape of an affidavit of Mr. Knight, sheriff of Monroe County, Fla., as to one of their escapades or criminal acts as they were going to Cuba. In the affidavit the sheriff testifies to the fact that a member of that regiment was arrested by the police and imprisoned in jail, and about midnight forty or fifty members of the company visited the jail and threatened to kill the sheriff, and do dire and sununlawful acts unless this man was released, and, in fear of his life, the sheriff turned him loose. I will ask that these various matters may be incorporated in the Record without reading. I will just give the headlines: Sturgis City, Dak.; Winnemucca, Nev.; San Carlos Agency, Ariz.; El Paso, Tex.;

Niobrara, Nebr.; Key West, Fla.

In all these instances this very same regiment had perpetrated outrages almost as great as the one at Fort Brown. It was known that this was the character of the regiment, and yet the War Department, ignoring the protest and the warning of the representatives from Texas in this body and in the other, sends them there anyhow, and it is to locate the indirect responsibility, if I can not locate the direct responsibility for this crime and for this tragedy, that I shall present some reasons after a while.

The VICE-PRESIDENT. Without objection, permission is granted as requested.

The papers referred to are as follows:

ROWS THE TWENTY-FIFTH INFANTRY HAS BEEN IN.

Rows the twenty-fifth infantry has been in.

Sturgls City, Dak., September 19-20, 1885.—Twenty-fifth Infantry was stationed at Fort Meade, 1½ miles away, and on account of some imaginary grievance came into the town and killed Dr. H. P. Lynch. About fifteen or twenty soldiers were in the party and were armed with Government rifles. A mob then lynched Corporal Hollis. In retaliation a body of negro troops went to town and shot up a dance house, killing a cowboy. Four men were arrested and turned over for trial. Troops were not removed.

Winnemucca, Nev., June 29, 1899.—Twenty-fifth Infantry stopped at Winnemucca to get supper, and negro troops went into a saloon and a free-for-all fight ensued, in which the bartender was killed. About thirty soldiers went into the saloon and ran the barkeeper out and robbed the saloon. Same troops went on to Carlin and robbed another saloon, and the train pulled out before the proprietor could make complaint to the officers. After the shooting at Winnemucca, and even while it was going on, the negro soldiers all made a break for the cars of the train and became so thoroughly mixed that nobody could identify the men who had been in the saloon. The authorities held the train from 6 o'clock until 1.30 at night and then had to let them proceed without finding the guilty parties.

'San Carlos Agency, Ariz., October 18, 1899.—Indians complained that soldiers came into their camp and mistreated their women, and upon the authority of the officers of the Twenty-fifth Infantry arrested upon the negro soldiers at their camp. In retaliation thirteen negroes went to the Indian camp and severely beat four of the Indian. Two soldiers turned State's evidence, and all were arrested and given to the civil authorities for trial.

El Paso, Tea., February 16-71, 1900.—Nine men of Company A made an attack on the city jail, where two of their companions were confined on charge of drunk and disorderly, and they killed a policeman on duty at the jail and had one of their number killed. One of the soldie

from Fort Niobrara was shot up and a woman was killed and two men wounded. Two soldiers with khaki uniforms and guns were seen running toward the fort and sixteen empty Krag-Jorgenson shells were found. Although every effort was made to find the guilty parties they were never found.

KEY WEST INCIDENT.

However, the Twenty-fifth Infantry has been conspicuous even among the negro troops, for its persistent career of crime and mutiny. In 1898, while on the way to Cuba, the regiment was delayed a few days in Key West. What they did there to maintain their record of insurrection and contempt for law is told in the following language by the sheriff of Monroe County. Please observe that the statement is sworn to. I have a letter from an attorney of Key West, who was then police judge, which confirms the statement of the sheriff and which also says that a drunken soldier, whom he was arresting, fired his pistol at the officer.

STATE OF FLORIDA, Monroe County:

State of Florida, Monroe County:

Before the undersigned authority personally appeared Frank W. Knight, who, being duly sworn, says: That I was sheriff of Monroe County, Fla., in May, 1898, and that the Twenty-fifth United States Infantry (colored) was at that time in the city of Key West awaiting orders for Cuba. That on the 20th day of April, anno Domini 1898, at about 10 p. m. of the same day, one Henry A. Williams (colored) and one of the men belonging to the Twenty-fifth United States Infantry was brought to jail by the city police, charged with an assault with intent to kill; that at about 1 a. m. next morning at least thirty or forty of the soldiers belonging to said Twenty-fifth United States Infantry, armed with their guns, came to the jail and surrounded the jail, and came to the door of said jail and demanded the said Williams, saying that if he was not delivered to them they would break the jail down. I, being overpowered and no arms to defend myself and the rest of the prisoners in jail and fearing trouble might come to all in jail, thought it best to deliver said prisoner to them, intending to report the matter to the commanding officer at the barracks the aext morning. Deponent further says that another reason why he delivered the prisoner over to them was because he had other prisoners in jail charged with murder, and he feared that if he did not turn over this man they would carry their threats into execution, and he would then lose those who he had confined for murder. That the conduct of these men was boisterous, and they were crying out all the time that if I did not turn this man over they would riddle me with bullets and that there would not be a brick left in the building.

F. W. Knight,

F. W. KNIGHT, Sheriff Monroe County, Fla.

Sworn to and subscribed before me this the 27th day of December, A. D. 1906.

L. W. BETHEL, Notary Public, State of Florida at Large.

Mr. TILLMAN. In speaking about the type of men who composed this regiment, I will quote this from the record in regard to the Sturgis incident:

to the Sturgis incident:

A few minutes afterwards another lieutenant came to the house and said he had heard firing from the direction of Sturgis, but thought it was at the "Half-Way House." The general then ordered him to take another detachment and arrest the soldiers. In about a half hour afterwards a horseman came riding up in great haste and informed the general that the soldiers had fired into "Abe Hill's" house and killed an inoffensive cowboy who was standing there, and that they had also fired volleys into one or two other houses. General Sturgis then ordered that Captain Ord should make a check roll call, examine the arms, and bring in such as had the appearance of being recently fired. This was done. But the fellows had scampered back by short cuts over the hills and gotten into their bunks before the roll call, which disclosed the absence of only three, who, I think, were satisfactorily accounted for. (Page 320.)

As to Winnemucce, it says:

As to Winnemucca, it says:

Daylight had now so faded that only flashes of the discharges (five to eight in number) were seen. It is admitted by Klucny that no shooting occurred until the men left the saloon. After the shooting the enlisted men dispersed quickly, running for their coaches. In the meantime some one had gone to the Lafayette Hotel and apprised the officers there at supper of the shooting, but before they could reach the scene of the disturbance the men were in their coaches.

So these fellows were trained how to shoot up a town and murder men and then mingle with the innocent and get back to quarters or wherever they might at that time belong, and therefore hide the trail of the actual criminal and prevent detection.

Mr. President, before I go any further I wish to define, broadly and briefly, the principles on which I rely for demonstration that the President of the United States has exceeded his authority and has done an unconstitutional act. I have challenged and I now challenge any man to produce in any article of war a scintilla of language to show that these men have been guilty of the acts which the President charges; I mean the conspiracy of silence. I said any of these men; I mean that all of them have done it. The conspiracy of silence is not in the Articles of War. The mutiny is there, but no man can produce a solitary fact in relation to this transaction which even squints at mutiny, and the charge of treason is too absurd even to be considered.

But the foundation upon which I rest my case is the wellsettled principle of English jurisprudence, from which we derive our own, that the innocent shall not be punished for the sins of the guilty, and Blackstone tells us "it is better that ten guilty men shall escape than that one innocent man should suffer," and all men are to be considered innocent until proven guilty.

Speaking of this conspiracy of silence, I call attention to the President's annual message, sent to us in December, where,

on page 9, he quotes with approval, and therefore indorses and adopts, this language from Governor Jelks, of Alabama:

The white people of the South indict the whole colored race on the ground that even the better elements lend no assistance whatever in ferreting out criminals of their own color. The respectable colored people must learn not to harbor their criminals, but to assist the officers in bringing them to justice.

Does the President of the United States believe that when he says the colored people "must learn so and so" that is going to says the colored people "must learn so and so" that is going to change the nature of the African, or that his ipse dixit, his command, will make "the Ethiopian change his skin or the Ieopard his spots?" Every man familiar with the negro character knows that they will bear torture with stoicism in defense of one another rather than act as traitors. Whether it be a virtue or a vice, it is inherent in the nature and can not be eradicated by discipline or anything else. Then why upbraid the poor negro and punish him because he is true to his nature and his race and his color?

I quote some more from the message of our Executive:

Moreover, where any crime committed by a member of one race against a member of another race is avenged in such fashion that it seems as if not the individual criminal, but the whole race, is attacked, the result is to exasperate to the highest degree race feeling. There is but one safe rule in dealing with black men as with white men; it is the same rule that must be applied in dealing with rich men and poor men; that is, to treat each man, whatever his color, his creed, or his social position, with even-handed justice on his real worth as a man.

Mr. President, why did the negroes in Brownsville attack the whole town without singling out a solitary white man, except because of race hatred? Who can escape from the fact that if that had been a negro town the probabilities are there never would have been any Brownsville murder? It was due to the hatred of the white race collectively that the soldiers invaded the city in that way and shot it up, doing murder, and then rushing back, as they had been trained, to get into quarters, to get somewhere around when the roll call was going on and escape detection, for the time being at least, if not forever, and thus have gratified their revenge upon the white race generally. And who is more responsible than any other man alive for this feeling among the negro soldiers?

I have here somewhere—I will find it in a minute—something relating directly to this phase of the subject and pointing to the inspiration and source of this feeling. I have it now. I will read, first, as indicating where this virus emanates, what its source is, General Orders, No. 29:

[General Orders, No. 29.]

WAR DEPARTMENT, Washington, February 8, 1906.

The following is published to the Army for the information and guidance of all concerned:

THE WHITE HOUSE, Washington, February 3, 1906.

My Dear Mr. Secretary:

The White House, Washington, February 3, 1996.

My Dear Mr. Secretary:

I have received your letter and the court-martial proceedings in the case of Lieut. Roy I. Taylor.

In my judgment Lieutenant Taylor committed one of the most serious faults which any officer can commit. I am glad that he was reduced twelve files. It is a pleasure to record the fact that his offense was altogether exceptional in the body to which he belongs; I know of no other officer who has ever been guilty of similar misconduct.

There is no body of men in this country of similar size which merits so well of the country as the body of officers and enlisted men in the Army and Navy of the United States. Not only should the country as a whole jealously guard the interests of these men and regard their honor as being identified to a peculiar degree and in a peculiar sense with its own, but the members of the body should themselves feel the same jealous eagerness to uphold the honor and standing of all connected with it. Above all this should be the object of the officers as regards the enlisted men.

The more civilized a nation is, the more honestly desirous it is of securing peace, the greater should be the care with which it fosters and encourages the preservation of the military virtues among its citizens, and in no way can this be better achieved than by a resolute effort to secure proper recognition for the enlisted men of the Army and Navy. The uniform of the enlisted man is a badge of honor. It entitles him to peculiar consideration. It shows that in the great majority of cases he has learned those habits of self-command, of self-restraint, of obedience, and of fearlessness in the face of danger, which put him above most of his fellows who have not possessed similar privileges. To strive to discriminate against him in any way is literally an infamy; for it is in reality one of the most serious offenses which can be committed against the stability and greatness of our nation. If a hotel keeper or the owner of a theater or any other pu

Hon. W. H. TAFT, Secretary of War. By order of the Secretary of War:

J. C. Bates, Major-General, Chief of Staff.

Official: F. C. AINSWORTH, The Military Secretary.

This general order was published in every encampment and read before every regiment and company of the United States Army. Of course the negroes of the Twenty-fifth Infantry had seen and heard it-heard it read.

But that is not all. Here is another exhibit:

OYSTER BAY, N. Y., September 21, 1906.

OYSTER BAY, N. Y., September 21, 1906.

Dear Admiral Thomas: I inclose \$100 to be used in that suit, which, thanks to you, has been so wisely undertaken, to test the legality of excluding any man from any public place of entertainment because he wears the United States uniform. I feel that it is the duty of every good citizen to endeavor in every shape and way to make it plain that he regards the uniform of the United States Army and Navy just as much when worn by an enlisted man as when worn by an officer, as a badge of honor, and therefore entitling the wear'er to honor so long as he behaves decently.

There is no finer body of men in all our country than the enlisted men of the Army and Navy of the United States, and I can not sufficiently express my indignation and contempt for any man who treats his uniform save with the respect to which it is entitled. If a man misbehaves himself, then no matter what uniform he wears he should be dealt with accordingly; but the fact of wearing a United States uniform should be accepted as presumptive evidence that the man who wears it is all right, and any discrimination against the uniform as such is more than presumptive evidence that the man thus discriminating is all wrong.

Sincerely, yours,

Theodore Roosevelt.

The President expatiates in a personal way along the same

The President expatiates in a personal way along the same line, of the right of an enlisted man regardless of color or race, to enjoy every privilege of entering hotels, theaters, cars, and everything else the same as whites, ignoring the fact that we have in Washington separate bars—

Mr. NELSON. Mr. President—
The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Minnesota?
Mr. NELSON. Will the Senator from South Carolina allow

me to ask him a question?

Mr. TILLMAN. With pleasure.
Mr. NELSON. Would you deny that privilege to a white soldier which the President has asserted ought to be accorded to him?

Mr. TILLMAN. Of course not. I will go as far as any man in giving the white man in the Army and the white man out of

the Army equal privileges.

Mr. NELSON. Why should not the colored soldier, if he conducts himself properly, have the same privileges that the white soldier has?

Mr. TILLMAN. For the simple reason that God Almighty made him colored and did not make him white. [Laughter.] Now, I am not going to give you any logical answer to a good many things that will pass through your mind. I am going to tell you, however, or, rather, I shall tell the Senate and not address the Senator particularly, because I suppose the same thought is passing through the minds of others, that it is not worth our while to try to make men over. We can not do it by law or by constitutional amendment. I will discuss that phase a little later.

I was proceeding to illustrate by saying that in this District we have thought it necessary to have separate schools for the races, and we have found it necessary to prevent the negroes from voting, and in order to do that we have prevented the white people from voting. It is well understood that no negro would any more dare to go to the Willard Hotel or the Raleigh and expect to be served at the bar or in the restaurant than if he were to go to the White House-no; not as easily. [Laughter.] But why ignore a great fact, which is that caste feeling is universal; that it pulsates in the bosom of the Senator from Minnesota, though he may not be aware of it, and that you can not ignore caste feeling. But I do not want to get off on that line yet

In illustration of this programme or this cultivation of the idea of absolute equality, the President has been represented, not by himself directly, but by his Secretary of the Navy, in an effort to secure the passage of a bill, which was introduced last winter, coming from the Navy Department, accompanied by a letter of the Secretary of the Navy, Mr. Bonaparte, urging its passage, looking to the punishment of any person, public carrier or other, who seeks to discriminate on account of the uniform, not on account of race or color, but on account of the uniform. I will ask that these exhibits be printed without reading them. They are all along the same line and they bear the impress of the President's own feeling, his own ideas, his own purposes, for none of his Cabinet ever differs in essentials with their chief.

The VICE-PRESIDENT. Without objection, permission is

The papers referred to are as follows:

NAVY DEPARTMENT, Washington, January 15, 1906.

Siz: I have the honor to transmit herewith, for your consideration and that of the committee, the draft of a bill "To promote the effi-

clency of the Navy, and, to such end, to secure due respect to the uniform thereof."

This proposed measure makes a refusal on the part of any common carrier, innkeeper, or proprietor of a place of public entertainment or amusement to accommodate, serve, or entertain any enlisted man of the Navy wearing the uniform thereof punishable by fine or imprisonment, or both, provided that such enlisted man is sober and orderly and able and willing to pay for such accommodation, provision, or service.

ment, or both, provided that such enlisted man is sober and orderly and able and willing to pay for such accommodation, provision, or service.

It is believed that some action should be taken by Congress to enforce respect for the uniform of enlisted men of the Navy. In this connection the attention of the committee is invited to the following paragraphs taken from my annual report for 1905, page 11:

"The attention of the Department was called some months since to the action of one of its employees at a navy-yard in refusing to carry out a contract he had made with an enlisted man of the Navy to let a portion of his house to the latter, on the ground that the intended lodger expected to wear his uniform. In reply to a letter of inquiry the employee in question admitted this statement to be substantially correct, but gave as an excuse that his wife feared her "social position" would be affected if a man in sailor's clothes were seen going into or coming out of her house. On the admissions contained in this answer I dismissed him from the public service.

"The uniform of an American sailor is universally recognized as not only decorous but picturesque, and is frequently imitated in the costumes of children and young women. The objection on the part of the dismissed employee or his wife to its use by a person who should live in their house evidently arose not from any prejudice against the dress, but from the unfounded and calumnious notion, unfortunately not confined to them, that a sailor on shore is presumptively a disorderly and drunken individual and a fit associate for rowdles and prostitutes. I need not discuss whether there ever was any truth in this idea with respect to the sailors of our Navy; certainly it is wholly false and slanderous at present.

"The Department has tried long and earnestly to secure for the

I need not discuss whether there ever was any truth in this idea with respect to the sailors of our Navy; certainly it is wholly false and slanderous at present.

"The Department has tried long and earnestly to secure for the service men of good moral character and reputable antecedents; and it therefore demands and, so far as it can, compels respect for these men and for their uniform from all classes of the community. It might appear at first sight that an incident such as the one above noted was hardly of sufficient importance to justify mention in this report or action by the Department, but in certain respects this discrimination against the uniform has very serious consequences. Not only does it retard enlistments and promote desertions, but when a ship of war comes into port from a cruise, lasting perhaps many months, its enlisted complement, consisting in great majority of young married men, have a natural and legitimate desire for relaxation and amusement after this long period of isolation and monotony. If they are not admitted to reputable places of entertainment, they will go to such as are disreputable; if the "social position" of virtuous women is affected by being seen in their company, they will associate with vicious women, and the results of this almost enforced debauchery will be deplorable to themselves and to the service.

"I recommend that the Congress make any refusal on the part of the proprietor of a theater or other place of amusement, an innkeeper, or a common carrier, to furnish accommodation to an orderly and well-behaved person in the naval service able and willing to pay for such accommodation an offense against the United States, punishable by fine and imprisonment."

Very respectfully,

Charles J. Bonaparte,

and imprisonment." Very respectfully,

CHARLES J. BONAPARTE Secretary.

Hon. Eugene Hale, Chairman Committee on Naval Affairs, United States Scnate.

A bill (S. 3406) to promote the efficiency of the Navy and, to such end, to secure due respect to the uniform thereof.

A bill (S. 3406) to promote the efficiency of the Navy and, to such end, to secure due respect to the uniform thereof.

Be it enacted, etc., That any common carrier, innkeeper, or proprietor of a place of public entertainment or amusement of any kind or description, or any agent, servant, or representative of any such common carrier, innkeeper, or proprietor as aforesaid, who shall willfully neglect or refuse to furnish any enlisted man of the Navy of the United States, wearing the uniform thereof as provided in his case by law or regulation duly made, any form of accommodation, provision, or service which the said common carrier, innkeeper, or proprietor as aforesaid is, at the time of application therefor by such enlisted man, so in uniform as aforesaid, prepared to furnish for compensation as such common carrier, innkeeper, or proprietor to an adult male person in good health, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of the United States of competent jurisdiction, shall be fined not less than thirty days nor more than eighteen months, or shall suffer both such fine and such imprisonment, in the discretion of the said court: Provided, That the enlisted man aforesaid at the time of so applying for such accommodation, provision, or service as aforesaid shall be sober and orderly and able and willing to pay for the same in accordance with the rates fixed therefor by the said common carrier, innkeeper, or proprietor of a place of public entertainment or amusement when the like accommodation, provision, or service is applied for by civilians.

Sec. 2. That this act shall take effect from the date of its approval, and that all acts or parts of acts inconsistent therewith or repugnant thereto shall be, and the same are hereby, repealed to the extent of such inconsistency or repugnancy.

Mr. TILLMAN. It will be noted that in the above bill, which

Mr. TILLMAN. It will be noted that in the above bill, which was never reported back from the Naval Committee, that any enlisted man, black or yellow, would be entitled to its protection and benefits.

But these troops, having been taught that their uniform was a badge of nobility, entitling them to every consideration that every other man should get, are sent to this southern city, where class prejudice, if you want to designate it as such, exists. I will say, by the way, that I am informed that the city of Brownsville is not a Texas city, except that it is in Texas. It is inhabited very largely by people of northern birth, a great many of whom are Republicans, and the feeling of revulsion to social equality with the negro there, the blow on the head by Mr. Tate because a soldier jostled his wife,

is no more than I would expect from any member of this Chamber, whatever his political affiliations, wherever he might be, who saw a white lady insulted by a negro soldier.

But do not let us forget that this feeling is not peculiarly southern. It is well-nigh universal. When these men went there and soon discovered that the people of the town did not recognize the President's idea and were not ready to subscribe to it, that they were unwilling to grant them the privileges that they thought they had the right to expect, they immediately set about to bring on an excuse or to provoke conditions which would make them feel justified in doing what they did

So it appears to me that primarily the responsibility for the Brownsville murder rests with the War Department in having sent these men there after their records; secondarily, that the President, having inculcated in the minds of these men and encouraged them in the feeling and belief that he, the great Executive of this nation, stood sponsor for the doctrine of absolute equality anywhere, instead of being dismissed without honor they would rather make His Excellency feel happy and proud to see how well they had learned the lesson and how they were taking it out on the bitter, vindictive, nigger-hating Texans, or southerners

I want to be just to the negro if I know how. Probably I do now know how. But I would be sufficiently just not to lynch 167 of them because twenty-odd had been guilty of something. No southern mob has ever gone that far in the way of taking life without due process of law. Doubtless innocent men have been lynched and innocent men will be lynched again, as they were at Atlanta, and the more this kind of doctrine of equality is preached the more lynchings and the more murders and the more trouble.

There is another phase of their being sent there, and that is that they had five officers for three companies. They were practically without control, and that, too, in view of the wellknown fact that discipline and preservation of order under such trying circumstances and conditions as arose there and as were likely to arise there would be impossible with so few officers. For instance, during the El Paso trouble, into which this same regiment got, Colonel McKibben, of the Twelfth Infantry, who was sent to investigate, writing March 1, 1900, from San Antonio, says:

The incident, however, shows that at all posts in this department garrisoned by single companies of colored soldiers similar disturbances are liable to occur without warning, due to fancied wrongs and the effort to take matters into their own hands. In the present instance there can be no possible excuse offered, and it can not even be suggested that the arrest of Corporal Dyson was not warranted.

The incident also emphasizes the need for a full complement of officers at all one-company posts. One officer can not alone properly and efficiently administer the affairs at these posts and at the same time pay the attention to the instruction and discipline of their companies, consisting so largely of recruits, with noncommissioned officers of comparatively short service and insufficient experience, which is absolutely necessary.

So, with the improper complement of officers, three companies of cutthroats, who had shown time and again the murderous character of the men, are sent to a town, imbued with the doctrine of the President that they must demand recognition of their social rights, to drink with white men, to go where they pleased, and be treated the same as white men.

Who, then, is responsible for the Brownsville outrage?

Let Senators themselves answer the question!

Now I come down to some of the particulars. When this tragedy first occurred a strange thing happened. It was not so strange, either, considering the first impression made on the Executive mind, as shown by the dispatch from Mr. Loeb to the War Department, page 39. He says that the people of Brownsville must be made to understand that if these troops were removed from there in response to the pleas of the citizens, to the pleas and protests of both Senators, reiterated two or three times, that post would be abandoned, temporarily at least. "If you do not take your medicine and allow my negro pets, whom I send among you indoctrinated with the belief that they are as good as you are, to do as they please, you shall not have any Army post in the city of Brownsville at all." That is the first idea.

The next thing that occurs to me in reading this exhibit is to point out that while it was known, and the dispatches clearly show, to the War Department and the President, who kept in touch with it, that Major Penrose was incompetent, that he lacked tact, that he had in the beginning distrusted the white people so far that he would not believe them when they made accusations against his soldiers, and made no effort to bring to trial the soldier who had dragged Mrs. Evans to the ground by the hair, and discredited it.

It was shown that Macklin, the officer of the day, had disappeared from duty and could not be found when the shooting

took place. All the negro soldiers who had been in the row, who had been in friction with the white people, belonged to Macklin's company. He was officer of the day, and when this thing happened he was out of the quarters somewhere in a back room and could not be discovered, and did not know of it until an hour after roll call.

Yet it took four months, and nothing but the prodding of the Senator from Ohio and the prodding of the press ever brought about a consideration in the Executive Office that somebody had been seriously derelict, and that a court-martial ought to be ordered to find out whether these officers were not themselves to blame for this murder in Brownsville. Why did it take the

President so long to set about a proper military investigation? I will leave that to others to answer. I do not know.

There is another fact: When the President changed front and made up his mind that he would convict the men of this conspiracy of silence and charge them with treason and mutiny in his impulsive way—and I am impulsive myself and must make allowances, I suppose-he goes to the other extreme and ignores the suggestion of Major Penrose after he had gotten out of this hornet's nest which had been raised. The dispatches show that there was dread in the mind of the War Department and of the President that if these troops were not removed, the white men of that community and around in that neighborhood there would, in their wrath and despair or in their rage, simply massacre the whole battalion. They were sneaked out in a manner, carried away, sent to Fort Reno, and then active efforts are begun to discover the real criminals.

Major Penrose, aroused at last to the necessity of trying to restore himself in a manner, suggested the only practical and sensible thing that was ever done or ever suggested-but it was not done. He recommended that three detectives be enlisted and assigned, one to each company; that all restrictions as to duty and patrol and everything else be taken off the men; that they be allowed to get a loose rein and get a loose tongue and go to drinking and one thing and another; and let three detectives who had been put in among them as officers of the law find out the real culprits. That practical suggestion was turned down by the general of the department, ignored by the War Department, ignored by the President, and he followed his own idea of having these men interrogated by Inspector-General Garlington, with the threat that if the good ones among you do not tell on the bad ones, we will have to punish all of you, innocent and guilty alike. But he has said it is not punishment. Of course I must not dispute his word, but it looks very nearly like punishment to take an innocent man and kick him out of the Army because there are some guilty ones in the same command with him. While, as I said, to sever the connection of these men with the Army is entirely too much punishment for those who have done nothing, it is entirely too little punishment for those who shot up Brownsville. So one would wish that Major Penrose's recommenda-tion had been followed, and that the detectives had been given an opportunity to try to ferret out the culprits.

But it was not done; and then in great haste, without waiting to see if something might not turn up which would disclose the culprits, the connection with the Army of the whole lot is severed, and they are roaming up and down the world now discredited. "Discredited," did I say? Why, Senators, they are the heroes of the hour among the 10,000,000 negroes in the They are martyrs in the cause of social United States. equality. They have been driven out of the Army by the act of their good friend Theodore Roosevelt-I mean the man they thought once was their apostle of equal rights. The negroes of the North have been passing resolutions of censure and condemnation and protest in conventions and in churches for the last several months. But if anyone can imagine that these 167 men are not to-day looked upon by the negroes in this country with admiration, then Senators here know nothing of the negro

The PRESIDING OFFICER (Mr. LATIMER in the chair). The Senator from South Carolina will suspend. The Chair lays before the Senate the unfinished business, which will be stated.

The Secretary. A bill (H. R. 21574) making appropriations

for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other

Mr. CULLOM. I ask that the unfinished business be laid aside until the Senator from South Carolina concludes his

Mr. TILLMAN. I am very much obliged to the Senator.

The PRESIDING OFFICER. That order will be made, in the absence of objection. The Senator from South Carolina will proceed.

Mr. TILLMAN. The President having refused, or the War

Department having refused or neglected, whichever way you choose to put it, to take any cognizance of the suggestion of Penrose to enlist detectives, the men having been turned out of the Army without honor, we find ourselves discussing here how to get at the real facts. The President, I understand, will send us a special message in a day or two, probably on Monday, with the evidence collected by the agent of the Department of Jus-tice, Mr. Purdy, which I expect will contain nothing more nor less than a legalized repetition, with some little elaboration of the known facts in the case. Mr. Purdy was sent down there of course for the purpose of getting at the facts, regardless of whom they might hurt, but with the undoubted expectation and belief that he would return with legal evidence to convict these troops of the crime, and to that extent justify the President's I presume that if the Senatorial committee shall go there, little or nothing else will be added to this, except the opportunity for cross-examination of the soldiers themselves, who will tell their tales as to where they were and how dead asleep they were, and how innocent of all complicity and possibility of knowledge, and all that kind of thing. So we will at the end of a month, or two months, be just as much in the dark, probably, as we are to-day as to who the real culprits are.

I want to call attention to a remarkable change of heart and of attitude at the War Department on this question. The Secretary of War, who is a man whom we all admire, and whose geniality and joviality and big-heartedness make a friend of every man who comes in contact with him, seems to be the author of the phrase "a conspiracy of silence." It seems to me that if we are to adopt that word, or that crime, in the Senate, and the country shall agree that there is such a crime, and that these soldiers have committed it, we ought to revise the Army Regulations and make provision in them for the punishment of The Secretary of War, who would primarily draft any additional article or regulation, can do no better, I take it, than to define what a "conspiracy of silence" is, and then provide for its punishment in the future, taking cognizance, of course, if he sees fit, that it need not apply to white troops, but shall be used only in case of negro troops.

The Secretary indulges, in his annual report, in some argumentation—special pleading I would call it if he had not been such an ornament to the bench once. I may, I think, with propriety call a fellow-Senator a special pleader, as I have done on occasions, but I would not like to charge a judge or an exjudge with indulging in that kind of thing. But here is some-

thing that the Secretary of War says:

Might not any community into which the War Department should send this battalion, in which it is known that there are from nine to twenty murderers, justly complain that the battalion is not a proper instrument for maintaining the supremacy of the law? Could we properly send such a battalion to the Philippines or Cuba to maintain peace or furnish an example of orderly conduct? If a similar outbreak were there to occur, could we relieve ourselves from responsibility for it on the theory that we could not detect the particular ten or twenty who were guilty of the first murder?

Yet I have shown that the records of the War Department showed (because I did not know anything about it until they sent them here) that these very men had been guilty of murder, murder, murder; that three separate and distinct times they had done this very thing in this very way. Yet he did not think it worth his while to heed the protests of the Senators So it looks from Texas to keep these men from Brownsville. to me like the Secretary had convicted himself if his argument in his annual report, a part of which is in the document, is to have any weight.

Now, here is something I want Senators to listen to:

It may be that in the battalion are a number of men wholly innocent, who know neither who the guilty men are, nor any circumstances which will aid in their detection, though this can not be true of many. Because there may be innocent men in the battalion, must the Government continue to use it to guard communities of men, women, and children when it contains so dangerous an element impossible of detection? Certainly not. When a man enlists in the Army he knows that, for the very purpose of protecting itself, the Government reserves to itself the absolute right of discharge, not as a punishment, but for the public safety or interest. In such a case as this, the inconvenience and hardship to those innocent of participation or knowledge, arising from arbitrarily terminating the contract of enlistment in accordance with the right which the Government by statute reserves, must be borne by them in the public interest. It goes without saying that if the guilty could be ascertained they should and would be punished, but the guilty can not be ascertained, and the very impossibility of determining who are not guilty makes the whole battalion useless to the Government as an instrument for maintaining law and order. The only means of ridding the military service of a band of would-be murderers of women and children, and actual murderers of one man, is the discharge of the entire battalion.

Mr. President, in this connection it will be recalled that the It may be that in the battalion are a number of men wholly innocent,

Mr. President, in this connection it will be recalled that the other morning I asked the Senate to order from the Secretary of War the correspondence in the Athens, Ohio, case. ator from Ohio [Mr. Foraker] happened to have the matter in his desk, and it was published as Senate Document 185. In

that document the facts in the Athens case are something like this:

A man belonging to the Fourteenth Battery of Artillery had been arrested by the provost guard or the police, I do not know which. Anyhow, he was imprisoned. There was an encampment of the militia and regulars—a joint encampment—for the training of our military forces; and the behavior of the troops, both militia and regulars, was so bad that the citizens of Athens appealed for protection, and a provost guard was instituted. It happened that on this day, when the man belonging to the bat-tery was in jail for some misconduct, the provost guard consisted of some seven or eight militiamen. About 7 o'clock-it was in August and therefore it was not sundown; it was in broad daylight—some forty or fifty of this body of regulars, with their pistols or arms of some kind, made a concerted movement toward the jail for the purpose of releasing their comrade. Just as they reached the jail, or about the time they reached the jail, the provost guard came up and their officer commanded "Halt" to this body of men. The officer was the legal officer, having the legal right to give the order, the other men being no more than any other citizen or passer-by. The answer was a fusillade of shots by these white artillerymen, the officer being killed—shot down in cold blood—and four men wounded, and then everybody stampeded and broke. Two of the men of the artillery turned State's evidence, but before they would agree to testify they asked immunity, or rather they asked that they be transferred out of the battery, because their lives would not be worth having if they dared to disclose who were the actual The War Department very properly sent the Judge-Advocate-General or somebody from his office to look after the interests of the soldiers, and the Department of Justice was requested to deal with it or to give instructions to the district attorney at Cincinnati to take cognizance of the case and be present while the legal steps were being taken.

The officer representing the Judge-Advocate-General's office went to the city of Athens and made himself known to the attorney of the State, the solicitor or prosecutor, got all his facts, got copies, I believe, of some things with the understanding that he would not use them for the defense of the men charged with this crime. To sum up, this is the utterance of the district the district of t the distinguished Representative in Congress from that district, who had been employed to aid the State's attorney, who is a resident of that city, and whose own offices had been shot up or perforated with bullets. This is the summing up of the action of the War Department itself in dealing with these white culprits who murdered an officer of the National Guard of Ohio in the discharge of his duty. General Grosvenor, in writing to

the Secretary of War, said:

And, in short, the district attorney of the United States and the representative of the War Department left nothing undone to prevent even the holding of these men, each and every one of them, to the grand jury, where a fuller and better investigation might be made. And I do not hesitate to state now that from the minute those shots were fired and from the minute that Corporal Clark lay dying on the streets there has not been left undone any thing or act by the Government of the United States that could be done to prevent an ascertainment of who the murderers were.

That is pretty bitter, or, rather, hot.

Here is another letter on the same subject. The Secretary of War himself was not primarily responsible for any of these transactions, because he was absent somewhere on one of his many expeditions of public necessity to Panama or Cuba—I do not know if to either of those places on that occasion—but we know the Secretary of War is always "holding down the lid" somehow or somewhere for the President, [Laughter.] So General Grosvenor writes this:

ATHENS, OHIO, December 19, 1904.

Hon. WILLIAM H. TAFT, Washington, D. C.

Washington, D. C.

My Dear Sir: I have your letter of December 17. It is possible that I may have exhibited "considerable heat" in my letter of the 30th of September. The murder of Clark was atroclous and infamous, in my judgment, and naturally our people felt terribly outraged. Coming home here, not having been present at the time of the murder, and finding my own office building sprinkled with bullet holes and the public sentiment at the very helght of intense, I may have communicated some of it to my letter.

But it is all over: the conspiracy to shield the murderers has been successful. All parties of the outrage were obliterated, and now let me summarize. Fifty to seventy men marched into the most public street of a village like this in the early hours of a pleasant summer evening and without the slightest provocation, meeting the provost guard, fire from fifty to seventy-five shots from loaded weapons, killing one, wounding two, and hitting a citizen, and firing into the windows and walls of the buildings. And yet all this has been obliterated as though the waves of the ocean had swept through sand. And not only that, but the Government officials—a representative of the War Department bearing a commission and a deputy United States district attorney—appeared in the town and manipulated the preliminary examination of witnesses and boildy denounced the prosecution. And we are powerless, and the blood of Clark, a fine young man of Warren

County, Ohio, will go unavenged because of the interference of the United States Government through its officials.

If you wonder that there is some little "heat" out in this neighborhood, I think you would more fully appreciate it if you had a full statement of the situation as it actually occurred.

And so on; signed, C. H. GROSVENOR. Here is the Secretary's answer:

I should think it doubtful policy on the part of the Government to direct its officers to defend enlisted men against acts which as charged are certainly offenses against the State, unless there is some ground to presume that the acts are in the discharge of the lawful duties of the enlisted men. The action of the Acting Secretary of War, however, was based on the helplessness of the men, and the necessity that, no matter how guilty a man is, he is entitled to be defended by counsel. It probably would have been wiser had application been made to court for the assignment of counsel.

Still, an enlisted man is more or less a ward of the Government, and if the Government steps in merely to see that he is tried according to law, it seems to me that it is an exercise of a discretion which the Government has.

Government has

Well, Mr. President, with that attitude of the Secretary of War, then I have no cause of complaint. I feel that it was the duty of the War Department to see that those men should have a fair trial, supposing, of course, that the civil authorities in Ohio would not give them a fair trial, which I think must have been impossible. I can not conceive why it was neces-sary that the War Department should take the step which the Secretary had taken and act as it did in the destruction of the evidence. Finally, the upshot of it was that nobody was ever tried for the murder of Clark at all. One man was tried for riot, I believe, and convicted and sent to the penitentiary for a year and the other was fined something; some trivial punishment was meted out; but it was due entirely, as the distinguished Member of Congress from that district says, to the interference and meddling of the War Department. the two men who did turn State's evidence-what little evidence was given—were transferred by order of the War Department to another company, so that they might escape any unpleasant or dangerous consequences from their willingness to help see these offenders punished.

My purpose in bringing these matters up is merely to call

attention to the remarkable change of front of the Secretary of War in regard to the enlisted man being a "ward of the Government." Is the white enlisted man a ward of the Gov-Government." Is the white enlisted man a ward of the Government and the black enlisted man not? Undoubtedly the War Department made preparations to see that these troops at Brownsville were going to be properly tried. They demanded guaranties of the civil authorities of Brownsville and of Texas that if the men were surrendered there should be no mob violence. They finally, however, became sufficiently alarmed to have charges of a military character lodged against them as an excuse not to surrender them to the civil authorities, ordering that if a warrant was tried to be served on them the answer would be, "These men are under military jurisdiction, to be tried by court-martial for this offense, and you can not get them." That went on until the grand jury, falling to have any direct or positive evidence, unable to indict the men—the guilty parties-although they had selected twelve men against whom suspicion was very strong, the grand jury finally being unable to find a true bill on the evidence then before it, immediately the charge of a military character was dropped. As soon as the civil authorities quit the military authorities quit, except to make effort by personal interrogation to get the men to

betray their fellows or to convict themselves.

So it seems to me that there must be a considerable amount bungling here at headquarters. There was certainly a military crime committed. For instance, the racks were locked in which the rifles ought to have been. That is, the rule required that they should be locked, and yet all the guns were out that were in Brownsville that night. How did they get out? One rack was broken open; but it was said that the soldiers broke that open in their fright when the firing began, because they expected to be attacked by the citizens. The preposter-ous story is told here that these officers supposed that the gar-rison was being attacked; that they did not know any better, and did not take any steps to find out any better, until they sent Captain Lyons's company through the town to look up the absentees who had not appeared at the roll call. Of course Major Blocksom tells us that the roll call was a farce; that he had no confidence in it, and does not believe that the record is accurate or reliable. But we are told that within a half hour after the sound to arms, when these valiant troops had gotten their rifles and were lined up against the walls to defend them-selves from the assault of the murderous citizens of Brownsville, who were shivering in terror or rage elsewhere, with no arms, their houses perforated with bullets, their women and children just having escaped murder by a miracle, their chief of police shot down, a barkeeper murdered, and so on-I have

gone over that-that within three-quarters of an hour, according to the statement of Major Penrose, when he dismissed two companies and kept one on duty. The next morning he looked to see if there were any foul guns, indicating that they had been fired off, and of course he found none. And yet with this knowledge the War Department took no steps to court-martial Major Penrose or to have an investigation of the conduct of the sergeant who held the keys. They merely relied on the cork-screw furnished Garlington, with a threat, "if you do not tell by such a day the President tells me to inform you that your What a drastic connection with the Army will be severed." method of getting facts!

We are informed in this correspondence somewhere-Major Blocksom, I think, is the source of the statement—that in the old days in dealing with colored troops it had been found necessary, in order to ferret out transgressors, to resort to sweatinganother ordinary punishment, I suppose, in the old Army—but in the modern method in dealing with these troops everything is relaxed. They are not given officers enough to keep control and direction over them; they are sent into territory where it is known caste feeling obtains, and when trouble comes prepara-tions are made to defend them. Then they turn around and go to the other extreme, and, instead of defense, they are turned out, discharged without honor—an entirely new punishment in I have not heard of it until within the last thirteen the Army. years, I believe. It originated in 1893, or somewhere in that neighborhood. There used to be an honorable discharge or a dishonorable discharge, and yet Senators, in their hairsplitting and with their effort at legal quibbling, contend that because the Articles of War provide this-

No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field officer of the regiment to which he belongs, or by the commanding officer when no field officer is present; and no discharge shall be given to any enlisted man before his term of service has expired except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial—

the President is justified.

That article of war relates to the hold which the Government has on that man, not on the method by which the Government shall release that hold. It was designed to specify the knot around his neck. The Senator from Virginia [Mr. Daniel] says that that knot is a hard knot so far as the soldier is concerned; a bow knot so far as the President is concerned. But in contradiction of that, I go for the foundation of my belief to the best-informed and most thoroughly effective man I have ever met in the War Department or any other Department of this Government, and that is F. C. Ainsworth. When called on by the President to give "some instances, of which he knows there must be many, where the commanding general of a department or the colonel of a regiment had discharged soldiers without honor or in any other way without court-martial," General Ainsworth says:

A protracted examination of the official records has thus far resulted in failure to discover a precedent in the Regular Army for the discharge of those members of three companies of the Twenty-fifth Infantry who were present on the night of August 13, 1906, when an affray in the city of Brownsville took place.

And further on he says:

No record of the summary discharge from the Regular Army, prior to the recent discharge of a battalion of the Twenty-fifth Infantry, of a considerable number of enlisted men at one time has been found.

Very well; because it has never been done and there is no precedent is no reason why it can not be done. Senators have taken the fact that 352 enlisted men have been discharged without honor during the last fiscal year for one cause and another as a basis for the assertion that the President had the authority to discharge the men of these three companies. Well, as I said, I am going to leave the legal quibbling and hairsplitting and special pleading to the various Senators who shall choose to engage in it. They may be right and I may be wrong; but I lay down the fundamental proposition that if General Ainsworth has been unable to find anything like this in the records of the Army for a hundred years, a very queer condition of affairs exists, and it is sufficient for me to declare the President exceeded his authority.

Mr. CULBERSON. From which letter does the Senator from

South Carolina-

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Texas?

Mr. TILLMAN. Oh, with pleasure, always.
Mr. CULBERSON. From which letter of General Ainsworth does the Senator read?

Mr. TILLMAN. I read from the memorandum-Mr. CULBERSON. On what page of this book?

Mr. TILLMAN. I will have to get the book now and find it.

Mr. CULBERSON. Very well; I will not disturb the Sena-

Mr. TILLMAN. But it is in there.

Mr. CULBERSON. I call the Senator's attention to appendix 3, page 537, and if the Senator will permit me to read a paragraph, I will do so.

Mr. TILLMAN. Surely. Mr. CULBERSON (reading) -

In the volunteer service, during the civil war, there occurred numerous instances of the summary discharge of large numbers of men because of misconduct on their part.

Then follow a number of instances given by Gen. F. C. Ainsworth, to whom the Senator paid such a justly high compliment a moment ago.

Mr. TILLMAN. If the Senator will examine pages 311, 312, and 313 he will find the whole memorandum from which he has just now read and the two opinions I just now read. They are all together. Both of them are memoranda to the Secretary of War

I call the Senator's attention that the facts of which he has just spoken, quoting from General Ainsworth, apply to volunteers during war times, not to the regulars in peace times. commanding general in the field, charged with the destruction of the enemy and the preservation of his own forces, has always been given unlimited power to do whatever, in his judgment, was best; but the Commander in Chief, under the Constifution-

Mr. CULBERSON. Mr. President—
The VICE-PRESIDENT. Does the Senator from South Carolina yield further to the Senator from Texas?
Mr. TILLMAN. With pleasure.

Mr. CULBERSON. I turn to the page to which the Senator referred me—page 310. I call his attention to the case known as the "Lee case," in which a company of the Eighth Infantry was discharged by Lieutenant-Colonel Lee, of the Second Cavalry, in time of peace.

Mr. TILLMAN. Wait a minute, now. And I call the Senator's attention to the very same Lee case, in the next paragraph to the bottom, on page 311, where General Ainsworth says:

In view of the foregoing statement it will be seen that the action taken in 1860 in the case of Company G, Eighth Infantry, is not a precedent for the action taken in 1906 in the case of members of the Twenty-fifth Infantry.

So General Ainsworth expressly declares that the Lee case does not apply.

As I said a moment ago, Mr. President, a commanding general in the field, confronting an enemy, environed with danger, charged with the destruction of that enemy and with the preservation of his own forces, always has been given carte blanche as to his authority to do whatever he saw fit; but the President of the United States is supposed to be governed by the Constitution of the land, by the laws of Congress, and by the Articles of War which he himself has promulgated. I ask the Senator-I ask any Senator-to cite me to an article of war which refers to a crime known as the "conspiracy of silence." And yet this conspiracy of silence is the only thing with a shadow of foundation in it for the President's action, because the question of mutiny and of treason are not to be thought of, and as for murder, the President himself and his subordinates have taken the steps, or have permitted the steps to be taken, which have practically destroyed the only chance to convict or to find out the men who did commit the crime.

Mr. CULBERSON. Mr. President—
The VICE-PRESIDENT. Does the Senator from South Caro-

lina yield to the Senator from Texas?
Mr. TILLMAN. Oh, always.
Mr. CULBERSON. Mr. President, if the Senator will pardon me for just a sentence or two in explanation of the question to which I invited his attention, I do not agree that it is necessary for the President's order of discharge to be based upon the commission of any crime that is stated in the Articles of War. There is a distinction between a discharge for the good of the service and a prosecution and conviction of soldiers guilty of criminal offenses named in the Articles of War. But taking the Senator's position, Mr. President, on the subject, he will observe, I think, that he is in direct opposition to the Senator from Ohio [Mr. FORAKER] on this point, as he is on some other

Mr. TILLMAN. We have not had any conference. The attorneys have not been together on it at all. [Laughter.]

Mr. CULBERSON. It would have been very well if they had. I call the Senator's attention to the sixty-second article of war.

ART. 62. All crimes not capital, and all disorders and neglects, which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles of war, are to be taken cognizance of by a general, or a regimental, garrison, or field officers' court-martial, according to the nature and degree of the offense, and punished at the discretion of such court.

Mr. TILLMAN. Surely; but a court-martial is involved every time.

Mr. CULBERSON. Very well. That is not the Senator's contention, however, and I expressly stated that I did not agree with him in the idea that there could not be a discharge unless a criminal offense had been committed; but the Senator's position was that no man could point to the Articles of War to show that these soldiers had committed an offense.

Mr. TILLMAN. I said the "conspiracy of silence." not say anything about their not having committed an offense. I believe they committed murder, some of them, but not the 167

of them.

Mr. CULBERSON. Very well, Mr. President. I ask the Senator if he believes that the soldiers entered into a conspiracy to suppress the facts, as the President states, if they are not, therefore, guilty of such disorder and neglect to the prejudice of good order and military discipline under which they could be dismissed from the service?

Mr. TILLMAN. If tried by court-martial, yes; always tried by court-martial. I do not deny it. I say they ought to have been tried by court-martial. I say they ought to have been tried by court-martial order immediately after the occurrence, as soon as Major Blocksom's first report reached the War Depart-

Mr. CULBERSON. Mr. President-

The VICE-PRESIDENT. The Chair will eall the attention of Senators to the rule of the Senate requiring Senators to address the Chair.

Mr. TILLMAN. I do not think there is a particle of danger

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Texas?

Mr. TILLMAN. With pleasure.

Mr. CULBERSON. Mr. President, I want, if I can, not-withstanding the Senator's reflection upon the fine-spun theo-ries of lawyers, to have him go back to the fundamental fact that the President, the Secretary of War, and the commander of a department may dismiss and discharge enlisted men from the Army without reference to the criminal offenses enumerated in the Articles of War. In addition to that, wherever the Articles of War provide for it, they may be tried as criminals by a court-martial and convicted, if the evidence necessitates it.

The proposition of the Senator was different. As I understood him, he said no man could point out in the Articles of War a provision indicating that these men, if guilty of a conspiracy to suppress the facts, were guilty of an offense against It happens in this case, in my judgment, that there the law. were sufficient reasons for the President to discharge these men in the interest of military discipline and the good of the service. If the individuals could be reached and a court-martial had the facts, so far as individuals were concerned, they could, in addition to the discharge, be punished under the sixty-

second article of war. That is the proposition.

Mr. TILLMAN. Mr. President, I have, as I think, or have tried to-I may have slipped a word which did not say what I meant-I tried to show that the article which the Senator has just read, and which I myself read, in regard to the method of enlisted men being discharged applied and is intended to describe the hold of the War Department on the man. It does not apply and was not intended to apply to the methods of punish-

ment of a man.

Mr. CULBERSON. It uses the word "punished."

Mr. TILLMAN. Where?

Mr. CULBERSON. In the last line of article 62.
Mr. TILLMAN. I am not talking about article 62. I will speak about this provision in article 62 after having read this other:

No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field officer of the regiment to which he belongs, or by the commanding officer when no field officer is present; and no discharge shall be given to any enlisted man before his term of service has expired except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

The Senator alluded to that, did he not?

Mr. CULBERSON. Certainly.

Mr. TILLMAN. Very well. Mr. CULBERSON. That is a discharge.

Mr. TILLMAN. And I say that that language does not imply the power of the President to discharge a whole battalion at once. It applies to individual men only, and it has reference to the limitation of the man's right, rather than any declaration of the Government's power.

As to that sixty-second article of war, the provision there is always for a court-martial. These men never had any courtmartial; there has never been even a court of inquiry; there has Ohio. There murder was committed, and murder against the

never been any honest effort of the War Department, through its usual military channels or methods, to arrive at the facts, except by the Inspector-General's Office.

Mr. CULBERSON. Mr. President-

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Texas?

Mr. TILLMAN. With pleasure.

Mr. CULBERSON. I take the liberty to ask the Senator one other question.

Mr. TILLMAN. I will answer it, if I can.

Mr. CULBERSON. I know the Senator will try. Mr. TILLMAN. I said I would try.

Mr. CULBERSON. The Senator has said, Mr. President, that the fourth article of war authorizes the President to discharge individuals, not whole companies. Now, suppose a case. Mr. TILLMAN. Upon conditions; under special surroundings

Mr. CULBERSON. That is an addition to the Senator's

previous statement.

Mr. TILLMAN. Oh, well, I am so used to saying things directly that sometimes I do not elaborate enough. The Senator is used to elaboration, and he is, therefore, always clear. I am sometimes obscure.

Mr. CULBERSON. The question I will ask the Senator needs no elaboration. I will suppose a case. As a matter of fact, the President discharged individuals in this battalion by name. Now, I will ask the Senator-

Mr. TILLMAN. He did that merely to get around the other

provision.

Mr. CULBERSON. I do not know about that. However, let me ask the Senator the question which I have in mind. That is this: Suppose it were true that every member of this battalion joined in firing a volley at the time this man was mur-Does the Senator take the position that the President could discharge only one man and could not discharge the whole battalion, notwithstanding each man was individually and identically guilty of the same act at the same time?

Mr. TILLMAN. The Senator knows me too well to believe that I am that big a fool, even though he is given as a great lawyer to badgering lawyers on the other side and getting them in a hole, to use a slang phrase. He knows perfectly well that if all those men could be convicted legally, by court-martial or in a civil court, of having together, jointly, by platoon, or whatever other method, and of having fired and of having killed one man, the whole gang would be in the same boat, charged with murder.

Mr. CULBERSON. That is all I wanted to get the Senator

to admit.

Mr. TILLMAN. The Senator did not expect me not to admit it, did he? But instead of the whole 167 being guilty of having fired and shot up the town of Brownsville and killed a man and wounded another and frightened women and children, nobody, any time or anywhere, citizens' committee or otherwise, has said the whole battalion was engaged, and yet a hundred and sixty-seven are punished, or, as I said, made martyrs of, to roam up and down the land. Of course none of these negroes are going back to Texas. One of them, it is said, comes from South Carolina. That is the famous Sergeant Mingo Sanders, who had been in the Army twenty-seven years. I do not know anything about Mingo. I should like to meet him and shake his hand. But Mingo is not going back to South Carolina and let it be known he is Mingo.

Why not? Mr. SPOONER.

Mr. TILLMAN. Simply because the suspicion that will obtain in that country that he may be the fellow who did the killing will make it unhealthy for him down there. That is why not. I wish it was not so. We can not help it. If Mingo had been discharged honorably, after a court-martial had shown that he was innocent, he could go back there and be the biggest man at the camp meetings of the negroes of the whole country around, and the white people would treat him kindly and cordially, and all that sort of thing. But the suspicion of him that he may be the one who fired the shot that killed that young fellow at Brownsville renders it unhealthy for him to go back. I say that as a matter of information.

What would probably happen to him? Mr. FORAKER.

Mr. TILLMAN. Oh, I am not going to get off on that point. am going to discuss the race question directly. Do not fret. I am going to get right down to the milk in the cocoanut. not want the fire alarm to go off until the bell rings. [Laughter.]

I was calling attention, I believe, when I was interrupted and sidetracked, to the difference of treatment accorded these negro troops and the members of the company of artillery at Athens, lawful authority. The murder at Brownsville was an accident rather than anything else. That is, they did not intend to shoot at that particular man because they knew him specifically, I imagine. They shot at the chief of police because he was approaching, and probably he might discover somebody. They killed his horse and tried to kill him. The barkeeper was shot down, I presume, because at that bar the negroes had been desired the reight of chief the reight. nied the privilege of drinking with white men at the same time That is also denied them in Washington. Negroes and place. are not allowed to drink at all the bars in Washington, and you all know it.

I tried to show what would have been the proper action of the War Department in defending their man or their men in Athens. If they had gone about it openly, if they had not first got the State's case and then gone to the witnesses in the jail who had turned State's evidence and tried to persuade them not to testify, if they had not acted in a rather underhand and unprofessional, dishonorable way, it would have been perfectly legitimate for the War Department to furnish legal help to see that their soldiers were properly cared for in court. But I do not understand the kind of reasoning which makes it right for the Secretary of War to help white troops who are in trouble and then convict negro troops who are in trouble of a crime which is not in the war regulations—this conspiracy of silence.

Of course I think it would have been better all around, for the negroes especially, if the men who are really guilty at Brownsville could have been discovered and punished by the civil authorities or the military authorities; it would not matter which, just so they were punished adequately. I believe it will be a great misfortune to the negro race that that has been rendered impossible by the action of the War Department and the President himself, because this Brownsville incident is not going to drop out of sight. It is too important a phase of the race question in general to be allowed to disappear from public view.

Here is another illustration of the trend of thought and feeling on the subject, copied from the Army and Navy Journal. will have this printed. I will not undertake to read it. One article is the "Color line in the Army," in which an officer whose name is not signed discusses the wisdom of retaining in the Army the two regiments of colored infantry and the two regiments of colored cavalry provided for by law. I have been informed—and somebody will probably enlighten me specific-I have been ally—that five years ago the then civil governor of the Philippines, who I believe is the present Secretary of War—certainly if not he, his predecessor—urged the War Department to remove the negro troops from the Philippines for reasons, I suppose, satisfactory to himself. I should like to get the letter. haps some Senator may be able to look it up before the debate is over and get all the sides of this proposition, certainly in view of the fact that the War Department has now ordered all these negro men back to the Philippines.

But what I was bringing out more particularly is the account of the murder of Lieutenant Calvert in the Philippines a short while ago by Sergeant Taylor of his company. They belonged to the Ninth Cavalry, a negro regiment, and Calvert was murdered in cold blood in his tent by this negro sergeant under circumstances of brutality and savagery that must make men pause and think.

Also, the newspapers have been full in the last two weeks of statements to the effect that a conspiracy entered into by their negro troops had been discovered to murder the officers of the other companies of the Twenty-fifth Regiment. I do not know whether this is a part of the press-agency arrangement by which the President's drastic action in regard to the Twenty-fifth Infantry will be bolstered up by exciting public opinion against the negro race generally. I have no such desire or purpose. I am charged with it. I am charged with being a firebrand, of going up and down the country delivering lectures which are productive of race hatred and all that sort of thing. I say I want this letter published in the Army and Navy Journal put into the RECORD and let the people see just how Lieutenant Calvert was butchered by this faithful negro sergeant of his.

The matter referred to is as follows:

# COLOR LINE IN THE ARMY.

COLOR LINE IN THE ARMY.

In an article in the North American Review entitled "The Color Line in the Army," Capt. Matthew F. Steele, United States Army, presents a very interesting and forcible argument in favor of the repeal of sections 1104 and 1108, Revised Statutes, providing for the enlistment of two cavalry and two infantry regiments composed of colored men. He considers this law the equivalent of the Jim Crow laws of the South, and says that "no more exclusive law can be found in the codes of Alabama and Mississippi. It is out of date, contrary to the spirit of the fourteenth and fifteenth amendments to the Constitution and to the good sense of the twentieth century." Recruiting officers should, he holds, enlist the best men to be had, without distinction of color,

and each man should be assigned to a regiment according to his choice and the best interests of the military service.

The law is a recognition by act of Congress of the national prejudice against the negro soldier. Within the Army itself there is no prejudice against the colored regiments, and the fine work they have done is appreciated. If officers do not desire assignments to a colored regiment, it is because of the civilian prejudice, which is national and not local. There is to-day a larger proportion of officers in the colored regiments from the South than from any other equal section of the country. Shipp and Smith, who laid down their lives heroically leading their colored troops at San Juan, were both southerners. Captain Steele says:

Shipp and Smith, who laid down their lives heroically leading their colored troops at San Juan, were both southerners. Captain Steele says:

"There is a cavalry post in Vermont, but no colored troop has ever been, or is likely ever to be, stationed there. The people of Vermont do not want them. New Englanders have always peculiarly loved the negro, but they do not love him in their midst; they prefer him away in Georgia or Louisiana, whither they can send him their sympathy by mail. A few years ago a fine troop of the Ninth Cavalry was stationed at Fort Myer, across the way from the national capital, as a reward for specially good service in an Indian campaign. Never a word of complaint was made against the behavior of this troop, yet it is well known that never again will a colored troop be ordered to that post for station. The people of Washington do not want them. It is a notorious fact in the Army that the political clique which holds the Yellowstone Park, the great national pleasure ground, in the hollow of its fist will never allow colored troops to be stationed in the park. They are afraid that their patrons, the American travelers, will resent being held to the regulations of the park by negro troopers.

"Since the disturbance at Brownsville the broad State of Texas is no doubt closed forever against the negro regiments. When orders were issued a couple of years ago, sending a squadron of colored cavalry to Fort Leavenworth, Kans., letters of protest are reported to have been sent to the War Department by prominent persons of the adjacent town of Leavenworth. It has been proclaimed by the public press that negro troops must not be placed at the garrisons in the Southern States, and the Department has never yet ventured to station them in any of the Eastern or Middle-Western States. The national prejudice has followed the flag across the Pacific Ocean. Five years ago the colored regiments on duty in the Philippines were returned to the States at the demand of the civil governor of the islands."

MURDER O

# MURDER OF LIEUTENANT CALVERT.

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MURDER OF LIEUTENANT CALVERT.

We are indebted to an officer of the Army for a copy of a private letter giving an account of the shooting of Lieut. Edward Calvert, Ninth Cavalry, by Sergeant Taylor. It is as follows:

"Sergeant Taylor, who was the company quartermaster-sergeant of Company M, Twenty-fourth Infantry, seems to have been giving Mr. Calvert a great deal of trouble ever since we have been over here, as he has been drinking 'blino,' and seems to have gone all to pieces. Ordinarily he was a quiet, well-behaved soldier, with almost twenty-three years' service to his credit, has several excellent discharges, and was one of Captain Cabaniss's trusted noncommissioned officers. But the conditions over here seem to turn things upside down, and the one you least expect to do so goes wrong.

"Mr. Calvert, in command of Company M, was stationed at Albuera, a little barrio about 9 miles from Ormoc. He was the only officer with the company, as Mr. Fulton had dislocated his shoulder and had been at Camp Downes, Ormoc, for some time. It seems that Sergeant Taylor had been giving a great deal of trouble, and Mr. Calvert had thought he would have to 'break' (reduce) him. On this Tuesday morning Mr. Calvert was heard to tell Sergeant Taylor to go up to his (Mr. C.'s) shack and wait for him there, as he wished to speak to him, and Taylor replied, 'You go first.' Of course Mr. Calvert ordered him to obey, and he did so. A little later on Mr. Calvert went into his shack, and what occurred inside no one will probably ever know, as there were no witnesses present except a Filipino boy, who could understand no English, and who jumped out of the window at the first shot.

"But there was evidently quite an argument or altercation of some kind, and a trumpeter who was at the back of the house working heard Mr. Calvert say: 'Sergeant, I am fast losing all patience with you,' and Taylor replied: 'I am losing patience with you, too,' and then the firing commenced. He (Taylor) shot him twice wh

blew off the top of his head, remarking:

"Neither Cameron (the hospital corps man) nor anybody else will do you any good now."

"The other noncommissioned officers at once put him under arrest and placed a guard over Mr. Calvert's body and sent word at once to Camp Downes, and when Mr. Fulton got there he said the entire company seemed to feel terribly grieved and that many of the men were in tears. They (Company M) wrote a letter of condolence to Mrs. Jackson (Mr. Calvert's mother), doing this of their own accord.

"It is said Taylor does not seem to feel any remorse for his deed, and made the remark: 'The lieutenant was game until after I fired the second shot.'

"His plea is going to be that of self-defense, as he claims that Mr. Calvert drew his revolver on him first; but this is not believed, and even if true would not justify the last three shots, which were fired as Mr. Calvert was trying to get away.

"It certainly is one of the most terrible things I have ever known; but it is just another one, though, of the many prices the United States is paying for these miserable islands.

"Later.—We heard yesterday that the court-martial at Iloilo had sentenced Taylor, Mr. Calvert's murderer, to be hanged, but that the civil authorities had issued a writ of habeas corpus, claiming that it was in time of peace and that a court-martial had no jurisdiction.

"They may call it 'peace' if they want to, but when there are parts of three regiments—Eighth, Thirteenth, and Twenty-fourth Infantry—in the field, besides all the scouts and constabulary they could get on the island, gunboats patroling the coasts, and men being killed like Lieutenant James, Doctor Snyder, Mr. Williams, and the four enlisted men of the Eighth, to say nothing of the engagements that were fought, I have another name for it."

Mr. TILLMAN. Now I come to the question of mob violence.

Mr. TILLMAN. Now I come to the question of mob violence in Texas. The War Department in its dispatches showed great interest and earnestness and dread lest if the men under accusation were surrendered they could not be defended, and, as I

say, they were sneaked out of Brownsville because of the dread that if it were known that they were being carried away some-body somewhere might meet the train and have a lynching. I want to ask anybody here whether, if these had been white soldiers, there would have been a word said about mob violence? Everybody knows there would not have been. The men under suspicion would have been surrendered to the civil authorities, as the law requires. The War Department might have sent the Judge-Advocate-General to defend them, as it had a right to do. The matter would have been tested in the courts, the guilt or the innocence of the men under accusation would have been established, and the thing would have been settled in a proper

But, Mr. President, while it has been said by the President himself that this action of his was not influenced by race at all, that the race question is not involved, that there is no relationship between the color of the men and the official action taken by the War Department and the Executive, it appears to me to be idle to deny it. Senators have deprecated the entry into this discussion of the race question in general. The Senator from Ohio [Mr. Foraker] says he does not want to discuss that question. The Senator from Virginia [Mr. Daniel] is equally earnest in the desire that it shall not be injected here or elsewhere. But what is the use for us to ignore a plain and palpable fact? If the race question looms up here as prominently as the Washington Monument looms across the western horizon, what is the use for us to shun and to dread its discussion? While I was not in the Chamber, accidentally being out, it warmed the cockles of my heart to read in the RECORD the story of how this Chamber, by unanimous vote, put its opinion in the law that the great war of 1861-1865 was not a war of rebellion. but a war between the States-a civil war.

I claim the right to say that I know as much about northern public opinion at this time on the race question as any man in this Chamber. In the last four months I have addressed not less than 100,000 people in picked audiences throughout the North, mainly on this question. I find there, wherever I have gone, the same sentiment of lack of sectionalism and of animosity to each other that was shown here yesterday. The people of the North no longer hate the South, and the people of the South have forgiven the North for the wrongs and injuries. [Laughter.] Oh, well, Senators laugh. I will illustrate it. I was speaking about the terrible sacrifice that the race problem had cost this country-500,000 lives, billions of treasure-no one knows how many-six or eight; the tears and blood that we offered up on the altar of patriotism in 1861-1865 to settle the race question. Some man spoke up and said, "There was not any bloodshed north of Mason and Dixon's line." I said: "No; and if the people north of Mason and Dixon's line had stayed at home, there would not have been any bloodshed at all." I am not going into the merits of that proposition. I am not going to harass the souls of people here by saying that the people of the North had no right to go South. I ask you to agree that the southern soldiers fought for what they believed to be right, and showed it by dying for That is all I ask.

But that sacrifice to settle the race question, so far from having been effective, is acknowledged to have been absolutely wasted and worthless. We settled slavery and we settled the question of nationality. We destroyed one, and we settled for-ever the proposition as to whether we were a confederation or a nation. We are a nation with a big N. But the southern half of this country has no conception of the word "nation" except that it is connected with the word "nigger." More's the pity!

When I want to be entirely respectful and conservative, I sometimes write a few words to read, and in all seriousness, with all the solemnity of which I am capable, I wish to ad-

dress myself very briefly to the race problem in general.

I do not understand the tactics of those who do not wish the race question discussed and I have no patience with such shortsighted and cowardly action. There is really nothing else involved except the race question, and the difficulties and dangers which environ it should make us the more anxious to begin to consider it calmly and dispassionately before other and more dire calamities come to us from it. Broadly stated, the white people of the United States are face to face with the vital issue as to whether the Caucasian race shall share its inheritance with the other races of the earth. In Cuba the question presses for solution and immediate action. Shall that island be governed by negroes or white men? Shall it be doomed to the fate of Santo Domingo or shall it be saved for the white man? The question of a protectorate or annexation and of the future status of the people there must be determined in the near future.

Now, I can elaborate this a little by pointing you to the fact that but for the existence in Cuba of the large negro population-which demands absolute equality in government, with the right to elect a majority of that Government, if it is able to do so, and have that Government run by negroes—there would have been no insurrection. I do not hesitate to declare my be-lief that that insurrection was manufactured in New York and the arms furnished and the money to finance it, the negroes encouraged to rebel or to rise against Palma's Government and produce a condition which made him plead to the United States, "Come and save us." So the Secretary of War was sent there, our ships were hurried to Habana, the Secretary giving place to Mr. Magoon, who is now there in control.

I saw in the newspapers in the last week, in the Star and the New York Herald, statements which indicate that the sugar planters intend to blow up the railroads of the English company before they will allow the negroes to govern there, in order to compel the United States Government to assume a protectorate or annex the island, one or the other. When you search for the motive you are compelled to agree that the whole scheme is one to bring the sugar plantations owned by New York and English capitalists within the tariff wall of the United States Government, so that they can sell their sugar in our markets without paying the tariff duty. That is only one phase and a very small phase of the race question.

On the Pacific coast the relationship between the Mongolians and the Caucasians is involved. The President announces himself as favoring the policy of absolute obliteration of the race line, the granting of full citizenship to the Japanese. The Americans of the Pacific coast, as I understand it, are bitterly opposed to this policy, and without regard to party lines. These Americans ought to know what is for their best interest, and they ought to and undoubtedly will have the sympathy and aid of their fellow-citizens North and South in protecting their interests. But these two phases of the race problem sink into insignificance alongside of the greater and more vital question of the relationship of the races in the Southern States of this

Now, here is a startling fact, and on facts like this I plant

my feet and ask any and everybody to argue from the fact.

In six Southern States—South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana-in the aggregate the negroes outnumber the whites and in two of them-South Carolina and Mississippi-the negro preponderance is very heavy. Here are the figures from the census of 1900:

State.	White.	Negro.
South Carolina. Georgía Alabama. Florida Mississippi Louisiana	557, 995 1, 181, 518 1, 001, 390 297, 812 643, 640 730, 821	782, 321 1, 034, 813 827, 307 230, 730 907, 630 650, 804
Total	4, 413, 176	4, 433, 605

In two of those States-South Carolina and Mississippi-that compact group, with an area larger than France and capable of supporting a population as large as that of France, the negroes outnumber the whites. In our State there are 225,000 more negroes than whites, and in Mississippi two hundred and sixtyodd thousand more negroes than whites.

Under the law-the fourteenth and fifteenth amendmentsthese people possess every right that white men have, as far as the Federal Constitution confers rights, and the fifteenth amendment expressly forbids the enactment of any law which shall discriminate in voting on account of race or color. Large numbers of these negroes are disfranchised at this time, but these laws are only temporary and work no cure; they are only palliatives and offer us only a breathing spell, and in the near future enough negroes will be able to vote, under laws which we ourselves have passed, and we have exhausted all expedients, to outvote us. Can anybody undertake to say that there will not then come a struggle for mastery between the two races.

In Cuba the color line has been obliterated and miscegenation is in full blast. At the North the same conditions exist, and the large number of mulattoes and quadroons with white blood in their veins who have migrated there are the leaders of the doctrine of absolute social equality, encouraged as they have this from his message on the Brownsville affair:

It is of the utmost importance to all of our people that we shall deal with each man on his merit as a man, and not deal with him merely as a member of a given race; that we shall judge each man by his conduct and not his color.

And again:

Every farsighted friend of the colored race in its efforts to strive onward and upward, should teach first, as the most important lesson, alike to the white man and the black, the duty of treating the individual man strictly on his worth as he shows it.

Consider the full import and meaning of these words and then

consider whether or not they are sincere and honest or whether in the fervor of a fight to justify an unwarranted usurpation of power and exercise of executive authority the President forgot himself and said more than he intended or means. To illustrate, is it possible or desirable that all consideration of race and color shall be dismissed from our minds and not govern our action; that radical instincts implanted in us by nature are to be ignored and all men of all races to be judged and treated on the basis of "individual merit?" Are men to be made over and the caste feeling and race antagonisms of centuries to disappear in the universal brotherhood of man? Are there any Senators in this Chamber who subscribe to this doctrine who would have the Caucasian, highest and noblest of the five races as is attested by history, descend to the level of the others and share his birthright with them with the inevitable result that pure white blood will disappear from the face of the earth, and after the mixing of centuries shall have completed the amalgamation, have all men of one skin and one type? Is President Roosevelt ready to act up to his own theory and have his children marry men and women of the other races? Would be accept as a daughter-in-law a Chinese, a Malay, an Indian, or a negro in accord with the doctrine laid down in his message which I have quoted? We all know he would not, and while "fine words butter no parsnips" words like these are a source of incalculable evil.

I have pointed out to you that his utterances in the official order No. 26 and in his letter to Admiral Rogers had induced the negroes to believe that they had a right to demand and to

assert the right of absolute equality.

The southern white men and women who have for forty years resisted in every possible way this doctrine of the equality of the races are just as resolved now as they have always been not to submit to it or its results. They are resolved to maintain control of their State governments and to prevent in every way possible social and political equality, with the inevitable destruction of their civilization which would follow if they yielded. The conditions are growing more and more aggravated every day. Race antagonism increases in intensity. Are things to drift until direful tragedies multiply on every hand and blood shall flow like water? Is the statesmanship of our time in-adequate to cope with this question, just as the statesmanship of 1860 failed to prevent the dire catastrophe of civil war? That war was fought to settle the race question, but forty years after its termination we find conditions more threatening in some of their aspects than they were in 1861.

It is not possible for me to believe that the theorists and sentimentalists at the North, who are responsible for the conditions existing, will be allowed to pursue their policy of absolute recognition of race equality much further. They settled the war entirely contrary to common sense, I may say-I mean the result of the war. They went to war to destroy slavery and to restore the Union. If they had stopped there, we would have none of this trouble on our hands now. This question would have been allowed to evolute naturally, and we would have been permitted to give to those negroes who may have shown themselves qualified and proper to hold the ballot the right to vote. But we have made this mistake of enfranchising a race, slaves last week, barbarians three generations ago. If it was a mistake, why not say so? And why not retrace our steps?

I do not believe that the northern people want to settle this

question in any other way than will be best for the interests of the white people of the Pacific coast and of the Southern States, if they only knew how to go about it. I give the people of the North credit for being just as good and noble-hearted and generous in their wishes to do justice as I claim for ourselves. It is not a local question, nor is it a sectional question, except in so far as there are more negroes in the South than there are in the North. We are face to face with the ne-You have got a few thousand. My county has got more

than all New England.

I plead with Senators here not to ignore the gravity of the situation, not to allow things to go on as they are going on now, involving a struggle for mastery between the races in the South, coupled with the direful tragedies that will come, because the white people are resolved to maintain their civilization and protect their women. It is a serious obligation of duty, and if I do nothing else in this debate than to have the subject presented broadly from the standpoint of patriotism and of statesmanship by somebody else, I will welcome the opportunity to give some more facts when the time comes. This Brownsville incident would never have attracted a thousandth part of the interest it has but for the fact that this great underlying question is in-

Mr. BEVERIDGE. Mr. President—
The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Indiana?

Mr. TILLMAN. I was about through, but I will yield to the

Senator for a question.

Mr. BEVERIDGE. I was merely going to ask a question which is pertinent, I think. The Senator has spoken with a great deal of vigor on the race question. Could the Senator suggest to the Senate what the solution of the race question is? What is he going to do about it?

Mr. TILLMAN. Well, that would involve another couple of hours, and I have already trespassed long enough on the attention of the Senate to-day. I hope the Senator from Indiana, who is himself a brilliant statesman, will be able to give us some suggestion as to what we ought to do about it. I merely point out a great and a tragic situation.

Mr. BEVERIDGE. Mr. President—
The VICE-PRESIDENT. Does the Senator from South Carolina yield further to the Senator from Indiana? Mr. TILLMAN. With pleasure.

Mr. BEVERIDGE. The Senator has taken two hours in stating the existence of a condition to which he says he has given very great study, and I know that is true, and he has referred to the question of statesmanship. I am satisfied that I voice the opinion of my colleagues here when I say that the Senate would be delighted to give him two hours more if he will now state the remedy which in all his study has suggested itself to him.

Mr. TILLMAN. I will do that later in the debate, perhaps. Just at this time, fatigued as I am and having just gotten up out of a sick bed, I shall not undertake to go into any further discussion of this question. I merely have tried, in my feeble and humble way, to point out that we in the South are on the crest of a volcano. We are environed with dangers of which the people of the North have no conception, and we realize the fearful tragedies that are near in front of us unless something can be done to ameliorate conditions. That is all. We are not responsible for the situation. We can not change the condition. The discussion, or rather the action, must come from those who precipitated this condition, who are responsible for it now, and who will be responsible for its continuous existence. I am ready to contribute in my humble way, both with facts and arguments, when the time comes.

It is high time something was being done to have this great and vital question brought before the country in some practical and sensible way. The deep interest shown in the Brownsville tragedy is ample evidence that the people of the country are beginning to feel a deep concern in the various phases of this question, and it is absolutely useless for doctrinaires and politicians to undertake to pooh pooh the question and dismiss it with a wave of the hand, and for one I am ready to go to battle under the slogan, "America for the Americans, and this is a white man's country and white men must govern it.'

I beg the Senate's pardon for having trespassed this long. have no idea that I have converted anybody to my belief in regard to the Brownsville business. I still stand by the fundamental doctrine that the innocent ought not to be punished because there were some guilty, and I think the President has made some very grave blunders in dealing with this subject.

Mr. PATTERSON. Mr. President, I understand it is the desire of those who are in charge of the resolution that is under discussion to have it brought to a vote on Monday. sult of the speech of the Senator from South Carolina I feel that I should not allow the discussion to close without saying something upon the subject.

Mr. CULLOM. Mr. President-

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Illinois?

Mr. PATTERSON. Certainly.

Mr. CULLOM. I simply wish to state that the Senator from Florida [Mr. MALLORY] told me a while ago that he would like to have an opportunity of speaking this afternoon for some thirty I told him that so far as the appropriation or forty minutes. bill was concerned I would consent that that might be done, if the will of the Senate was such. He is present and ready to take the floor, I understand, for the purpose of making the speech he desires to make and of which he had given me notice that he would like to make this afternoon.

Mr. MALLORY: I am much obliged to

I am much obliged to the Senator from Illinois, but if the Senator from Colorado desires to proceed I do

not wish to interfere with him.

Mr. PATTERSON. Now that I am up, I would prefer to proceed rather than to allow the matter to go over until Monday. The VICE-PRESIDENT. The Senator from Colorado is entitled to the floor.

Mr. PATTERSON. Mr. President, so far as the legal questions involved in this controversy are concerned, I will not undertake to discuss them. I am convinced that, as a legal proposition, measured by the rules and Articles of War, the President had the right to order the discharge of the battalion of the Twenty-fifth Infantry as he did. Whether it was wise for him to take that action is another question; and when the argument made by the Senator from Ohio [Mr. FORAKER] is placed side by side with the arguments made by the Senator from Virginia [Mr. Daniel] and others on that side of the question, the wisdom of his action must be determined by each one for him-

I have no doubt that the President in making the order of discharge was moved by the highest and most patriotic mo-tives. Whatever may be said on the subject of race prejudice and about race prejudice being at the bottom of the Brownsville incident, surely the Senator from South Carolina [Mr. TILLMAN] will not maintain that the action of the President in discharging the battalion was the result of race prejudice. It is not so very long ago that the President was subjected to considerable censure, I think, from the same Senator and from those who think with him because a colored man—perhaps the highest and best type of colored man in the United Stateslunched with the President at the White House. If race prejudice did not direct the action of the President, then I think we should all conclude that his purpose was a perfectly proper one; that it was to enforce discipline in the Army, and, as far as it was possible for him, to prevent a recurrence of like tragedies with that of Brownsville in the future.

That is all, Mr. President, I desire to say about the Browns-I do, however, wish to take issue with the Senator from South Carolina as to many of his utterances that related to the negro and involved the race question. I will do so because I am a Democrat, and as a Democrat by my silence I do not want to be held responsible for what he has said upon this subject, or that it may be supposed at home that I am in

sympathy with his views.

Mr. President, when the next Congress convenes there will be just two Democratic Senators from the North in this great body. In the present Congress there are but four Democratic Senators from the North, and unless there is a change between now and two years hence, when new Senators will be elected, I fear that this Chamber will be divided solidly Republican from the North and solidly Democratic from the South. Whether it may be the fault of parties or platforms or issues, this country, politically speaking and judging from elections and the political complexion of this body, is intensely sectional; and I am willing to submit to the country whether speeches such as the one just closed by the Senator from South Carolina [Mr. Tillman] are calculated to soften the asperities that lead to sectionalism or to give a more patriotic division of political power between the States of the Union.

The North can lay no particular claim to a desire for justice for the negro-no more than the South. I recall very well when in many of the northern legislatures there were negro members. I recall very well when a Republican President did not hesitate to appoint worthy and capable negroes to high offices. recall very well when it was the fond hope of the people of this country, with apparently ample grounds upon which to expect the realization of the hope, that the race issue would in time disappear, and that the time would come when manhood and worth, education and intelligence would settle every dispute and when color would prove no substantial bar to equality in all

things before the law.

But, Mr. President, as time has gone on race prejudices, so graphically described by the Senator from South Carolina, have developed in the North about as rapidly as they have in the South, the only difference being in the intensity of the preju-Where is there a Northern State now that contains a colored member of the legislature? Where is there a Northern State in which a negro is elected to an office of responsibility? In which Northern State does the appointing power select negroes of education and moral worth and ability to fill posi-

Mr. GALLINGER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. PATTERSON. With pleasure. Mr. GALLINGER. The Senator probably has overlooked the fact that not long ago a negro of education and worth was appointed to a judicial position in Massachusetts, and is filling it

Mr. PATTERSON. I am glad to hear from the Senator from New Hampshire of an exception. But even that exception is

not in his own State. What has the Senator got to say about his own State?
Mr. GALLINGER. Well, Mr. President-

Mr. PATTERSON. It may have been done in Massachusetts, and here and there may be isolated exceptions. I am stating the all but universal rule, and if the Senator from New Hampshire can state an exception, it will but enforce the rule I have

Mr. GALLINGER. If the Senator will permit me, he called for a case and I gave him a case. I thought the Senator would be glad to know that fact, because he wanted to be accurate. As far as New Hampshire is concerned, we have very few colored men in our State, and I do not recall an instance where one has even ever asked to be elected or appointed to an office.

Mr. PATTERSON. It may be, Mr. President, that the negroes of New Hampshire are more modest and less ambitious than the negroes of other States, but I have no doubt but that in his State there are educated negroes and able negroes and honest negroes, who, so far as the work of high executive offices is concerned, would be able to do it with satisfaction to the Commonwealth; and many of these negroes would be glad to fill these offices, but the race feeling that I have no doubt exists in New Hampshire, as elsewhere, prevents them from doing so.

We find in the North, Mr. President, that in nearly every detail of business matters the negro is deprived of every position of responsibility. They are not even permitted to drive street cars or to collect the fares. In many of the Northern States the negro is not even permitted to be a member of a The services that he performs are now menial in character or almost wholly personal. Under these conditions it may not seem in good form for men of the North to decry to any very great extent the attitude of such as the Senator from

South Carolina. But, Mr. President, that does not meet the proposition. There are 10,000,000, or thereabouts, of negroes in the United States to-day. By a constitutional amendment, adopted at the close of the war, those negroes had conferred upon them-it might be said, had forced upon them—the rights of citizenship. The States were prohibited from depriving them of the right to vote by reason of their color or former condition. Under the four-teenth amendment the blacks had conferred upon them the right to vote, with only such exceptions or limitations as applied to white men. This legislation has led to an intensity of feeling against the black man in a number of the Southern States and accounts in a measure for the attitude of the Senator from South Carolina upon the race question. The Senator insists that there is but one remedy for the evils he claims the fourteenth amendment has inflicted upon the South, which is the repeal of that amendment and the deprivation of the black man of the right to vote. The appeals the Senator has made is against not only social equality, but also against political equality between the whites and the blacks.

If the Senator from South Carolina was the only distinguished southern man who has entered upon a crusade to secure this result, perhaps I might not notice it, for the Senator is in many respects sul generis, and is quite willing to admit that such is the case; but Governor Vardaman, of Mississippi, and Hoke Smith, of Georgia, soon to be governor of Georgia, if not already the chief executive of that State, have made the same declarations, and there is rapidly being organized in the South a movement to demand that the North unite with the South in the repeal of the fourteenth amendment and the practical return of the negroes of the country to a condition of peonage. the attitude of the men and women of the North-

Mr. TILLMAN. Mr. President, will the Senator from Colo-

rado allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. With pleasure.
Mr. TILLMAN. Has the Senator from Colorado ever visited
the black belt of Alabama or South Carolina or Mississippi?

Mr. PATTERSON. I never have.
Mr. TILLMAN. Well, then, would not the Senator be apt to learn something if he would go down there and study this question at close quarters, rather than theorizing about it up in Colorado, where they have only about 2,000 negroes all told?

Mr. PATTERSON. I have no question but it would be better

to have visited that section.

Mr. TILLMAN. I do not undertake to advise the Senator; but before he commits himself too far to the doctrine of absolute equality of man, the inevitable result, he had better study the question a little.

Mr. PATTERSON. Mr. President, forty-odd years have apsed since the close of the civil war. The question of the negro elapsed since the close of the civil war.

has been one that has entered into the social, political, and public life of the American people, and the man who has not investigated, so that he may think and talk intelligently about it without visiting the black belt, has lived to little purpose and has poorly observed the duties that devolve upon him as a citizen. I am well aware that in the belt of States commencing at Texas and ending with North Carolina the white and the negro populations are almost equal, the population in that tier of States amounting to somewhere in the neighborhood of 6,000,000 whites and 6,000,000 blacks.

Mr. TILLMAN. About four million.

Mr. PATTERSON. No; considerably larger than that. I am also aware that in some of the States-one or two of themthe black population will double the white population, and I am not entirely lost to a proper conception of the terrible problem that has been devolved upon the people of the South growing out of the war and the granting of the ballot to the negroes of

But, Mr. President, the blacks and the whites must live to-It is idle to talk of the separation of the races. They can not be winnowed out and set apart in different sections of the country, nor can the negro be deported to any other country. The Senator from South Carolina would be the first and most vehement against any proposition to take the negroes from the South or from the State of South Carolina.

Mr. TILLMAN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. With pleasure.
Mr. TILLMAN. I would be a very strong opponent of that doctrine, because it would be the most cruel of all the remedies that have ever been suggested or proposed by anybody at any time or anywhere. That is all. I would to God none of them I would not undertake to send them away by expatriation or colonization, because it would simply mean their destruction; and I do not want to destroy them.

Mr. PATTERSON. I will not impugn the morality of the motives that would induce the Senator from South Carolina to oppose the deportation of negroes from his State; but I am inclined to believe that there is an additional reason, and a stronger one, a reason that is more controlling than a mere sentiment of humanity—that reason is self-preservation; for the labor of the negro is absolutely necessary to the prosperity of the Senator's State and to that of every other Southern State.

Mr. TILLMAN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. Certainly, I do not object, Mr. President. Mr. TILLMAN. I am sorry the Senator can not give me the credit for a disinterested and honest statement, but would impugn the integrity of my utterance and charge directly or indirectly that selfishness would govern me in objecting to that. Has the Senator ever read the record as set forth in Buckle's History of Civilization in England of the deportation of the million and a half of Moors after their conquest of Granada by Ferdinand and Isabella? If he has not, I advise him to get that book and read the horrors which would result from the deportation element alone, to say nothing of the indirect trouble and the loss to the country from which deportation occurs, to convince him that the cruelty of the thing is alone, so far as I am con-

cerned, the reason why I should object.

Mr. PATTERSON. Mr. President, I have read Buckle, not once, but three times, and I am quite familiar with the recital

to which the Senator refers.

But in this connection let me say, Mr. President, that I did not intend to in any wise reflect upon the Senator's own statement of the motives that would influence him to place obstacles in the way of the migration of southern negroes from South Carolina, but I do say that, in addition to the reason he states, the motive of self-preservation would be equally controlling— South Carolina could not afford to lose the negro, for the negro must be there to do the labor of that State.

Mr. TILLMAN. Mr. President, if the Senator will permit

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. Certainly.

Mr. TILLMAN. The Senator from South Carolina is fully aware of the great loss in a financial way, the destruction of values, the derangement of labor, and the financial panic that would come, not only to South Carolina, but to the United States and to Christendom, if the negroes were colonized away from the South; but I want the Senator to understand that the question of colonization would, of course, excite opposition in

South Carolina, because we have some selfish and greedy men down there who want to hold on to the negroes as laborers, as worthless as they are becoming, and we have got lots of them;

but I hope the Senator will not put me in that lot.

Mr. PATTERSON. I will not follow that phase of the subject, Mr. President, any further. I will allow my statement and the statement of the Senator from South Carolina to stand, confident that there is no substantial conflict or dispute beween us. I have no doubt but that the heart of the Senator from South Carolina would go out to the negroes in the suffering they would necessarily be compelled to endure if they were forcibly taken from the country that is their home; nor have I any doubt either, Mr. President, that the Senator from South Carolina, even if the matter of the suffering of the negro was not involved, would stand like a wall of adamant against any movement to take from the State of South Carolina the labor upon which its prosperity depends.

Mr. TILLMAN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. Certainly. Mr. TILLMAN. We are simply discussing an academic proposition with no possibility of it ever being tested; therefore my statement of my opinion and my wishes and the Senator's interpretation of them, as he puts an interpretation upon them, is of no practical use. But I do not hesitate to tell the Senator that under the conditions which exist in South Carolina to-day, with a negro majority of 225,000 in the State, those conditions in the near future will be appalling, and that unless something is done to undo the mistakes of the past, unless there is some method of easement, some scheme by which those people can be distributed somewhere, the struggle between the races is inevitable; and when the two races get at each other's throats those who stand up and theorize about it in Colorado will not be the ones to participate in the throat cutting or in having their throats cut, as we will.

Mr. PATTERSON. Mr. President, if it were a certainty

that this conflict will come, and must come soon, granting that if it should come I would not be there to be a party to it, it does not make it any less the duty of those of us who live in the North and are of the same political affiliations as the Senator from South Carolina to meet the question, and discuss it in advance, and even to take issue with the Senator from South Carolina upon the methods that should be adopted to avert the dire

calamities that he predicts.

Mr. TILLMAN. Mr. President—

Mr. PATTERSON. Now, Mr. President, I submit that when the remarks of the Senator from South Carolina and mine appear in the Record, unless some stop is put to the interruptions by the Senator, more space will be taken up with his remarks than with mine.

Mr. TILLMAN. I beg the Senator's pardon and will not interrupt him again. He mentioned the Senator from South Carolina in nearly every other sentence and in some respects has misunderstood him and in others appears to go on to misrep-Therefore, the Senator from South Carolina was sent him. compelled-

Mr. PATTERSON. Oh, if the Senator from South Carolina is of the opinion either that I have misunderstood him or misrepresented him I will cheerfully give him opportunity for

interruption for the purpose of correction.

Mr. TILLMAN. That is all I have been trying to do—to make myself understood. The Senator appears to think or to fear that he alone is responsible for the Democratic party, and that there are only two Senators, or will only be two Senators who are Democrats in this Chamber after the 4th of March, and that two years from now, if the Senator from South Carolina should make a few more speeches, there would be none. If there should never be another Democrat elected to the Senate from South Carolina the people of the South will stand by white supremacy, and be Democrats in consequence. [Manifestations of applause in the galleries.]

The VICE-PRESIDENT. The Chair will call attention to the rules of the Senate, which forbid applause in the galleries.

Mr. PATTERSON. Mr. President, no one doubts the truth of what the Senator says as to his own attitude, but I think I may, with propriety, suggest that nothing that I have said or suggested leaves me open to the imputation of claiming that I am the only Democrat and that when this or the next term expires they will all be out of the Senate. But I have a right, Mr. President, to speak in behalf of the several million of men who do not live in the South and who belong to the same political party with both of us, to express their views, if I can, upon this great issue, and not allow it to go abroad by the silence of Democratic Senators that every Democratic Senator stands with the Senator from

South Carolina for the disfranchisement of the negro; and, as I suggested a little while ago, for practically returning him to a state of peonage.

Mr. President, in the early days after the rebellion there were terrible times in the Southern States, and the Senator from South Carolina has enlightened the country, through his office of Senator, as to the part he was willing to play in the acts that he approved. There were White Caps and Ku Klux, and there were tissue ballots; there were other methods for suppressing the vote of the negro in the South. I need not say, Mr. President, that, in my opinion, millions of the best people in the South reprobated that method of securing the supremacy of the whites and procured its abandonment and undertook to accom-

plish the same thing through the agency of the law.
Southern States, one after the other, called constitutional conventions, and for the purpose of eliminating a great proportion of the negro vote have incorporated voting qualifications in their constitutions that, in my opinion, were at the time, and will continue to be for many years, quite ample to leave the whites of the South in unqualified political control. And I want to say, Mr. President, that so long as the southern people contented themselves with maintaining political supremacy through the agency of constitutional and statutory provisions—enactments that bore equally upon the blacks and the whites-the people of the North were content to allow the South to work out this problem for itself.

Mr. TILLMAN. Mr. President, will the Senator permit me to say a word?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. Yes, sir; with pleasure. Mr. TILLMAN. The Senator has alluded to some of my own utterances in this Chamber. I have nothing to say by way of apology for anything that I have ever said here, but I want to remind the Senator of one fact, that we had in South Carolina in 1870 35,000 more negro voters than we had white men; and we could no more have beaten them lawfully and legally under the fourteenth and fifteenth amendments to the Constitution. which have been thrust down our throats at the point of the bayonet, than we could have flown. We would never have had the opportunity to make amendments to our constitution, which would give control to the whites legally, if we had not taken it The Senator would have us to lift away from the negroes. ourselves over the fence by our boot straps. We were not able to do it; and so we got over in any way we could.

Mr. SPOONER. But you got over?

Mr. TILLMAN. Yes; we got over it for the time being.

Mr. PATTERSON. I contented myself with referring to the fact that the Senator upon several occasions, here and elsewhere, had in a boastful spirit told of lawless intimidation to overcome the blacks. I said I did not believe they were approved by the best people of the South. I merely referred to a historical fact that I might, in logical order, reach the point where the people of the South undertook by lawful methods, by constitutional provisions supplemented by statutory enactments, to give the whites supremacy in the South. Those enactments limit the voting franchise by educational and property qualifications and also by what the Senator, in a recent speech in Maryland, referred to as the "understanding" clause of the constitutions. When we recall the degree of ignorance that prevails among the blacks in the South, their lack of education, the intense poverty of most of them, we can well understand that with these new enactments providing educational, property-holding, and "understanding" qualifications, it must be for many and many and many a year that the whites of South Carolina will be in unquestioned and unchallenged control of their State.

Mr. TILLMAN. Will the Senator allow me to interrupt him? The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. With pleasure.
Mr. TILLMAN. The suffrage clause of South Carolina adopted in 1895 provides that no man shall vote unless he can read and write a clause of the constitution, or its alternative, or pays taxes on \$300-that and nothing more. We did have the understanding clause for the purpose of enabling us to register our illiterate whites, believing that it was our duty to take care of our own race and color and kin. Under that registration we registered the whites and then quit; and we have nothing now but a simple educational and property qualification.

Mr. PATTERSON. Is the Senator through?

Mr. TILLMAN. I am simply showing the Senator the situation. I will say to him, in addition, though, that this same constitution provided for an increase of the free school tax from 2 mills to 3, and we have had any time in these thirty years more negro children going to school and learning to read

and write, and therefore qualifying themselves to vote, than we have had whites, because there are more of them. How long will it be before enough of them are able to read and write and vote to stand up and say to us, "We will have none of you; we will take the State." That is what I am trying to get the country and the Senate to understand. I will be a dead man when the struggle for the mastery comes; but I am giving you warning here, as it is my duty to do, that blood will flow like water in South Carolina before the negroes will ever be allowed to take pos-

session of the State again.

Mr. PATTERSON. Mr. President, I attempted to show that the people of South Carolina—and I did so without heat or prejudice, for I assure the Senator my feelings are largely in sympathy with his upon the subject of negro supremacy in his or in any other State-but, Mr. President, when the best thought of the South, for the purpose of removing the odium associated with flagrant violations of the law, with personal violence of a desperate and degrading character upon the colored part of the population, caused their people to meet in constitutional conventions, and to adopt constitutional amendments that put every southern State under the complete control of the whites for many generations to come, it occurred to me that such great and distinguished leaders as the Senator from South Carolina, and the governors of Georgia and Mississippi, should engage their talents and influence in assuaging the animosities that grow out of race feeling and endeavor by other methods than such as arouse prejudice, to not only bring, but to maintain, peace between the two races in this country.

Mr. MONEY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. PATTERSON. Certainly.

Mr. MONEY. Mr. President, I do not wish to interrupt the Senator from Colorado, except he has signified a willingness to be corrected when he made a mistake, and I give him credit for feeling what he says. I desire to state that when he says the governor of Mississippi is prepared and desires to do by violence anything to effect any purpose whatever, he has made a misstatement of the fact.

Mr. PATTERSON. If anything that I have said is open to that imputation

Mr. MONEY. I am only using the Senator's language, as the notes of the stenographer will, I think, show.

Mr. PATTERSON. I think, Mr. President, that when the stenographer extends his notes it will not be found that I suggested that either the Senator from South Carolina or the governor of the State from which the Senator comes undertake to accomplish or would advise at this time the use of violence for the purpose of maintaining the supremacy of the

whites in his State. Mr. MONEY. Mr. President, if I misunderstood the Senator, of course I will be glad to withdraw the language I have used; but, if he will pardon me, I should like to have the stenographer read the Senator's language to see if I so grossly misunderstood him

Mr. PATTERSON. Mr. President, surely I did not intend to cast any imputation of that kind upon the governor of the State of Mississippi. If I did, it was by the inadvertent coupling of his name with that of the Senator from South Carolina.

The VICE-PRESIDENT. The Senator from Mississippi made

a request that the Reporter read the remarks of the Senator from Colorado.

Mr. MONEY. I do not want to embarrass the Senator now in his speech, and I will withdraw that request, upon the assur-

ance the Senator has just given.

Mr. PATTERSON. Because nothing that the governor of Mississippi has said justifies me or anybody else, so far as I know, in stating that he would advocate the use of violence for any purpose whatsoever.

Mr. President, what I want to make clear is this: That while the people of the country approve, at least by their silence, the efforts of the people of the South to secure and maintain white supremacy in the different States through the agency of the law, they deprecate open boastful statements by distinguished men of the South that the law is a farce; that the law is only intended for one class of people, and does not operate upon the other; that the law is simply a fraud upon the people of the nation and is used in the spirit that marked the treatment of the negroes before the constitutional amendments were adopted, according to the avowals of the Senator from South Carolina.

Mr. CLAY. Mr. President—
The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. PATTERSON. I do.

Mr. CLAY. Will the Senator from Colorado name the distinguished men from the South who have insisted that the law is a farce; that the law is a fraud; that the law ought not to be enforced, and that lynch law is proper? I would be glad to have the Senator name the distinguished gentlemen from the South who have insisted that any such course ought to be pur-

Mr. PATTERSON. Mr. President, I did not say that any dis-tinguished man from the South had stated that lynch law was proper; but I will name the Senator, I will name the distinguished man from the South who travels all over the North lecturing at Chautauquas and in great cities, who, coming from the South, received as a representative of the South, does openly proclaim in nearly every speech he makes that the constitutional provisions as put into the constitutions of several Southern States were intended to operate only upon the negroes, and did not operate upon the whites, while in terms they were to operate

I clipped from the Baltimore American of a few days ago, from the issue of January 5, the report of a lecture delivered by the distinguished Senator from South Carolina in the State of Maryland; and whatever the distinguished Senator would say in Maryland he would say in New York, or in Illinois, or in

Mr. TILLMAN. Or here. [Laughter.] Mr. PATTERSON. And if the Senator from South Carolina has been misquoted, certainly he will not hesitate to make note of the fact as I read. I quote from the Baltimore American, which has at the head of the address a magnificent picture of the Senator, of which he ought to be proud. I quote the following from that speech:

The amended Constitution has declared that the negro shall have the same rights as enjoyed by a white man. The Supreme Court of the United States has declared the State has the right to regulate its suffrage privilege. The fourteenth amendment gives the negro the right to vote. The fifteenth amendment declared that no State shall pass a law discriminating against the negro. We can pass laws depriving foreigners of the right to vote, but we can not pass laws applying to the negroes. We are, therefore, bound and shackled by this law. We looked for relief. We decided that no man should vote unless he can read or write or pay taxes on property valued at \$300.

Mr. TILLMAN. "Read and write."

Mr. PATTERSON. The article says "read or write" but the

Mr. PATTERSON. The article says "read or write," but the Senator states that it should be "read and write."

We decided that no man should vote unless he can read-And taking the correction of the Senator-

and write or pay taxes on property valued at \$300. We had the problem of saving votes of some of our white citizens who could not read nor write or who did not own property worth \$300. I would have my hand burned off before I would agree to the disfranchisement of a single whife man unless he committed some crime. I urged our people to hold a constitutional convention. I was called a demagogue. Well, I tell the truth as I see it.

We introduced the understanding clause, which we found we borrowed from Mississippi. It is the most charming piece of mechanism ever invented. Well, the officers of registration were white men. We do not want any more negro officers in South Carolina. We had enough of them once to last us ten thousand years.

I never served as a registration judge, but I suspect I know how the judges acted. I know if I had been a registration officer I would have acted as I shrewdly suspect that the judges did act. The white man would apply for registration. "Can you read?" the judge would ask. "No." "Can you write?" "No." "Do you own property worth \$300?" "No." The judge would then read a single clause of the Constitution. The white man could understand it. When the negro applied and could not explain the clause. "Very sorry," said the judge; "we can not register you." "Good-bye, boss."

The negre quit voting in South Carolina in 1882. He found that it was not healthy to go to the polls.

Does that meet the request of the Senator from Georgia? What room is there to misunderstand the meaning of the Senator who delivered that address?

Mr. TILLMAN. I fail to see any advocacy of murder or

Mr. PATTERSON. Oh, no. I did not say that you advocated murder or force. What I undertook to show was that a distinguished Senator was boasting that the franchise constitutional amendments were used as frauds, to operate only against black men, when they were intended to operate upon white and black alike, and that thereby fraud was committed upon the country and the colored voter.

Mr. TILLMAN. Does the Senator think fraud was committed upon the country when every man who could read understood just exactly what was meant and why that elastic provision was

Mr. PATTERSON. Oh, I don't know about that.

Mr. TILLMAN. Then why say a fraud was committed when the Republican Supreme Court has sustained that clause of the Mississippi constitution as being in accord with the Constitution of the United States?

Mr. PATTERSON. Mr. President, I take issue with the Senator from South Carolina. I am glad to say that but few of the representative men from the South assert that those amendments were adopted merely to pretend that which they stated. I do not believe there is another Senator upon the floor who will rise in his place and admit or assert that the constitutional amendments of his State are openly administered for the purpose of allowing white men, who come within their prohibition, to vote and to prevent every colored man from

Mr. TILLMAN. If the Senator will allow me now—
The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. I yield.

Mr. TILLMAN. The grandfather clause which has been adopted by three or four States, if I recall the words, provides that no man shall vote in a certain State unless he can read and write or is the descendant lineally of a man who could vote in 1800 over the could be compared to the could be contained to the contain 1860. Everybody knows that nobody could vote in 1860 except white people. If that is not a plain evasion of the proposition that there shall be no discrimination on account of race or color. what is it?

So far as concerns my being a representative man of the South, I do not care a straw whether anybody anywhere acknowledges it. So long as I represent the eighty-odd thousand men in South Carolina who at the last primary voted for me and I had no opposition and the legislature next Tuesday will elect me to represent the people of that State—I do not care whether the people of Colorado like it or not.

Mr. MONEY. Mr. President—
The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. PATTERSON. Yes.

Mr. MONEY. I take advantage too often, I am afraid, of the courtesy of the Senator from Colorado. I wish to say that the statement which he read from the lecture of the Senator from South Carolina [Mr. Tillman] does not correctly state the position of things in Mississippi. For instance, in that State there is no writing clause nor any property clause. It is only required that the man who desires to register can read a degree of the that the man who desires to register can read a clause of the Constitution, and not explain it, but can understand it when it is That is all. If the man reads at all, whether he is read to him. black or white (and I want to say that nearly every black man in the State can read) then he can vote. But if he can not read, it is intended as a softening of the hardness of that provision by saying if he can understand.

I wish to say, if the Senator will permit me, in order that this matter may be put straight before the country, that I have inquired all over the State and I have never found one instance where any man, black or white, was refused registration because he could not understand a clause of the Constitution. The reason why that clause was put in is this: Senator George, who is now dead, lately a distinguished member of this body, was the constructive statesman of that constitution. He was opposed to educational, property, and other clauses of that sort. It was passed over his head, and he introduced the understanding clause as a mitigating fact.

If the Senator will permit me further, I will say that in Mississippi there is no grandfather clause, and the only thing of any value is the poll tax for two years, which is required, and that is what keeps the great body of the negro voters from the polls. Now, it is not my fault or anybody's else fault that the negro does not pay the tax. I want to say if a white man does not pay his tax he does not vote, either.

I am indebted to the Senator for this opportunity to put my State right on the record, as it has been a little misrepresented.

Mr. PATTERSON. I trust the Senator from Mississippi does not for a moment suppose that I am criticising any man in his State, nor was I in any manner impugning the provisions of the constitution of the State of Mississippi, nor do I in any manner impugn the righteousness or the justice of the provisions in the constitution of the State of South Carolina. What I do object to, Mr. President, is any leading man of the South on this floor and throughout the States of the North proclaiming for the South that for the purpose of disfranchising the negro they and their election judges are lawless, and that the law is administered for the purpose of unjustly and illegally depriving men of one color of the vote to which they are entitled while it does not operate the same way upon men of the white race, although they admit it was intended to operate alike upon

I have attempted to say—and if I have not said it I wish to say it now—I do not believe that even a small proportion of the people of the South are in sympathy with proceedings of this character. I believe, as was stated by the Senator from

Mississippi, that having provided these safeguards in the constitution, the men of the South seek, as a rule, to administer the constitution and the law in their true spirit and not for the purpose of defrauding one element in the community and favoring other elements in the community that have, under the letter of the constitutions of the States, the same identical voting privileges.

What I mainly object to is this, and I speak in behalf of millions of Democrats in the North: I do not wish their views to be misinterpreted. They have no more respect for the lawbreaker in dealing with elections than they have for the lawbreaker in dealing with the property of his neighbor. They were perfectly content, realizing the problem that had devolved upon the people of the South, that they should protect themselves by constitutions and laws which on their face were fair and just and applied to all alike. They want to feel and believe that those laws are administered in the spirit in which they understood they were enacted. When men from the South visit Chicago and other northern cities and announce the things that I have objected to, the impression is created that the men of the South are a law-violating and a law-defying population, and that the negroes of the South have no rights that the white men regard themselves under any obligations to respect.

Mr. TILLMAN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. I do.

Mr. TILLMAN. I suggest to the Senator from Colorado that instead of offending my colleagues here and using the words "men of the South," whenever he refers to something I have said or done anywhere, he just simply say, "Whenever the Sen-ator from South Carolina goes to Chicago and other northern cities and says so and so." The Senator from South Carolina is responsible to himself and his constituents, and not to anybody else; and what if the people of the North listen to me and applaud me and show by their actions that they agree with me? I wish to say to the Senator from Colorado that I will debate with him in Colorado at any time, if he wants to, the question of the equality of man and the equality of the negro with the white

Mr. PATTERSON. The Senator from South Carolina can get up no discussion with me upon the equality of man, and I have only referred to men of the South, and distinguished men of the South, to enforce the proposition that when certain distinguished men from the South visit the North and make statements of this kind the entire South must bear the odium and the burden, and we of the North who are fighting Democratic battles are met with the statements that such are the sentiments of the people of the South, and we do not and can not agree with them.

I have no question that the Senator can gather and does gather thousands to hear him and thousands who will applaud him, but I state it as my profound conviction that when they applaud expressions approving of lawlessness, rejoicing in the use of force for whatever unlawful purpose, they are not the best elements of the North and they do not represent the mass of the party in the North to which he and I belong. [Applause in the galleries.

Mr. TILLMAN. Will the Senator from Colorado permit me? The VICE-PRESIDENT. Does the Senator from Colorado

yield to the Senator from South Carolina?

Mr. PATTERSON. Certainly. Mr. TILLMAN. I can not, of course, undertake to pass upon the character of the northern audiences, except to say that, so far as I have been able to judge, they are people of intelligence, people of refinement and education, and in every way as good as the country up there has got. I may be mistaken, but I will call attention to the fact that Chautauquas and lyceum lectures are not supported by either ignorant people or poor people. And so far as my own party in the North is concerned, it has such shining examples of demoralization, of ward politicians, of dirty, low creatures who have not enough character or anything else to get any votes unless they buy them, that I do not care if we never have any of that type to back us up in the South. have no use for them. [Applause in the galleries.]

The VICE-PRESIDENT. The Chair again admonishes the occupants of the galleries that under the rules of the Senate manifestations of approval or disapproval are prohibited. Chair trusts that it will not be necessary to repeat this ad-

Mr. PATTERSON. I will not reply in any wise to the last

utterance of the Senator from South Carolina.

I want to refer now that I am on my feet to the matter of criminal assaults in the South, upon the horror of which is based the violent attitude of those who are in sympathy with the Senator from South Carolina. Nobody can utter more

heartfelt and more violent execrations than I would if I had the power of language which others possess. But the most decisive condemnation of the crime, the most overwhelming abhorrence of it that can be spoken, I indorse with all my heart.

But I call attention to the fact that this awful crime is not as all-pervading and as universal with the blacks as the constant repetition and denunciation of the crime and the mob

punishment that follows would seem to imply.

I have in my hand a tabulation of all the lynchings of the country during the year 1906. The tabulation was made in New Orleans, I suppose, as it bears the date line of that city, and it was sent to the country as the mathematical truth.

There were in the entire country in 1906 seventy-three lynchings. Of these but thirty-four were for criminal assaults and attempted criminal assaults. Of the seventy-three there were

but thirteen actual assaults.

Mr. President, when you recall that there are about 10,000,000 negroes in the country and that about 90 per cent of those are in the States of the South, justice demands that so small a number, relatively, shall not be sufficient upon which to indict the entire black race for the crime and to use it as a logical argument in support of the proposition that the 10,000,000 black population shall be deprived of all political rights and be practically returned to the condition in which they were before the war, all on account of the misdeeds of but thirty-four of their

I commend what was said by the President in his last regular message upon the subject of lynching. It is justly and fearlessly spoken and bears no more harshly upon the one section than upon the other in connection with the crime. It is a homily upon the duties of citizenship in dealing with rape and every other character of crime that should be read and heeded

by all.

The question is asked, How are these offenses to be prevented? I believe that if the real conservative and intelligent spirit of the South should prevail, if that which is taught by the great majority of its statesmen, by the presidents and professors in its institutions of learning, by the ministers from their pulpits, was observed, this crime would gradually and certainly die out. At least it would be committed by the blacks as rarely in the South as it is in the North, and it is hardly

ever heard of in the Northern States.

Mr. President, if when the offense is perpetrated and the criminal arrested he were subjected to trial under the law in the community in which the offense was committed, and the law against the offense was enforced, as it would be, certainly and inexorably, I believe that such a regard by the whites for the majesty of the law would have a most salutary and gratifying effect upon the colored population. It would lead and encourage them to respect the law and to strive the harder to put a bridle upon their passions. I have no doubt, Mr. President, but that violence and lawlessness on the part of the dominant population of a community beget lawlessness and violence and the commission of just such crimes by those against whom lawless violence was instituted to suppress them.

Will the Senator from Colorado allow me? The VICE-PRESIDENT. Does the Senator from Colorado

yield to the Senator from Mississippi? Mr. PATTERSON. Certainly.

Mr. MONEY. There have been instances of criminal assaults by negroes in the State of Colorado, and the guilty men were burned at the stake by the mob.

Mr. TILLMAN. The same in Kansas and Delaware.

Mr. MONEY. I am speaking now of only one State, the one represented by my distinguished friend the Senator from Colo-

If he will permit me-and I interrupt him with great reluctance—I will state that the author of that message which the Senator has just read has unfortunately written a book, and in that book he states—it was written a long time ago, some ten or fifteen years, I believe it was-that horse thieving was so prevalent in Idaho-horses being the only property citizens had, the land all belonging to the United States-that it had to be stopped; that the law was insufficient, and the mob hanged fifty-nine men. The author said of course they sometimes got the wrong man, which seemed to be inevitable under the circum-He applauded the proceeding, and said the result was good; that it drove the horse thieves from the State.

I do not care to use that except in answer to the message

itself. They are both in print and both on record.

Mr. HEYBURN. Mr. President-The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. PATTERSON. Certainly.
Mr. HEYBURN. I think the Senator from Mississippi inad-

vertently used the name of the State of Idaho when he intended to refer to some other State.

Mr. MONEY. As the Senator from Idaho is alive, I, perhaps, [Laughter.] was mistaken.

Mr. HEYBURN. I suppose the Senator did not intend to refer to the State of Idaho-

Mr. MONEY. Of course that is all pleasantry.

The VICE-PRESIDENT. The Senator from Mississippi will suspend until the Senate is in order.

Mr. MONEY. I beg pardon. The Senator from Idaho is always courteous. Of course that was jocular between the Senator and me.

I may be mistaken about Idaho. It may be Wyoming, as the Senator from Wyoming [Mr. WARREN] is not present.

Mr. WARREN rose.
Mr. MONEY. It was one or the other State. You will find it in the book called "Ranching in the West" or "Roughing it in the West.'

Mr. HEYBURN and Mr. WARREN addressed the Chair. The VICE-PRESIDENT. Does the Senator from Colorado

yield?

Mr. PATTERSON. I do not want this to turn into an experience meeting.

Mr. HEYBURN. I merely want the record corrected, unless it was an inadvertence on the part of the Senator, because I think the facts that he was stating did not relate to the State

Mr. WARREN. Mr. President—
The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. PATTERSON. Certainly. Mr. WARREN. Mr. President, Wyoming does not deserve the stigma my friend put upon it.

Mr. MONEY. I was not putting any stigma at all. I was only quoting the language of the book.

Mr. WARREN. In the thirty-nine years I have lived in what is now Wyoming—for when I took my residence there it was not Wyoming, but a part of Dakota and of other States and Territories-I have never known of an instance of that kind. know we are slightly out of fashion in that regard. If it will add anything to the gayety of the occasion, I will apologize

Mr. HEYBURN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Colorado yield further to the Senator from Idaho?

Mr. PATTERSON. Certainly.

Mr. HEYBURN. I deem it my duty to say in this connection that never during the quarter of a century that I have lived in Idaho has there been a lynching within the State for any

Mr. PATTERSON. Now that Idaho is purged, I propose to go on. I would name the Territory, now a State, to which the President referred in his book were it not that I know we would have two more Senators rising either to protest or explain the

Mr. TILLMAN. I hope the Senator will give us-

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. TILLMAN.. For the benefit of those of us who have not such good memories

The VICE-PRESIDENT. The Senator from Colorado has not yielded.

Mr. PATTERSON. The Senator from South Carolina, I think, is through now

Mr. TILLMAN. I only wish to ask a question of the Senator. The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. PATTERSON. For a question.
Mr. TILLMAN. What State is it that the President all-ded to in that book?

Mr. PATTERSON. It was not Colorado. The State was not a State at the time of the occurrences. It was in that great intermountain section of the country where society was not organized, where the population was exceedingly sparse, and where, as in every new country before the machinery of the law has been put in full operation, the people themselves have had to act for self-protection.

But I am inclined to think, Mr. President, that occurrences of that kind in a new country, in an almost virgin country, could not be used to parallel like occurrences in the very oldest States of the Union, in the original colonies that rebelled against Great Britain and, with other colonies, fought and won the war of the Revolution; States in which as colonies and States law and order have been firmly enthroned for more than two cen-

turies and in which society has reached the highest state of perfection that is attainable in our country; States in which I believe the best thought is against violence of every character and that would be quite willing, aye, States that would rejoice, Mr. President, in having every quality of criminality punished under the terms of the law and by those appointed to admin-

It is true, Mr. President, as was stated by the Senator from Mississippi, that seven or eight years ago a negro committed an offense of this character in Colorado. It was away in the eastern portion of the State, upon the broad unpopulated plains, between the settled parts of Kansas and the settled parts of Colorado; in a section of the State where homes are few and distances between them are great; where many miles measure these distances and the population, whatever it is, live an isolated and lonely existence.

But I want to say, Mr. President, that the press of the State and the churches of the State and the public men of the State almost without exception denounced the deed. I am compelled to say with regret that within the past sixty days another lynching occurred, but it was in nearly the same section. It was a white man that was lynched for the killing of a white official, and in all human probability there would have been another lynching for a like offense shortly thereafter had it not been that the gravest doubt existed as to the identity of the man arrested for the crime.

But, however many cases may be cited it does not justify the substitution of the lawlessness of a mob for the due and orderly administration of the law in conducting government. Especially is this true when, as I am convinced it is, if instead of mob law the due and orderly administration of the law was substituted the number of offenses that provoked the mobs would be greatly lessened and only those who committed the offenses would be punished for them.

It is also true, Mr. President, that mob violence exercised for one crime weakens the bonds of the law when other crimes are committed. It leads to the infliction of death for offenses that are trivial and that would be punished by no more than a fine if the law itself was allowed to have its course. Let me read from the article giving the statistics of mobs for 1906, to which I have heretofore referred. It sets forth the different crimes for which the 73 lynchings were inflicted:

Following were the crimes charged against the 73 victims of mob wrath: Triple criminal assault, 1; criminal assault, 13; attempted criminal assault, 19; assault and murder, 1; murder, 15; attempted murder, 11; murder and robbery, 1; dual murder, 1; quadruple murder, 3; quintuple murder, 1; miscegenation, improper proposals, robbery, carrying pistol—

Lynched to his death for carrying a pistol-

theft of calf, theft of \$1, disorderly conduct, one each. The disorderly-conduct case was an outgrowth of the Atlanta riots. The pistol-carrying incident and that of the theft of \$1 and the theft of a calf provoked wide indignation.

Mr. TILLMAN. Will the Senator give the name of the authority he is quoting? What is it?

Mr. PATTERSON. It is, I think, an Associated Press dispatch. Its date line is New Orleans, and it purports to give all the lynchings in the United States and the causes that led up to them in the year 1906.

Mr. TILLMAN. Who compiled it?

Mr. PATTERSON. I do not know. If it comes from the As-

sociated Press agent at New Orleans, in all probability he is a member of the staff of one of the New Orleans papers.

But, lest there might be some error, let me state that they give in this compilation the number of lynchings charged to each State. Let me see whether or not they have stated that correctly. We have two Senators here from each State and correctly. they must know whether the number against their State is correct. Alabama has five.
Mr. TILLMAN. In what time?

Mr. PATTERSON. In the year 1906. Arkansas, four. Colorado, one, the one to which I just referred. Florida, six; Georgia, nine; Indian Territory, one; Kentucky, three; Louisiana, nine; Mississippi, five; Maryland, one; Missouri, three; North Carolina, five; South Carolina, five; Tennessee, two; Texas, six. Of these lynchings the following were the numbers in each State for criminal assaults and attempts to commit such assaults: Alabama, four; Arkansas, three; Florida, one; Georgia, four; Indian Territory, one; Kentucky, two; Louisiana, four; Mississippi, five; Maryland, one; Missouri, three; South Carolina, Territory, one; Kentucky, two; Louisiana, four;

lina, two; Tennessee, one; Texas, three.

Mr. TILLMAN. Mr. President, I am not prepared—
The VICE-PRESIDENT. Does the Senator from Colorado

yield to the Senator from South Carolina? Mr. PATTERSON. Yes, sir.

Mr. TILLMAN. I am not prepared to verify the accuracy of that statement, but I will say to the Senator that as long as the negroes continue to ravish white women we will continue to

Mr. PATTERSON. If I had supposed that I would have provoked another such utterance as that from the Senator, I would have omitted the State of South Carolina from my summary.

Mr. President, what I appeal for is this (and I do it in behalf of the people of the South as well as in behalf of the people of the North), that it shall not stand unchallenged that the aim of the people and the statesmen of the South is to disfranchise the negro; that the aim is to repeal the fourteenth amendment; that their purpose is to return 10,000,000 negroes to practical bondage, to range them side by side with the horse and the cow upon the plantation, to treat them with kindness if they merit it, to pat them as you pat a swift and kindly horse, to give them food as you would feed your animals, and deprive them of all political rights under the Constitution of our country, in this the greatest and most righteous republic of which the world has

I give it as my opinion that unless this sort of talk by leading southern statesmen is stopped, although it is not in harmony with the best thought of the South, the restoration of Democratic supremacy in any State of the North is unlikely.

Mr. MONEY. Will the Senator permit me again to interrupt

Mr. PATTERSON. Yes, sir. Mr. MONEY. Mr. President, I think the Senator from Colorado has allowed his imagination to be somewhat inflamed by these newspaper figures. I want to ask him what he thinks about the law-abiding people of the South as compared with the law-abiding people of Colorado, and if he believes that there has ever been in the South a state of such revolutionary riot, disorder, violence, and disregard of law as existed in his own State under a dictatorship and a military there when hundreds of people were exported, without any trial, beyond the limits of the State, and nobody was safe and assassination was riot? Has there ever been in the South an exhibition of inefficiency of government and the triumph of a nonlaw-abiding spirit such as there was in Colorado? I am speaking about the year 1904, I think, or 1905 probably, and I want to say that I got it all from the Senator's paper. [Laughter.]
Mr. PATTERSON. Mr. President, I have not hesitated to

speak my sentiments about the things the Senator refers to and my abhorrence of them upon every proper occasion. But I will not digress from the topic in hand for the purpose of taking up that subject now. If I did, it might create the impression that I was arraigning the people of the Southern States along the lines that the Senator from Mississippi has suggested.

I have spoken, Mr. President, to little effect if the Senator from Mississippi believes that I have assailed the people of the South. On the contrary, I have attempted to maintain, in my own weak and imperfect way, that the men who indict the people of the South are few in number, and though distinguished they come from the South itself, and they are not Senators or men or newspapers from the North; for in the North they believe with me that the great mass of southern people, the best thought of the South, the intelligence and the Christianity of the South, revolt at the deeds I have been discussing, and if they could dominate the lawless spirit that breaks loose under provocation of such assaults in their States these violations of the law would cease.

Mr. MONEY. Now, I will ask the Senator to allow me a question.

The VICE-PRESIDENT. Does the Senator from Colorado yield further to the Senator from Mississippi?

Mr. PATTERSON. Certainly.

Mr. MONEY. I am trespassing upon the Senator's courtesy because I know he does not want the actual condition of things to be misrepresented. He has shown what he calls the "law-lessness of the South," not one or two men, but all the South, and my State is one of those that has been arraigned not only as a State, but in the person of its governor. I want to say now, and it will not be contradicted by anybody, that there is not a governor in the United States who has made a more manly, determined, and resolute effort and met with more success to put down the lynching and mob spirit than has the governor of Mississippi. It is true that in his speeches he has spoken without fear, arising from the personal and intellec-tual intrepidity that belongs to him naturally, what he thought about great public questions, but in the execution of the law there has been no more faithful administrator within all the sisterhood of States than the governor of the State of Mississippl. The records bear me out in the statement that he has

risked his own person time and again; that he has prevented many lynchings and brought criminals to justice. other day he offered a reward for a white man who killed two negroes in a difficulty down there, which was begun by the assassination of one conductor and the cutting to pieces of another with a knife by a negro, and the killing of an officer who attempted to arrest the negro. Yet, as two negroes were murdered, the governor has offered a reward for the murderers of those negroes, as well as for the murderers of the white man. I want the Senator to absolve him at least as one of the men of the South who has done everything as governor that could be done by person and doctrine, too, in keeping down the mob spirit and in maintaining and supporting the courts of the

country.

Mr. PATTERSON. Mr. President, what the Senator from Mississippi says as to Governor Vardaman is true. He has put up a manly front against the things I am decrying. The only thing that I said, or intended to say, about Governor Vardaman was that he is one of the few public men who have expressed themselves as demanding the repeal of the fourteenth and fifteenth amendments. To that extent I think the Senator from Mississippi will admit that I do not do him an injustice.

Mr. MONEY. Mr. President, if the Senator will allow me, I was only replying to the charge of general violence through out the South and the record of lynching in my State, as well as others, going into his own State. The effect is as to all

States, but the sermon is as to the South.

Mr. PATTERSON. I had attempted to show, Mr. President, not that lawlessness was extant over the South. I thought that I had succeeded in making the Senate feel that my views were different. What I attempted to express is that certain violent utterances in the North by some representative men of the South convey the impression to the North that they represent a public sentiment in the South that upholds mob lynchings to vindicate the law. This I know every Senator from the South, with few exceptions, does not approve of.

I repeat, Mr. President, what I have before suggested, that the best thought of the South is not in line with utterances that glory in the lynching of any man, whatever his crime, in an old-established and civilized society. It is not in line with the thought that would restore the negro practically to a state of bondage, but it is looking forward to the solving of these great problems along lines of reason and justice and common sense, recognizing that the white and the black must live together and that it is utterly impossible that the nation will consent to the disfranchisement of 10,000,000 of its people whom it enfranchised at the close of the civil war; and that it be-lieves that the men of the South should set themselves about solving this tremendous problem along lines totally different

from those adopted by the men to whom I refer.

Mr. President, the man who presides over the University of Virginia, the great institution of learning that was founded by Thomas Jefferson, in touching upon this subject said:

The best southern people are too wise not to know that posterity will judge them according to the wisdom they use in this great concern. They are too just not to know that there is but one thing to do with a human being, and that is to give him a chance.

Professor Woodward, of Trinity College, of the State of South Carolina-

Mr. TILLMAN. North Carolina, I think.

Mr. PATTERSON. Of North Carolina, made this statement: What is to be done with the negro race? It must somehow be built into this national fabric, and organically incorporated with the national life and character.

Mr. OVERMAN. Who is that? Mr. PATTERSON. Professor Woodward, of Trinity College.

Mr. TILLMAN. If the Senator will permit me—
Mr. PATTERSON. I find these quotations in a late article written by Washington Gladden, and I do not believe he

Mr. TILLMAN. He is simply mistaken. I do not suppose he intended to say something not true, but there is no Trinity College in South Carolina.

Mr. SIMMONS.

Mr. SIMMONS. Mr. President—
Mr. PATTERSON. Is there a President Woodward in South Carolina?

Mr. TILLMAN. No.

There is a Trinity College in North Caro-Mr. SIMMONS. lina, but I do not think there is any such professor there. I have never heard of any such man in North Carolina.

Mr. PATTERSON. There seems to be-

Mr. OVERMAN. I am a trustee of the college and I know of no such man there now, and I do not think there has been.

Mr. PATTERSON. Is there a President Kilgo in Trinity

Mr. OVERMAN. Yes, sir.
Mr. PATTERSON. Very well, we have the man located in North Carolina, as president, I believe, of Trinity College. I suppose Kilgo would fairly represent the best thought of the South.

Mr. OVERMAN. He is a South Carolinian.

Mr. PATTERSON. He is a South Carolinian and the president of Trinity College, in North Carolina. Now, to demonstrate how North Carolina stands, let me read what President Kilgo

For a superior race to hold down an inferior one simply that the superior race may have the services of the inferior was the social doctrine of mediavalism. To deny the negro the strongest and the highest influences is to enslave him to a life of moral weakness and moral degradation. And the God who made him, in the final settlement of human history, will not likely overlook such unrighteous conduct.

Rev. Edgar Gardner Murphy, of Alabama, had something to say upon this question, and it was this:

While the development of the higher life (of the negro) may come slowly, even blunderingly, it is distinctly to be welcomed.

Mr. President, I heartily echo these sentiments of the distin-

guished scholars and educators of the South. I can not give a certain panacea for these troubles, but I think there is one panacea that is well worth trying. It is the enactment of just and righteous laws under the Constitution, the execution of those laws, and the discountenancing upon every provocation of mob law and lynchings because merely accused of crime. Continue as the South has begun, to educate the negro, make him safe in his property holdings, surround him with influences that will improve his moral character, and above all impress him with the justice and humanity of the dominant race. The negro has become a part of this national fabric; his place in it must be a logical one; it must be one in which he can maintain his selfrespect and enjoy the benefits and bear the burdens of a Government he helps to maintain. This does not embrace the idea of social equality at all. No one is so ignorant in this day and generation as to regard it as within the pale of possibility. The problem must be worked out along lines of law and righteousness. If that shall be done, the difficulties will vanish with the advance of time, and peace and hearty cooperation will take the place of strife and industrial chaos.

Mr. CULLOM and Mr. FORAKER addressed the Chair. The VICE-PRESIDENT. The Senator from Illinois. the Senator from Illinois yield to the Senator from Ohio?

Mr. CULLOM. Not for a speech. I wish to move an execu-

tive session after giving a notice.

Mr. FORAKER. I rose, Mr. President, to ask that the resolution which has been under consideration may go over with the understanding and agreement that it shall be taken up at the close of the routine morning business on Monday.

Mr. CULLOM. Mr. President, I rose for the purpose, first, of giving notice that on Monday morning, immediately after the morning business is over, I would ask the Senate to take up the legislative, executive, and judicial appropriation bill, and complete it before there is further discussion upon any other ques-

Mr. FORAKER. Mr. President— Mr. CULLOM. I hope Senators will bear in mind that the appropriation bills must be considered as they come along. Otherwise we will reach the 4th of March without the neces sary appropriations having been made and an extra session will be forced upon us.

Mr. FORAKER. I make the request subject to the right of the appropriation bill, if the Senate is ready to proceed with it at that time. I understand it will not take a great while to

dispose of it. Mr. CULLOM.

Mr. CULLOM. I hope not. The VICE-PRESIDENT. The Senator from Ohio asks unanimous consent that the pending resolution shall go over, to be taken up immediately after the routine morning business on Monday next, but not to interfere with the pending appropriation bill. Is there objection? The Chair hears none, and it is so ordered.

# LOUIS A. BAIRD.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5001) granting an increase of pension to Louis A. Baird; which was, in line 8, to strike out "thirty-six" and insert "thirty."

Mr. CULLOM. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

# EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the January 1, 1907.

consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, January 14, 1907, at 12 o'clock meridian.

### NOMINATIONS.

Executive nominations received by the Senate January 12, 1907. COLLECTOR OF CUSTOMS.

Charles H. Marchant, of Massachusetts, to be collector of customs for the district of Edgartown, in the State of Massachusetts. (Reappointment.)

### PROMOTION IN THE REVENUE-CUTTER SERVICE.

Third Lieut. William Clayton Ward to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from December 25, 1906, in place of Second Lieut. Henry Ulke, jr., promoted.

## ASSISTANT SECRETARY OF THE TREASURY.

Arthur F. Statter, of the State of Washington, to be Assistant Secretary of the Treasury, in place of Charles H. Keep, resigned. RECEIVER OF PUBLIC MONEYS.

John J. Lambert, of Colorado, to be receiver of public moneys at Pueblo, Colo., to take effect March 3, 1907, at the expiration of his present term. (Reappointment.)

### REGISTER OF LAND OFFICE.

Samuel A. Abbey, of Colorado, to be register of the land office at Pueblo, Colo., to take effect March 3, 1907, at the expiration of his present term. (Reappointment.)

### UNITED STATES MARSHAL.

Dewey C. Bailey, of Colorado, to be United States marshal for the district of Colorado. A reappointment, his term expiring February 25, 1907.

### CONFIRMATIONS.

Executive nominations confirmed by the Senate January 12, 1907.

### INDIAN INSPECTORS.

Arthur M. Tinker, of Massachusetts, to be an Indian inspector, his term having expired December 19, 1906.

James McLaughlin, of North Dakota, to be an Indian in-spector, to take effect January 19, 1907, at the expiration of his

## APPOINTMENTS IN THE ARMY.

## General officers.

Brig. Gen. J. Franklin Bell to be major-general from January 3, 1907. Col. Edward S. Godfrey, Ninth Cavalry, to be brigadier-

general.

# PROMOTIONS IN THE ARMY.

## CAVALRY ARM.

## To be captain.

First Lieut, Guy S. Norvell, Eighth Cavalry, from October 2,

# To be first lieutenants.

Second Lieut, Guy Kent, First Cavalry, from August 2, 1906. Second Lieut. Copley Enos, First Cavalry, from August 10,

Second Lieut, Emory J. Pike, Second Cavalry, from August 20,

Second Lieut. Williams S. Martin, Fourth Cavalry, from September 13, 1906. Second Lieut. Frank E. Sidman, Eighth Cavalry, from Septem-

ber 13, 1906. Second Lieut. Frederick Mears, Fifth Cavalry, from Septem-

ber 20, 1906.

Second Lieut. Alden M. Graham, First Cavalry, from October 1, 1906.

## ARTILLERY CORPS.

## To be first lieutenant.

Second Lieut. Norris Stayton, Artillery Corps, from December

## INFANTRY ARM.

Lieut. Col. Charles L. Hodges, Twenty-third Infantry, to be colonel from January 1, 1907.

Maj. Edwin F. Glenn, Fifth Infantry, to be lieutenant-colonel from January 1, 1907.

Capt. Zebulon B. Vance, Eleventh Infantry, to be major from

## To be captains.

First Lieut. Josiah C. Minus, Tenth Infantry, from October 6, 1906.

First Lieut. Charles M. Bundel, Twenty-fifth Infantry, from October 20, 1906.

First Lieut. Laurence Halstead, Thirteenth Infantry, from October 20, 1906.

First Lieut. Frederick W. Van Duyne, Fourth Infantry, from October 31, 1906.

First Lieut. Charles D. Herron, Eighteenth Infantry, from November 2, 1906.

First Lieut. James Hanson, Fourteenth Infantry, from December 2, 1906.

First Lieut. Fred R. Brown, Ninth Infantry, from December 4, 1906.

First Lieut. William T. Merry, Twenty-third Infantry, from December 15, 1906.

PROMOTIONS IN PORTO RICO PROVISIONAL REGIMENT OF INFANTRY.

Second Lieut. Teofilo Marxuach, Porto Rico Provisional Regiment of Infantry, to be first lieutenant from November 20, 1906. Second Lieut. Eugenio C. de Hostos, Porto Rico Provisional Regiment of Infantry, to be first lieutenant from November 20, 1906.

#### POSTMASTERS.

#### ARKANSAS.

Eva V. Harrington to be postmaster at Earl, in the county of Crittenden and State of Arkansas.

### CONNECTICUT.

Arthur B. Jelliffe to be postmaster at Saugatuck, in the county of Fairfield and State of Connecticut.

#### ILLINOIS.

John B. Stout to be postmaster at Lawrenceville, in the county of Lawrence and State of Illinois.

### INDIANA.

Edward L. Troop to be postmaster at Paoli, in the county of Orange and State of Indiana.

### INDIAN TERRITORY.

A. E. Martin to be postmaster at Marietta, District 26, Ind. T.

William J. Scott to be postmaster at Ida Grove, in the county of Ida and State of Iowa.

### MARYLAND.

Charles W. Farrow to be postmaster at Snow Hill, in the county of Worcester and State of Maryland.

### OREGON.

Edward D. Starr to be postmaster at Brownsville, in the county of Linn and State of Oregon.

# PENNSYLVANIA.

John C. F. Miller to be postmaster at Rockwood, in the county of Somerset and State of Pennsylvania.

### NEW MEXICO.

Tennessee C. Hill to be postmaster at Dawson, in the county of Colfax and Territory of New Mexico.

### NEW YORK

George Anderson to be postmaster at Castleton, in the county of Rensselaer and State of New York.

Paul R. Clark to be postmaster at Auburn, in the county of Cayuga and State of New York.

David Doremus to be postmaster at Piermont, in the county of Rockland and State of New York.

Amelia L. Tyler to be postmaster at Hurleyville, in the county of Sullivan and State of New York.

Sarah H. Young to be postmaster at Cornwall Landing, in the county of Orange and State of New York.

## OKLAHOMA.

Jeannette L. Baker to be postmaster at Ponca, in the county of Kay and Territory of Oklahoma.

John D. Warford to be postmaster at Erick, in the county of Greer and Territory of Oklahoma.

### VIRGINIA.

Charles A. McKinney to be postmaster at Cape Charles, in the county of Northampton and State of Virginia.

Annie E. Martin to be postmaster at Waverly, in the county of Sussex and State of Virginia.

Robert L. Poage to be postmaster at Wytheville, in the county of Wythe and State of Virginia.

# WEST VIRGINIA.

Isaac M. Adams to be postmaster at Ravenswood, in the county of Jackson and State of West Virginia.

Charles Edwards to be postmaster at Montgomery, in the county of Fayette and State of West Virginia.

James N. Knox to be postmaster at Shinnston, in the county of Harrison and State of West Virginia.

Benjamin R. Twyman to be postmaster at Cairo, in the county of Ritchie and State of West Virginia.

# SENATE.

# Monday, January 14, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. Gallinger, and by unanimous consent, the further reading was dispensed with. The VICE-PRESIDENT. The Journal stands approved.

### TIMBER ON THE MENOMINEE RESERVATION, WISCONSIN.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs, submitting certain correspondence in relation to legislation authorizing the cutting and disposal of dead and down timber on the Menominee Reservation in the State of Wisconsin; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

### SURVEY OF TANANA RIVER, ALASKA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from Maj. W. P. Richardson, Ninth Infantry, president of the Alaska Route Commission, submitting the engineer's report of the reconnoissance and preliminary survey of a land route from the navigable waters of the Tanana River, at or near Fairbanks, to the vicinity of Council City, in the Seward Peninsula, Alaska, for a mail and packet trail along such route, etc.; which, with the accompanying papers and maps, was referred to the Committee on Territories, and ordered to be printed.

### CHESAPEAKE AND DELAWARE BAYS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, the report of the Commission appointed by the President of the United States to examine and report upon a route for the construction of a free and open waterway to connect with the Chesapeake and Delaware bays; which, with the accompanying papers and maps, was referred to the Committee on Commerce, and ordered to be printed.

# ALLOTMENT OF INDIAN LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs, submitting the draft of an item of proposed legislation for the purpose of permitting a patent in fee simple to be issued to Fred Endsworth, Peoria allottee, for land allotted to him in the Indian Territory; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

### MAIL MATTER OF DEPARTMENT OF COMMERCE AND LABOR.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a record of mail matter entered at the Washington city post-office under the penalty privilege by the Department of Commerce and Labor during the past six months; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House insists upon its amendment to the bill (S. 5119) authorizing the extension of W and Adams streets NW.; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Babcock, Mr. S. W. Smith, and Mr. Sims managers at the conference on the part of the House.

The message also announced that the House had passed the following bill and joint resolution:

S. 6855. An act to amend the act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea;" and
S. R. 76. Joint resolution providing for an extension of time

S. R. 76. Joint resolution providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C.

#### ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 189) to establish a life-saving station at the Isle of Shoals, off Portsmouth, N. H., and it was thereupon signed by the Vice-President.

#### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented memorials of sundry citizens of the United States, remonstrating against any intervention on the part of the United States in the administration of the government of the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented the petition of Frederick Lawrence, of the State of New York, praying that proper action be taken to prevent the election of Simon Guggenheim to the United States Senate; which was referred to the Committee on Privileges and

Mr. FRYE presented a petition of sundry citizens of Maine, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented the petition of William A. Paul, of Maine, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

Mr. CULLOM presented a petition of the National Business League of Chicago, Ill., praying for the reorganization of the consular service; which was referred to the Committee on Foreign Relations.

He also presented a petition of the State Grange, Patrons of Husbandry, of Illinois, praying for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the State Grange, Patrons of Husbandry, of Illinois, praying for the election of United States Senators by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the State Grange, Patrons of Husbandry, of Illinois, praying for the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the State Grange, Patrons of Husbandry, of Illinois, remonstrating against the enactment of legislation providing for the free distribution of seeds and plants by the Government; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the State Grange, Patrons of Husbandry, of Illinois, remonstrating against the passage of the so-called "ship-subsidy bill;" which was referred to the Committee on Commerce.

He also presented a petition of the National Business League, of Chicago, Ill., praying for the enactment of legislation providing for the preservation of the public domain; which was referred to the Committee on Public Lands.

He also presented a petition of the Illinois State Teachers' Association, praying for the continuance of the simplified system of spelling as recommended by the President; which was referred to the Committee on Education and Labor.

He also presented a petition of the State Grange, Patrons of Husbandry, of Illinois, and a petition of the Retail Merchants' Association of Assumption, Ill., praying that an appropriation be made for the construction of a deep waterway from the Lakes to the Gulf of Mexico; which were referred to the Committee on Commerce.

Mr. GALLINGER presented a memorial of the New England Waterworks Association, of Boston, Mass., remonstrating against any further reduction being made in the appropriation for the gauging of streams and other investigations of the water resources of the country; which was referred to the Committee on the Geological Survey.

He also presented a petition of the Parker Boiler Company, of Philadelphia, Pa., and a petition of the National Association of Manufacturers, of New York, praying for the enactment of legislation providing for the preservation of the models in the United States Patent Office; which were referred to the Committee on Appropriations.

He also presented a petition of the Civic Center Organization, of Washington, D. C., praying for the enactment of legislation to extend the provisions of the present smoke law in the District of Columbia to railway locomotives; which was referred to the Committee on the District of Columbia.

He also presented a petition of the North Washington Citizens' Association, of Washington, D. C., praying for the enactment of legislation providing for the reduction in the price of gas in that city to 75 cents per 1,000 feet; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the North Washington Citizens' Association, of Washington, D. C., remonstrating against an appropriation of \$5,000 being made to Prospect Hill Cemetery, and praying for the enactment of legislation providing for the opening of W and Adams streets NW., in that city; which was referred to the Committee on the District of Columbia.

Mr. BERRY presented a petition of the congregation of the Methodist Episcopal Church of Van Buren, Ark., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented the memorial of W. W. Hastings, national attorney for the Cherokee Nation, of Muscogee, Ind. T., remonstrating against the enactment of legislation to empower the Court of Claims to ascertain the amount to be paid in certain litigation against intermarried whites in the Cherokee Nation; which was referred to the Committee on Indian Affairs.

Mr. DEPEW presented the memorial of John A. Randall and 50 other citizens, of Oxford, N. Y., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. STONE. I present resolutions adopted by the house of representatives of the State of Missouri, relative to the deepening of the channel of the Mississippi River and its tributaries. I ask that the resolutions be read and referred to the Committee on Commerce

There being no objection, the resolutions were read, and referred to the Committee on Commerce, as follows:

STATE OF MISSOURI, HOUSE OF REPRESENTATIVES, City of Jefferson.

Whereas the rapid increase in the manufacturing and agricultural output of the great valley of the Mississippi having during the last few years taxed our transportation facilities to their utmost capacity; and

Whereas our great and rapidly growing commerce will in the no distant future render our present transportation facilities absolutely inadequate to the necessities of that commerce:

Resolved, That our Senators and Representatives in Congress be requested to use all honorable means to secure the deepening of the channels of the Mississippi and its tributaries to the end that in the no distant future this great and productive valley may possess a navigable waterway from St. Anthony and the Great Lakes to the Gulf and from the Alleghenies to the Rocky Mountains open to all who wish to navigate it and free from private or corporate control.

Resolved further, That the chief clerk of the house is hereby instructed to supply each of our Senators and Representatives in Congress with a copy of this resolution.

Mr. STONE presented petitions of the Commercial Club of Cape Girardeau; of the Retail Merchants' Association of Jop-lin; of Zener & Reed, of Taberville; of the directors of the Bank of New Hamburg; of Schoen & Co., of New Hamburg, and of W. L. McRae, of College Mound, all in the State of Missouri, praying that an appropriation be made for the construction of a deep waterway from the Lakes to the Gulf of Mexico; which were referred to the Committee on Commerce.

Mr. BURKETT presented a memorial of the State legislative committee of the Order of Railway Conductors, of Lincoln, Nebr., remonstrating against the enactment of the so-called "sixteen-hour bill;" which was ordered to lie on the table.

He also presented a petition of sundry citizens of Lincoln, Nebr., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Commercial Club of Lin-coln, Nebr., praying for the enactment of legislation providing for the reclassification and increase in the salaries of postal clerks in all first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Orville R. Perry, of the State of Nebraska, and the petition of Benjamin J. McConnell, of the State of Nebraska, praying for the enactment of legisla-tion for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which were referred to the Committee on Claims.

He also presented a memorial of sundry citizens of Tekamah, Nebr., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. LONG presented a memorial of sundry citizens of Rice County, Kans., and a memorial of sundry citizens of Tampa, Kans., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a petition of the congregation of the First Presbyterian Church of Sterling, Kans., and a petition of the congregation of the Baptist Church of Sterling, Kans., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the Dark Tobacco Planters' Protective Association of Tennessee, Kentucky, and Virginia, praying for the enactment of legislation to remove the internalrevenue tax on leaf tobacco; which was referred to the Commit-

tee on Finance.

He also presented sundry papers to accompany the bill (S. 7475) granting an increase of pension to William D. Hudson;

which were referred to the Committee on Pensions.

Mr. HEMENWAY presented a memorial of the Hebrew Congregation of Indianapolis, Ind., and a memorial of the B'nai B'rith Society of Indianapolis, Ind., remonstrating against the enactment of legislation to further restrict immigration; which were referred to the Committee on Immigration.

He also presented a petition of the Board of Trade of Indianapolis, Ind., praying for the enactment of legislation to regulate the issuance of bills of lading; which was referred to the Com-

mittee on Finance.

Mr. TELLER presented petitions of the Trades Assembly of Denver, of the Tile and Marble Setters' Union of Denver, of the Woman's Auxiliary to Organized Labor of Colorado, of the Journeymen Plumbers and Gasfitters' Union of Denver, of the Retail Clerks' Union of Denver, and of Cigar Makers' Union No. 306, of Pueblo, all in the State of Colorado, praying for the enactment of legislation providing for the extension of the Chinese-exclusion law so as to include Japanese and Koreans; which were referred to the Committee on Immigration.

Mr. ELKINS presented sundry papers to accompany the bill (S. 7627) granting an increase of pension to Waldo W. Gifford;

which were referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 7625) granting an increase of pension to Perry H. Johnson; which was referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 7628) granting an increase of pension to John P. Wildman;

which were referred to the Committee on Pensions. He also presented a paper to accompany the bill (S. 7624) granting an increase of pension to Andrew Ogle; which was referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 7626) granting an increase of pension to Enoch Childers; which was referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 6536) granting an increase of pension to Benjamin Woosley; which was referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 3500) for the relief of C. A. Grose; which were referred to the Committee on Claims.

He also presented a paper to accompany the bill (S. 7631) for the relief of Jasper Workman; which was referred to the Committee on Claims.

Mr. MARTIN presented a petition of sundry citizens of Conley, Berlin, and Franklin, all in the State of Virginia, praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a paper to accompany the bill (S. 6501) for the relief of William F. McKimmy, administrator of John Mc-Kimmy, deceased; which was referred to the Committee on Claims.

He also presented a memorial of Schiller Lodge, No. 3, Independent Order of Odd Fellows, of Richmond, Va., and a memorial of the Germania Benevolent Association, No. 1, of Richmond, Va., remonstrating against the enactment of legislation to further restrict immigration; which were referred to the Committee on Immigration.

Mr. SIMMONS presented sundry petitions of citizens of Elizabeth City, Raleigh, Newbern, and Taylorsville, all in the State of North Carolina, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

Mr. BEVERIDGE presented the memorial of W. H. Whittaker, of Jeffersonville, Ind., remonstrating against the enactment of legislation providing for the protection of labor and industries from the competition of convict labor and manufactures; which was referred to the Committee on the Judiciary.

He also presented memorials of the B'nai B'rith Society and of the Hebrew congregation of Indianapolis, Ind., remonstrating against the enactment of legislation to further restrict immigration; which were referred to the Committee on Immigration.

He also presented a petition of the Board of Trade of Indianapolis, Ind., praying for the enactment of legislation to regulate the issuance of bills of lading; which was referred to the Committee on Finance.

Mr. CLAPP presented a petition of the Real Estate Exchange of Duluth, Minn., praying for the enactment of legislation providing for the construction of a breakwater at the entrance of the harbor at that city; which was referred to the Committee

#### SIZE OF BATTLE SHIPS.

Mr. HALE. Mr. President, I present two very strong and well-written papers upon the question of the size of battle ships. As Congress will be confronted with that question during the session, I ask that the two papers presenting the opposite sides, one by Capt. A. T. Mahan, of the United States Navy, and the other by Lieut. Commander William S. Sims, United States Navy, may be printed as a document and referred to the Committee on Naval Affairs.

I wish to say to Senators who take an interest in this most important question that the reading of both these papers will

be found to be valuable.

Mr. BACON. I should like to inquire of the Senator from Maine if these two documents are too long to be properly inserted in the Record. The reason why I make the inquiry is because it is a matter of extreme importance and very great interest; and public documents are not only not accessible generally to the public, but they are not seen generally by Members of Congress. While I will not make the suggestion if they are voluminous, I really think if they are short the subject-matter is of sufficient importance to depart from the usual rule and insert them in the RECORD.

Mr. HALE. They are not of great length. One great merit about each of the papers is its clearness and conciseness of statement. I have no objection that, in addition to being printed as a document and referred to the committee, they be printed in the RECORD.

Mr. BACON. I hope that may be done, Mr. President. The VICE-PRESIDENT. The Senator from Maine requests that the two papers presented by him be printed in the RECORD and also be printed as a document and referred to the Committee on Naval Affairs. Is there objection? The Chair hears none, and it is so ordered.

The papers referred to are as follows:

REFLECTIONS, HISTORIC AND OTHER, SUGGESTED BY THE BATTLE OF THE JAPAN SEA.

[By Capt. A. T. Mahan, U. S. Navy.]

REFLECTIONS, HISTORIC AND OTHER, SUGGESTED BY THE BATTLE OF THE JAPAN SEA.

[By Capt. A. T. Mahan, U. S. Navy.]

The principal and determining features of the battle of the Japan Sea have been made known to us by the official reports; but many details are wanting, and, as was justly remarked in a very able article in Blackwood's Magazine for last February, probably can never be supplied, the drama having passed too rapidly and the actors having been too busily occupied to take precise notes. The writer of the paper therefore devoted part of his space to an investigation of the problem and to an attempt to reconstitute the earlier features of the engagement, as well as its subsequent phases. It is to this discussion that I owed the study embodied in the following plan, in which I have also availed myself of some of his data, more particularly with reference to the train of the guns of either party; but the particular line of inquiry which I have followed differs, I think, somewhat from his. It is in any event merely tentative, and its principal use, except as an attempt to solve a question of reasonable professional interest, lies in familiarizing the mind with some of the conditions of the encounter and so making more easy the reflections which appear to follow naturally from considering the relative position of the combatants.

Admiral Togo in his report says that at 1.45 p. m. the Russians were first seen from his flagship "a few miles to the south." As they were known to be heading northeast, he then steered southwest, to deceive them into the impression that he meant to pass by in an opposite parallel direction. He does not report whether his fleet during this demonstration was in line abreast or line ahead. The latter might readily be presumed, but I have seen no positive statement to that effect; whereas one Russian account explicitly says: "A little after 12 (the other times of this account are a half hour fast) seventeen powerful ships of the enemy were sighted in line abreast, holding a course from nor

2.05, I draw the line  $R^\circ$   $J^\circ$  making with the northeast course an angle of 50°, giving a compass bearing of N. 5° W., or 40° forward of the Russian beam. This is conjecturally the bearing of the head of the Japanese column when round to an east course, and as part of the Russian battery would then bear but scantily, the movement of keeping off, which ensued at once, and before opening fire, would be natural. Upon the line  $R^\circ$   $J^\circ$  lay of by scale the distances 4, 5, 6, and 7 miles, which in yards would be respectively eight, ten, twelve, and fourteen thousand. Like the bearing, these distances are conjectural, but the truth very probably lies somewhere between the two extremes. Accepting them successively, and laying off from each a compass northeast, we have for each the southwest line down which the Japanese ran while the Russians were moving northeast 4 miles, from  $R^+$  to  $R^2$ . Admiral Togo has not favored us with his rate of steaming on this course, but as there was no cause for haste, rather the reverse, I presume he did not go over 2 or 3 miles to the Russian 4. Taking such distance as rather less than 3 miles, we get the several positions,  $J^+$  corresponding to  $R^2$ , according to the several estimates of the distance between the opponents at the moment when the Japanese went about and the Russians opened fire. By protractor and scale it appears that for a distance of  $R^2$ , according to the several estimates of the distance of 5 miles, S. 25° W., distant something over 12 miles; for a distance of 5 miles, S. 25° W., distant something over 12 miles; for a distance of 5 miles, the reverse admiral preserved to himself interior lines of movement—shorter distances to cover—whatever course the Russians might take, unless they retreated. That is, he secured

67% 6.W

for himself the certainty of bringing the enemy to battle, quite irrespective of any superiority of speed on his part. The course steered by each from R² and J² by their intersection complete a triangle, of which much the longer side belonged to the Russians. Not unless Togo, steering SW., had continued to the line R² T, bringing the enemy at R² to bear SSE, would the distance to be run have become equal; and the consequences of such continuance, entailing not only more distance to run, but more extreme train for his guns and less for those of the Russians, were too obvious to be tempting. Whatever use be made of this primary advantage, however, the admiral had secured it by the position taken on full information. All things considered, the most commanding bearing on which to have the enemy was due south, and it is probable that he did not greatly depart from that to either hand before going about. Again, should both fleets continue on their respective courses, east and northeast, maintaining equal speeds—as to 7² and R²—not only would they draw together, but the Japanese, having the interior line, would draw ahead at their discretion, throwing the Russian broadsides more and more out of action. Further, in order to overcome this disadvantage, the Russians would need a speed of 14 knots to a Japanese 10, or 17 to a Japanese 12—a difference of speed beyond that contemplated as possible in clean-bottomed ships by either the advocates or opponents of very high speed in battle ships. This difference in favor of the Japanese resulted from choice of position relative to the enemy's probable objects, and not from the superiority of speed they undoubtedly possessed.

Prior to the late war the importance of speed to battle ships was necessarily discussed and determined upon a priori reasoning. It will be well to see what further light may seem to be thrown upon the

question by the events of the war itself. Concerning this there is necessary the warning that such illustration is inevitably partial; for necessary the warning that such illustration is inevitably partial; for the door of the concrete over the abstract, and will itself give occasion to some the odogmatic. As far as it goes, however, it will possess the advantage of the concrete over the abstract, and will itself give occasion to some theoretical reasoning based upon simple geometrical considerations, and itself but an instance of this, for the Russian aim there was not to destroy the enemy, but to escape to Vaddyostok. It was the cardinal feature of the campaign as a whole on their part, that no decided attempt was ever made to destroy the Japanese fleet by sheer hard fighting. This applies more particularly to the Port Arthur division in and August 10, 1904, in aeither of which can be traced the slightest induces of the Nelsonic maxim, "By the time the enemy has beaten as soundly, they would do no more harm this pent." Having thus and active the compelled to adopt first a defensive strategic object—that, namely, of reaching Vaddrostok with as little fighting as possible, in order to sillicion with their opponents, and also to associate to himself such their part, and the such as a sundly, they would will be such a such as a sundly in the such as the place contained. His fleet was the last maxim lope of trustal, as Togós had all along been the sole naval runs and the such as the place contained. His fleet was the last maxim lope of trustal, as Togós had all along been the sole naval runs and the such as the su

close behind.

An instance partly in point was afforded in Kamimura's pursuit of the Port Arthur division of armored cruisers in August, 1904. The Rurik having been disabled in the engagement, Kamimura pressed on after her two consorts, leaving the reduction of the Rurik to two of his unarmored cruisers. The Rurick's speed being reduced and her steering gear damaged, the Japanese vessels, though inferior in force and only of equal original speed, were enabled to maintain their positions under her stern, where her power of injuring them was reduced to a minimum, and they kept her engaged until their armored vessels returned, when the Russians opened her valves and she sank. This presented the essentials of a general chase in the holding of an enemy's vessel till the main force comes up—in this case, back; and the incident of inability to steer is precisely one of the determining features in a general chase, for the rear vessel in such case can not deflect. She must keep on after her consorts; for, if she turns to fight, she facilitates the approach of the enemy's slower main body. To this chiefly was due the preponderance of injury received from a weaker opponent by the American frigate

President when chased by a British squadron in 1815. She could not turn upon her immediate assailant because of the latter's consorts following at a distance in her wake. So the British frigate Penelope hung effectively upon the quarters of the French eighty-gun ship Guillaume Tell, seeking to escape from Malta in 1800, and contributed powerfully to her capture by the squadron, the approach of which prevented the ship of the line turning her broadside on her swift but netty for

investigate a distance in her wake. So the British frigate Penelopiung effectively upon the quarters of the French eighty-gua ship Guidanne Tell, seeking to escape from Many, 1905, the Japaness hip Guidanne Tell, seeking to escape from Many, 1905, the Japaness hattle prevented the ship of the line turning her broadside on her swift but potty for.

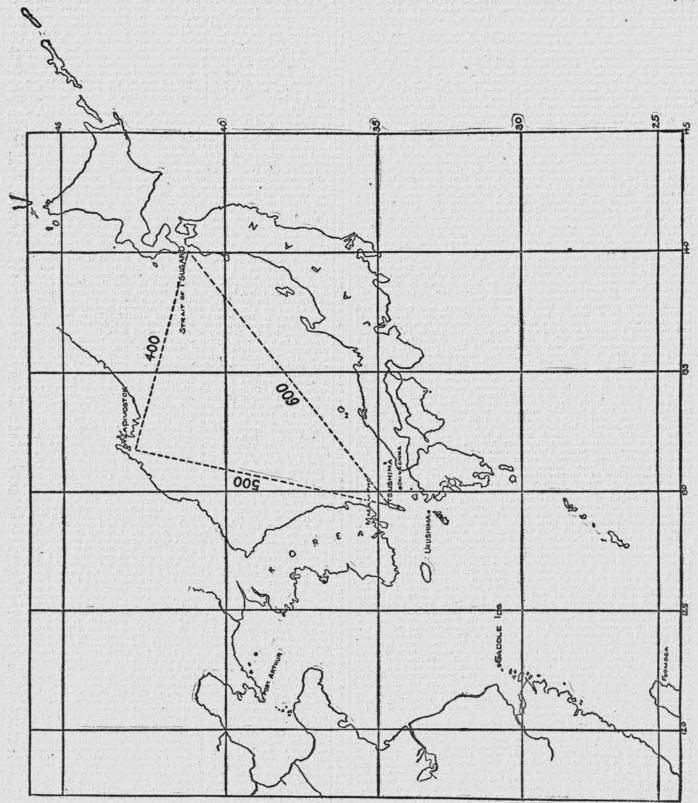
In the proper had over the Russian an advantage of 2 or 3 knots speed at the time when Riodestreaky came abresat the north point of Formosa, the moment when the strategic campaign may be said to have the proper had over the Russian and advantage of 2 or 3 knots speed to Admiral Togo? The latter had to consider that, granting the Russians had coal enough, it was open to them either to proceed by the Straits of Korea, as they did to the contract of the top of the Hussians had coal enough, it was open to them either to proceed by the Many of the Company of the Company

• Togo's report reads: "The different sections of the fleet at once (5 a. m.) commenced their hostile operations along the lines respec-tively laid down for them in the prearranged plan."

could see the enemy with my own eyes, to know that the enemy's fighting sections comprised the whole of the second and third squafron; tenemy's slighting sections comprised the whole of the second and third squafron; tenemy's slighty were disposed in a double column formation; that their strength was placed at the head of the right column, with the special content of the column of the column

Before summarizing a conclusion, let us note one prominent feature of the battle of the Japan Sea, commonly to the partial engagement of the previous August 10, the bearing of which upon the question of speed, seems to me to have engaged little attention. One of the frequent incidents of both actions is the damage to funnels, either complete destruction or large perforation, destroying or diminishing draft,

and with it speed. If the battle ships keep together, which, as a rule, they should, the fleet speed is reduced at once to that of the injured ship. This factor does not come into play in the movements which precede the action, but it may seriously affect conditions of flight and pursuit, as also the power conferred by superior engine development in subsequent operations by fleets distant from their means of repair.



The loss of a modern funnel will be like the loss of a former-day lower mast. Certainly no discussion of the utility of speed obtained at the sacrifice of gun power can be adequate if it does not take full account of this specific result, which has also a further bearing. The funnels are open to serious injury by guns of that secondary battery,

6 to 8 inch, which there is now a tendency to discard. It has long been my own opinion that the so-called "secondary battery" is really entitled to the name primary, because its effect is exerted mainly on the personnel rather than the material of a vessel; and I am glad to find this view supported by the author of the article in Blackwood, though he

does not use the same words. Whatever the improvements in quickness of handling I2-land guns, it can scarcely be that, with an equal greater number and more rapidly discharged pieces of smaller caliber; and when within the limits of useful perforation, volume of five, multiple the provided of the control of the mailer calibration of the first best to summer the control of the Japan Sea throw suggestive light upon the question of primary and secondary arraments, so called; but it is first best to sum of the provided of the pro

from their limited sphere of action, which it was attempted to transfer to the deep sea. Not for the first time, nor yet for the last, menter to the deep sea. Not for the first time, nor yet for the last, menter to the deep sea. Not for the first time, nor yet for the last, menter to the deep sea. Not for the first time, nor yet for the last, menter the last of th

were blinded by the volume of shells from the Japanese guns. This result being upon the personnel goes far to establish the state of the personnel goes far to establish the state of the personnel goes far to establish the state of the personnel goes far to establish the state of the personnel goes far to establish the state of the personnel goes far to establish the state of the personnel goes far to establish the state of the personnel goes far to establish the state of the personnel goes and the state of the personnel goes to the personnel goes and of the state of the personnel goes and of distant action. The latter is to be enforced by the combit part of the personnel goes and of distant action. The latter is to be enforced by the combit and the personnel goes and the personnel goes and the personnel goes and the state of the state of the personnel goes and the state of the state of the personnel goes and the state of the state of the personnel goes and the state of the state of the personnel goes and the state of the state of

dications. No one is contending for no speed; but there are those who contend that speed is merely for bringing offensive power into play; that when it exceeds this, and expects to achieve success by running, it has small object, for the sea does not habitually, nor often, present positions at which by anticipating an enemy you achieve strategic effect, it sometimes does, but the rule is otherwise; and in the exceptional cases the observance of strategic considerations of position and interior lines will offen, as in Togo's recent action, accomplish quite as much as ling the enemy; offensive power within that of crushing him.

The question of primary and secondary batteries also is not one of compromise, except as defined above. The one or the other must have its superiority admitted, and the inferior be discarded or duly subordinated. As this question supposes the fleets in presence, it is tactical, not strategical. I have aiready advanced the arguments in the matter, and now will only draw attention to the fact that here again speed, better that the property of the pr

THE INHERENT TACTICAL QUALITIES OF ALL-BIG-GUN, ONE-CALIBER BAT-TLE SHIPS OF HIGH SPEED, LARGE DISPLACEMENT AND GUN POWER. By Lieut. Commander William S. Sims, United States Navy, inspector of

By Lieut. Commander William S. Sims, United States Navy, inspector of target practice.

In the Proceedings of the Naval Institute for June, 1906, in an article entitled "Reflections, historic and other, suggested by the battle of the Japan Sea," Capt. A. T. Mahan, United States Navy, retired, has stated his conclusions concerning the characteristics of men-of-war best suited for increasing a nation's naval power, assuming a certain limit of expenditure for new vessels.

These conclusions are, I believe, opposed to those reached by practically all naval officers who have given this subject serious consideration; but so great is the weight of Captain Mahan's opinions that they would doubtless be accepted by those who may not be in possession of certain recently acquired information which bears with such directness and force upon the question of the fighting qualities of battle ships as apparently to demonstrate that Captain Mahan's conclusions thereon are in error.

apparently to demonstrate that Captain Mahan's conclusions thereon are in error.

In the following analysis of this question I will endeavor to show that this information is of such a fundamental nature as to necessitate a reexamination of both old and new facts, from a point of view differing widely from that taken by Captain Mahan, concerning the qualities of the design that will permit the development of the maximum concentration of effective gun fire—that is, a fleet's maximum concentration of hits.

In the first place, I beg to express the opinion that if, when Captain Mahan wrote his article, he had been in possession of certain important information that has since become available his conclusions would have been considerably modified; and while I would not presume to oppose his views as to the conclusions to be drawn from the facts as he has assumed them, and as he understands them, still I feel that I am justified in restating these facts as I understand them in the light of the new evidence above referred to, and basing thereon my conclusions:

Captain Mahan's principal conclusions may be summarized, briefly, as follows:

1. That in designing battle ships of a certain displacement we are

as follows:

1. That in designing battle ships of a certain displacement we are never justified in increasing the speed, within reasonable limits, at the expense of the equivalent weight in gun power.

2. That we are not justified in substituting heavy turnet guns, such

as 12-inch, for the equivalent weight of the usual intermediate guns—6-inch, etc. In other words, the the all-big-gun ship is a mistake.

3. That, considering the necessary limit of expenditures and the requirements of a navy with wide naval responsibility, we should not materially increase the size of the ships now being designed.

These conclusions are admittedly derived from, or supported by, an analysis of the available information concerning the battle of the Sea of Japan, and also upon an analysis of the battle efficiency of guns of various calibers, based upon Captain Mahan's ideas upon the subject.

In reference to this important battle, Captain Mahan has stated that many details are wanting, and probably can never be supplied, the drama having passed too rapidly and the actors having been too busily occupied to take precise notes.

Fortunately, this is no longer true, for in the same number of the Naval Institute in which Captain Mahan's article appears there is a proper of the Naval Institute in which Captain Mahan's article appears there is probabled upon very precise. The author of this paper, Lieut, R. D. White, United States Navy, is a distinguished gunnery officer who was at my request recently assigned to duty as my assistant. I am therefore informed as to the manner in which his information was obtained, and while I am not at liberty to state more in this respect than Mr. White has thought proper to give in the introductory note that precedes his article, still I may state that his plan, or chart, of the battle (herewith reproduced) was drawn to scale from the very full data (bearings, distances, and speeds) supplied by the Russian observer indicated, who also gave him the other important information contained in the article—the acquisition of all of this information fortunately being facilitated by a continuous and intimate association of two or three weeks with the observer in question, whose competence is fully established by Mr. White's testimony.

As this officer was a naval constructor, "

ting at long ranges.

In the first place, it may be confidently assumed that Togo was in possession of the following important facts:

1. That his fleet speed was considerably greater than that of his enemy—the bottoms of his ships being clean and theirs foul, and there being slower ships in the Russian fleet than in his.

2. That his markkmanship was superior to that of the Russians.

3. That Russian gunnery training had for years been carried out with the object of bringing an enemy to close quarters, and that, even assuming that they had profited by their experience in the actions off Port Arthur, the Baltic fleet could not have had adequate training in long-range firing. with the object of origing an enemy to close quarters, and that, even assuming that they had profited by their experience in the actions off Port Arthur, the Baltic fleet could not have had adequate training in long-range firing.

4. That, in order to render effective the tactics indicated above, the Russian ships were heavily armed and their crews trained for rapidity

The above being true, it is clear that Admiral Togo must have gone into action with two principal objects clearly defined in his mind, namely:

1. Fight at the maximum range at which actual experience at battle practices had shown him that he could do effective hitting (about 6,000 yards) and at which he knew that the Russian fire would not be dangerous.

yards) and at which he knew that the Russian fire would not be dangerous.

2. So maneuver as to maintain the least practicable rate of change of range while concentrating his fire as frequently as possible upon the head of the enemy's column.

If he had not been able to accomplish these two objects he might still have won the battle, because the Russians were so very inferior in many other respects, but he certainly would have suffered more. For example, if the Russians had been able, by superior speed, to run in to 1,800 yards (the battle range of their choice), they would have made a large percentage of hits, and these hits would have been very effective, especially from their modern ships of French design (Suvaroff, Alexander III, Borodino, Orel).

A glance at Lieutenant White's chart will show, however, that the Japanese admiral had no difficulty (barring thick weather) in repeatedly choosing his own position (distance and bearing) with reference to the head of the enemy's fleet, and that the battle therefore resolved itself into a competition between the fire-control officers of the two fleets as to which could make the most hits, under the conditions selected by the Japanese—these conditions being, of course, very unequal, since the Japanese were able frequently to concentrate the fire of many ships upon a few of the Russians.

Let us now consider the manifest object of the Russian admiral's strategy and factics, with a view of determining why he was unable to succeed.

In the first place, we know, from a certain unpublished report, based

succeed.

In the first place, we know, from a certain unpublished report, based upon indisputable authority (and which is practically confirmed by Lieutenant White's report), that the Russian battle ships were so overloaded with stores and coal that the upper edges of their heavy armor belts were well below the water line (and that therefore, in so far as

hull protection was concerned, they were armored cruisers and not battle ships); also that compartments, cabins, passages, etc., were so filled with coal and stores that the men's water-closets and urinals had been blocked since leaving Saigon, and that the decks were, in consequence, in an indescribable condition.

been blocked since leaving Salgon, and that the decks were, in consequence, in an indescribable condition.

We may therefore safely assume that the Russian admiral approached the Tsushima Straits with two objects uppermost in his mind, namely:

1. The most important was to elude the Japanese and take shelter in Vladivostok until he could land his stores, dock, and refit his ships.

2. If forced to fight, to do so at the shortest range possible, where most of his shots would count.

He was defeated in both of these objects solely by the superior speed of the Japanese; assuming, of course, that he could not pass through the Straits without being detected. Once he was sighted by the Japanese, which was inevitable, their superior speed (which, as shown later, was 6 or 7 knots greater than that of the Russians) rendered impossible his escape without fighting; and (as previously shown, this superiority of speed enabled the Japanese repeatedly to concentrate upon his leading ships and thus destroy or disable them one at a time—or force them to accept defeat in a worse form, namely, by abandoning their attempt to reach Vladivostok, thus surrendering the command of the sea without inflicting any damage upon the enemy.

It is, of course, understood that, assuming all other qualities to be equal, a relatively small superiority of speed can not alone determine a victory by gun fire, under the usual "game-board" conditions; that is, where sea room is unlimited; where it is always daylight; where thick weather does not act as an occasional screen; where the slow fleet is not embarrassed by having to get anywhere in particular; where there is no convoy or fleet of essential auxiliaries to lose in case of retreat, etc.

In this case the slow fleet can prevent the fast one from taking up a position of continuous advantage by simply keeping the head of the enemy's column abeam, thus steaming on the arc of a circle of sufficiently smaller radius to counteract the superiority of speed of the fast fleet.

The sole tactical ability

position of continuous advantage by simply keeping the head of the enemy's column abeam, thus steaming on the arc of a circle of sufficiently smaller radius to counteract the superiority of speed of the fast fleet.

The sole tactical ability of the slow fleet is a negative one—one of equility only as regards gun fire; it can never attain an advantage of peling able to:

(1) Refuse or accept battle.

(2) Choose his own range.

(3) Control the rate of the slow fleet always has the great advantage of being able to:

(1) Refuse or accept battle.

(2) Choose his own range.

(3) Control the rate of the slearing, thus taking advantage of the weather conditions that favor his own gun fire.

That is to say, always assuming equal tactical skill, the slow fleet can neither gain an advantage nor accomplish a definite object, while a fleet that is slightly faster can:

(1) Bring the slow one to action or refrain from so doing until the cor auxiliaries as he pleases.

(2) Can choose his own range and change it at will.

(3) Can close to fighting range when the wind and sea and sun are in the most advantageous positions for increasing the efficiency of his own gun fire, withdrawing outside of effective range when these conditions of the control o

knots and that of the latter as a little more than 15. It should be noted, however, that the Japanese speed "alternated 0 to 16 knots" between 3.40 and 4.15, therefore their fleet speed was probably considerably more than 15 knots.

erably more than 15 knots.

The Japanese superiority in speed was therefore more than 6 knots, an advantage so enormous that no conceivable strategical or tactical skill and no possible augmentation of gun fire (without increasing the displacement) on the part of the Russians could have prevented their defeat, even supposing but a rudimentary knowledge of strategy and tactics on the part of the Japanese admiral, and assuming, of course, that the Russian fleet was constrained to force its way sooner or later through the straits. through the straits.

that the Russian fleet was constrained to force its way sooner or later through the straits.

Before leaving this question of speed it may be well to point out that if the speeds of the Japanese and Russian fleets had been reversed Admiral Togo could not possibly have prevented the Russians (1) escaping to Vladivostok, or (2) bringing the Japanese to battle at short range, if they had so desired. This is clear by a reference to Mr. White's chart. For example, at 1.55 p. m. the head of the Japanese column bore about WNW. from the Russian flagship, distant about 3.5 miles, so that the Russian ships, by steering an easterly course, could have left the Japanese out of sight, and then, hauling to the northward, could have gained Vladivostok.

Furthermore, Admiral Togo's comparatively easy strategy would have been colleged to await the Russians off Vladivostok, out of range of the outer forts, in a region of frequent and dense fogs, and do them what damage he could as they passed in.

It may also be pointed out that shortly after 4.15 p. m. (see the chart) the Japanese lost sight of the Russians, due to thick weather, and steamed 7 or 8 miles to the southward in search of them, and when they turned to the northward in pursuit they were about 10 miles astern; therefore, if the Russians had had even one-quarter of a knot superiority in speed they would have arrived at Vladivostok a couple of hours ahead of their pursuers.

It is of course admitted that the superior speed of new ships can not at once be fully utilized while in fleet forweries with closured.

hours ahead of their pursuers.

It is of course admitted that the superior speed of new ships can not at once be fully utilized while in fleet formation with slower ones, and that it would be very convenient if all nations would decide not to exceed a certain speed in the design of new vessels. But since such an agreement is probably impracticable; since at present they insist upon building large 20-knot battle ships, should we build 16-knot ships with about one-half the heavy gun power? To do so would mean that twenty-five years hence, when most of the existing ships will be on the scrap heap, we would still have a 16-knot fleet, while our possible enemies would have 20-knot fleets of large vessels each with about twice as much gun power. We would have more vessels—a longer fleet—but that would avail us nothing against an enemy having units of about double the gun power concentrated in a fleet about one-half the length of ours and with the necessary speed frequently to take up positions of advantage, thereby enabling them further to concentrate their fire whenever the maneuvers of the enemy were restricted by any of the causes above mentioned.

Monitarily one of the year grantest advantages afforded by larger westers.

of ours and with the necessary speed frequently to take up positions of advantage, thereby enabling them further to concentrate their fire whenever the maneuvers of the enemy were restricted by any of the causes and the statement of the causes. Manifestly one of the very greatest advantages afforded by large vessels is a tactical one, namely, the inherent ability to concentrate double the gun power in a line of battle about one-half the sale long as that necessarily required for ships of about one-half the sale long as that necessarily required for ships of about one-half the sale long as that necessels from the point of view of the control of gun fire age of large vessels from the point of view of the control of gun fire and religiously the property of the control of gun fire and religiously the property of the control of gun fire and religiously the heavest armor. Captain Mahan lays great stress upon the alleged effect of the loss of funnels, or smoke pipes, saying that the resulting loss of speed would be so great that "the loss of a modern funnel will be like the loss of a former-day mast." This appears to me to be a great exaggeration. As I understand this matter, the principal reason for building a tall funnel is to increase the natural draft, and thus render steaming more economical in time of peace. With lower funnels the natural draft is smaller, as the column of hot air is shorter, and this necessitates the use of forced or "assisted" draft during ordinary cruising. Tall funnels have always been a mistake from a military point of view, because when a vessel having them goes into battle and forced draft is put on to develop her maximum speed the tall funnel adds very little to the draft by reason of its height. It has been reported that the British ship Edgar lost two of her funnels in a gale of wind without any material diminution in her speed. If, therefore, we should be obliged to go into battle with our present absundly high funnels, we may regard their being shot away or riddled with holes with co

fundamental principles of naval marksmanship developed by gunnery

fundamental principles of naval marksmanship developed by gunnery officers.

Therefore we have but to decide what the caliber for each class of ships should be, a decision which should present no special difficulty, provided it be first determined how we are to defeat the enemy—whether by the destruction of his ships (by sinking them or disabling their guns) or by the destruction or demoralization of their personnel. In this connection the following facts should first be clearly understood, namely:

1. Turrets are now, for the first time, being designed that are practically invulnerable to all except heavy projectiles. Instead of having sighting hoods on the turret roof, where sights, pointers, and officers are exposed to disablement (as frequently happened on the Russian ships), there will be prismatic sights projecting laterally from the gun trunnions through small holes in the side walls of the turret, and the gun ports will be protected by 8-inch armor plates, so arranged that no fragments of shells can enter the turrets.

2. On the proposed all-big-gun ships the heavy armor belt will be about 8 feet above the water line and extending from end to end. The conning tower, barbettes, etc., will be of heavy armor; and there being no intermediate battery (which could not be protected by heavy armor on account of its extent), it follows that in battle all of the gunnery personnel, except the small, single fire-control party aloft, will be behind heavy armor, and that, therefore, neither the ship nor her personnel can be materially injured by small-caliber guns.

Considering, therefore, that our object in designing a battle ship is that she may be able to meet those of our possible enemies upon at least equal terms, it seems evident that it would be extremely unwise to equip our new ships with a large number of small guns that are incapable of inflicting material damage upon the all-big-gun, one-caliber ships of our enemies, or upon the personnel manning their guns.

Captain Mahan states that it has long been his

fired by each caliber we may assume a "probability of a proportionate number of hits."

As a matter of fact, Captain Mahan has drawn his conclusions from the "volume of fire" of the different calibers instead of from their volume of hitting, or "rapidity of hitting," which is the only true standard of efficiency for all kinds of gun fire. He has also assumed that the Japanese rapidity of 6-inch fire was about four times as great as that of the 12-inch fire, when, as a matter of fact, it was probably not much more than twice as great. We have, of course, no actual figures, but as we know that 12-inch guns can fire two shots per minute (and with improved loading gear this rapidity will be increased) and that 6-inch controlled firing is at the rate of four shots per minute, and as we also know that since 1901 the Japanese have used the most modern methods of training, we may safely assume that the relation between their 6-inch and 12-inch rapidity of fire is about as above stated, though both calibers may be actually less or more rapid.

Referring, however, to Lieutenant White's article, page 613, we may form a tolerably fair estimate of the relative rapidity of hitting of the 12-inch and 6-inch guns. He estimates that the Japanesse fired 1,275 heavy shell (12-inch) and made 250 hits, or 19.6 per cent, which was good shooting, considering the long ranges and the unfavorable weather. As for the "ninety-odd secondary guns" (Captain Mahan's estimate), if we assume that, on an average, each fired two and one-half times as many shots as each 12-inch gun, the total number of shots was 16,875 (2.5 times 75 times 90). If they had made a "proportionate number of hits," or 19.6 per cent, they would have scored 3,307 hits, or about thirteen times as many as the 12-inch hits, which we know they did not make.

Unfortunately we can not obtain the exact figures, though we can

of hits, thirteen times as many as the 12-inch hits, which we know they did not make.

Unfortunately we can not obtain the exact figures, though we can make an estimate that will be close enough to show the comparative hitting capacity of these guns. For example, the Orel "was struck 42 times by 12-inch shells and over 100 by 6-inch and 8-inch shells." She was fourth in the line at the beginning of the action and second at the end; therefore she at no time received the brunt of the Japanese fire, which was directed principally at the leading vessel. This accounts for the comparatively small number of 12-inch hits that this vessel received. We know that after her guns were disabled she was pounded by minor cruisers having 6-inch and 8-inch guns, and that at one stage of the action (2.55 p. m.) she sustained the fire of six armored cruisers at a range of less than 5,000 yards. We may therefore fairly conclude that she received more 6-inch and 8-inch hits than any other vessel.

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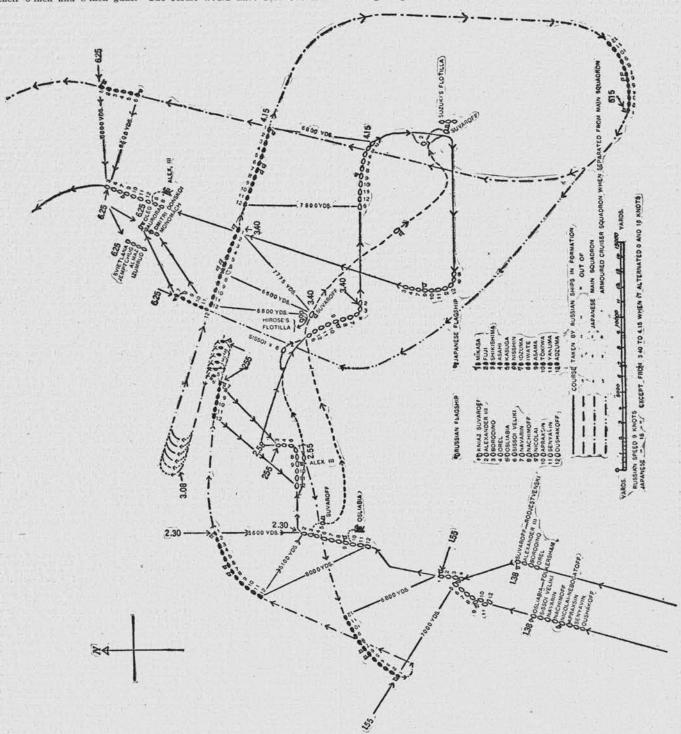
We will assume, however, that the Suvaroff received as many. This vessel was fearfully exposed, first at the beginning of the action and again at 3.40 p. m., when she sustained the concentrated fire of 12 battle ships and cruisers, which accounts for her being "struck over 100 times by 12-inch shells alone." Assuming, therefore, that the Alexander III, Borodino, and Osliabia each received 50 6-inch and 8-inch hits, we have a total of 350 hits out of 16.875 shots, or 2.1 per cent. That is to say, they fired 50 pounds of the smaller projectiles for every pound that hit, whereas they fired only 5 pounds of 12-inch metal for every pound that hit, which accords with the law that we have deduced from our target practices, namely, that the smaller the gun the more projectiles you must waste to make a hit; but as the Japanese battle ships and armored cruisers carried these guns, they were, of course, justified in firing them as best they could without diminishing the rapidity of the 12-inch guns. They did not, however, fire any of their small guns—those less than 6-inch—because to do so would have caused too much "interference" with more important guns, though the "hail" of small projectiles, that is so popular in newspaper accounts, would have been very effective if the shots had hit.

Let us now consider what would have been the probable effect if the designers of the Japanese battle ships had installed as many 12-inch

turret guns as possible in place of the forty small guns. They could doubtless have mounted one turret forward and two turrets aft on the center line, or vice versa, thus increasing the heavy broadside fire by 50 per cent—that is, six 12-inch guns instead of four. The result would have been 125 more 12-inch hits. Similarly, if the cruisers had been designed to carry heavy guns only, they could doubtless each have mounted at least four heavy turret guns of, say, 10-inch or 11-inch caliber, thus substituting 32 heavy turret guns in place of all of their 6-inch and 8-inch guns. The result would have been 500 more

heavy-gun hits, which, added to the 125 additional hits made by the battle ships, make, in all, 625 heavy-gun hits in place of the 350 hits by 6-inch and 8-inch guns.

In other words, if the Japanese vessels had been designed in accordance with the principles of modern gun fire (had been all big-gun ships), their fleet would have developed a greater rapidity of hitting with heavy guns (875 hits) than it actually did develop with 12-inch, 8-inch, and 6-inch guns (700 hits)—and this for the simple reason that at long ranges the hitting capacity of their heavy guns was 19.6 per



cent, while that of the small guns was only 2.1 per cent. Moreover, as a matter of fact, a fleet having but one caliber of heavy guns on each vessel would have been able to make still more hits in a given time because their fire-control officers would not have suffered from the "interference" (delay) caused by the more numerous discharges of the smaller guns.

Thus we see that at modern battle ranges an all big-gun fleet will actually deliver a greater volume of hitting—a greater number of hits, twice the weight of metal hitting and twice the weight in bursting charges—than a fleet of mixed-battery ships of the same nominal power.

As for the comparative moral effect of the explosion of 12-inch and

6-inch shells, it seems to me that when we compare the difference in weight of the bursting charges (that of the 12-inch is 38 pounds, while the 6-inch is only 4 pounds) and the difference in the strength of the walls of the shell, there can be no doubt that the moral effect of the former is very much greater than that of the latter.

As reliable evidence of this effect, I may cite the testimony of Captain Semenoff, as reported editorially in the Boston Herald of September 3, 1906:

"He appears from his statements to have occupied the position on the Baltic fleet of a trained observer having no official duties to perform, but simply to make notes, and from shortly after noon on the

27th of May until 7.40 p. m., when in consequence of wounds he was compelled to abandon his post; he had nothing to do but to watch and record the events of the battle \* \* \* as seen by him from the rear bridge of the battle ship Suvaroff, Admiral Rodjestvensky's flag-

compelled to abandon his post; he had nothing to do but to watch and record the events of the battle " as seen by him from the rear bridge of the battle ship Swaron," Admiral Rodjestvensky's flagship.

"After fire had been opened between the combatants Captain Semenoff was struck by the fact that the 4-foot shells (12-inch) of the Japanese invariably burst on hitting the water, but the moment they obtained the range that the effect of their fire was terrific. A young lieutenant came up and asked him if this recalled his previous experience of August 10, at which time the Csarevitch was hit nineteen times by heavy shells in the course of several hours' fighting. In order to keep up the courage of the inquirer, Captain Semenoff said, 'Yes,' but his real opinion was that he had never seen or imagined such accuracy of fire, the shells coming one after another without interruption, and hitting so frequently that he could not count the number of hits. (This was doubtless at 1.55 and at 2.30 p. m., when practically the whole of the Japanese fire of twelve ships was concentrated on the Swaron, Wm. S. S.) The force of their explosion was so great that it seemed to him that mines were exploding under the deck or against the ship's side. " At 3.20 p. m., about an hour and a half from the time the first gun was fired, Captain Semenoff was obliged to record in his notebook that the battle was lost."

If they were 6-inch shells that made Captain Semenoff think that "mines were exploding," it is probable that 12-inch shells would have impressed him as being earthquakes, and that he would accordingly have made special mention of the fact.

If it be admitted, from a consideration of the necessities of modern gunnery, that it would "be unwise ever to build a man-of-war of any type whatever having more than one caliber of guns in her main battery," and if it be admitted that the heavier the shell the greater the percentage of hits and the greater its effect in disabling ships and demoralizing their personnels, it is evident that

the various calibers.

Referring, now, to a point previously indicated, but not explained, I beg to invite special attention to the tactical advantage that we shall gain by having battle ships of large displacement—an advantage which appears to me so great as entirely to outweigh all of the alleged advantages of numbers, mentioned by Captain Mahan. This may best be illustrated by contrasting the tactical qualities of two fleets, one of large vessels and one of small.

Before doing so, however, it may be well to state my understanding of the principal tactical qualities that are desirable in a fleet. These are:

1. The compactness of the battle formation.
2. The flexibility of the fleet as a unit—that is, its ability to change formation in the least possible time and space with safety to its

units.

For example, suppose two fleets of eight vessels each, composed of slips that are alike in all respects, and suppose their personnel to be equally skillful, with the exception of the commander in chief, whose difference in energy and ability is such that one fleet has been so drilled as to be able to maneuver with precision and safety while maintaining one-half the distance between its units that the other fleet

talning one-half the distance between its units that the other fleet requires.

This is putting the extreme case, but it shows:

1. That the short fleet, being about half the length of the other one, can complete certain important maneuvers (such as Admiral Togo performed at 1.55 p. m. and 2.55 p. m.) in about one-half the time and one-half the space required for similar maneuvers of the long fleet.

2. That when ranged alongside each other, as shown in fig. 1, the defeat of the long fleet is inevitable, since the rapidity of hitting of the individual units is assumed to be equal, and each of the four leading ships of the long fleet receives about twice as many hits as she can return, though the eighth ship of the short fleet would suffer a preponderance of gun fire from the fifth or sixth vessel of the long fleet—the seventh and eighth being too far astern to do much damage, as would also be the case if the long fleet had several more vessels astern of these.

It is because of the principle here illustrated that the constant effort of competent flag officers is to reduce the distance between the units of their fleets to the minimum that can be maintained with safety under battle conditions—that is, while steaming at full speed, without the aid of stadimeters, sextants, and other appliances that should be used only for preliminary drills.

Doubtless some flag officers, by constant competitive exercises in

for preliminary drills.

Doubtless some flag officers, by constant competitive exercises in maneuvering, may succeed in attaining an interval between ships that is less by 15 or 20 per cent than that attained by others; but manifestiy there is hardly any possibility of much greater improvement in this respect, because the minimum practical interval between ships depends upon their lengths and maneuvering qualities. For example, the German interval is 300 meters from center to center, while larger ships, say 400 feet long, require about 400 yards, and those between 450 and 500 feet in length require about 450 yards.

If we accept Captain Mahan's advice and build comparatively small, low-speed battle ships, while our possible enemies build large, swift, all-big-gun ships, it seems clear that we will sacrifice the enormous advantages of fleet compactness and flexibility, the superior effect of heavy gun fire and the ability to concentrate our fire—the loss of these advan-

tages to be fully realized twenty-five years hence when our enemies have fleets of big ships while we still have those of our present type. In order clearly to illustrate the above, I will assume a fleet of ten 20-knot battle ships of about 20,000 tons displacement, each having a main battery of five 12-inch, double-gun turrets, or a broadside fire of eight 12-inch guns, disposed as in the *Dreadwought* type—that is, one turret forward, one on each beam, well forward, and two aft on the center line.

center line.

Assume the cost of these ships to be \$10,000,000 each, or \$100,000,000 for the feet, and assume that the same sum of money will build a feet of twenty battle ships (though the number would in reality be considerably less) of the smaller type, of, say, 13,000 tons and 16 knots speed, each armed with two 12-inch, double-gun turrets, or a broad-side of four 12-inch guns, and as many of the smaller guns, recommended by Captain Mahan, as can be mounted upon this displacement. It is further assumed that, as all of the gun crews of the feet of large vessels are behind heavy armor, in the 12-inch turrets of new design (heretofore described) neither the crews nor the guns can be materially injured by the intermediate guns of the fleet of small vessels; whereas, on the contrary, the majority of the men composing the gun crews of the small vessels (all but about ninety, for the two 12-inch turrets and their ammunition supply) are behind the armor of the intermediate guns—necessarily light on account of its great extent—and that these guns and their crews must be disabled or destroyed early in an action. It is, therefore, evidently well within the truth to assume that the gun fire of each large vessel will be more than twice as effective as that of each small one.

If the length of a large ship is 500 feet, and a small one 400 feet,

guns and their crews must be disabled or destroyed early in an action. It is, therefore, evidently well within the truth to assume that the gun fire of each large vessel will be more than twice as effective as that of each small one.

If the length of a large ship is 500 feet, and a small one 400 feet, and the interval between centers is, respectively, 450 and 400 yards, it follows that, when in column of vessels, the long fleet (small vessels) is 3.9 miles long, while the short fleet (large vessels) is 2.1 miles. That is to say, the long fleet (L) has a broadside fire of less than twenty-one big guns for each mile of length, while the short fleet (S) has thirty-eight guns per mile—a concentration of gun fire that is inherent in the design of the large vessels, and while he conceivable tactical skill on the part of the small ones could offset.

The tactical advantage of this concentration of gun fire may be shown graphically by the following diagrams of fleets S and L.

From fig. 2, which shows S in a position of disadvantage, the rear vessels outfanked, it is apparent that the first nine vessels of the L fleet can be destroyed by the first nine of the S fleet, since the latter have more than twice the gun power of the former, while No. 10 S can sustain the fire of both 10 and 11 L, but not that of 12, 13, and 14 L flest one whose fire would be effective against 10 S, the rear vessels of the S fleet can (by reason of having more than twice the individual gun fire of their individual opponents) protect themselves by dividing the fire of 10 S between 13 and 14 L; 9 S between 11 and 12 L; 8 S between 9 and 10 L, and 7 S between 7 and 8 L, thus leaving the first six vessels of S, an advantage that is possible only with big ships, and this advantage is of great importance, because when the S fleet is taken at least two of the enemy.

Observe that, even when the L fleet is in the advantageous position shown in fig. 2, no increase in the number of vessels in the L fleet can possibly prevent the successive destruction

maneurer with greater ease and frequently in much less time—an advantage that is in some cases analogous to superior speed.

For example, the time necessary to communicate a signal to the twenty vessels of the L fleet, and be sure it is understood, and for this fleet to complete a change of course in column, so as to make a simultaneous movement, would be at least twice as long as that required for the ten vessels of the 8 fleet.

It follows, of course, from the above that as soon as we build any fast vessels of the large displacement above indicated and put them in the line of battle with 16-knot ships, we strengthen the fleet much more than if we added as many 16-knot ships as could be built for the cost of the big ships; for though we can not at once utilize the superior speed of the big ships, we have nevertheless increased the compactness of our fleet, diminished the number of units, and therefore, for the reasons given above, have rendered it a superior tactical unit, which means that with equal skill it would outmaneuver a fleet of the same cost composed of small vessels throughout.

It should be noted, also, that if we place two only of these large ships at the head of a column of small vessels, each having one-half of the broadside fire of the former, we not only render the fleet more flexible by shortening it by more than 2,000 feet, but we strengthen our fleet at the weakest point by concentrating within a distance of 1,800 feet a broadside fire equivalent to that of four vessels occupying a space of 4,000 feet. The above advantages are evidently so great that the alleged value of homogeneity of units is not worth considering.

Concerning the alleged strategic value of numbers and assuming that Captain Mahan's statement that "a nation with wide naval responsibilities must have numbers in proportion" means that we would better spend our available appropriations in building small vessels rather than large ones, in order to facilitate dispersing them over the world, I beg to say that, in my opinion, the

squadrons of seven and ten vessels, respectively. The former squadron would be 1.4 miles long, with a broadside fire of forty 12-inch guns per mile, and the latter 2.1 miles long, with a broadside fire of twenty 12-inch and twenty 8-inch (neglecting the smaller guns as not effective against any of the armor of the Dreadnought class).

The above assumes that a nation with even the widest naval responsibilities would ever deem it advisable to disperse their naval units throughout the world, even in time of peace, thus diminishing individual efficiency, unity of purpose and action, and the indispensable ability to maneuver large fleets at battle speed. (Rodjestvensky's fleet had been maneuvered but once as a fleet before the battle of the sea of Japan.)

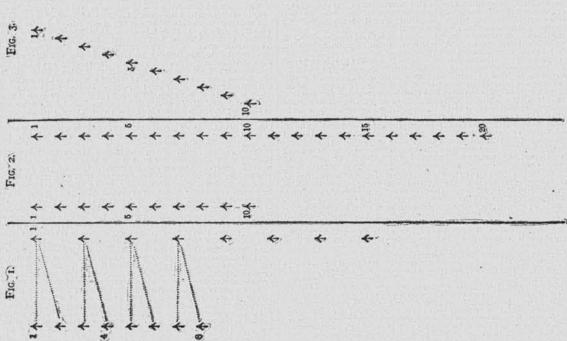
Japan.)

I had always supposed that the subdivision in time of peace of a nation's fighting units into numerous independent squadrons was due more to personal reasons than to a consideration of the principles of naval training and strategy, which latter seems to be more correctly illustrated by the rapid concentration that takes place when war is imminent. I understand that where the command of the sea is involved a nation is not deterred from going to war by the state of dispersion of a rival nation's battle ships, but by the knowledge that he has a certain number, that they possess certain material fighting qualities, and that they have been continuously trained to a high degree of individual and fleet efficiency by concentration in one or more large fleets.

It is for the above reasons, I believe, that the Naval War College has for a number of years consistently advocated all-big-gun, one-caliber ships and the concentration in time of peace of all our heavy fighting ships under one command in the Atlantic, thence to be dispersed in squadrons of the required size to meet the requirements of the situation, after rather than before we know who our enemy is to be.

If it be claimed that it would be better to reduce the speed of the large vessel to 16 knots and put the weight saved into guns, it may be replied that heavy turret guns can not be mounted to advantage (so as to increase the hitting capacity of the vessel) without very considerably increasing the size of the ship, because the number of heavy turrets that can be placed to advantage is governed largely by the length of the ship—which increases slowly with the displacement. This point is fully discussed in a recent article in a German publication. I do not remember the displacements used by the author to illustrate the principle, but supposing the ones quoted below to be correct, he shows that if it requires a displacement of 20,000 tons to obtain a broadside fire of, say, eight 12-lnch turret guns, you could not advantageously mount any additional turrets on 21,000 or 22,000 tons, but would have to go to 25,000 or 26,000 tons to obtain the necessary space. And, conversely, if you design a 20,000-ton battle ship for 16 instead of 20 knots, you can not utilize the weight saved to increase the gun power by adding 12-inch turrets, as you could by adding a number of intermediate guns. It is now hardly necessary to state that adding superimposed turrets (by which the number of guns could be doubled, if the weights permitted) does not materially increase the fitting capacity of the ship as a whole, because of the "interference" caused by having four guns in one two-story turret, while it decreases her defensive power by adding to the vertical height of her vital targets.

Captain Mahan characterizes the sudden inclination in all navies to increase the size of the new battle ships (from about 15,000 to about 20,000 tons) as a "willful premature antiquating of good vessels \* \* \* a growing and wanton evil." If these words are intended in their true meaning, the statement is to me incomprehensible. I can understand an individual being willful and wanton, but I can not believe that the naval officers of the world could, with



denly and uniformly inspired in this manner. On the contrary, it seems to me that the mere fact of there being a common demand for such large vessels is conclusive evidence that there must be a common cause that is believed to justify the demand.

This common cause is undoubtedly a common belief that the same amount of money expended for large war vessels will add more to a nation's naval power than the same amount expended for smaller vessels; for it can not reasonably be assumed that the tax-ridden nations of Europe expend their great naval budgets willfully and wantonly. Undoubtedly each nation earnestly strives so to expend these sums as to derive the greatest increase of naval power. The same is true in reference to their armies. As the mechanical arts improve, each nation endeavors to improve its war material. When a nation adopts new rifles it is not a willful premature antiquating of several million excellent ones; it is a case of force majeure—it must adopt them or suffer a relative loss of military efficiency; and it must make no mistake as to the relative efficiency of its weapons. In 1870 the French suffered a humiliating defeat as a direct result of the colossal conceit which rendered them incapable of accepting conclusive evidence that the German field artillery was greatly superior to theirs.

The same law—that of necessity—governs the evolution of battle ships. As might have been expected, this evolution has, as a rule, been gradual as regards increased displacement. The exception is the recent sudden increase (4,000 to 5,000 tons) in displacement. This exception, therefore, needs explanation. As partially indicated heretofore, it was due to a complete change of opinion as to the hitting capacity of guns of various calibers. This is now well understood by all officers who have recently been intimately associated with the new methods of gunnery training. These methods have demonstrated this point in such a manner as to leave no doubt in our minds as to the correctness of our conclusions. The rapi

ception of the epoch-making principles of the new methods of training belongs exclusively to Capt. (now Rear-Admiral) Percy Scott, director of target practice of the British navy, who has, I believe, done more in this respect to improve naval marksmanship than all of the naval officers who have given their attention to this matter since the first introduction of rifled cannon on men-of-war. Nor should we forget that this degree of improvement was rendered possible by the introduction of telescope sights, the successful application of which to naval guns was made by Commander B. A. Fiske, United States Navy, as early as 1892.) As soon as the above facts gained general acceptance in Great Britain and the United States, the evolution of the all-big-gun, one caliber battle ship became a foregone conclusion; and the reason for the great increase in displacement, as I understand it, is simply that you can not build an efficient ship of this class on less than about 20,000 tons, because you can not mount more than two 12-inch turrets to advantage upon a battle ship of much less displacement, because the length and breadth are not sufficient.

We are obliged to do the best we could in this respect upon 16,000 tons, because Congress fixed that as the maximum "trial" displacement; but the resulting design is not satisfactory (except in the newspapers), for, though our 16,000-tonner has the same broadside fire as the Dreadnought (having four double-gun turrets on the center line), she has 50 per cent less bow fire, and a much lower freeboard—the forecastle and poop decks being, respectively, about 18 and 10 feet above the water line, whereas the Dreadnought is an efficient seagoing battle ship, capable of using her guns while steaming at full speed in any sea in while steaming at full speed in any sea in while steaming at full speed in any sea in while steaming at full speed in any sea in while treamonably accurate aiming could be done. The profile of this ship is that of a scout, her forward turret being mounted upon a h

knots).

It would undoubtedly be desirable if we could procure an interna-

tional agreement that no nation would adopt for its armies a rifle superior to that now used. Islinitarly it would be destrable if the dispersion of the control of the con

ships—I believe it has already been clearly shown that, besides being necessarily superior at long ranges to ordinary battle ships (having intermediate guns), they are also superior to them at all ranges, because of the superior protection of the big guns and their gun crews—not to mention the superior hull protection.

In addition to the superior individual and tactical advantages of large vessels, they also possess the following economical advantages:

1. A fleet of ten 20,000-ton ships, each having a broadside fire of eight 12-inch guns (or 80 in all), would cost about one hundred millions.

1. A fleet of ten 20,000-ton ships, each having a broadside fire of eight 12-inch guns (or 80 in all), would cost about one hundred and thirty millions, though I previously assumed the cost of these fleets to be equal, in order to accentuate the tactical value of large ships.

3. It requires less men to man the main-battery guns of an all-biggun ship than of a mixed-battery ship. For example, it requires less men to serve the ten 12-inch guns of the Dreadnought than the four 12-inch and sixteen 6-inch guns of the Missouri.

4. It will require no more men for the Dreadnought's crew than it would for the Missouri's, if she had a full complement of men (as should be that of the Missouri or Louisiana, because the former requires but one fire-control party, while the latter ships require, respectively, two and three parties, as well as more officers for the fleet of small vessels ship, it will require 8.000 men and 200 officers for ten all-big-gun ships, and about 16,000 men and 400 officers for the fleet of small vessels having the same broadside fire of the same troadside fire of

REPORTS OF COMMITTEES.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6624) granting an increase of pension to Alvin N. Kite; and

A bill (S. 6623) granting a pension to Samuel H. Mitchell.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4404) granting an increase of pension to Elizabeth B. Boyle; and

A bill (S. 6948) granting an increase of pension to Albert H. Nash.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 7096) granting an increase of pension to Margaret McCullough;

A bill (S. 1879) granting an increase of pension to Lorenzo F. Harmon; and

A bill (S. 7402) granting an increase of pension to F. H. De

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 7353) granting an increase of pension to Augusta T. Eichholtz: and

A bill (S. 7623) granting an increase of pension to Sarah A. Kumler.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7358) granting an increase of pension to David

A bill (S. 6408) granting a pension to Mary Louise McLean; and

A bill (S. 4509) granting an increase of pension to Anna M. Loomis.

Mr. ALGER, from the Committee on Pensions, to whom was referred the bill (S. 5886) granting an increase of pension to Anna E. Hood, reported it without amendment, and submitted a report thereon.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them severally with

amendments, and submitted reports thereon:
A bill (S. 7640) granting an increase of pension to Stephen H. S. Cook; and

A bill (S. 7662) granting a pension to John Monroe.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3896) granting a pension to Mary McGill; and A bill (S. 6436) granting an increase of pension to George

W. Kelsey.

Mr. GEARIN, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 7556) granting an increase of pension to Thomas Spanton;

A bill (S. 7558) granting an increase of pension to Mary Morgan;

A bill (S. 2693) granting an increase of pension to Samuel Wise:

A bill (S. 6633) granting an increase of pension to Benjamin

F. Wright; and A bill (S. 6637) granting an increase of pension to James J.

Eubank. Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally

with amendments, and submitted reports thereon: A bill (S. 6933) granting an increase of pension to Frederick

Middaugh; and A bill (S. 7067) granting an increase of pension to Edmund

Fillio. Mr. TALIAFERRO, from the Committee on Pensions, to

whom were referred the following bills, reported them each with an amendment, and submitted reports thereon: A bill (S. 3461) granting a pension to Helen L. Woodward;

A bill (S. 7339) granting a pension to Julia C. R. Baird.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 7543) granting an increase of pension to Robert B. McCumber, reported it without amendment, and submitted a report thereon.

Mr. OVERMAN, from the Committee on Pensions, to whom was referred the bill (S. 7066) granting an increase of pension to Timothy Drew, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3583) granting an increase of pension to Kate O'Donnell Wood:

A bill (S. 3319) granting an increase of pension to James E.

Croft; and A bill (S. 4818) granting an increase of pension to George W.

Mr. OVERMAN, from the Committee on Pensions, to whom was referred the bill (S. 5190) granting an increase of pension to Abby L. Brown, reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2565) granting a pension to William P. Parrill; and

A bill (S. 6278) granting an increase of pension to Henry Humble.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5580) granting a pension to Julia Vroom; and A bill (S. 7554) granting an increase of pension to Amelia R. Randolph.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 3882) granting an increase of pension to Delphine Darling, reported it without amendment, and submitted a report thereon.

Mr. DUBOIS, from the Committee on the District of Columbia, to whom was referred the bill (S. 2652) for the extension of Vermont avenue from Florida avenue to Howard University, reported it with an amendment, and submitted a report thereon.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6273) granting an increase of pension to William J. Wells

A bill (S. 7361) granting an increase of pension to George Downing

A bill (S. 6706) granting an increase of pension to James T.

Stewart; and A bill (S. 6875) granting an increase of pension to Lemuel T. Williams.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7293) granting an increase of pension to John White; and

A bill (S. 7617) granting an increase of pension to Victor H. Coffman.

Mr. BURKETT, from the Committee on Pensions, to whom was referred the bill (S. 6876) granting an increase of pension to Jesse L. Pritchard, reported it with amendments, and submitted a report thereon.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 7513) granting an increase of pension to Alexander M. Cowgill; and

A bill (S. 2259) granting an increase of pension to Charles Duby.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 549) granting a pension to Louis T. Frech; A bill (S. 7445) granting an increase of pension to Charles J.

Freese: and A bill (S. 7566) granting an increase of pension to John

Anslow. Mr. PILES, from the Committee on Pensions, to whom were referred the bill (S. 7505) granting an increase of pension to Michael Bogue, reported it without amendment, and submitted

a report thereon. Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5697) granting an increase of pension to George H. McLain:

A bill (S. 7486) granting an increase of pension to Byron A. Williams

A bill (S. 7489) granting an increase of pension to Albert C. Wagher:

A bill (S. 7488) granting an increase of pension to William W. Putnam;

A bill (S. 6964) granting an increase of pension to Silas N. Palmer;

A bill (S. 6820) granting an increase of pension to Henry M. Bullard; and

A bill (S. 6957) granting an increase of pension to Hiram Siegfried.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 7484) granting an increase of pension to Samuel E. Coover

A bill (S. 6827) granting an increase of pension to Theodore J. Sweeting A bill (S. 2994) granting an increase of pension to David

Harvey A bill (S. 7243) granting an increase of pension to Justus B.

Coomer; and A bill (S. 7101) granting an increase of pension to Catherine

Matimore. Mr. McCUMBER, from the Committee on Pensions, to whom

were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1397) granting an increase of pension to Anna L. Walker

A bill (S. 7177) granting an increase of pension to M. L. Le Suer; and

A bill (S. 6943) granting an increase of pension to L. A.

Mr. McCUMBER (for Mr. Burnham), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7337) granting a pension to Henry W. Blair; A bill (S. 7335) granting an increase of pension to Charles C. Burt:

A bill (S. 6143) granting an increase of pension to Thomas J. Northrop:

A bill (S. 2104) granting an increase of pension to Moses Feyler:

A bill (S. 1172) granting an increase of pension to Asaph H. Witham; and

A bill (S. 6793) granting an increase of pension to Simon

Peter Wallerson.
Mr. McCUMBER (for Mr. Burnham), from the Committee on Pensions, to whom were referred the following bills, reported

them severally with amendments, and submitted

A bill (S. 6732) granting a pension to John Trefry; and A bill (S. 6139) granting an increase of pension to Eliza A.

Mr. McCUMBER (for Mr. Burnham), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports

A bill (S. 6584) granting an increase of pension to John Heath;

A bill (S. 6582) granting an increase of pension to Moses Rowell:

A bill (S. 6830) granting an increase of pension to Daniel L.

Seavey A bill (S. 7398) granting an increase of pension to Page G. Potter

A bill (S. 6914) granting an increase of pension to Albert T. Barr

A bill (S. 4681) granting an increase of pension to William S.

Gray A bill (S. 6671) granting an increase of pension to Horace P.

Marshall: and

A bill (S. 7744) granting a pension to Josephine Brackett. Mr. PATTERSON, from the Committee on Pensions, to whom

were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7740) granting an increase of pension to Dwight Simpson:

A bill (S. 4756) granting an increase of pension to John

A bill (S. 6431) granting an increase of pension to R. Smith

Coats; and A bill (S. 6769) granting an increase of pension to James T. McReynolds.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 7119) granting an increase of pension to Charles Boxmeyer; and

A bill (S. 1511) granting an increase of pension to Marvin F.

# ADDITIONAL CLERK FOR COMMITTEE ON INDIAN AFFAIRS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom had been referred the resolution submitted by Mr. Clapp December 6, 1906, reported favorably thereon, and it was considered by unanimous consent and agreed to, as follows:

Resolved. That the Committee on Indian Affairs be authorized to employ an additional clerk until March 4, 1907, who shall be paid at the rate of \$120 per month out of the contingent fund of the Senate.

## INVESTIGATION BY COMMITTEE ON PRINTING.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom had been referred the resolution submitted by Mr. Platt December 5, 1906, reported favorably thereon, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the expenses incurred in the conduct of the inquiry into the causes of delay in completing the work of the first session of the Fifty-ninth Congress, under the provisions of Senate resolution No. 175, Fifty-ninth Congress, first session, be paid out of the contingent fund of the Senate upon proper vouchers approved by the chairman of the Committee on Printing.

### MESSENGER FOR COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom had been referred the resolution submitted by Mr. Scott December 18, 1906, re-

ported favorably thereon, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Public Buildings and Grounds be, and it is hereby, authorized to employ a messenger, to be paid from the contingent fund of the Senate at the rate of \$1,440 per annum, until otherwise provided for.

### EDWARD P. STRICKLAND.

Mr. McCUMBER. I ask leave to call up from the Calendar for indefinite postponement the bill (S. 6836) granting an in-

crease of pension to Edward P. Strickland.

The VICE-PRESIDENT. The Senator from North Dakota calls up the bill indicated by him. Without objection, the Chair will lay the bill before the Senate.

Mr. McCUMBER. On account of the death of the claimant, move the indefinite postponement of the bill.

The motion was agreed to.

### BILLS INTRODUCED.

Mr. CLARK of Wyoming introduced a bill (S. 7777) for the relief of Laura Secondine and others; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CULLOM introduced a bill (S. 7778) for the relief of Andrew J. Baker; which was read twice by its title, and, with

the accompanying papers, referred to the Committee on Claims. He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions

A bill (S. 7779) granting an increase of pension to Thomas G. Pratt;

A bill (S. 7780) granting an increase of pension to Thomas Burton;

A bill (S. 7781) granting an increase of pension to William A. Hope; and

A bill (S. 7782) granting an increase of pension to Henry F.

Mr. GALLINGER (for Mr. BURNHAM) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7783) granting an increase of pension to Edwin C. Barnard (with accompanying papers);

A bill (S. 7784) granting an increase of pension to Franklin L. Felch (with accompanying papers);

A bill (S. 7785) granting an increase of pension to Carlo J. Emerson (with an accompanying paper); and

A bill (S. 7786) granting an increase of pension to Channing M. Snow

Mr. ELKINS introduced a bill (S. 7787) for the relief of Joseph R. Howell; which was read twice by its title, and, with

the accompanying papers, referred to the Committee on Claims. He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7788) granting a pension to Benjamin Brown; A bill (S. 7789) granting an increase of pension to Samuel C. Bernhard; and

A bill (S. 7790) granting a pension to Minnie A. Wells.

Mr. KEAN introduced a bill (S. 7791) to establish a fish-cultural station in the State of New Jersey; which was read twice by its title, and referred to the Committee on Fisheries.

Mr. LONG introduced a bill (S. 7792) granting an increase of pension to Maria W. Howe; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 7793) to fix the time of holding the circuit and district courts of the United States in and for the northern district of Iowa; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. FULTON introduced a bill (S. 7794) granting a pension to Maggie E. Russell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 7795) for the extension of Albemarle street NW., District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 7796) for the relief of the trustees of the Methodist Episcopal Church South, of Rectortown, Va.; which was read twice by its title, and referred to the Committee on Claims.

Mr. SIMMONS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 7797) for the relief of the Baptist Church of Beau-

fort, N. C.; and A bill (S. 7798) for the relief of the deacons of the First Presbyterian Church, of Newbern, N. C.

Mr. RAYNER (by request) introduced a bill (S. 7799) for the relief of the estate of Artemus Newlin, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 7800) to authorize the Norfolk and Western Railway Company to construct a bridge across the Potomac River at or near Shepherdstown, W. Va.; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 7801) for the relief of Thomas W. Bell and certain other naval officers and their legal representatives; which was read twice by its title, and referred to the Committee on Claims.

Mr. MALLORY introduced a bill (S. 7802) for the relief of Telesfor D. Quigles, administrator for the estate of Manette Marsons; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. TALIAFERRO introduced a bill (8, 7803) granting an increase of pension to William H. Long; which was read twice by its title, and, with the accompanying papers, referred to the

Committee on Pensions.

Mr. BURKETT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7804) granting an increase of pension to Cavin Chamberlin;

A bill (S. 7805) granting an increase of pension to F. G.

A bill (S. 7806) granting a pension to Abraham A. Croy (with an accompanying paper);

A bill (S. 7807) granting an increase of pension to James W. Warfield; and

A bill (S. 7808) granting an increase of pension to Peter

Bomberger

Mr. HEMENWAY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7809) granting an increase of pension to Jacob

Wright; and A bill (S. 7810) granting an increase of pension to John W. Ross

Mr. HEMENWAY introduced a bill (S. 7811) to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BACON introduced a bill (8. 7812) to amend section 591 of the Revised Statutes of the United States relative to the assignment of district judges to perform the duties of a disabled judge; which was read twice by its title, and referred to

the Committee on the Judiciary.

Mr. HEYBURN introduced a bill (S. 7813) granting an increase of pension to Tendoy, chief of the Bannock, Shoshone, and Sheepeater tribe of Indians; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 7814) to correct the military record of James H. Shannon; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 7815) granting an increase of pension to John F. Davis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 7816) granting an increase

of pension to George Brookins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TILLMAN introduced a bill (S. 7817) for the relief of the trustees of Columbia College, of Columbia, S. C.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. PROCTOR introduced a bill (S. 7818) granting an increase of pension to Edward Bird; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

## AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. NELSON submitted an amendment providing that the lands heretofore withdrawn under the provisions of the act approved June 21, 1906, authorizing a drainage survey of the lands ceded by the Chippewa Indians, shall be subject to entry, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment authorizing the Secretary

propriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. CLARK of Montana (by request) submitted an amendment proposing to confirm the grants to and title of the Raven Mining Company in and to sixty-three claims on the Uintah Indian Reservation, Utah, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

### AGRICULTURAL AND MECHANICAL COLLEGES.

Mr. NELSON. I ask that 500 additional copies be printed of Senate Document 189. The supply has been exhausted. It is a document relating to agricultural colleges, and it is short, comprising seven pages.

The VICE-PRESIDENT. The Senator from Minnesota asks that 500 additional copies of Senate Document 189 be printed. Is there objection? The Chair hears none, and it is so ordered. The order was subsequently reduced to writing, as follows:

Ordered, That 500 additional copies of Senate Document No. 189, Fifty-ninth Congress, second session, Colleges for the Benefit of Agriculture and the Mechanic Arts, be printed for the use of the Senate.

INVESTIGATION OF BLACK SANDS OF PACIFIC SLOPE.

Mr. WARREN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he hereby is, directed to furnish to the Senate a report on the progress of the investigation of the electric smelting of iron ores (included in the investigation of the black sands of the Pacific slope), and an expression of his opinion as to whether or not this investigation should be continued.

#### SHORTAGE OF CARS.

Mr. CULBERSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the Interstate Commerce Commission be, and it is hereby, directed to send to the Senate, at the earliest practicable time, a transcript of the testimony taken by the Commission recently at Kansas City and St. Louis, respecting the shortage of cars for the movement of freight, particularly live stock.

### MRS. EMILY MILLER.

Mr. MONEY submitted the following resolution; which was referred to the Committee on Claims:

Resolved, That the bill (S. 3423) for the relief of Mrs. Emily Miller, with all the accompanying papers be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the Tucker Act.

## GEORGE A. TUCKER.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5041) granting an increase of pension to George A. Tucker; which was, in line 8, to strike out "thirty" and insert "twenty-four" before the word "dollars."

Mr. McCUMBER. I move that the Senate disagree to the amendment of the House of Representatives and ask a conference upon the disagreeing votes of the two Houses, and that

the conferees be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. McCumber, Mr. Scott, and Mr. Taliaferro as the conferees on the part of the Senate.

## WILLIAM H. KIMBALL.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4908) granting an increase of pension to William H. Kimball; which was, in line 8, to strike out "twenty" and insert "sixteen" before the word "dollars."

Mr. McCUMBER. I make the same motion in reference to this bill.

The motion was agreed to; and the Vice-President appointed Mr. McCumber, Mr. Scott, and Mr. Taliaferro as the conferees on the part of the Senate.

## BETTIE MAY VOSE.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 6833) granting an increase of pension to Bettie May Vose; which was, in line 8, to strike out "fifty" and insert "thirty-five" before the word

Mr. McCUMBER. I make the same motion regarding this

The motion was agreed to; and the Vice-President appointed Mr. McCumber, Mr. Scott, and Mr. Taliaferro as the conferees on the part of the Senate.

## MICHAEL V. HENNESSY.

The VICE-PRESIDENT laid before the Senate the amendment of the Interior to set apart certain land on the White Earth Indian Reservation, in the State of Minnesota, for an Indian town site, etc., intended to be proposed by him to the Indian apout "twenty" and insert "twelve" before the word "dollars." Mr. McCUMBER. I make the same motion in reference to

The motion was agreed to; and the Vice-President appointed Mr. McCumber, Mr. Scott, and Mr. Taliaferro as the conferees on the part of the Senate.

# PROJECTED INTERCONTINENTAL BAILWAY.

Mr. CULLOM. Some time ago I asked that a certain document be printed. It turns out that there were quite a number of mistakes in the printing, and I ask that it be reprinted and printed correctly.

There being no objection, the order was agreed to, as follows:

Ordered, That Senate Document No. 504, Fifty-ninth Congress, first session, "Projected Intercontinental Railway through the Three Americas," be reprinted.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was

#### To the Senate:

To the Senate:

In my message to the Senate treating of the dismissal, without honor, of certain named members of the three companies of the Twenty-fifth Infantry, I gave the reports of the officers upon which the dismissal was based. These reports were made in accordance with the custom in such cases; for it would, of course, be impossible to preserve discipline in the Army save by pursuing precisely the course that in this case was pursued. Inasmuch, however, as in the Senate question was raised as to the sufficiency of the evidence, I deemed it wise to send Major Blocksom and Assistant to the Attorney-General Purdy to Brownsville to make a thorough investigation on the ground in reference to the matter. I herewith transmit Secretary Taft's report, and the testimony taken under oath of the various witnesses examined in the course of the investigation. I also submit various exhibits, including maps of Brownsville and Fort Brown, photographs of various buildings, a letter from Judge Parks to his wife, together with a bandoleer, 33 empty shells, 7 ball cartridges, and 4 clips picked up in the streets of Brownsville within a few hours after the shooting; 3 steel-jacketed bullets and some scraps of the casings of other bullets picked out of the houses into which they had been fired. A telegram from United States Commissioner R. B. Creager, at Brownsville, announces that 6 additional bullets—like the others, from Sprincfield rifles—taken from buildings in Brownsville, with supporting affidavits, have since been sent to the Secretary of War.

It appears from the testimony that on the night of the 13th of August, 1906, several crimes were committed by some person or persons in the city of Brownsville. Among these were the following:

(a) The murder of Frank Natus.

(b) The assault with intent to kill Mr. and Mrs Hale Odin, and their little boy, who were in the window of the Miller Hotel.

(c) The shooting at and slightly wounding of Preclado.

These crimes were certainly committed by some person of Brownsville, culmi

question.

confined within the limits of the garrison on the evening of the day in question.

The evidence, as will be seen, shows beyond any possibility of honest question that some individuals among the colered troops whom I have dismissed committed the outrages mentioned; and that some or all of the other individuals whom I dismissed had knowledge of the deed and shielded from the law those who committed it.

The only motive suggested as possibly influencing anyone else was a desire to get rid of the colored troops, so strong that it impelled the citizens of Brownsville to shoot up their own houses, to kill one of their own number, to assault their own police, wounding the lieutenant, who had been an officer for twenty years—all with the purpose of discrediting the negro troops. The suggestion is on its face so ludicrously impossible that it is difficult to treat it as honestly made. This theory supposes that the assailants succeeded in obtaining the uniform of the negro soldiers; that before starting on their raid they got over the fence of the fort unchallenged, and without discovery by the negro troops opened fire on the town from within the fort; that they blacked their faces so that at least fourteen eyewitnesses mistook them for negroes; that they disguised their voices as being those of negroes. They were not Mexicans, for they were heard by various witnesses who heard them speak mistook their voices as being those of negroes. They were not Mexicans, for they were heard by various witnesses to speak in English. The weapons they used were Springfield rifies; for the ammunition which they used was that of the Springfield rifie and no other, and could not have been used in any gun in Texas or any part of the Union or in Mexico, or in any other part of the world, save only in the Springfield now used by the United States troops, including the negro troops in the garrison at Brownsville, and by no other persons save these troops—a weapon which had only been in use by the United States troops for some four or five mon

private citizens.

The cartridge used will go into one other rifle used in the United States, when specially chambered—the Winchester of the '95 model—but it will rarely if ever go off when in it; and, moreover, the bullets picked out of the buildings show the markings of the four so-called "lands," which come from being fired through the Springfield, but not through the Winchester, the latter showing six. The bullets which I herewith submit, which were found in the houses, could not therefore have been fired from a Winchester or any other sporting rifle, although the cartridges might have been fired from a Krag, but the cartridges would not have gone into a Krag. Taking the shells and the bullets together, the proof is conclusive that the new Springfield rifle was the weapon used by the midnight assassins, and could not by

any possibility have been any other rifle of any kind in the world. This of itself establishes the fact that the assailants were United States soldiers, and would be conclusive on this point if not one soldier had been seen or heard by any residents in Brownsville on the night in question and if nothing were known save the finding of the shells, clips, and bullets.

Fourteen eyewitnesses, namely, Charles R. Chase, Amado Martinez, Mrs. Kate Lealy, Palerno Preciado, Ygnacio Dominguez, Macedonio Ramirez, George W. Rendall, Jose Martinez, J. P. McDonald, F. H. A. Sanborn, Herbert Elkins, Hale Odin, Mrs. Hale Odin, and Judge Parks, testified that they saw the assailants or some of them at varying distances, and that they were negro troops, most of the witnesses giving their testimeny in such shape that there is no possibility of their having been mistaken. Two other witnesses, Joseph Bodin and Genero Padron, saw some of the assailants, and testified that they were soldiers (the only soldiers in the neighborhood being the colored troops). Four other witnesses, namely, S. C. Moore, Doctor Thorn, Charles S. Canada, and Charles A. Hammond, testified to hearing the shooting and hearing the voices of the men who were doing it, and that these were those of negroes, but did not actually see the men who were doing the shooting. About twenty-five other witnesses gave testimony corroborating to a greater or less degree the testimony of those who thus saw the shooters or heard them. The testimony of these eye and ear witnesses would establish beyond all possibility of contradiction the fact that the shooting was committed by ten or fifteen or more of the negro troops from the garrison, and this testimony of theirs would be amply sufficient in itself if not a cartridge or bullet had been found; exactly as the bullets and cartridges that were found would have established the guilt of the troops even had not a single eyewitness seen them or other witness heard them.

witness heard them.

The testimony of the witnesses and the position of the bullet holes show that fifteen or twenty of the negro troops gathered inside the fort, and that the first shots fired into the town were fired from within the fort; some of them at least from the upper galleries of the bar-

show that affecen on twenty of the negro troops gathered inside the fire shots fired into the town were fired from within the fire fir, some of them at least from the upper galleries of, the barracks.

The testimony further shows that the troops then came out over the walls, some of them perhaps going through the gate, and advanced a distance of 300 yards or thereabouts into the town. During their advance they shot into two hotels and some nine or ten other houses. Three of the private houses into which they fired contained women and children. They deliberately killed Frank Natus, the bartender, shooting him down from a distance of about 15 yards. They shot at a man and woman, Mr. and Mrs. Odin, and their little boy, as they stood in the window of the Miller Hotel, the bullet going less than 2 inches from the head of the woman. They shot down the lieutenant of pollec, who was on horseback, killing his horse and wounding him so that his arm had to be amputated. They attempted to kill the two pollecmen who were his companions, shooting one through the hat. They shot at least eight bullets into the Cowen house, putting out a lighted lamp on the dining-room table. Mrs. Cowen and her five children were in the house; they at once threw themselves prone on the floor and were not hit. They fired into the Starck house, the bullets going through the bullets were sleeping. There was a light in the safe were little children were sleeping. There was a light in the above where little the shooting took place near midnight. The panic caused by the utterly unexpected attack was great. The darkness, of course, increased the confusion. There is conflict of testimony on some of the minor points, but every essential point is established beyond possibility of honest question. The careful examination of Mr. Purdy, Assistant to the Attorney-General, resulted merely in strengthening the reports already made by the Regular Army authorities. The shooting, it appears, occupied about ten minutes, although it may have been some minutes more

THE WHITE HOUSE, January 14, 1907.

Mr. FORAKER. Mr. President, I ask that the message of the President, which has just been read, together with all of the exhibits, may be printed and lie upon the table, to be called up for consideration and discussion at a later date.

Mr. LODGE rose.

Mr. FORAKER. If the Senator from Massachusetts desires to interrupt me, I will yield.

Mr. LODGE. No; not at all.

Mr. FORAKER. I ask that the message may be printed in

the RECORD, though I suppose it will be, as it has been read.

The VICE-PRESIDENT. The message, having been read, will be printed in the RECORD.

Mr. LODGE. I do not know how voluminous the papers sent in with the message may be, or whether the depositions which are referred to could properly be printed in the Record.

Mr. FORAKER. I think it would be better to print them as

a Senate document.

Mr. LODGE. If they are as voluminous as they seem to be, I think that would be better; but the fact is I know of no place where any information is so thoroughly concealed as in a House or a Senate document. In the Record it usually becomes more or less accessible. But I see that the depositions are too voluminous to go into the RECORD.

Mr. CULLOM. Mr. President

Mr. FORAKER. If the Senator from Illinois will pardon me

a minute to say just a word—— Mr. CULLOM. I hope the Senator will not get started on an extended discussion, as I desire to have the Senate resume the consideration of the legislative, etc., appropriation bill.

Mr. FORAKER. I am not going to make a speech, but I want to make a few remarks, if I may be allowed to do so.

What I want to say, Mr. President, is that this testimony, whatever it may be, whatever it may amount to—and from the President's message we are bound to presume that it amounts to a great deal, as he says it is conclusive-but whatever it may be, whatever it may amount to, it does not remove the objection that I have had to this proceeding from the beginning.

What I have been trying to contend for-and I hope I shall be successful in that—is to secure a hearing for the men who are charged with these serious crimes. This testimony has been taken, as the other testimony was, ex parte, behind closed doors, as the newspapers state, without anybody representing the men most interested to cross-examine or to have a word to say about it. I do not complain of that; but I only call attention to the fact that it has been taken in that way as a reason why I shall not desist, notwithstanding what the President says as to the character of it, from pressing the resolution that I have offered so as to have an investigation of the subject where everybody can be heard, and especially the men who are charged with the crimes of murder and perjury and conspiracy, to the end that if they can establish any fact in their favor they may have an opportunity to do so.

do not propose, even if I were familiar with this testimony, to discuss the case upon its merits at this time or at any time before there has been an investigation, if we shall order one; for I believe in discussing the case after it has been properly made and made in accordance with the spirit of American institutions, after every man, no matter how humble he may be, has had an opportunity to be heard—to have a day in court, if you please. When that time comes I shall have more to say about this particular testimony as well as the other testimony that has so far been adduced, together with such testimony as

the committee may take.

The VICE-PRESIDENT. The President's message, with the accompanying exhibits and illustrations, will be printed and lie on the table.

On motion of Mr. KEAN, it was

Ordered, That there be printed for the use of the Senate document room 500 extra copies of the message of the President relative to the Brownsville affair received this day.

# LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM. Mr. President, in pursuance of the notice I gave on Saturday last, I now move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes.

Mr. CULLOM. Mr. President, there are two or three amendments that I desire to offer on behalf of the committee. On page 11, line 19, after the word "Territories," I move to insert and the Resident Commissioner from Porto Rico.

The VICE-PRESIDENT. The amendment proposed by the

Senator from Illinois will be stated.

The Secretary. On page 11, line 19, after the word "Territories," it is proposed to insert "and the Resident Commissioner from Porto Rico.

The amendment was agreed to.

Mr. CULLOM. On page 17, at the end of line 10, I move to strike out the word "page" and insert in lieu thereof the words "stenographer and typewriter."

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. On page 17, line 10, after the word "dollars,"

it is proposed to strike out "page" and insert "stenographer and typewriter.'

The amendment was agreed to.

Mr. CULLOM. On page 140, after line 24, I move to strike out down to and including line 2 on page 141.

The VICE-PRESIDENT. The amendment will be stated. The Secretary. On page 140, after line 24, it is proposed to strike out:

For rent of suitable buildings for the storage of post-office supplies, and for the rural delivery service, \$12,800.

The amendment was agreed to.

Mr. CULLOM. Mr. President, I believe those are all the amendments the committee desire to have made. When we adjourned on Saturday last the pending question was on the amendment reported by the committee to strike out sections 4 and 5 of the bill.

The VICE-PRESIDENT. The amendment will be stated. The SECRETARY. It is proposed on page 164, after line 121, to strike out the following sections:

SEC. 4. On and after March 4, 1907, the compensation of the Speaker of the House of Representatives and Vice-President of the United States shall be at the rate of \$12,000 per annum each.

SEC. 5. On and after March 4, 1907, the compensation of the heads of Executive Departments who are members of the President's Cabinet shall be at the rate of \$12,000 per annum each.

Mr. GALLINGER. Mr. President, during the last session I introduced a bill providing for increased compensation to members of this body and to Representatives and Delegates in the other House. That bill went to the Committee on the Judiciary, where it now is, no report having been made on it. I introduced the bill, Mr. President, because I believed it was a just bill; because I believed the time had arrived when we could properly ask for increased compensation, which, in my judgment, the people and press of the country are satisfied should be granted.

When this bill came from the other House, containing provisions to increase the salaries of certain officials, it was thought by some of us that it would be a proper thing to offer an amendment to the bill covering the bill that I had previously introduced. I will say that that purpose was in contemplation, and the amendment would have been offered not by myself, but by

another Senator.

It has this morning come to my attention, Mr. President, that if it should be offered a point of order would be made against it; and as the point of order would undoubtedly lie-and I should have no disposition to engage in a controversy over that matter or to ask for a reversal of the ruling of the Chair, which, I am sure, would be in favor of the point of order-I simply desire to say that, so far as I am concerned, and I think I can speak for others as well, the amendment will not be offered; but some of us will look to legislation along other lines for the purpose of accomplishing what we think ought to be accomplished in this regard.

Mr. DUBOIS. Mr. President, I regret that the amendment to increase the salaries of Senators and Members of the House of Representatives will not come before the Senate. If the point of order were made against it, it would be undoubtedly sus-

tained.

I am aware of the fact that what I shall say now will be useless so far as present legislation is concerned; but every Senator knows that the salary now paid is inadequate and that it works to the detriment of the Government. There are a number of Senators in this Chamber who are forced to engage in outside business, which interferes with the proper discharge of their duties to the Government and to the Senate. There are a number of Senators here who lecture, and whose minds are thereby more or less diverted from the business of the Government. They can not live on the salary provided by law. I know from experience, being one of the Senators who are compelled to live on their salaries, that it forces that class of men to secure other employment. There are a number of Senators, of course, to whom the salary is a bagatelle; who pay all of their salary to their secretaries, it being only a small portion of their income. But it has come to a pass now that a man of small means must reflect quite seriously whether or not he will accept a position in this great body unless he has money outside of the salary he will receive.

There are a number of very capable lawyers in the different States who, through their practice, are making from three or four to ten thousand dollars a year. They are practicing their profession in fields where there are not great commercial bodies to give them tremendous salaries. If they come here and ac-cept a position in this great body, they lose their practice. If they serve out their six years, on their return to their homes they find that young men have secured their business; and it is a serious proposition with them whether or not, if called upon

by the people to occupy a place in this honorable body, in justice

to themselves and their families they can accept it.

No one can deny that a Senator can not properly live here on a salary of \$5,000 a year. He must keep two homes-one in his State and one here. He is called upon to pay his assessments in political campaigns. He can not avoid it. If he is qualified for a position in this body, he must expend more or less in a social way. He can not take a back room somewhere with his family and do justice to himself and to his constituency.

I regret that at this time the Senate will not incorporate in this bill a provision to increase Congressional salaries, to take

effect at a subsequent Congress.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Appropriations to strike out sections 4 and 5.

The amendment was agreed to.
Mr. SPOONER. Mr. President, has the amendment beginning on line 24, on page 32, and ending with line 10, on page 33, been acted upon?

Mr. CULLOM. That has been acted upon, Mr. President.

VICE-PRESIDENT. The amendment striking out the matter indicated by the Senator from Wisconsin [Mr. Spooner]

has been agreed to.

Mr. CULLOM. If the Senator from Wisconsin has any new light on the subject, we shall be glad to hear him when the bill

is in conference.

Mr. SPOONER. No, Mr. President; I beg to be excused. I have never gone before a committee of conference to talk about matters of legislation—matters in difference between the two I suppose I can be heard on this amendment in the Houses. Senate: I do not care to spend more than a few minutes

Mr. CULLOM. If the Senator will allow me, I will make a

brief statement.

Mr. SPOONER. Certainly.

Mr. CULLOM. In the first place, the amendment was alleged to have been agreed to by the Judiciary Committees of the Senate and the House. We had the chairman of the Committee on the Judiciary before the Committee on Appropriations, and the evidence was that the Judiciary Committee had never taken any action whatever on the subject. We thought, under the cir-cumstances, that that statement was entirely incorrect, according to the chairman of the Judiciary Committee, and that we ought to strike out the provision and find out, if we could, by the time the matter comes before the conference committee, whether there is any ground for the allegation or whether the provision ought to be left in the bill. It proposes to create some permanent bureaus to have charge of indexing the laws of the

Mr. SPOONER. Mr. President, I am opposed to the creation of unnecessary bureaus, and I am very strongly of the opinion that, without any detriment to the public interest, some bureaus which are now in existence and which cost a great deal of money could be dispensed with. I think it is true that this proposed index, so far as it has been completed, has not been passed upon by the Judiciary Committee of either House. I do not understand the statement in the House bill which asserts that it has been. I know, so far as the Senate is concerned, it has not. Perhaps it is too broad, because it authorizes the preparation of "such other law indexes, digests, and compilations of law as may be required for Congress and

other official use."

These people have been called upon by the Departments to make digests and to codify the laws of the States and to do some other work of that sort. They have done it, and they have done it well, but it is of a latitudinarian character, and it is that character which seems to be practically given to this work that makes it seem to Senators the foundation of a bureau that is intended to stand.

Mr. HALE. Will the Senator allow me? Mr. SPOONER. Certainly.

Mr. HALE. I think, Mr. President, it was about the same view that the Senator takes that animated the Committee on Appropriations in dealing with this amendment. It clearly is too broad in its latitude, as the Senator has said, and provides for a permanent bureau, which I do not believe is needed.

The Committee on Appropriations did not have from any source information enough on the subject to formulate an amendment that would cover the case, and it did what has to be done in such cases—disagreed to the whole proposition, leaving it, as it of course will be left, to the committee of conference to see whether the measure can be entirely struck out or can be whipped into shape, so that it will not then give rise to the objection suggested by the Senator from Wisconsin. If the Senator has any amendment which the committee did not have

and which it could not devise that would cure it so that it will not need to go to conference, speaking for one of the committee, I will agree with him, but I am free to confess that, as a member of the committee, I did not have information enough to know how it should be framed to relieve it of these difficulties, so as to make it a suitable provision. So the only thing left was to throw it into conference.

Mr. CLARK of Wyoming. Mr. President, I fully agree with the Committee on Appropriations in striking out this paragraph. I believe it should go into conference, and that the members of the conference committee on the part of the Senate should insist upon its remaining out of the bill, and for this reason:

Last year a provision was inserted in one of the appropriation bills providing for the establishment of this corps of employees for the purpose of indexing the statutes of the United States, upon a plan thereafter to be determined. That plan has never been determined. Under the provisions of the act, notwithstanding the fact that there has been no determination of the plan, there has been in operation during the last year, since July 1, a bureau consisting of several clerks, engaged in indexing the statutes of the United States. The provision in the present statutes of the United States. bill seems to indicate a disposition not only to continue the expenditure of the money without authority of law, but to make permanent that expenditure. I therefore hope that the members of the committee of conference on the part of the Senate, when the matter goes into conference, will insist upon their amend-

Mr. SPOONER. Mr. President, I sincerely hope that the conference committee will not omit an adequate provision, narrowing it so as to eliminate the objection which I myself take to it, for I think they would thereby be doing the public service, and especially the Congressional work, an injury. The statutes of the United States have not been well digested. Congress did provide for a digest of existing statutes, I think at the price of \$10,000, was it not? The price was not fixed, I am informed, but that was the sum asked. The work was done and submitted to the Judiciary Committee, I believe, and was examined, prob-ably, by one or two members of the committee. It is in four volumes, as I recollect. I have had occasion to examine that index, and it is worth the money, and it ought to be paid. It is worth the money in this, that it puts into four volumes nothing but the index, the substance, and the references to the statutes of the United States from the beginning; and it is an immense advantage. But I feel bound to say that, so far as I have had occasion to examine it, it is too much a copy of the indices of the various volumes of the statutes.

In the appropriation act of last year is the provision re-ferred to, and I presume my friend the Senator from Wyoming has stated it correctly, and if so he is technically right in the

position he takes.

I have looked over this index, so far as it has been prepared, not with the utmost care, but to see how it differs from the present index, and I do not want to do any injustice to it, for I confess its value. It is infinitely preferable to none, and will be found so by every Member of either branch of Congress who has occasion quickly to seek for an accurate reference as to the state of the statute law.

Mr. HALE. Is that the work which in four large volumes

has been sent to us?

Mr. SPOONER. Oh, no; that is the other.

Mr. HALE. That is the other?

Mr. SPOONER. That is the other.

I do not depreciate that, Mr. President. As I said, it is infinitely better than none. But every lawyer and every gentleman who is not a lawyer who has served in either House of Congress knows how important it is to be able quickly and accurately to refer where you will find every item of legislation under one head instead of having a part of the items relating to a subject under one head and another part under a different head, without specific indication as to what is in the one and what is in the other. I think it can be very, very much improved, and I think that Congress ought to pay for the work that has been done on the other, and ought to go on with this. I would limit it to the work that is done by Congress. in favor of making a bureau here to do digesting and indexing for all the Departments of the Government.

I am speaking now only to commend this subject to the conference committee. The Representative from Maine, Mr. Lit-TLEFIELD, has given a good deal of attention to this work. is a very industrious and a very accurate lawyer. He thinks very highly of it, as I do, so far as I have been able to examine it.

Mr. HALE. A good deal, almost everything, in indexing depends on the expert knowledge and experience of the man who does the indexing. The indexing faculty, as everybody who

has looked into the subject knows, is a rare and singular faculty. Mr. LODGE. It is a gift.

It is, as the Senator from Massachusetts says, almost a gift. The mere adding together, the mere copying from the index at the end of one volume and putting it into another volume is not much indexing. I'do not know enough about this work that has gone on to know whether the men who have been engaged in it have this rare indexing faculty. Somebody ought to know

Mr. SPOONER. I will say to the Senator from Maine that, in my opinion, the gentleman who is directing this work is admirably qualified for it. I refer to Doctor Scott, who has charge of the law library. I think he is admirably fitted and well trained for it. Of course there are men who must always be under him who have to work under his direction. But the scientific part of it, the arrangement of it, and all that, are done by him. This work is partly done, I think several hundred pages I ran down two or three of the subjects, and I found that it was scientifically done, if I am a judge. I think Congress ought to pay for the other index.

Mr. TELLER. Mr. President, we on this side of the Chamber

are hardly getting the advantage of the Senator's statement, be-

cause we can not hear.

Mr. CLARK of Wyoming. Mr. President, I have no criticism whatever to offer upon the work of Doctor Scott or his associates, for two reasons. I would not criticise him, because I understand from those competent to judge that he is well qualified for this work. Again, I would not criticise it because have had no opportunity to examine the work. The criticism I make is that there seems to be, as a result of that work, a disposition to build up a bureau, an independent, permanent bureau, in the absence of any legislative authority; and within the past few weeks, not in this direction, but in others, my duties as a Senator have compelled me to look with a good deal of disfavor upon the operation of bureaus acting independently and without authority of law.

There was inserted in one of the bills of last year a provision enabling the Librarian of Congress to prepare an index of the statutes upon a plan to be approved by two committees of Congress. No plan has ever been submitted to either of those committees of Congress. But the bureau immediately proceeded to organize itself, to have itself put upon the pay roll, to pay itself, and that pay has been going on since the 1st of last July.

Mr. HALE. How could that be done?

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Maine?

Mr. CLARK of Wyoming. Certainly.

Has the Senator that provision in one of the appropriation acts of last session which made this whole matter subject first to the approval of a joint committee?

Mr. CLARK of Wyoming. Not the approval of a joint committee, but the approval of the Judiciary Committees of the Senate and House of Representatives.

Mr. HALE. That makes it still stronger. And nothing has

been done in the way of approval?

Mr. CLARK of Wyoming. Nothing has been done in the way of approval, nor has anything been done until within the last ten days in the way of submitting any plan to the Judiciary Committee-of this body, at least.

Mr. HALE. It is clearly an illegal and unjustified and inex-

cusable act.

Mr. TILLMAN. Mr. President-Mr. SPOONER. I was not—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from South Carolina?

Mr. CLARK of Wyoming. Certainly.
Mr. TILLMAN. I was so much astonished at the utterance of the Senator from Wyoming that I rose to get some informa-He says that this bureau has organized itself.

Mr. CLARK of Wyoming. Well. Mr. TILLMAN. I want to know what has become of our watchdog of the Treasury, who has to pass upon matters of that sort and see whether they are lawful. If anybody can go around and organize a bureau and get by the Comptroller of the Treasury, I should like to know how it is done.

Mr. CLARK of Wyoming. I understand the Senator to refer to my friend, Judge Tracewell?

Mr. TILLMAN. Yes; Judge Tracewell.
Mr. CLARK of Wyoming. I do not understand that the Comptroller of the Treasury has supervision over the expendi-

ture of that particular money.

Mr. TILLMAN. Who has?

Mr. CLARK of Wyoming. It is disbursed by the disbursing officer of the Library of Congress.

Mr. TILLMAN. The Librarian of Congress, then, must be responsible for this bureau.

Mr. CLARK of Wyoming. I have given the Senator all the information I have. These people— Mr. TILLMAN. The Senator said this bureau had organized

Mr. CLARK of Wyoming. What I meant is that these people went upon the pay roll, the money was paid them which it was provided should be done only after certain approval, and the approval was never given. It was done without approval.

Mr. TELLER. Mr. President, if anyone will look at this

statement in the bill proposed to be stricken out and consider what the chairman of the Judiciary Committee has said, he will see at once that this paragraph ought to go out. can be no possible question that it ought to be stricken out. It must go out because this is supposed to be a recognition of what has not taken place. I do not know what they are doing in the Library, except by general repute. I understand they are going on and making these indexes. Then somebody else is making an index. It appeared to the committee which had this matter in charge that the only proper thing was to strike out the paragraph and then later determine what ought to be done with reference to the indexes.

I have before me now on the table, as every Senator has, the new code of penal and civil laws, of which an index will have to be made very soon, provided we accept the codification, which we will probably at the next Congress. We can hardly do it at this session. I find on my table a bill introduced by the senior Senator from Oregon [Mr. Fulton], but I do not suppose the Senator expects to pass this bill during the present session. I

hardly think he can.

Mr. FULTON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Oregon?

Mr. TELLER. Certainly.

Mr. FULTON. I will say to the Senator from Colorado that the bill which the special joint committee has reported he will observe simply includes all penal, criminal laws; and out of some 9,000 sections in the whole there are included in this bill but 342 or 343 sections. I do hope to get that measure before the Senate and have it enacted at this session. I do not expect, of course, to get the great body of the report of the committee enacted into law at the present session.

Mr. TELLER. In 1897 there was an act passed constituting a commission to codify the penal laws. Two years later, or about two years later, there was passed an act including all civil laws. Now, here is a thorough codification of the statutes of the United States. How good it is I do not know, and I do not suppose anybody else knows. It has only recently come here for our consideration, and nobody would suppose that in the short session of Congress we could do more than is suggested by the senior Senator from Oregon, and I doubt whether we can do that.

I have given a little attention to this codification, and I find there is a disagreement between the commission on some things, and I am pretty sure there will be a disagreement between the commission and some Senators here on some other things. do not believe you can pass all the penal provisions during the present session. I do not believe it is possible to do it.

Mr. President, all the indexing of the statutes as it now exists-and there is a pretty general index, which has answered our purposes for some years-is wasted and will have to be thrown away, because those statutes will be obsolete when these statutes are once adopted. The proper thing for us to do is to strike out this paragraph and meet the question of indexing when we get ready to make the index, which we certainly are not ready to do now. I am opposed to building up, as the chairman of the Committee on the Judiciary says he is, this bureau. I think when the time comes for indexing the statutes we can create a special board or committee for the purpose of doing it, and when their work is completed their official functions should terminate. I do not believe it is any business of the Librarian to do this work, and I am astonished that it should ever have been suggested, for I do not believe he is any more qualified to do that than are some members of the Senate. When you come to make an index, you must select somebody whom you know to be capable of indexing. whether there are a dozen Senators in this Chamber, if that business were turned over to them, who would make a very great success of indexing. It requires a man of peculiar knowledge of those things. We do not need an index just now. Let us wait until we do get the statutes enacted into law, which I venture to say will not be done before a year from now. Then let us see if we can not find somebody who can index it better

than the last statutes were indexed, which was fairly done, but not as well as it might have been, in my judgment.

There was nothing for the Committee on Appropriations to do but to strike out this paragraph, and we can not deal with it in any other way now. We should discontinue all indexing at the any other way now. present time and defer it until such time as we are ready to have a permanent index for the permanent statutes.

Mr. NELSON obtained the floor.

Mr. CULLOM. Mr. President, as I understand, there is no question before the Senate. I think the Senator from Wisconsin failed to offer any amendment or motion.

Mr. SPOONER. What is that?
Mr. CULLOM. The Senator from Wisconsin did not make a motion to reinstate the paragraph?

Mr. SPOONER. No.

The VICE-PRESIDENT. The Chair recognizes the Senator from Minnesota. Does the Senator from Minnesota yield to the Senator from Wisconsin?

Mr. SPOONER. I do not wish the Senator to yield.

Mr. NELSON. Mr. President, this paragraph which the committee has proposed to strike out from the bill illustrates how swift men are when you once open the door of the Treasury a little bit to open it wider. I recall what occurred in reference to this matter at the last session, and it is well that the Senate should know it.

Two of our employees in the Senate library had prepared an index, consisting of four volumes, which they submitted to the Judiciary Committee. The Judiciary Committee approved those volumes to the extent of recommending an appropriation of \$10,000 to pay for the work. While the matter was pending a gentleman connected with the law library here came and importuned me, and I presume he importuned other Senators. He called my attention to the bad work in that index and suggested that somebody connected with the library be given the work. In consequence of that agitation the paragraph referred to was inserted in the appropriation bill last year, but when it went in I supposed that before any work was done under it they would submit their plan, with an estimate of cost, to the committees of the two Houses of Congress. Nothing of that kind has been done. It seems they have gone to work in some way and organized the bureau, and now they want to perpetuate it and ask for a force of five men to prepare the index.

Mr. CLARK of Wyoming. They are already using that force,

I will say to the Senator from Minnesota.

Mr. NELSON. They are using that force, and under this paragraph they propose to perpetuate it, and then as a part of the scheme add \$500 to the salary of the law librarian.

This, it seems to me, is a most dangerous precedent, and I trust that the members of the Committee on Appropriations who will be on the conference will see that this item is ex-cluded from the bill. It has no business in the bill; and what is more, the attention of the Librarian of Congress ought to be called to the fact that he has no right to organize this bureau or to allow any pay to it. They had no right to go to work until they submitted their plan to the Judiciary Committees of the two Houses, and then only after that plan had been accepted and approved. I have never seen anything more lawless in the way of Government work than this matter here. The idea that upon that slender basis they should establish a bureau, and then after establishing it under legislation come here and ask us to perpetuate it with a force of five men-a continuing body-five men there to revise our acts at the end of every session of Congress, it seems to me, is preposterous. I am glad indeed to see that the Committee on Appropriations have had the good sense-and they always have on such items, I am glad to say-to knock this item out, and I hope it will stay out forever and ever.

Mr. FULTON. Mr. President, the Senator from Colorado [Mr. Teller] has said that he does not think consideration can be given at the present session to the bill which has been reported by the special joint committee embodying the penal laws of the United States. I desire to say to the Senator that while that may be true I trust it is not the attitude of the Senate. There has been no revision of the laws of the United States since 1878, and really not since 1873, for the revision was actually made in 1873 and a partial revision was made thereafter, carrying it up to 1878. The laws of Con-gress at the present time are scattered through something like twenty volumes of the Statutes at Large and Supplements to

the Revised Statutes.

Congress in 1897 passed a law authorizing the creation of a commission to codify and revise the laws of the United States.

Mr. TELLER. No; only the penal laws. Mr. FULTON. The penal laws of the United States. In 1899 their duties were enlarged so as to include the judiciary

Then in 1901 their duties were again enlarged, and they title. were charged with the work of codifying and revising all of the permanent and general laws.

Now, the Commission has completed its work and reported to Congress and the work is before Congress. I suppose that work has cost the Government of the United States not less than \$200,000. I can not speak positively as to the amount, but the Commissioners were paid \$5,000 a year each and there were three of them; they have been at work since 1897; and besides, there were other expenses, for printing and clerical aid, which I doubt not have carried it up to \$200,000.

Mr. TELLER. And rent, also. Mr. FULTON. Yes; rent of office, and all that. It does seem to me that the Government should avail itself of the work that has been done at very great expense to the Government, and I may say in passing that I think, taken as a whole, the work is of very great value.

The Congress at the last session appointed a special joint committee to review and examine the work of the Commission. I am a member of that committee, and I know something about the work that the Commission has done, and I know all, I think, about the work that the committee has done. The committee organized and came back here on the 15th day of November last and took up the criminal or penal title as it had been reported by the Commission. We put in every day from the 15th day of November until Congress convened going over the work. took up every section and compared it carefully with the original text. We took up every amendment and compared it. Then during the holiday recess we put in every day at work—
Mr. BACON. Will the Senator from Oregon pardon me for a

moment?

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Georgia?

Mr. FULITON. Certainly.
Mr. BACON. The Senator says the committee took up every amendment. What does the Senator mean by that-every amendment proposed by the Commission?

Mr. FULTON. Yes; in the work of revising there were neces-

sarily many amendments inserted in order to correct inaccuracies and develop the meaning. Oftentimes there were two sections on the same subject which had to be brought together, or the logical thing to do was to bring them together, and put them in one section, and frequently new language had to be employed.

Mr. SPOONER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Wisconsin?

Mr. SPOONER. I wish to ask the Senator a question.
Mr. FULTON. I shall be glad to have the question asked.
Mr. SPOONER. Has the work of the revisers been confined

to consolidating provisions in the interest of accuracy and clear expression, or has the work gone beyond that and changed the spirit, the philosophy, if there is any, of the statutes. In other words, putting it generally, I should like to have the Sena-tor state what liberty the revisers have considered themselves entitled to take.

Mr. FULTON. The revisers have construed the authority given them as an authorization to propose amendments and new legislation without any limit.

Mr. SPOONER. Without any limit? Mr. FULTON. Without any limit.

Mr. FULTON. Without any limit.
Mr. BACON. In other words, I understand from what the Senator says, that they have incorporated or have reported in this revision things which otherwise it would require legislation to put into the law?

Mr. FULTON. Undoubtedly.
Mr. BACON. That is the point I am after. In other words, they have assumed to legislate, if we approve what they have

Mr. FULTON. They have assumed to recommend legislation. In the title which we designate as the penal title they recommended 174 additional sections or new sections. We have reduced that to twenty-three, only thirteen of which are sections defining new offenses, which are offenses that so manifestly should be made criminal, I think, that there will be no question about them.

The Senator from Wisconsin has risen to ask me something further.

Mr. SPOONER. To be a little more precise, I should like the Senator to indicate to us whether the revisers have attempted in any wise to reorganize the present judiciary system of the United States, and if so, in a general way, to what extent and

in what manner.

Mr. FULTON. Yes; they have to this extent, although, of course, the Senator understands that that has not been yet re-

title, and we still have before us the judiciary title and all

Mr. SPOONER. You have before you the work of the revisers?

Mr. FULTON. Yes. I understand that they have recommended a change of the judiciary system to this extent: They propose to divorce the trial court entirely from the appellate They propose to impose on the district court all original jurisdiction, of course, except such as is vested by the Constitution in the Supreme Court, and to give to the circuit court only appellate duties, making the circuit judges judges solely of the United States circuit court of appeals. Indeed, they propose to change the name of that court to the circuit court and to make it simply an appellate court, and prohibit the judges of the appellate court from doing nisi prius duty at all.

That, in substance, is the change that they recommend in the

Mr. MALLORY. Let me ask the Senator if it is proposed to change their action as judges in civil cases?

Mr. FULTON. In both civil and criminal.
Mr. MALLORY. What right have they under this delegation of power to interfere with the civil action of judges?

Mr. FULTON. The Senator understands that later on the Commission was instructed to revise and codify all the laws, civil and criminal.

Mr. TELLER. That was in 1899. It was in 1899. Mr. FULTON.

Now, whatever may be the view of the Senate touching the wisdom of the change that is proposed by the Commission in regard to the judiciary of the nation, it seems to me that there can be no dispute or no disagreement of opinion touching the importance of the codification of the criminal laws at the

Let me say to the Senate I know this is rather wearisome, but I feel that it is a matter of very great importance. The Government has expended a large amount of money in securing this revision, and if we do not take advantage of it at once it will be useless to attempt to take advantage of it at all, because we are going on and passing new laws and it will have dropped so

far in the rear that it will soon cease to have any value.

Mr. CULLOM. Mr. President, this discussion is very interesting, but it is entirely outside of the pending appropriation bill. I hope the Senator will bring his remarks to a close very

Mr. FULTON. I will; but I suggest to the Senator from Illinois that the entire discussion of the morning has been outside of the appropriation bill.

Mr. CULLOM. I think not. Mr. TILLMAN. The indexing was not outside.

Mr. FULTON. The debate on the question was outside, I

Mr. CULLOM. The amendment was before the Senate. Mr. TILLMAN. And we had to ratify it—that is, we had to

pass on the Senate amendment.

Mr. FULTON. And all wanted to make speeches of ratifica-

Mr. CULLOM. I hope the Senator will conclude his remarks

Mr. FULTON. I do not wish to interfere with the progress of the appropriation bill, and I did not intend to go into this matter so extensively. I only intended to refer briefly to what the Senator from Colorado [Mr. Teller] said in his discussion of the amendment. I will, out of deference to the Senator from Illinois

Mr. BEVERIDGE. Let me ask the Senator from Oregon a question?

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Indiana?

Mr. FULTON. Certainly.

Mr. BEVERIDGE. Does not the Senator, who knows more about this question, of course, than anybody else here, regard the indexing, under the appropriation for which all this discussion has arisen, a work of great importance? I can not imagine a subject of any character of such grave importance as the subject of the revision of the laws; and the Senator's remarks are not only entirely pertinent, but highly necessary.

Mr. CULLOM. But it is a consumption of time.

Mr. FULTON. If we are going to have a revision and codification of the laws of the United States, as the Senator from Wisconsin explained a while ago, it is highly important to assemble them under the proper heading. If that is to be done, then, of course, we require a proper index. It seems to me that we ought to determine, first, whether we are going to have the codification and revision, and then, if we are, to have an index made to supply the necessities of the edition. Therefore, the matter of indexing is closely associated with and entirely relevant to the matter of codification and revision.

But I do not wish to take up the time of the Senator from Illinois in the consideration of the appropriation bill. I hope, however, that when it is concluded I may be permitted just a few moments to explain why I deem it important that this bill should be put through at the present session, and then, if the Senate is of a different opinion, we will lay the work aside and make no further attempt in regard to it. But I do not think it is fair to appoint a committee charged with the important work with which this committee has been charged and expect us to go ahead or put them in a place where their duty seems to require them to go ahead and do work of so great importance as this without knowing that the Senate is going to consider it at all. If the Senate is not going to consider it, I wish to be relieved from the work, because it is the most burdensome and difficult task that I ever entered upon in my life.

Mr. TELLER. Mr. President, I dislike to delay the passage of the appropriation bill, but it will be just as effective if passed an hour later as now, and I wish to reply to a few things the Senator from Oregon has said, because he evidently mis-

understands my position about this matter.

I agree with the Senator from Oregon that we must as soon as possible enact into law this revision and codification, providing it meets our approval, and if it does not meet our approval as the committee submit it, provided we will have the time, to consider it and make it meet our approval. When I said it was not likely to be brought up, it was not because I had any opposition to taking it up.

Mr. FULTON. I understood the Senator.

Mr. TELLER. We have only about forty days remaining in which to do the business of the session. I believe from measures before us now and measures that will come before us that we are not going to pass the penal provisions at the present session. I wish to say to the Senator that he is in the same position as chairman of his committee that a great many other Work is coming before the Senate chairmen of committees are. that will not be done and will die with the Congress, and the bill the Senator has reported will perhaps die with the Con-

Mr. President, I do not want to criticise the work of the Commission. I have not given such examination to it as that I am willing to criticise it. But I wish to say that the Commission have been exceedingly liberal in their exercise of the authority given them to codify the laws by the changes they have made which I find in a very few pages. I do not think anyone had an idea that they would change the judiciary system of the United States, and I do not believe it ought to be done. I do not believe it will be done in the bill reported by the Senator from Oregon. I think that is a matter which should come from the Judiciary Committee of the Senate or the Judiciary Committee of the House. The Commission propose to transfer the jurisdiction of the circuit courts to the district Possibly that might be a wise thing to do, but if it is ever done the number of judges must be very materially in-

Mr. BEVERIDGE. Mr. President—
The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. TELLER. Certainly.
Mr. BEVERIDGE. That is nothing more than a recommenda-It does not have any effect whatever until we approve it. Mr. TELLER. If we adopt the report as it comes here as a whole, it would be the statute from this hour.

Mr. BEVERIDGE. Certainly; but I mean to say that as it stands it is nothing more than a recommendation.

Mr. TELLER. They put it in the form of a statute.

Mr. BEVERIDGE. For our convenience.

TELLER. And in their report they suggest that we accept it. There is a great number of things here that they have not suggested in their report. I do not think it is safe to accept this codification unless the committee charged with this work shall go into it page by page and make a report to the Senate, so that the Senate will know every single change proposed in the law and will pass upon it, not simply by the adoption of the whole, but by a special vote determine whether it shall be adopted or rejected.

Mr. FULTON. Will the S Mr. TELLER. Certainly. Will the Senator allow me?

The Senator said the committee should go Mr. FULTON. into the work and examine it page by page. Let me say to the Senator that so far as the work has progressed on the part of the committee they have compared every section and every line.

Mr. TELLER. I have no doubt of that; but you have not gone through the whole of it.

Mr. FULTON. Certainly not; but we expect to do it, if the Senate will give us consideration for the measures as we report However, if the Senate is not going to give us any consideration, if it is not going to take up the work, then we need not go on with it.

Mr. TELLER. Nobody has suggested that the Senate was not going to give it consideration. The Senator is borrowing

Mr. FULTON. But let me say to the Senator I know there is an indisposition to take up this work. I appreciate the feeling that makes Senators indisposed to take it up, because it is difficult and it means long sessions and probably night sessions to

give the necessary attention to it.

Mr. TELLER. Mr. President, there are provisions in the bill that will go undoubtedly, before we pass on them, to some of the committees; for instance, the Judiciary Committee. I would not be willing myself to vote for any suggestion made by a special committee as to the jurisdiction of the courts or a change in the judiciary system, I will say. That is a matter that I think properly, when we reach it, will be sent to the Judiciary Committee for its opinion. That would be a very proper course, and we show no disrespect to the special committee when we do that. It would be in accordance with what has been done for the last hundred years when we have revised the statutes.

Mr. President, I have called attention to just one point. I can call attention to a dozen here that seem to me to require a good deal of attention. I know nothing about what work the committee have done on the penal statutes. I have very much less interest in those than in the code of the civil law. the committee reported they reported some changes that I have

called attention to very briefly.

Mr. Watson was one of the Commissioners. He is a man very well qualified for this work, I want to say, a man whose training and everything fitted him for it. I suppose he agreed with the others, but I am very certain I shall not agree with them as to the judiciary. I think there will have to be some additions made to it. Here it what Mr. Watson says:

I approve the report of the majority of the Commissioners, except in the following particulars:

First. The omission from the revision of section 22 of the Revised Statutes of the United States, which reads as follows:

"Sec. 22. Should any State deny or abridge the right of any of the male inhabitants thereof, being 21 years of age, and citizens of the United States, to vote at any election named in the amendment to the Constitution, Article XIV, section 2, except for participation in the rebellion or other crime, the number of Representatives apportioned to such State shall be reduced in the proportion which the number of such male citizens shall have to the whole number of male citizens 21 years of age in such State."

Mr. President, if that is a sample of what this Commission have done, you may depend upon it that when that bill comes here it will take three months to pass it, and it will take

longer than that to pass it in the other House.

I only mention the fact that this codification is not-liable to be immediately enacted into a law, and state as the reason why we should not appoint people to index statutes now existing that they will be superseded largely in a few months. I only read this to show that there is trouble ahead when you come to consider this question. I want to say to the Senator again I do not desire to cast any reflection on his committee. I would not be willing myself to pass upon it if I was a member of the committee without the Senate knowing every single change, and I do not believe the committee will. When you consider that these two great volumes are to be considered here day after day, as they must, you can readily see that we are not likely to do it in this Congress.

Mr. SPOONER. Mr. President, I wish to say a word about this revision, and then I shall have finished with it. I do not remember the provision of the appropriation act of last winter, from which it is perfectly clear that so far as the indexing of the statutes is concerned no work was authorized by the act of Congress, except after the preparation of a plan. They were authorized to prepare and present a plan, but they were not authorized to spend a dollar beyond the preparation of a plan until their plan, which means, I suppose, their method of indexing, had been submitted to and been approved by the Judiciary committees of both Houses. That has not been done, and I am frank to say that the work which has been done goes, in my opinion, very far beyond the plan. I know of no other way to meet the requirement of the act, except to make a portion of an index in order that the method employed might be ob-served and criticised; but that would be a matter of small bulk perhaps, whereas a large amount of work has been done

Mr. President, while I am on my feet I trust to be forgiven by the Senator from Illinois, some day, if not now, for saying

a word in regard to the subject which has been debated for some time and which confessedly is not before the Senate, and that is the revision of the statutes. There is nothing more important than that. There is nothing that requires finer dis-crimination and larger knowledge of decisions, and, in fact, better ability from almost every standpoint in a lawyer than a revision of the statutes. I have not the slightest doubt-indeed, that the Senators who have laboriously gone over this work during the summer are able, abundantly able. I do not criticise their request, but it is an absolute impossibility for either House of Congress to intelligently enact into law that bulk of proposed new statutes [indicating]. We attempted it some years ago as to the Alaska Code, and it was a farce largely. The Senator from Colorado [Mr. Teller] will remember it.

Mr. FULTON. May I ask the Senator a question?

Mr. SPOONER. Of course.
Mr. FULTON. What does the Senator think, then, of the advisability of the course to report the matter under the title in

smaller sections? We can make it smaller.

Mr. SPOONER. I was going to make a suggestion, which I make because of my appreciation of the value of the work put into actual operation by a board of very able men some years ago. I refer to the revised statutes of Wisconsin. Ex-Senator Vilas was one of the commission; Judge Orton, afterwards chief justice of the supreme court, was another; Judge Taylor, of the supreme court, was another, and they were very able and very industrious men. Others were added. When their bill was introduced, it came with a report, which has always been denominated the "Revisers' Notes," and every section of the statutes, or the proposed statutes, was to be found by number in that book of notes, with a statement whether the section had been rewritten, if rewritten, to what extent, and showing clearly to anyone who had the bill before him as the clerk read at the desk just what the revisers had done with it, so that every member of the legislature, as it went through, could watch it from the standpoint of the report of the revisers. I believe that is the only course which can safely be pursued by the revisers, not the committee. It is not fair to put that burden upon the committee.

Mr. FULTON. I will say to the Senator that I have prepared, and the chairman of the House committee has prepared, just exactly that. I may term it an index. From it I can show exactly every word that is changed-just what is eliminated and just what is inserted—in regard to every section. It is very difficult to publish that without making it so extensive and so voluminous and bulky that it would be almost equal to

the code itself.

Mr. SPOONER. It will be of no earthly use to the Members of the Senate and House unless it is published.

Mr. FULTON. Except to call attention to it while the matter is in progress—as the bill is being read—and refer to the statutes as we go along. That is what I expect to do.

The VICE-PRESIDENT. Are there further amendments to

be proposed to the bill?

Mr. SMOOT. On page 130, line 16, I move to strike out "nine" and insert "ten," and to change the total to correspond with this increase of the appropriation.

The VICE-PRESIDENT. The amendment proposed by the

Senator from Utah will be read. The Secretary. In line 16, page 130, strike out "nine," before "thousand," and insert "ten;" and in line 17, before "thousand," strike out "eleven" and insert "twelve;" so as to read:

For surveyor-general of Utah, \$2,000 ; and for the clerks in his office, \$10,000 ; in all, \$12,000 .

Mr. CULLOM. The Senator from Utah desires to have the appropriation raised \$1,000, which is, I understand, estimated for, and the committee probably overlooked the fact that it was estimated for. I have no objection to the amendment.

The amendment was agreed to.

Mr. FORAKER. On page 131, line 19, I now offer the amendment I gave notice of.

The VICE-PRESIDENT. The amendment will be stated. The Secretary. On line 19, page 131, it is proposed to strike out the words "two hundred and fifty" and insert "five hundred;" so as to read "disbursing clerk, \$2,500."

Mr. FORAKER. This was also estimated for, I am informed. Mr. CULLOM. The Senator's friend, whoever he is, is now receiving \$2,250 and disburses about a million dollars. bursing officer in the Interior Department receives the same salary and disburses \$5,442,000. The disbursing officer in the Navy Department receives the same salary, \$2,250; the Auditor for the Post-Office Department receives \$2,250, and so on. It seems to me the gentleman whose salary the Senator is trying to increase is getting about as much salary as any of the rest of

them and he ought to be content. His salary was increased from \$2,000 to \$2,250 I think a year ago, possibly two years ago;

and I think the Senator had better be content.

Mr. FORAKER. Mr. President, there is nothing personal This is simply a matter of public spirit. I offered the amendment because I think the official who would get the benefit of it is not adequately compensated. I do not know the amount of his disbursements, but I understand that they are very large. The Senator says he disburses only \$1,000,000 annually. told that his disbursements are very large, and that he has to give a bond, which costs him a considerable amount. I am further told that as compared with other disbursing officers he is underpaid. I do not know how that is. I am also told that the Department has estimated for this amount and the Postmaster-General has recommended it. It is in view of all that that I have in good faith offered this amendment, not for the purpose of serving the interest of a friend, but because the case appealed to me as one that should be favorably considered.

Mr. CULLOM. I would be very glad to accommodate the

Senator, but if we are going to keep these salaries within our control we ought to adhere to what seems to be fair and right as between this man and others who disburse very much more money. There are two or three disbursing officers who receive a salary of \$2,400 and disburse \$3,200,000, but none of the men who receive so small a salary as \$2,250 disburses anything like the amount that is disbursed by those who are getting larger sal-

aries. I hope the amendment will be voted down.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Ohio [Mr. FORAKER].

The amendment was rejected.

Mr. MONEY. Mr. President, I have a small amendment to move, which I will ask the Senator in charge of the bill to accept. On page 147, line 3, after the word "cotton," I move to add the words "and cotton-seed products."

Mr. CULLOM. I have no objection to accepting the amend-

ment the Senator from Mississippi suggests.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Mississippi [Mr. Money].

The Secretary. On page 147, at the end of line 3, after the word "cotton," it is proposed to insert "and cotton-seed products."

The amendment was agreed to.

Mr. ALDRICH. On page 86, line 6, I move to strike out the word "two" and insert "three."

The VICE-PRESIDENT. The amendment proposed by the Senator from Rhode Island will be stated.

The Secretary. On page 86, line 6, before the word "thousand," it is proposed to strike out "two" and insert "three;" so as to read:

One marine engineer, \$3,500.

The amendment was agreed to.

The VICE-PRESIDENT. That necessitates a change of the total in lines 14 and 15, which will be stated.

The Secretary. The total in lines 14 and 15 will then read:

In all, \$276,240.

The amendment was agreed to.

Mr. ALDRICH. I ask to have inserted in the RECORD, without reading, the communication which I send to the desk from the Quartermaster-General of the United States Army in support of the amendment.

The VICE-PRESIDENT. In the absence of objection, the communication will be printed in the RECORD.

The paper referred to is as follows:

[Memorandum for the Secretary of War.]

[Memorandum for the Secretary of War.]

WAR DEPARTMENT,

OFFICE OF THE QUARTERMASTER-GENERAL,

Washington, January 8, 1907.

Attention is respectfully invited to an amendment to H. R. 21574, copy inclosed, which proposes to increase the salary of the position of marine engineer of this office from \$2,500 to \$4,000 per year. Such action would be in the interest of the service, and the favorable consideration of the amendment is therefore recommended and such steps as will further its adoption requested to be taken.

The duties of the marine engineer are highly technical in character, and in business life such a position commands very high pay. This Department now owns and operates ninety-five steamboats, seventeen of which are transports, and many of the others ocean-going, tugs, harbor boats, and torpedo planters, forty of which have been built under the supervision of the present engineer and from plans, designs, working drawings, and specifications prepared by him. He also passes on the necessity for the numerous repairs, and in this capacity is, by the exercise of his judgment and by reason of his long experience and familiarity with the different vessels, enabled to make recommendations which permit of the service being operated in an economical manner.

The present salary is entirely inadequate for the services performed and the responsibilities assumed.

C. F. Humphrey,

C. F. HUMPHREY, Quartermaster-General United States Army.

Mr. McCUMBER. I move an amendment on page 117, line 14, by inserting after the word "thousand" the words "five hundred."

The VICE-PRESIDENT. The amendment proposed by the Senator from North Dakota will be stated.

The Secretary. On page 117, line 14, after the word "thousand," it is proposed to insert "five hundred;" so as to read:

Private secretary, to be selected and appointed by the Commissioner Pensions, \$2,500.

The amendment was agreed to.

The VICE-PRESIDENT. That will make necessary a change of the total on page 118, lines 7 and 8.

Mr. McCUMBER. I ask that that change in the total may be

Mr. CULLOM. I ask that the clerks may be authorized to make the correction.

The VICE-PRESIDENT. In the absence of objection, the Secretary will be authorized to make corrections in the totals made necessary by the adoption of amendments.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed:

### CODE OF PENAL LAWS.

Mr. FULTON. Mr. President, in order that I may ascertain the disposition of the Senate in regard to considering at the present session the penal code as it has been reported, I move that it be now taken up and made the unfinished business.

If the Chair will permit me, I will state that the report of the committee shows that all amendments that have been made are printed in italics, that wherever a new section has been created by bringing together two or more sections that section has been printed in brackets, and that where any language has been omitted the section has been printed in brackets, so that it will be easy to discover by simply looking at the bill as reported what changes or amendments have been made.

I do not care to take up the time of the Senate in going into any further explanation in regard to this measure, the importance of which the Senate understands just as fully as I do, and understand it without my making any further suggestion.

Mr. KEAN. Mr. President, I rise to a question of order.

debate in order?

The VICE-PRESIDENT. The Senator from Oregon [Mr. Fulton], as the Chair understood, requested permission of the Senate to make his statement, and the Chair heard no objection. Is there objection? The Chair hears none, and the Senator from Oregon will proceed.

Mr. BERRY. Mr. President, a similar proposition was made by the Senator from Oregon [Mr. Fulton] a day or two ago, to make the bill to which he refers the unfinished business, and objection was then made by the Senator from Michigan [Mr. Burrows], who is not now in his seat. I do not think this agreement ought to be made in the absence of that Sen-

Mr. FULTON. I am not asking for unanimous consent. The VICE-PRESIDENT. The Senator from Oregon has

moved to take up the bill.

Mr. BERRY. I thought he was asking for unanimous con-

Mr. FULTON. No; I was not asking for unanimous conent. I simply moved to take up the bill. I was premising—
Mr. KEAN. Mr. President—
Mr. FULTON. Will the Senator kindly indicate what he

wants?

Mr. KEAN. I want the motion put and decided, and the bill made the unfinished business.

Mr. BERRY. The question is not debatable. Mr. FUL/TON. Very well, I simply renew my Very well, I simply renew my motion that the bill to which I have referred be taken up and made the unfinished business.

Mr. NELSON. Mr. President-

The VICE-PRESIDENT. The Senator from Oregon moves that the bill (S. 7709) to revise, codify, and amend penal laws of the United States be made the unfinished business.

Mr. ALDRICH. Taken up for consideration, it should be. The VICE-PRESIDENT. That the bill be taken up for consideration.

Mr. NELSON. I make the point of order that it is not in order to enter a motion to make the bill the unfinished business. That can only be done by unanimous consent; but the Senator

can move to take up the bill.

Mr. FULTON. I simply move to take up the bill.

The VICE-PRESIDENT. The question is on the motion of the Senator from Oregon that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to.

Mr. FULTON. Mr. President, the bill having been taken up,

now ask that it may be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Oregon asks unanimous consent that the bill be temporarily laid aside. Is there objection? The Chair hears none, and that order is made. Mr. HANSBROUGH. Mr. President, would it be in order at

this time to offer a resolution for reference?

The VICE-PRESIDENT. Without objection, the resolution

will be received. Mr. HALE. I suggest to the Senator that I think we had better go on with the consideration of the resolution in relation to the Brownsville affair.

The VICE-PRESIDENT. Objection is made.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

Mr. MALLORY. Mr. President, I understand that the unfinished business has been temporarily laid aside.

The VICE-PRESIDENT. The unfinished business has been

temporarily laid aside.

Mr. MALLORY. I desire, then, Mr. President, that the resolution offered by the Senator from Ohio [Mr. Foraker] in regard to the investigation at Brownsville may be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution submitted by the Senator from Ohio [Mr. FORAKER] on December 20, 1906, as modified, which will be

The Secretary read as follows:

Resolved, That the Committee on Military Affairs be, and hereby is, authorized to take such further testimony as may be necessary to establish the facts connected with the discharge of members of Companies B, C, and D, Twenty-fifth United States Infantry, and that it be, and hereby is, authorized to send for persons and papers and administer oaths, and report thereon, by bill or otherwise.

The committee, or any subcommittee thereof, is further authorized, if deemed necessary, to visit Brownsville, Tex., inspect the locality of the recent disturbance, and examine witnesses there.

Mr. Mallody obtained the floor

Mr. MALLORY obtained the floor. Mr. FORAKER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Florida yield to the Senator from Ohio?

Mr. FORAKER. May I inquire if the Senator from Florida

rises to speak to the resolution?

The VICE-PRESIDENT. The Senator from Florida [Mr. MALLORY] has asked that the resolution introduced by the Senator from Ohio [Mr. FORAKER] should be laid before the Senate. Mr. FORAKER. Very well. Does the Senator desire to

speak to the resolution, may I inquire?

Mr. MALLORY. I desire to make a few remarks concerning

Mr. FORAKER. Very well. Mr. MALLORY. Mr. President, I doubt whether if this resolution is adopted it will lead to any practical result. The question as to whether the attack on the sleeping community of Brownsville was made by soldiers of the garrison at Brownsville is, I think, no longer an open question. While it is true that we have had very little sworn testimony on the subject-in fact, very little testimony in the legal sense of the term-we nevertheless have before us an array of facts, furnished by credible witnesses, together with a number of circumstances which, in my judgment, if the question of the guilt of some of the men of the Twenty-fifth Infantry at Brownsville were submitted to a jury in any State of the Union would lead to nothing else than a verdict of guilty. There can, Mr. President, be no reasonable doubt in the mind of any impartial and intelligent man of the fact that the "shooting up" of that town about midnight on the 13th day of last August was done by negro soldiers, members of the Twenty-fifth Infantry.

We have, Mr. President, without adverting to the testimony before the grand jury at Brownsville, which was under oath, and without referring to additional alleged evidence that is brought here to-day with the President's message, we have before us the statements of at least six eyewitnesses, men living in Brownsville, against whose reputations not one word has been offered, whose condition was such that the idea of collusion is excluded and who testify point-blank that they saw the men who did the shooting, at the time they did the shooting, and that those men were soldiers, and negro soldiers. The only negro soldiers then within a hundred miles of Brownsville were the members of the Twenty-fifth Infantry quartered in barracks

in the fort in that town.

In addition, Mr. President, to that direct testimony, the statement of these six witnesses, we have the circumstantial evidence

that has been adverted to this morning in the President's message, which is before us, presented in document known as Senate Document No. 155. It is that there were found upon the ground on the day after this occurrence cartridges and parts of cartridges that belonged to the peculiar gun with which the Twenty-fifth Infantry were armed; that there were clips found on the ground where the shooting occurred, which could be used only in guns such as were used by the Twenty-fifth Infantry; that there were bullet marks upon houses bearing a course so straight and direct from the quarters of the Twenty-fifth Infantry that it can not be contended they were not fired either from the fort or from a position on the opposite side of the fort, and even one bullet, as has been testified to, passed through the second story of a house situated very close to the wall of the fort at such an angle that it necessarily must have been fired from the second story of the barracks in which Company "C" of that regiment were quartered.

I do not propose to go into the testimony, but, in addition, we have the motive inspired by the treatment which the men of this battalion suffered at the hands of the people of Brownsville. There was discrimination against them. There had been individual collisions between members of that battalion and the citizens of Brownsville. One negro soldier was charged with having attempted an assault upon a respectable lady of that The liberty of the soldiers had been curtailed in consequence of the complaint arising from that assault, so that they were required to be in their quarters by 8 o'clock at night. liberty was allowed them beyond that hour. They felt themselves insulted, undoubtedly, by reason of the discrimination shown against them in the barrooms in Brownsville, where they were segregated and required to drink by themselves. Resentment against such treatment and a disposition to revenge themselves for it would not be unnatural. Even white men subjected to the treatment which they had sustained would certainly have entertained resentment against those who had imposed it on them. Therefore, I say that, in addition to the direct testimony, in addition to the circumstantial evidence, you have the motive supplied by the resentment naturally felt by these men against the individuals at whose hands they had suffered what they believed to be great injustice.

It is true that, in answer to all of that, we have the sworn statement of every man in the battalion to the effect that he knew nothing whatever about this occurrence, and that he never had heard any expressions of resentment or of hostility toward the white people of Brownsville uttered by any members of the That seems to have been the uniform statement of battalion. the men who were examined subsequently at Fort Reno by an official of the Government. But notwithstanding those assertions it is not reasonable, Mr. President, to believe that in a body of men like that, after undergoing the treatment which they sustained, there would not be a deep feeling of hostility, resentment, and hatred toward those who had subjected them to it.

On that point I will call attention to the way in which this matter has struck other colored people. I have in mind here a set of resolutions, or a pronunciamento, purporting to be put forth by the colored citizens of Boston and vicinity in mass meeting, assembled in Faneuil Hall, protesting against the action of the President in this case. In the course of their exposition of the reasons for their protests we have this:

Brooding on repeated insults and outrages, a few of these colored soldiers went into the town on the night of August 13 last with their guns, determined to do for themselves what the uniform of their country could not do for them and what the police power of white Brownsville would not do for them, viz, protect them from such insults and outrages and punish at the same time the authors of their misery.

It would seem, Mr. President, that these highly enlightened and cultured colored people of Boston had no question in their minds that there was ample ground for the most bitter resentment, and not only no question in their minds that there was such ground for resentment, but that they had no question in their minds that the soldiers of the Twenty-fifth Regiment fired those shots on that night.

In passing, though it is not exactly pertinent to the point which I am endeavoring to make here, I would call attention to the language in which the President is criticised in this pronunciamento or protest. I will read an extract from it:

But when the blow which ought to have fallen on the guilty ones, and on them alone, has fallen with crushing weight on scores of innocent men, whose only offense is that they refused to do the infamous work of spies and informers on comrades, we do utter our word of appeal and protest to the country against this act of unprecedented injustice and wanton abuse of Executive power on the part of President Roosevelt.

Mr. President, if there were wanted any better evidence than we already have as to the incompetency of the average colored man in this country to grapple with great questions, we could get no better piece of testimony than that which is presented by

this protest. The present President of the United States, of all the Presidents who have sat in that chair since the close of our civil war, has manifested more plainly and decidedly a disposition to lift up and encourage the colored race in this country, as far as in his power lay, by elevating them, on all occasions when he could do so, to positions of honor and trust under the

I myself think he was mistaken. I protested at the time against the number of those appointments, because I thought it was impolitic and out of time; but he did it. The collector of internal revenue of my State—the most lucrative office, if I am not mistaken, under the Federal Government in Florida—is a full-blooded colored man. If I am not mistaken, the collector of customs at Savannah, Ga., another white community that pro-tests against putting negro officials in high office, is a colored man. If I am not mistaken—and if I am the Senator from Georgia can correct me—the collector of internal revenue of the State of Georgia is now a colored man. We all know what a struggle was made here against the confirmation of Doctor Crum as collector of customs at Charleston, S. C., and how, in spite of the protests of Senators on this floor and Representatives of the South in the other House, the President insisted on doing what he apparently believed to be his duty in this matter of upholding and uplifting the colored race by giving them offi-

But these patriots in Boston, who probably are the best representatives of the colored race in the country, who as a class are the most enlightened and probably the most highly educated colored people in the world, allow themselves to be carried away by the passion of the moment, and, unable to look fairly and squarely at a proposition which should be judged calmly and justly, forget the fact that they are under great obligations to the President and proclaim to the world their inflammatory denunciation of the best friend they have ever had in that

I wish to be understood, Mr. President, as not agreeing with the President of the United States in all he has done in this respect, but I refer to this incident as an illustration of the incompetency of even the very best element of the colored people to grapple with grave questions of this character; because it is a grave question, a most serious one. While it is one that is not at all difficult to dispose of justly and rightly, it is one, nevertheless, which is of great importance, and it should be considered very carefully before we give expression to our opinion concerning it.

But I digressed, Mr. President, from the line I was pursuing merely to call attention to this phenomenon or peculiarity of our colored people, who will allow passion to get the better of their judgment on almost all important occasions in which they

think their race is concerned.

In addition, Mr. President, to these indicia of the truth of the fact that this assault at Brownsville was made by colored soldiers in garrison there, we have the serious and unanimous conclusion of disinterested and capable men on the ground. Take General Nettleton, as an illustration. He had no motive whatever in adopting a theory which was not well sustained. all have read his letter on this subject. General Garlington and Major Blocksom, officials sent there for the purpose of ascertaining the truth, unhesitatingly express the conviction that some of the men of this Twenty-fifth Infantry, at least, were the ones who committed the assault at Brownsville. Attention is called by one of these gentleman-I think by General Garlington-to the fact that when the sound to arms was given, when the bugle blew, and the men who were sleeping in the barracks, in response to that call went to get their arms, it was found that one of the racks containing the arms for Company C had been broken open; and to this day, Mr. President, we do not know when or how it was broken open. The sergeant who gave testimony on that subject did say something to the effect that he believed it was broken open by the men who had gone there after the call to arms and who, knowing it was their duty to take their arms, and unable in the dark to get the door open. broke it open. That is merely a surmise. It is a crucial point in the matter of investigating this question, because without those guns the soldiers could not have made the attack, and it devolves upon them to show beyond a reasonable doubt that the rack was opened as that sergeant surmised it had been. But we have no evidence of it.

It is perfectly consistent with all the other facts that that rack was broken open fifteen or twenty minutes or a half hour or an hour before the call to arms was given; that the men who did the shooting got the guns out of the rack so broken open, because, if I am not mistaken, those racks contained each one-quarter of the guns of the company, numbering in this instance sixteen or seventeen guns; that they went out, did

their devilish work of murder, and got back in time to answer to their names with their guns in their hands and escaped detection, because all the others by that time had gotten their guns, and it was impossible to discriminate between those who had guns that had been outside of the walls and those who had

taken guns in response to the call.

Therefore, I take it, after this somewhat hurried review of the bulk of the testimony, that it is really unnecessary for the Senate to designate a committee to search further to ascertain whether this assault was made by members of any company of that battalion. If the committee does investigate, it will be impossible for it to ascertain anything more than that fact. I do not think it is within the range of probability that the committee will be able to ascertain who were the individual soldiers who were concerned in that riot. The grand jury of that county failed to elicit one syllable of evidence implicating any individual. The officers of the Army who were sent down there have failed utterly to do so. But it is suggested that a committee of the Senate may go down there and possibly ascertain who these individuals were. I do not think that is the duty of a committee of this body. However, I do not say definitively that I shall vote against the resolution. I am in favor of throwing upon this subject all the light that can possibly be obtained, and it is within the range of possibility that some evidence may be obtained to designate and point out distinctly who the culprits were in this particular case.

Mr. President, proceeding on the theory and premise that this assault was made by members of the Twenty-fifth Regiment stationed at Brownsville, I shall advert as briefly as possible to what I regard as the real question presented from a legal point of view by this case. I have listened with a great deal of interest to the eloquent Senator from Ohio [Mr. FORAKER], who on several occasions has given us his views upon the action of the President. Invariably the Senator from Ohio has contended, as these protestants from Boston contend, that a great injustice has been done these men; that they have been charged with crimes, and that it lies at the very foundation of our institutions that a man who is charged with a crime shall have the right to meet his accuser and to submit questions to that accuser. The Senator from Ohio and the Senator from South Carolina [Mr. TILLMAN] both have favored the Senate with their opinion of

the President's action viewed from that position.

But, Mr. President, it occurs to me that in this case these men are not charged with anything. The whole battalion practically has been discharged, but I challenge the Senator from Ohio or the Senator from South Carolina to indicate any instance in which a charge is now made against any individual of that battalion. It is true there was a charge formulated against thirteen who were suspected and held in confinement, but because of the absence of evidence, because of the conviction on the part of the officer in command that it was utterly impossible for any proof to be made to convict any one of them, those charges were dismissed and the men were discharged from the Army without any charge of crime being preferred against any one of them.

If that is so, then, Mr. President, if they were discharged without any accusation of crime against them personally and individually, where is the wrong in their being discharged without trial, if the President had the power to so discharge them? I have been unable to see it, because I think it will be admitted, even by the Senator from Ohio, that the President has been vested by Congress, if he has not the power inherent in his position as Commander in Chief, with the right and the power at all times, in war or in peace, to discharge an enlisted man from

the Army.

Conceding that the President has the right to discharge a man from the Army in accordance with the provisions of the fourth article of war, and that no charges have been preferred against any individual among these men who have thus been discharged, the argument of the Senator from Ohio goes a step further and says that may be true, but we have rules and regulations of the Army, which rules and regulations have the sanctity of law, and those rules and regulations prescribe what shall be done when men are discharged under the circumstances that exist in this case.

I will say here, Mr. President, that, in my opinion, the President had no right or authority, in the discharge that he gave to these men, classified as it is, "without honor," to prohibit their employment thereafter in the civil service of the United States. In his message to the Senate to-day I am glad to see that he recognizes that to be the fact—that he exceeded his authority in making that declaration-and withdraws it. I go further. I do not believe that the President of the United States, from the view which I take of this law, has the right to prohibit the reen-listment of these men in the Army; not that the President could not to-morrow, under the authority vested in him to make rules and regulations, prescribe a rule whereby they could be excluded; not that for the future he could not act on such a rule, but at the time when he acted there was no power that I know of, vested in him under the rules which he had himself estab-

lished authorizing him to exclude from reenlistment.

The regulation requires that when a man is discharged his character as a soldier shall be incorporated in the discharge, and that it shall be at least "good." When the President came to discharge these individuals, admitting, as he did, that he could obtain no evidence against their conduct, how could he say, in the case of a man whose record had been good, that it was not good, simply because the soldier happened to be a member of the Twenty-fifth Infantry? For that reason, although I am not prepared to say positively that I think the President has exceeded his authority in that instance, to my mind it looks very much as if it would be difficult for him to sustain his action on that point.

As I have already said, the President to-morrow might prescribe another rule or regulation and declare that there should be no reculistment in any case when in the judgment of the President it was for the good of the service that a man should not be reenlisted. I think there can be no question that the President would have the authority to make that regulation and enforce it, and undoubtedly he might do it now in this case, but it would be an ex post facto proceeding which I do not think would be becoming under the circumstances. But, Mr. President, the President of the United States had the right to discharge the men; they have been discharged; and it is for him to say hereafter whether or not they shall remain out of the

Army.

The Senator from Ohio, in his very able speech, called attention to paragraph 146 of the regulations, and he claims with much force that paragraph 146 is intended to apply to soldiers discharged under the circumstances that existed in this case prior to the expiration of their terms. If the Senator can demonstrate that, he will undoubtedly show that the President has been inconsistent in his action in this matter. However, we have nothing but the assertion of the Senator from Ohio to the effect that this peculiar kind of a discharge referred to in the one hundred and forty-sixth paragraph is a discharge covering cases where the soldier has not filled out his term. other hand, we have the Judge-Advocate-General of the Army saying most unequivocally that the kind of a discharge referred to in paragraph 146 applies exclusively to the case of a soldier whose term has expired.

He says:

Paragraph 146 of the Army Regulations contains certain provisions which, if carefully read, will be found to be in entire harmony with the requirements of paragraph 148, above cited.

That is cited above. I am reading from page 281 of Senate Document 155.

Paragraph 146 applies exclusively to the case of a discharge at expiration of the soldier's term of enlistment and to the form of discharge which shall be used in that case, and provides—

After reciting paragraph 146 he again asserts:

As has been said, the requirements of the paragraph last above cited are only applicable in determining the character of discharge to be given an enlisted man at the expiration of his term of enlistment. It has never been regarded as restricting the authority vested in the President and the Secretary of War in the fourth article of war.

It may be possible that there are some gentlemen here present who do not know what paragraph 146 prescribes. For them I will say, without stopping to read it, that it requires that whenever a man is to be discharged without honor notice shall be given thirty days before the discharge takes effect by his commanding officer summoning together a board of officers who shall consider the question whether there is sufficient ground to discharge him without honor, and that he can not thereafter be discharged without honor if the judgment of the board is against such discharge. That is paragraph 146 briefly stated.

The Senator from Ohio in order to sustain his case says that paragraph 146-not one of the laws of the land, but one of the regulations established by the President-means that at any time when a man is to be discharged from the Army without honor he must, not by his own volition, not at his own wish or request, but by a positive requirement which can not be avoided, be brought before a board, and that board shall have an opportunity to inquire as to the causes of the proposed discharge without honor.

Mr. President, the Senator from Ohio goes further, and says that that being so, if it is the fact, if it has the efficacy and force of a law, in these cases it was not observed and great in-justice has been done to the soldiers of the Twenty-fifth Infantry who were so discharged. Against this I present the context of the paragraph, together with the interpretation put upon it

uniformly from the time the rule was promulgated by the President to the present day. We have it from the Judge-Advocate-General that it has been invariably and exclusively applied in the cases of soldiers who were discharged without honor at the expiration of their term, and that in no instance-at least that is the conclusion-has it ever been thought to be applicable to the case of a soldier discharged prior to the expiration of his If that is so; if we are to accept the interpretation put upon it by the Executive, who framed it, and his legal advisers for the past thirteen years, instead of the interpretation now put upon it by the Senator from Ohio, there is no ground left, it seems to me, Mr. President, upon which the Senator from Ohio can protest. Clearly, if the Judge-Advocate-General is correct in his statement that paragraph 146 applies exclusively to cases where a man is discharged at the end of his enlistment, then it has no application to this case, and no one can charge the President with injustice or wrong because he discharged these soldiers without submitting their claim to a board, as required under the one hundred and forty-sixth paragraph of the Army Regulations. Can it be doubted that the President's construction of the purpose of that regulation was correct and that the Senator from Ohio is wrong?

Passing, I call attention to the fact that we have before us the statement that there were some 352 discharges without honor given last year, and the Senator from Ohio approves, to some extent at least, if I properly interpret his remarks, of some of those discharges. In no instance was the formality required by paragraph 146 observed. The Senator from Ohio

savs:

Now, in what kind of a case? The Senator called our attention to the fact that the President's message discloses by one of its exhibits that during the past year 352 discharges from the Army were granted without benor, and he talks as though of necessity, if what I am contending for could be sustained, every one of them would be invalid and an undue exercise, a usurpatory exercise, of power. Not at all. I think the discharge without honor is proper enough in a proper case, in such a case as it was intended for; and what kind of a case was it intended for?

The Senator from Ohio then goes on and tells us:

The Senator from Ohio then goes on and tells us:

As I said the other day in speaking, if I had the list before me I would have numerous illustrations suggested to my mind immediately. But the illustration I gave then was of a boy seeking to enlist and succeeding in enlisting by misrepresenting his age. He serves a few months. His mother comes and finds him. He is homesick, He has imposed upon the enlisting officers. His enlistment was not honest. He is not entitled to that certificate of an honorable discharge which should be given only to a man who has rendered faithful and honest service, to employ the language used in the statute. Therefore they say, "The boy is doing no good. It is a case of hardship. He wants to be discharged. We will discharge him;" and the Secretary of War or the President, as the case may be, orders that he be discharged without honor; that his connection with the service be terminated, not in the way of punishment, but in the way of favor to him.

But. Mr. President, the statute of the United States makes

But, Mr. President, the statute of the United States makes that an offense punishable by court-martial. Under the sixtysecond article of war a court-martial may take cognizance of it. I call the Senator's attention to page 945 of West's Compilation, which declares under the act of July 27, 1892:

Fraudulent enlistment, and the receipt of any pay or allowance thereunder, is hereby declared a military offense and made punishable by court-martial under the sixty-second article of war.

The Senator in his speech the other day approved of the discharge without honor in the case of a boy who under that provision of law is required to be tried by a court-martial, not necessarily to the exclusion of his discharge by the President, but who may be court-martialed for a military offense if such an offense is found to exist in his case. Yet the Senator has no accusation to bring against the War Department because in the 352 cases of discharges without honor, of which undoubtedly a great many were cases of this character, there was no board of officers summoned to make investigation as to the correctness of the charge, and the man was allowed to go upon being discharged without honor with no protest or complaint on the part of anyone. The same way with regard to descrition. Descrition is an offense cognizable under a court-martial. Yet among these 352 who were discharged during the last year were a number of men who were discharged for the crime of desertion, and they were discharged without honor. There was no board summoned to inquire as to the correctness of that accusation, and the men were allowed to go with the words "without honor" put upon the certificate which they carried.

Mr. President, it strikes me that the two points which I have endeavored to bring to the attention of the Senate are the only two points left in this discussion. In the first place, we must bear in mind the fact that there is no charge of crime against any one of these discharged men. Of the whole number, some one hundred and sixty-odd, who were discharged there is not a single one against whom any crime has been charged. They get their certificates of discharge simply with the inscription "with-out honor" and are sent out of the Army. How can it be said

that these cases differ in any particular from the case of the ordinary man who before the expiration of his term is discharged without honor and concerning whom no complaint

whatever has ever been made?

Then, if that is so, as I have undertaken to show, the only question remaining is whether the President should not have summoned a board under the one hundred and forty-sixth paragraph of the Regulations of the Army to determine whether or not these men could be properly discharged without honor. that regulation was intended, as I have said, to apply to the case of a man dismissed from the Army during his term, before its limit had expired, undoubtedly the Senator from Ohio and the Senator from South Carolina are more or less correct in their criticism. But it is a fact, as the Judge-Advocate-General has undertaken to show-and we have to go by the testimony of those who are construing and interpreting this regulation—that during the whole time of its existence it never has been applied to any other case than that of a man who was discharged at the expiration of his term. Then I fail to see in any particular how it can be said that the Executive in ordering these dis-charges without honor has infringed upon the right of any individual.

That being so, and submitting those views as briefly as I can, I have no hesitation in saying in conclusion that if an investigation is to be had, if the Senate sends its committee to Brownsville, they will find that the assault was made by soldiers of the Twenty-fifth Infantry on the night of the 13th of last August, that those men were discharged from the Army under and by virtue of authority possessed by the President, and that it was not only within his authority, but it was his plain duty to do so. Had he failed to do so he would have knowingly retained in the service of the country, to the great detriment of the Army, some very brutal and very desperate cutthroats.

Mr. CLAY. Mr. President, I had not intended discussing the pending resolution at all, but after the remarks which were made on the floor of the Senate last Saturday I felt like I ought to occupy a few minutes of the time of the Senate. The junior Senator from Colorado [Mr. Patterson], not intentionally, did my State—and I believe he did other Southern States—an in-justice. I am frank to say that the white people of Georgia believe that the negroes ought never to have been enfranchised. There are those who believe that they ought to be disfranchised There are others who believe that those who are intelligent, honest, and industrious ought not to be disfranchised, and that the vicious and the ignorant ought to be disfranchised. But, Mr. President, the Senator from Colorado said that the leading public men of the South were in favor of mob law, in favor of lynch law, and regarded the law as a farce and a fraud.

Mr. PATTERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia

yield to the Senator from Colorado?

Mr. CLAY. Certainly; with pleasure. Mr. PATTERSON. With a purpose not to interrupt the Senator again in his remarks, no matter what he may say, I want to declare now, at the very outset, that the Senator from Colorado made no such sweeping statement as the Senator from Georgia charges him with making. I will content myself with that statement, and if what the Senator from Georgia may say shall seem to require a reply I will say something further when the time to reply comes.

Mr. CLAY. Mr. President, I am sure the Senator did not intend to make a wholesale charge, but I believe that when we carefully examine the RECORD we will find that the Senator did say that the leading public men of the South were in favor of mob violence and were not willing to trust the trial of cases to the courts. The Senator did not specify a single public man from the South, except one, when I asked him to do so.

I think I have been familiar with the conditions of affairs in Georgia for more than a quarter of a century, and as I have just said, there is a division of public sentiment in Georgia in regard to the disfranchisement of the negro. I think the majority of the white people of my State believe that the negroes ought to be disfranchised. There are those who believe that the ignorant and vicious ought to be disfranchised; probably the entire white population of the State agree on the latter proposition; I am sure there is no division of sentiment that it was a mistake to bestow enfranchisement on this race, immediately after the civil war, when the negro had never had the slightest opportunity to prepare himself for the exercise of this privilege. It is amazing to me that the people of the South have been able to deal so wisely with the most serious problem that ever confronted any people. I do not care now to discuss the task they had before them and to point out how well they have succeeded in solving the same; such discussion would be foreign to the resolution now pending.

No other section of the country has had to deal with such a problem, and the whole nation was responsible for its solution, and the South should have had the sympathy and aid of every section of the country in bringing about a proper solution of this problem. Lynchings and mob law have occurred in almost every State in the Union; I do not condemn the whole people of the States where it occurred, but I give credit to the intelligent and thoughtful people who threw their influence against mob violence and in favor of the enforcement of the law. Any man who attacks any State in this Union makes an assault upon the Republic and is an enemy to his country. I will not precipitate on the floor of the Senate any discussion that will revive the prejudices and passions growing out of the civil war. The good people of the country are glad to see all sections united. Each should rejoice in the prosperity of the other and deplore any misfortunes that may occur in any section of the country.

I repeat, I will not discuss the race question.

I will not discuss the issues growing out of the civil war, but sometime in the future I may discuss at length the relation between the two races in the South and point out to the country the treatment the negro has had at the hands especially of the people of Georgia, and I dare say that the general course of the white people of the State, in their dealings with the black man, deserves praise instead of censure at the hands of the entire country. I repeat there may be difference of opinion in regard to total disfranchisement, but there is no division of sentiment when it comes to guaranteeing to the black man the equal protection of the law. They have been secure in the enjoyment of life, liberty, and property, and no man would deprive a negro of a fair and impartial trial of the courts. The law makes no distinction in the protection of the life, liberty, and property of the citizen. I have never known any public man in my State to advocate mob violence, and to denounce trial by the courts as a farce and fraud, and to advise the people to mob violence. There is quite a distinction between disfranchisement and mob The governor-elect in my State, Hon. Hoke Smith, has been mentioned in this debate. I have known him for a quarter of a century. I was not in Georgia during the gubernatorial campaign, or until near its close, but I am absolutely sure that never at any stage did either of the candidates advocate mob law. To my certain knowledge Mr. Smith has boldly and fearlessly, by every act of his life, opposed mob violence. This was not one of the issues of the campaign. He did advocate disfranchisement, but when the Atlanta mob occurred I am sure that he lent the weight of his influence to in every possible way suppress it, and has always been a strong advocate of the enforcement of the law.

He did contend that the disfranchisement of the ignorant blacks was necessary to the preservation of our institutions, but never did Mr. Smith or any other candidate for governor in my State, so far as I know, declare in favor of mob violence, or in favor of denying to the colored man the protection of his life, liberty, and property in the courts. I never heard any public man in Georgia lift his voice in favor of mob violence. I do not believe that any man could win in a political campaign who was not willing to give a fair and impartial trial to all citizens in the courts.

It is true that in the city of Atlanta we had an unfortunate mob that gave no little trouble, but I am glad to say that every good man, every intelligent and upright man in the city of Atlanta was opposed to the spirit of the mob; and the governor, the officials of the State, the good people of the city of Atlanta, rose up man to man to enforce the law. Many of these rioters have been convicted and sent to the penitentiary, and more of them are under indictment and will doubtless be convicted.

I do not believe that there is an intelligent man in Georgia who is not in favor of giving every man in the courts, whether he be white or black, whether he be rich or poor, a fair and impartial trial, and in protecting every citizen in the enjoyment of

life, liberty, and property.

Mr. FORAKER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. CLAY. With pleasure.

Mr. FORAKER. I note with keen interest and great appreciation the remarks of the Senator, for I know how earnest he is and how faithful he is as a law-abiding citizen and in all the relations of life. I dislike to break into him with such an inquiry as I want to make, but, in view of his statement, I wish to ask him if it is not true that one of the leading newspapers of Atlanta for quite a time during the campaign—perhaps it was last year—carried in its columns an open offer of a reward of \$1,000 for somebody who would produce a lynching like that which had occurred in South Carolina, or something to that effect.

Mr. CLAY. I am not aware of any such publication. If so, it escaped my mind. I will say, however, that those sentiments would not be approved by the good people of my State.

I did not rise, however, Mr. President, for the purpose of discussing race issues. I am frank to say that I do not believe any good has come from either the discussion or the introduction of the pending resolution. I fear more harm has come from its discussion than good.

I did not rise for the purpose of discussing disfranchisement. But it is true that nearly every State in this Union has re-stricted suffrage, and each State must judge for itself of the

conditions in those States.

Massachusetts has an educational qualification for voters which has disfranchised thousands of her citizens; she found it necessary to do so to protect the good against the bad; she knew her population better than the other States did, and she should be allowed to manage her own affairs without any interference from other States or the Federal Government.

There is a provision in the constitution of the State of Ohio that no citizen except white citizens shall vote in that State. If I remember correctly, two efforts were made in the State of Ohio to strike from the constitution of that State "white citizens," and the people voted it down.

Mr. FORAKER rose.

Mr. CLAY. I may be mistaken, but that I understand to be the fact.

Mr. FORAKER. They finally amended the constitution in that respect. So there is no such limitation in the constitution

No. It was inserted in the constitution, and if the Senator will turn to the constitution, and he is familiar with it, he will find, of course, that after the adoption of the fourteenth and fifteenth amendments that provision of the State constitution became null and void. But there was an election held in Ohio, and the majority of the people voted against striking it out.

Mr. FORAKER. That is all true, Mr. President. That constitution was made by the Democratic party.

Mr. CLAY. And the Republican party refused time and again to vote it out.

Mr. FORAKER. We did not have votes enough then.

have got enough now.

Mr. CLAY. I apprehend that you would never have votes enough in Ohio if it were left to a popular vote of the State.

Mr. President, as I said, take the great State of Massachu-I understand she has an educational and a property qualification for voters.

Mr. LODGE. There is no property qualification.
Mr. CLAY. She has an educational qualification.

Mr. LODGE. Yes; it has been there for more than fifty

Mr. CLAY. Vermont is one of the great States in this Union, always represented by conservative men, and so is Massachusetts. Vermont has a provision in her constitution that no one can vote until he shall have the approval of the civil board in his town.

We had just as well deal with the question fairly. all of the States the ignorant, indolent, and the vicious have The intelligent, the thoughtful, and the been denied suffrage. patriotic have found such course to be necessary to preserve the institutions of the State. In California the Chinaman is not permitted to vote. If the Constitution was enforced, Mormons would not be entitled to vote in Idaho. The race feeling in California, Oregon, and many Western States is as intense as it is in the South. I doubt if the southern whites have ever entertained a feeling so bitter as the people of the Pacific States entertain toward Japanese and Chinamen. We have seen evidence of this fact but recently displayed by the good people of California relative to the admission of Japanese children into the public schools. Strange to say, many of the States that have never been confronted by these problems and can not appreclate the danger of the race antipathy, want to become the guardians of the States that have dealt immediately and directly with these problems since the civil war. I repeat, it is wise to let each State regulate the question of suffrage, trusting to the honor and intelligence of the people to so regulate their internal affairs as not to do injustice to anyone. Georgia ought not attempt to dictate to Maine, Massachusetts, Colorado, Illinois, Indiana, or any other State in the Union as to what kind of constitutions those States shall form regulating the elective franchise. Different conditions exist in different States, and these different conditions must be met necessarily by constitutions and laws applicable to local conditions.

The people of the South do not desire to oppress the colored man if he is honest, industrious, and thrifty, and tries to make

a good citizen. The white people, while not believing in social equality, sympathize with him, assist him in educating his children, and encourage him in every way possible. In justice to the colored race, we have hundreds and thousands of thrifty, industrious, and worthy negroes who enjoy the confidence and who possess the friendship of the white people of my State. can extend such friendship without believing in social equality.

As I said, I did not rise for the purpose, however, of discussing the race question. I have never discussed it in my life, and I never want to monopolize a subject that belongs exclusively to my good friend from South Carolina [Mr. Till-MAN]. [Laughter.] Consequently I want to discuss the resolution which we have before us, and I am going to adopt the plan suggested by my good friend from South Carolina. He said we had a case in court and that able lawyers had spoken on one side, naming the Senator from Texas [Mr. Culberson], the Senator from Virginia [Mr. Daniel], and the Senator from Massachusetts [Mr. Lodge], who did not exactly agree with them; and he named the Senator from Ohio [Mr. FORKER] and himself on the other side, and said they did not exactly agree, but that he was going to be an ally this time of the Senator from Ohio. He said that the case would be argued by

Now, I will agree that we have a case in court, and the resolution simply calls upon us to investigate what? The facts in regard to the discharge of these troops. What do you want to investigate the facts for, when the lawyer on the other side of the case admits the guilt of his clients? My friend the Senator from South Carolina put in testimony here that can not be overcome, which convinces me that fifteen years ago the Twenty-fifth Infantry ought to have been discharged.

It has always been a rule of law in my State, where I practice law, that when a lawyer gets up and admits his client's guilt, a plea was entered and the judge passes judgment upon

the verdict.

Mr. TILLMAN. If the Senator will pardon me— The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. CLAY. Certainly; with pleasure.
Mr. TILLMAN. So far as the guilt of the soldiers is concerned, I have no doubt of their guilt; but I was trying to locate the man who was more responsible than the soldiers for this trouble. Does the Senator agree with me on this point too?

Mr. CLAY. I do not think that anyone is more responsible for it than they are. I think the men who did the

Mr. TILLMAN. But you have not found out who they are, and you are punishing 167 when nobody has tried the 20.

Mr. CLAY. I lay down the proposition to the Senator from South Carolina that if 20 soldiers out of 167 took their guns in the dark hour of night, left the garrison, and went into the town for the purpose of shooting down innocent people, and came back and joined their companies, and I either had to turn out innocent men or keep the guilty wretches in the companies, beyond any question I would turn out the guilty with the innocent before I would retain the innocent and the guilty.

Mr. TILLMAN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Georgia yield further to the Senator from South Carolina?

Certainly. Mr. CLAY.

Mr. TILLMAN. Until the War Department, through its regular channels, by court-martial, shall determine whether or not it can find or why it did not find the 20 guilty, it has no jurisdiction and the President has no jurisdiction to turn out 167.

Let us see what my good friend from South Carolina said in his speech on Saturday about the guilt of these The Senator said:

men. The Senator said:

So within two weeks—I believe they got there on the 28th of July—on the 13th of August, about midnight, somebody runs amuck; a white man is killed in one of the barrooms where the negroes had been denied the privilege of drinking. The chief of police has his horse killed under him, his arm shattered so it has to be amputated; houses are perforated with bullets—houses in which women and children are lying in bed and where the lights are still burning. The men being in the dark, of course it is difficult to prove positively that these were colored soldiers, but I do not imagine that any evidence will ever be produced or can be produced to show that this crime was not committed by some of the Twenty-fifth Infantry stationed at Fort Brown. I am thoroughly satisfied of it myself. I am convinced by the negative rather than the positive testimony, and from my knowledge of negro character after fifty-nine years' contact with them. I claim to know as much about the characteristics of the American negro as any man living, and I have no more doubt the negro soldiers did these infamous things than that I am alive and standing here.

The Senator from South Carolina says that these guilty men

The Senator from South Carolina says that these guilty men ought to be tried by court-martial; that they ought to have been identified. I will agree with him, if it could have been done. But suppose the President of the United States had directed a court-martial. Suppose the court-martial had proceeded to try the twenty guilty men. In order to try men by a court-martial it is necessary to name the men who did the crime, to identify each man, and he is tried just like he is tried in a court of law. The court-martial trial would have failed and these guilty wretches would have been sent clsewhere to kill and murder men, women, and children.

Mr. TILLMAN. But the President could have sent these men to the Philippines. They were under charges, and the War Department had not exhausted its instrumentality and its machinery to try to sift the evidence or try to get any evidence at all. I say the President has been derelict; that he has transcended his authority; that he has been untrue to the duties of his high office not to have held them in the Army until he had exhausted all the instrumentalities to see whether he could catch

the guilty or not.

Mr. CLAY. That is the difference between the Senator and myself. We never will get together on that proposition. I do not hesitate to say that after a thorough investigation by the Department of Justice, by the major of the Twenty-fifth Infantry, by the Inspector-General, and by the citizens, it has been absolutely impossible to identify a single one of the persons charged with this offense. In my judgment it will never be done. If the President of the United States had simply called for a courtmartial to try the men for the offenses that they had committed before he dismissed them, what would have been the result? The court-martial would have been compelled to find they could not identify the guilty. The court-martial could not have separated the guilty from the innocent; all would have escaped, and the men who have violated the law for the last twenty years would have been retained in the Army.

But, Mr. President, what does the resolution authorize? What is the object of the resolution? It authorizes an investigation of fact to determine whether or not these men are guilty, and here is my friend from South Carolina, the leading lawyer for these negro troops, pleading guilty before the country and pleading guilty in the Senate.

Mr. TILLMAN, Mr. President-

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. CLAY. Certainly.

Mr. TILLMAN. The Senator from Georgia, who is my very dear friend, ought not to make fun of me in that way. I expressly disclaimed being anything but a cornfield lawyer and expressly disclaimed that the Senator from Ohio, who is a great would get any help from me along that line. have laid down certain fundamental principles of American liberty and jurisprudence; that every man must be considered innocent until proved guilty, and that it is better that ten guilty men shall escape than that one innocent man shall suffer. Senator from Georgia knows that 167 have been punished and only 20 have ever been charged with crime. He can stretch his conscience to suit that case and turn them all out or not. I can not do it.

Mr. CLAY. Mr. President, I do not have to stretch my con-

science in this instance.

The Senator from South Carolina says that we only charge fifteen or twenty or thirty of these men with doing this shoot-Now, that is true; but the Senator from South Carolina has proven that heretofore that almost every one of these men been guilty of similar conduct. He has sustained the President.

Mr. TILLMAN. And they ought not to have been sent to Brownsville, for the Secretary of War and the President

Mr. CLAY. Mr. President, I do not know whether the President knew it or not. I do not know whether the Secretary of War knew it. The presumption is if the Secretary of War or the President knew that these men had acted in the same way on other occasions they would have been dismissed from the Army heretofore, and if they did not dismiss them they did not discharge their duty.

The Senator puts in evidence five affidavits, and he proves that in 1885 these men were on the same mission of murder and riot. He comes along and he finds that in Arizona, in Nebraska, and in Florida they were guilty of the most infamous conduct, killing and murdering, and that their record for crime

is without a parallel.

Mr. President, I think that every man, woman, and child in this great Republic ought to approve and applaud the President of the United States for dismissing these troops.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. CLAY. Certainly.

Mr. TILLMAN. If the President had discharged these men for the first offense or the second offense or the third offense or the fourth offense there would not have been any Brownsville murder.

Mr. CLAY. Then I submit-

Mr. TILLMAN. Then the President and the Secretary of War must be deadly ignorant of the character of the negro soldiers if it takes the Brownsville business to bring out the facts.

Mr. CLAY. If the President did wrong the first time, if he did wrong the second and third time, and if he has done right the fourth time the Senator from South Carolina ought to con-

gratulate him that he has gotten right at last.

Mr. TILLMAN. Mr. President, I cling to certain fundamental principles of constitutional liberty and law. I do not allow my prejudices or my feelings to prevent impartial justice from being done in this instance. The conduct of these men does not make me forget that we dare not give up principles, and that the President must not do an unlawful and unconstitutional act in order to do what my friend here thinks sentimentally is right.

Mr. CLAY. I did not know that the Senator from South Carolina was a man of prejudice. It is the first time I ever

heard it.

Mr. TILLMAN. I have prejudices, and if the Senator says

he has not, he knows—I will not say what. [Laughter.]
Mr. CLAY. I will say this, Mr. President: We all have our prejudices, but I never in my life have done an intentional wrong to any human being.

Mr. TILLMAN. I can say as much.
Mr. CLAY. I do not doubt it. Then you and I have at last gotten together.

Mr. TILLMAN. I hope so.

Mr. CLAY. Now, Mr. President, I ask to insert as a part of my remarks—I should like to read it, but I only intend to occupy a few minutes of the time of the Senate-the evidence introduced by the counsel for these troops.

Mr. TILLMAN. Let the Senator simply say that they are extracts taken from the reports coming to us from the War Department in regard to transactions which have occurred heretofore in which these same men of the Twenty-fifth Regiment were involved. I merely made a synopsis in my own language of the facts set forth in the official documents.

Mr. CLAY. I introduce as evidence the statement furnished by the Senator from South Carolina, showing the conduct of these troops at Sturgis City, Dak., September 19, 20, 1885; similar conduct that occurred in Winnemucca, Nev., June 29, 1899; a similar conduct that occurred in San Carlos Agency, Ariz., October 13, 1899; a similar conduct that occurred in El Paso, Tex., February 16, 17, 1900, and also in Niobrara, Nebr., Paso, Tex., February 10, 17, 1500, and also in Modrara, Nebr., October 29, 30, 1904, and in Key West, Fla. In fact, Mr. President, I am profoundly astonished that these men have ever been permitted to stay in the Army during the last four or five or seven or eight years. They are undoubtedly ruffians; they are undoubtedly murderers; they undoubtedly have no regard for law, and are unworthy to bear the arms of the United States Army and be paid by the Government for the purpose of defending our people. They have shown that they are drunkards; they have shown that they are rioters; they have shown that they are murderers and utterly without character. The part of the war record the Senator introduces shows these particular facts. The Senator said:

shows these particular facts. The Senator said:

I ask to incorporate in the Record a brief résumé or synopsis of the different acts of violence, murder, riot, shooting up towns, etc., of the Twenty-fifth Infantry which has been compiled and sent to us, supplemented by one case coming from Key West, Fla., which appeared in yesterday's Record in the speech of Mr. Slayden, of Texas, in the shape of an affidavit of Mr. Knight, sheriff of Monroe County, Fla., as to one of their escapades or criminal acts as they were going to Cuba. In the affidavit the sheriff testifies to the fact that a member of that regiment was arrested by the police and imprisoned in jail, and about midnight forty or fifty members of the company visited the jail and threatened to kill the sheriff, and do dire and sundry unlawful acts unless this man was released, and, in fear of his life, the sheriff turned him loose. I will ask that these various matters may be incorporated in the Record without reading. I will just give the headlines: Sturgis City, Dak; Winnemucca, Nev; San Carlos Agency, Ariz; El Paso, Tex; Niobrara, Nebr.; Key West, Fla.

In all these instances this very same regiment had perpetrated outrages almost as great as the one at Fort Brown. It was known that this was the character of the regiment, and yet the War Department, ignoring the protest and the warning of the Representatives from Texas in this body and in the other, sends them there anyhow, and it is to locate the indirect responsibility, if I can not locate the direct responsibility for this crime and for this tragedy, that I shall present one reasons after a while.

The Vice-Pressident. Without objection, permission is granted as

some reasons after a while

VICE-PRESIDENT. Without objection, permission is granted as

The papers referred to are as follows:

"ROWS THE TWENTY-FIFT' INFANTRY HAS BEEN IN.
"Sturgis City, Dak., September 19-20, 1885.—Twenty-fifth Infantry
was stationed at Fort Meade, 12 miles away, and on account of some
imaginary grievance came into the town and killed Dr. H. P. Lynch.

About fifteen or twenty soldiers were in the party and were armed with Government rifles. A mob then lynched Corporal Hollis. In retallation a body of negro troops went to town and shot up a dance house, killing a cowboy. Four men were arrested and turned over for trial. Troops were not removed.

"Winnemucca, Nev., June 29, 1899.—Twenty-fifth Infantry stopped at Winnemucca to get supper, and negro troops went into a saloon and a free-for-all fight ensued, in which the bartender was killed. About thirty soldiers went into the saloon and ran the barkeeper out and robbed the saloon. Same troops went on to Carlin and robbed another saloon, and the train pulled out before the proprietor could make complaint to the officers. After the shooting at Winnemucca, and even while it was going on, the negro soldiers all made a break for the cars of the train and became so thoroughly mixed that nobody could identify the men who had been in the saloon. The authorities held the train from 6 o'clock until 1.30 at night and then had to let them proceed without finding the guilty parties.

"San Carlos Agency, Ariz., October 13, 1899.—Indians complained that soldiers came into their camp and mistreated their women, and upon the authority of the officers of the Twenty-fifth Infantry arrested two of the negro soldiers at their camp. In retaliation thirteen negroes went to the Indian camp and severely beat four of the Indians. Two soldiers turned State's evidence, and all were arrested and given to the cityl authorities for trial.

"El Paso, Tex., February 16-17, 1990.—Nine men of Company A made an attack on the city jail, where two of their companions were confined on charge of drunk and disorderly, and they killed a policeman on duty at the jail and had one of their number killed. One of the soldiers turned state's evidence, and all were turned over to the authorities for trial.

"Niobrara, Nebr., October 29-30, 1904.—A dance hall about 1½ miles from Fort Niobrara was shot up and a woman was killed and two men wounded. Two soldiers

"However, the Twenty-fifth Infantry has been conspicuous even among the negro troops for its persistent career of crime and mutiny. In 1898, while on the way to Cuba, the regiment was delayed a few days in Key West. What they did there to maintain their record of insurrection and contempt for law is told in the following language by the sheriff of Monroe County. Please observe that the statement is sworn to. I have a letter from an attorney of Key West, who was then police judge, which confirms the statement of the sheriff and which also says that a drunken soldier, whom he was arresting, fired his pistol at an officer.

"STATE OF FLORIDA, Monroe County:

"State of Florida, Monroe County:

"Before the undersigned authority personally appeared Frank W. Knight, who, being duly sworn, says: That I was sheriff of Monroe County, Fla., in May, 1898, and that the Twenty-fifth United States Infantry (colored) was at that time in the city of Key West awaiting orders for Cuba. That on the 20th day of April, A. D. 1898, at about 10 p. m. of the same day, one Henry A. Williams (colored) and one of the men belonging to the Twenty-fifth United States Infantry was brought to jail by the city police, charged with an assault with intent to kill; that at about 1 a. m. next morning at least thirty or forty of the soldiers belonging to said Twenty-fifth United States Infantry, armed with their guns, came to the jail and surrounded the jail, and came to the door of said jail and demanded the said Williams, saying that if he was not delivered to them they would break the jail down. I, being overpowered and no arms to defend myself and the rest of the prisoners in jail and fearing trouble might come to all in jail, thought it best to deliver said prisoner to them, intending to report the matter to the commanding officer at the barracks the next morning. Deponent further says that another reason why he delivered the prisoner over to them was because he had other prisoners in jail charged with murder, and he feared that if he did not turn over this man they would carry their threats into execution and he would then lose those whom he had confined for murder. That the conduct of these men was bolsterous, and they were crying out all the time that if I did not turn this man over they would riddle me with bullets and that there would not be a brick left in the building.

"F. W. Knight, "Sheriff Monroe County, Fla.

"F. W. KNIGHT, "Sheriff Monroe County, Fla.

"Sworn to and subscribed before me this the 27th day of December, A. D. 1906. "L. W. Bethel, "Notary Public, State of Florida, at Large."

"Notary Public, State of Florida, at Large."

Mr. Tillman. In speaking about the type of men who composed this regiment, I will quote this from the record in regard to the Sturgis incident:

"A few minutes afterwards another lleutenant came to the house and said he had heard firing from the direction of Sturgis, but thought it was at the 'Half-Way House.' The general then ordered him to take another detachment and arrest the soldiers. In about a half hour afterwards a horseman came riding up in great haste and informed the general that the soldiers had fired into 'Abe Hill's' house and killed an Inoffensive cowboy who was standing there, and that they had also fired volleys into one or two other houses. General Sturgis then ordered that Captain Ord should make a check roll call, examine the arms, and bring in such as had the appearance of being recently fired. This was done. But the fellows had scampered back by short cuts over the hills and gotten into their bunks before the roll call, which disclosed the absence of only three, who, I think, were satisfactorily accounted for (p. 320)."

As to Winnemucca, it says:

(p. 320)."
As to Winnemucca, it says:
"Daylight had now so faded that only flashes of the discharges (five to eight in number) were seen. It is admitted by Klucny that no shooting occurred until the men left the saloon. After the shooting the enlisted men dispersed quickly, running for their coaches. In the meantime some one had gone to the Lafayette Hotel and apprised the officers there at supper of the shooting, but before they could reach the scene of the disturbance the men were in their coaches."
So these fellows were trained how to shoot up a town and murder men and then mingle with the innocent and get back to quarters or wherever they might at that time belong, and therefore hide the trail of the actual criminal and prevent detection.

Mr. President I say that I do not ask their conviction be-

Mr. President, I say that I do not ask their conviction because they are colored men. Not at all. God forbid that I

should ever arrive at that period of life where I would be willing to wrongfully inflict any penalty upon a colored man who had committed no crime. I would give the white man and the colored man in the courts of justice equal and fair protection. I would give to each a fair trial and inflict no wrong upon either.

When it comes to a discussion of political rights there may be a difference of opinion; when it comes to a question of the conferring of suffrage, as to what class of persons ought to receive the right to vote, it presents a different question; but when it comes to the question of a man's life or his liberty, no true man, no upright man, will ask that an innocent man be convicted.

Mr. President, I come now to one of the facts which the Senator from South Carolina discussed, and that is this: He insists in this case that the President has discharged 167 men, and that not more than 20 or 30 of these soldiers are guilty; he insists that innocent men have been punished by the President as well as guilty men. I do not construe the contract of enlistment as does the Senator from South Carolina. In the first place, I construe the contract of enlistment simply to be a contract for hire. The Government hires a soldier to serve it for three years, unless sooner discharged, and agrees to pay him so much for his services. If the Government should come to the conclusion that the soldier has not honestly and faithfully performed his duty and has not complied with his contract, as a matter of discipline for the good of the Army, the President of the United States has the right to terminate the contract; and that has nothing

to do with the punishment of the soldier for crime.

Mr. President, suppose I have hired a man for three years to work for me. I agree to pay him \$125 per year. While on a drunken spree he goes out and commits the offense of assault with intent to murder. I call him into my office and say: "On account of your improper conduct, you are discharged." That does not mean that I am punishing a man for assault with intent to murder. The President of the United States believed that these men had not rendered honest and faithful service; he believed they were unworthy to be soldiers; he believed that they ought to be discharged from the Army. If they had vio-lated the laws of Texas or the laws of the United States, he could have them tried before a court-martial, but if he desired simply to dismiss them because of the want of faithful service in order to maintain discipline in the Army, he could terminate the contract. To my mind, there is a clear distinction between the punishment of these men for a crime and dismissing them for the want of honest and faithful service.

Mr. TILLMAN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. CLAY. Certainly.

Mr. TILLMAN. Mr. President, the Senator from Georgia uses a case, as an analogy, of his hiring a man to work for him for three years and then discharging him because he got drunk and attempted to commit murder; but if the Senator's man were to tell him, "Senator CLAY, I have not done this," would the Senator discharge him because he had heard some negro down the street in Marietta say that his man had got drunk and kicked up a row and tried to commit murder? That is the simile; that is the parallel. Will the Senator answer?

Mr. CLAY. I would investigate the conduct of the man.

Mr. TILLMAN. And that is all we are asking.

Mr. CLAY. I would investigate the conduct of the man, and if the facts and circumstances were such as to convince me that he had broken the law, that he ought to be put in the penitentiary, and that he was unworthy to be in my employ, then I would discharge him. Now, what does the Senator from South Carolina say? He has investigated the facts, and these soldiers whom he represents on the floor of the Senate are all guilty wretches-every one of them-and still the Senator wants more

Mr. TILLMAN. I do not understand the statement of the

Senator.
The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. CLAY. I say the Senator from South Carolina admits the guilt of these men.

Mr. TILLMAN. I admit that some of these soldiers committed the offense; but 167 of them did not do it, and only 20

of them are charged with having done it.

Here are 167 soldiers, and 40 of them at one time Mr. CLAY. heretofore tried to commit the offense of assault with intent to murder and run over a town. Fifty-two of them at another time were drunk in a saloon, and it was almost impossible to subdue them. Here were 167 of them; 20 or 30 of them fired from the garrison, leaped over the walls, shot into private houses, and came back and put up their guns, and not a single soldier could

be found who would testify against them. The President of the United States could not have done anything else, if he was faithful to his oath of office, except to discharge those men.

Mr. TILLMAN. Then the President should have discharged the balance of the regiment, because they are all equally of the type that the Senator says these 167 are. Now, be fair and carry your own logic to its inevitable conclusion.

CLAY. Mr. President, the Senator has said that the President discharged too many men; and now he says that the President did not discharge enough. That is the conclusion which the Senator from South Carolina reaches.

Mr. TILLMAN. I am merely taking the argument of the Senator from Georgia to show that the President ought to have discharged the whole crowd.

Mr. CLAY. Mr. President, it was a trying situation, and the Secretary of War and the President of the United States did exactly what the Senator would have done. Suppose that the President had done nothing; had said "we can not find the guilty negroes; we know they did it; it has been proved that they did it; no one denies it, but we can not identify the guilty ones: therefore we will let them remain in the Army and retain them because of the want of evidence to identify the guilty who would have arisen on this floor to defend the President of the United States under such circumstances?

I say, Mr. President, that if the Senator from South Carolina had risen in his seat and denounced the conduct of the President of the United States as unfaithful to his oath of office for leaving in the Army twenty murderers, leaving in the Army others who concealed the crime of attempting the lives of innocent women and children, I would have joined with him and said that he deserved impeachment, instead of the applause and approval of the American people.

Mr. TILLMAN. Will the Senator allow me there?
The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. CLAY. Certainly. Mr. TILLMAN. Yet this very President has failed in four specific instances, as to which the Senator has just furnished the facts, to do this very thing. If he had not discharged these 167 men-for what motive I am not prepared to say

Mr. BACON. The present Executive was not the President in all those instances.

Mr. TILLMAN. Well, he was President when the last three instances occurred. He was President in 1904.

Mr. CLAY. But not in 1885.

TILLMAN. I know that that is away back yonder. When did the other instance occur? One happened in 1904. Mr. CLAY.

Mr. TILLMAN. Very well, 1904. The present E rely President then. He had just been reelected. The present Executive was

surely President then.

But the point I am trying to make is that if the President had not discharged these men there would never have been anything said about it or any discussion of it here, any opening up of the facts, and those cutthroats and murderers would be going to the Philippines to engage in their delectable occupation over

Mr. CLAY. Mr. President, I must forbear to engage in further controversy. I must get through with my remarks,

for I only intended to speak for a short time.

I was coming to one of the things the Senator from South Carolina had said, that when men are charged with crime there ought to be an investigation of the charge before there is any action taken. Let me tell you, if I am not mistaken, that this case has been pretty thoroughly investigated not only by the War Department, not only by direction of the President, but by a committee composed of the ablest lawyers of Brownsville, Tex. I want to say that just after this shooting oc-curred, the next morning a little after daylight, you will find that the major of the Twenty-fifth Infantry went immediately to work to discover the guilty parties. He did not at first be-lieve that his men were guilty, but after a thorough investiga-tion, Mr. President, he reported to the Secretary of War that his men were undoubtedly guilty. He called upon a committee of the citizens of Brownsville to assist him in the investigation, and the most impartial and upright men of that town were appointed to make this investigation in conjunction with the major of the Twenty-fifth Infantry. They sat for more than four days; they heard the testimony of fifty witnesses; they examined the locations where the shooting began, the direction of the balls, the houses that were first struck; and they examined witness after witness to show the position of the troops when they were firing. That committee of citizens unanimously reported that the soldiers were guilty, but that they could not find the guilty ones. The major also reported

that they were guilty, but that he could not locate the guilty The President of the United States was not satisfied with that investigation. He immediately sent an inspector there, whose duty it was to unearth such crimes, and after thorough investigation for more than a week he reported to the President of the United States that these men were guilty and that they ought to be discharged from the Army.

Let us do the President of the United States justice. If he is right, let us sustain him; if he is wrong, let us condemn him. The President was not yet satisfied. He immediately sent a brigadier-general of the inspectors' division to make another investigation, issuing an order giving the men a certain time within which to testify and disclose the guilty parties. He made a thorough investigation, tried to get the soldiers to testify, but was unable to secure any more testimony, and he reported that they ought to be dismissed. Not only that, but the Department of Justice has taken this case up and sent one of its ablest lawyers to Brownsville to discover, if possible, the guilty parties. What has been the result? The identical men who did the shooting, Mr. President, have not and, in my judgment, will not be discovered.

Mr. TILLMAN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. CLAY. With pleasure.

Mr. TILLMAN. The Senator has mentioned the various efforts of the President and the instrumentalities used. does he think of the President's failure to adopt the suggestion of the major that detectives should be enlisted and be put in among these men and all restrictions removed on their liberty of action, so that they could go about and try to ferret out from the loose tongues and the talking in confidence among these negroes, as the Senator knows they will talk, as to who did this "glorious deed?" Why did not the President follow did this "glorious deed?" Why did not the President follow that clew or suggestion? What does the Senator have to say about that?

Mr. CLAY. I will state to the Senator that I have never had a word with the President of the United States about this case in any way whatever, and do not know his personal views.

Mr. TILLMAN. I want the Senator's opinion as to the wisdow or the unwisdom of the President in not doing this thing, if he was honestly desirous of getting at the facts. All this other business is how not to do it and would disgrace even the Senate in that line.

Mr. CLAY. I do not hesitate to tell the Senator that I believe the President of the United States honestly desired and tried to discover the guilty men. He may not have adopted the best method for that purpose. It may be possible—and I think the Senator is probably correct in his view—that the sugges-tion of the major would have been a good one; but the failure of the President of the United States to adopt the suggestion, in all probability, can not be attributed to a desire to allow any guilty man to escape. We may have different judgments in regard to what means we ought to pursue in order to reach the guilty parties. I presume that when the President of the United States sent to Brownsville an inspector and then another inspector and then a lawyer from the Department of Justice, with the view and purpose of finding out who were the guilty parties, to a large extent, he left it to their judgment as to what course they should pursue. I say in all candor that the Committee on Military Affairs should go to Brownsville with the view of investigating this case, I am sure that the Senate would leave it to their judgment as to what course they ought to pursue.

But I rose for the purpose of saying that, in my judgment, no good can come from pursuing the proposed investigation. I do not believe the Committee on Military Affairs-and I do not make any reflection upon them-have any more means of ascertaining and finding out who the guilty parties are than has the Secretary of War. It is the special mission of an inspectorgeneral to investigate crimes of this kind. He is familiar with the lives of the soldiers; he is on the ground; he can critically examine the situation. Doubtless already much more informa-tion has been obtained than a committee of the Senate ever will be able to obtain by its own efforts.

In the short time that I have been in the Senate I have been convinced that investigations made by committees of the Senate as to transactions that took place hundreds and thousands of miles away from here are generally futile. Observation and experience have convinced me that those who are on the ground, who know the location, who know how everything occurred, who the day afterwards saw where the shooting took place, who know the feeling existing between the two races, are much better equipped to find the facts than the Senate is equipped to find them. In my judgment, if the resolution is adopted, we will incur an expense and waste time on an investigation that may be called political, and never can result in any real good.

Mr. President, again, I want to say to the Senate that, as the resolution stands, it is only a question of fact to be investigated. The committee is not required to investigate whether or not the President had the legal and constitutional power to dismiss these men. They are only to inquire into the facts.

It is true that the grand jury of the county where this killing occurred investigated it most carefully, and I have been in-formed that they were unanimously of the opinion that a part of these troops committed this crime; but they were unable, after sitting more than a week, to find any witnesses who could identify one of these troops.

Mr. President, what effort has there been to find out the guilty We have had an investigation by a committee of citizens; we have had an investigation by the major; we have had an investigation by an inspecting officer; we have had an investigation by the grand jury of the county; we have had an investigation by the Department of Justice; and no testimony has disclosed the identity of the men who committed this crime.

Now, Mr. President, I have about covered this case. I desire

to say just a few words more and I am through. I believe the President of the United States, by virtue of the fact that he is the commander of the land and naval forces, is empowered to make rules and regulations for the government of the Army.

I can not conceive how discipline could be maintained in the Army if the President of the United States could not weed out the unworthy, the unfaithful, and the dishonest. I do not believe the law ever intended, or ought ever to be construed, to mean that he can not dismiss an enlisted man without a court-

I understand there are three ways of discharging a soldier. One is an honorable discharge

Mr. BLACKBURN. If the Senator will allow me to interrupt him, there are four ways of discharging a soldier-by the President, by the Secretary of War, by the departmental com-

mander, or by judgment of a court-martial. Mr. CLAY. The Senator from Kentucky is correct. The President of the United States has the right to discharge an

enlisted man; the Secretary of War has the right to discharge an enlisted man, and the commanding officer of the department has the right.

Mr. BLACKBURN. And he can be discharged by court-martial.

Mr. CLAY. That is right. During my short service in the Senate I have had three or four men from Georgia discharged from the Army with honor, and one or two without honor be-In one instance the Secretary of cause of improper conduct. War discharged an enlisted man because of the helpless condition of his parents and because they needed him to attend to them in their old age.

The President of the United States is not given power to discharge enlisted men in order to punish them. He is given power to discharge enlisted men when they have become unworthy, or when there are peculiar circumstances that will authorize their discharge. If these men have violated the criminal laws of the country, the President of the United States, in order to punish them, must summons a court-martial and give them a trial. I believe under the powers conferred upon him that he is authorized and empowered to make such rules and regulations for the government of the Army as he may deem necessary, provided they are not inconsistent with the laws which Congress has passed upon that subject.

It is absolutely necessary, in order to have good order in the Army, that the War Department shall have jurisdiction of the enlisted men, shall know their records, and shall be familiar with their conduct. If they become physically too weak to serve, if they become intemperate, if they become indolent and faithless in the discharge of their duties, then the Secretary of War and the President, both or either, are authorized to terminate the contract and get other enlisted men in their place.

I think the speech of the Senator from Texas [Mr. Culberson] covers the law of the case. It is unanswerable, in my judgment. The Senator from Florida [Mr. Mallory] also delivered a speech which, from a legal standpoint, can not be answered. The Secretary of War has taken up this subject and discussed it at length. I will not read his report, as it is getting late, but I ask that it be inserted in the RECORD. It is a better speech than I can make upon the subject, and in my judgment it covers the law of the case. It begins on page 16 and continues on pages 17 and 18, and I ask that it may be printed in the RECORD.

The VICE-PRESIDENT. In the absence of objection, per-

mission is granted.

The matter referred to is as follows:

The matter referred to is as follows:

I come now to your power as President to make the order of discharge in the manner in which it was made. The fourth article of charge in the manner in which it was made. The fourth article of charge of solders, is as follows:

"Asr. 4. No enlisted man, duly sworn, shall be discharged from the charge of solders, is as follows:

"Asr. 4. No enlisted man, duly sworn, shall be discharged from the regiment to which be belong, or by the comman disconcer of the follows:

"Asr. 4. No enlisted man, duly sworn, shall be discharge of the regiment to which be belong, or by the comman disconcer of the regiment to which be belong, or by the comman disconcer of the regiment of the follows:

The regiment of the ferrod search of the regiment of the ferrod of the regiment, or by sentence of a general court-martial."

The spatial property of the ferrod of the regiment of the ferrod of the regiment, or by sentence of a general court-martial."

The property of the Military Secretary of the Army, and will be retained in the ferrod of discharge without honor. They will be used as follows:

"I. The blank for discharge without honor. They will be used as follows:

"I. The blank for discharge without honor. They will be used as follows:

"I. The blank for discharge without honor. They as solder is discharged: (a) Without trial, on account of frauduent enlistment. (b) "Physically or in character, through geome disqualited for service, physically or in character, through geome disqualited for service as the service has been such as to warrant his reenlistment, the service has been such as to warrant his reenlistment, the will be seem and the physical property of the service has not been honest and faithful; that is, where the service has not been honest and faithful; that is, where the service has not been honest and faithful; that is, where the service has not been honest and faithful; the secretary of war for applicant during the meaning of the physical property of the physical property of the phys

doubtless by proper recruiting, will soon be brought up to the usual number in each company. The order appears in the accompanying

number in each company. The order appears in the accompanying exhibit.

Among the similar cases which are set forth in the exhibit is the case of the Fourth Cavalry. In that case a number of men in a squadron, roused to passion and violence by the killing of one of their number, lynched the person charged with the crime. It was impossible to determine who had committed the crime; no evidence was forthcoming from the members of the squadron. The members of the court of inquiry, consisting of General Kautz, Colonel Carlin, and Col. Thos. M. Anderson, recommended that the troops of the squadron be disbanded. The matter was presented to Acting Judge-Advocate-General Lieber, who, after pointing out that the organization and maintenance of the squadron was provided for by law, said: "The Secretary of War has therefore, strictly speaking, no authority to disband these companies as such. He may, indeed, discharge all the men of such companies, enlisting others in their stead, but this would be treating innocent and guilty alike, and the discharge would be in law 'honorable.' and in the case of the guilty would be a premium upon crime." Since that time the practice has been put in force by regulation of issuing discharges without honor, in which there can be no reenlistment, except by Executive permission. There is nothing in this precedent which, in the slightest degree, affects the legality of the present order, for the principle upon which the decision rests recognizes fully the complete power of the President to discharge every member of any organization.

Very respectfully,

WM. H. Taft, Secretary of War.

WM. H. TAFT, Secretary of War.

Mr. CLAY. That report of the Secretary of War covers the case so far as the law is concerned. Mark you, in this discussion we have confounded trying the men for crimes with dismissing them for improper conduct. I agree that a dishonorable discharge can not be granted by the President of the United States. I agree that under the Articles of War a dishonorable discharge can only be granted after trial by court-martial and a conviction. The law provides for a court-martial trial where crimes have been committed, and if the President had at-tempted to have these men tried for this offense it would have been necessary to summon a court-martial and to have tried them by a court-martial. However, when he reached the conclusion that he simply desired to discontinue their services, to terminate a civil contract, to put at an end the contract be-tween the soldiers and the Government, he had a right to do so. Then, after discharge, they could be tried for the crime which they committed, provided they could be identified.

The President and I do not belong to the same political party. We disagree on a great many things, but I am frank enough to

say that when he does something of which I approve I am ready to say so. I believe that when he sent inspectors there to ascertain, if possible, the guilty parties, when he used all the power of the War Department to ascertain who the guilty parties were, and when he could not identify them, and immediately dismissed 167 men, he did right; and an overwhelming majority of the people of my State approve and applaud his

conduct. I do not say that the people of Georgia would approve his conduct if the men were innocent. In our State we provided by law for the disbandment of our colored soldiers simply because of the friction that often arose. With the racial feeling staring us in the face it may become necessary to do likewise in the Army of the United States. If the colored man wants to have the respect and confidence of the white man, he must make himself worthy in every respect. I say again, the President of the United States did right. He sought diligently to

find out the guilty parties. The men who knew of this crime, the men who planned this crime, the men who concealed this crime, are as guilty as the men who did the shooting. In Georgia, and probably in every State in this Union, when murder is committed there may be accessories before and accessories after the fact. Accessories before the fact are those who counsel and advise others to commit murder. Accessories after the fact are those who know that a crime has been committed and conceal it. It was impossible, Mr. President, for twenty men to have taken their guns and left the walls of the fort and in ten minutes come back and then get their arms without some of the others knowing something about it. In my judgment, in view of the facts, the shooting was well planned and the arrangements were thoroughly understood.

There was deep resentment on the part of these troops be-

cause they were not permitted to drink at the bars with the white people. There was deep resentment because there was a collision between a white man and a colored man. Threats had There was a motive that prompted the crime. been made.

Mr. President, there was nobody to commit this crime except either these troops or the people of Brownsville. There were no feuds in Brownsville. The people were living in peace. They were living as neighbors. They were living as friends. It is to my mind preposterous that individuals in that town could have gotten together with guns for the purpose of shooting down other neighbors at night. As I say, there was nobody to do it except the soldiers or the people of Brownsville. The bullets that went into the houses, the shells that were found where the

soldiers went were those manufactured by the War Department, and it has not been shown that a single citizen in Brownsville used similar shells.

Mr. President, just one word and I am through. The testimony discloses the fact, and three witnesses swear to that fact, that these soldiers fired first in the garrison where nobody else except the soldiers were located, and just as soon as they fired they leaped the walls and started through the town. And three witnesses identified the firing as taking place in the garrison, identified the direction which these men took; they saw them fire and followed them and saw them when they came back and went into the garrison. It is not disputed by anybody that these soldiers did the shooting. The only thing claimed by those who disagree with the President in dismissing the troops is the fact that the War Department did not identify the particular men who did the shooting. They have been discharged. They ought to have been discharged long ago. They are unworthy to wear the uniform of a soldier. They have been guilty of outrageous conduct before, and their conduct ought to meet the universal condemnation of all good men—white and black. I approve and applaud the conduct of the President, because I believe these men were guilty, and I believe he was right in discharging them. We ought to speak words of praise and not words of censure.

Mr. BACON. Mr. President, I shall occupy but a moment of the time of the Senate. I understand the fundamental proposition upon which the Senator from Ohio [Mr. FORAKER] and the Senator from South Carolina [Mr. TILLMAN] base their contention to be that the President of the United States is not clothed under the law and the Army Regulations with the power summarily to dismiss these soldiers. As I do not intend to occupy the time of the Senate during this debate with any discussion of that question or of any other connected with it, I will contribute my small quota to what may be due in that regard in the shape of a precedent, which may be of some service in guiding us to a proper solution.

I hold in my hand an editorial published in a newspaper in my town—the Macon Telegraph—in which there is a recitation of certain facts and then a quotation of the authority or precedent to which I have alluded. I will ask that the Secretary read that part of it which is included within the marked lines. The VICE-PRESIDENT. Without objection, the Secretary

will read as requested by the Senator from Georgia.

The Secretary read as follows:

# [The Macon Telegraph, January 4, 1907.]

[The Macon Telegraph, January 4, 1907.]

And now comes the Charleston News and Courier and presents a precedent for the President's action—one that is on all fours with it—from the record of Benjamin R. Tillman himself. For though the strenuous Carolinian has never had any experience at soldiering in the ranks, he has had a brief but lively experience at playing the part of commander in chief. The record produced by the News and Courier was made in connection with the almost forgotten incident of the "Darlington war." This "war," as it is called, occurred in April, 1894, when Tillman was governor and the dispensary was still in its experimental stages. The dispensary constabulary had been hunting blind tigers" in Darlington and had assembled at the depot to take the train for another point, when an altercation arose with some citizens which resulted in a conflict in which a popular young citizen was shot and killed. The populace flew to arms, while the chief State constable and the men with him took to the swamps, where for several days they were hunted by the enraged people. Governor TILLMAN acted with great promptness and vigor. He ordered the State military companies to assemble at Columbia and dispatched such companies as did not revolt to Darlington. Among the companies that obeyed the governor's orders at first was the Newberry rifles. The News and Courier says:

This company on Sunday night, April 1, was ordered to take charge of the two telegraph officer.

rier says:

This company on Sunday night, April 1, was ordered to take charge of the two telegraph offices in Columbia, to inspect all telegrams filed for transmission, and to reject all of a "sensational or incendiary character," the governor having assumed control of the telegraph lines on account of the alleged disturbances. The company performed the duty Sunday night, but on the following morning its commanding officer addressed to the governor a letter tendering the resignations of himself and his men from the service of the State on the ground that he and his command had not responded to the governor's call to exercise the "exceedingly distasteful duty of scrutinizing the private affairs of the citizens of South Carolina," and adding that the company believed that such service was calculated to further irritate the people and that the company did not care to be subject to such orders in future.

lieved that such service was calculated to intrict intract the people and that the company did not care to be subject to such orders in future.

At 5 o'clock on the afternoon of the same day Governor Tillman's judge-advocate-general read an order to six companies at inspection, signed "B. R. Tillman, governor and commander in chief," and addressed to the captain of the Newberry company, from which we quote the following:

"Under the laws of South Carolina the governor is clothed with discretion and power to call out the militia whenever, in the judgment of the governor, it may be necessary, and when so called into the service of the State the militia shall be subject to the same rules and Articles of War as troops of the United States. The action of your company and your daring to send it to me under these rules is mutiny and an insult to the commander in chief, who was given his commission by the people. The duty of the soldier—and the militia are soldiers—when called into service is blind obedience to orders from his superior or not to question them in any degree. You have falled to learn the first lesson, and I will make of you and your company an example. Your resignation is not accepted, but you are dismissed from the service of the State as unworthy to wear its uniform."

Mr. TILLMAN. Mr. President, I am very glad that my distinguished friend, the Senator from Georgia, has given me the opportunity to add just a few words of explanation to the order

which has just been read.

There was insurrection and a dangerous condition in the State of South Carolina. The people were divided on the subject of the regulation of whisky, and a riot had occurred in which three men had been killed, and a mob of several hundred were pursuing the State's officers whose duty it was to enforce the liquor Under those circumstances I called on the militia in the city of Columbia and in the city of Charleston, some ten or twelve companies, to go to Darlington and restore order and allow the civil law to take its course.

These companies rebelled outright; refused to respond to the order. I then called on all the companies in the State by telegram to repair to the State capital, some 60 miles from the seat of the disturbance, but really the head center of the rebellion

against the State authority.

In the exercise of my duty and power under the statutes of the State I notified the railroads that they should not transport any armed bodies of men without my orders. I notified the two telegraph companies in the city of Columbia that they must transmit no incendiary telegrams; and as soon as I got one militia company into the city, the day after the riot, this Newberry company, I issued an order to its captain to take possession of the two telegraph offices, the Western Union and the Postal, and to supervise and direct the transmission of telegrams, allowing no incendiary messages to go out.

The result was that the next morning, with this condition of unrest and, as I said, of insurrection abroad in the State, these men and this captain wrote me the letter which has been read, and I issued the order which I did, adding something which has not been put in the article that has been read, "that God forbid that I should ever again have anything to do with any such bandbox soldiers." But if there is any analogy—

bandbox soldiers." But if there is any ar Mr. WARREN. What sort of soldiers?

Mr. TILLMAN. Bandbox-fellows who use uniforms and brass buttons to make the girls fall in love with them and have not enough of the element of a soldier in them to obey orders. [Laughter.]

Now, no orders had been issued at Brownsville. There is no analogy whatever. My dismissal of these men was a legitimate exercise of and within my power as the chief executive and commander in chief. They had insulted me with their letter; they had assumed the right to resign when they were in the field; and I leave it to all sensible men to say whether or not the Senator from Georgia has strengthened his case by undertaking to justify the President in his usurpation of authority by pointing to a perfectly legitimate use of it on my part.

Mr. BACON. Mr. President, I desire to say only a word. certainly had no intention to criticise the Senator from South

Carolina

Mr. TILLMAN. Oh! I was out of the Chamber for a moment, and I thought it was the other friend of mine from Georgia. I did not know it was my friend the senior Senator

from Georgia.

Mr. BACON. I repeat I had no desire whatever to criticise the Senator from South Carolina. Without undertaking to say whether all of the exceedingly stringent methods which he took preceding the particular order which is under consideration were justified, I wish to say that, so far as the issuance of that order was concerned, I think he acted clearly within his rights, and it is exactly what ought to have been done. In other words, troops which had been guilty of this great impropriety were no longer fit to be part of the militia of South Carolina, and the Senator from South Carolina as governor very properly, without waiting for any court-martial, dismissed them peremptorily as unworthy to wear the uniform of the State of South Carolina. That is the analogy, if the Senator will pardon me, which I think exists—that where the President of the United States found in the service of the United States soldiers who were unworthy to wear the uniform, and the continuance of whom with arms in their hands was dangerous to the peace and the safety of the public, he did, I think, as did the governor of South Carolina, entirely right and acted entirely within his rights and his power when he dismissed them summarily without waiting for a court-martal.

Mr. TILLMAN. I dismissed the entire company. I had

Mr. BACON. The President of the United States went the Senator two better and dismissed three companies.

Mr. TILLMAN. The trouble about that was that he dismissed them in piecemeal in order to get around the letter of He quibbled and dodged, as the Senator from Georgia is quibbling and dodging on the legal question.

Mr. SPOONER. Mr. President, I have no criticism to make of the Senator from South Carolina [Mr. TILLMAN] when governor of South Carolina for his order dismissing a militia company from the service. From what I know of him I am only surprised at his moderation. I assume they were white soldiers, or he would have had them lynched.

Mr. TILLMAN. They were white, because we had not any of the other kind, thank God.

Mr. SPOONER. I should have very great contempt for myself if I could not investigate and fairly decide the questions involved in this matter—and they are mainly legal questions, I think, so far as they are properly involved—without any regard whatever to the color of the soldiers affected. I confess my sympathy for the colored soldier and my sympathy for the colored man. They have done wonders in many directions since they were brought out of the darkness of slavery into the light of liberty. They have made great progress in education, industrial and otherwise; in the acquisition of property, the ownership of homes, the management of business, and generally in acquiring the arts of civilization. The colored man has, more-over, abundantly vindicated his right to be a soldier, clad in the uniform of the Army, marching and serving under the flag. Undeniably the Southern States are entitled to great credit for the liberality and justice with which they have provided for their colored citizens, beginning at a time when it was a great burden upon their resources, because of the desolation and waste of war.

I have always as an American looked back with pride upon the attitude of the South long years ago, when she was less prosperous than she is now, in refusing to accept from the Federal Treasury money to help her educate her children. Not only, Mr. President, was it a proud, self-respecting, dignified position to take, but in the years that have since intervened no one can dispute, I think, that it was a wise one in the in-

terest of education in the South.

I listened with regret, though not with surprise, to swift and general impeachment yesterday not only of the battalion of the Twenty-fifth Infantry at Brownsville, but of the regiment. The Senator from South Carolina spoke of them as "a lawless, brutal, murderous set of cutthroats," language which could not possibly be justly applied to so many men, for a company of soldiers could not be found in which there would not be a goodly number of law-abiding, faithful, manly men.

The Senator from South Carolina criticised the War Depart-

ment for sending the troops to Texas to join the remainder of the regiment, explained, as the Record shows, by the Secretary of War in a letter to the distinguished Senator from Texas [Mr. Culberson], and said they should not have been sent to Texas. If they were "a lawless, brutal, murderous set of cutthroats," they ought not to have been sent anywhere, I take it, with rifles

in their hands and the power to commit outrage.

But, Mr. President, I envy no man the narrowness of mental vision or the bitterness of hate that can lead him to indict in such language a regiment of soldiers, and if the Senator would have examined the record-

Mr. TILLMAN. Mr. President—
The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Certainly.

Mr. TILLMAN. I suppose the Senator from Wisconsin wants to be entirely just.

I wish the Senator would be just. Mr. SPOONER.

Mr. TILLMAN. I try to be.

Mr. SPOONER. The Senator makes a big failure sometimes. Mr. TILLMAN. The Senator himself sometimes fails, if he Mr. SPOONER. Oh, Mr. President, what does the Senator mean by being "honest?" will be honest and confess it.

Mr. TILLMAN. Well, I say if you-

Mr. SPOONER. Does the Senator arrogate to himself the quality of honesty

Mr. TILLMAN.

Mr. SPOONER. Of frankness and fairness-

Mr. TILLMAN.

Mr. SPOONER. In excess of his colleagues?

Mr. TILLMAN. No.

Mr. SPOONER. Very well.

Mr. TILLMAN. When I confess my sins and know that every man here is equally sinful—that is what I mean.

Mr. SPOONER. The Senator can confess for himself, not for me.

Mr. TILLMAN. Very well; we will not quarrel about that. What did the Senator want to say? Mr. SPOONER.

The Senator spoke a moment ago of these Mr. TILLMAN. companies having been sent to join their regiment. If I recollect the letter of the Secretary of War, he speaks about the balance of the regiment or a company of the regiment being at Fort Ringgold, although I do not know where Fort Ringgold is. Anyway, they were somewhere in Texas, which is as big as all out of doors, as the Senator knows, and these men who went to Brownsville were not within possibly 500 miles of the balance of the regiment.

Mr. SPOONER. No matter— Mr. TILLMAN. So I did not indict the entire regiment. The Senator from Georgia has done that.

Mr. SPOONER. The Senator from South Carolina did not

do it yesterday, but he did it-

Mr. TILLMAN. I indicted this set who had gone there and who showed by their actions in the riot the character of men they were, or some of them, at least. If it will do the Senator any good to do it, I will confess that there are good negroes, yes, thousands and hundreds of thousands and even millions of them. I have some that have been with me fifteen or twenty or thirty years.

Mr. SPOONER. The race ought to be obliged to the Senator. Mr. TILLMAN. I have said it before on this floor and I have said it time and again wherever I have discussed this question, I do not indict the whole race, and I do not hate the

Mr. SPOONER.

Mr. TILLMAN. I simply feel that I am superior to it. That

Mr. SPOONER. That is a question I decline to discuss. In many ways the Senator is.

Now, Mr. President—

Mr. TILLMAN. When I say "I," I mean the white race is superior to the colored race. Now do you understand it?

Mr. SPOONER. I think a good white man is superior to a

Mr. TILLMAN. Does the Senator think that the white race is not superior to the colored race?

Mr. SPOONER. Oh, in a way, it has had advantages-

Mr. TILLMAN. Oh, yes.

That the other race has never had. Mr. SPOONER.

It has evoluted in three or four or five Mr. TILLMAN. thousand years, and you want to put the blacks right alongside of us in fifty or seventy-five years.

Mr. SPOONER. Never mind that. I may have a word or two to say about that before I get through. But I do not care to discuss at any length the race question, which has nothing to do with the questions involved in this matter. I only wanted to say that this regiment and the other negro regiments have with the utmost valor and steadfastness, and generally with the best discipline and observance of law and the rights of others, won deserved fame as soldiers.

I saw this regiment in 1894 when it was stationed, and it was all together, at Fort Missoula, Mont. It has been my fortune to see the soldiery of several countries abroad. I have seen regimental parades, or what we call dress parades, in England, in Germany, in France. I have seen a great many in this country. I never saw one, Mr. President, anywhere more perfect in every way than this regiment at Fort Missoula.

Company B of this regiment, which was at Brownsville, and a number of other companies of this regiment, so far as the record shows and so far as I know, have never been involved in any conduct not worthy of the soldier.

Mr. President, the Senator referred to this record.

turn to the affair at El Paso, Tex., involving a number of members of a company-I do not remember the company

Mr. TILLMAN. I think it was C. Mr. SPOONER. Possibly it was C. Mr. CULBERSON. Company A.

Mr. SPOONER. Company A. If the Senator had read and remembered it, he would have discovered not only that the perpetrators of the offense there committed were identified and apprehended, but Captain Loughborough, in making his report,

I beg leave also to give the names of enlisted men of this command who have been loyal and faithful, voluntarily coming to me with information, without which it would have been much more difficult, if not impossible, to have apprehended the guilty.

Then he gives the names of eleven of the noncommissioned officers and privates of the same company as entitled to the fore-

going commendation.

This regiment served on the frontier, was engaged in many fights with the Indians, served in Cuba, where the fighting was the hottest, and in the Philippines, and I think their commanders would testify that no better regiment ever mustered. And the same thing may be truthfully said, as I understand it, of the other colored regiments in the Army.

comradeship and greater concern for the welfare of the soldiers among and alongside of whom be served in Cuba than President Roosevelt. I think we have never had a President who has, while rigorous in discipline, been more solicitous for just treatment by all the people to the enlisted men of the Army and Navy than he. He has not shown the slightest tolerance of injustice to them by their commanders. From the standpoint of administration and enforcement of the law and the protective power of the law, he certainly has been without discrimination with reference to wealth or poverty, race or class. It can not be imputed to him that he could consciously inflict injustice upon the enlisted men of this battalion or upon any enlisted men in the Army or Navy of the United States.

Mr. President, my differences with the distinguished Senator from Ohio are upon the legal phases of this matter mainly, and with many of the principles of law which he announces I am entirely in accord with him. That this is a country of law, that no Federal official can be above the Constitution, that the President can lawfully exercise no power which he does not derive from that instrument or the laws of Congress enacted in pursuance of it, of course all must admit. That we may not in some circumstances have what would be in other circumstances autocratic power in this country I can not say, because in its very nature the discipline and conduct of an army requires more or less the summary exercise of power. No one knows that better than the chivalrous and gallant soldier who introduced and advocates this resolution. The very idea of command, which can not be dissociated from a commander in chief, involves more or less autocratic power. Under our system many safeguards have been thrown around its exercise.

I am not opposing the resolution of investigation of the Brownsville affair, properly worded. I do object, however, to the resolution as introduced by the Senator from Ohio and now The inevitable trend of the debate on Saturday and to-day has strengthened me in my objection to it. It has been discussed rather as a case in court than as a legislative function. If the President has, as the Senator from South Carolina, and others, seem to think, exercised a power which under the Constitution and the laws of the country he does not possess, and in a manner greatly to the prejudice of citizens, it is quite clear to me that the Senate ought not to enter upon an investigation of it. Even if a President abuses the power which he possesses or exercises it with bad motive, I should greatly deplore an attempt by the Senate to investigate it or pass

judgment upon it.

In our system the powers of government are distributed among three branches, each coordinate and independent of the other, neither of which is responsible to the other in any manner, except as prescribed by the Constitution. The President is not responsible under the Constitution to the Senate or to the House of Representatives or to both. It is especially not the function of the Senate to investigate and determine whether the President has usurped power or abused a power which he possesses, because under the Constitution the Senate sustains a peculiar relation to the President. Of course it is one of the legislative bodies of the Congress. It is equal in power, in respect of legislation, to the other, with one exception. not permitted to originate revenue bills. But, Mr. President, peculiar functions have been conferred upon the House as to some matters, and upon the House alone, and also upon the Senate to the exclusion of the House. None of them are legislative functions. The Senate participates in the making of the laws as a legislative body. It participates, with the President, in appointments, which is not a legislative function. It participates in the exercise of the treaty-making power. But, Mr. President, its most solemn function under the Constitution is a judicial one. Section 3 of the first article provides:

The Senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside, and no person shall be convicted without the concurrence of two-thirds of the members present.

Section 2 of the same article provides that the House "shall have the sole power of impeachment." The power of impeachment is as plainly and exclusively vested in the House of Representatives as is the power to try impeachments vested in the Senate. Investigations to determine or which will determine whether an Executive act is violative of the Constitution and beyond the power of a President, or whether, if within his power, it has been abused, if that is the object of the inquiry, surely is properly with the impeaching body, and should not be exercised by the body which alone can constitutionally try and determine. Of course this is an abstraction as to this case and as to this President, but to my mind (I have had occasion to the other colored regiments in the Army.

I know of no man who has evidenced a stronger feeling of garded by the Senate, for it would be a horrid thing if when articles of impeachment of an officer reach this Chamber they should be laid before a court which in another capacity, having investigated and considered the same matter, had prejudged it.

Mr. President, so much for that. If a President, whether in his capacity of Chief Executive or as Commander in Chief. has performed an act or made an order which was within his authority to make, I can not see that it is competent for this body or the other, or both, to take testimony as to the wisdom of that executed act, upon which to determine whether it will by legislative act set it aside. The Congress, if dissatisfied, may withdraw the power or place additional limitations upon its exercise for the future, but I do not see that it can by legislation render void the act. When a power is possessed by the President or an officer of the Government to do an act in a defined contingency or in his discretion, his decision as to the existence of the contingency or that circumstances are such as to demand the performance of the act is conclusive, and the act can not be impeached or overturned by the Congress because in its opinion the exigency had not arisen or that the power was unwisely exercised. The general rule is well stated by the Supreme Court in the case of Martin v. Mott (12 Wheat., 19) thus:

Whenever a statute gives a discretionary power to any person, to be exercised by him upon his own opinion of certain facts, it is a sound rule of construction that the statute constitutes him the sole and exclusive judge of the existence of those facts. And in the present case we are all of opinion that such is the true construction of the act of

Which authorized the President "whenever the United States shall be invaded, or be in imminent danger of invasion from any foreign nation, etc., it shall be lawful for the President of the United States to call forth such number of the militia of the State or States most in danger," etc.

It is no answer that such a power may be abused, for there is no power which is not susceptible of abuse. The remedy for this, as well as for all other official misconduct, if it should occur, is to be found in the Constitution itself. In a free government the danger must be remote, since in addition to the high qualities which the executive must be presumed to possess of public virtue and honest devotion to the public interests, the frequency of elections, and the watchfulness of the representatives of the nation carry with them all the checks which can be useful to guard against usurpation or wanton tyranny.

The principle is peculiarly applicable to a lawful order made by the President as Commander in Chief of the Army and Navy. I am assuming now that the President possessed the lawful authority to make the order discharging without honor the enlisted men of the battalion of the Twenty-fifth Infantry at Brownsville. The fact that he made such an order does not need investigation. The reports and papers upon which he based it are in the possession of the Senate, and the inquiry into the discharge, and it seems to be limited to that, is as to the wisdom and justness of the order, and the adequacy of the information upon which the President based it; in other words, as it has been put, for the purpose of affording to the enlisted men discharged a day in court.

Aside from the general principle, which is sufficient, I deny that under the Constitution the Congress has any such relation to the Army as permits it to set aside an order lawfully made by the President as Commander in Chief. The provisions of the Constitution which bear upon the subject are few and simple. The Senator from Ohio, who is a very able lawyer, and has said all that can be said by anyone, I think, in support of his contentions, read them.

Congress is given power to declare war, which necessitates the use of an army or navy, or both. Congress is given power to raise and support armies, with the limitation that "no appropriation of money to that use shall be for a longer term than Congress is given power in addition to make two years." Congress is given power in audition to make "rules for the government and regulation of the land and naval forces." The Constitution provides, in section 1 of Article II, that "the executive power shall be vested in a President of the United States," and in section 2 that "the President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States."

The provisions quoted from the Constitution as to the power of Congress in respect to the Army and Navy are logical and plain. They admirably express the manifest purpose of the framers of the instrument. I will consider them later.

The Constitution has left entirely without definition the scope

of the power of the President as Commander in Chief, and the measure of the power was left to be sought elsewhere. I can not agree that the sole constitutional power of the President is to command the Army in time of war and conduct campaigns. That his power is vastly greater in time of war than in time of peace has been decided, and is not open to dispute. It is largely to be sought in the law of nations and the rules of civilized warfare. But an army and a vavy must be commanded in time of |

peace, as well as in time of war, else neither would be fit for war. What the measure and scope of this power is in time of peace it is not necessary at this time to discuss. That it is the power to command, with all that is inherent in the function and necessary to its exercise, can not well be disputed, and that whatever the power is it is conferred by the Constitution and can not be interfered with by the Congress will not be denied.

I quite agree with the Senator from Ohio that we need not. even if we may, seek the measure of this power in the power of the King at the time of the adoption of the Constitution. There is something to be said on both sides of the proposition. courts have referred to the power of the King as furnishing some guide as to the constitutional power of the President as Commander in Chief. It is said in the opinion of Judge Knott, speaking for the Court of Claims in the case of Street v. United States (24 Court of Claims, 230), after referring to the power of the Crown at the time of the adoption of the Constitution exclusively to control the British army, that-

This power of command and control the framers of the Constitution placed in the hands of the President, with only two restrictions set upon it: that Congress should have power "to make rules for the government and regulation of the land and naval forces;" that the appointment of officers should be "by and with the advice and consent of the Senate."

The President can remove any officer of the Army or Navy without cause by appointing, by and with the advice and consent of the Senate, another to supersede him. This was settled in the Mullan case (140 U. S., 240). The practice has wisely made the tenure of military and naval office "practically for life or during good behavior." But I speak of the power.

In Ex parte Milligan (4 Wallace, 2), quoted by the Senator from Ohio, was involved the power of the President to establish mostial law in Indiana and the validity of the trial of a citizen

martial law in Indiana and the validity of the trial of a citizen by military commission upon the charge practically of giving aid and comfort to the enemy. Milligan and others were sen-tenced to death by a military commission, and the court held properly that, as Indiana was not in any sense the theater of war, the civil government there being in full operation, and the courts discharging uninterruptedly their functions, martial law could not lawfully be put in operation in Indiana and that a military commission could not lawfully try and condemn a citi-In the opinion, upon the general subject which I am discussing, the court say:

Cussing, the court say:

Congress has the power not only to raise and support and govern armies, but to declare war. It has, therefore, the power to provide by law for carrying on war. This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and the conduct of campaigns. That power and duty belong to the President as Commander in Chief. Both these powers are derived from the Constitution, but neither is defined by that instrument. Their extent must be determined by their nature and by the principles of our institutions.

The power to make the necessary laws is in Congress; the power to execute in the President. Both powers imply many subordinate and auxiliary powers. Each includes all authorities essential to its due exercise. But neither can the President, in war more than in peace, intrude upon the proper authority of Congress, nor Congress upon the proper authority of the President. Both are servants of the people, whose will is expressed in the fundamental law.

It must be certain that where Congress has failed to make

It must be certain that where Congress has failed to make rules for the discipline of the Army the power of command lodged in the President carries with it authority in him to issue an order absolutely necessary to the discipline of the Army. An army without discipline, Mr. President, is a mob. Instead of being a shield and a protection to the people it is a menace. It is more dangerous to those who maintain it than it is to the enemies of the country.
Mr. PATTERSON.

Mr. President-

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Of course.

Mr. PATTERSON. I want to say that I am very much interested in the argument the Senator from Wisconsin is mak-

Mr. SPOONER. I thank the Senator for the compliment. Mr. PATTERSON. And I had been thinking on identically the same line myself-

Mr. SPOONER. I think that is a higher compliment,

Mr. PATTERSON. Oh, well now, do not be too complimentary—and I had about reached the conclusion that Congress could not legislate so as to restore these men to the Army.

Mr. SPOONER. I reached that conclusion myself.

Mr. PATTERSON. But here is the proposition about which was not clear: Would not Congress have the right to remove

the disability of reenlistment?

Mr. SPOONER. I will get to that.

Mr. PATTERSON. So that the men might reenlist if that

disability were removed.

Mr. SPOONER. I will get to that. I doubt if Congress has the power to pass an act permitting these but no other similarly enlisted men to reenlist. Congress may provide-I will reach

PATTERSON. Could Congress remove the disability Mr. from those soldiers?

Mr. SPOONER. Congress can undoubtedly, by rule, applicable to all similarly situated, remove disabilities. Whether Congress can overturn, directly or indirectly, the effect of a single order affecting only the men embraced in that order I greatly doubt.

Mr. PATTERSON. The Senator will understand that I am simply stating the proposition, and that I should like to have the benefit of the conclusion of the great legal mind of the Senator from Wisconsin concerning it.

Mr. SPOONER. If the Senator keeps on he will make me almost doubt his sincerity.

Mr. PATTERSON. Oh, no.
Mr. SPOONER. As to the power of Congress, it has a power binding upon the Commander in Chief provided only that its exercise does not impair his authority to command, which I think includes discipline in certain aspects of the matter.

Congress shall have power to make rules for the government and regulation of the land and naval forces.

What does this mean? What are rules as the term is used here? I have found a few definitions:

That which is prescribed as a guide; a governing direction; a uniform or established course of things; systematic method or practice; a general principle of management; a regulation.

Pomeroy says in his work on Constitutional Law, page 295:

§ 467. Congress may make rules for the government and regulation of the land and naval forces. It is to be noticed that this power is entirely independent of the ordinary judicial department of the General Government. It is applicable only to a special class of men—those in the land or naval forces. The fifth amendment of the Constitution shows conclusively that the rules to be made under this clause were to be outside of ordinary civil judicial proceedings, for it excepts persons in the land or naval forces, and those in the militia when in actual service in time of war or public danger, from the safeguard of an indictment.

§ 468. The language of this clause should be carefully observed. Congress may make rules—

Italicizing the word "rules"-

the object of which shall be regulation and government. It can not utter exceptional or transitory mandates which affect the management and disposition of the Army or the Navy. This particular grant of power confers no authority upon the legislature to usurp the functions of the Commander in Chief. The rules framed by Congress for the regulation and government of the land and naval forces form together the military law of the land; they are a part of the general statutory legislation of Congress applicable to a special and designated class of persons, soldiers and sailors; they stand on exactly the same footing as any other statutes, are just as binding, and the decisions of courts thereunder are just as effective as any other laws or any other judgments.

In the case of Swaim v. United States (28 Court of Claims, Judge Nott, afterwards Chief Justice, and a very learned and able judge, says:

and able judge, says:

But nevertheless there remains the significant fact in our military system that the President is always the Commander in Chief. Congress may increase the Army, or reduce the Army, or abolish it altogether; but so long as we have a military force Congress can not take away from the President the supreme command. It is true that the Constitution has conferred upon Congress the exclusive power "to make rules for the government and regulation of the land and naval forces;" but the two powers are distinct; neither can trench upon the other; the President can not, under the disquise of military orders, evade the legislative regulations by which he, in common with the Army, must be governed; and Congress can not in the disquise of "rules for the government" of the Army impair the authority of the President as Commander in Chief.

Mr. President, I will not take time to read further, and it

ought not to be necessary to read further.

It is not admissible to strike the word "rules" from this constitutional provision, or to rob it of its ordinary meaning or of its significance. The word was used for some purpose, and its use would seem to make it clear that the government and regulation of the land and naval forces, so far as this power was conferred upon Congress, is to be accomplished through RULES. To contend otherwise is to practically eliminate the word from the provision. If the word "rules" had been omitted and the provision had given power to Congress to make regulations for the land and naval forces, the meaning and purpose would not have been much if any different.

The power to regulate commerce has been defined as the power to prescribe the rules by which commerce shall be governed. The President as Commander in Chief can not make rules for the government and regulation of the land and naval forces, although he can issue orders, regulations, and instructions in execution of or supplementary to but not in conflict with the rules enacted by the Congress for the government and regulation of the land and naval forces. Evidently Congress was to make the rules for the government and regulation of the Army. The President, commanding the Army, in accordance with the rules made by Congress for its "government and regulation,"

may make orders, general and special. Such orders certainly can not be countermanded by Congress. That would be commingling the legislative power with the executive power; the power to make rules with the power to make orders in execution and administration of the rules. An army could not be disci-plined and rendered efficient under such a system.

An act setting aside an order which had been executed would neither be a rule nor a regulation. It would be an edict or order. The opinion of Attorney-General Cushing, who had not only been a soldier, but was a great lawyer (6 Opinions Attor-

ney-General, 11), is instructive on this subject.

To my mind the distinction between these two powers-the power to command and the power to make rules for the government and regulation of the Army-is vital both in time of peace and in time of war.

Mr. BACON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. SPOONER. Certainly.

Mr. BACON. Will the Senator pardon me a moment?

Mr. BACON. Will the schatter parton me a moment?
Mr. SPOONER. Yes.
Mr. BACON. I am in thorough accord with the Senator on
the proposition that the President acted within his power in issuing these orders.

Mr. SPOONER. That is what I assume.
Mr. BACON. But he differs with me as to the question whether or not the President derives these powers from the indefeasible grant of the Constitution.

Mr. SPOONER. That is an abstraction here.

Mr. BACON. I simply want to ask the Senator, though, as he is pressing this with considerable degree of force, whether the Senator, in stating that the President has jurisdiction to make orders and Congress has the jurisdiction to make rules, intends to have us understand by that either that Congress is limited as to the rules which it can prescribe, or, that after having prescribed any of them, the President can vary them or modify them or annul them by order?

Mr. SPOONER. Mr. President, I think that Congress is not without limitation. It all turns on the construction of the word

rules.

Mr. BACON. If the Senator will pardon me a moment, that I may state my proposition clearly—I do not wish unduly to interrupt him and do not propose to continue the discussion, but I should like very much to have the views of the Senator upon the proposition as I shall suggest it.

The sentence in the Constitution, it seems to me, is as unlimited in its expression as words could well be employed to convey. The sentence, in enumerating all the grant of powers of Congress, is this, which the Senator has already read:

To make rules for the government and the regulation of the land and naval forces.

The word "government"—"to make rules for the government"—it seems to me can not be modified. There is no place where a line can be drawn. "Government" is complete; it is exhaustive; it is entire; it is conclusive, unless there is a limitation put upon it. When Congress is given the power for the government of the Army, I am at a loss to see where there can be a limitation put by construction upon the exercise of a power which shall be without limit, which shall be complete in itself.

If the Senator will pardon me a moment-I will not again interrupt him, and I do not do so now for the purpose of controversy, but for the purpose of hearing from him—it seems to me that whenever you undertake to say that "government" does not mean entire government you at once enter into the domain of construction, under which the entire power of Congress can be chipped away until nothing of it shall remain, because, at last, it would rest in the discretion of the Executive perhaps, on the one side or of Congress on the other, as to where the line should be drawn. That discretion might vary in one case or in the other to an extent practically to annul what was, to my mind, the evident intention of the Constitution, that Congress should have the complete power.

I think the only indefeasible grant of power, Mr. President, is to be the Commander in Chief; but as Commander in Chief he has no more power than any other Commander in Chief would have who should be created by statutory law, except that it is an indefeasible power. Of course I will not elaborate that, and I only suggest it, having the greatest confidence in my friend's legal judgment, to ask that he may address himself to it.

Mr. SPOONER. If the word "government" were the only word there and it were used in its broadest sense, as the Senator uses it, the function of a commander in chief would be nil.
Mr. BACON. Not at all.
Mr. SPOONER. Pretty much so.

Mr. BACON. Not at all.

Mr. SPOONER. But Congress is given the power to make rules—"rules for the government and regulation of the land and naval forces." The Senator does not mean to be understood that under that the power of Congress has no limit? Does the Senator think Congress has the power to pass a law requiring the commanding general, if he is at the head of the Army, to

keep his office and remain in Washington?

Mr. BACON. That would not be for the government of the Army. That would be for the government of the Commander in

Chief.

Mr. SPOONER. Now, that would not be a rule for the gov-

ernment of the Army, would it?

Mr. BACON. No; that would be in regard to the exercise of

his constitutional powers.

Mr. SPOONER. Congress did that, Mr. BACON. Congress did that?

Mr. SPOONER. It enacted a law that the President should transmit all orders to the Army through the General of the Army, that the General of the Army should remain in Washington, and that his headquarters should be in Washington.

Mr. BACON. That was in the time of Andrew Johnson.

Mr. SPOONER. Yes,
Mr. BACON. I am inclined to think that Congress was within its right and its power when it did that. It may have been very poor policy and influenced by a very improper motive.

poor policy and influenced by a very improper motive.

Mr. SPOONER. Then Congress may provide what troops may be sent to this State or to that?

Mr. BACON. I think so, most undoubtedly.

Mr. SPOONER. Or what troops shall be sent upon this service and what upon the other?

Mr. BACON. Undoubtedly.

Mr. SPOONER. And what ships shall be sent to the South Atlantic and what shall be sent somewhere else?

Mr. BACON. I would not hesitate for a moment to answer "yes" to that.

Mr. SPOONER. If the President should make an order as Commander in Chief assigning an officer to a State, could Congress revoke it?

Mr. BACON. Undoubtedly will pardon me just a moment Undoubtedly it might. Now, if the Senator

Mr. SPOONER. Before he passes away from this interesting point, I should like to have the Senator inform me what power the President has beyond the reach of Congress as Commander in Chief of the land and naval forces of the United States.

Mr. BACON. As the Senator invites it, I will answer in the

same spirit.

Mr. SPOONER. Yes; on the basis of his argument.
Mr. BACON. My opinion, Mr. President, as to the power of
the Commander in Chief is this: I do not think every power exercised by the Commander in Chief must be dictated by Congress. I think there are certain natural functions of a commander in chief which, in the absence of restrictions on the part of Congress, any commander in chief can exercise-those which are usually exercised. But at the same time I think there is none which can not be restricted or controlled by Congress.

If the Senator will pardon me for a moment-I fear that I trespass unduly upon his time, but I will take the time, with his permission—just to state the proposition that all the clauses of the Constitution in connection with the grant of power to Congress which I have just read indicate the very great solicitude and earnest intention on the part of the framers of the Constitution to take away from any one man the power to wield the Army independently of Congress; and even so jealous were they of the power that they were not willing even that Congress should have an undue exercise of that power, but that, as in the case of the limitation of the length of appropriations, they must go back to the people every two years for the purpose of getting that which alone can sustain an army. Now, let me read those several propositions for the purpose of illustrating the position that the evident purpose of the Constitution was to take away from any one man the dangerous power of unrestrained control and government of the Army. They had too much reason to fear and to dread it.

Mr. SPOONER. I do not contend for that.

Mr. BACON. In the enumeration of the many powers of Congress, the greatest enumeration of powers to be found in any written document from the days of Magna Charta or previous to that time to the present day-among this great enumeration of powers are these:

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

To make rules for the government and regulation of the land and payed forces.

naval forces.

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

I say that all those general grants of power, endeavoring to reach every phase of the important things which relate to the raising of armies and to the government of armies, are laid down in this succession of provisions in a way which, to my mind, clearly points to the purpose of the framers of the Constitution that the great power which would be lodged in one man if he had the power to wield an army without restriction should be denied to the President and should be given the Congress; and that the sole, indefeasible grant of power given to him was that he should be Commander in Chief, to exercise that great office subject to the superior power of Congress to prescribe the rules for the government and regulation of the Army. "Government," I repeat, is a term which can not be qualified. It is complete and entire and does not mean partial government.

The Senator from Wisconsin will pardon me for having tres-

passed so much upon his time.

Mr. SPOONER. Congress may locate a fort in the State of Georgia. Can Congress pass an act providing that certain troops shall be assigned to that fort?

Mr. BACON. I have not the slightest doubt of it; not a par-

ticle.

Mr. SPOONER. What is there to this Commander in Chief? Mr. BACON. The Commander in Chief is to command the Army, subject to the power of the Congress to prescribe what shall be done in its government. The government of an army refers as much to where it shall be located as to what uniform it shall wear.

Mr. SPOONER. I mean particular troops.

Mr. BACON. I am speaking of particular troops. Congress can prescribe that the uniform of the artillery shall be red—

Mr. SPOONER. Of course.

Mr. BACON. And the uniform of the cavalry yellow or buff. Mr. SPOONER. I admit all that.

Mr. BACON. It may prescribe that there shall be so many troops in this place and that many in the other.

With all due respect and the greatest regard for the judgment of the Senator from Wisconsin, I beg to say that I have never heard on the floor of the Senate a doctrine which, to my mind, was more dangerous to the institutions of this country than the doctrine that the President of the United States has any power in the use of the Army which can not be controlled by the lawmaking power of the land, except the power to command.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Rhode Island?

Mr. SPOONER. Certainly.

Mr. ALDRICH. It is very evident that the Senator from Wisconsin will not be able to complete his remarks this evening, and I should like to ask him if it would be agreeable to him now to yield to a motion to adjourn?

Mr. SPOONER. I yield for that purpose. Mr. ALDRICH. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 32 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 15, 1907, at 12 o'clock meridian.

# HOUSE OF REPRESENTATIVES.

Monday, January 14, 1907.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D. The Journal of the proceedings of Friday last were read and approved.

ESTELLE CATHRINE WASSON.

Mr. CASSEL. Mr. Speaker, I present the following privileged report from the Committee on Accounts.

The Clerk read resolution No. 654, as follows:

Resolved, That the Clerk of the House is hereby authorized and directed to pay Mrs. — Wasson, widow of William H. H. Wasson, deceased, late assistant journal clerk on the rolls of the Clerk of the House of Representatives, a sum equal to six months' pay at the rate of compensation received by him at the time of his death, and a further sum, not exceeding \$250, on account of the funeral expenses of said William H. H. Wasson, said amounts to be paid out of the contingent fund of the House.

The committee amendment was read, as follows:

In line 2 insert in the blank space "Estelle Cathrine."

The amendment was considered and agreed to. The resolution as amended was agreed to.

#### BERT W. KENNEDY.

Mr. CASSEL. Mr. Speaker, I also present the following privileged report from the Committee on Accounts.

The Clerk read as follows:

### RESOLUTION NO. 669.

Resolved, That there shall be paid out of the contingent fund of the House miscellaneous items, fiscal years 1907 and 1908, payable in equal monthly installments, a sum equal to the rate of \$500 per annum as additional compensation to Bert W. Kennedy, as assistant doorkeeper of the House, until his salary, at the rate of \$2,500 per annum, shall be otherwise provided for by law.

The resolution was considered and agreed to.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to furnish to the House of Representatives, in compliance with its request, a duplicate engrossed copy of the bill (S. 4926) for the relief of Etienne De P. Bujac.

The message also announced that the Senate had agreed to House concurrent resolution 48, requesting the President to return the bill (H. R. 18214) granting an increase of pension to John Ingram.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S.

5001) granting an increase of pension to Louis A. Baird.

The message also announced that the Senate had passed Senate concurrent resolution 36, relative to printing testimony taken in the investigation pursuant to Senate resolution of June 25, 1906, directing the Interstate Commerce Commission to make a thorough investigation of the elevator and grain buying and forwarding business of this country to determine to what extent special favors have been granted to them by railroad companies,

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 7675. An act to establish a fish-cultural station on the Ken-

nebec River, in the State of Maine; and

S. 976. An act granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico.

The message also announced that the Senate had passed without amendment joint resolution and bill of the following titles:

H. J. Res. 214. Joint resolution to provide for the printing of 16,000 copies of Senate Document No. 144, Fifty-ninth Congress, second session; and

H. R. 14811. An act to authorize George T. Houston and Frank B. Houston to construct and operate an electric railway over the national cemetery road at Vicksburg, Miss.

## MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On January 8, 1907:

H. R. 21678. An act to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands which were heretofore a part of the Crow Indian Reservation, within the counties of Yellowstone and Rosebud, in the State of Montana.

On January 12, 1907: H. J. Res. 196. Joint resolution relating to the construction of a bridge at Fort Snelling, Minn.;

H. R. 4554. An act to remove the charge of absence without leave and reported desertion from the military record of J. F. Wisnewski:

H. R. 21200. An act to authorize the county of Allegheny, in the State of Pennsylvania, to construct a bridge across the Alle-

gheny River, in Allegheny County, Pa;
H. R. 21408. An act to amend an act entitled "An act to regulate the keeping of employment agencies in the District of Columbla where fees are charged for procuring employment or situations," approved June 19, 1906;

H. R. 2315. An act granting a pension to Miranda Birkhead;

H. R. 2978. An act granting a pension to Amanda M. Webb;

H. R. 4292. An act granting a pension to George W. Kelley;

H. R. 9107. An act granting a pension to James W. Russell; H. R. 9465. An act granting a pension to Ella Q. Parrish;

H. R. 10814. An act granting a pension to Eugene A. Myers; H. R. 11483. An act granting a pension to Maria Niles;

H. R. 12517. An act granting a pension to William Bays; H. R. 14144. An act granting a pension to Allen M. Cameron; H. R. 16342. An act granting a pension to Matilda Foster;

H. R. 16747. An act granting a pension to Sherman Jacobs;

H. R. 17481. An act granting a pension to Eliza F. Wadsworth;

H. R. 17918. An act granting a pension to Walter S. Harman; H. R. 19483. An act granting a pension to Lydia A. Patnaude;

H. R. 1871. An act granting an increase of pension to Alonzo Cooper

H. R. 2715. An act granting an increase of pension to Charles Martine

H. R. 3338. An act granting an increase of pension to Lafavette Franks

H. R. 4205. An act granting an increase of pension to Amanda

H. R. 4689. An act granting an increase of pension to James

H. R. 4690. An act granting an increase of pension to Andrew J. Slinger

H. R. 4707. An act granting an increase of pension to John H.

H. R. 5728. An act granting an increase of pension to William Harvey

H. R. 5846. An act granting an increase of pension to John M. Chandler

H. R. 6956. An act granting an increase of pension to Henry L. Johnson H. R. 7580. An act granting an increase of pension to James

W. Stewart H. R. 7719. An act granting an increase of pension to George

H. R. 8273. An act granting an increase of pension to John M.

H. R. 8481. An act granting an increase of pension to Richard

Callaghan

H. R. 8712. An act granting an increase of pension to Josiah Hall:

H. R. 9262. An act granting an increase of pension to Thomas J. Farrar

H. R. 9836. An act granting an increase of pension to Dier Collett

H. R. 11142. An act granting an increase of pension to James McQuade H. R. 12128. An act granting an increase of pension to Dennis

A. Litzinger H. R. 12190. An act granting an increase of pension to Milton

R. Dungan; H. R. 12339. An act granting an increase of pension to Charles

T. Murray H. R. 12482. An act granting an increase of pension to Samuel

B. McLean H. R. 12667. An act granting an increase of pension to Charles

W. Weber H. R. 13057. An act granting an increase of pension to James S. Salsberry

H. R. 14199. An act granting an increase of pension to John

H. R. 14480. An act granting an increase of pension to Mary C. Moore

H. R. 14537. An act granting an increase of pension to Robert B. Crawford;

H. R. 14680. An act granting an increase of pension to Sampson Parker

H. R. 15619. An act granting an increase of pension to Samuel

H. R. 15620. An act granting an increase of pension to David

H. R. 15713. An act granting an increase of pension to William McCrea:

H. R. 16211. An act granting an increase of pension to John W. Montgomery;

H. R. 16397. An act granting an increase of pension to Allie Williams

H. R. 16513. An act granting an increase of pension to Bridget M. Duffy

H. R. 16741. An act granting an increase of pension to William J. Girvan;

H. R. 16748. An act granting an increase of pension to Lucius C. Fletcher

H. R. 16856. An act granting an increase of pension to Joseph McBride:

H. R. 17651. An act granting an increase of pension to Mary

H. R. 17675. An act granting an increase of pension to Jonas M. Sees

H. R. 17691. An act granting an increase of pension to George W. Henrie:

H. R. 17874. An act granting an increase of pension to Roseanna Hughes;

H. R. 18018. An act granting an increase of pension to David Evans

H. R. 18045. An act granting an increase of pension to John M. Webb

H. R. 18066. An act granting an increase of pension to Alexander M. Fergus;

H. R. 18113. An act granting an increase of pension to Louisa M. Sees

H. R. 18193. An act granting an increase of pension to Walden

H. R. 18227. An act granting an increase of pension to Catharine F. Fitzgerald;

H. R. 18343. An act granting an increase of pension to John N. Oliver;

H. R. 18363. An act granting an increase of pension to Rudolph Bentz; H. R. 18403. An act granting an increase of pension to Mary

Jane Ragan;

H. R. 18429. An act granting an increase of pension to David Mitchell;

H. R. 18493. An act granting an increase of pension to George H. Reeder H. R. 18705. An act granting an increase of pension to Thomas

T. Page H. R. 18860. An act granting an increase of pension to An-

drew J. Anderson; H. R. 19080. An act granting an increase of pension to Fred-

erick Fienon

H. R. 19101. An act granting an increase of pension to Sarah C. A. Scott

H. R. 19119. An act granting an increase of pension to Susan

H. R. 19161. An act granting an increase of pension to Marcus H. R. 19162. An act granting an increase of pension to Charles

H. R. 19174. An act granting an increase of pension to Martha

H. R. 19215. An act granting an increase of pension to John Lingenfelder:

H. R. 19256. An act granting an increase of pension to Louisa J. Birthright;

H. R. 19293. An act granting an increase of pension to William Colvin;

H. R. 19298. An act granting an increase of pension to Job B. Crabtree

H. R. 19300. An act granting an increase of pension to Phebe

H. R. 19318. An act granting an increase of pension to Mary E. Rivers H. R. 19319. An act granting an increase of pension to Eliza-

beth Spruell

H. R. 19320. An act granting an increase of pension to Louise J. Pratt :

H. R. 19321. An act granting an increase of pension to Mary E. Turner

H. R. 19322. An act granting an increase of pension to Mary Isabella Rykard;

H. R. 19323. An act granting an increase of pension to Or-

H. R. 19324. An act granting an increase of pension to Susan

H. R. 19325. An act granting an increase of pension to George

H. R. 19326. An act granting an increase of pension to Margaret R. Vandiver;

H. R. 19357. An act granting an increase of pension to Anna Lamar Walker

H. R. 19359. An act granting an increase of pension to Levi Brader;

H. R. 19404. An act granting an increase of pension to Elias S. Falkenburg

H. R. 19415. An act granting an increase of pension to Sarah Ann Reavis

H. R. 19416. An act granting an increase of pension to Antonio

Macello; H. R. 19463. An act granting an increase of pension to Emma

H. R. 19503. An act granting an increase of pension to David S. Jones

H. R. 19504. An act granting an increase of pension to Margaret E. Walker;

H. R. 19511. An act granting an increase of pension to Alexander Dixson;

H. R. 19514. An act granting an increase of pension to James H. Stimpson;

H. R. 19529. An act granting an increase of pension to Nancy Elizabeth Hutcheson:

H. R. 19530. An act granting an increase of pension to Charles

H. R. 19534. An act granting an increase of pension to Noah Ressequie;

H. R. 19587. An act granting an increase of pension to Martha Ann Jones

H. R. 19601. An act granting an increase of pension to John E. Kingsbury

H. R. 19611. An act granting an increase of pension to Jacob

H. R. 19626. An act granting an increase of pension to Samuel Campbell;

H. R. 19743. An act granting an increase of pension to W. P. McMichael:

H. R. 19744. An act granting an increase of pension to George Caspar Homan Hummel, alias George C. Homan;

H. R. 19819. An act granting an increase of pension to Johanna Kearney

H. R. 19889. An act granting an increase of pension to John M. Melson: and

H. R. 19922. An act granting an increase of pension to Mary A. Sutherland.

# SENATE BILL AND RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bill and resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

An act (S. 7675) to establish a fish-cultural station on the Kennebec River, in the State of Maine—to the Committee on the Merchant Marine and Fisheries.

Senate concurrent resolution 36:

Resolution relative to printing copies of the testimony taken in the investigation pursuant to Senate resolution of June 25, 1906, directing the Interstate Commerce Commission to make a thorough investigation of the elevator and grain buying and forwarding business of this country to determine to what ex-tent special favors have been granted to them by railroad companies, etc.-to the Committee on Printing.

## ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

H. R. 189. An act to establish a life-saving station at the Isles

of Shoals, off Portsmouth, N. H.; H. J. Res. 214. Joint resolution to provide for the printing of 16,000 copies of Senate Document No. 144, Fifty-ninth Congress, second session; and

H. R. 14811. An act to authorize George T. Houston and Frank B. Houston to construct and operate an electric railway over the national cemetery road at Vicksburg, Miss.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL. Mr. WACHTER, from the Committee on Enrolled Bills, re-

ported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 21202. An act fixing the time for homestead entrymen on lands embraced in the Wind River or Shoshone Indian Reservation to establish residence on same; and

H. R. 21951. An act to authorize the Alabama, Tennessee and Northern Railroad Company to construct a bridge across the Tombigbee River, in the State of Alabama.

ADDITIONAL COMPENSATION FOR DEPARTMENT MESSENGER AND CLERK. Mr. CASSEL. Mr. Speaker, by direction of the Committee on Accounts, I present the following privileged report.

The Clerk read as follows:

## Resolution No. 662.

Resolution No. 662.

Resolved, That there shall be paid, out of the contingent fund of the House, miscellaneous items, fiscal year 1907, payable in equal monthly installments, the sum equal to the rate of \$250 per annum as additional compensation to the Department messenger, the sum equal to the rate of \$500 per annum as additional compensation to the superintendent of the folding room of the House, the sum equal to the rate of \$200 per annum as additional compensation to the chief clerk of the folding room of the House, the sum equal to the rate of \$400 per annum as additional compensation to each of the four clerks in the folding room of the House, the sum equal to the rate of \$300 per annum as additional compensation to the foreman of the folding room of the House, and the sum equal to the rate of \$200 per annum as additional compensation to the assistant Department messenger unless and until their salaries, respectively, at the increased rates herein authorized, shall be otherwise provided for by law.

The resolution was considered, and agreed to.

The resolution was considered, and agreed to.

Mr. CASSEL. Mr. Speaker, in December there was a resolution reported by the Committee on Accounts which was not voted upon on account of the absence of a quorum. I would like to call up that resolution and call for a vote.

The SPEAKER. The gentleman calls up the following unfinished business, which the Clerk will report..

The Clerk read as follows:

House Resolution No. 671.

House Resolution No. 671.

Resolved, That there shall be paid out of the contingent fund of the House for the services of an enrolling clerk a sum equal to the rate of \$3,000 per annum, and for the services of an additional assistant enrolling clerk a sum equal to the rate of \$1,800 per annum, payable, respectively, in equal monthly installments, until their compensation at the rates herein authorized shall be provided for by law: Provided, That the enrolling clerk for whose services payment out of the contingent fund of the House is hereby authorized shall be in lieu of the enrolling clerk at \$2,500 now authorized by law.

The SPEAKER On December 10 when this resolution was

The SPEAKER. On December 19, when this resolution was pending before the House, there was no quorum on the question of agreeing to the resolution, and it comes over as unfin-The question is now upon agreeing to the reso-

Mr. CRUMPACKER. Mr. Speaker, I think those of us who were not here when the resolution was put up before the holi-days ought to know something about the resolution. I know that the question of the system of enrollments has received at-tention by the House, but does this resolution contemplate a reform in the system of enrollments, a changing of the methods,

or what is its purpose?

Mr. CASSEL. Mr. Speaker, its purpose is to put an additional clerk in that office, so that they may not be overburdened with work as they have been in the past, so that the mistakes which have been made in the past may be avoided in the future.

Mr. CRUMPACKER. Is that the only purpose of the resolution-simply to increase the clerical force of the enrolling di-

Mr. CASSEL. That is all the authority that this committee has, to recommend the employment of additional clerks.

Mr. CRUMPACKER. Does not the resolution make an annual clerk at \$3,000 a year?

Mr. CASSEL. No; at \$1,800; but it increases the salary of the present enrolling clerk from \$2,500 to \$3,000 per annum.

Mr. CRUMPACKER. Increases the salary of the present clerk?

Mr. CASSEL.

Mr. CRUMPACKER. Does the gentleman know whether any committee of the House contemplates a plan for a general re-

form of the enrolling service?

Mr. CASSEL. I do not. The Clerk of the House has stated, however, to this committee that if this additional clerk is appointed they would be able to avoid all difficulties that they have had heretofore.

Mr. CRUMPACKER. The gentleman thinks that if this resolution is enacted it will so perfect the system of enrollments as to reduce the possible mistakes to a minimum?

Mr. CASSEL. I do.

Mr. CRUMPACKER. As good a system as can be devised?

Mr. CASSEL. We do. Mr. CLARK of Missouri. Mr. Speaker-

The SPEAKER. Does the gentleman yield?

Mr. CASSEL. I do.

Mr. CLARK of Missouri. What is the exact purpose that the gentleman has in mind this morning, I will ask the gentleman from Pennsylvania?

Mr. CASSEL. To pass the resolution which is held over from December because of a lack of quorum, which is to in-crease the salary of the present enrolling clerk to \$3,000 a year and to authorize the employment of an additional clerk, at \$1,800, for the enrolling room. We all appreciate the necessity of additional service in that room, and it is for that purpose that we have called up the resolution at the present time

Mr. CLARK of Missouri. Mr. Speaker, I would like the

gentleman to yield me two or three minutes.

Mr. CASSEL. I yield the gentleman five minutes. Mr. CLARK of Missouri. I desire to ask the gentleman from Pennsylvania how the appointment of an additional clerk in that office would expedite the business of reading these enrolled bills, provided the Chief Clerk has to read them all himself? Mr. CASSEL. The other man can do the mechanical work.

He can assist in the transcribing and in going over and pre-

paring the bills for the final reading.

Mr. CLARK of Missouri. These enrolled bills are all printed, are they not?

Mr. CASSEL. They are, but they must be compared.
Mr. CLARK of Missouri. Well, I know, but if the Chief Clerk
is to compare them, how can an assistant clerk help him compare them?

Mr. CASSEL. Why can not the assistant help to compare them?

Mr. CLARK of Missouri. Why, I would not want to be both-

ered with him if I were the enrolling clerk.

Mr. TAWNEY. If the gentleman will permit me, I would like to ask the gentleman from Pennsylvania how many clerks are there now in the enrolling room?

Mr. CASSEL. As I understand only the Chief Clerk now. He

has charge of that all, has he not?

Mr. TAWNEY. I know he has charge of it, but he has a number of assistants. He has a number of clerks to aid in the com-Of course they have to be compared, There parison of bills. are bills there all the time, and when they are passing as many as 600 bills here in a day, all of which have to be enrolled, it keeps that force of clerks in that office busy all the time under the diection of the Chief Clerk.

Mr. CLARK of Missouri. I desire to ask the gentleman from Minnesota [Mr. Tawney] a question or two. Since that controversy here in December I was amazed at being informed that the enrolling force was in no way responsible for getting the \$3,000,000 appropriation into that bill that had been voted out. Now, if it is true I want to ask the gentleman from Minnesota who was responsible for that?

Mr. TAWNEY. I understand the responsibility rests upon the

Committee on Enrolled Bills, a committee of this House.

Mr. CLARK of Missouri. Well, we had better raise their salaries then.

Mr. TAWNEY. No; the proposition here is: With the additional assistant to assist the chief enrolling clerk in taking charge of the enrollment of bills, will relieve the Committee on Enrolled Bills, and to some extent the clerks of the committee. The Committee on Enrolled Bills has never met during this Congress and did not meet during the last Congress. The comparison which is supposed to be made in the Committee on Enrolled Bills is made by the clerks employed by that committee.

Mr. CLARK of Missouri. Now, has the Committee on Enrolled Bills a clerk or clerks?

Mr. TAWNEY. They have clerks—two, I think.

Mr. CLARK of Missouri. If that committee never meet, what in the name of heaven do they want with a committee clerk or clerks?

Mr. TAWNEY. In order to make sure that no mistake of this kind will creep into the enrollment of bills. The clerks to the committee operate as a check upon the clerks in the enrolling room. This is virtually a double comparison, and necessarily so, in order to insure accuracy. That is the object of it. with the additional assistant, I am informed by the Clerk of the House and also by the chief of the enrolling room, he will then have a double check in his own department and not depend so largely as he has to do and has done in the past upon the services of the clerks in the Committee on Enrolled Bills.

Mr. CLARK of Missouri. Now, hitherto have clerks in the enrolling room operated with the clerks of the enrolling force

proper?

Mr. TAWNEY. No; they work independently. One operates as a check upon the other.

Mr. CLARK of Missouri. Then, if the Enrolling Committee never meets, what do the clerks do?

Mr. TAWNEY. They make a comparison of bills. Of course the Committee on Enrolled Bills is not expected to meet for the purpose of sitting down and making comparison of all the bills

which come to them from the enrolling room.

Mr. CLARK of Missouri. What are they expected to do?

Mr. MANN. The gentleman does not mean the Committee on Enrolled Bills never meets. He means they do not have a formal meeting of the committee for the purpose of comparing these bills. The chairman of the Committee on Enrolled Bills

and the clerks are working on the bills—
Mr. CLARK of Missouri. Doing what?

Mr. MANN. Comparing these bills returned there by the enrolling clerk. They are compared first at the Printing Office, then by the enrolling clerk, and afterwards compared by the Committee on Enrolled Bills, through their clerks, to find if mistakes have crept in.

Mr. CLARK of Missouri. Now let me ask you a question as you are up-

Mr. MANN. Very seldom.

Mr. CLARK of Missouri. Who actually compares these enrolled bills, the chief of this enrolling force or some of his assistant clerks?

Mr. MANN. He compares them as far as it is within human

power to compare them.

Mr. CLARK of Missouri. If he can not devolve the work upon this assistant, then what is the point of having an assistant?

Mr. MANN. It is perfectly evident that the chief enrolling clerk does not compare, for instance, word for word every one of the pension bills which were passed here the other day. The purpose of this proposition is that in different hours or when it is beyond human possibility for one man to make all these comparisons to have another man to help make compari-A man, for instance, sitting down by himself to compare the 600 pension bills which were passed by the House the other day probably could not do it short of a good many days.

Mr. CLARK of Missouri. Does the gentleman suppose that

they do compare such bills as that?

Mr. MANN. As a matter of fact, those bills are read word for word and compared exactly—every bill that passes the House—not only by the enrolling clerks, but also by the clerk of the Committee on Enrolled Bills. I may say to the gentle-man that that work is sought to be done perfectly, and the only mistakes that creep in come because of the "patched" appearance of the bill, to use a peculiar word, as it comes from the committee on conference, where it is putting together different portions of a long bill, a part of it stricken out here, a part inserted there, and agreed to here, without any consecutive connection as far as the report is concerned. Sometimes something is left in which ought to be stricken out.

Mr. CLARK of Missouri. Does the gentleman believe that simply multiplying the number of assistant clerks will in any

way expedite that work?

Mr. MANN. I know that it will expedite the work. say to the gentleman, whenever I have charge of a bill on the floor of the House and it is passed I always follow it up through the Printing Office, through the clerks on enrolled bills, and through the Committee on Enrolled Bills. I know that very often these things are delayed. Sometimes bills never reach the President, because of the delay in enrolling, and that delay

comes largely from the delay in the comparison of the bills.

Mr. CLARK of Missouri. Mr. Speaker, I want to make one more remark in order to withdraw a remark I made when we had this bill up before. In the general scuffle that took place the gentleman from Illinois [Mr. Mann] asserted that the chief enrolling clerks of the House and of the Senate were experts, and I said I did not believe a word of it. But since then I have investigated the matter somewhat and I think they are experts. I think it is only fair to state that. But such transactions that took place here on the last day of the last session is a serious reflection on the way legislation is done by the American Congress. Everybody was hanging around here on tenter-hooks, everybody wanting to get away, because the weather was so uncomfortably hot, and they had made arrangements to get away, when finally the session was prolonged here for six or eight hours after everybody supposed the House had adjourned. And if some contentious person like my friend from Illinois had made up his mind to defeat the final agreement on one of these bills he could have done it easily. That is all I have to say about this thing. I wished to express my opinion about it.

Mr. MANN. Just because I do not wish such a temptation presented to me I want to give a sufficient force to have the bills properly enrolled while a quorum is still in the city.

Mr. CLARK of Missouri. That is very well said.

Mr. PAYNE rose.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. Cassel] yield to the gentleman from New York [Mr. PAYNE]?

Mr. CASSEL. Certainly.

Mr. PAYNE. Mr. Speaker, I want to recall the fact to the House that the delay on the closing of the session last year was not on general appropriations bills, but on the public buildings bill and on the bill that followed making appropriations for the public buildings. That came in at a very late hour, and it had to go through the enrolling room, and it took time to do it. That is the reason we were waiting, and it could not have been defeated except by a call for a quorum, because the two Houses had not agreed upon the concurrent resolution to adjourn.

I want to say a word further about that point. My understanding is that the House at the last session, as it has at this session, passed an unusual number of bills. We passed a large number of bills last Friday, every one of which had to be compared before being sent over to the Senate, and it made a great deal of work for those clerks. It is desirable that the Chief Clerk should look over every bill and make a comparison, as that is a double check upon the work of the assistant, and I understand that if another assistant clerk is provided then it will give the Chief Clerk an opportunity to personally oversee

I want to say further in confirmation of what the gentleman from Illinois [Mr. MANN] has said in regard to the chairman

of this Committee on Enrolled Bills. I have known personally of his devotion to the work of that committee, and I think he spends as many hours in the work of his committee as any Member of the House, or any member of any other committee. I know that he personally exercises the greatest care to see that the enrollment is perfected, and my wonder is not that there was an error made last year on the last day of the session—an error of a few words which made a very important difference in the bill-but my wonder is that not more errors are made, especially at the close of the session, when these men sometimes work three and four days and nights consecutively, without any sleep, and without taking off their clothes, in

order to get rest. I wanted to say this in justice to these clerks in the enrolling room.

Mr. TAWNEY. Will the gentleman yield to me a moment?

Mr. CASSEL. I yield to the gentleman.

Mr. TAWNEY. Mr. Speaker, what I said in regard to the Committee on Enrolled Bills not meeting had no reference whatever to the work of the chairman of that committee. I was colord who the committee were and when they met. I am included who the committee were and when they met. I am included who the committee were and when they met. asked who the committee were and when they met. I am informed by members of the committee that it is a fact that the committee has not met during this Congress and did not meet during last Congress as a committee. But that does not mean that the chairman of the committee has in the least neglected his duty. I corroborate everything that the gentleman from New York has said with respect to the industry and the faith-fulness of the chairman of the Committee on Enrolled Bills in

performing the work personally that devolves upon him.

Mr. CASSEL. I ask for a vote, Mr. Speaker.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to. On motion of Mr. Casser, a motion to reconsider the vote by which the resolution was passed was laid on the table.

NEW DIVISION OF SOUTHERN JUDICIAL DISTRICT OF IOWA.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk. The Clerk read as follows:

bill (H. R. 20990) to create a new division of the southern judicial district of Iowa and to provide for terms of court at Ottumwa, Iowa, and for a clerk for said court, and for other purposes.

district of lowa and to provide for terms of court at Ottumwa, Iowa, and for a clerk for said court, and for other purposes.

Be it enacted, etc., That the counties of Davis, Appanoose, Mahaska, Keokuk, Jefferson, Monroe, and Wapello shall constitute a division of the southern judicial district of Iowa, to be known as the Ottumwa division of said court.

SEC. 2. That terms of the circuit and district courts of the United States for the said southern district of Iowa shall be held twice in each year at the city of Ottumwa, Iowa, and that until otherwise provided by law the judges of said courts shall fix the times at which said courts shall be held at Ottumwa, of which they shall make publication and give due notice.

SEC. 3. That all civil process issued against persons resident in the said counties of Davis, Appanoose, Mahaska, Keokuk, Jefferson, Monroe, and Wapello, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Ottumwa, Iowa, and all prosecutions for offenses committed in any of said counties shall be tried in the appropriate United States courts at the city of Ottumwa, Iowa: Provided, That no process issued or prosecution commenced or suit instituted before the passage of this act shall be in any way affected by the provisions hereof.

SEC. 4. That the clerks of the circuit and district courts of said district shall maintain an office, in charge of themselves or deputy, at the said city of Ottumwa, Iowa, for the transaction of the business of said division.

The SPEAKER. Is there objection?

The SPEAKER. Is there objection?
Mr. WILLIAMS. Mr. Speaker, reserving the right to object,
do I understand this bill has been unanimously reported by the committee?

Mr. LACEY. It has been unanimously reported by the Committee on the Judiciary.

Mr. WILLIAMS. It creates no new judge? Mr. LACEY. No, sir. It makes an additional place for hold-

ing the court in a division already existing.

Mr. MANN. Does it create any new officer?
Mr. LACEY. The clerk of the court will be the only new officer.

Mr. MANN. Where is that court to be held?

Mr. LACEY. At Ottumwa.

Mr. MANN. Is that in your district?

Mr. LACEY. It is.

Mr. MANN. How is it that it is not made at Oskaloosa in-

stead of Ottumwa?

Mr. LACEY. Ottumwa is a larger place and more central to the territory to be served. Of course if it were a matter of personal preference I should like it to be at Oskaloosa, because I expect to be at Oskaloosa more continuously in the near future.

Mr. MANN. The only reason I can see for the passage of this bill is to accommodate the gentleman, whom everybody in the House wishes to accommodate, and therefore this new court ought to be at Oskaloosa instead of Ottumwa.

Mr. LACEY. I make it Ottumwa because I have taken into consideration the public interest rather than my own.

Mr. MANN. How many cases are there pending in this district now?

Mr. LACEY. Oh, a great many. There are about 200,000 people in this territory.

Mr. MANN. You have a court. This is to create a new division?

Mr. LACEY. It is to bring the courts closer to the people of that locality.

Mr. MANN.

How many cases are pending in the court?
Well, the southern district of Iowa has a great ading. There are a million people living in that Mr. LACEY. many cases pending. district of Iowa, and there are something over 200,000 people in the territory to be accommodated by this bill. create any additional judge, but the people of that particular territory will get two terms of the court a year in the vicinity of the litigants.

Mr. MANN. I want to say to the gentleman that it would be far beyond me to make any objection to the bill now as to the court to be established in his district at this time, when the House is about to lose the very valuable services of the gentle-man; but we have been in the habit lately of creating very many judicial districts, and so many new divisions, and so many new places of holding court that I think hereafter, if I am in the House, I shall want to know why. Why, no reason is given in this case; no reason is usually given except that now given in

general language. We ought to know why.

Mr. LACEY. The reason is a very simple one. It is in the interest of justice everywhere that the courts should be close enough to the people so that they can be appealed to without unnecessary delay. In fact, in a very large district and with large distances to travel, the parties who want delay in the litigation, the parties who do not want trial, and parties who want to wear the other litigant out are accustomed to transfer cases merely to make the court as inconvenient as possible. is generally in the interest of justice in all cases to have the court near the centers of population; and this increase of places for holding courts is really often in the interest of orderly administration of justice, because it is easier to move a judge to 200,000 people than to move the people, or so many of them as get into litigation, off some distance to the judge. I think very few, and perhaps none, of these new divisions have been improvidently created. New districts have been created owing to the temptation to get a new judge where the necessity was not urgent; but as to new divisions or places of holding court the rule has been the other way. It is only where there is a real demand for it, in my experience, that these requests have been

Mr. MANN. At how many places in your State does the supreme court of your State meet?

Mr. LACEY. One.

Mr. MANN. Why do you not have a dozen places for it to meet, so as to bring it close to the people?

We used to have, and so did you in Illinois. Mr. LACEY. Mr. MANN. And we abolished it, because we did not believe

in the principle you are advocating.

Mr. LACEY. But the gentleman entirely overlooks the one important fact which destroys the force of his argument. have adopted the method of printing all briefs and records for the presentation of cases in the supreme court. Witnesses and litigants and jurors do not have to go to the place where the supreme court meets, so that the necessity for having different places for holding the supreme court is not anything like as great as it is in courts of original jurisdiction, where witnesses have to be present and juries have to be in attendance. That

is an entirely different proposition.

Mr. MANN. Now, if the gentleman will pardon me, if it be a fact that the courts ought to be brought close to the people, then there ought to be a court in every county. There is a court in every county, and the proper method to pursue is not to move the Federal courts to the counties, but to take away the jurisdiction of the Federal courts, so that the courts of the counties

shall have the jurisdiction and be close to the people.

Mr. LACEY. That is another question.

That question is before the House. Mr. MANN.

Mr. LACEY. I might agree with my friend on that as a gen-I have voted in favor of restricting the jurisdiceral principle. tion of the Federal courts whenever the opportunity has come I agree with him heartily that the local courts, close to the people, are safer and better for the administration of justice, as a rule; but, whether the gentleman likes it or not, there is a certain jurisdiction which can not be taken from the Federal courts, and we are talking about the situation as it actually exists. This jurisdiction is in existence, and the corporations

of the country are organized usually in different States, as far as possible, so as to hold the Federal jurisdiction, and unwilling litigants often remove cases so as to get them as far as possible from the other side, to cause delay and inconvenience.

And because I think it is much more important Mr. MANN. that the question of the jurisdiction of the two courts shall be considered than it is to keep constantly multiplying new Federal courts, I shall hereafter reserve the right to demand a proper explanation of such bills.

Mr. SHACKLEFORD. May I ask the gentleman a question?

Mr. MANN. In the gentleman's time.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. LACEY. Mr. Speaker, I call for a vote.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. Lacey, a motion to reconsider the last vote

was laid on the table.

REGULATION OF WHISTLES ON STEAM VESSELS.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17624) to amend an act entitled "An act to amend section 4405 of the Revised Statutes of the United States," approved March 3, 1905.

The bill was read, as follows:

Be it enacted, etc., That an act entitled "An act to amend section 4405 of the Revised Statutes of the United States," approved March 3, 1905, be, and the same is hereby, amended by inserting after the word "title" and before the word "and" the words "including regulations governing the use of whistles as signals by steam vessels and prohibiting useless and unnecessary whistling;" so that the same shall read as follows:

governing the use of whistles as signals by steam vessels and proninting useless and unnecessary whistling;" so that the same shall read as follows:

"Sec. 4405. The supervising inspectors and the Supervising Inspector-General shall assemble as a board once each year at the city of Washington, D. C., on the third Wednesday in January, and at such other times as the Secretary of Commerce and Labor shall prescribe, for joint consultation, and shall assign to each of the supervising inspectors the limits of territory within which he shall perform his duties. The board shall establish all necessary regulations required to carry out in the most effective manner the provisions of this title, including regulations governing the use of whistles as signals by steam vessels and prohibiting useless and unnecessary whistling, and such regulations, when approved by the Secretary of Commerce and Labor, shall have the force of law. The supervising inspector for the district embracing the Pacific coast shall not be under obligation to attend the meetings of the board oftener than once in two years; but when he does not attend such meeting he shall make his communications thereto, in the way of a report, in such manner as the board shall prescribe: Provided, That the Secretary of Commerce and Labor may at any time call in session, after reasonable public notice, a meeting of an executive committee, to be composed of the Supervising Inspector-General and any two supervising inspectors, which committee, with the approval of the said-Secretary, shall have power to alter, amend, add to, or repeal any of the rules and regulations made, with the approval of the said-Secretary, shall have power to alter, amend, add to, or repeal any of the rules and regulations made, with the approval of the said-Secretary, shall have power to alter, amend, add to, or repeal, when approved by the said Secretary, to have the force of law and to continue in effect until thirty days after the adjournment of the next meeting of the board of supervising in follows:
"SEC. 4405.

The following committee amendment was read:

Amend by striking out all after the word "title," in line 7, page 2, down to and including the word "and," in line 9, page 2, and inserting in lieu thereof the words "and also regulations."

The SPEAKER. Is there objection to the present considera-

tion of the bill?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I should like to ask the gentleman what committee reported this? Mr. SHERLEY. The Committee on the Merchant Marine and

Mr. PAYNE. I understand that the original section contains a provision that the regulations established by the Secretary of Commerce and Labor shall have the force and effect of law. Did the committee consider whether those words ought not to be amended, and whether Congress should delegate to the Secretary of Commerce and Labor the making of regulations that have the force and effect of law?

Mr. SHERLEY. I will answer the gentleman first, that the committee did not take any special action in regard to that, and secondly, that it is well settled, according to my personal understanding, that regulations made by Departments are only effective when in pursuance of law and that no Department can make new law. I do not understand that the provision here

does any more than that.

Mr. PAYNE. I think it does, but as long as it is in the original statute I will not object to this.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. Sherley, a motion to reconsider the last vote was laid on the table.

### PREVENTING COLLISIONS AT SEA.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent to take up for present consideration the bill (S. 6855) to amend the act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea."

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc.. That the act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea," be, and hereby is, amended by inserting therein the following:

"ART 9. Fishing vessels and fishing boats, when under way and when not required by this article to carry or show the lights hereinafter specified, shall carry or show the lights prescribed for vessels of their tonnage under way.

"(a) Open boats, by which is to be understood boats not protected from the entry of sea water by means of a continuous deck, when engaged in any fishing at night, with outlying tackle extending not more than 150 feet horizontally from the boat into the seaway, shall carry one all-round white light.

"Open boats, when fishing at night, with outlying tackle extending more than 150 feet horizontally from the boat into the seaway, shall carry one all-round white light, and in addition on approaching or being approached by other vessels, shall show a second white light at least 3 feet below the first light and at a horizontal distance of at least 5 feet away from it in the direction in which the outlying tackle is attached.

"(b) Vessels and boats, except open boats as defined in subdivision (a), when fishing with drift nets, shall, so long as the nets are wholly or partly in the water, carry two white lights where they can best be seen. Such lights shall be placed so that the vertical distance between them shall be not less than 6 feet and not more than 16 feet, and so that the horizontal distance between them, measured in a line with the keel, shall be not less than 5 feet and not more than 16 feet, and so that the horizontal distance between them, measured in a line with the keel, shall be not less than 5 feet and not more than 16 feet, and so that the horizon and to be visible at a distance of not less than 3 miles.

"Within the Mediterranean Sea and in the seas bordering the coasts of Japan and Korea sailing fishing vessels of less than 2 tons gross tonna

Should thele, however, not carry it, they shall show in the same position (in the direction of the net or gear) a white light, visible at a distance of not less than 1 sea mile, on the approach of or to other vessels.

"(c) Vessels and boats, except open boats as defined in subdivision (a), when line fishing with their lines out and attached to or hauling febr lines, and when not at anchor or stationary within the meaning of subdivision (h), shall carry the same lights as vessels fishing with drift nets. When shooting lines, or fishing with towing lines, they shall carry the lights prescribed for a steam or salling vessel under "Within the Mediterranean Sea and in the seas bordering the coasts of Japan and Korea sailing fishing vessels of less than 20 tons gross tonnage shall not be obliged to carry the lower of these two lights. Should they, however, not carry it, they shall show in the same position (in the direction of the lines) a white light, visible at a distance of not less than 1 sea mile on the approach of or to other vessels.

"(d) Vessels when engaged in trawling, by which is meant the dragging of an apparatus along the bottom of the sea—"First. If steam vessels, shall carry in the same position as the "First. If steam vessels, shall carry line same position as the other of the starboard and port sides, respectively; and not less than 6 nor more than 12 feet below the tri-colored lantern a white light over an arc of the horizon from two points on each bow, and a green light and a red light over an arc of the horizon from two points on each bow to two points abaft the beam on the starboard and port sides, respectively; and not less than 6 nor more than 12 feet below the tri-colored lantern a white light in a lantern, so constructed as to show a clear, uniform, and unbroken light all around the horizon and shall also, on the approach of or to other vessels, show where it can best be seen a white flare-up light or torch is sufficient time to prevent collision.

"All lights mentioned in subdivision (d) f

under way, shall in daytime indicate their occupation to an approaching vessel by displaying a basket or other efficient signal where it can best be seen. If vessels or boats at anchor have their gear out, they shall, on the approach of other vessels, show the same signal on the side on which those vessels can pass.

"The vessels required by this article to carry or show the lights hereinbefore specified shall not be obliged to carry the lights prescribed by article 4 (a) and the last paragraph of article 11."

SEC. 2. That article 10 of the act approved March 3, 1885, entitled "An act to adopt the revised international regulations for preventing collisions at sea." and the act approved August 30, 1894, entitled "An act relating to lights on fishing vessels," are hereby repealed.

SEC. 3. That this act shall take effect on the 1st day of January, 1908. Passed the Senate December 13, 1906.

The SPEAKER. Is there objection to the present considera-

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask how far this includes the Great Lakes, what change it makes, and also whether there is anything in the bill which would enable a Member of Congress to drop an anchor to

windward? [Laughter.]
Mr. GROSVENOR. I will try to make it plain even to the gentleman from Illinois. There is, as the gentleman knows, an international code of signals relating to all vessels. Prior to about a year ago there was a condition that required consideration and negotiation from nearly all the civilized nations of the world, and this code of signals was agreed upon and adopted by Congress, excepting as to the ninth article, which relates entirely to fishing vessels.

Since that time all nations have agreed to the ninth article, leaving the United States alone operating under article 10. By this bill, which is long and apparently complicated, there is no change whatever made except that it adopts article 9 of the general agreement of all the nations.

Mr. MANN. That is perfectly satisfactory to me. Mr. GROSVENOR. The nations that have agreed to article 9 are Great Britain, Germany, Norway, France, Italy, Japan, Sweden, the Netherlands, Denmark, Austria-Hungary, Greece, Belgium, Argentina, Portugal, China, Peru, Egypt, Venezuela, Siam, Guatemala, and Costa Rica. Now, Mr. Speaker, or representations of the passession of the sage of this bill will simply put our fishing vessels in agreement with fishing vessels of the entire world. The bill has been passed by the Senate and has the unanimous support of the Committee on Merchant Marine and Fisheries.

Mr. GARDNER of Massachusetts. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Ohio, as a matter of great importance to me, representing as I do the largest salt water fishing district in the United States, who has requested this legislation?

Mr. GROSVENOR. The bill was introduced in the Senate by the Senator from Maine, at the request of the Commerce Commission of the United States.

Mr. WILLIAMS. Mr. Speaker, I would like to ask the gentleman if this is the unanimous report of the committee?
Mr. GROSVENOR. It is,

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. Grosvenor, a motion to reconsider the last vote was laid on the table.

## DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GILLETT, from the Committee on Appropriations, reported, by direction of that committee, the bill (H. R. 24103) making appropriations to provide for the expenses of the gov-ernment of the District of Columbia for the fiscal year ending June 30, 1908, and for other purposes; which was read a first and second time, and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. WILLIAMS reserved all points of order.

ADDITIONAL DISTRICT JUDGE SOUTHERN DISTRICT OF OHIO.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9976)) to create a new Federal judicial district in Ohio, to be called the central district.

The SPEAKER. Without objection, the substitute will be read for the bill.

There was no objection.

The Clerk read as follows:

Be it enacted, etc.. That there shall be in the southern judicial district of the State of Ohio an additional district judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the same qualifications and have the same power and jurisdiction now prescribed by law in respect to the present district judge therein.

SEC. 2. That no vacancy in the office of the existing district judge of said southern judicial district of Ohio shall be filled by appointment, and in case of such vacancy, there shall be thereafter one district judge only for said district.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, I would like to ask

the gentleman to explain the bill.

Mr. GROSVENOR. Mr. Speaker, it will be seen that the title of this bill provides for the creation of a new district in the southern district of Ohio, but the bill itself amends that title and merely provides for an additional judge pending the occupancy of the present district judge of that district. The report, which is quite elaborate, shows the enormous accumulation of business in the southern district of Ohio, which district, as the gentleman perhaps knows, includes more than half of the geographical surface of the State, extending clear up to the State line near Pittsburg, taking in the whole Ohio River section as well as the interior of the State up to the center. Judge Thompson, the present incumbent, is overworked to such an extent that he is a good deal of the time in danger of breaking down even if he does not imperil his life. The Attorney-General's Department made an investigation of the condition of that business, and while Judge Thompson, as everybody knows, is an able man, and an industrious and hard-working judge, it is impossible for him to keep up, or anywhere near keep up, with the amount of labor that is forced upon his hands. the first place that the headquarters of the district are in Cincinnati, but by a provision of law there is an eastern division of the southern district of Ohio and the court is held a certain portion of the year in Columbus, compelling the judge to travel to Columbus and sit there and then to generally hurry back again to Cincinnati, where he often finds the work accumulated to such an extent that it is impossible for him to get through.

Mr. HINSHAW. Mr. Speaker, I presume the bill is all right, and I am in favor of it, but I would like to ask the gentleman

how many judges Ohio has now.

Mr. GROSVENOR. Two.

Mr. HINSHAW. Are there two divisions of the State into

indicial districts

Mr. GROSVENOR. There are two judicial districts, the northern and the southern district, and then the southern district is divided by what is called the "eastern division of the southern district." I would say, without any invideus purpose that while Pennsylvania has four and New York six Ohio has only two judges, and we have been pretty modest about this, because we provide that when Judge Thompson shall resign or retire, or whatever may happen, then there will still be but one judge left in that district.

Mr. HINSHAW. And this judge that is now to be appointed

simply sits with the other judge?

Mr. GROSVENOR. Yes; he is an added judge with equal

power and function.

Mr. KEIFER. Mr. Speaker, I do not desire to object to the bill, but I do object in a way to that last provision. I think there ought to be two judges.

Mr. GROSVENOR. Oh, I hope my colleague will not object.

Mr. KEIFER. No; I am not going to object. Mr. MANN. Is Judge Thompson eligible for retirement now?

Mr. GROSVENOR. He is not. Mr. MANN. What is his age?

Mr. GROSVENOR. In the first place he has not served ten years, and in the next place he is only about 64 years of age.

When he serves ten years he will be eligible for Mr. MANN. retirement?

Mr. GROSVENOR. Yes; if he has reached the age of 70.

Mr. MANN. As I understand it, unless we create an additional judge we will be in the position of practically retaining the services of Judge Thompson, when to a large extent he is incapacitated for taking care of the work on account of his physical condition.

Mr. KEIFER. Oh, no.

Mr. GROSVENOR. No; I would not put it as strong as that. Mr. MANN. If the gentleman can not put it as strong as

that, then there might be some question about the bill.

Mr. GROSVENOR. I would not like to say that Judge Thompson is disabled. He was shot through the lungs at the second battle of Bull Run, and the bullet is in that wound now, and sometimes it bleeds extensively and that lays him up for a time. Then he gets out and goes to work as industriously and effectively as any man on the bench of the United States court. He disposed of 222 cases last year, as shown by the report of the Attorney-General, and yet more cases came upon the docket of the entire district than he was able to dispose of.

Mr. MANN. But the gentleman assumes that after the end of Judge Thompson's career on the bench one judge will be able to transact the business which Judge Thompson and the new appointee will be able to do now.

Mr. GROSVENOR. I do not assume that at all.

Mr. MANN. The bill assumes that.

Mr. GROSVENOR. The bill may possibly bear that construction, but it is better for us, in the interests of the public service, to get a judge that we can get than to be fighting for one that we fear we might have trouble to get.

Mr. KEIFER. Mr. Speaker, will the gentleman from Ohio

yield to me for a moment.

Mr. GROSVENOR. Certainly; I yield.

Mr. KEIFER. Mr. Speaker, I want to say that it is an entire misapprehension, if anybody has fallen into the idea, that Judge Thompson is incapacitated, in the ordinary sense of the word, from discharging the duties of his office. My belief is, with a pretty full knowledge, that Judge Thompson discharges his official duties with great facility and dispatch, and he disposes of more cases than the Federal judges generally do throughout the entire United States. He is sometimes broken down, because he has too much work for any one man to do. He is very ready and rapid in the disposition of business. He has a very difficult district. He holds a district court and a circuit court. Patent cases alone pile up on him enough to kill any man who has to go through them and work them out; and there are criminal cases both at Cincinnati and Columbus in great numbers, but in no sense is Judge Thompson broken down, except somewhat enfeebled by his wound, but his breaking down is more largely due to his having too much to do. My only criticism of the proposed law now is that it does not provide for two judges permanently in that district.

The SPEAKER. Is there objection. [After a pause.] The

Chair hears none,

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. Grosvenor, a motion to reconsider the last vote was laid on the table.

The title was amended so as to read:

A bill to provide for the appointment of an additional district judge in and for the southern district of the State of Ohio.

BRIDGE ACROSS THE TUG FORK OF BIG SANDY RIVER, WEST VIRGINIA. Mr. GAINES of West Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The SPEAKER. The gentleman from West Virginia asks

unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

bill (H. R. 23218) to authorize the Kentucky and West Virginia Bridge Company to construct a bridge across the Tug Fork of Big Sandy River at or near Williamson, in Mingo County, W. Va., to a point on the east side of said river in Pike County, Ky.

point on the east side of said river in Pike County, Ky.

Be it enacted, etc., That the Kentucky and West Virginia Bridge Company, a corporation organized under the laws of the State of Kentucky, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railway and highway traffic bridge and approaches thereto across the Tug Fork of Big Sandy River, at or near Williamson. in Mingo County, W. Va.. to a point on the east side of said river in Pike County, Ky., in the States of Kentucky and West Virginia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved. expressly reserved.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I would ask the gentleman whether the provisions of this bill comply with the requirements of the War Department?

Mr. GAINES of West Virginia. The bill—as the report in the hands of the Clerk will show-has the approval of the War Department and conforms to the terms of the general bridge bill which was passed at the last session.

Mr. WILLIAMS. Is the bill the result of a unanimous deci-

sion of the committee?

Mr. GAINES of West Virginia. It is a unanimous report from the Committee on Interstate and Foreign Commerce.

Mr. WILLIAMS. I have no objection.
The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. Gaines of West Virginia, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS TUG FORK OF BIG SANDY RIVER, NEAR DEVON, W. VA. Mr. GAINES of West Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 23219) to authorize Majestic Collieries Company, of Eckman, W. Va., to construct a bridge across Tug Fork of Big Sandy River, about 23 miles west of Devon, W. Va., a station on the Norfolk and Western Railway.

Be it enacted, etc., That the Majestic Collieries Company, of Eckman, Va., a corporation organized under the laws of the State of West

Virginia, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railway bridge and approaches thereto across the Tug Fork of Big Sandy River at a point about 2½ miles west of Devon, W. Va., a station on the Norfolk and Western Railway, in the States of West Virginia and Kentucky, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressive reserved.

SEC. 2. That the expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Gaines of West Virginia, a motion to reconsider the last vote was laid on the table.

## ETIENNE DE P. BUJAC.

The SPEAKER laid before the House the following resolution from the Senate:

IN THE SENATE OF THE UNITED STATES, January 11, 1907.

Resolved, That the Secretary be directed to furnish to the House of Representatives, in compliance with its request, duplicate engrossed copy of the bill (S. 4926) for the relief of Etienne De P. Bujac.

The SPEAKER. The bill will be referred to the Committee on Claims.

### MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House a message from the President of the United States; which was read, ordered printed, and referred to the Committee on the Public Lands.

[For message see Senate proceedings of this day.]

### NATIONAL CHILD LABOR COMMITTEE.

Mr. TAYLOR of Ohio. Mr. Speaker, I call up the bill S. 6364. I might state that this bill was read on last District day. The SPEAKER. The gentleman from Ohio calls up the following Senate bill, with the statement that the bill was read on last District day, and the Clerk will report the title.

The Clerk read as follows:

A bill (S. 6364) to incorporate the National Child Labor Committee. Mr. MANN. What status had this bill at the last District day?

Mr. TAYLOR of Ohio. The question of its consideration was raised and carried. The House raised the question of consideration and refused to consider on vote.

Mr. BARTLETT. When was that?

Mr. TAYLOR of Ohio. On last District day.

Mr. MANN. I forget who raised the question of considera-

Mr. TAYLOR of Ohio. The gentleman from Tennessee [Mr. GARRETT], I think.

Mr. GARRETT. Mr. Speaker, if I am not too late I wish to raise the question of consideration.

Mr. TAYLOR of Ohio. Will the gentleman permit me to ex-

The SPEAKER. The House is supposed to be proceeding to the consideration of a bill, and it is too late to raise the question of consideration, although the gentleman from Tennessee could reserve his right and by unanimous consent make his statement.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the

gentleman may have the right to raise the question of consideration after the explanation.

The SPEAKER. Is there objection? There was no objection.

Mr. TAYLOR of Ohio. Mr. Speaker, this bill is the outcome of a society or committee unincorporated, and which was formed at Carnegie Hall in 1904 for the purpose of considering and developing along practical lines such things as might obliterate the evils now arising in the employment of child labor. This committee now has a membership of about 1,500 persons as associate members and about forty-eight persons as active representatives that come from sixteen States of the Union. Its purpose is set forth in section 2 of the bill. The question of child labor has become a serious one, and in nearly every State there have been State organizations and committees formed. This committee has simply been formed for the promotion of such organizations in the various States and Territories of the Union, and in order to make it as representative a body as possible and to put an accent on its national scope they come before Congress seeking a charter, and because the laws of the District of Columbia are so drafted as to make it impossible for the persons seeking this charter to incorporate under these laws, they have to come before Congress for a special charter. The District of Columbia Code provides that a majority of the incorporators must be residents of the District, and it is obvious that a committee composed of residents of several States, the purpose of which is to have representatives in every State, if possible, would be seriously crippled if they were compelled to

have their incorporators or a majority of them reside in the District of Columbia. For that reason to conform to this requirement would destroy the widely representative character of They have no intent to make profit. the committee. purely a committee incorporated for the purposes set forth in section 2 of this act, namely, "To promote the welfare of society with respect to the employment of children in gainful occupa-tions," and other purposes. I kope the gentleman will not insist upon his point.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that I may make a brief statement.

The SPEAKER. The gentleman from Tennessee [Mr. Gar-RETT] asks unanimous consent that he may make a brief statement before raising the question of consideration. Is there objection?

There was no objection.

Mr. GARRETT. Mr. Speaker, observing the suggestion of the gentleman who has just addressed the House, that he hopes that I will not insist upon this point, it seems proper to say that it is not a point of order or a question of no quorum. It is merely the question of consideration, and of course it is within the power of a majority of the House to order consideration of the bill. I have raised this question of consideration not so much because of objection to this bill itself as because I am opposed to this line of legislation. On every District day, on almost every suspension day, and very frequently when unanimous consents are the order of the hour, bills to incorporate all sorts of institutions and associations are called up and passed without any close consideration by the membership of the House and as a matter of course. Now, we have a carefully considered Code of the District of Columbia which was prepared after careful consideration by a committee many years ago, and passed by the House of Representatives and the Senate, presumably after careful consideration by the membership of both of those bodies, and every institution or association which it was believed might properly be permitted to incorporate as an institution of the District of Columbia was provided for in that general law. Hence the only necessity for coming to Congress with a bill to create one of these incorporations is either to give it the prestige that the passage of a special act would give it or else to confer upon it some power which it can not have under the general laws of the District. Both of those reasons, both of those propositions, to my mind, are objection-If it be desired that there shall be a line of corporations organized for either eleemosynary or charitable or educational purposes, then I suggest, Mr. Speaker, that it would be a very easy matter for the District Committee to bring in an amendment to the District Code providing that these organizations might be organized and making these exceptions to the rule that the majority of the members of a corporation organized in the District shall be citizens of the District.

So far as these special cases are concerned, they are objectionable. Each contains, or may contain, powers widely different from the powers granted others. They are passed, as I have stated, without careful consideration, when not half of the membership is upon the floor. Not half of those who are upon the floor now know what the bill is before the House at this moment. Coming to this particular bill, I think there is an objectionable feature in it. One purpose that is set forth in the bill as a purpose of its organization is to bring about legislation. Now, why, Mr. Speaker, should the Congress of the United States incorporate a lobby? I do not use the word lobby as ap-plied to it in any offensive sense. I do not mean to imply that legislation against child labor is improper legislation. In fact, I think it is within the States. But why should Congress organize any association or incorporate any association whose avowed purpose is to bring about certain legislation? For these reasons I raise the question of consideration.

The SPEAKER. The question is, Will the House consider the bill?

The question was taken.

The SPEAKER. The Chair is in doubt.

The House divided; and there were—ayes 44, noes 15.

So the House determined to consider the bill.

Mr. TAYLOR of Ohio. I ask for a vote, Mr. Speaker. Mr. FITZGERALD. Mr. Speaker, I wish to ask if the gentleman will yield for the purpose of offering an amendment. I wish to call his attention to this section of the bill. There is a form that is used in these cases that "the right to alter, amend, or repeal this act is hereby expressly reserved." This bill pro-This bill provides that "this charter shall be subject to alteration, amendment, or repeal at the pleasure of the Congress of the United States." That language is not only very unusual, but it is very peculiar.

Mr. TAYLOR of Ohio. What is the suggestion of the gentleman in the way of an amendment?

Mr. FITZGERALD. The form used is "the right to alter, amend, or repeal this act is hereby expressly reserved."

Mr. TAYLOR of Ohio. I have no objection, I will state to the gentleman, to accept that as an amendment.

The Clerk read as follows:

Amend the section so that it will read: "That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. The question will first be taken on the committee amendment.

The question was taken; and the committee amendment was agreed to.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and the amendment was agreed to. The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time.

The SPEAKER. Without objection, the bill will be passed.

Mr. GARRETT. I object, Mr. Speaker.

The question was taken; and the bill was passed.

On motion of Mr. TAYLOR of Ohio, a motion to reconsider the vote by which the bill was passed was laid on the table.

PENSIONS FOR CERTAIN OFFICERS OF THE METROPOLITAN POLICE.

Mr. TAYLOR of Ohio. Mr. Speaker, I call up the bill H. R. 23201.

The Clerk read as follows:

A bill (H. R. 23201) to amend the act approved March 1, 1905, titled "An act to amend section 4 of an act entitled 'An act rela to the Metropolitan police of the District of Columbia,' appropriate the property 28, 1901."

Be it enacted, etc., That the act approved March 1, 1905, entitled "An act to amend section 4 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," be, and the same is hereby, amended by inserting in the first proviso thereof, after the words "assistant superintendent," the words "any inspector."

Mr. MANN. Mr. Speaker, I raise the point of ordernot know whether it is good or not-that this bill must be referred to the Union Calendar. We could not tell from the read-

ing of the bill whether it creates new officers

Mr. TAYLOR of Ohio. I will explain to the gentleman just exactly what the bill is intended to cover. This bill does not appropriate any money nor does it create an office. It does not alter the salary of any policeman or of any officer. When the last act regulating the Metropolitan police was passed, the office of inspector was created. The pension laws for policemen never had included that officer as a beneficiary of the pension fund. The provision inserted in the bill provided for a superintendent and officers down, but the word inspector was not put in, and that prevented inspectors from participation in the benefits of the pension fund.

Mr. MANN. Then I submit it ought to go to the Union Cal-

endar.

The SPEAKER. The gentleman from Illinois makes the point of order that the bill should receive its first consideration in Committee of the Whole House on the state of the Union. The Chair, on inspection, finds that the effect of the bill will be to extend the pension law to inspectors. The Chair will take notice, of course, that one-half of the expenditures for the District of Columbia are payable from the Treasury of the United States; and in the opinion of the Chair, unless the Chair is in error-

Mr. TAYLOR of Ohio. The pension fund is made by the men themselves

Mr. SIMS. The pensions are paid by an assessment on the

policemen

Mr. TAYLOR of Ohio. The pension fund is created entirely by the policemen themselves. It is not paid by the Government or the District, but out of an assessment levied out of their salaries

The SPEAKER. The Chair will hear the gentleman from Illinois on the suggestion as to the question of fact. It is perfectly clear to the Chair that if, under the law, one-half of this amount is payable from the Treasury of the United States that it would be subject to the point of order. If the gentleman from Ohio is correct in his statement-

Mr. TAYLOR of Ohio. I am certain that I am.

The SPEAKER. That this pension fund is made by contributions from

Mr. TAYLOR of Ohio. Every policeman pays a dollar a

The SPEAKER. From the Metropolitan police themselves, why then it seems to the Chair it is not subject to the point of order.

Mr. MANN. Mr. Speaker, I am not sure how the decision should go. The gentleman from 'Ohio [Mr. TAYLOR] is mistaken, however, in assuming that this money is all paid by contribution from the police officers, or by the retention of a portion of their salaries. The police pension fund is raised in part by money reserved from the salaries of the police officers and in part by money set aside as a result of fines and licenses

Mr. TAYLOR of Ohio. Fines in the police court.

Mr. MANN. I think no portion of it is paid directly out of the Treasury of the United States, but I have not myself assumed that the provision of the rules requiring that there should be consideration in Committee of the Whole was confined to money paid out of the general Treasury belonging to the Government. The same rule obtains as to any money, I suppose, paid out of the Treasury, whether that money is to the credit of the District of Columbia or to the credit of the United States. I may be mistaken in that opinion.

The SPEAKER. Will the gentleman indulge the Chair for a

suggestion, and for an inquiry at the same time?

What seems to be the act that is sought to be amended, section 4, reads as follows:

Sec. 4. That hereafter the Commissioners of the District of Columbia are hereby authorized and directed to deposit with the Treasurer of the United States, out of receipts from fines in the police court and receipts from dog licenses, a sufficient amount to meet any deficiency in the policemen's fund or firemen's fund.

The Chair understands that is the law now.

Mr. TAYLOR of Ohio. That is the law now, and the two words in italics, "any inspector," are the only words that are added.

The SPEAKER. On page 2 of the report (Report 6212) it appears that it is proposed to add the words "any inspector." Now, it seems that heretofore legislation has been enacted which devotes these fines and license receipts to the policemen's fund. The Chair understands that it is not controverted, that the fund otherwise is made up from contributions, under law, from the salaries of the policemen.

Mr. TAYLOR of Ohio. And the fines.

The SPEAKER. Now, this proposes to take from that fund, so made up-which is reenforced by legislation heretofore enacted, devoting these fines to that fund-an additional payment to be made to inspectors,

Mr. MANN. Mr. Speaker, this results in the end, of course, in taking that much more money out of the Treasury of the United States. The pensions are not arrived at by simply dividing the sum that is in that fund among the police officers, but they are paid a specified amount out of the fund in the Treasury, and when you add to the number who are to be paid, that means that much more money to be paid out of the Treasury. While it may not be exactly in the form of an appropriation, the rule provides that where a bill authorizes payments out of appropriations already made such bill must be considered in Committee of the Whole.

The SPEAKER. The Chair is inclined to think, after looking at clause 3 of the rules and after looking at the section of the law as it is proposed to be amended, that the provision does not come within the rule requiring consideration of the same in Committee of the Whole. Therefore the Chair overrules the

Mr. TAYLOR of Ohio. I call for a vote, Mr. Speaker.

Mr. MANN. We should like to know what it is about. Mr. CRUMPACKER. Mr. Speaker, I want to offer a suggestion or two in relation to the bill.

The SPEAKER. Does the gentleman from Ohio yield?
Mr. TAYLOR of Ohio. Yes.
Mr. CRUMPACKER. In relation to the form of the bill. I
have no objection at all to the purpose of the bill, but I do object, as I have frequently heretofore objected, to this hypodermic process of amending laws. This bill provides that the words "any inspector" shall be injected into the body of an act that was passed several years ago. Now, we do not provide by law for a codification of the laws of the District of Columbia oftener than perhaps once in thirty years. The public must of necessity depend upon private publications, and the original act must be carried on just as it was, and this act must also be incorporated into any volume of the laws of the District of Columbia. It is an expensive and cumbersome method, and I think the only proper way to amend an act or a section is to incorporate the section as amended. I believe there ought to be a rule of the House making any bill subject to a point of order that undertakes to amend an existing statute by this I have an amendment that I desire to offer to the bill.

Mr. TAYLOR of Ohio. Is it the same that appears on page 23 of the report? If it is the same, we have no objection.

Mr. CRUMPACKER. I want to put in the words "any inspector" that properly apply in the original act, so that it will be carried forward and will save the expense of publication and embarrassment and difficulty and time in looking up the law. I want to insert at the end of the act the provision with the words in it "any inspector.".

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

The Clerk read as follows:

Insert at the end of the bill the following:

"So that said act shall read as follows:

"Suc. 4. That hereafter the Commissioners of the District of Columbia are hereby authorized and directed to deposit with the Treasurer of the United States, out of receipts from fines in the police court and receipts from dog licenses, a sufficient amount to meet any deficiency in the policemen's fund or firemen's fund: Provided, That the chief engineer of the fire department and all other officers of said department of and above the rank of captain, the superintendent, assistant superintendent, any inspector, any captain or lieutenant of police, in case of retirement as now provided by law, shall receive relief not exceeding \$100 per month; and in case of the death from injury or disease of any member of the police force or fire department, if he be unmarried and leave a dependent mother, who is a widow, the same shall be for her relief during the period of widowhood, or until such children reach the age of 16 years: Provided, That in no case shall the amount paid to such dependent mother or widow exceed \$50 per month, nor shall the amount paid for a child exceed \$25 per month."

The SPEAKER. The Chair understands that the gentleman

The SPEAKER. The Chair understands that the gentleman intends to amend the act by inserting in section 4 of the act

Mr. CRUMPACKER. No; to insert at the end of the bill "so that the act as amended will read as follows," setting out the amended act. Section 4 of the first act has been repealed by an amendment in 1905. That is an independent act, and this bill provides for the amendment of that amendatory act.

Mr. MANN. This enacts and amends both acts?

Mr. CRUMPACKER. No; this bill undertakes to amend section 4 of the amendatory act.

Mr. MANN. This does not seem to me to be such a pressing matter, and the gentleman from Ohio might withdraw the bill long enough to put it in proper shape.

Mr. TAYLOR of Ohio. I do not wish to withdraw the bill, and I concur with the suggestion of the gentleman from Indiana that the law should show plainly what it now is.

The SPEAKER. The question is on agreeing to the amendment.

The question was considered; and the amendment was agreed

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. TAYLOR of Ohio, a motion to reconsider the last vote was laid on the table.

PENALTY FOR SALE OR GIFT OF INTOXICATING LIQUORS TO MINORS.

Mr. TAYLOR of Ohio. Mr. Speaker, I now call up the bill (H. R. 23556) prohibiting the purchase or procurement, sale, gift, or disposition of intoxicating liquors to minors by unlicensed persons.

The Clerk read the bill, as follows:

Be it enacted, etc., That it shall be unlawful for any person not having a license in any manner to purchase or procure for, sell, give, or dispose of to, or aid or assist in any manner in such purchase or procurement for, sale, gift, or disposition to any person under the age of 21 years, any intoxicating liquor as the same is defined in the act of Congress entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, 1893, except for necessary use in the case of illness when furnished by a parent or guardian or duly licensed physician, or upon the prescription of a duly licensed physician.

duly licensed physician, or upon the prescription of a duly licensed physician.

SEC 2. That any person violating the provisions of this act shall, on conviction thereof on prosecution by information filed in the police court of the District of Columbia by the corporation counsel or any of his assistants, be fined not less than \$50 nor more than \$100, or be imprisoned in the District jail or workhouse for not more than six months for each and every offense.

SEC 3. That nothing in this act contained shall be held to repeal or abrogate the provision of the said act approved March 3, 1893, or amendments thereof prohibiting the sale, gift, or disposition of intoxicating liquors to any minor by persons having a license to sell intoxicating liquors.

Mr. MANN. What is this bill?

Mr. PERKINS. Mr. Speaker, I would like to call attention to one provision of the bill.

Mr. TAYLOR of Ohio. I will yield to the gentleman from Tennessee [Mr. Sims] to explain the bill.

What does the gentleman from New York wish? Mr. PERKINS. What I would like to ask is this: This bill says that it shall be unlawful for any person to sell or give to any minor any intoxicating liquor. Do you mean by that if a person .20 years old is invited to dine in the District of Columbia it would be unlawful to give him a glass of wine without permission of his guardian? That is the way this bill reads.

Mr. SIMS. 'This bill is the Commissioners' bill-

Mr. PERKINS. I do not care whether it is a Commissioners' bill or anybody else's bill.

Mr. SIMS. It was introduced by Mr. Babcock, chairman of the District Committee, and the conditions requiring its enactment are fully set out in letters embraced in the report by the Commissioners and chief of police. It seems that the trouble is that the law prohibiting the sale or giving intoxicating liquors to minors applies only to those who are licensed dealers, and parties have been found not licensed who are mean enough to buy intoxicants and let minors have them, and to such persons the law does not apply because they are not licensed dealers, and the object of the bill is to cure that defect. I do not think it is intended that a parent should not be permitted to give a glass of wine to his children who are under 20 years of age, or anything of that sort.

Mr. PERKINS. That is the way the bill reads.

Mr. SIMS. I do not think that was intended, and I do not think the committee would have any objection to an amendment making that clear if it is not.

Mr. PERKINS. It seems to me that we can fairly ask the committee that instead of reporting a Commissioners' bill, which is very often very badly drawn, the committee themselves when presenting it for passage have it in such shape as may commend it. It is not easy on the floor of the House to prepare amendments that should be carefully drawn. Of course this was not intended, because the intention would be preposterous, but under the wording any man in the District of Columbia who invites a person under 21 years to dinner or to any entertainment and gives him a glass of claret has committed a misdemeanor. Of course the committee does not want that, and I think the committee ought to see to it that the bill is so amended that the evil which is sought to be reached shall be reached, and by the sense of its terminology it shall not be a bill which, if enforced, would be an absurdity.

Mr. SIMS. Mr. Speaker, this bill no doubt was considered by the corporation counsel, by the major of police, and, as far as the committee is concerned, so far as I know, we are perfectly satisfied with the language, because we do not think the court, in enforcing this law, will ever mete out punishment in a case which it is clear was not intended by the law to be embraced.

Mr. PERKINS. No; but does not the gentleman admit that under the wording of the bill that would be an offense, and that those guilty will have to throw themselves upon the court and say that such an interpretation and such an end was not desired by the committee, and will have to ask the court to correct the inaccuracies of the bill? I do not think that is good legislation.

Mr. SIMS. This is an amendment of the law or addition to the existing law, and when all the acts are read together I do not think the court will have any doubt about the meaning of Congress in this legislation. I do not care to offer any amendment myself.

Mr. MANN. The gentleman is mistaken. It is not an amendment of an act.

Mr. PERKINS. It is an original act.

Mr. SIMS. The intention is to apply to others than licensed dealers. The law as it now is does not apply except to licensed dealers, as I am informed.

Mr. MANN. Does the law now prohibit the sale or giving away of intoxicating liquor by any person who does not have a license?

Mr. SIMS. Only by licensed dealers.

Mr. MANN. Licensed dealers are not prohibited. Does not the law provide that no one else shall give away or sell liquor to any person, whether he is a minor or an adult?

Mr. SIMS. That is not my understanding. The law applies only to licensed dealers. This is intended to apply to anyone.

Mr. MANN. The gentleman must be mistaken. No one would

take out a license and pay for it to sell liquor if he could sell liquor without a license. Is there any law forbidding the sale or giving away of intoxicating liquors unless there is a license taken out?

Mr. SIMS. I understand, now, that the law prohibits licensed dealers from selling or giving to minors, but there is no law preventing those who are not licensed from doing it. That is the object of this act.

Mr. MANN. But the gentleman does not answer the question, and it is a very plain one, I think. Is there no law now for-bidding any person from selling or giving away intoxicating liquors unless a license be first taken out?

Mr. SIMS. As to the revenue law or that feature of it, I am not advised.

Mr. MANN. That is not a revenue law, it is a police law.

Mr. SIMS. A license is a revenue. Mr. MANN. Licensing is a police law.

Mr. SIMS. And also a revenue. You have to pay a fee for it.

Mr. MANN. Very well. Does the gentleman think that any-one here in the District would take out a license and pay a large sum for it for the purpose of conducting the saloon business if he could have a saloon without a license?

Mr. SIMS. Of course not. Mr. MANN. Then there i Then there is a law prohibiting an unlicensed person from selling or giving away intoxicating liquors to any person. Now, what is the object of this?

Mr. SIMS. I would say against giving it away. I have never

heard of any such law.

Mr. MANN. That is the statute everywhere. Mr. SIMS. A person could not become a dealer without a

Mr. MANN. The form of the statute, in most places at least—and I think the same form is used here—is that no person without a license is permitted to sell or give away intoxicating liquors

Mr. SIMS. I have never seen any law that prevented the

giving away.

Mr. MANN. Certainly; that is the form and the language used, I dare say, in the gentleman's own State. It is so in the city of New York and in every other large city of the country. Mr. SIMS. About giving it away?
Mr. MANN. About giving it away.
Mr. SIMS. Well, I am not advised as to that.
Mr. MANN. Well, that is the fact: the gentle

Well, that is the fact; the gentleman will find

that to be the fact here.

Mr. GARRETT. If the gentleman will permit me, I will state that the law in our State—the State of Tennessee, from which the gentleman and myself come—prevents the giving away of liquor to a minor, but does not prevent the giving away of liquor to an adult.

Mr. CRUMPACKER. The District of Columbia does have a law making it a crime for the sale of intoxicating liquor to a person without a license, and if the penalties for the sale of liquor are adequate I do not see any purpose in passing this law. Of course, if it is a crime to sell intoxicating liquors without a license in the District of Columbia, it is as much a crime to sell liquors to a minor as to an adult, and if the penalty is as great under the general license law making it a crime to sell liquor without a license as the penalty described here, it seems this legislation is entirely unnecessary.

Mr. SIMS. Without having gone into the statute in full this law was asked for by the Commissioners, and, as shown by the letter of the major of police, it is absolutely needed, and if they need it they know what the effect of existing law is and its ad-

ministration. The committee is simply giving that which the chief of police and Commissioners say is absolutely necessary.

Mr. CRUMPACKER. I know that there is a statute making it a crime for any person to sell intoxicating liquors in the District of the commissioners. trict of Columbia without a license, and it carries with it quite severe penalties, and that law applies to minors as well as to adults. Now, the license statute makes it a crime to sell to minors even by licensed people, and the general provision of the statute making it necessary to take out a license imposes penalties for sale without a license to anybody, including children as well as adults.

Mr. GARRETT. Will the gentleman permit? I ask the attention of the gentleman from Tennessee. Is not this the condition of affairs which this bill is designed to meet? At present, under the law of the District, or applicable to the District, a dealer in liquors can not sell to a minor, even a licensed dealer; but a minor, not being able to go and purchase himself, gets some friend who is an adult as agent for him to go and purchase, and is not this bill intended to prevent such a practice as that?

Mr. SIMS. That is exactly what the letter from the chief of

police here says, and that is the reason for this bill.

Mr. CRUMPACKER. That is a pure matter of speculation. It would seem that the law prohibiting the sale of liquor to a minor would cover the question now either directly or indirectly.

Mr. SIMS. Let me state to the gentleman or, in other words, read what Major Sylvester says on that subject, and I invite the gentleman's attention to that letter of Major Sylvester dated December 7, 1906.

He says:

HEADQUARTERS OF THE METROPOLITAN POLICE DEPARTMENT, Washington, December 7, 1906.

Washington, December 7, 1906.

Hon. Henry L. West,
Commissioner, District of Columbia.

Dear Sir: There is provision in law against the selling of intoxicating liquors to minors, but, despite the existence of such, the attention of the police is called to cases of boys under the influence of drink. Investigation of these cases has convinced those charged with the duty that they do not result from purchases made by minors, but

that intoxicants are procured by persons of lawful age at the solicitation and for the use of those who are forbidden sales under the law. In one instance several boys had robbed a place where liquors were sold in order to procure drink. The youths were arrested, taken to the juvenile court, reprimanded, and placed on probation. Enough is known to convince me that there are those so degraded that they will purchase for minors' use, and I respectfully beg leave to recommend that the existing law be so amended as to make it a punishable offense for any person to buy, purchase in any manner, or procure inoxicating liquors for the use of any other person under 21 years of age, except in case of illness or injury, and then such to be furnished by a parent or guardian, or on the prescription of a duly registered physician.

Very respectfully,

RICHARD SYLVESTER,

Major and Superintendent.

RICHARD SYLVESTER, Major and Superintendent.

Mr. CRUMPACKER. That reason is satisfactory, and now I will support the bill even if there is no necessity for it, because I do not think there can be too many laws, if properly enforced, to prohibit the sale of intoxicating liquors to minors.

Mr. GARRETT. As a matter of fact, there is not any real necessity for the word "sale" in the bill. They are not allowed to sell it now. But there is necessity for the word "gift."

Mr. SIMS. It does not hurt. Mr. Speaker, I ask for a vote on the bill.

The question was taken; and the bill was ordered to be engrossed and read a third time, was read the third time, and

On motion of Mr. Sims, a motion to reconsider the vote by which the bill was passed was laid on the table.

### SEALER OF WEIGHTS AND MEASURES.

Mr. TAYLOR of Ohio. Mr. Speaker, I desire to call up the bill (S. 6578) which I send to the Clerk's desk.

The SPEAKER. The gentleman from Ohio [Mr. TAYLOR] calls up the bill S. 6578, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That section 10 of the act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, and the act amendatory thereof approved June 20, 1906, be, and the same are hereby, amended so as to read as

June 20, 1906, be, and the same are hereby, amended so as to read as follows:

"Sec. 10. No person shall sell or offer for sale anywhere in the District of Columbia any provisions or produce or commodities of any kind for a weight or measure greater than the actual or true weight or measure thereof; and all provisions, produce, or commodities of any kind shall be weighed by scales, weights, or balances, or measured in measures duly tested and sealed by the sealer or an assistant sealer of weights and measures: Provided, That berries, when offered for sale in an original package or basket containing a standard measure, may be sold in said package or basket containing a standard measure, may be sold in said package or basket without the same having been first tested and sealed; but in no case shall said basket be refilled for use in the sale of berries or produce of any kind whatsoever: And provided further, That poultry and vegetables, usually sold by the head or bunch, may be offered for sale and sold in other manner than by weight or measure; but in all cases where the person intending to purchase shall so desire and request, poultry shall be weighed, as hereinbefore prescribed: And provided turther, That scales reported not in use shall be sealed down, and said seal shall not be broken except by authority of the sealer of weights and measures."

Mr. SHACKLEFORD. Mr. Speaker. I wish to offer an amend-

Mr. SHACKLEFORD. Mr. Speaker, I wish to offer an amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 2, line 3, after the word "shall," insert the words "when sold by weight or measure."

Mr. TAYLOR of Ohio. Mr. Speaker, we accept that amendment.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to. The bill as amended was ordered to a third reading, was read the third time, and passed.

On motion of Mr. TAYLOR, a motion to reconsider the vote by which the bill was passed was laid on the table.

## ALEXANDER PLACE AND POPLAR STREET.

Mr. TAYLOR of Ohio. Mr. Speaker, I desire to call up the bill H. R. 19568, and I ask unanimous consent that the substitute be read in lieu of the original bill.

The SPEAKER. Is there objection?

There was no objection.
The SPEAKER. The Clerk will read the substitute.

The Clerk read as follows:

Be it enacted, etc., That upon the passage of this act the Commissioners of the District of Columbia are hereby authorized and directed to abandon Alexander place and that portion of Poplar street dedicated to the District of Columbia in the subdivision of a part of Lincoln, recorded in book, county, 18, page 35 of the records of the surveyor's office; the area so abandoned to revert to the present owner of all the lots in said subdivision.

Mr. TAYLOR of Ohio. Mr. Speaker, I yield to the gentleman from New York [Mr. Olcott] for an explanation of the bill.

Mr. OLCOTT. Mr. Speaker, this is a bill to vacate Alexander place and Poplar street in the subdivision of Lincoln. These streets only exist on paper. They never have been made, and the Commissioners and the property owners adjoining are both very desirous of laying out other streets. Of course, no further subdivision and no other map as to the treatment of this particular property can be made without the consent of the Commissioners, and it does not in any way interfere with the present extension of highways contemplated, but it seems to be desirable on account of the beauty of the city of Washington and for other purposes

Mr. PERKINS. Will the gentleman yield?
Mr. OLCOTT. I will.
Mr. PERKINS. Is the title of this land abandoned now in the District of Columbia?

Mr. OLCOTT. Yes.
Mr. PERKINS. How did it acquire title?
Mr. OLCOTT. It acquired title by the gift of the property owners-by the making of the plat as to the way they expected

Mr. PERKINS. They did not buy the land?
Mr. OLCOTT. They did not buy the land. It was dedicated originally. I ask for a vote on the bill.
Mr. FITZGERALD. Why is this property being ceded back

to the owners?

Mr. OLCOTT. For the reason that the Commissioners believe that it will be beneficial for that section of the city to put the streets in another place. No improvements have been made; nothing has been done except the mere filing of a map dedicating certain portions of the property to public streets. is desirable to change the plan and to put the streets in another part of the property

Mr. FITZGERALD. Have the owners dedicated land for the

new streets?

Mr. OLCOTT. They have not done so yet, but the property could not be subdivided and they could not make use of it without providing streets that would be satisfactory to the Commissioners

Mr. FITZGERALD. Do they intend to dedicate the land or

will the city be compelled to condemn it?

Mr. OLCOTT. If they did not intend to file a new plat and map of new streets, but really intended to keep the property exactly as it was, there is no power in the Commissioners to insist upon a change without condemnation of the streets.

Mr. FITZGERALD. Why not put a provision in this bill and having it effective upon the dedication of other lands required

for the opening of streets through this plat?

Mr. OLCOTT. The Commissioners state in their report that they are in favor of conceding to the property owners who own this large amount of land, but desire to plat it and map it up, that portion of the property formerly dedicated for streets. It is so much to the property owners' interest to have this mapped into lots that the Commissioners feel they were entirely protected by the fact that they will have to pass upon any proposed dedication or disposition of streets, and they ask that this bill should be passed in this way because it is a part of the general plan to improve this particular section.

The SPEAKER. The question is on agreeing to the amend-

The question was taken; and the amendment was agreed to. The bill as amended was ordered to be engrossed and read a third time; was read the third time, and passed.
On motion of Mr. Olcott, a motion to reconsider the vote by

which the bill was passed was laid upon the table.

HIGHWAY BRIDGE ACROSS THE POTOMAC RIVER.

Mr. TAYLOR of Ohio. Mr. Speaker, I call up Senate joint resolution 76.

The Clerk read as follows:

Joint resolution (S. R. 76) providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C.

at Washington, D. C.

Resolved, etc., That the time for completing the construction of the highway bridge and approaches across the Potomac River, authorized by section 12 of the act of Congress approved February 12, 1901, entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," as amended by the District of Columbia appropriation act approved July 1, 1902, and as amended by joint resolution providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C., approved February 18, 1905, and as amended by joint resolution providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C., approved February 19, 1906, be, and is hereby, extended to June 30, 1907.

Mr. HEPBURN. Mr. Speaker, I would like the gentleman to make some explanation of this resolution.

make some explanation of this resolution.

Mr. TAYLOR of Ohio. I yield to the gentleman from New York.

Mr. OLCOTT. Mr. Speaker, this is a bill that the Engineer Department of the Army not only approved, but particularly asked for. So far as that department is concerned, the utmost expedition, as I understand, that was practicable has been made, and the Chief of Engineers makes a specific report to us that the contractors have done as well as it was possible for them to do. In his letter reporting upon this matter, General Mackenzie stated that complications arose relative to the peculiar structure of that bridge which made it imperatively necessary to have the time extended so that proper work be done upon the approaches of the bridge. It was thought advisable by the Chief of Engineers to extend this time because, as he has stated, the delay was not the fault of the contractors.

Mr. HEPBURN. Will the gentleman yield to me?
Mr. OLCOTT. Certainly.
Mr. HEPBURN. Would it not be wise, in order to save the time of the Congress, in view of the many extensions they have had, that we should provide at this time for certain additional extensions in order to meet the contingencies as they arise. it not be wise for the gentleman to amend his bill so that after the day fixed for this extension he should have language something like this: "And another extension until the 1st day of August;" and again a third section giving another extension. It will save time. I think there is a penalty the contractors are liable to. I suppose that this penalty or this forfeiture might have been made long ago, but time after time these gentlemen have come in asking extensions, and they have got them. This is the fourth extension, I think, that has been made. Each time it saved these gentlemen from the penalty. Now, I believe they have played with this House long enough; they have played with this legislation long enough and with their obligations under their contract, and some gentlemen, who are contractors with the Government, who habitually fail to comply with their contracts, ought to be brought up with a round turn and an example made

Mr. TAWNEY. Will the gentleman yield to me for a minute?
Mr. HEPBURN. Certainly.
Mr. TAWNEY. Has the gentleman visited this structure?
Mr. HEPBURN. No, sir.

Mr. TAWNEY. Are you acquainted with the fact that it has been practically impossible for them to find a foundation for one of the concrete piers necessary in the construction of this bridge?

Mr. HEPBURN. No, sir.
Mr. TAWNEY. I will state to the gentleman that I was down there only a short time ago, and it is a fact that it has been impossible, thus far, to get a solid foundation for one of the concrete piers; and they are working at it now. The diffi-

culty in securing the foundation has caused the delay.

Mr. HEPBURN. I do know this, Mr. Speaker, that there have been two or three extensions. I assume that those extensions have been for such time as has been asked for. These gentlemen have fixed their own time, and they are engineers, or they have engineers in their employ, I have no doubt; but there is some other reason than this failure to find a proper foundation or a foundation that would suit them. I know enough about engineering, without knowing anything professionally, to know that engineers overcome difficulties of this kind, and that if there had been zeal probably they would have overcome the difficulties and that without coming to this House not once, but twice, three times, and now perhaps the fourth time that they are seeking for this extension.

Mr. OLCOTT. Mr. Speaker, the report that we have received from the Chief Engineer of the Army satisfied us so entirely that the delay in the construction of this bridge was not the fault of the contractors, and that they have exercised reasonable zeal in the prosecution of the work, it seemed to us, and it seems to me now, that we must adopt that recommendation and

pass this resolution.

The SPEAKER. The question is on the third reading of the The SPEAKER. The Senate joint resolution.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. HEPBURN. Division!
The House divided; and there were—ayes 50, noes 10.
Mr. HEPBURN. A parliamentary inquiry. How many constitute a quorum?

The SPEAKER. One hundred and ninety-three, the Chair believes-about that.

So the joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. Olcott, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

## W AND ADAMS STREETS, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (S. 5119) authorizing the extension of W and Adams streets NW., with House amendments thereto, disagreed to by the Senate, and a conference asked.

Mr. TAYLOR of Ohio. Mr. Speaker, I move that the House insist on its amendments and agree to the conference asked by the Senate

The SPEAKER. The gentleman from Ohio moves that the House insist upon its amendments to this bill and agree to the

conference asked by the Senate.

The motion was agreed to; and the Speaker announced as conferees on the part of the House Mr. BABCOCK, Mr. SAMUEL

W. SMITH, and Mr. SIMS.
Mr. TAYLOR of Ohio. Mr. Speaker, the Committee on the District of Columbia has no further business to offer for the consideration of the House to-day.

### LARVAN GORDON.

By unanimous consent the Committee on Private Land Claims was discharged from the further consideration of the bill (S. 5869) for the relief of Larvan Gordon, and the same was referred to the Committee on the Public Lands.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. Brumm, until Wednesday, January 16, on account of important

## FORTIFICATIONS APPROPRIATION BILL.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union, for the further consideration of the fortifications appropriation bill; and pending that motion I desire to call attention to the manner in which the time of the committee was consumed on Friday last, and to state that it has been impossible for the members of the subcommittee, in the time originally limited, properly to present the bill to the Committee of the Whole, and I ask unanimous consent that the time for general debate be extended two hours.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the fortifications appropriation bill; and pending that motion asks unanimous consent that the time for general debate be extended

two hours. Is there objection?

Mr. LIVINGSTON. Mr. Chairman, is that in accordance with an understanding with the committee?

Mr. SMITH of Iowa. It is in accordance with an understand-

ing with several of the members of the committee.

Mr. LIVINGSTON. How is the time to be divided? Mr. SMITH of Iowa. The time is to be equally divided? The SPEAKER. . The time to be equally divided between the two sides. Is there objection to the modified request?

There was no objection.

The motion of Mr. SMITH of Iowa was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, with Mr. Mann in the chair.

Mr. SMITH of Iowa. Mr. Chairman, by agreement with the gentleman from New York [Mr. FITZGERALD] we now yield an hour and a quarter to the gentleman from Ohio [Mr. Keifer], one hour to be charged to me and fifteen minutes to the gentleman from New York.

The CHAIRMAN. . In accordance with the statement of the gentleman from Iowa, the gentleman from Ohio [Mr. Keifer] is recognized for one hour and fifteen minutes.

Mr. KEIFER. Mr. Chairman, I hope again, as on a previous occasion, to violate the accustomed rule when the House is in Committee of the Whole on the state of the Union considering an appropriation bill by sticking as closely as possible to the bill under consideration.

Since the fortifications appropriation bill has been in this House there have been such turbulent times here as to indicate that we ought to have other appropriations for other than mere seacoast defenses; but I shall confine my remarks mainly to the bill, if possible.

This bill, as I understand it, carries appropriations for fortifications amounting to \$5,414,883, to be expended the next fiscal

I shall speak only as to the policy adopted, or, rather, as to the lack of any plans or policy, in making provision for the de-

fense of our insular possessions. I will not do this in any spirit of criticism of my colleagues on the Appropriations Committee, radical as may be the views I hold in opposition to parts of the bill.

I understand a general conservative policy of making appropriations for our insular possessions has obtained for some years, and this is some excuse for the committee's present

There are some of my colleagues on the committee, and they are, perhaps, not confined to one party, who oppose any defensive fortifications for the Philippines, because they desire that our sovereignty over them should be surrendered to some foreign oriental power, or to the Filipino inhabitants, or failing either of these events that they may be left so exposed to foreign invasion as to fall an easy prey to any first comer.

There are others who believe in homeopathic appropriations,

looking to a possible time when our western insular possessions may become sufficiently defensively fortified as to secure them from successful attack by any foe, they relying on war not coming in the meantime with a maritime power to take them

With those opposed to any appropriations for the defense of these islands and with those who favor gradual or piecemeal appropriations for them, looking to possible defensive fortifications being completed at some indefinite time in the future, I equally differ. I see little practical difference between these two classes of believers; the merit may be with the former. The conservative in an emergency always becomes the most dangerous. He stands for a friend to a cause, but his acts are too wavering and halting to be relied on to meet an impending crisis when the cause is endangered. These two classes unite in preventing proper fortifications in the insular possessions.

shall also, at the close of my remarks, have something to say about the importance of fortifying the mouth of the Chesapeake Bay between Capes Henry and Charles. The bill carries no appropriation for this purpose.

I will not spend much time with the general details of the bill, as I am satisfied that it is as good as can reasonably be expected under all the circumstances, save in two important respects, which I shall try to point out. I will first have something to say with reference to the geography of our country, or rather of the extent of our territories and of their exposed situation in case of war.

It has long been a proverb that the sun never sets on British soil; this is now equally true as to the domain of the United States, and it was nearly true before the acquisition of the Hawaiian and Philippine islands. When it is sunrise on the eastern coast of Maine the sun is just setting in the Philippine Archipelago of the day previous.

The longitude of the most eastern coast of Maine is 67° west of Greenwich and that of the western coast of Attoo Island is 172° 30′ east (or 187° 30′ counted west from Greenwich); that of Honolulu, Hawaii, is 157° 52′ west; of Manila, P. I., 120° 58′ east; of San Juan, P.-R. (the city located the farthest east of any in the United States), is 66° 07′ 28″; of Washington City, 77° west; of San Francisco, Cal., 122° 22′ 30″ west; of Cape Mendocino, California, 124° 24′ 25″, and of Cape Blanco, Oregon, 124° 33′ 30″ west; of Cape Flattery, Washington, 124° 44′ 05″ west, and of Sitka, Alaska, 135° 20′ 20″ west.

The most eastern point of any of the States is West Quoddy Head light, Maine (66° 57′ 04″), and the most western is Cape Flattery, Washington. The most eastern point of any of the United States possessions is Reef Point, Culebra, off the east coast of Porto Rico, 65° 13′ 15″ west longitude, and the most western part of the line of the Philippine possessions is 116° east longitude, and the east line of the Philippine cession under the treaty of Paris (1898) is 127° east longitude. The western point of the Philippines is West Balabac Island, 116° 55′ east, and the most eastern point is Bakillin Point, Mindanao, 126° 30'.

It may be observed that, measured longitudinally, the most easterly line of the Philippine possessions is almost exactly (180°) halfway around the world, measured either way, from the east coast of the United States.

Even excluding the Philippine possessions, it may be a matter of some surprise to find the center, longitudinally, of the United States is not within any of the States of the Union. The distance between Eastport, Me. (67° west) and Attoo, Alaska (172° 30′ east), is 120° 30′, and the one-half the distance is 60° 15′, which, added to the 67°, gives 127° 15′ as the center line of longitude between the two extreme limits. This line is 4° 51′ 40″ (or 292 geographical miles) west of San Francisco, Cal., in the Pacific Ocean, and 2° 31' (about 150 miles) outside of Cape Flattery, Washington, the most western point of any

But the longitudinal center of the whole of the United States,

including all of their island possessions, is about the line  $155^{\circ}$  30' of west longitude, almost (within  $3^{\circ}$ ) the longitude of Honolulu and  $65^{\circ}$  45' east of the longitude of Tokyo, Japan.

The Philippine Islands lie southeast of the continent of Asia, but westward of Japan, and form a part of the great East India Archipelago, and they are connected by three isthmuses, partly submerged, with Borneo, and the Sulu Sea lies between two of The islands are surrounded on the north and west by the China Sea, on the east by the Pacific Ocean, and on the south by the Sea of Celebes. The Sulu and the Celebes seas are largely, and the smaller seas of Mindanao, Jolo, Surigao, Visayan, etc., are wholly, inclosed by the islands.

Mindanao, next to the largest island of the group-36,292 square miles in area-extends farthest east and south of the larger islands, Paragua the farthest west of the larger islands, and Luzon, the largest and most important-40,969 square miles in area, larger than the State of Ohio-the farthest north of the large islands. The archipelago is only 500 miles at the nearest part from the continent of Asia and 1,000 miles from Australia, and from the nearest point of land on the northwest to the China coast it is only 230 kilometers, but the nearest land on the north is the island of Formosa. The area of the islands, so for as surveyed, is 115,026 square miles.

The total number of islands in the Philippine group belonging to the United States, so far as found and enumerated, is 3,141, and 1,668 of them have been listed by name and 1,473 are, so far as known, without names. Islands are still arising from the seas abounding.

The eastern boundary line of our Philippine possessions is 55° 30' westward of Attoo Island and it is 110° 36' 30"-almost 7,000 miles-farther west than San Francisco, our most important Pacific coast city and harbor for ships. Manila, or Manila Bay, is, longitudinally, distant from San Francisco 116° 38′ 30″, or 7,000 miles. The true distance to be navigated is vastly greater.

From Tokyo to Manila the distance is comparatively very short, and the Aleutian Islands and other portions of Alaska are easier of access and by shorter lines from Japan or the continent of Asia than from our nearest seaboard harbor possessing

a naval base.

The following table, prepared at my request by the Hydrographic Office, Washington, D. C., may be of interest and furnish data for deductions by the curious:

Table showing longitude of certain places in the United States, including their oriental possessions, etc.

West Quoddy Head light (most eastern point of any		Longitude.		
of the States)	66	57	04 W.	
Western coast of Attoo Island	172	30	00 F.	
Honolulu (harbor light)	157	52	00 W.	
Manila (custom-house)	120	58	00 E.	
San Juan (Morro light)	66	07	28 W.	
Washington (Naval Observatory)	77	03	56, 7 W	
San Francisco (ferry wharf)	122	23	30 W.	
Cape Mendocino (light)	124	24	25 W.	
Cape Blanco (light)	124	33	30 W.	
Cape Flattery (light)	124	44	06 W.	
Sitka (wharf)	135	20	20 W.	
Reef Point (most eastern point of Culebra, P. R.)	65	13	15 W.	
Most western point of Philippines is West Balabac Island	116	55	00 E.	
Most eastern point of Philippines is Bakillin Point, Mindanao	126	30	00 E.	
Tokyo (castle)latitude 35° 41' 00" N		45	00 E.	
	C. W. S. C.	4 (5.17)	THE RESERVE OF THE PARTY OF THE	

The great statesman, Daniel Webster, in describing the universality and almost limitless extent of the British Empire, exclaimed that-

Its morning drum beat follows the sun in its course, keeps pace with the hours, and circles the earth with one continuous strain of the martial airs of England.

So we may, dropping the martial figure, now exclaim of the almost boundless domain of our yet young American Republie that:

The sun of heaven never ceases through all the hours of the day to shine on her possessions and to flash its golden rays on her blood-consecrated flag of freedom, illumining its starry and purified folds wherever unfurled, typifying her resplendent history and glorifying that liberty of law guaranteed by the Constitution of the United States of America. [Applause.]

Passing from the geography of the Philippine Islands, we find their native civilized inhabitants, so far as a census has been or probably can be made, number 6,987,686; it is generally reported that there are 7,000,000 Christianized Filipinos in these islands. It is estimated by some authorities that there are also in the islands 2,000,000 people still belonging to the wild tribes. The common estimate is 10,000,000 of inhabitants of all kinds in the islands.

The importance of the islands on account of their varied tropical and other productions has been from time to time discussed here in connection with tariff legislation, and so as to

the importance of trade and commerce, foreign and domestic, with and on account of the islands.

In making up the cost to the United States of these islands so far, it may be summed up as consisting of the larger part of the material cost of the Spanish war, the \$20,000,000 paid to Spain in money under Article III of the treaty of Paris (1898) somewhat in the nature of a purchase consideration, the cost of maintaining a Philippine war which broke out at Manila in February, 1899, and the further cost of occupying the islands continuously with the civil, military, and naval powers of the Union and in maintaining peace and order and in efforts to pacify, organize, educate, civilize, and Christianize the inhabitants, If the whole of such cost in money could be segregated from connected expenses of our Government since April, 1898, when the war with Spain broke out, it would dizzy us with its enormity. The acquisition of the little 100 by 40 mile island of Porto Rico could have been purchased at so much an acre with a small fraction of such cost. It is, however, the only near-by gem or locket the nation wears dangling around its neck in token of its achievements by sea and land in the Spanish war, the only war that ever arose between nations solely because one of them demanded of the other that it should surrender its sovereignty over an important part of its domain because of its cruelty or inhumanity toward its own subjects residing thereon. The cost in sorrow, suffering, tears, and blood I here eliminate.

The time is near at hand when we shall have to voluntarily

abandon all our distant island possessions and transfer the sovereignty over them to a yet to be formed independent nation, or given them to some other power, or surrender them to the first foe that seeks them, or we shall have to effectively fortify them. To thus fortify these distant island possessions is our only security against attack. Leaving them as they are now invites war and certain national humiliation in our own eyes and in the eyes of all the world. No nation accounted a war power among the powers of the earth now holds important possessions so much exposed to capture for want of proper defensive works as the United States. Their geographical situation and exposed condition invite attack and insult from any and all the maritime nations of the earth. When war comes it will be too late to repair the neglect. Treasure, energy, heroism, and sacrifice of human life will then prove useless. A fleet from an existed human life will then prove useless. A fleet from an oriental third-class power could possess Honolulu and Manila practically human life will then prove useless. without real resistance, and when taken the inhabitants of the islands might form armies to aid in holding them. It is said there are now in Hawaii enough Japanese men, many of them soldiers who fought in the recent war with Russia, to constitute a very large army corps, to say nothing of the native and other inhabitants who would prove unfriendly to us. So of the Philippines. Should we lose the Philippine Islands to an energetic enemy, Alaska would also fall an easy prey to him. With these parts of our domain once in the hands of an enemy, a long, costly, and bloody war in a distant part of the world would ensue, with all its attendant evil consequences.

At the rate and in the manner we are proceeding and proposing to proceed to fortify Honolulu and Pearl Harbor, Hawaii, and Manila and Manila Bay, in the Philippines, should the patchwork hold good from year to year, we would not succeed in effectively fortifying either place in twenty-five years. My own belief is that if Congress should, without definite plans or purposes, continue to pursue the policy of appropriations so far pursued and proposed to be continued by this bill in relation to fortifying these islands, they never would be fortified effectively, and we would throw away many millions of dollars more than it would cost to properly fortify them. We should listen to the recommendations of the President of the United States, of the Secretary of War, and of the distinguished boards and officers of our Army and Navy who have so carefully and maturely considered the necessity and methods of fortifying these exposed places.

Some say we may rely on the Navy to protect us from disaster, and that we can soon summon an army from the yeo-manry of this country. If this were a safe reliance, we should not depend upon it, but it is not. We have no present superior Navy, and there is no assurance that we will have one in any reasonable time; but if we had such a Navy, we would not keep it halfway around the world looking for trouble. The Atlantic coast would claim some of it, if not the principal part of it. Some of those who oppose the fortification of our distant possessions would be the first to cry out against sending our Navy to protect them, and if war came would be the last to consent to its being sent to defend them.

The Army, both regular and volunteer, will do its duty in any crisis, but we have had enough experience in maintaining an army on a war footing in distant parts; and so of the cost of doing so.

We have done much for the Philippines besides merely taking and holding possession of them for over eight years and enforcing peace and order among the discordant inhabitants. We have inaugurated and maintained therein, partly under military control, but largely through a civil administration, a form of republican government under Governor-General William H. Taft and his successors, all of whom have shown rare executive ability and have conscientiously done all that was possible to inculcate a better and higher civilization than was ever known in the islands in all their history.

We have, on the overthrow of the insurrection of February, 1899, so pacified insurrectos as to be able to intrust them with the duty of aiding in preserving the public peace and protecting life and property. We have established public schools in the islands, and with teachers from the States we have given the inhabitants the opportunity for instruction and enlightenment.

We have successfully revised the unjust tax system found there, which imposed upon the poor a very large part of the expenses of maintaining the government, and in its stead we have installed a modern system of taxation which equalizes the burdens on all citizens alike.

We have substituted in the islands for a fluctuating medium of exchange a stable currency and a settled monetary system.

Our Government has built roads, erected lines of telegraph, built light-houses, and constructed harbor works, erected schoolhouses, and inaugurated a postal service which largely meets the requirements of business and personal correspondence; also established a postal-savings bank to protect the earnings of the poor

We have created municipal governments in the islands which are now administered by officials elected by the people. The organized provinces are now presided over by governors, also elected by the people, and by two officials appointed by the chief executive of the islands. A judicial system has been put into successful operation, which gives the people an administration of justice that protects the rich and poor alike, native as well as foreigner. Our Government has purchased the landed properties of the religious orders, and has given the tenants and other occupants of land the opportunity and the right to, on easy terms, acquire titles to lands; and it has established a criminal and civil code of laws which secures to those accused of crime the right to be informed of the charges against them and the right to a speedy public trial according to the general principles of the English common law, and to suitors fair and impartial trials, generally before native judges. Freedom of speech and the press now exist in the islands, and the people have a right to assemble peaceably and petition for the redress of grievances; and their inhabitants now enjoy, under protective laws, the free exercise and enjoyment of religious worship and

Shall it ever be said that our Government has done and accomplished all this, and vastly more, in these islands only to shamefully and in abject humiliation abandon them all for want of the courage and ability to protect her own occupancy of them? Do we not owe it to our Americanism and to our progressive character as a civilized and civilizing nation to maintain and make secure what we have so far accomplished?

It is to avert the necessity and the great cost of having to maintain a navy in the Orient and the danger of having to summon an army to war that I favor present modern fortifications at the principal places named. It will prove economical to do this. And it may, and I believe it will, save us from war and grievous humiliation in the near future. We should not boast of being a war power among the powers of the world until we have protected our country from the most obvious dangers from the other powers, even from the most obvious dangers from the other powers, even from the most insignificant of them. President Roosevelt's views on the necessity of preparing for war to avoid it and on the necessary economy in doing so, and especially the practical example which he cites in his last annual message, are well worth our attention. I read:

tion. I read:

The United States Navy is the surest guarantor of peace which this country possesses. It is earnestly to be wished that we would profit by the teachings of history in this matter. A strong and wise people will study its own failures no less than its triumphs, for there is wisdom to be learned from the study of both, of the mistake as well as of the success. For this purpose nothing could be more instructive than a rational study of the war of 1812, as it is told, for instance, by Captain Mahan. There was only one way in which that war could have been avoided. If during the preceding twelve years a navy relatively as strong as that which this country now has had been built up, and an army provided relatively as good as that which the country now has, there never would have been the slightest necessity of fighting the war; and if the necessity had arisen, the war would under such circumstances have ended with our speedy and overwhelming triumph. But our people during those twelve years refused to make any preparations whatever regarding either the Army or the Navy. They saved a million or so dollars by so doing; and in mere money paid a hundred fold for each million they thus saved during the three years of war which followed—a war which brought untold

suffering upon our people, which at one time threatened the gravest national disaster, and which, in spite of the necessity of waging it, resulted merely in what was in effect a drawn battle, while the balance of defeat and triumph was almost even.

CUBA.

As to Cuba, that bright gem of the Antilles, where all the cause of the war originated, where the reconcentrado policy of Weyler went into effect and caused thousands of noncombatants to be starved to death, or to die of incident disease caused thereby, so shocking the sense of civilized people throughout the world, and especially in our own recently redeemed, disenthralled and regenerated Union, that our country demanded that Spain should relinquish Cuba and her West Indian possessions at once and forever. When this demand was made good by requiring Spain to renounce her sovereignty over Guba and Cuban waters, though to no other nation, it was stipulated that the United States should have the right to some sort of temporary occupancy thereof, taking upon themselves "obligations which by the fact of occupancy international law imposes upon them for the protection of life and property."

(Who knows of any international law imposing obligations on a country, who, without right or title, or claim or pretense of acquiring any right or title thereto, assumes to occupy a foreign country?)

As a further anomaly in international matters, Article XVI of the treaty provided that "at the end of said occupancy they [the United States] will advise the government that may be established in the island that it should accept the same obliga-

tions," whatever they might be.

In fulfillment of these treaty provisions we occupied Cuba with a sort of half-and-half military and civil occupancy, surrendering it to a so-called "Cuban Republic" on May 20, 1902, after a more than three years' occupancy. Besides certain provisions ratifying acts of the United States during our occupancy, Cuba assuming the payment of such debts on account of the occupancy as we had contracted and not paid, and agreeing "to sell or lease to the United States the lands necessary for coaling or naval stations" and to reserve the question of the title of the Island of Pines for future adjustment by treaty, an appendix to the Cuban constitution embodied the provisions of an act of Congress, approved March 2, 1901 (sometimes called the Platt amendment), which provided that the United States should enjoy a certain right of intervention, in language following:

ABTICLE III. That the Government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the Government of Cuba.

This left the United States without sovereign rights in Cuba or over its government and shorn of anything but a duty, self-imposed, to act as a police to any weak or impotent government called a republic that might be established. This duty, being without time limit, will obtain through all time, unless the obligation be broken.

The forerunner of this article, and on the same line, was the section (called often the Teller provision) in the joint resolution of Congress dated April 20, 1898, demanding that Spain relinquish her authority and government of the island of Cuba and in Cuban waters, which was in the following language:

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

This declaration illustrates the danger of making proclamations of virtue, of purpose, or of policy when on the eve of war or of any great event or action. Existing conditions should not be complicated by previous pledges, promises, or proclamations.

We have had to attempt to intervene once already to uphold what promised to be a good administration of a republican form of government established and put in operation under a written constitution, with a distinguished Cuban patriotic citizen—T. Estrada Palma—at its head. This attempted intervention to uphold President Palma's administration of course failed, and on the 29th of September, 1906, in virtue of said Article III, the President of the United States, through the Secretary of War, Mr. Taft, established a provisional government in Cuba under the authority of the United States, and it still exists.

We sent an army of about 6,000 men to Cuba, a large part of which is still at old Camp Columbia (Marianao), near Habana—a camp I participated in establishing and where I once (1898-9) commanded United States troops—presumably preserving the peace at great expense. When this first attempt

to run and govern a foreign power is to end depends, it is said, on a change in the election laws of Cuba, and on their administration to the satisfaction of all parties or factions. It seems to be now established as a precedent for United States intervention in Cuba, or for the establishment of a provisional government there, that all that is necessary is for any considerable number of the people of Cuba who are not pleased with the result of an election to fly to the bushes and organize and arm insurgent bands, then threaten the existing powers,

and take life and destroy property.

We are indeed living in strange times. Past conditions and precedents are, as a result of the Spanish war, thrown to the

winds in important governmental policies.

And we are not even governing Cuba in the sole interest of her people, but rather for foreigners. The Secretary of War in his recent annual report states, what is doubtless true, that-

A large part of the property in Cuba is owned by foreigners. \* \* \*
The greater part of the wealth of Cuba is in its sugar plantations and in its sugar mills and machinery, most of which is owned by foreign capital.

This ownership is not largely by United States citizens.

This unfortunate situation grew partly out of the conditions existing prior to the late Spanish-American war, but it resulted principally from a policy promulgated during our military occupancy and when valuable tobacco and cane lands were generally very cheap and in the market. Citizens of the United States were then practically prohibited from purchasing such lands of the Cubans on the theory that our then occupancy of Cuba was so far parental, or in the character of a personal guardianship that dealing with the Cubans would be tainted with unfairness and partake of the nature of coercion, if not of fraud. But the capitalists from England, Canada, Germany, France, and even from Spain could freely buy and secure titles to these cheap and desirable lands. So as to franchises and concessions of every kind. No United States citizen dared apply; only absolute foreigners acquired such valuable rights. They secured great tracts of land and now hold them in perpetuity, and our now established military government of Cuba is engaged in preserving the peace and order so that these foreigners may enjoy the fruits of their bargains, and feel sure they can, from year to year, receive and spend in their palatial foreign homes, principally in European capitals, the net income from their Cuban investments.

Congress in its anxiety to enforce the sentiment of disinterestedness on our part unwittingly legislated so that the European nonresident speculators should own and safely enjoy Cuba's valuable lands and other property, including railroad and other franchises and concessions of the utmost value, by adding a section to the Army appropriation act of March 3, 1899, which

reads as follows:

SEC. 2. That no property, franchises, or concessions of any kind whatever shall be granted by the United States, or by any military or other authority whatever, in the island of Cuba during the occupations thereof by the United States.

Our own people only were discriminated against by this act. This section is probably now operating and being enforced in

the island of Cuba.

If no property rights or franchises or concessions had been granted to anybody residing outside of Cuba during our occupancy, it would doubtless have been the part of wisdom, and would at least have had the effect to reserve landed and other property, franchises, and concessions to a later time when through recuperation from poverty and otherwise, might have acquired at least in desirable small tracts, a fair share of the lands. Those desiring to become actual residents of Cuba would also have had a chance to become landowners there. Cuba is henceforth, certainly for long years to come, to be owned abroad in large part and probably under a landed system worse than has so long existed in Ireland, and our country is meantime, by treaty, bound at whatever cost of men and money to guarantee "Cuban independence, \* \* \* to protect life, property, and individual liberty" throughout Cuba.

The few citizens of this country who, since the war, have secured some sort of holdings in the Isle of Pines or in Cuba

need hardly be considered.

I was from the breaking out of the Spanish war in favor of annexing Cuba to the United States. Cuba lays in the throat of our channel of commerce over the Gulf of Mexico and the Caribbean Sea, and especially to and with the South American republics and Central America; and its importance is to be augmented by the opening of the Panama Canal across the Isthmus. It is so near that a once Vice-President of the United States (John C. Breckinridge) in an intended flight from his country passed in an open rowboat from the coast of Florida across the Gulf Stream to Cuba.

While it is true, as we have seen, we seemingly and pa-

triotically declared in favor of Cuban independence and against the purpose to go to war with Spain for conquest, or for the acquisition of territory, we did not keep such declaration, either in letter or spirit.

We refused to take the sovereignty of Cuba when offered us by the treaty commissioners of Spain during the negotiations at Paris (1898), as we are informed, yet we did not hesitate to take Porto Rico near by, and possibly the Isle of Pines and other smaller islands in the Antilles, and 3,141 islands, great and small, on the other side of the globe. With Cuba our sentiment of this kind became exhausted, and the United States have only become a wet nurse to her whenever she is in distress or some of her inhabitants cry aloud. I always favored, after the war was declared, the complete acquisition of Cuba, and with Cuba I would have been willing to let the Philippine Islands remain Spanish territory, or become independent, or pass into other hands more nearly related to their inhabitants in race, in habits, or in conditions.

We may yet acquire Cuba, but not without insurrectionary war and at the cost of life, limb, treasure, and blood.

President Roosevelt or his Administration is not responsible

for past occurrences or present conditions in Cuba.

But now the Philippines are ours, and we have assumed grave responsibilities in relation to them and to the 10,000,000 of people inhabiting them, and to those of our country who have, as a consequence of our occupancy and ownership, become permanent residents thereof. The flag and the Constitution of the United States are in the Philippines and together, and new and important duties accompany them. These duties can not be evaded patriotically or honorably by neglect to safeguard our title and possession of these islands. National honor, interest, and duty alike call on us to so legislate as to protect these islands and their inhabitants, at least so long as we continue our sovereignty over them. [Applause.]

And should we at some time in the future conclude for any reason to voluntarily sell and cede them to another power, the cost of permanent fortifications can be included in the consid-

eration to be received.

In the rise and fall of nations history teaches us many lessons, and there are yet others to be learned. It may be in the divine plan that our flag and constitutional principles are now on the other side of the earth, planted and established there to advance the cause of humanity, to upbuild civilization, and to spread Christianity to hitherto heathen races of mankind.

And above all let us not deceive ourselves and blindly hope that our unprotected condition will not be discovered or taken advantage of by another nation or by other nations; let us not foolishly assume that loud boasting of American prowess will answer the same purpose as real defenses on our now exposed distant possessions.

The fortifications bill now before us makes no provision for any defenses in Cuba or in Porto Rico, I believe. Of this I do

not now complain.

For seacoast batteries the bill contains an appropriation of \$600,000, to be expended in Hawaii and the Philippine Islands under no definite plan. Nothing is to be appropriated by the bill for necessary sites for fortifications or for the location of seacoast batteries in these islands. Much of the appropriations for the insular possessions will be largely thrown away without, and for want of, a definite plan or plans for defense at particular and important places. No plan is authorized by the bill, and the little indefinite appropriation proposed forbids the making of any plan.

The recommendations of the President, Secretary of War, and the Taft Board, composed of our most distinguished Army and Navy officers, are wholly disregarded so far as plans for defense are concerned. They unite in urgently recommending the early erection and completion of defensive fortifications at Manila Bay and Subic Bay, in the Philippines, and at Pearl Harbor and Honolulu, Hawaii. There is no designation in the bill even as to how and where in these insular possessions the small appropriation for seacoast batteries shall be expended, and this is only about one-third the War Department estimate for such batteries.

So as to the other appropriations for the insular possessions. This policy will not have the merit of economy to justify it; it will prove expensive, deceptive, and fatally useless.

If Manila, Pearl Harbor, and Honolulu can be safely held in case of war, no great American fleet would be needed at either place, and a foreign enemy would not risk leaving these places occupied in their rear. If they should be taken they would constitute bases and naval stations from which an enemy could

sally against other parts of our country, Alaska especially.

But, above all, if we have ample defenses in these distant possessions we are almost certain not to have war with any

oriental power. Our country would then take on the attitude of having prepared to maintain that peace which all should desire

and devoutly pray for.

If we continue in our defenseless condition, we invite war, with all its dire and deplorable consequences, however glorious to our arms it might seem likely to terminate. Wars have had their missions to fulfill for humanity; they have, in times past, rid the world of tyrants, advanced civilization, and aided the spread of Christianity; they have freed races of people, but they may come to destroy human rights and human liberty, to overthrow civilization and Christianity. And should war come from a nation of people of other instincts and education who believe in other destinies than do the Anglo-Saxon people, then the true tide of human progress will be turned back and the mighty advance of modern civilization, of which we boast, and the beneficent influence of Christianity be stayed, dooming the people of the world to slavery again and political oppression such as existed in the Dark Ages.

The Taft Board has urgently recommended that the entrances to Manila Bay and Subic Bay should be promptly and securely fortified, both as necessary to the protection of Manila Harbor and the city of Manila. Subic Bay is located just outside of the barbor and commended that the city of Manila. the harbor and seems to be the key to its entrance, and if it should fall into an enemy's hands it would constitute a safe harbor for a fleet and, perhaps, a landing place for an army of occupation. This is the united judgment of Army and Navy With Manila Harbor securely fortified a naval base would be secured for our fleets, and an enemy would not be able to acquire an important one from which to operate. now, and shall continue to have, at Manila and in Luzon military and naval supplies of immense value to protect, the capture of which would entail a loss of millions to the United

States.

If we are going to fortify these harbors ultimately, as the distinguished Member from Iowa [Mr. SMITH] seems to think, by piecemeal and in seven years, why not do it at once and avoid the impending danger of their capture?

It can be done at less cost and better as a unit undertaking. all experts in such work agree. Of the total \$1,592,940 proposed by the bill to be appropriated for the defense of the insular possessions, \$787,500 is for construction of fire-control stations, construction necessary for operation of submarine mines, etc., ammunition for seacoast guns, alterations, etc., of seacoast artillery, and inspection of instruments, range finders, etc., and only \$805,000 for seacoast batteries and submarine mines, and their location is not provided for, and no sites for their locations are proposed to be appropriated for. Department's estimate for seacoast batteries for the insular possessions to be expended in the fiscal year ending June 30, 1908, is \$2,303,000. There was appropriated for seacoast batteries, to be expended generally in the Hawaiian Islands, this fiscal year only \$260,000; nothing for the Philippines, as it turned out.

It would seem that the proposed appropriations for guns and their operation, etc., were wholly out of proportion to the proposed appropriations for batteries and defenses where they can be used. Pearl Harbor, Hawaii, is not even in such condition now as to permit the entrance to it of our larger battle ships. The channel entrance should be widened and deepened. It is unnecessary here to further enlarge on the importance of fortifying Honolulu and Pearl Harbor. If they fall into an enemy's hands the Philippines will be lost, and Alaska

and our Pacific States will be endangered.

There being no plan of fortifying the insular possessions provided in the bill, and the small appropriations proposed in the bill being so diffused for expenditures generally throughout all the insular possessions as not to admit of any connected plan being adopted, the conclusion unmistakably follows that if such appropriations are made and thus expended they will produce no desirable results and may prove absolutely value-

We are soon, it is said, to appropriate at least \$50,000,000 for the improvement of rivers and harbors, much of which will be uselessly expended in unimportant places and where no common public benefit, if any, will result. Why should we not first protect our own boundaries and possessions.

CHESAPEAKE BAY SHOULD BE FORTIFIED.

Capes Henry and Charles lay on opposite sides of the channel entrance to the Chesapeake Bay. This bay in size and importance has no equal. Its connecting navigable streams, smaller bays, inlets, and deep shore waters augment its importance. With the entrance to this bay closed it constitutes the largest and safest harbor for ships and fleets to safely ride of any in the world.

Fortress Monroe, Norfolk, Newport News, the cities of Washington, Annapolis, and Baltimore, and other places on or adjacent to the Chesapeake Bay, and the entrances to the James and Potomac, Patuxent, Severn, and other rivers, also entrances to small bays, inlets, etc., will be rendered absolutely safe from attack by any foreign fleet, and the necessity of maintaining expensive defenses at any place within the bay or on tributary waters will become unnecessary. So all the other places on the bay where attacks might be made by ships of war and where troops could be landed will be securely protected; and all our railroad lines now across tributary parts of the bay (the Susquehanna, etc.) now wholly without defense (and they are so to remain) would also be made safe. So would also the canal connecting the Chesapeake and Delaware bays. Three States now liable to attack in case of war at many places where there are no sort of defenses would likewise be completely protected.

The cities mentioned may now be somewhat fortified, but they are not so securely protected as to warrant us in regarding them as absolutely safe in case of war with a nation having a fleet of first-class battle ships with modern guns and projectiles. If an enemy's fleet should enter the Chesapeake Bay convoying an army, as it could now do without molestation—there are no defenses at all at the mouth of the bay now-the army could be landed at some place along the shore of the bay without encountering any land defense and where it could form a base of operations against Washington, the capital, or against some other of our important cities. No such base or place of safety for a foreign navy could be found elsewhere on our eastern

Washington City was captured by the English in the war of 1812, and, though held but one day, the Capitol, the White House, the arsenal, the navy-yard, the Treasury building, the war office, the public library, the Long Bridge across the Potomac, etc., were burned, including archives, stores, etc., all valued at a million of dollars, by an army which was landed at Benedict, on the Patuxent, an arm of the Chesapeake. Alexan-

dria, with many stores, was taken four days later.

Admiral Cochrane, commanding the English fleet, early in August, 1812, entered the Chesapeake Bay and there awaited leisurely the arrival from Bermuda of Rear-Admiral Malcolm with a flotilla. Meanwhile Rear-Admiral Cockburn ascended the Potomac, pretending to attack Fort Washington, 10 or 12 miles below this city. On Rear-Admiral Malcolm's arrival, Admiral Cochrane ascended the Patuxent, and the English land forces and marines (under General Ross and Admiral Cochrane) disembarked (commencing August 19) at Benedict, and from thence moved overland (a day's march only) to Bladensburg and Washington City, there being little real resistance, though President Madison in person, his Secretary of State, Monroe, and Generals Armstrong and Winder made heroic efforts to organize an opposing force. The city of Washington was taken (August 24, 1814) five days only after the first English troops commenced to land at Benedict. Then, as it would be now, the fortifications of the Potomac were not regarded of consequence in case a land force operated, in connection with a

navy, to attack Washington City.

As showing how defenseless Washington was in 1812, though the Potomac was then fortified, I quote from Admiral Cochrane's report to his Government, of date of September 2, 1814:

To give their lordships a more correct idea of the place of attack, I send a sketch of the country, upon which the movements of the navy and army are portrayed. By it their lordships will observe that the best approach to Washington is by Port Tobacco, upon the Potomac, and Benedict, upon the Patuxent, from both of which are direct and good roads to that city, and their distances nearly allike. The roads from Benedict divide about 5 miles inland, the one by Piscataway and Bladensburg, the other following the course of the river, although at some distance from it, owing to the creeks that run up the country. This last passes through the towns of Nottingham and Marlborough to Bladensburg, at which town the river, called the Eastern Branch, that bounds Washington to the eastward, is fordable, and the distance is about 5 miles.

The foregoing shows how futile as a means of complete defense to Washington City it is to merely fortify the Potomac, leaving open the many other avenues of approach and attack. The other cities on or near the Chesapeake are not more favorably situated than is Washington in case of attack other than

The works at Fortress Monroe afford no obstruction to a fleet entering the bay. The channel for large vessels is 11½ miles from the nearest guns of that fort. It would not even furnish protection for a fleet of our own in the waters about it. As a defensive position it is now only of small practical importance.

It is said our warships could and would defend the entrance to the bay. If this were granted as true, it would be because they were withdrawn from other important operations where they should be employed. In case of war they will be needed on Generally stated, if the mouth of the bay is effectively closed | the Atlantic and Pacific coasts or in the Gulf of Mexico and to look after our now defenseless and far-off insular possessions. In our next war we will not be confined to the defense of Washington and Baltimore. Our Army and Navy will have to be employed in distant parts. I do not believe in purely defensive warfare. If we are to have war at all it should, to be successful, be aggressively waged. We should assail the enemy wherever he may be and not confine our forces to watching and guarding our own cities and shores or our coast lines. Hence the importance of adequate seacoast defenses. And how useless to devote our warships to the duty of blockading an entrance channel to a great bay in a time of war and thus paralyze them for real work. They should be in combined fleet on the high seas aggressively engaging and diverting the enemy instead of trying to do the work of land batteries.

The best armored ships of Russia were employed at Port Arthur in its defense, and a number of them were there lost. Thus Russia not only lost some of her best ships, but their being bottled up prevented a concentration of her fleets, while the Japanese ships, being on the outside, could and did sail away to a concentration at will, and thereby brought disaster to

The loss of a single first-class battle ship (Russia lost several at Port Arthur) would entail a loss of more than twice, or perhaps thrice, the cost of making the entrance to the Chesapeake Bay impregnable.

Great Britain has maintained for an hundred years or more an impregnable defense at Gibraltar, the entrance to the Mediterranean Sea, with no considerable exposed region and cities behind it to protect—certainly not of such importance as we have on and adjacent to the Chesapeake Bay.

This bay is now easy to fortify at its mouth, though, including shoal waters, the distance across it is about 10 miles. By constructing an artificial island in the entrance near the channel (as recommended by the Taft Board) and perhaps without such an island, with modern guns and projectiles, the channel can be closed beyond a possibility of a hostile ship or fleet being able to pass through it.

Coast defenses or land batteries are, and always have been, and always will be regarded as superior, with like or equivalent guns, to ships, however armed or armored, or to anything afloat; and submarine mines, torpedo boats, searchlights, and fire control for long-range guns can be used in practical work more effectively, all should agree, on land than on shipboard. Harbor floating defenses can also be provided if deemed necessary. A perfect plan for closing the Chesapeake against an enemy has been agreed on, as we shall soon see.

It is pretended that the fortifications to protect Washington, Baltimore, and Annapolis, and other places inside the Chesapeake would still have to be maintained as an inner line of defense. If this should be deemed necessary out of abundant caution, after the mouth of the Chesapeake was effectively closed, they could be kept up, ready to be manned, with comparatively little expense. But they need not be kept up, and they are not now in all respects and in all places perfect. They certainly are not all safe against modern guns and projectiles unless greatly strengthened. It would be foolish policy to expend the money necessary to do this—and besides, as we have seen, Washington and the other cities could be attacked and captured without forcing their sea or other fortifications.

It is said that the building of an island in the mouth of the bay may be only problematical, as possibly quicksand may underly the shoals. This is the suggestion of those who oppose closing the entrance to the bay at all. And it is not proposed to appropriate any money to hunt for the quicksand. Quicksand is as good an underbase for an island as anything else. It is solid and it is eternally durable, unless so situated as to be liable to attack by water or so exposed as to be shifting.

It is also said a foreign fleet would not dare enter the bay; that if it did it would become bottled up and ultimately lost, as was Cervera's at Santiago. This suggestion presupposes our own fleets are only employed in lying in wait for the enemy's This suggestion presupposes our Nothing is to be learned from Cervera's fatal errors. He sailed his fleet into a friendly harbor to aid a Spanish army and to help protect a friendly city. His fleet entered a comparatively small harbor for safety and for its defense and not a great bay with many harbors, or their equivalent, like the Chesapeake Bay affords, and where secure bases of operation could be found from which to carry on destructive war against important cities of an enemy's country and against the most important railroad and other lines of communication. Cervera's sailing into Santiago furnishes no example to warn a hostile fleet not to sail into the Chesapeake Bay. On the contrary, this bay, now open to friend and foe alike, would invite a fleet from across the Atlantic to find a safe abiding place therein and to seek safe havens from whence it could operate as circumstances might

permit; and it would be possible for a formidable hostile fleet, when once within the bay, to itself close it against our ships of commerce or of war, and thus cut off Washington, Baltimore, Annapolis, Richmond, Newport News, and Norfolk, and other important places from the ocean.

The bill carries no appropriation whatever to fortify the mouth of the Chesapeake Bay. The War Department now estimates for this purpose \$2,600,000, and \$3,000,000 was once thought necessary, including \$400,000 for the purchase of the required lands. Now, Virginia generously stands ready to donate and convey the lands. As long ago as March 4, 1890, the legislature of Virginia passed an act authorizing and empowering her governor to convey to the United States title to the lands at the mouth of the Chesapeake Bay for the purpose of erecting fortifications for the defense of the entrance to the bay. Its present governor recently advised the War Department that he is ready to execute the deed of cession without cost to the United States, as authorized by the act.

But now let us see who it is that regards the early fortification of the mouth of Chesapeake Bay as of the first importance, and who it is that recommends the necessary appropriations to accomplish the work. 'This will more fully appear by appended extracts from reports of distinguished officers who have given much examination and consideration to the subject.

It is, of course, not possible for this Government to do all the things which might be done in its interest or for its safety, but we should do the things of the first importance, among which duty demands that we fortify our insular possessions; also the entrance to the Chesapeake Bay, and thereby in time of peace prepare to maintain it.

The glories of peace outshine those of war, and it is infinitely

cheaper to woo peace than to wage war.

I believe in my country and her destiny. I rejoice in her civil history, pregnant as it is with great things accomplished in securing the individual rights of man. I glory in her achievements in war through which (1776–1783) she attained independence; by which (1812–1815) she later secured her rights on the high seas, and in which (1846–1848) still later she acquired vast territories to add to her domain, and again as a result of which (1861–1865) slavery under her flag became forever impossible, and still again in consequence of which (1898) the principle was upheld that one nation has a right to go to war for humanity's sake alone, and at the end of which she enlarged her possessions and has become recognized among all nations as a first power in strength and influence.

She should now, in her greatness, stand for all that is good as well as great, and for peace; and in doing this she should be just and generous to all other nations and peoples. She can not hold her paramount position among nations and preserve an enduring peace unless she safeguards it by putting her possessions in such state of defense as to insure their safety. A

war footing is a peace footing.

I have never been an alarmist, nor do I profess the gift of prophecy; but judging the present conditions of the world by the most obvious and natural rules of reasoning, I feel that unless wisdom prevails in our councils and in the conduct and administration of our affairs, the time is at hand when we are in supreme danger of being humbled as a nation and people, and when constitutional liberty may be endangered. I may not live to see this direful day, though others in the sound of my voice will if we fail to do our duty here.

Mr. Chairman, I probably have not the time allotted me left to go into the matter of reviewing the recommendations of the President of the United States, oft repeated, and of the Secretary of War, and of the boards that have been appointed by the President and the Secretary of War. Some criticisms were made at the time that the Taft Board was not authorized by Congress and that the Endicott Board was. The critics seemed to think that it required a law of Congress to legislate brains into the members of the Board, or integrity, and they pretend not to believe anything found in the report of the distinguished military and naval officers who were appointed by President Roosevelt, called the "Taft Board." But, Mr. Chairman, with the permission of the committee, I will put in my remarks the references or extracts from the report of the Endicott Board, showing that it did not fail to recognize the importance of fortifying the mouth of Chesapeake Bay, but that it only failed to recommend a complete plan for so doing because the art of war had not then progressed far enough to enable it to make a definite plan to fortify it, but that Board agreed, and so reported, that its fortification was of the first importance, and it was so indicated in paragraph 3, page 9, of its report of date of January 23, 1886. For more than twenty years the importance of the matter has been urged.

The Board appointed by President Roosevelt, called the "Taft

Board," was made up of some of the most distinguished army and naval officers we have or ever had. That Board was unani mous in recommending that the place of first importance, and the first that ought to be fortified in the United States of all the important places it mentioned—the first in significance and the first in interest to the United States—and as a matter of economy, was the mouth of the Chesapeake Bay. It recommended that effective action should be promptly taken so as to at an early day protect all of the places within the bay to which I have undertaken to refer.

Of the various places that they regarded as of some importance they put Chesapeake Bay in the order of first importance. The order of the President of the United States constituting the Board was made January 31, 1905, and among other things that he required the Board to consider was the order of importance in fortifying places for the protection of the country, and first at the head of the Board's list is the fortification proposed to be constructed between Cape Henry and Cape Charles at the mouth of the Chesapeake Bay.

I do not think that anything can be added. Any person acquainting himself with the geography will understand its supreme and grave importance. My complaint is that we do not or have not entered on the work of fortifying this place long ago, as its great importance demands and as all those who have investigated the matter have concluded.

Now, Mr. Chairman, if I have any time I will surrender it, provided I am given permission to put in my closing remarks some extracts and proper connecting remarks of the different reports of the Secretary of War.

Mr. NORRIS. I would like to ask the gentleman a question.

Certainly. Mr. KEIFER.

Mr. NORRIS. Would the gentleman give us an idea of about how much of an appropriation would be required to carry out the recommendations of the Taft Board with reference to the for-tification of the mouth of the Chesapeake Bay?

Mr. KEIFER. I have already stated that the estimates for this purpose to be expended for the fiscal year ending June 30, which estimate I understand was to complete it, was 1908. \$2,600,000.

Mr. NORRIS. That would complete it?
Mr. KEIFER. That is my understanding, and leaving out the fact which was supposed to exist at one time, when the estimate was made, of four or five hundred thousand dollars to be used in the purchase of a site.

Mr. SMITH of Iowa. Will the gentleman permit me to interrupt him with a suggestion?
Mr. KEIFER. Certainly.

The CHAIRMAN. The time of the gentleman from Ohio has

Mr. SMITH of Iowa. I will yield sufficient time to clear this I know the gentleman from Ohio does not wish to make any misleading statement on the subject.

Mr. KEIFER. Certainly not.

Mr. SMITH of Iowa. I understand, and the gentleman will correct me if I am wrong, that the estimate itself for the island would cost \$2,600,000, and that the estimate for the fortification, etc., is \$6,000,000. The \$2,600,000 is for the island alone, and is not for any guns or batteries.

I call the gentleman's attention to the original Taft report, where he will find the Chesapeake Bay estimates to be \$6,102,871,

which includes the armament.

Mr. KEIFER. That does not refer to the mouth of the Chesapeake Bay alone?

Mr. SMITH of Iowa. Yes; so I understand it.

Mr. NORRIS. Does that include the armament not only on

the islands, but on the two capes?

Mr. SMITH of Iowa. So I understand it. The only question is what the estimate covers, whether simply the island or the armament.

Mr. KEIFER. Yes; that is right. My impression is that the recommendation included the building of an island, but it was supposed to be sufficient to complete an effective construction or fortification at the island. I will look further into that matter, if I may be permitted.

Mr. SMITH of Iowa. I may state in that connection that, as

a matter of fact, the estimate was an engineer's estimate that came before the committee. The engineers construct the emplacements and reclaim the land, and of course could make and would make no estimates for armament, that being made by the Chief of Ordnance and other officers of the War Depart-

Mr. KEIFER. But I understand there was a combined es timate made up by the several persons or officers connected with the board, and the estimate was made to cover everything.

Mr. SMITH of Iowa. The gentleman will discover, I think, that it was over \$6,000,000.

The CHAIRMAN. The gentleman from Ohio asks unanimous

consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KEIFER. In presenting the views of officers and boards who favor fortifying Chesapeake Bay, etc., I call attention again to what is quoted already in the body of my speech from President Roosevelt's last annual message. In his message transmitting (March 5, 1906) and commending the report of the Taft Board to Congress he says:

New localities are pressing their claims for defense. The insular possessions can not be held unless the principal ports, naval bases, and coal stations are fortified before the outbreak of war.

In the same message he says:

It is to be noted that the entrance to Chesapeake Bay, not before recommended or authorized by Congress, is added to the list of ports in the United States to be defended, with important reasons therefor already stated.

Also in the same message he says:

Also in the same message he says:

The necessity for a complete and adequate system of coast defense is greater to-day than twenty years ago, for the increased wealth of the country offers more tempting inducements to attack, and a hostile fleet can reach our coast in a much shorter period of time. The fact that we now have a navy does not in any wise diminish the importance of coast defenses; on the contrary, that fact emphasizes their value and the necessity for their construction. It is an accepted naval maxim that a navy can be used to strategic advantage only when acting on the offensive, and it can be free to so operate only after our coast defense is reasonably secure and so recognized by the country. It was due to the securely defended condition of the Japanese ports that the Japanese fleet was free to seek out and watch its proper objective—the Russian fleet—without fear of interruption or recall to guard its home ports against raids by the Vladivostok squadron. This, one of the most valuable lessons of the late war in the East, is worthy of serious consideration by our country, with its extensive coast line, its many important harbors, and its many wealthy manufacturing coast cities.

The Secretary of War (Mr. Taft) was President of the Taft

The Secretary of War (Mr. Taft) was President of the Taft Board and concurred in its recommendations. In his recent annual report he says:

The more important recommendations of the board concerning particular places are those which relate to the defense of the entrance to Chesapeake Bay, the entrance to Long Island Sound, and Puget Sound. The Endicott Board did not recommend Puget Sound for defense, and while attaching importance to defenses at the entrance to Chesapeake Bay for the protection of Hampton Roads, Norfolk, Newport News, Washington, and Baltimore, and at the eastern entrance to Long Island Sound for the approaches to New York, confined its recommendations to so-called "floating defenses" for outer lines, designed especially for operating in harbors or close to land, and armored more heavily and armed with heavier guns than any probable adversary. In the development of coast-defense operations these "floating defenses" were found to be unnecessary and have never been built. The adequate defense of these positions has therefore received the consideration of the board.

Commercially and strategically Chesapeake Bay is to-day, as it always has been, of the very first importance. With the entrance as it is now, unfortified, a hostile fleet, in the opinion of the present board, "should it gain control of the sea, can establish, without coming under the fire of a single gun, a base on its shores, pass in and out at pleasure, have access to large quantities of valuable supplies of all kinds, and paralyze the great trunk rallway lines crossing the head of the bay." For this reason the board has considered the defense of the entrance to Chesapeake Bay to require immediate attention.

tention.

From his recent testimony before a subcommittee of the Appropriations Committee, among other things, I quote:

The Endicott Board, as you may recollect, was appointed by President Cleveland in the incumbency of Mr. Endicott as Secretary of War, and that board reported a comprehensive system of coast defenses. That was away back in 1886 or 1887, was it not?

General Crozier. 1886. It was appointed in 1885.

Secretary Taft. It was, of course, a system based on the then known methods of defense, and included a good deal that would now be obsolete if it had been adopted and carried out entirely. One of the great features of it was a floating defense system, which has not been adopted and is not approved now according to modern ideas, and it seems as if the plan had become so old that there ought to be a new investigation into the matter. Accordingly a board was appointed, with the Secretary of War as the nominal head and a lot of very technical gentlemen who understood the business as the real committee, and they made a report supplementary to that of the Endicott Board.

Just why the Endicott Board did not make a provision for Chesapeake Bay perhaps I can not state definitely, except to say that they probably had in mind these floating defenses, which were to be located near the mouth of the bay. Chesapeake Bay, from a strategic standpoint, is the most vulnerable place in the United States, because it is possible now for an enemy to enter that bay and find a great many places where a landing could be effected without difficulty, free from the risk of storm, and without coming under the fire of any guns; and a great many places on the bay where we should be very much injured by attack, because you know there are a great many trunk lines that cross the bay-at various points, or cross various estuaries of the bay, which ought to be protected against that kind of attack.

estuaries of the bay, which ought to be protected against that kind of attack.

The difficulty of fortifying the mouth of the Chesapeake Bay is that it is so wide; and the only fortifications that have been determined upon by the Board are those which involve the construction of an artificial island on what is called the "Middle Ground." In the appropriations that we ask to-day there is an item of \$3,000,000,

\$400,000 of which is for the purchase of land on the Cape Henry side, and \$2,600,000 for the construction of an island sufficiently large to make such fortification as will render that impregnable.

Now it has been frequently stated, and it is true, that as to any of the great harbors which are fortified under the Endicott Board, in those harbors it would probably be impossible for a foreign fleet to enter; but there are places where there are no fortifications, and Chesapeake Bay, except at Fortress Monroe, Baltimore, and Washington, has no fortifications, and a hostile fleet can enter without difficulty. difficulty.

After the island in the Chesapeake, I give you what is the most important things we have, and those are the insular possessions: For the construction of seacoast batteries, Guantanamo Bay, Cuba, \$250,000; Honolulu, and Pearl Harbor, Hawaii, \$350,000; Manila, P. I., \$1,359,000, and Subic Bay, P. I., \$344,000, making a total of \$2,303,000.

Col. F. V. Abbot, assistant to Chief of Engineers, in his testimony before the subcommittee, said:

Mr. SMITH. There seems to be a good deal of talk about the defenses at Cape Henry as being part of the defenses of Chesapeake Bay. The outer defenses are referred to, substantially, as the same defenses, are they not?

Colonel Arbor. A fort on a natural island near Cape Charles, another Cape Harbor.

Colonel Abbot. A fort on a natural island near Cape Charles, another on Cape Henry, and a heavy armament on this island constitute the only proposed defenses for the entrance to Chesapeake Bay. Neither fort alone would hold the entrance without the others.

Mr. Smith. Is it not usual to refer to Cape Henry as an entire description of that locality?
Colonel Abbot. No. sir; I should say not.

Mr. Smith. The line of defense is to be on the line between Cape Henry and Cape Charles, passing through the proposed island?
Colonel Abbot. Yes.

Mr. Smith. Are all of these substantially new projects?
Colonel Abbot. Yes. No defense of the entrance of Chesapeake Bay was called for by the Endicott Board scheme, as that Board believed the entrance too wide to be held by guns on shore and did not believe the cost of constructing an artificial island was justified at that time. They thought floating defenses were needed at the entrance.

The defeat of a plan reported to this House, based upon a scheme of a certain board in the Navy Department, which came up in the Forty-eighth Congress led to the act of March 3, 1885, which authorized President Cleveland to appoint the Endicott Board. That plan looked only to the appropriation Endicott Board. That plan looked only to the appropriation of money to patch up our old ships. On February 20, 1885, I made a somewhat lengthy speech against it, and the result of the full consideration of the then pending bill was its defeat, and then Congress looked about for some plan to defend our coasts. The Endicott Board reported January 23, 1886, twenty-one years ago. It acted upon the best lights before it, and although it the poly of its report (page 3, p. 9). though it recommended in the body of its report (par. 3, p. 9) the importance of fortifying Chesapeake Bay at its mouth, it did not feel that it could make a satisfactory plan for the complete defense of the mouth of the bay. Since its report great progress has been made in the artillery and in matters of coast defense, such as has arisen by the introduction of new guns and long-range projectiles, searchlights, harbor-floating defenses, etc.

The Taft or National Coast Defense Board was appointed by President Roosevelt and convened on January 31, 1905. The Board made its report on February 1, 1906. In the order convening the Board the President used this language:

vening the Board the President used this language:

The report of the Endicott Board, submitted nineteen years ago, was very carefully considered by its distinguished members. It enunciated sound military principles and recommended the best application of these principles with the conditions then existing. It fully deserved the generous support it has received from Congress.

Nearly two-thirds of the land armament recommended by the Board has been installed or provided for, but since the date of the report so many conditions then existing have been materially modified, and the engines or implements of war have been so greatly improved, and others, untried or unknown, of undoubted value developed, giving a greater advantage to the defense, that it is confidently believed our harbor defense can be completed effectively and satisfactorily with a much less expenditure of money than has been heretofore estimated. With this object in view the Board will recommend the armament fixed and floating, mobile torpedoes, submarine mines, and all other defense with the most economical and advantageous expenditure of money.

The Board will also recommend the order in which the proposed defense shall be completed, so that all the elements of harbor defense may be properly and effectively coordinated.

The detail of the Board consisted of the following distin-

The detail of the Board consisted of the following distinguished officers of the Army and Navy, Secretary Taft being president of the Board:

Hon. William H. Taft, Secretary of War, president of the Board.
Lieut. Gen. Adna R. Chaffee, Chief of Staff.
Maj. Gen. George L. Gillespie, Assistant Chief of Staff.
Brig. Gen. Adolphus W. Greely, Chief Signal Officer.
Brig. Gen. William Crozier, Chief of Ordnance.
Brig. Gen. John P. Story, Chief of Artillery, General Staff.
Brig. Gen. Alexander Mackenzie, Chief of Engineers.
Capt. Charles M. Thomas, United States Navy.
Capt. Charles S. Sperry, United States Navy.
Maj. George W. Goethals, General Staff, secretary of the Board.

Later there was added to the Board the following-named officers of the Army:

Maj. Gen. John C. Bates, Assistant Chief of Staff, detailed by General Orders, No. 99, June 28, 1905, vice Maj. Gen. G. L. Gillespie, retired, Chief of Staff, January 15, 1906.

Brig. Gen. Samuel M. Mills, Chief of Artillery, detailed by General Orders, No. 106, June 30, 1905.

The following are quotations from the report of the Taft Board:

The Endicott Board's report was submitted in 1886. The principles of coast defense, so clearly stated therein, and the necessity of having our important and strategic and commercial centers made secure against naval attack, with as little delay as possible, are equally applicable to-day and need not be repeated. The wealth of the country, which has materially increased, offers even more tempting inducements to attack than was the case twenty years ago, while an increase of speed enables a hostile fleet to appear off our coast in a very much less period of time. It is more essential than ever that we should be prepared along the line of our 4,000 miles of coast to ward off any hostile blow that may be attempted.

blow that may be attempted.

The Endicott Board, while attaching importance to defenses at the entrance to Chesapeake Bay, for the protection of Hampton Roads, Norfolk, Newport News, Washington, and Baltimore, and at the eastern entrance to Long Island Sound for the approaches to New York, confined its recommendations to so-called "floating defenses" for outer lines. Floating defenses are defined to be "floating defenses" for outer lines. Floating defenses are defined to be "floating batteries designed specially for operating in harbors or close to the land—armored more heavily and armed with heavier guns than any probable adversary. Guns provided with an efficient range-finding system can now bring an effective fire on all parts of these wide channels and render unnecessary the "floating defenses," which have never been built and which, if they had been, would be objectionable because of vulnerability and of the great cost of construction and maintenance.

Commercially and strategically Chesapeake Bay is to-day, as it always has been, of the very first importance. With the entrance as it is now, unfortified, a hostile fleet, should it gain control of the sea, can establish, without coming under the fire of a single gun, a base on its shores, pass in and out at pleasure, have access to large quantities of valuable supplies of all kinds, and paralyze the great trunk railway lines crossing the head of the bay.

The completion of the fortifications at the entrance to Long Island Sound is placed second to Chesapeake Bay only because there are some guns already mounted at the former, while there are none to defend the channel between Cape Charles and Cape Henry.

Since 1886 our territorial limits have been enlarged by the addition of the insular possessions. They are distant from the great centers and sources of supply and can not be held unless their principal ports are fortified before the outbreak of war. It is clear that the defense should be provided with as little delay as possible. Naval bases and coaling sta

The order of the President of January 31, 1905, required the board to recommend which of the proposed defenses should be completed first. I quote again from the report of the board:

It is required that the board shall give expression to the order in which the proposed defense shall be completed so that all the elements of harbor defense may be properly and effectively coordinated.

Among the places recommended to be defended, the following, in the order named, are considered of special importance: Entrance to Chesspeake Bay, eastern entrance to Long Island Sound, Puget Sound, Subic Bay, Gnantanamo, and entrance to Manila Bay. Naval bases are included in all the places named.

It will thus be seen that the Chesapeake Bay is unanimously recommended to be defended first of all our coast defenses. The committee of the Taft Board, reporting February 1, 1906, to the Secretary of War, uses this language:

The importance of securing the entrance of the Chesapeake Bay at Cape Henry as an outer line of defense to Baltimore, Washington, Newport News, Norfolk, and the great railroads crossing the Susquehanna River at the head of the bay can not be exaggerated and was recognized in the report of the Endicott Board (par. 3, p. 9). Any expenditure, however great, is justifiable for the protection of such vast interests.

I offer in support of the views I have submitted some extracts from a letter of the Board of Trade and Business Men's Association of Norfolk to the Secretary of War, dated April 26;

In the absence of fortifications at that point the defense of the Norfolk Navy-Yard and the Newport News shipyard would be left entirely to our harbor-defense vessels and Fort Monroe. If the former should be overpowered by a superior naval force, the enemy's ships could anchor in Chesapeake Bay, within 10½ miles from the navy-yard at Norfolk and 9½ miles from the Newport News shipyard, at a point where the guns of Fort Monroe would not be effective against heavily armored ships. At these distances recent developments in the Russo-Japanese war have shown that great damage can be done to unfortified shipyards or communities.

They could also pass up the bay in the direction of Annapolis, Baltimore, and Washington outside of effective range of the heavy guns at Fort Monroe; in fact, the nearest point of approach to the fortifications at Old Point for ships of heavy draft bound for the above-named ports is 11½ nautical miles.

I also quote from resolutions of the directors of the Baltimore

I also quote from resolutions of the directors of the Baltimore Chamber of Commerce passed March 12, 1906:

Resolved, That the board of directors of the Baltimore Chamber of Commerce urges upon the Members of this State in Congress the necessity of giving the plan which contemplates the erection of a defensive fortification at Cape Henry careful and earnest thought and consideration, such a work being deemed desirable both from a defensive as well as an economical point of view.

I quote from the Norfolk Landmark of date of March 4, 1906: Now, what strikes the Landmark particularly in this is the reference to the admitted inadequacy of the present land defenses of the Chesapeake Bay cities, in which Norfolk, Portsmouth, and Newport News, as well as Annapolis, Washington, and Baltimore, may be included.

It is safe to say that no other country of any importance and en-

lightenment would have left unfortified, as this country has done, so vital a point as Cape Henry. Great Britain would long ago have made it a Gibraitar. It is a far more important strategic point to the United States than Gibraitar is to England. It concerns the immediate safety of our own territory.

The channel for large vessels passing between the Virginia capes is only about 4 miles from Cape Henry. Formidable war ships, therefore, would be compelled, on attempting to enter, to come within close range of the modern big guns, which carry twice that far with ease.

Many years ago the Endicott Commission recommended to the Government the heavy fortification of this important point. A bill is now before Congress providing for the adoption of the advice then given, with suitable modern improvements. There would be no exceuse for failure to adopt this bill, which has the hearty approval of the Secretary of War and all the military experts of the country.

In the war of 1812 the national capital was burned by British ships which passed without difficulty through the Virginia capes. In those days ordnance did not carry so far as it does now, nor was it nearly so effective. It would be unworthy of a great nation to be caught to-day with its most important body of water unguarded, when the one entrance could easily be made impassable in time of war by the expenditure of a reasonable sum of money in time of peace.

I quote further, from an editorial in the Virginian-Pilot, Nor-

I quote further, from an editorial in the Virginian-Pilot, Norfolk, Va., dated March 11, 1906:

The necessity of constructing fortifications at Cape Henry was pointed out by the Endicott Commission several years ago. That necessity has been increasing in urgency ever since, and the time is now at hand when the adequate protection of the entrance to the bay can not be longer delayed without inviting serious consequences to the country. This is strongly and forcibly pointed out in the report of the Taft Board, of expert Army and Navy officers, which was recently transmitted to Congress by President Roosevelt. The portion of the report referring to the entrance to Chesapeake Bay says, among other things: "A hostile fleet, should it gain control of the sea, could establish without the fire of a single gun a base on its shores, pass in and out at pleasure, have access to large quantities of valuable supplies, and paralyze the great trunk railway lines crossing the head of the bay. Further, the national capital, the Naval Academy at Annapolis, and the city of Baltimore would be unprotected, except for such defense as would be furnished by harbor defense vessels. Newport News and Norfolk, with their important shipyards, would be in a similar position, for it has been demonstrated that Fortress Monroe is inadequate for the defense of Hampton Roads.

Under these conditions the erection of powerful fortifications at Cape Henry should receive the earliest practicable attention at the hands of Congress. The proper defense of the Chesapeake Bay is of the utmost importance, both from a strategic and a commercial standpoint. This defense can be furnished only by the fortification of Cape Henry

The following is taken from the Washington Post, and it bears on the question of the necessity of fortifying our important defenses to relieve and release from coast or shore duty our battle ships and cruisers:

Read correctly between the lines, this means that the British Admiralty proposes by the use of forty submarines not only to greatly strengthen their home harbor defenses, but to relieve and release from shore duty many battle ships and cruisers for active service on the high seas wherever they may be needed.

I also present with approval an extract from a recent address of now Attorney-General of the United States, Hon. Charles J. Bonaparte—great nephew of the great Napoleon—late Secretary of the Navy, in which he expresses his views as to our country and its exposed condition and liability to foreign attack, and as to the necessity for "a respectable defensive posture," and appeals for the support "of the Commander in Chief of our land and naval forces of sea and land, under the Constitution, in assuring our country's peace by maintaining her strength for war," and in which he concludes by an appeal in behalf of Congress for liberal "provision for the national defense," such as will confirm the title of "peacemaker on our first public servant," and give our country "such strength as may gain and guard for her the peace of righteousness:'

and give our country "such strength as may gain and guard for her the peace of righteousness:"

New York could be reached to-day by a powerful hostile army in one-fourth and San Francisco in one-half the time needed by any possible enemy under the most favorable circumstances to reach the most exposed great capital of Europe.

Our detached and distant situation has ceased to be. The oceans which bathe our shores to the east and the west are no longer safe-guards against serious invasion. Our ports are filled up with huge steamers, practically all under foreign flags, which await but a word on the electric wire to become transports to their utmost capacity with trained soldiers or loaded down with munitions of war.

Nor is this all. A hundred years ago weeks, even months, were needed to concentrate and embark any formidable force at any seaport of any nation with which we could then or now be at war. To-day this a matter of hours. The mere orders then took days, often weeks, in transmission. Now they hardly take seconds.

While we have thus drawn prodigiously nearer to possible and certainly dangerous enemies, we have also grown prodigiously bigger and richer and more obtrusive, and therefore vastly more likely to awaken envy, distrust, and fear, or, in other words, to have enemies.

It is not merely that Americans are twentyfold as many and a hundredfold, nay, far more than a hundredfold, as rich as they were when Washington rought rest at Mount Vernon, that their empire stretches from sea to sen on this continent and has spread to the Antilles and the Isthmus, the jungles of Asia's islands, and the snows of Alaska.

Bestdes and beyond all this material change there has come a moral change, a change unsought by ourselves and unwelcome to many, perhaps to the most of us, whereby we feel and speak and are tempted to, act no longer as man separated by months of ocean from news of their nearest kindred and by an impenetrable wilderness from even the waters of the Pacific, but as citizens of a nation great among the

Every morning brings to the breakfast table of each one of us a day's history of our fellow-men of every race and in every clime. We can not

wholly shut our eyes to aught that goes amiss for humanity throughout the world; we can not wholly close our ears to any tale of wrongdoing, however distant or allen may be the sufferers, and despite ourselves the thought, half formed and half conscious, yet daily growing clearer to us and to others, forces itself upon our minds that in the vast and terrible drama of human destiny a nation such as ours has grown to be must have its allotted, its enforced, part to play.

An American may be as good a patriot as our land can show and yet sigh for our early days of safety through obscurity and isolation; but if, like the ostrich, he refuses to own what his eyes would show him—if he refuses to open them to facts, namely, that for us the days of obscurity and isolation are gone forever and safety must now be sought elsewhere—he abdicates his reason and imperils his country.

"In time of peace prepare for war," was a maxim in which Washington repeatedly and emphatically asserted his belief; and as no public man ever wished or tried more consistently or more earnestly to preserve to his country the incalculable blessings of peace, so none was ever more invariably solicitous to maintain, so far as the poverty of our early days and the support of our National Legislature might permit, the suitable establishments necessary to keep us "on a respectable defensive posture."

I bespeak, then, of all thoughtful and patriotic citizens their aid to my successor in the great Department of our Federal Government but lately in my keeping, and to his colleagues in the administration of the sister service, and, most of all, to the Commander in Chief of our forces of land and sea, under the Constitution, in assuring our country's peace by maintaining her strength for war.

I ask for the Congress a hearty support from public opinion in a liberal provision for the national defense, and, moreover, a loud and clear assurance of such support to drown the clamor of self-interest, of delusion, of prejudice, of parsimony in dealing with this

Mr. FITZGERALD. Mr. Chairman, I desire to take a few moments to refer to one matter discussed by the gentleman from Ohio [Mr. Keifer]. I do not care to have his statements regarding the proposed defenses of the entrance to Chesapeake Bay go into the RECORD unchallenged. I desire that the committee have before it the information which was before the Committee on Appropriations when it determined to eliminate or rather not to make appropriations for these proposed defenses. In 1886 a board, known as the "Endicott Board," appointed under the authority of Congress, prepared a comprehensive plan for the defense of the coasts of this country. They prepared plans which included the defense of Chesapeake Bay and of the important cities access to which is had from the Chesapeake Bay. All of the important places within the bay are amply fortified to-day. That statement is based upon information furnished by the Secretary of War and by men with the technical knowledge necessary to pass upon such questions. Last year a board was appointed by the President of the United States which is known as the "Taft Board," and that Board made a report and recommended that there be erected at the mouth of the Chesapeake Bay an artificial island in order to make perfect the defense of the places within the bay. The Secretary of War asked an appropriation of \$3,000,000 in order to erect or build this island. The estimate of the cost of the island was based upon no information from which an accurate estimate could be made, but was as nearly as could be a chance guess. The committee did not feel that it would be justified in authorizing the initiation of this project without some definite information as to its cost. More than that, there have been expended during the past eighteen years over \$64,000,000 in fortifying the coast of this country in accordance with the plan of the Endicott Board. It will take some thirty-odd millions of dollars to complete the defenses outlined by that Board. The committee was of the belief that it would be wise to complete as far as now required the defenses originally planned by the Endicott Board before undertaking to initiate these new and additional defenses.

Mr. PRINCE. Will the gentleman yield for a suggestion?

Mr. FITZGERALD. I will.
Mr. PRINCE. There were some hearings before the Military Committee of date January 11, 1907, in which it was stated by Captain Hagood that the actual amount which has been laid out in fortifications, gun batteries, seachlights, power plants, etc., is \$76,000,000 instead of \$64,000,000.

Mr. FITZGERALD. That is true. In speaking of the amount expended in the carrying out of the Endicott Board's plan, a number of items mentioned by the gentleman are not included. As a matter of fact, since that report of the Endicott Board Congress has appropriated over \$120,000,000.

Mr. PRINCE. Let me suggest to the gentleman further that since the Endicott Board there has been expended over \$126,000,000, which is the aggregate contained in the fortifica-

Mr. FITZGERALD. That is so; but it includes a number of items of expenditure which were not included within the plans of the Endicott Board. For instance, we built a gun foundry; we have maintained and erected arsenals; we have done a great many other things which were not within the contemplation of the plans of the Endicott Board. As I was about to show, the imperativeness of this proposed defense was never made apparent, never suggested, until this session of Congress. As far as I have been able to ascertain, the desirability of this particular defense is, and was first, apparent at joint maneuvers of the Army and Navy a year and a half or two years ago. It appeared to the Committee on Appropriations that the Endicott Board believed it desirable to have certain additional defenses in the mouth of the Chesapeake, and that board recommended the creation of so-called "floating defenses," which were to be in the nature of heavily armored and heavily armed harbor-defense boats, also eighteen torpedo boats, which were recommended for use there, and some other apparatus for the defense of the place. It was stated to the committee that no other method of defense was suggested, because the expense of any other method would have been prohibitive. The estimate that \$3,000,000 would build this island is purely speculative.

The plan proposed at present contemplates erecting an island of about 50 acres on a shoal which is now covered by from 15 There has never been a boring, there has to 20 feet of water. never been an examination, there has never been any information obtained upon which the engineers can base an accurate estimate of what it will cost to build such an island. It might be built for \$3,000,000 or it may require the expenditure of \$25,000,000. The Secretary of War stated to the committee that the Navy was more insistent upon this particular defense being erected than the Army officials. He stated that Norfolk, Richmond, Fort Monroe, and Newport News, the chief places within the waters, are all amply fortified. This island is probably a desirable acquisition to the existing defenses if it could be erected at a cost that was not prohibitive; but the committee believes that with only about two-thirds, speaking roughly, of the plans of the Endicott Board carried out, with these plans having been in existence for twenty years before a suggestion is made that this island is imperatively necessary for the defense of the waters of the Chesapeake, with so much still remaining to be done in order to complete the system of defense laid down by the Endicott Board not repudiated by the Taft Board, that it was not desirable at this time to stop the completion of the work outlined by the Endicott Board and indorsed by the Taft Board in order to initiate this new project. The President, in his message transmitting the report of the Taft Board to Congress, called attention to the fact that up until about the civil war this country had a system of coast defenses that made our principal ports and the seacoasts impregnable; that by the introduction and invention of rifled cannon about that time these defenses became obsolete, yet no attempt was made by Congress for twenty years even to obtain a plan to fortify in proper manner the coasts. A plan was then adopted. Congress has been appropriating for twenty years since then to obtain a perfect system of coast defenses, so far as they can be perfect. The members of the committee believed that it would be the part of wisdom to complete the defenses that all parties have agreed are imperative, particularly since it is admitted that the places within which this outer line of defense would be erected are amply fortified. I wished simply to have these facts go in the RECORD with the statement of the gentleman from Ohio, so that when the members of the committee take the matter up and investigate its merits they might have the reasons which actuated the committee in refusing at this time to initiate this project.

Mr. HILL of Connecticut. I would like to ask the gentleman a question. I see on page 3, beginning with "armament of fortification" and running over to line 13, page 5, appropriations for certain purposes amounting to nearly \$2,000,000. Under the title of "Armament of fortification," on reading that I find it is entirely possible to utilize these appropriations, without procuring any armament at all, in the erection of factories and the purchase of material by the Government to manufacture all of these things instead of buying them from regularly operating manufacturers of arms and ammunition in the United States. I would like to ask if it is the part of the seacoast defense of the United States to go into the manufacturing business and manufacture guns and ammunitions by the United States itself and provide for this in the fortification bill?

Mr. FITZGERALD. Well, that has been the practice since the gentleman has been a Member of the House. Some of these guns are manufactured at arsenals, and some, I understand, are obtained by contract

are obtained by contract.

Mr. HILL of Connecticut. We now have a factory under the control of the Navy Department to manufacture guns there. Is it the purpose to duplicate the various manufacturing industries under direct control of the United States under the War Department also and enter upon the construction of these guns?

Mr. FITZGERALD. Oh, no; it is not the purpose to initiate anything new in this regard.

Mr. HILL of Connecticut. I want to inquire whether the language of this bill does not authorize precisely that, the purchase of machinery for the manufacture of these guns and various forms of ammunition?

Mr. FITZGERALD. It provides for the purchase, manufacture, and test of machine and automatic guns, not machines.

The machine is an adjective referring to guns.

Mr. HILL of Connecticut. "And the machinery necessary to their manufacture at the arsenals," which follows in almost every section.

Mr. FITZGERALD. That is true. That language has been carried in this bill ever since the gentleman from Connecticut has been a Member of the House, and it has been employed in part for this purpose.

Mr. HILL of Connecticut. Is it the purpose in this bill to increase the facilities of the United States for the manufacture of these articles?

Mr. FITZGERALD. Not at all. The object is to enable the head of the Bureau of Ordnance to replace some machinery of a not very extensive character which is required at the arsenals where these guns are manufactured. Part of these guns are purchased, part of them are manufactured by the Government, and I understand the policy of the Department to be so to distribute the work as to keep both the private establishments and the Government establishments in as nearly a complete condition of operation as possible. There is no contemplated departure from the policy which has always existed.

Mr. HILL of Connecticut. My reason for making the inquiry, I will state, Mr. Chairman, is that I think the policy of most of the governments, of Europe at least, is to encourage the development of private manufactories in such a way as to have their use in times of war, and not to be solely dependent upon the facilities of the government itself. And it seems to me, not only in this case, but in many other cases, in the appropriation bills that come before us, the tendency is to a concentration of all this work, even to making the clothes of the soldiers, making the guns for the Navy, and the whole business in the hands of the various Departments of the Government, with the result that if it is continued it certainly can not be very long before the Government will be dependent solely upon itself and will have no alternate reliance upon any private manufacturer after a while.

Mr. FITZGERALD. The policy of this Government has been, I imagine, the same as the policy of other governments. From some investigation. I have made I find it has been necessary for Congress to some extent to develop the resources of the Government to supply munitions of war. I believe we have relied a little too much in this country upon the private manufacturers, and we have paid the price for so doing. I am one of those who believe that the Government itself should have the resources and facilities for furnishing war materials without depending entirely upon private manufacturers. I believe with the gentleman from Connecticut [Mr. HILL] that to a reasonable degree the Government should encourage private enterprise; but last year Congress was compelled to protect the Government and to authorize the commencement of a powder factory, because the members were convinced that a so-called powder trust was taking advantage of the inability of the Government to supply its own needs in its own factories. Whenever the manufacturer of these guns is in the same condition I shall favor the Government enlarging as rapidly as possible its own facilities, in order to protect itself from the rapaciousness of the private contractors.

Mr. HILL of Connecticut. And yet the gentleman understands, of course, that the pursuance of the opposite policy is what has built up the great works of the Krupps in Germany and the Maxim-Vickers works in England, and those Governments place large reliance upon the efforts of manufacturing institutions outside of their navy-yards and arsenals.

Mr. FITZGERALD. In this country the Government is entirely dependent upon the armor-plate concerns, and the proof has been quite conclusive, to my mind, that very frequently this Government has been coerced into paying twice as much as armor was worth.

Mr. GAINES of Tennessee. During the Spanish war they "held up" the Government of the United States in the matter of armor plate for our naked men-of-war. Mr. Chairman, before the gentleman from New York [Mr. FITZGERALD] yields the floor I wish he would tell us something about the powder mo-nopoly or powder trust. I happen to have been told something about that privately, but I can not give my information to the public, although I wish I could.

Mr. FITZGERALD. I am not familiar with the question of the validity of the powder trust's patents. All I am able to say is to repeat what I have already said, that Congress last year in this bill appropriated \$165,000 for the purpose of starting a powder factory for supplying the needs of the Army. There are a great many questions connected with the so-called powder trust's patents with which I am not very familiar, and I am unable to give the desired information.

Mr. GAINES of Tennessee. We started the powder factory

several years ago and enlarged it.

Mr. FITZGERALD. That is a different powder factory.

Mr. GAINES of Tennessee. That was smokeless powder.

Now, is the Government embarrassed in making this powder in this powder factory because some monopoly has gotten hold

of all the patents?

Mr. FITZGERALD. I do not know that. The committee was under the belief that perhaps the Government could manufacture more cheaply than it could purchase. there was a desire to have larger facilities in this country for manufacturing powder for the use of the Army, and a start has been made by the appropriation of the money required.

Mr. GAINES of Tennessee. How much does this bill carry

for that purpose?

Mr. FITZGERALD. It carries nothing for that purpose, because the money already appropriated has not yet been utilized. I yield five minutes to the gentleman from Virginia [Mr. Max-NARD].

Mr. MAYNARD. Mr. Chairman, as the gentleman from New York has just said, two fortification boards have reported the necessity of fortifications at the Virginia capes—the Endicott

Board and the Taft Board.

Mr. SMITH of Iowa. Will the gentleman call my attention to that portion of the Endicott report, which I hold in my hand, which ever recommended any fortifications of this type at all there?

Mr. MAYNARD. I did not say that the Endicott Board had recommended fortifications of this type. I stated that the Endicott Board recommended fortifications on or near the Virginia

capes to properly protect the Chesapeake Bay. Mr. SMITH of Iowa. I would like to ask the gentlemannot at once, because that might embarrass him-but I would like him at some convenient time to indicate what page of the

Endicott report contains such a recommendation.

Mr. MAYNARD. The gentleman from New York [Mr. Fitzgerald] who has just taken his seat made the statement that the Endicott Board had made that recommendation, and as the gentleman is a member of the subcommittee that prepared this bill. I took it that the gentleman from New York was posted as to what the fortification board had reported and recommended to the Appropriation Committee.

Mr. FITZGERALD. I will repeat to the gentleman that the Endicott Board recommended the establishment of floating batteries and the use of eighteen torpedo boats off the cape for the purpose of defending the coast, but it did not recommend the creation of this artificial island.

Mr. KEIFER. But it did recommend the importance of forti-

fications there.

Mr. FITZGERALD. Yes; and we have fortified the Chesapeake very thoroughly.

Mr. KEIFER. Not there.

Mr. MAYNARD. The gentleman from Iowa having been answered by the gentleman from New York, I say again that the Endicott Board had suggested what they thought was needed for the protection of Chesapeake Bay and fortifications at or near the Virginia capes. A year and a half ago the maneuvers between the Army and the Navy established the fact beyond controversy that in certain kinds of weather it was impossible for the men on the fortifications at Fortress Monroe to discover an approaching hostile fleet which sought to go up the Chesapeake and thus reach Baltimore and Washington. Now, following the realization of this fact, brought out by the maneuvers at that time, the Taft Board, after looking into this matter, has reported that it was of the first importance that the country should have fortifications at Cape Charles and Cape Henry, at the entrance of the Chesapeake, and they report in favor of an island about 50 acres in extent to be built upon the middle ground between the two channels at the entrance of Chesapeake Bay through the capes. If the island should cost \$2,600,000, as claimed by the gentleman from Ohio [Mr. Keifer], or \$6,000,000, as admitted by the gentleman from Iowa [Mr. SMITH], it is a small matter when you compare that with the commercial importance of Norfolk, Portsmouth, Richmond, Washington, and Baltimore, for if a hostile fleet could sail up through the capes they could destroy these cities or they could levy a tribute on them, and not only that, but in many, many places where the

water is of sufficient depth they could land their troops, from which an attack could be delivered on Philadelphia and New York from a landing secured on the Chesapeake.

Before the civil war this Government began in Hampton Roads to fortify an island known as "Fort Wool," or the "Ripraps." They are now spending money to complete fortifications there. If they should build this island at the capes, on the middle ground between the two channels, there would be no further use of continuing this work at Fort Wool, which could only protect Norfolk, Portsmouth, and Richmond, and there is no protection against a fleet coming through the capes reaching Baltimore, Washington, and Annapolis.

But if the argument of the gentleman from New York is true, or the statement is true, that the committee did not have before it at the time it considered this matter sufficient information as to the true cost of the island, then they should have inserted in the bill which they have presented to this committee for its consideration a provision covering the necessary expenses of getting the information, authorizing the War Department to the necessary information, and providing a sufficient sum to get the information, so that at the next session of Congress or at some future session we could act intelligently with sufficient information.

I propose, when the bill comes up under the five-minute rule, to offer this amendment:

To make the necessary surveys, borings, and other investigations necessary for the preparation of an accurate detailed estimate of what it would cost to construct the proposed artificial island for fortification between Capes Charles and Henry, Chesapeake Bay, and to ascertain whether the title to the site of said proposed artificial island can be obtained without expense to the United States, \$3,000.

Mr. Chairman, this is a small amount. I think this country can well afford to spend \$3,000 in making a survey to determine whether it is practicable and proper and what the actual cost would be of a fortification which has been recommended by two

commissions appointed by action of Congress

Mr. Chairman, beginning with April 26 of this year we propose to hold upon the waters of Hampton Roads the greatest naval review ever seen in the world. There we shall see representatives of all the navies of the world. We invite them to come and participate with us in a great peace congress; but while participating in this great peace congress, we shall lay bare to them our unpreparedness to defend the entrance to the Chesapeake capes. I say it is time now for us to act in this matter. Although we only appropriate \$3,000 for the preliminary survey to ascertain what the foundation should be, how deep we will have to go, and to fix the cost of the whole project, now is the time to let it be known that while we are unprepared, yet that we are putting ourselves in a position to construct such a fortification and such a defense that all the navies of the world could nothing do to make entrance into Chesapeake Bay. [Applause.]

This is a more serious matter than the gentlemen who op-

pose the fortification of the Chesapeake Bay would make you believe. We have several of the best cities of this great country lying at the mercy of any hostile fleet that should invade our waters. We are at peace with all the world, and God grant that we may remain so. We know not the day and we know not the hour when this peace may be broken; and when it is broken we want to be in such a state of preparedness that no hostile force can assail our shores with any hope of

I shall, as I said before, offer this amendment under the fiveminute rule, and I hope it will be the pleasure of the House >

to adopt the amendment. [Applause.]
Mr. HEPBURN. Will the gentleman from Iowa yield to me for a moment?

Mr. SMITH of Iowa. How much time does the gentleman want?

Mr. HEPBURN. I wish to ask a question. I call the gentleman's attention to the paragraph that begins, on line 4, "For the purchase, manufacture, and test of ammuni-Does that word "ammunition" cover smokeless powder?

Mr. SMITH of Iowa. It does.

Mr. HEPBURN. Then I would ask the gentleman if it is in the contemplation of the Department to establish a factory for smokeless powder? And in that connection, I want to call the gentleman's attention to a document that was probably laid upon his desk-it was upon mine-treating of the subject of smokeless powder, and of the extravagant expenditures that the Government have been compelled to make because of certain combinations of the manufacturers of smokeless powder. In that document it was stated that the Government had sent two of its officers to one of the arsenals, or to some Government work, for the purpose of studying the manufacture of smokeless powder; that they, in the time that belonged to the

Government, with the means that the Government furnished, with the aid of other employees of the Government, with its machinery and its material for experiment, discovered certain methods for the manufacture of smokeless powder; that they afterwards secured patents for their discoveries, discoveries made by them while in the employ of the Government, mind you, aided by Government facilities; that they sold these patents to certain people now engaged in the manufacture of smokeless powder, who have entered into this combination and are compelling the Government, through the use of these patents, to pay something more than a hundred per cent above what is stated in this paper to be a fair compensation. I should like to ask the gentleman if the committee have considered that subject, if they have formed opinions with regard to the validity of those patents, and the right of anybody to exclude the Government from the use of its discoveries, made through its agencies; and if these men, now engaged in this combination, are thus using these patents that I should think might, in morals, at least, be said to belong to the Government of the United States.

Mr. SMITH of Iowa. Mr. Chairman, it has been my purpose to reply briefly to the gentleman from Ohio and the gentleman from Virginia. I had thought that I would defer that reply until to-morrow morning, but since the gentleman from Connecticut [Mr. Hill] is complaining because the Government is doing its own manufacturing and not letting its work by contract and the gentleman from Iowa [Mr. HEPBURN] is complaining because the Government is letting it by contract and not doing it itself, I shall attempt briefly to reply to both gen-

tlemen upon that one topic to-night.

Mr. HEPBURN. Mr. Chairman, if the gentleman from Iowa will permit me, I have not uttered any complaint. I have contented myself with trying to draw from that fountain of wisdom that I know the gentleman can open to us if he will upon this subject as to what the rights of the Government are in connection with these patents, and whether or not it has been wronged by improper and perhaps criminal methods.

Mr. HILL of Connecticut. Mr. Chairman, just a moment. The gentleman says that I made a complaint; I have made no

complaint.

Mr. SMITH of Iowa. Mr. Chairman, I have not that complete mastery of the English tougue possessed by my colleague from Iowa and the gentleman from Connecticut, and I therefore may have misrepresented my colleague from Iowa in saying that he complained, and I might have misrepresented my distinguished friend from Connecticut-

Mr. HILL of Connecticut. The gentleman is absolutely right;

[Laughter.]

Mr. SMITH of Iowa. I therefore will not indulge in any controversy as to the meaning of terms, but will proceed to reply the best I can to the suggestion made by the two distinguished

As I understand the facts, Mr. Chairman, it is the practice of the officers of the United States Army and Navy to bestow their minds to the study of problems of their profession, and when something is discovered of value in those lines to patent that invention and immediately to convey to the United States the right to produce that article in unlimited quantity without the payment of any royalty whatever, it being assumed that as between an officer of the Army or Navy and the United States Government no royalty ought to be charged. But as between these officers of the Army and Navy and the ordinary producer for general consumption among the public of any article a roy-alty ought to be paid to the genius of that Army or Navy officer, the same as to any other citizen of the United States.

And so patents upon smokeless powder were granted to these officers of the United States and the right to produce in unlimited quantities vested in the Government of the United States without the payment of any royalty whatever. If some American powder manufacturer wants to manufacture this smokeless powder for sale to any power on earth outside of the United States Government, I for one am willing that that power shall pay a royalty for the genius of that American officer in

inventing the device or the powder.

Mr. HEPBURN. Will the gentleman permit me?

Mr. SMITH of Iowa. If the gentleman will allow me to proceed I think I will make it clear.

Mr. HEPBURN. It is clear enough so far as the gentleman

Mr. SMITH of Iowa. I am trying to get the whole situation before the House. In this identical case this is just what was

If I may be pardoned, I would like to ask the gentleman if this was granted to the United States for the Army and Navy or only for the Navy?

Mr. SMITH of Iowa. I am not positive.

Mr. HULL. I think it was only for the Navy and not for the Army.

Mr. SMITH of Iowa. At the last session of this Congress, for the purpose of testing the charges of Mr. Waddell, to whom the gentleman from Iowa refers, this very bill carried an appropriation to build an experimental powder plant to enable the United States Government to find out what it costs to produce the powder and whether it is being looted by the Du Ponts or That appropriation was for every dollar, that the Chief of Ordnance estimated was necessary to build that powder plant. We have given every dollar that anybody claims is necessary to establish such a plant as will ascertain the very truth as to whether the Du Ponts are obtaining extortionate prices from the Government or not. If when this powder plant is completed for which we appropriated last year the price is extortionate-if the price that is being charged by the Du Ponts is extortionate-I am in favor of building more powder plants until we are enabled to protect ourselves against the Du Pont Powder Company. But if from this experimental plant it is demonstrated that Mr. Waddell is mistaken and that we are paying a fair price to the Du Ponts, then no necessity for it -no necessity for a vast Government expenditure in order to build powder plants. So much for that question.

Mr. SLAYDEN. Will the gentleman permit a question?

Mr. SMITH of Iowa. Certainly.

Mr. SLAYDEN. I want to ask the gentleman if he does not

realize that the comparatively small sum of money provided for what he himself calls an experimental powder plant will not

be a fair test of the cost of production?

Mr. SMITH of Iowa. I can not so conceive for a moment, because powder plants are constructed in comparatively small units anyway. No wise powder manufacturer would want to so concentrate his manufactory that the explosion of any part of it would destroy all of his investments, and so they are operated, unlike other enterprises, in small units, and this is a complete unit that we have provided for.

Mr. SLAYDEN. I will say to the gentleman that the testimony taken before our committee went to show that a larger sum of money would be required in order to make a really

fair test and to make powder economically.

Mr. SMITH of Iowa. The Chief of Ordnance, who is the most capable man in the United States, in my judgment, upon this subject, got exactly what he asked for for this purpose. There was no shaving, no attempt to quarrel with him about the amount, but we gave him just what he said was enough to make a fair experiment upon this question.

Mr. FITZGERALD. As a matter of fact, we increased it

upon his suggestion that he had made an error and that he had

not asked for enough.

Mr. SMITH of Iowa. Yes; after it had been put in he made that suggestion, that he had discovered the necessity for an increase, and we gave him that without any question.

Mr. CLARK of Missouri. Will the gentleman yield for a

question?

Mr. SMITH of Iowa, Yes. Mr. CLARK of Missouri. Does the gentleman not think it. would be better for the United States to build its own powder factories and make its own powder than to be paying a bonus of 25 per cent more than the powder costs to the American powder

Mr. SMITH of Iowa. Oh, Mr. Chairman, if I would concede all the premises of the gentleman from Missouri, yes; but I have no information that is reliable, and will have none until this Federal powder plant is put in operation, as to what the amount

is that the powder company is charging as a profit.

Mr. CLARK of Missouri. I will ask the gentleman if General Crozier did not state in an interview that they were now paying 25 per cent more for powder than the powder was worth. in order to encourage these private powder companies to keep on

making powder?

Mr. HULL. Mr. Chairman, if the gentleman from Iowa will permit, I will state that was for metallic ammunition. stated that in the hearings before the Committee on Military Affairs, that the purchase price for metallic ammunition was 25 per cent more than it would cost the Government to manufacture, and we struck out the purchase and compelled the Govern-That did not refer to powder. I think ment to manufacture. the gentleman is confusing the two.

Mr. CLARK of Missouri. There is a great deal of powder in

metallic ammunition.

Mr. HULL. Yes; but we buy the powder and put it in the metallic ammunition, the same as other manufacturers of metallic ammunition.

Mr. CLARK of Missouri. Since the gentleman is on his feet, will ask him a question. Does the gentleman not think the United States Government ought to make its own ammunition, whether metallic or otherwise, if it can do it cheaper's

Mr. HULL. If it can do it more cheaply and fully supply

the Government; yes.
Mr. CLARK of Missouri. Didn't General Crozier say it costs 25 per cent more?

Mr. HULL. And therefore we have stricken out the power to purchase, and now do no purchasing, but confine ourselves entirely to manufacture.

Mr. GAINES of Tennessee. Will the gentleman from Iowa, the chairman of the Committee on Military Affairs [Mr. Hull], yield to a question before he sits down?

Mr. HULL. I have no time. Mr. GAINES of Tennessee. Then I will ask his colleague to yield to him.

Mr. SMITH of Iowa. I yield.

Mr. GAINES of Tennessee. I understand the gentleman represents the district in which is situated the Rock Island Arsenal, where the Government makes a great many supplies for the Army. Will the gentleman tell the committee whether those products are made there or are they bought on the outside?

Mr. HULL. I do not represent that district. The Government buys nothing on the outside. We manufacture all our cavalry supplies, and artillery supplies, harness and saddles, and all the supplies of the Army which can be made at the arsenals; we manufacture all the canteens for the Army uses. We do not run in oppositon to private manufacturers, in buying part and manufacturing part, but we manufacture all that the We make all our saddles and bridles. Government uses.

Mr. GAINES of Tennessee. How does the gentleman say that that does not come in competition with outside manufacturers? Mr. HULL. I say it does not come in competition in a

way to compare cost.

Mr. GAINES of Tennessee. Why does the Government make even that amount of war supplies there? Why does not the Government buy it all on the outside?

Because it makes there different things from what people on the outside use at all. We make there a line of goods that are not used by the general public at all, and we make something that suits the Army exactly, and make it cheaper than we can buy it.

Mr. GAINES of Tennessee. Ah!

Mr. SMITH of Iowa. Now, Mr. Chairman, I have here in my hand certified copies of two of these patents granted to naval officers, as I understand it, granting to the United States Navy Department the privilege of manufacturing at the United States naval powder works at Indian Head, and at any other places that may hereafter be built by the Navy Department of the United States, an invention described as an improvement in "colluloid explosive, and making same;" the other being identical excepting it uses the term "making smokeless pow-It is called to my attention that these only grant the right to the Navy Department to manufacture these, and upon reflection, I am inclined to think that it has been the practice of the officers to thus limit the free use to their respective Department. Now, I want to say just a word in reply to the suggestion of my friend from Connecticut, and then I will ask the committee to rise. The gentleman from Connecticut suggests perhaps we are going too largely into the manufacturing business. These appropriations under the head of "Armament of fortifications" do authorize manufacture as well as purchase. The balance to the credit of the appropriation for the purchase, manufacture, and test of machine and automatic guns, including their carriages, etc., in December last was \$257,000. of which \$205,000 had been let to contracts. Six thousand five hundred and thirty-one dollars was assigned to the arsenals, and the entire record shows most of this work is in fact let by contract.

Mr. HILL of Connecticut. Let me interrupt the gentleman. Does not the gentleman think, as chairman of this committee in the preparation of this bill, that the Members of this House and the Senate in voting upon an appropriation bill of this kind ought to have the right to know how much of this is to be appropriated for supplies for the Army and how much is to be appropriated for manufacturing purposes? In other should the entire lump sum be placed in the hands of the Department to expend as they see fit, buy no guns, no ammunition, and expend it all, if they choose, for manufacturing purposes?

Mr. SMITH of Iowa. I dislike to question the right of this

House to know anything that it can learn, but if the gentleman means that it would be proper for this House to insist upon knowing in advance how much was to be let to contract and how much to the manufacture in the arsenals, and how much is

to be spent for machinery if they decide to manufacture at the arsenals, I say I would not think it desirable for the House to have that information, because the very object of giving this in the alternative is that the Department may determine which may be the more economical system to obtain these goods for the Government's use, and until after the money is appropriated and bids are made it is practically impossible for the Department to know which of these is more economical to the Government, and to say in advance you will determine how much shall be let to contract and how much shall be done at Government arsenals would certainly be an error. I know what the gentleman is about to say, but it is only after the Department determines how much is to be spent at arsenals that it can be determined how much will be necessary to expend for machinery at arsenals.

Mr. HILL of Connecticut. Let me ask another question. Under these seven or eight items, involving nearly \$2,000,000, it is not necessary that the Department should buy one single dollar's worth of ammunition or guns?

Mr. SMITH of Iowa. Not a dollar's worth under the law. Mr. HILL of Connecticut. They could expend every dollar of it for manufacturing purposes if they saw fit and have no ammunition and no guns.

Mr. SMITH of Iowa. Oh, no.

Mr. HILL of Connecticut. Under the terms of the law?

Mr. SMITH of Iowa. No.

Mr. HILL of Connecticut. But the gentleman said it was not necessary to buy any under the terms of the law.

Mr. SMITH of Iowa. But the primary purpose and object of this appropriation is to obtain these things for the armament of fortifications.

Mr. HILL of Connecticut. But that primary purpose is not served in the language of this bill.

Mr. SMITH of Iowa. Oh, yes.

Mr. HILL of Connecticut. Because they can spend every dollar of this \$2,000,000 for preparing for the manufacture of the article needed.

Mr. SMITH of Iowa. No; they are only entitled to spend money for the machinery in the manufacture of the articles that are produced in these items, and can not spend any money for machinery if they do not manufacture.

Now, Mr. Chairman, I move that the committee do now rise. The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Mann, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 23821-the fortifications appropriation bill-and had come to no resolution thereon.

# COMMITTEE RESIGNATION.

The SPEAKER laid before the House the following telegraphic communication:

MALONE, N. Y., January 14, 1907,

WM. H. FLACK

. J. G. CANNON, Speaker, Washington, D. C.:

I resign my position as member of the Committee on Merchant Marine and Fisheries.

The SPEAKER. Without objection, the resignation will be considered as accepted.

There was no objection.

# COMMITTEE APPOINTMENT.

The Chair announced the appointment of Representative Littauer, of New York, as a member of the Committee on Merchant Marine and Fisheries, vice Representative Flack, of New York, resigned.

# FOUNTAIN AT PADUCAH, KY.

Mr. JAMES. Mr. Speaker, I ask unanimous consent that the Committee on Public Buildings and Grounds be discharged from further consideration of the bill (H. R. 24047) to authorize Chapter No. 376 of the Daughters of the American Revolution to erect a fountain on the property of the United States at Paducah, Ky., and that the bill be considered at the present time.

The SPEAKER. Is there objection?

There was no objection.
The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That Chapter No. 376 of the Daughters of the American Revolution be, and they are hereby, authorized to erect on the property of the United States at Fifth and Broadway streets, in the city of Paducah, Ky., a drinking fountain for persons.

SEC. 2. That the plan of such fountain shall be submitted to and approved by the Supervising Architect of the United States, and the place where said drinking fountain is to be erected shall be fixed by the Supervising Architect, and the work of erecting same shall be under his direction or supervision.

SEC. 3. That the fountain herein authorized to be erected shall at

all times be subject to removal upon the order of the United States, and before erecting the same the said Chapter No. 376 of the Daughters of the American Revolution, shall execute bond in the penal sum of \$1,000, conditioned to pay to the Government of the United States any damage it may sustain by reason of the erection of said fountain, or the bursting of any water pipe, or any damage or injury to the property of the Government.

The SPEAKED Listberg chication?

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of the bill whether the United States Government would have to pay for the water used in the fountain?

Mr. JAMES. Certainly not. The Government is to be at

absolutely no expense whatever.

Mr. MANN. Of course there is nothing in the bill on that point to indicate whether the city of Paducah donates the water or whether the Government would be charged for it. I am perfectly willing to take the gentleman's word for it.

Mr. JAMES. There is no provision in the bill that would in any way bring cost upon the Government, and under the terms of the bond given by the Daughters of the American Revolution there would be no damage done to the United States in any way.

Mr. PAYNE. What is this reservation used for?

Mr. JAMES. It is the lot upon which the custom-house is situated. There is no drinking fountain there at all. This is to be erected in honor of the soldiers of the American Revolu-tion by the Daughters of the American Revolution.

Mr. MANN. What use do they have for a drinking fountain

[Laughter.] in Kentucky?

Mr. JAMES. This is for women only, I think. [Laughter.] Mr. PAYNE. I notice the bill did not say whether it was to use water or not. The gentleman from Illinois [Mr. MANN] assumes that they are going to use water, but the bill does not specify. [Laughter.] Mr. JAMES. It is pure water.

Mr. KEIFER. I would like to ask a question. It is the custom when we have public buildings erected in the country to have an open driveway of 50 feet all around the building when it is not adjacent to the street. Now, is there room for the fountain on the reservation and for this open way?

Mr. JAMES. There is no room for a driveway around this public building at all. There is a driveway where the mail

of the United States is put into the post-office.

Mr. KEIFER. There is no complete driveway around that building now?

Mr. JAMES. There is no room for any driveway around the

building at all.

I suggest to the gentleman from Ohio [Mr. Mr. PAYNE. Keifer] that the open space about a Government building is provided for fire purposes, and of course this fountain would

not interfere with the fire purposes.

Mr. KEIFER. The custom has been to have a place around these post-offices both for fire protection and a driveway.

Mr. PAYNE. No; for fire protection. I think that is the language of the statute in each case.

The SPEAKER. Is there objection?

There was no objection. The question was taken.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. James, a motion to reconsider the vote by which the bill was passed was laid upon the table.

MEMORIAL ADDRESSES ON THE HON. ROBERT R. HITT.

Mr. LOWDEN. Mr. Speaker, I ask unanimous consent for the present consideration of the following order.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the following

The Clerk read as follows:

That there be a session of the House on Sunday, February 17, 1907, at 12 o'clock m., which shall be set apart for memorial addresses on the life, character, and public services of Hon. ROBERT R. HITT, late a Representative from the Thirteenth Congressional district of Illinois.

The SPEAKER. Without objection, the order will be agreed to.

There was no objection.

Mr. SMITH of Iowa. I move that the House do now adjourn, Mr. Speaker.

The motion was agreed to; and accordingly (at 4 o'clock and 56 minutes p. m.) the House adjourned.

# EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, trans-

mitting a copy of the findings filed by the court in the case of A. Galyon, administrator of estate of Robert F. Galyon, against The United States-to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William R. Testerman against The United States—to the Com-

mittee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Michael Culler against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Sarah Ellen Cady against The United States—to the Committee

on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Murray Addison, administrator of estate of Anthony Addison, against The United States-to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Caledonia S. Ayers against The United States-to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Samuel Cones against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Attorney-General, submitting report of amount and rate of postage of mail matter mailed by the Department of Justice under the penalty provision from July 1 to December 31, 1906-to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, submitting a report of mail matter entered at the Washington postoffice by the Department under the penalty provision from July 1 to December 31, 1906—to the Committee on the Post-Office

and Post-Roads, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of State submitting an estimate of appropriation for representation of the American National Red Cross Society at London in June, 1907to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the decision filed by the court in the case of Elizabeth Cessna and others against The United States-to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Interior, submitting draft of legislation permitting the issue of a patent in fee simple to Fred Endsworth, Peoria allottee-to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of a letter from the Commissioner of Indian Affairs submitting recommendations as to the cutting of certain timber on the Menominee Indian Reservation, Wis .- to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of supplemental appropriation for the Military Academyto the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting report of the Alaskan Road Commission on a reconnoissance and preliminary survey of land route from navigable waters of Tanana River to vicinity of Council City, in the Seward Peninsula, Alaska-to the Committee on the Territories, and ordered to be printed, with illustrations.

A letter from the Secretary of War, transmitting a report of the commission on the proposed construction of a waterway between the Chesapeake and Delaware bays-to the Committee on Railways and Canals, and ordered to be printed, with illustra-

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Indian River, Delaware—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Withlacooche River, Florida-to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

A letter from the vice-president of the Chesapeake and Potomac Telephone Company, submitting the report of the company for the year 1906—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a letter from the Commissioner of Indian Affairs, a draft of legislation giving authority for the issue of patents in fee simple to Quapaw allottees generally-to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, submitting a Beaver, Peoria allottee—to the Committee on Indian Affairs, and ordered to be printed. recommendation that a patent in fee simple be issued to Frank

A letter from the Secretary of the Interior, transmitting, with accompanying documents, a draft of proposed legislation to enable an investigation to be made to ascertain the lawful claims against certain tribes in Indian Territory-to the Committee on Indian Affairs, and ordered to be printed.

# REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein

Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 21194) to authorize J. F. Andrews, J. W. Jourdan, their heirs, representatives, associates, and assigns, to construct dams and power stations on Bear River, on the south-east quarter of section 31, township 5, range 11, in Tishomingo County, Miss., reported the same with amendment, accompanied by a report (No. 6378); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 21402) permitting the building of a dam across the Savannah River at Gregg Shoals, reported the same with amendment, accompanied by a report (No. 6379); which said bill and

report were referred to the House Calendar.

Mr. BURKE of South Dakota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 21677) to amend an act granting to the Davenport Water Power Company rights to construct and maintain a canal, power station, and appurtenant works in the Mississippi River in Scott County, Iowa, reported the same without amendment, accompanied by a report (No. 6380); which said bill and report were referred to the House Calendar.

Mr. RYAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 22135) authorizing the construction of a bridge across the Ashley River, in the counties of Charleston and Colleton, S. C., reported the same with amendment, accompanied by a report (No. 6381); which said bill and report were referred to the House

Calendar

Mr. HOGG, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 23650) to quiet title to lands on Jicarilla Reservation, and to authorize the Secretary of the Interior to cause allotments to be made, and to dispose of the merchantable timber, and for other purposes, reported the same with amendment, accompanied by a report (No. 6382); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 23718) to authorize the Chicago, Lake Shore and South Bend Railway Company to construct a bridge across the Calumet River in the State of Indiana, reported the same without amendment, accompanied by a report (No. 6383); which said bill and

report were referred to the House Calendar.

Mr. GRONNA, from the Committee on the Public Lands, to which was referred the joint resolution of the Senate (S. 81) authorizing temporary leaves of absence for homestead settlers, reported the same with amendment, accompanied by a report (No. 6387); which said bill and report were referred to the House Calendar.

# REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House H. R. 4023, reported in lieu thereof a resolution (H. Res. 744) referring to the Court of Claims the papers in the case of James D. Lane, accompanied by a report

(No. 6216); which said resolution and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on War Claims, to which was referred the bill of the House H. R. 15661, reported in lieu thereof a resolution (H. Res. 745) referring to the Court of Claims the papers, in the case of Elijah Edington, accompanied by a report (No. 6217); which said resolution and report were referred to the Private Calendar.

Mr. PATTERSON of South Carolina, from the Committee on War Claims, to which was referred the bill of the House H. R. 16531, reported in lieu thereof a resolution (H. Res. 746) referring to the Court of Claims the papers in the case of Columbia Baptist Church, of Barnwell County, S. C., accompanied by a report (No. 6218); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 18479, reported in lieu thereof a resolution (H. Res. 747) referring to the Court of Claims the papers in the case of the Oothcaloga Baptist Church, of Adairsville, Bartow County, Ga., accompanied by a report (No. 6219); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 18480, reported in lieu thereof a resolution (H. Res. 748) referring to the Court of Claims the papers in the case of the Baptist Church of Calhoun, Ga., accompanied by a report (No. 6220); which said resolution and report

were referred to the Private Calendar.

Mr. PATTERSON of South Carolina, from the Committee on War Claims, to which was referred the bill of the House H. R. 19140, reported in lieu thereof a resolution (H. Res. 749) referring to the Court of Claims the papers in the case of A. R. Speaks, accompanied by a report (No. 6221); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 19356, reported in lieu thereof a resolution (H. Res. 750) referring to the Court of Claims the papers in the case of Steep Bottom Baptist Church, of Hampton County, S. C., accompanied by a report (No. 6222); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 19423, reported in lieu thereof a resolution (H. Res. 751) referring to the Court of Claims the papers in the case of Bethesda Baptist Church, of Bamberg County, S. C., accompanied by a report (No. 6223); which said resolution and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House H. R. 20197, reported in lieu thereof a resolution (II. Res. 752) referring to the Court of Claims the papers in the case of the estate of Q. K. Underwood, deceased, accompanied by a report (No. 6224); which said resolution and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on War Claims, to which was referred the bill of the House H. R. 22970, reported in lieu thereof a resolution (H. Res. 753) referring to the Court of Claims the papers in the case of D. M. Sprague and William Tilton, accompanied by a report (No. 6225); which said resolu-tion and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23847), reported in lieu thereof a resolution (H. Res. 754) referring to the Court of Claims the papers in the case of William Donnelly and Patrick Egan, accompanied by a report (No. 6226); which said resolution and

report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House (H. R. 18478) for the relief of the trustees of Damascus Baptist Church, of Gordon County, Ga., reported the same with amendment, accompanied by a report (No. 6227); which said bill and report were referred to the

Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20261) granting an increase of pension to Burris Subers, reported the same without amendment, accompanied by a report (No. 6228); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23136) granting an increase of pension to Sylvanus Sloat, reported the same with amendment, accompanied by a report (No. 6229); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23143) granting an increase of pension to John H. Robbins, reported the same without amendment, accompanied by a report (No. 6230);

which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21134) granting an increase of pension to Frederick Kriner, reported the same with amendment, accompanied by a report (No. 6231); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20455) granting an increase of pension to Harvey McCollum, reported the same with amendment, accompanied by a report (No. 6232); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20187) granting an increase of pension to John J. Duff, reported the same with amendment, accompanied by a report (No. 6233); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19650) granting an increase of pension to A. W. Taylor, reported the same with amendment, accompanied by a report (No. 6234); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23299) granting an increase of pension to Henry Goodlander, reported the same with amendment, accompanied by a report (No. 6235); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19537) granting an increase of pension to Edward S. E. Newbury, reported the same with amendment, accompanied by a report (No. 6236); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2049) granting an increase of pension to Henry Arey, reported the same with amendment, accompanied by a report (No. 6237); which said bill and report were referred to the Private Calendar.

Mr. DEÈMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21133) granting an increase of pension to James W. Cosgrove, reported the same with amendment, accompanied by a report (No. 6238); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3002) granting an increase of pension to David C. Johnston, reported the same with amendment, accompanied by a report (No. 6239); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23812) granting an increase of pension to Joseph Dewhurst, reported the same with amendment, accompanied by a report (No. 6240); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23644) granting an increase of pension to Charles J. Schreiner, reported the same with amendment, accompanied by a report (No. 6241); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22440) granting an increase of pension to Daniel Mose, reported the same with amendment, accompanied by a report (No. 6242); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22408) granting an increase of pension to Aaron Preston, reported the same without amendment, accompanied by a report (No. 6243); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22388) granting an increase of pension to Daniel A. Peabody, reported the same with amendment, accompanied by a report (No. 6244); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22322) granting an increase of pension to Maria Cross, reported the same with amendment, accompanied by a report (No. 6245); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22252) granting an increase of pension to William W. Tyson, reported the same with amendment, accompanied by a report (No. 6246); which resid bill and report were referred to the Private Calendar

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21764) granting

an increase of pension to Ment Stannah, reported the same with amendment, accompanied by a report (No. 6247); which said bill and report were referred to the Private Calendar,

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22223) granting an increase of pension to Uriah Kitchen, reported the same with amendment, accompanied by a report (No. 6248); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22020) granting an increase of pension to Samuel Keller, reported the same without amendment, accompanied by a report (No. 6249); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21962) granting an increase of pension to Henry Osterheld, reported the same with amendment, accompanied by a report (No. 6250); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21787) granting a pension to Alexander Porter, reported the same with amendment, accompanied by a report (No. 6251); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21120) granting an increase of pension to John Lynch, reported the same with amendment, accompanied by a report (No. 6252); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21025) granting an increase of pension to Enoch May, reported the same with amendment, accompanied by a report (No. 6253); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20713) granting an increase of pension to Timothy Quinn, reported the same with amendment, accompanied by a report (No. 6254); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17750) granting an increase of pension to John Gustus, reported the same with amendment, accompanied by a report (No. 6255); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16020) granting an increase of pension to Andrew Brink, reported the same with amendment, accompanied by a report (No. 6256); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11754) granting an increase of pension to Charles W. Helvey, reported the same with amendment, accompanied by a report (No. 6257); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9655) granting an increase of pension to William Crooks, reported the same without amendment, accompanied by a report (No. 6258); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6943) granting an increase of pension to Linas Van Steenburg, reported the same with amendment, accompanied by a report (No. 6259); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22017) granting an increase of pension to Adolphus Cooley, reported the same with amendment, accompanied by a report (No. 6260); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 830) granting an increase of pension to Hezekiah Dezarn, reported the same with amendment, accompanied by a report (No. 6261); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23278) granting an increase of pension to James M. Morris, reported the same with amendment, accompanied by a report (No. 6262); which said bill and report were referred to the Private Calendar.

were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23250) granting a pension to Georgie A. Mercer, reported the same with amendment, accompanied by a report (No. 6263); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3720) granting an increase of pension to Joseph McNulty, reported the same with amendment, accompanied by a report (No. 6264); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3977) granting an increase of pension to John Vorous, reported the same with amendment, accompanied by a report (No. 6265); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5854) granting an increase of pension to Jonas Gurnee, reported the same with amendment, accompanied by a report (No. 6266); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6880) granting an increase of pension to Marine D. Tackett, reported the same without amendment, accompanied by a report (No. 6267); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8816) granting a pension to Mary Schoske, reported the same with amendment, accompanied by a report (No. 6268); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7416) granting an increase of pension to Joseph R. Boger, reported the same with amendment, accompanied by a report (No. 6269); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Houst (H. R. 7415) granting an increase of pension to George W. Brawner, reported the same without amendment, accompanied by a report (No. 6270); which said bill and report were referred to the Private Calendar.

were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8164) granting an increase of pension to Jackson Mays, reported the same with amendment, accompanied by a report (No. 6271); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8586) granting an increase of pension to Milton J. Timmons, reported the same with amendment, accompanied by a report (No. 6272); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9073) granting an increase of pension to Melissa McCracken, reported the same with amendment, accompanied by a report (No. 6273); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9450) granting an increase of pension to Alexander Brown, reported the same with amendment, accompanied by a report (No. 6274); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10874) granting an increase of pension to Frederick Pfahl, reported the same with amendment, accompanied by a report (No. 6275); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11523) granting an increase of pension to Robert L. Hamill, reported the same with amendment, accompanied by a report (No. 6276); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11535) granting a pension to Margarette R. Bacon, reported the same with amendment, accompanied by a report (No. 6277); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11693) granting an increase of pension to James H. Davison, reported the same with amendment, accompanied by a report (No. 6278); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11980) granting an increase of pension to William B. Boulton, reported the same with amendment, accompanied by a report (No. 6279); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11994) granting an increase of pension to Martha W. Wright, reported the

same with amendment, accompanied by a report (No. 6280); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6887) granting an increase of pension to James E. Taylor, reported the same with amendment, accompanied by a report (No. 6281); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5856) granting an increase of pension to Martin Offinger, reported the same with amendment, accompanied by a report (No. 6282); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12355) granting a pension to Thomas B. Thompson, reported the same with amendment, accompanied by a report (No. 6283); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12496) granting an increase of pension to Hurlbutt L. Farnsworth, reported the same without amendment, accompanied by a report (No. 6284); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14777) granting a pension to Mary A. Clark, reported the same with amendment, accompanied by a report (No. 6285); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15353) granting an increase of pension to Abby J. Bryant, reported the same with amendment, accompanied by a report (No. 6286); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15903) granting an increase of pension to Henry S. Scudder, reported the same without amendment, accompanied by a report (No. 6287); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13835) granting an increase of pension to William Crane, reported the same without amendment, accompanied by a report (No. 6288); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H, R. 16322) granting an increase of pension to George C. Limpert, reported the same with amendment, accompanied by a report (No. 6289); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16391) granting an increase of pension to William Jackson, reported the same with amendment, accompanied by a report (No. 6290); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16907) granting an increase of pension to Clarke S. Cole, reported the same with amendment, accompanied by a report (No. 6291); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17061) granting an increase of pension to Iva O. Shepardson, reported the same with amendment, accompanied by a report (No. 6292); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17618) granting an increase of pension to Anna F. Burlingame, reported the same with amendment, accompanied by a report (No. 6293); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17831) granting an increase of pension to James Bowman, reported the same with amendment, accompanied by a report (No. 6294); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13681) granting a pension to Amos Vaughan, reported the same with amendment, accompanied by a report (No. 6295); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16046) granting an increase of pension to David Province, reported the same with amendment, accompanied by a report (No. 6296); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17783) granting an increase of pension to James West, reported the same with amendment, accompanied by a report (No. 6297); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18245) granting an increase of pension to Samuel D. McCurdy, reported the same with amendment, accompanied by a report (No. 6298); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20858) granting an increase of pension to William C. Thompson, reported the same with amendment, accompanied by a report (No. 6299); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21039) granting an increase of pension to Nelson J. Weller, reported the same with amendment, accompanied by a report (No. 6300); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18450) granting an increase of pension to Eliza Howell, reported the same with amendment, accompanied by a report (No. 6301); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18602) granting an increase of pension to James E. Netser, reported the same with amendment, accompanied by a report (No. 6302); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20738) granting a pension to Sarah Hawkes, reported the same with amendment, accompanied by a report (No. 6303); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21121) granting an increase of pension to Marcus Wood, reported the same with amendment, accompanied by a report (No. 6304); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21115) granting an increase of pension to Sylvester Bickford, reported the same with amendment, accompanied by a report (No. 6305); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21118) granting an increase of pension to Jacob Hartman, reported the same with amendment, accompanied by a report (No. 6306); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21276) granting an increase of pension to Christian Roessler, reported the same with amendment, accompanied by a report (No. 6307); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21356) granting an increase of pension to Edward C. Miller, reported the same without amendment, accompanied by a report (No. 6308); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21515) granting an increase of pension to Joseph Wheeler, reported the same with amendment, accompanied by a report (No. 6309); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21516) granting an increase of pension to James Murtha, reported the same without amendment, accompanied by a report (No. 6310); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21618) granting an increase of pension to Leonidas W. Rearis, reported the same with amendment, accompanied by a report (No. 6311); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21740) granting an increase of pension to Maria R. Klindt, reported the same with amendment, accompanied by a report (No. 6312); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21563) granting an increase of pension to Merritt M. Smart, reported the same with amendment, accompanied by a report (No. 6313); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21853) granting an increase of pension to William A. Whitaker, reported the same with amendment, accompanied by a report (No. 6314); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21894) granting an increase of pension to Jacob W. Pierce, reported the same with amendment, accompanied by a report (No. 6315); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21923) granting an increase of pension to Sebastian Fuchs, reported the same without amendment, accompanied by a report (No. 6316); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22715) granting an increase of pension to Terrance Doyle, reported the same with amendment, accompanied by a report (No. 6317); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22927) granting an increase of pension to William A. Leach, reported the same without amendment, accompanied by a report (No. 6318); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22978) granting an increase of pension to Thomas Adams, reported the same with amendment, accompanied by a report (No. 6319); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23805) granting an increase of pension to Thomas Hamilton, reported the same without amendment, accompanied by a report (No. 6320); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22153) granting a pension to Antonio Archuleta, reported the same with amendment, accompanied by a report (No. 6321); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6491) granting an increase of pension to Albert Riley, reported the same with amendment, accompanied by a report (No. 6322); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23458) granting an increase of pension to Edgar D. Ellis, reported the same with amendment, accompanied by a report (No. 6323); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23468) granting an increase of pension to Martin Becker, reported the same with amendment, accompanied by a report (No. 6324); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23495) granting an increase of pension to Adam Sliger, reported the same with amendment, accompanied by a report (No. 6325); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23599) granting an increase of pension to Alfred B. Stansil, reported the same with amendment, accompanied by a report (No. 6326); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23683) granting an increase of pension to Thomas Phillips, reported the same without amendment, accompanied by a report (No. 6327); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23684) granting an increase of pension to Harry C. Cadwell, reported the same without amendment, accompanied by a report (No. 6328); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22276) granting an increase of pension to Warren Sherwood, reported the same with amendment, accompanied by a report (No. 6329); which said bill and report were referred to the Private Calendar.

said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23770) granting an increase of pension to Henry D. Combs, reported the same with amendment, accompanied by a report (No. 6330); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23811) granting an increase of pension to Theron Cross, reported the same with amendment, accompanied by a report (No. 6331); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23153) granting an increase of pension to George Quien, reported the same with amendment, accompanied by a report (No. 6332); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3352) granting an increase of pension to George R. Roraback, reported the same with amendment, accompanied by a report (No. 6333); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3204) granting an increase of pension to Charles H. Anthony, reported the same with amendment, accompanied by a report (No. 6334); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2246) granting an increase of pension to Henry Damm, reported the same without amendment, accompanied by a report (No. 6335); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1019) granting an increase of pension to Daniel B. Bayless, reported the same with amendment, accompanied by a report (No. 6336); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 529) granting an increase of pension to Francis L. Arnold, reported the same with amendment, accompanied by a report (No. 6337); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23279) granting an increase of pension to D. H. Moore, reported the same with amendment, accompanied by a report (No. 6338); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23327) granting an increase of pension to Paul Sheets, reported the same without amendment, accompanied by a report (No. 6339); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23371) granting an increase of pension to Clark Crecelius, reported the same without amendment, accompanied by a report (No. 6340); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23423) granting an increase of pension to Eldrige Simpson, reported the same with amendment, accompanied by a report (No. 6341); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19450) granting an increase of pension to Henry C. Eastep, reported the same with amendment, accompanied by a report (No. 6342); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19498) granting an increase of pension to Sarah Neely, reported the same without amendment, accompanied by a report (No. 6343); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19592) granting an increase of pension to W. B. Corley, reported the same with amendment, accompanied by a report (No. 6344); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19613) granting a pension to James A. Pryce, reported the same with amendment, accompanied by a report (No. 6345); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20126) granting an increase of pension to Mary Pint, reported the same with amendment, accompanied by a report (No. 6346); which said bill and report was referred to the Private Colondar.

amendment, accompanied by a report (No. 6346); which said bill and report were referred to the Private Calendar. Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20243) granting an increase of pension to Anton Heinzen, reported the same with amendment, accompanied by a report (No. 6347); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20283) granting an increase of pension to Henry D. Bole, reported the same with amendment, accompanied by a report (No. 6348); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20008) granting a pension to Caroline A. Smith, reported the same with amendment, accompanied by a report (No. 6349); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23121) granting an increase of pension to Frank Vrooman, reported the same with amendment, accompanied by a report (No. 6350); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22007) granting an increase of pension to Sanford D. Payne, reported the same with amendment, accompanied by a report (No. 6351); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22022) granting a pension to Josiah H. Shaver, reported the same with amendment, accompanied by a report (No. 6352); which said bill and report were referred to the Private Calendar.

Mr. DEÉMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22036) granting a pension to Emma A. Hawkes, reported the same with amendment, accompanied by a report (No. 6353); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20125) granting an increase of pension to Mary Kuchler, reported the same with amendment, accompanied by a report (No. 6354); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22068) granting an increase of pension to John P. Macy, reported the same with amendment, accompanied by a report (No. 6355); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22079) granting an increase of pension to James D. Grayson, reported the same with amendment, accompanied by a report (No. 6356); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22222) granting an increase of pension to John W. Booth, reported the same with amendment, accompanied by a report (No. 6357); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22929) granting an increase of pension to John O. McNabb, reported the same with amendment, accompanied by a report (No. 6358); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12154) granting an increase of pension to Henry E. Collins, reported the same with amendment, accompanied by a report (No. 6359); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22746) granting an increase of pension to Felix G. Cobb, reported the same with amendment, accompanied by a report (No. 6360); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22838) granting an increase of pension to W. Ira Templeton, reported the same with amendment, accompanied by a report (No. 6361); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23703) granting an increase of pension to Clarendon Kelly, reported the same with amendment, accompanied by a report (No. 6362); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which had referred the bill of the House (H. R. 20823) granting an increase of pension to William H. Webb, reported the same with amendment, accompanied by a report (No. 6363); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21257) granting an increase of pension to Thomas Morris, reported the same with amendment, accompanied by a report (No. 6364); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21103) granting an increase of pension to Jacob Palmer, reported the same with amendment, accompanied by a report (No. 6365); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21461) granting an increase of pension to Henry Huff, reported the same with amendment, accompanied by a report (No. 6366); which said

bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22550) granting an increase of pension to Jonathan B. Reber, reported the same with amendment, accompanied by a report (No. 6367); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21289) granting an increase of pension to Jesse Lewis, reported the same with amendment, accompanied by a report (No. 6368); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21298) granting an increase of pension to John A. Pence, reported the same with amendment, accompanied by a report (No. 6369); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 21373) granting an increase of pension to Carrie E. Cosgrove, reported the same with amendment, accompanied by a report (No. 6370); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22269) granting an increase of pension to John L. Rosecrans, reported the same with amendment, accompanied by a report (No. 6371); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22359) granting an increase of pension to Louisa L. Wood, reported the same with amendment, ac-companied by a report (No. 6372); which said bill and report

were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22443) granting an increase of pension to Lyman S. Strickland, reported the same with amendment, accompanied by a report (No. 6373); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22462) granting an increase of pension to Aaron Chamberlain, reported the same with amendment, accompanied by a report (No. 6374); which said bill and report were referred to the Private Calendar,

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22620) granting an increase of pension to Charles S. Abbott, reported the same with amendment, accompanied by a report (No. 6375); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22623) granting an increase of pension to George W. Willison, reported the same without amendment, accompanied by a report (No. 6376); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House H. R. 14881, reported in lieu thereof a resolution (H. Res. 757) referring to the Court of Claims the papers in the case of heirs of William Douthit, deceased, accompanied by a report (No. 6388); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 19959, reported in lieu thereof a resolution (H. Res. 758) referring to the Court of Claims the papers in the case of heirs of Charles Ruffner, deceased, accompanied by a report (No. 6389); which said resolution and report were referred to the Private Calendar.

Mr. GARBER, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 1561) authorizing the Secretary of the Navy to grant an honorable discharge to Peter O'Neil, reported the same with amendment, accompanied by a report (No. 6390); which said bill and report were referred to the Private Calendar.

### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorails of the following titles were introduced and severally referred as follows:

Appropriations: A bill (H. R. 24103) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1908, and for other purposes—to the Union Calendar.

By Mr. MURPHY: A bill (H. R. 24104) transferring Phelps

County to the eastern division of the eastern judicial district of

Missouri—to the Committee on the Judiciary

By Mr. NORRIS (by request): A bill (H. R. 24105) to divide Nebraska into two judicial districts and for the establishment of judicial divisions—to the Committee on the Judiciary.

By Mr. ADAMSON: A bill (H. R. 24106) to provide for an an-

nual appropriation for branch agricultural experiment stations, and regulating the expenditures therefor-to the Committee on Agriculture.

By Mr. DAVIS of Minnesota: A bill (H. R. 24107) making a temporary addition to the compensation of the civil employees of the Government—to the Committee on Appropriations.

By Mr. BIRDSALL: A bill (H. R. 24108) to amend an act entitled "An act to regulate commerce," approved February 4, 1887—to the Committee on Interstate and Foreign Commerce.

By Mr. HUGHES: A bill (H. R. 24109) to authorize the Norfolk and Western Railway Company to construct sundry bridges across the Tug Fork of the Big Sandy River—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL of Utah: A bill (H. R. 24110) granting rights of way and easements for the construction, use, maintenance, and operation of roads, highways, canals, ditches, reservoirs, telephone and telegraph lines, and lines for the transmission of electric light and power within and through forest reserves on the public lands of the United States-to the Committee on the Public Lands.

By Mr. PEARRE: A bill (H. R. 24111) to authorize the Norfolk and Western Railway Company to construct a bridge across the Potomac River, at or near Shepherdstown, W. Va.-to the

Committee on Interstate and Foreign Commerce. By Mr. McGUIRE: A bill (H. R. 24112) granting pensions to soldiers, sailors, and marines, etc.—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 24113) restoring to entry certain ceded Indian lands withdrawn under the provisions of the act of June 21, 1906—to the Committee on the Publie Lands.

Also, a bill (H. R. 24114) to authorize the establishment of the town site of White Earth, on the White Earth Reservation, in Minnesota-to the Committee on Indian Affairs.

Also, a bill (H. R. 24115) to amend an act entitled "An act to provide allotments to Indians on White Earth Reservation in Minnesota," approved April 28, 1904—to the Committee on Indian Affairs.

By Mr. BARTHOLDT: A bill (H. R. 24116) to authorize the issuing of bonds for the improvement of the waterways-to the Committee on Ways and Means.

By Mr. BELL of Georgia: A bill (H. R. 24117) to establish an assay office at Dahlonega, Lumpkin County, Ga.—to the Committee on Coinage, Weights, and Measures.

By Mr. BONYNGE: A bill (H. R. 24118) granting to the Central Colorado Power Company a right of way over certain public lands, for irrigation and electric power plants, in the State of -to the Committe on the Public Lands.

By Mr. BENNET of New York: A bill (H. R. 24119) to enable the Government of the United States to acquire certain real estate in the District of Columbia—to the Committee on Public

Buildings and Grounds.

By Mr. STEPHENS of Texas: A bill (H. R. 24120) providing for the adjudication of certain citizenship claims in the Choctaw and Chickasaw nations of the Indian Territory, and for other

purposes—to the Committee on Indian Affairs.

Also, a bill (H. R. 24121) for the relief of certain Indians by blood for enrollment upon the legal rolls of their respective

tribes-to the Committee on Indian Affairs.

By Mr. PERKINS: A bill (H. R. 24122) in reference to the expatriation of citizens and their protection abroad—to the Committee on Foreign Affairs.

By Mr. ESCH: A bill (H. R. 24123) to amend an act requiring common carriers engaged in interstate commerce to make full reports of all accidents to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce. By Mr. DE ARMOND: A bill (H. R. 24124) to make addi-

tional provision for the retirement of judges-to the Committee

on the Judiciary.

By Mr. ALEXANDER: A bill (H. R. 24125) to ratify a certain lease with the Senaca Nation of Indians—to the Committee on Indian Affairs.

By Mr. CRUMPACKER: A bill (H. R. 24126) to amend sec-By Mr. GILLETT of Massachusetts, from the Committee on tion 2 of an act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," approved June 27, 1890—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 24127) providing for the importation in bond of materials for constructing, repairing, and equipping ships, and for other purposes—to the Committee on Ways and Means.

By Mr. MUDD: A bill (H. R. 24128) authorizing the President of the United States to purchase the Chesapeake and Dela-

ware Canal—to the Committee on Railways and Canals. By Mr. VOLSTEAD: A bill (H. R. 24129) to limit the issue and use of stocks, bonds, and certain certificates of indebtedness of corporations engaged as common carriers in interstate commerce, and to prohibit consolidation of such carriers and control of one carrier by another without permission from the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. WEEKS: A bill (H. R. 24130) to increase the efficiency of the personnel of the line of the Navy of the United

States-to the Committee on Naval Affairs.

By Mr. MARSHALL: A bill (H. R. 24131) to amend an act entitled "An act for the withdrawal from bond, tax free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," approved June 7, 1906—to the Committee on Ways and Means. By Mr. SHACKLEFORD: A bill (H. R. 24132) directing the

Secretary of War to put the United States snag boat C. Suter into service and employ her in clearing and keeping clear the channel of the Missouri River between the ports of St. Louis and Kansas City-to the Committee on Rivers and Har-

By Mr. FOSTER of Vermont: A bill (H. R. 24133) authorizing the Secretary of the Navy to determine the destructive effect of explosive gelatin-charged shell against a battle ship—to the Committee on Naval Affairs.

By Mr. BROOKS of Colorado: A bill (H. R. 24134) providing for the granting and patenting to the State of Colorado, free of price, desert lands formerly in the Ute Indian Reservation in Colorado-to the Committee on the Public Lands.

By Mr. DENBY: A bill (H. R. 24135) to amend an act approved June 29, 1906, entitled "An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission"—to the Committee on Interstate and Foreign Commerce.

By Mr. MINOR: A bill (H. R. 24136) to reimburse officers and enlisted men of the United States Revenue-Cutter Service to the Committee on Claims.

By Mr. SIMS, from the Committee on War Claims: A resolution (H. Res. 744) referring to the Court of Claims the bill H. R. 4023-to the Private Calendar.

By Mr. HOLLIDAY, from the Committee on War Claims: resolution (H. Res. 745) referring to the Court of Claims the bill H. R. 15661—to the Private Calendar.

By Mr. PATTERSON of South Carolina, from the Committee on War Claims: A resolution (H. Res. 746) referring to the Court of Claims the bill H. R. 16531—to the Private Calendar. By Mr. LEE, from the Committee on War Claims: A resolu-

tion (H. Res. 747) referring to the Court of Claims the bill H. R. 18479—to the Private Calendar.

Also, a resolution (H. Res. 748) referring to the Court of Claims the bill H. R. 18480—to the Private Calendar.

By Mr. PATTERSON of South Carolina, from the Committee on War Claims: A resolution (H. Res. 749) referring to the Court of Claims the bill H. R. 19140-to the Private Calendar.

Also, a resolution (H. Res. 750) referring to the Court of Claims the bill H. R. 19356-to the Private Calendar.

Also, a resolution (H. Res. 751) referring to the Court of Claims the bill H. R. 19423—to the Private Calendar.

By Mr. SIMS, from the Committee on War Claims: A resolution (H. Res. 752) referring to the Court of Claims the bill H. R. 20197—to the Private Calendar.

By Mr. HOLLIDAY, from the Committee on War Claims: A (H. Res. 753) referring to the Court of Claims the

Also, a resolution (H. Res. 754) referring to the Court of Claims the bill H. R. 23847—to the Private Calendar.

By Mr. HOWELL of New Jersey: A resolution (H. Res. 755) to pay J. M. Thompson and J. J. Constantine an increase of -to the Committee on Accounts.

By Mr. MURPHY: A resolution (H. Res. 756) calling on the Attorney-General for information in relation to the harvester trust-to the Committee on the Judiciary.

By Mr. ACHESON: A joint resolution (H. J. Res. 217) favor-

ing annual appropriations for the improvement of waterways equal to those for the Army or Navy-to the Committee on Rivers and Harbors.

By Mr. MAHON, from the Committee on War Claims: A resolution (H. Res. 757) referring to the Court of Claims the bill H. R. 14881—to the Private Calendar.

Also, a resolution (H. Res. 758) referring to the Court of Claims the bill H. R. 19959—to the Private Calendar.

By Mr. HUFF: A joint resolution (H. J. Res. 218) authorizing the building of dams and locks Nos. 1, 2, and 3, in the Youghiogheny River, Pennsylvania-to the Committee on Rivers and Harbors.

# PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as

By Mr. ACHESON: A bill (H. R. 24137) granting an increase of pension to John Metz-to the Committee on Invalid Pen-

Also, a bill (H. R. 24138) granting an increase of pension to

David Potts—to the Committee on Invalid Pensions.

By Mr. ALEXANDER: A bill (H. R. 24139) for the relief of Peter G. Straub—to the Committee on Claims.

Also, a bill (H. R. 24140) granting a pension to Louise C.,

Edward J., Catherine M., and Mary A. Campbell-to the Committee on Pensions.

By Mr. ANDREWS: A bill (H. R. 24141) granting an increase of pension to Juan Baca y Sais, alias Juan Baca No. 2—

to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 24142) granting a pension to Henry S. Weir-to the Committee on Invalid Pensions.

By Mr. BEIDLER: A bill (H. R. 24143) granting an increase of pension to Asher McSwain-to the Committee on Invalid

By Mr. BONYNGE: A bill (H. R. 24144) granting a pension

to John Washington—to the Committee on Pensions. By Mr. BURGESS: A bill (H. R. 24145) to provide an American register for the bark Baunen-to the Committee on the Merchant Marine and Fisheries.

By Mr. BURLEIGH: A bill (H. R. 24146) for the relief of John H. Butman—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 24147) granting a pension to James Bates—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24148) granting a pension to Jesse G. Lott—to the Committee on Pensions.

By Mr. CAMPBELL of Ohio: A bill (H. R. 24149) granting a pension to George W. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24150) granting a pension to John Albright-to the Committee on Invalid Pensions. Also, a bill (H. R. 24151) granting a pension to John Mc-

Conaghuy-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24152) granting a pension to Philip Siler— to the Committee on Invalid Pensions. Also, a bill (H. R. 24153) granting a pension to Oscar Wil-

son—to the Committee on Invalid Pensions,
Also, a bill (H. R. 24154) granting a pension to Triphena
Butler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24155) granting a pension to Richard N. Porter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24156) granting a pension to Mary Welch-

to the Committee on Invalid Pensions. Also, a bill (H. R. 24157) granting a pension to Freeman Burke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24158) granting a pension to Simon P. Miller-to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 24159) granting an increase of pension to Peter Smith-to the Committee on Invalid Pen-

Also, a bill (H. R. 24160) granting an increase of pension to Jeremiah F. Pittman—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 24161) granting an increase of pension to Hugh O'Neal-to the Committee on Invalid Pensions.

By Mr. COUDREY: A bill (H. R. 24162) granting an increase of pension to Adam Zimmerman-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24163) granting an increase of pension to Oscar Messick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24164) granting an increase of pension to Leander Wood--to the Committee on Invalid Pensions.

Also, a bill (H. R. 24165) granting an increase of pension to John Martini-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24166) granting an increase of pension to Patrick Grady—to the Committee on Invalid Pensions. Also, a bill (H. R. 24167) granting a pension to William

Tepe, jr .- to the Committee on Invalid Pensions.

Also, a bill (H. R. 24168) granting a pension to Thomas Corten-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24169) for the relief of John H. Rheinlander—to the Committee on Pensions.

By Mr. CUSHMAN: A bill (H. R. 24170) granting an increase of pension to Charles Rogers-to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 24171) granting an increase of pension to Finus M. Wyatt—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 24172) granting an increase of pension to Henrietta Hull-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24173) to grant an extension of certain letters patent to the widow of Amos M. Kendall-to the Committee on Patents.

By Mr. DENBY: A bill (H. R. 24174) granting a pension to Charles H. Goldsmith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24175) granting a pension to Daniel G. Crotty-to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 24176) granting a pension to Tilden Aderholt-to the Committee on Invalid Pen-

Also, a bill (H. R. 24177) granting an increase of pension to Harper Kellam—to the Committee on Invalid Pensions

By Mr. DIXON of Indiana: A bill (H. R. 24178) granting an increase of pension to William Hamilton-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24179) granting an increase of pension to

Joseph P. Pullis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24180) granting a pension to Eliza J. Mahurin—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 24181) granting an increase of pension to Frank Rushaloo-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24182) granting an increase of pension to

John Delaney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24183) granting an increase of pension to Joseph B. Joyce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24184) to remove the charge of desertion from the record of William M. Reals-to the Committee on Military Affairs.

By Mr. DWIGHT: A bill (H. R. 24185) granting an increase of pension to William S. Weller-to the Committee on Invalid Pensions

By Mr. EDWARDS: A bill (H. R. 24186) granting an increase of pension to Jackson Sizemore-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24187) granting an increase of pension to Nancy G. Reid—to the Committee on Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 24188) granting an increase of pension to Samuel Moore-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24189) granting an increase of pension to Frederick Hoffner—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 24190) for the relief of Ben Mahuren—to the Committee on War Claims.

Also, a bill (H. R. 24191) for the relief of Leonard Keeling-to the Committee on Invalid Pensions.

By Mr. FULKERSON: A bill (H. R. 24192) granting an increase of pension to Charles Lee-to the Committee on Pensions. Also, a bill (H. R. 24193) granting an increase of pension to William Glaze—to the Committee on Invalid Pensions.

By Mr. GARNER: A bill (H. R. 24194) granting an increase of pension to William Davis—to the Committee on Pensions.

By Mr. GILHAMS: A bill (H. R. 24195) granting an increase of pension to Charles H. Milk—to the Committee on Invalid Pensions.

By Mr. GILL: A bill (H. R. 24196) placing John W. Saville, passed assistant engineer, United States Navy, on the retired list with an advanced rank—to the Committee on Naval Affairs.

By Mr. GILLESPIE: A bill (H. R. 24197) granting an increase of pension to Mary Ann Foard—to the Committee on Pensions.

By Mr. HALE: A bill (H. R. 24198) for the relief of the minor heirs of Elisha Darity-to the Committee on Invalid Pen-

Also, a bill (H. R. 24199) granting an increase of pension to Adam T. Cottrell-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24200) to remove the charge of desertion

standing against Jerry Fritts-to the Committee on Invalid Pensions

By Mr. HAMILTON: A bill (H. R. 24201) for the relief of John Lamb, deceased—to the Committee on Military Affairs.

Also, a bill (H. R. 24202) for the relief of Charles H. Lock-wood—to the Committee on Military Affairs.

Also, a bill (H. R. 24203) granting an increase of pension to Charles W. Dukette—to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 24204) granting an increase of pension to John Loughmiller-to the Committee on Invalid Pensions.

By Mr. HEDGE: A bill (H. R. 24205) granting an increase of pension to James Meneeley-to the Committee on Invalid

By Mr. HINSHAW: A bill (H. R. 24206) granting a pension to Catherine West-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24207) granting an increase of pension to Henry Eaton—to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 24208) granting an increase of pension to Albert Sunderland—to the Committee on Invalid

Pensions. By Mr. FREDERICK LANDIS: A bill (H. R. 24209) granting an increase of pension to Amanda Bonner-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24210) granting an increase of pension to George H. Maddox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24211) granting an increase of pension to Elizabeth R. Bringhurst-to the Committee on Invalid Pen-

By Mr. LAWRENCE: A bill (H. R. 24212) granting an increase of pension to Winslow H. Furrows-to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 24213) for the relief of the heirs of Denis O'Callaghan, deceased-to the Committee on War Claims.

Also, a bill (H. R. 24214) granting an increase of pension to

Elizabeth Hodge—to the Committee on Pensions.

By Mr. LINDSAY: A bill (H. R. 24215) granting an increase of pension to George Hoell-to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 24216) granting an increase of pension to Jonathan Davidson-to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 24217) granting an increase of pension to August J. Sunden-to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 24218) granting an increase of pension to William H. Flagg-to the Committee on Invalid

By Mr. LOUDENSLAGER: A bill (H. R. 24219) granting an increase of pension to Sarah E. Stockton-to the Committee on Invalid Pensions.

By Mr. LOWDEN: A bill (H. R. 24220) granting an increase of pension to William P. Robbe-to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 24221) granting an increase of pension to H. Prescott Wilbur—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24222) granting an increase of pension to Rose Gill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24223) granting a pension to Martha A. L. Stephens—to the Committee on Invalid Pensions. By Mr. McGUIRE: A bill (H. R. 24224) for the refunding of

certain moneys-to the Committee on Indian Affairs. By Mr. McKINLAY of California: A bill (H. R. 24225)

granting an increase of pension to William Ivans-to the Com-

mittee on Invalid Pensions.

Also, a bill (H. R. 24226) granting an increase of pension to Francis J. Eachus, alias Frank Eachus—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 24227) granting an increase of pension to Swen Dahlberg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24228) granting an increase of pension to Jesse M. Sanders-to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 24229) granting a pension to Mary Dolan-to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 24230) granting a pension to George W. Holland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24231) granting an increase of pension to Absalom Sivley-to the Committee on Pensions.

By Mr. MOUSER: A bill (H. R. 24232) granting a pension to Eliza Brady-to the Committee on Pensions.

By Mr. MUDD: A bill (H. R. 24233) granting an increase of pension to James Kinsella-to the Committee on Invalid Pen-

Also, a bill (H. R. 24234) granting an increase of pension to Jacob R. McCane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24235) granting an increase of pension to

Mary J. Richards—to the Committee on Pensions.

By Mr. REEDER: A bill (H. R. 24236) granting an increase of pension to James W. Iden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24237) granting an increase of pension to William L. Crumrine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24238) granting a pension to Nancy Porter-to the Committee on Invalid Pensions.

By Mr. REID: A bill (H. R. 24239) for the relief of Winfield S. Jennings-to the Committee on War Claims.

Also, a bill (H. R. 24240) granting a pension to Charity E. Boman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24241) granting an increase of pension to William J. Bristow—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 24242) granting an increase of pension to John Doran-to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: A bill (H. R. 24243) to correct the military record of John Brechtel-to the Committee on Military Affairs

By Mr. SCHNEEBELI: A bill (H. R. 24244) granting a pension to Edward R. Houck-to the Committee on Pensions.

By Mr. SIMS: A bill (H. R. 24245) granting an honorable discharge to John W. Scott-to the Committee on Military Affairs.

By Mr. SLAYDEN: A bill (H. R. 24246) to pay the Woodward Carriage Company, of San Antonio, Tex., for the loss of a horse while being used by the Department of Agriculture—to the Committee on Claims.

By Mr. SMITH of Illinois: A bill (H. R. 24247) to remove the charge of desertion from the record of James Orange-to the Committee on Military Affairs.

By Mr. SMITH of Kentucky: A bill (H. R. 24248) granting an increase of pension to William P. Routt-to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 24249) granting a pension

to Mary I. White—to the Committee on Invalid Pensions.
Also, a bill (H. R. 24250) granting an increase of pension to

John M. Reid-to the Committee on Invalid Pensions. By Mr. SOUTHWICK: A bill (H. R. 24251) granting an increase of pension to Martin Peacock—to the Committee on In-

valid Pensions. By Mr. STANLEY: A bill (H. R. 24252) granting an increase of pension to John Coombs-to the Committee on Invalid Pen-

By Mr. SULLOWAY: A bill (H. R. 24253) granting an increase of pension to Franklin Grant-to the Committee on In-

valid Pensions. By Mr. THOMAS of North Carolina: A bill (H. R. 24254) for the relief of the heirs of Charles H. Foy, deceased-to the Committee on War Claims.

By Mr. TOWNSEND: A bill (H. R. 24255) granting a pension to Lavina W. Ellis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24256) to pay to the administratrix of the estate of George W. Fleming for services rendered as letter-box inspector from March 29, 1902, to June 13, 1903-to the Committee on Claims.

By Mr. VREELAND: A bill (H. R. 24257) granting a pension to Harriet M. Waudell-to the Committee on Invalid Pensions. By Mr. WALDO: A bill (H. R. 24258) granting an increase of pension to Evelyn G. Regan—to the Committee on Pensions.

By Mr. WASHBURN: A bill (H. R. 24259) granting an increase of pension to H. A. Johnson-to the Committee on Invalid Pensions

By Mr. WELBORN: A bill (H. R. 24260) granting a pension to W. L. Corum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24261) granting an increase of pension to Junius A. Bryant-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24262) granting an increase of pension to to the Committee on Invalid Pensions. John T. Miller-

Also, a bill (H. R. 24263) granting an increase of pension to Louis F. Allen-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24264) to correct the military record of

Charles J. Lanning—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24265) granting an increase of pension to William H. Price—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 24266) for the relief of Paymaster Ignatius Thomas Hagner, United States Navy-to the Committee on Claims.

By Mr. WEEMS: A bill (H. R. 24267) for the relief of the

Bridgeport National Bank, Bridgeport, Ohio-to the Committee on Claims

By Mr. WILEY of Alabama: A bill (H. R. 24268) granting an increase of pension to Louisa Olin-to the Committee on Pensions.

By Mr. WOOD: A bill (H. R. 24269) granting an increase of pension to William L. Stewart-to the Committee on Invalid Pensions

By Mr. ZENOR: A bill (H. R. 24270) granting an increase of pension to George W. Bogle—to the Committee on Invalid Pensions.

# CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles: which were thereupon referred as follows:

A bill (H.R. 24017) granting an increase of pension to Timothy Hanlon-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24097, for the relief of Henry J. McBroom, and to correct his military record-Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

# PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of John A. Logan Post of Spanish War Veterans, Danville, Ill., for restoration of Army canteen-to the Committee on Military Affairs.

Also, petition of Meyer Goldstein and about 2,500 other German-Americans of Greater New York, against the provisions of the pending bill for the restriction of immigration (S. 4403) to the Committee on Immigration and Naturalization.

By Mr. ACHESON: Petition of Beaver Valley Lodge, No. 574, Brotherhood of Locomotive Engineers and Firemen, for Senate bill 5133 and House bill 9328-to the Committee on Interstate and Foreign Commerce.

Also, petition of National Business League, for improvement of land laws—to the Committee on the Public Lands

Also, paper to accompany bill for relief of John Metz—to the Committee on Invalid Pensions.

Also, petition of National Business League, for consular improvement—to the Committee on Foreign Affairs.

Also, petition of Pittsburg Coal Exchange, for 9-foot channel in Ohio River—to the Committee on Rivers and Harbors.

By Mr. ALLEN of Maine: Petition of Nathan Barnert, opposing passage of Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of Franco-American Food Company, praying for relief of the words "Inspected and passed" in meat-inspection bill-to the Committee on Agriculture.

By Mr. ALLEN of New Jersey: Petition of Chicago Lumber and Coal Company, favoring additional transportation facilito the Committee on Interstate and Foreign Commerce.

By Mr. ALEXANDER: Petition of Howard D. Beach et al., Buffalo, N. Y., against amendment to copyright bill relative to photographs in newspapers—to the Committee on Patents.

By Mr. ANDRUS: Petition of East Chester Citizen, against tariff on linotype machines-to the Committee on Ways and

Also, petition of Liberty Council, No. 40, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. BARCHFELD: Petitions of citizens of the States of Illinois, Tennessee, Texas, Missouri, Ohio, Indiana, Florida, Kansas, New York, Arkansas, Iowa, Kentucky, Oregon, Colo-Kansas rado, Michigan, Nebraska, New Jersey, Pennsylvania, and Oklahoma, against the enactment into law of the bill (S. 5221) to regulate the practice of osteopathy, etc., in the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of citizens of the following States against Senate bill 5221, to regulate the practice of osteopathy in the District of Columbia: Indiana, Kansas, New York, Missouri, Texas, Arkansas, South Dakota, Colorado, Ohio, South Carolina, Michigan, Mississippi, Illinois, Massachusetts, Alabama, Connecticut, Kentucky, Tennessee, and Pennsylvania-to the Committee on the District of Columbia.

By Mr. BARTHOLDT: Petition from officers of the Department of the District of Columbia, United Spanish War Veterans, urging the restoration of the Army canteen—to the Committee on Military Affairs.

Also, petition of Brotherhood of Railway Trainmen, of Pacific Lodge, No. 64, of St. Louis, Mo., urging the passage of the

Gilbert anti-injunction bill (H. R. 9328)—to the Committee on the Judiciary

By Mr. BEIDLER: Paper to accompany bill for relief of William M. Schofield—to the Committee on War Claims.

By Mr. BINGHAM: Petition of civil war veterans and Spanish war veterans, for restoration of Army canteen-to the Com-

mittee on Military Affairs.

By Mr. BRICK: Petition of Young People's City Union, South Bend, Ind., and Associated Charities of South Bend, for amelioration of condition in Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of the Sunday News, South Bend, and Daily Tribune, South Bend, against tariff on linetype machines—to the Committee on Ways and Means.

By Mr. BURTON of Ohio: Protest of German-American Alliance, against Dillingham-Gardner bill relative to immigration-to the Committee on Immigration and Naturalization.

By Mr. BURGESS: Letter asking that the Norwegian bark Baunen be given an American register—to the Committee on the Merchant Marine and Fisheries.

By Mr. BURLEIGH: Papers to accompany H. R. 23243, for the relief of Charles P. Ryan-to the Committee on Military Af-

By Mr. CAMPBELL of Ohio: Petition of citizens of Napoleon, Ohio, urging the passage of bill H. R. 16955—to the Committee on the District of Columbia.

By Mr. CLARK of Florida: Petition of O. Pierre Havens, of Jacksonville, Fla., to amend copyright bill favorable to photographic work on newspapers—to the Committee on Patents.

Also, petition of Christian Standard and Evening Record, against tariff on linotype machines-to the Committee on Ways and Means.

Also petition of Camp No. 1, Patriotic Order Sons of America, Jacksonville, Fla., for the merchant-marine shipping bill-to the Committee on the Merchant Marine and Fisheries.

By Mr. DALE: Petition of 275 members Brotherhood of Railway Trainmen, Lodge 94, for Senate bill 5133 and H. R. 9328to the Committee on Interstate and Foreign Commerce.

Also, petition of J. Horgan, jr., Scranton, for amending copyright bill favorable to photographic work on newspapers-to the Committee on Patents.

Also, petition of R. L. Martin and Admiral Dahlgren Section of the Navy League of the United States, favoring the Navy personnel bill—to the Committee on Naval Affairs.

Also, petition of Adolph C. Hottenroth, for legislation to improve currency laws-to the Committee on Banking and Cur-

Also, petition of Association of Army Nurses of the Civil War, for the Dalzell bill (pensions to ex-prisoners of war)—to the Committee on Invalid Pensions.

Also, petition of San Francisco Labor Council, against utterances of President relative to Japanese in schools of said cityto the Committee on Foreign Affairs.

Also, petition of National Camp, Pennsylvania State Camp, and New York State Camp, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of New Immigrant Protective League, against Lodge-Gardner bill-to the Committee on Immigration and Naturalization.

Also, petition of National Business League, for improvement of land laws—to the Committee on the Public Lands.

Also, petition of Joint Executive Committee on Improvement of Harbor of Philadelphia, for improvement of channel of Delaware and Schuylkill rivers-to the Committee on Rivers and Harbors.

Also, petition of engineers on the Delaware and Hudson system of railways, against the sixteen-hour bill-to the Committee on Interstate and Foreign Commerce.

Also, petition of International Seanen's Union of America, against the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Charles K. Harris, for favorable considera-tion of section 25 of copyright bill—to the Committee on Patents.

Also, petition of Arthur E. Paige, for appropriation for continuous care of Patent Office model exhibit in Philadelphia—to the Committee on Appropriations.

Also, petition of Charles A. Crow, Caruthersville; Md., for reduction of appropriation for carrying mails by railways—to the Committee on the Post-Office and Post-Roads.

Also, petition of Keystone Powder Manufacturing Company, favoring bill for Government powder manufactories-to the Committee on Military Affairs.

Also, petition of American Artists for Free Art, for repeal of

duty on art works—to the Committee on Ways and Means. By Mr. DAWSON: Petition of National Business League, for permanent consular improvement and commercial enlargement to the Committee on Foreign Affairs.

By Mr. DENBY: Petition of Detroit Abendpost and Michigan Volksblatt, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DRAPER: Petition of Chamber of Commerce of New York, for House bill 17347, for increase of artillery—to the Committee on Military Affairs.

By Mr. DRISCOLL: Petition of Onondaga Council, No. 47, Daughters of Liberty, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. DUNWELL: Petition of National Business League, for improvement in land laws—to the Committee on the Public

Also, petition of National Business League, for improvement in consular service-to the Committee on Foreign Affairs.

By Mr. EDWARDS: Papers to accompany bill H. R. 19502, to correct the military record of F. A. Taylor-to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Nancy Lipps-to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of National Business League, for improvement in land laws-to the Committee on the Public

By Mr. FULLER: Petition of Robert S. Waddell, against the Dupont powder trust-to the Committee on Military Affairs.

Also, petition of National Camp, Patriotic Order of Americans, favoring restriction of immigration (S. 4403)-to the Committee on Immigration and Naturalization.

Also, petition of the Open Court, against tariff on linotype machines-to the Committee on Ways and Means.

Also, petition of International Seamen's Union, against shipsubsidy bill-to the Committee on the Merchant Marine and Fisheries.

Also, petition of J. B. Castle, of Sandwich, Ill., for amendment to railway rate law, to permit interchange of advertising for transportation—to the Committee on Interstate and Foreign Commerce.

By Mr. FULKERSON: Paper to accompany bill for relief of William Glaze-to the Committee on Invalid Pensions.

By Mr. GILL: Paper to accompany bill for relief of John W. Saville—to the Committee on Naval Affairs.

By Mr. GOULDEN: Petition of Adolph C. Hottenroth, John Haffen, S. Feust, and Judson G. Wall, of New York, for immediate currency reform-to the Committee on Banking and Currency.

By Mr. GRAHAM: Petition of National Business League of Chicago, for permanent consular improvement and commercial enlargement--to the Committee on Foreign Affairs.

Also, report of committee on legislation of the Chamber of Commerce of Pittsburg, for the passage of the bill providing for the increase of the salaries of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of Barney Dreyfus, of Louisville, Ky., against the passage of the immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of twenty-two trainmen of Pittsburg Pa., against certain features of the La Follette sixteen-hour bill-to the Committee on the Judiciary.

Also, petitions of committee on rivers and harbors of the Chamber of Commerce of Pittsburg, and the Joint Executive Committee on the Improvement of the Harbor of Philadelphia, opposing the idea of local participation in the expense of improving the rivers and karbors of this great nation—to the Committee on Rivers and Harbors.

Also, petition of National Business League of Chicago, for the conservation of the public domain, etc .- to the Committee on the Public Lands.

Also, petition of R. L. Martin, of Philadelphia, asking support of the navy personnel bill-to the Committee on Naval Affairs.

Also, petition of Adolph C. Hottenroth, John Haffen, S. Feust, and Judson G. Wall, of New York, for immediate currency re-

form—to the Committee on Banking and Currency.

Also, petition of the Franco-American Food Company, for amendment to the pure-food law favorable to honest firms—to the Committee on Agriculture.

Also, papers to accompany H. R. 22253, granting an increase of pension to Edward Hadfield; papers to accompany H. R. 22252, granting an increase of pension to W. W. Tyson, and papers to accompany H. R. 9439, granting an increase of pension to Elizabeth J. Coates-to the Committee on Invalid Pensions.

Also, petition of Association of Army Nurses of the Civil War,

for passage of bill to place the volunteer nurses on an equality with those pensioned under act of 1892-to the Committee on Pensions.

By Mr. GRONNA: Petition of Charles K. Harris, asking for the passage of Senate bill No. 6330—to the Committee on Patents.

Also, petition of Association of Army Nurses of the Civil War, asking for the passage of the Dalzell bill-to the Committee on Invalid Pensions.

Also, petition of Patriotic Order Sons of America, indorsing bill No. 4403-to the Committee on Immigration and Naturalization.

Also, petition of Hon. J. H. Worst et al., for appropriation to improve land by drainage-to the Committee on the Public

Also, petition of Franco-American Food Company, for amendment to meat-inspection law favorable to honest packers-to the Committee on Agriculture.

Also, petition of International Seamen's Union of America, against ship-subsidy bill-to the Committee on the Merchant Marine and Fisheries.

By Mr. GROSVENOR: Papers to accompany claim of J. A. Palmer, census enumerator, Athens, Ohio-to the Committee on Claims.

Also petition of trainmen of Cincinnati and Muskingum Valley Railway, Lancaster, Ohio, protesting against the La Follette sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HALE: Papers to accompany bill for relief of estate of Horace L. Bradley and of Joseph Cox-to the Committee on War Claims.

Also, paper to accompany bill for relief of Benjamin L. Lawson-to the Committee on War Claims.

By Mr. HAMILTON: Petition of citizens of village of Buchanan, Pa., against parcels-post bill-to the Committee on the Post-Office and Post-Roads.

By Mr. HAY: Paper to accompany bill for relief of John S. Lupton-to the Committee on War Claims.

By Mr. HERMANN: Petition of J. N. Teal, favoring appropriations for improvement of waterways-to the Committee on Rivers and Harbors.

By Mr. HIGGINS: Petition of New England Waterworks Association, favoring larger appropriations for stream measurements—to the Committee on Appropriations.

By Mr. HILL of Connecticut: Petition of Danbury Business Men's Association, for increase of salaries of post-office clerks in first and second class offices—to the Committee on the Post-Office and Post-Roads.

By Mr. HINSHAW: Petition of Fairbury (Nebr.) Lodge and Cleveland Lodge, Brotherhood Locomotive Engineers and Firemen, of Omaha, Nebr., for passage of sixteen-hour bill-to the Committee on Interstate and Foreign Commerce.

Also, petition of C. B. Rodgers, of Wymore, Nebr., and 20 trainmen of Fairbury, Nebr., against passage of sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HOPKINS: Papers to accompany bill for the relief of Joseph E. Lindsey, and papers to accompany bill H. R. 23750, for the relief of J. B. Mason, Theo. G. Moren, D. R. Brock, and J. C. McKee, trustees of Laurel Seminary-to the Committee on War Claims.

By Mr. HOUSTON: Paper to accompany bill for relief of William T. Gullett-to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of New Jersey State Horticultural Society, for minimum duty on green and dried apples by German Government-to the Committee on Ways and Means.

Also, petition of New Jersey State Federation of Women's Clubs, for regulation of child labor in the District of Columbiato the Committee on the District of Columbia.

Also, petition of Monday Afternoon Club, Passaic, N. J., for national forest reserve—to the Committee on Agriculture. By Mr. HOWELL of Utah: Paper to accompany bill for re-

lief of Louis Miller (previously referred to Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. HUNT: Petition of National Business League, for legislation for commercial improvement by improving consular service-to the Committee on Foreign Affairs.

Also, petition of National Business League, for improvement of land laws of the United States-to the Committee on the Public Lands.

By Mr. KAHN: Petition of Merchants' Association of San Francisco, for bill H. R. 21671, for construction of fifteen submarine boats for coast defense—to the Committee on Naval Af-

By Mr. KENNEDY of Ohio: Paper to accompany bill for relief of Thomas W. Quine—to the Committee on Invalid Pensions.

Also, petition of National Business League, for improvement

of consular service—to the Committee on Foreign Affairs.
Also, petition of German-American Alliance, against the Dillingham bill—to the Committee on Immigration and Naturaliza-

Also, petition of E. M. Youtz, against amendment to copyright bill affecting photographs in newspapers-to the Committee on Patents.

Also, petition of National Business League, for improvement of land laws-to the Committee on the Public Lands.

Also, petition of Youngstown Chamber of Commerce, for increase of salaries of clerks in the postal service-to the Com-

mittee on the Post-Office and Post-Roads.

By Mr. LINDSAY: Paper to accompany bill for relief of George Hoell-to the Committee on Invalid Pensions.

Also, petition of Chamber of Commerce of New York, for passage of House bill 17346, to increase the efficiency of artillery of the United States-to the Committee on Military Affairs.

Also, petition of Theo. F. Adkin, Rochester, N. Y., for the Crumpacker bill (fraud order)—to the Committee on the Judiciary.

Also, petition of Adolph C. Hottenroth, for legislation to improve the currency-to the Committee on Banking and Currency. Also, petition of Robert S. Waddell, against the Dupont pow-

der trust-to the Committee on Military Affairs. Also, petition of Louis Calais, for appropriation of \$50,000,000 annually for deep waterways-to the Committee on Rivers and

Also, petition of Cincinnati ex-prisoners of war, for pension bill S. 3195 and Dalzell bill in House—to the Committee on Invalid Pensions.

Also, petition of New Immigrant Protective League, against the Lodge-Gardner bill-to the Committee on Immigration and Naturalization.

Also, petition of Woman's Republican Club, for House bill 17562, for investigation into woman's work-to the Committee on Labor.

Also, paper to accompany bill for relief of Jacob Hartman, Jeremiah Burke, and William Lewis-to the Committee on Invalid Pensions.

Also, petition of Samuel H. Sipsbey, for amendment to copyright law favorable to photographic work in newspapersthe Committee on Patents.

By Mr. LOUD: Petition of members of Lawton Camp, Spanish War Veterans, of Bay City, Mich., for restoration of the Army canteen-to the Committee on Alcoholic Liquor Traffic.

By Mr. McKINNEY: Petition of Tri-City Labor Congress, for investigation of conditions of child labor-to the Committee on

By Mr. MOON of Pennsylvania: Paper to accompany bill for relief of George C. Clegg—to the Committee on War Claims.

By Mr. MOON of Tennessee: Papers to accompany bill for

increase of pension for Absolom Sirley-to the Committee on Pensions.

Also, papers to accompany bill granting pension to George W. Holland—to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: Petition of National Business League, for improvement in land laws-to the Committee on the Public Lands.

Also, petition of National Business League, for improved consular service-to the Committee on Foreign Affairs.

By Mr. PADGETT: Paper to accompany bill for relief of W. H. Winstead and Thomas J. Lawson-to the Committée on War Claims.

Also, paper to accompany bill for relief of Elijah W. Adkins-to the Committee on Invalid Pensions.

By Mr. PATTERSON of Tennessee: Petition of National Business League of Chicago, for permanent consular improvement and commercial enlargement-to the Committee on For-

Also, petition of Adolph C. Hottenroth, John Haffen, S. Feust, and Judson G. Wall, of New York, for immediate currency reform—to the Committee on Banking and Currency.

Also, petition of National Business League of Chicago, for the conservation of the public domain, etc.—to the Committee on the Public Lands.

By Mr. PEARRE: Petition of Lodge No. 453, Brotherhood of Railway Trainmen, indorsing Senate bill 5133, for restriction of hours of labor on railways-to the Committee on Interstate and Foreign Commerce.

Also, petition of Gunpowder Agricultural Club, of Baltimore County, Md., for parcels-post system—to the Committee on Agri-

By Mr. POLLARD: Petition of board of directors of the Lincoln Commercial Club, for the Wilson bill for increase of salaries of all postal clerks in first and second class offices-to the Committee on the Post-Office and Post-Roads.

By Mr. RAINEY: Petition of Illinois State Teachers' Association, for legislation favorable to simplified spelling-to the Committee on Printing.

By Mr. RANSDELL of Louisiana: Petition of cotton raisers of Louisiana, for the Hefiin antibucket-shop bill-to the Committee on Interstate and Foreign Commerce.

By Mr. REID: Papers to accompany claim of Winfield S. Jennings for supplies taken during war-to the Committee on War Claims.

By Mr. REYBURN: Petition of Philadelphia Association of Union Ex-Prisoners of War, requesting that the bill drawn in their behalf and offered at the last session of Congress be favorably reported by the committee-to the Committee on Pen-

Also, petition of William H. Dow, against amendment in copyright bill relative to photographs in newspapers—to the Committee on Patents.

By Mr. ROBINSON of Arkansas: Petition of citizens of Hot Springs, relative to an act conferring jurisdiction on United States commission at Hot Springs, Ark .-- to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Mrs. Zerelda P. Allen and estates of William B. Pod and Mrs. Mollie Amanda Phillips, Jefferson County, Ark .- to the Committee on War

By Mr. RYAN: Resolution of National Business League, for revision of the public-land laws-to the Committee on the Public Lands.

Also, resolutions of National Business League, for consular improvement and commercial enlargement—to the Committee on Foreign Affairs.

Also, resolution of Chamber of Commerce of the State of New York, to increase the efficiency of the artillery of the United States Army—to the Committee on Military Affairs.

By Mr. SCHNEEBELI: Petition of Adolph C. Hottenroth, John Haffen, S. Feust, Judson G. Wall, of New York, for immediate currency reform—to the Committee on Banking and Currency.

Also, petition of National Business League, of Chicago, Ill., for permanent consular improvement and commercial enlargement-to the Committee on Foreign Affairs.

Also, petition of National Business League, of Chicago, Ill., for the conservation of the public domain, etc .- to the Com-

mittee on the Public Lands. By Mr. SCROGGY: Paper to accompany bill for relief of Mary Johnson, George W. Irwin, and Sebastian Gerhardt-to the

Committee on Invalid Pensions. By Mr. SHEPPARD: Petition of citizens of Indian Territory, asking improvement of upper Red River-to the Commit-

tee on Rivers and Harbors. Also, papers to accompany bill H. R. 24034 granting increase of pension to Mary I. Banta—to the Committee on Invalid Pen-

Also, resolution of constitutional convention of new State of Oklahoma, asking improvement of upper Red River-to the

Committee on Rivers and Harbors. Also, resolution of Dennison Board of Trade and city council and citizens of Colbert, Ind. T., in behalf of improvement of upper Red River—to the Committee on Rivers and Harbors.

Also, petition of the Daily Advocate, of Paris, Tex., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SIMS: Petition of the Daily Sun, Jackson, Tenn., against tariff on linotype machines—to the Committee on Ways

By Mr. SLAYDEN: Petition of Woodward Carriage Company, asking for settlement of claim for loss of horse in Department of Agriculture—to the Committee on Claims.

By Mr. SMITH of Maryland: Paper to accompany bill for re-lief of Isaiah Biddle—to the Committee on Invalid Pensions.

Also, petition of Tri-County Council, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. SOUTHARD: Resolution of Patriotic Order Sons of America, of New York, indorsing Senate bill 4403-to the Committee on Immigration and Naturalization.

By Mr. SPERRY: Petition of citizens of Seymour, Conn., against the Lodge-Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of Trades Council, New Haven, Conn., for shipbill-to the Committee on the Merchant Marine and

Also, petition of New England Waterworks Association,

against reduction of \$50,000 appropriation for Geological Survey-to the Committee on Appropriations.

By Mr. STANLEY: Paper to accompany bill for relief of John Coombs—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Alabama: Petition of citizens of Alabama, favoring passage of bill H. R. 21400—to the Committee on Naval Affairs.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of heirs of Charles H. Foy-to the Committee on War Claims.

Also, paper to accompany bill for relief of estate of B. L. Rob-

inson—to the Committee on War Claims.

By Mr. TOWNSEND: Petition of Camp Henry W. Lawton, Army of Philippines, Detroit, Mich., for House bill 18276 (badges for service in Philippines)-to the Committee on Military Af-

By Mr. VAN WINKLE: Petition of New Jersey State Horticultural Society, for minimum duty on dried and green apples by German Government-to the Committee on Ways and Means.

Also, petition of New Jersey State Federation of Women's Clubs, for regulation of child labor in the District of Columbiato the Committee on the District of Columbia.

By Mr. WADSWORTH: Petition of Thomas Smith et al., Niagara Falls, N. Y., against proposed amendment to copyright bill—to the Committee on Patents.

By Mr. WEEMS: Paper to accompany bill for relief of Henry . Wilson—to the Committee on Invalid Pensions.

By Mr. WEISSE: Petition of The Reporter, against tariff on linotype machines-to the Committee on Ways and Means.

Also, petition of State Camp of New York, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403) to the Committee on Immigration and Naturalization.

Also, petition of Wisconsin State Federation of Labor, against ship-subsidy bill-to the Committee on the Merchant Marine and Fisheries.

Also, petition of Pennsylvania State Camp, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)to the Committee on Immigration and Naturalization.

Also, petition of Sheboygan Association of Stationary Engineers, against increased postage on trade and technical papersto the Committee on the Post-Office and Post-Roads.

Also, petition of American Pilots' Association, against bill H. R. 5281 (pilotage bill)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of International Seamen's Union of America, against ship-subsidy bill-to the Committee on the Merchant Marine and Fisheries.

Also, petition of National Camp, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Mr. WELBORN: Petition of citizens of Springfield, Mo., favoring enlargement of powers of Hague peace conference—to the Committee on Foreign Affairs.

By Mr. WOOD: Resolution of New Jersey State Federation of Women's Clubs, in favor of regulating child labor in the District of Columbia-to the Committee on the District of Columbia.

By Mr. YOUNG: Petition of Michigan National Guard, Monroe, Mich., asking the reestablishment of the Army canteen-to the Committee on Military Affairs.

# SENATE.

# Tuesday, January 15, 1907.

Prayer by Rev. John Van Schaick, Jr., of the city of Wash-

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Culberson, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

# ALLOTMENT OF INDIAN LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior transmitting a letter from the Commissioner of Indian Affairs relative to the petition of John Wadsworth for the removal of restrictions upon the alienation of his allotment in the Quapaw Agency, Ind T .; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior transmitting a letter from the Commissioner of Indian Affairs, together with the draft of proposed legislation in the matter of issuing a patent in fee simple to Frank Beaver, Peoria allottee No. 60, Quapaw Agency, Ind. T.;

which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

# D. M. CARMAN, MANILA, P. J.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War transmitting, in further response to a resolution of December 17, 1906, a letter from the sponse to a resolution of December 17, 1906, a letter from the Quartermaster-General of the Army, making certain corrections in a previous report transmitted by him relative to the claims of D. M. Carman, of Manila, P. I., arising out of his contracts with the Department for lighters, cascos, or other means of transportation in the Philippines, etc.; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

### THE FIVE CIVILIZED TRIBES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, recommending certain legislation authorizing the inspection of tribal records of the Five Civilized Tribes at any time by the Secretary of the In-terior or his legal representative, and providing a penalty for refusal, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

### SMITHSONIAN INSTITUTION MAIL MATTER.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, a statement of the mail matter en-tered at the Washington City post-office under the penalty privilege by the Smithsonian Institution and its bureaus from July 1 to December 31, 1906, inclusive; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

REPORT OF CHESAPEAKE AND POTOMAC TELEPHONE COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Chesapeake and Potomac Telephone Company of the District of Columbia for the year 1906; which was referred to the Committee on the District of Columbia, and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

S. 6364. An act to incorporate the National Child Labor Com-

mittee: and

S. 6578. An act to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, and to amend an act amendatory thereof approved June 20, 1906.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the

Senate:

H. R. 9976. An act to provide for the appointment of an additional district judge in and for the southern district of the State of Ohio;

H. R. 17624. An act to amend an act entitled "An act to amend section 4405 of the Revised Statutes of the United States," approved March 3, 1905;

H. R. 19568. An act vacating Alexander place and Poplar street in the subdivision of a part of a tract called Lincoln, District of Columbia, and vesting title in the present owner;

H. R. 20990. An act to create a new division of the southern judicial district of Iowa and to provide for terms of court at Ottumwa, Iowa, and for a clerk for said court, and for other

purposes; H. R. 23201. An act to amend the act approved March 1, 1905, entitled "An act to amend section 4 of an act entitled 'An act re-lating to the Metropolitan police of the District of Columbia,' ap-

proved February 28, 1901;

H. R. 23218. An act to authorize the Kentucky and West Virginia Bridge Company to construct a bridge across the Tug Fork of Big Sandy River at or near Williamson, in Mingo County, W. Va., to a point on the east side of said river in Pike County Ky.

H. R. 23219. An act to authorize Majestic Collieries Company, of Eckman, W. Va., to construct a bridge across Tug Fork of Big Sandy River, about 2½ miles west of Devon, W. Va., a station on

the Norfolk and Western Railway;
H. R. 23556. An act prohibiting the purchase or procurement, sale, gift, or disposition, of intoxicating liquors to minors by

unlicensed persons; and

H. R. 24047. An act to authorize Chapter No. 376 of the Daughters of the American Revolution to erect a fountain on the property of the United States at Paducah, Ky.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and

they were thereupon signed by the Vice-President:

H. R. 14811. An act to authorize George T. Houston and Frank B. Houston to construct and operate an electric railway over the

national cemetery road at Vicksburg, Miss.; and
H. J. Res. 214. Joint resolution to provide for the printing of 16,000 copies of Senate Document No. 144, Fifty-ninth Congress, second session.

### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the conference of the foreign mission boards of the United States and the Dominion of Canada, praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. SCOTT presented a petition of 101 citizens of Pennsboro, W. Va., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. PLATT presented a petition of the Chamber of Commerce of Troy, N. Y., praying for the enactment of legislation providing for a reclassification and increase in the salaries of postal clerks in all first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Colonel Stephen Y. Seyburn 13, United Spanish War Veterans, of Buffalo, N. Y., praying for the enactment of legislation to repeal the present anticanteen law; which was referred to the Committee

on Military Affairs.

He also presented the petition of John T. Ryan, of the State of New York, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

He also presented a memorial of Local Grange No. 598, Patrons of Husbandry, North Manlius, N. Y., remonstrating against the enactment of legislation providing for the free distribution of seeds and plants; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the congregation of the Methodist Episcopal Church of Delanson, N. Y., and a petition of the Woman's Christian Temperance Union of Delanson, Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were

merstate transportation of into tracting indoxs, which were referred to the Committee on the Judiciary.

Mr. DEPEW presented petitions of the Woman's Christian Temperance Union of Burke; of Helen A. Palmer, of Plattekill; of the Woman's Christian Temperance Union of Yorkshire; of the Woman's Christian Temperance Union of Cortland, and of the Woman's Christian Temperance Union of Malone, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. CULBERSON presented the petition of John Crotty, of Texas, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

Mr. BURKETT presented sundry affidavits to accompany the bill (S. 6071) granting an increase of pension to George W. Patton; which were referred to the Committee on Pensions

He also presented a petition of the Dark Tobacco Planters' Protective Association, of Tennessee, Kentucky, and Virginia, praying for the enactment of legislation to remove the tax on leaf tobacco; which was referred to the Committee on Finance.

He also presented a petition of 255 citizens of Surprise, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary

Mr. NELSON presented a petition of sundry citizens of Amboy, Minn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

BLACKBURN presented a paper to accompany the bill (S. 5319) for the relief of Joseph E. Lindsey, surviving partner of John Lindsey & Son; which was referred to the Committee

He also presented a paper to accompany the bill (S. 5265) for the relief of C. B. Kinnett; which was referred to the Committee on Claims.

He also presented a paper to accompany the bill (S. 5274) for the relief of the estate of John H. Seebold, deceased; which was referred to the Committee on Claims.

Mr. LODGE presented the petition of Charles F. Wonson, of the State of Massachusetts, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

Mr. PROCTOR presented a petition of sundry citizens of Dorset and Rupert, in the State of Vermont, praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented the memorial of Arthur D. Wyatt, of Brattleboro, Vt., remonstrating against the adoption of certain amendments to the present copyright law; which was referred to the Committee on Patents.

Mr. PENROSE presented the petitions of George W. Earl, jr., George C. Clegg, Mary E. Clark, Robert C. Q. Clark, and Robert S. Hansburg, all in the State of Pennsylvania, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

He also presented a petition of the Joint Executive Committee on the Improvement of the Harbor of Philadelphia and the Delaware and Schuylkill Rivers, of Philadelphia, Pa., praying that an appropriation be made providing for a survey of the Delaware River for the purpose of securing a channel of adequate width and 35 feet in depth at mean low water from that city to the sea; which was referred to the Committee on Com-

He also presented a memorial of sundry citizens of Shunk, Pa., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

### REPORTS OF COMMITTEES.

Mr. GEARIN, from the Committee on Pensions, to whom was referred the bill (S. 7768) granting an increase of pension to Alonzo P. Mann, reported it without amendment, and submitted report thereon.

Mr. DEPEW, from the Committee on the Judiciary, to whom was referred the bill (S. 7034) to incorporate the International Sunday School Association of America, reported it with amendments, and submitted a report thereon.

Mr. KITTREDGE, from the Committee on the Judiciary, to whom was referred the bill (S. 7214) respecting proceedings in the courts of the United States in the western district of the State of Missouri, reported it without amendment, and submitted a report thereon.

Mr. AliDRICH, from the Committee on Finance, to whom was referred the bill (S. 7147) to amend section 2536 of the Revised Statutes, relative to assistant appraisers at the port of New York, and further defining their powers, duties, and compensation, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (8, 7146) to provide for the compensation of the appraiser of merchandise at the port of New York, reported it with amend-

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 7800) to authorize the Norfolk and Western Railway Company to construct a bridge across the Potomac River at or near Shepherdstown, W. Va., asked to be discharged from its further consideration, and that it be referred to the Committee on Commerce; which was agreed to.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (S. 7271) for the relief of Rathbun, Beachy & Co., reported it without amendment.

# ADDITIONS TO ROCK CREEK PARK.

Mr. SCOTT. I am directed by the joint committee authorized by section 25 of an act to increase the limit of cost of certain public buildings, etc., to take into consideration the advisability of purchasing a proposed addition to Rock Creek Park, the socalled "Meridian Hill site," the so-called "Carpenter and Pennsylvania Avenue Heights tracts," and the so-called "Montrose tract," on Georgetown Heights, for park purposes, to submit a repart. I ask that it may be printed in the Record.

There being no objection, the report was ordered to lie on the table, and to be printed in the RECORD, as follows:

# To the Congress:

The joint committee authorized by section 25 of an act to increase the limit of cost of certain public buildings, etc., to take into consideration the advisability of purchasing a proposed addition to Rock Creek Park, the so-called "Meridian Hill site," the so-called "Carpenter and Pennsylvania Avenue Heights tracts," and the so-called "Montrose tract," on Georgetown Heights, for park purposes, beg leave to

rose tract." on Georgetown Heights, for park purposes, beg leave to report as follows:

Your committee has given much attention to the hearings held at various times before the District Committees of both Houses, and, after thoroughly examining the testimony presented, made a careful personal inspection of each of the proposed sites.

It found, in reference to the proposition for the purchase of the so-

called "Carpenter tract," that beyond the Eastern Branch of the Anacosita River there is no large public park, and that there is a popular demand and necessity for such a reservation. This tract is beautifully located, covered with timber, and affords a magnificent view of the city. It contains about 140 acres and can be purchased at a much lower price now than in the future.

The committee found that that section of the city formerly known as Georgetown is entirely lacking in parks, and are of the opinion that the Montrose tract, on Georgetown Heights, is the most desirable and reasonable in that locality.

The proposed addition to Rock Creek Park runs along the western boundary of Rock Creek and extends up the valley of a small branch running approximately parallel to Massachusetts avenue. The valley of this branch is very deep, and the land abutting the creek is covered with a growth of large and beautiful trees. This land has been owned by two or three different estates, and up to the present time the property remains undeveloped. It comprises about 88 acres, and its addition to Rock Creek Park would be of great benefit not only to that section of the city, but to the beautification of the park itself. It is easy of access and within a few years will undoubtedly be surrounded by quite a dense population.

The acquisition of the land contained in Hall and Elban's subdivision, or Meridian Hill, is believed to be particularly desirable, About 10 acres lie between Euclid street, Columbia avenue or Fifteenth street, with street or Florida avenue, and Sixteenth street extended. The reservation proposed is similar to the smaller reservations or parks now existing throughout the District of Columbia, such as Lincenth street, and the proposed is park in the midst of one of the densely populated portions of the city would demonstrate its utility as well as its beauty. In addition, this proposed reservation might also be utilized for governmental purposes, such as the construction of buildings, the laying out of garde

N. B. SCOTT. J. H. GALLINGER. Jo. C. S. BLACKBURN. RICHARD BARTHOLDT. E. C. BURLEIGH. J. H. BANKHEAD.

#### INSANE ASYLUM IN OKLAHOMA.

Mr. DICK. The bill (H. R. 13675) to ratify and confirm the acts of the legislative assembly of the Territory of Oklahoma, passed in the year 1905, relating to an insane asylum for the Territory of Oklahoma, and providing for the establishment and maintenance of an insane asylum for the Territory of Oklahoma at Fort Supply, in Woodward County, Okla., and making appropriations therefor, was reported from the Committee on Territories on a poll of the committee. For the purpose of making a formal report, I ask that the bill be recommitted to the Committee on Territories.

The VICE-PRESIDENT. Without objection, it is so ordered. Mr. DICK. I now report the bill back from the Committee on Territories favorably without amendment, and I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# INTERNATIONAL PRISON CONFERENCE,

Mr. PLATT, from the Committee on Printing, reported the following order, which was considered by unanimous consent, and agreed to:

Ordered, That the report of the Commissioner for the United States on the International Prison Commission of the proceedings of the seventh International Prison Conference, held at Budapest, September 3-9, 1906, be printed as a document.

# PUBLIC DOCUMENTS FOR THE PHILIPPINE GOVERNMENT.

Mr. PLATT. I am directed by the Committee on Printing to report back favorably without amendment the bill (H. R. 19754) to provide for the distribution of public documents to the library of the Philippine government at Manila, P. I., and I ask for its present consideration.

The Secretary read the bill, and there being no objection, the Senate as in Committee of the Whole proceeded to its consideration. It directs the superintendent of documents to supply one copy of each document delivered to him for distribution to State and Territorial libraries and designated depositories to the library of the Philippine government, in the city of Manila, P. I.; and the Public Printer is directed to print, bind, and deliver to the superintendent of documents the extra number of documents required to comply with this act.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Mr. SCOTT introduced a bill (S. 7819) granting a pension to Joseph Logsdon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ALLISON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7820) granting an increase of pension to Benjamin

A bill (S. 7821) granting an increase of pension to William G. Cummings; and

A bill (S. 7822) granting an increase of pension to William N. Bronson.

Mr. FRAZIER introduced a bill (S. 7823) for the relief of the estate of Evelina V. Busby (née Blackman), deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 7824) authorizing the extension of Forty-fifth street NW.; which was read twice by its title, and referred to the Committee on the District of Columbia

Mr. PLATT introduced a bill (S. 7825) granting an increase of pension to Garrett Rockwell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 7826) for the relief of the heirs of John R. Elliott; which was read twice by its title, and referred to the Committee on Claims.

Mr. NELSON introduced a bill (S. 7827) permitting the building of a railway bridge across the Mississippi River in Morrison County, State of Minnesota; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BURKETT introduced a bill (S. 7828) to authorize the extension and enlargement of the post-office building in the city of Fremont, Nebr.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. WHYTE introduced a bill (S. 7829) to amend sections 190, 193, and 194 of the Code of Law for the District of Columbia in relation to the coroner of the said District and inquisitions before him; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. CRANE introduced a bill (S. 7830) granting an increase of pension to Wilbur A. Stiles; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7831) granting an increase of pension to William H. Grandaw; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (8. 7832) for the relief of Samuel P. Martin; which was read twice by its title, and referred to the Committee on Claims.

Mr. HANSBROUGH introduced a bill (S. 7833) for the extension of School street NW., District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

. He also introduced a bill (8. 7834) to amend an act entitled "An act to amend an act entitled 'An act to divide the judicial district of North Dakota,' approved April 26, 1890," approved June 29, 1906; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DICK introduced a bill (S. 7835) granting an increase of pension to Zachariah T. Houseman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 7836) for the relief of David W. Stockstill; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DUBOI8 introduced a bill (S. 7837) to amend an act entitled "An act to amend an act entitled "An act to establish a code of law for the District of Columbia,' regulating proceedings for condemnation of land for streets;" which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. KITTREDGE introduced a bill (S. 7838) granting an increase of pension to Ole Gunderson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARNER introduced a bill (S. 7839) granting to Peter McMillen and Lewis L. Allen the right to bring suit in the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. McCUMBER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7840) granting an increase of pension to Lewis A. Towne:

A bill (S. 7841) granting an increase of pension to Frank De

Noyer; and
A bill (S. 7842) granting an increase of pension to E. C. Stevens.

Mr. HALE introduced a bill (S. 7843) granting an increase of pension to Isaac Oakman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PROCTOR introduced a bill (S. 7844) granting an increase of pension to Royal E. Bentley; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. TILLMAN introduced a bill '(S. 7845) granting a pension to Lola B. Hendershott and Louise Hendershott; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7846) for the relief of the legal representatives of Louis Kahn:

A bill (S. 7847) to reimburse A. J. Caufman, of Girard, Erie County, Pa., in the sum of \$300, together with interest thereon from October 16, 1862, for soldier furnished United States, being the amount paid by him to one Charles Morton, as a substitute; and

A bill (S. 7848) for the relief of the Corn Exchange National Bank, of Philadelphia, Pa.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. 7849) granting thirty days' leave of absence with pay each year to members of the Metropolitan police of the District of Columbia; and

A bill (S. 7850) to construct a road along the south bank of the Anacostia River.

Mr. PENROSE introduced a bill (8, 7851) for the relief of J. M. Bloom; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 7852) to amend section 1754 of the Revised Statutes; which was read twice by its title, and referred to the Committe on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7853) granting an increase of pension to Charles S. Keniston:

A bill (S. 7854) granting a pension to George W. Schmidt, or Smith;

A bill (S. 7855) granting an increase of pension to Daniel Brewer (with accompanying papers);

A bill (S. 7856) granting an increase of pension to John Smith;
A bill (S. 7857) granting an increase of pension to Orlando

Dieffenbach;
A bill (S. 7858) granting an increase of pension to Samuel

A. Wehr (with accompanying paper);
A bill (S. 7859) granting an increase of pension to Christian

Paul;
A bill (S. 7860) granting an increase of pension to Ignatz

Gresser;
A bill (S. 7861) granting a pension to Hannah Tomlinson;

A bill (S. 7862) granting an increase of pension to Elias Loughner (with accompanying papers); A bill (S. 7863) granting an increase of pension to John

Manley;
A bill (S. 7864) granting an increase of pension to Jacob

Gross (with accompanying papers);
A bill (S. 7865) granting an increase of pension to Emily S.

Beale; A bill (S. 7866) granting an increase of pension to John

Moore (with accompanying papers);
A bill (S. 7867) granting an increase of pension to Robert R.

Beatty (with an accompanying paper);
A bill (S. 7868) granting an increase of pension to Roderick

Frazier;
A bill (S. 7869) granting an increase of pension to Hoderica
Frazier;

Burns;
A bill (S. 7870) granting an increase of pension to Albert

Bennington;
A bill (S. 7871) granting a pension to Catharine C. Hayes;
A bill (S. 7872) granting an increase of pension to Gilbert H.

A bill (S. 7873) granting a pension to Ella K. Wolf;

A bill (S. 7874) granting an increase of pension to Benjamin Keller (with accompanying papers);

A bill (S. 7875) granting a pension to William Redman; A bill (S. 7876) granting a pension to Sarah Schafhirt;

A bill (S. 7877) granting an increase of pension to Thomas D. Marsh; and

A bill (S. 7878) granting an increase of pension to Richard J.

Gibbs (with an accompanying paper).

Mr. KNOX introduced a joint resolution (S. R. 83) authorizing the building of dams and locks Nos. 1, 2, and 3 in the Youghlogheny River, Pennsylvania; which was read twice by its title, and referred to the Committee on Commerce.

#### OMNIBUS CLAIMS BILL.

Mr. BRANDEGEE (by request) submitted an amendment intended to be proposed by him to the bill (H. R. 19003) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and to provide for the payment of French spoliation claims recommended by the Court of Claims under the provisions of the acts approved January 20, 1885, and March 3, 1891, and for other purposes; which was referred to the Committee on Claims, and ordered to be printed.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. BURKETT submitted an amendment proposing to appropriate \$140,000 for the acquisition of about 16,000 acres of land adjacent to the military reservation at Fort Robinson, Nebr., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs,

and ordered to be printed.

Mr. KITTREDGE submitted an amendment proposing to appropriate \$8,200 to pay certain Sioux Indians at the Rosebud Agency, S. Dak., for losses claimed to have been sustained by these Indians on account of property taken from them by the United States military authorities in the years 1876, 1877, and 1878, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$3,000 for completing the industrial and domestic building, etc., at the Indian school at Flandreau, S. Dak., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be

He also submitted an amendment proposing to appropriate \$6,000 for the erection of a laundry building at the Canton, S. Dak., Indian Insane Asylum, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

# REGULATION OF IMMIGRATION.

Mr. LODGE. I ask that there may be a reprint of the bill (8. 4403) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903, as amended by the House of Representatives and now in conference between the two Houses.

The VICE-PRESIDENT. The Senator from Massachusetts

asks for the reprint of a bill. Is there objection? The Chair hears none, and it is so ordered.

# HENRY W. BLAIR.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 7337) granting a pension to Henry W. Blair. The bill was reported favorably from the Committee

on Pensions yesterday. There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-five" and

insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry W. Blair, late lieutenant-colonel Fifteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

Mr. GALLINGER. I move to amend the amendment by sub-ituting "seventy-two dollars" for "fifty dollars." I think stituting this is a case that does not need any argument, so I will leave it to the Senate.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISMISSAL OF THREE COMPANIES OF THE TWENTY-FIFTH INFANTRY. Mr. FORAKER. I ask that Senate resolution 208 be laid be-

fore the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution indicated by the Senator from Ohio, which will be stated.

The Secretary. Senate resolution 208, directing the Committee on Military Affairs to investigate the Brownsville (Tex.)

affray, etc.
Mr. SPOONER. Mr. President, yesterday when I yielded the floor I was in the midst of a colloquy with the Senator from Georgia [Mr. Bacon], with whom I agree in part, but with whom I am compelled in part to disagree. I would not minimize, and never have consciously, the power of Congress, nor would I exaggerate in anywise the power of the Executive, My proposition-and I do not intend to spend much time upon -concedes to Congress the full power which I think it possesses under the Constitution with reference to the Army, and

it is very large, of course.

Congress is given power to raise and maintain armies and to provide a navy. The size of the Army is entirely for Congress to determine. The character of the Army as to different branches of the service is entirely for Congress to determine. The grade of officers and the number of officers are for Congress to determine. The oath of enlistment, the contract of enlistment are for Congress to determine. The duration of the term of enlistment is for Congress to determine. The pay and all that is for Congress to determine. The establishment of military tribunals, the definition of military offenses, the method of military trials, and the punishment that is to be administered are for Congress to determine. Congress determines where it will have military posts and where it will not, in time of peace, at least.

Congress may reduce the Army and provide for the muster out of officers, as it has often done, and may provide for the discharge of enlisted men, as it has always done, and which is always a part of the contract of enlistment. Congress can not make a contract for service in the Army with an officer, or, I think, with an enlisted man, which would be a contract protected by the Constitution of the United States against the power of the same or a succeeding Congress to reduce the Army, muster out officers, and discharge enlisted men.

See Crenshaw v. United States, Mr. Justice Lamar (134 U. S.

99)

The power of Congress to make rules for the "government and regulation" is a large one, but it is manifestly to be exercised

in the manner clearly indicated by the clause itself.

I can not agree with the Senator from Georgia that the Commander in Chief, either in time of peace or war, is under the supreme control of Congress. The Constitution need not have made the President the Commander in Chief. Wisely, however, it did so, combining with executive power the power of command. It is conceded by the distinguished Senator-from Ohio that in the absence of Congressional rules the President as Commander in Chief, the Congress having raised and appropriated money for the support of an army, but having failed to make rules for its government would, ex necessitate rei, have the power to make those necessary for the government of the Army and Navy. That would not be simply because of necessity, I think, but because the Constitution has made the President Commander in Chief without defining the functions. volves the power to do those things which inhere in the office or are necessary to the discharge of the duties of the office.

The Constitution is to be read as a whole, and provisions pari materia are to be read together, each in the light of the other. No clause in the Constitution is to be so construed as to destroy

another clause or clauses.

Now, I admit the power of Congress over the subject of enlist-I admit Congress may say properly that no enlisted man shall be discharged before the expiration of his term of enlistment except upon the finding of a board of officers. I admit that the Congress may provide that no man shall be reenlisted unless his service during the preceding term was honest and faithful. This is one of the "rules" made by Congress now in force. I admit that Congress might provide-it would not-that men who shall have been dishonorably discharged by sentence of court-martial may be reenlisted in the Army upon making satisfactory proof to a board or complying with such others terms as the Congress might provide as showing changed behavior.

But there must be a distinction between the words "Congress may make rules for the government and regulation of the land and naval forces" and the words "Congress shall govern the land and naval forces." The one would make the power to govern absolute; the other is restrictive as to the manner in which the governmental power of Congress shall be exercised. I repeat on the point a few sentences already read, which certainly

It is true that the Constitution has conferred upon Congress the exclusive power "to make rules for the government and regulation of the land and naval forces;" that the two powers are distinct; neither can trench upon the other; the President can not, under the disguise of military orders, evade the legislative regulations by which he in common with the Army must be governed, and Congress can not in the disguise of "rules for the government" of the Army impair the authority of the President as Commander in Chief. (28 Court of Claims,

Mr. FORAKER. Will the Senator give the citation?
Mr. SPOONER. It is 28 Court of Claims, the Swaim case, In that case it was held, and affirmed by the Supreme Court, that the President by virtue of his function as Com-

mander in Chief may order a general court-martial.

Now, Mr. President, is there no function that is not subject to the control of Congress involved in the designation "Commander in Chief of the Army and Navy of the United States?" I have never heard it denied until yesterday that the assignment of officers to particular commands and the disposition of troops throughout the country was not a part of the power of command, and I was amazed that a lawyer of the great ability of my friend from Georgia should suggest—I do not know that he would contend for it—that Congress can provide that a particular officer shall be assigned to a particular troop or that where a regiment or a company has been assigned by the Commander in Chief to a particular State Congress can by resolution, which has the effect of law, countermand that order. If that is correct, it may fix the designation or location to which that command shall be transferred. I never heard it suggested before, Mr. President, that as commander of the Army and Navy the President has not the power to send the war ships hither and you as in his judgment is best for the country and

The President, as Commander in Chief, acting through the Secretary of War, having lawfully assigned a colored battalion or a colored regiment to Texas for duty, Congress could not constitutionally pass a resolution revoking that order, or, if it had been executed, requiring the President to transfer those troops from Texas to some other State. If the intense construction which the Senator from Georgia puts upon the word "government" in this clause is the law, the Constitution did not constitute the President Commander in Chief of the Army and Navy, but constituted him the Adjutant-General of the Congress, and gave him no power to issue a military order in time of peace not revocable and supplantable by a joint resolution of Congress.

Pomeroy says of the powers of the Commander in Chief,

inter alia, on page 472:

The President's duties in respect to these various subjects may thus be clearly defined and controlled by the legislature—

Indicating matters of Congressional jurisdiction with which

But in time of peace he has an independent function. He commands the Army and Navy; Congress does not. He may make all dispositions of troops and officers, stationing them now at this post, now at that; he may send out naval vessels to such parts of the world as he pleases; he may distribute the arms, ammunition, and supplies in such quantities and at such arsenals and depositories as he deems best. All this is a work of ordinary routine in time of peace, and is probably left, in fact, to the Secretaries of War and of the Navy and to military officers high in command.

The inevitable effect of the construction contended for by the Senator must lead to its rejection. If the power of Congress over the Army and over the Commander in Chief of the Army is as broad as he suggests, there is no order in time of peace which the President can make himself or through the Secretary of War which can not be countermanded or set aside by an act of Congress dealing solely with that order. If the Commander in Chief makes a lawful order discharging A. B. from the Army for the good of the service, he or some friend appeals to a Senator or Member of Congress to introduce and work for the passage of a joint resolution restoring A. B. to the Army, or, in effect, revoking the order of the Commander in Chief. It would be contended that a stigma had been put unjustly upon this man; that he had been discharged from the Army without a hearing; that he had been denied the right, which all men should have, to a "day in court." There would be no limit to the cases in which Congress would be asked to sit as a court of appeals for the review of errors committed by the Commander in Chief in individual cases and to set them aside. through the Army the Congress, not the Commander in Chief, would be the ultimate power in the minds of enlisted men, and if anything can be imagined which would be destructive of discipline in the Army it would be such a system. Does the Senator think that an order lawfully made by the Commander in Chief, discharging without honor A. B., could be revoked by the Congress.

not expect to take any part in this debate; I am agreeing with the Senator upon the conclusion he reaches; but I am simply differing from him as to the particular road over which he travels to reach it. But as the Senator directs himself to me so pointedly in the inquiry he has just propounded, without undertaking to go into any general discussion of the matter-which I am sure he recognizes would be improper and which I would not desire to do at this time-I simply call his attention, in response to the inquiry directly addressed to me by the Senator himself, to the fact that I presume he has in innumerable instances voted to correct the military record of soldiers who have been convicted by courts-martial of desertion.

Mr. SPOONER. Yes.

Mr. BACON. And correcting their record by name, legislating directly upon the point.

Mr. SPOONER. Yes.

Mr. BACON. Of course, the Senator will excuse me from elaborating or answering at large; but I simply suggest the possibility that that may be a reply to the inquiry propounded to me by the Senator.

Mr. SPOONER. Well, Mr. President, there can be no question but that would not be a rule for the regulation and gov-

ernment of the Army.

Mr. BACON. No; but, as I understood the Senator, his inquiry was addressed to the point whether or not Congress could legislate as to the particular individual, regarding anything which had been done by the direct order of the President. An order of a court-martial is under the authority of the President; and when a man is discharged by the judgment of a court-martial, he is practically discharged by order of the President. inquiry of the Senator was, whether or not Congress could by legislation directly overturn the order of the President dismissing a man. It can overturn the order of a court-martial and restore a man to the rolls with honor, and make him eligible to draw a pension. It seems to me that that probably would be a case such as the Senator suggests.

Mr. SPOONER. No, Mr. President. There are a great many cases, thousands of them, cases that occurred during the war, cases as to officers and cases as to enlisted men, having nothing whatever to do with the current discipline of the Army, cases in which, during the excitement and the haste and the tumult of war, injustice has been done to soldiers, dishonorable discharges and dismissals from the Army by the President, and all that, in which Congress has afforded relief. But Congress has never passed an act upon the theory that it restored those men to the Army; that it made void the act of the President or the act of

the court-martial.

Mr. BACON. I think that was done in the case of General Fitz-John Perter.

Mr. SPOONER. In the case of the naval cadets who had been dismissed by a court-martial, and as to whom we acted a year or so ago, they were not eligible under the law to reentry in the Naval Academy, and we passed a bill authorizing the President, in his discretion-thus removing the bar which Congress itself had imposed upon a reenlistment except for good and faithful service-authorizing the President to reappoint those men to the Naval Academy. So in the case of Fitz-John Porter. Mr. President, there was no attempt to review or to set aside the sentence of the court-martial or the order discharging him pursuant to its sentence. That was not reviewed, except for the purpose of ascertaining whether Congress would authorize the President to reappoint him.

Mr. LODGE. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. SPOONER. Certainly.

Mr. LODGE. Did not the President veto the Fitz-John Porter bill on the precise ground that Congress had no power to compel him to appoint any given man?

Mr. SPOONER. Yes; the bill was vetoed—unquestionably.

Mr. SPOONER. Yes; the bill was vetoed—unquestionably.
Mr. BACON. I beg the Senator's pardon. I ask the Senator
from Massachusetts if he will not kindly repropound the in-

quiry? I did not hear it.

Mr. LODGE. I said that President Arthur had vetoed the Fitz-John Porter bill on the ground, as I recall it, that Congress had no right to compel him to appoint any man by name.

Mr. BACON. Yes. Mr. LODGE. Which view has been universally sustained ever Now, when we wish to restore a man either to the Army or to the Navy we simply give the President discretion to do it if he chooses, and he need not do it if he does not want to.

Mr. BACON. I understand. Now, if the Senator from Wisconsin will pardon me a moment-

Mr. SPOONER. Yes.

oked by the Congress.

Mr. BACON. There is no doubt about the correctness of the Mr. BACON. I do not want to interrupt the Senator; I did statement of the proposition made by the Senator from Massa-

chusetts, but it has no relation whatever to the question. The absence of the right of Congress to name a man who shall be appointed is dependent upon the clause of the Constitution which distinctly gives to the President of the United States the power of appointment both in civil and in military cases. It has no possible relation to this question. But in the case of the soldier who has been convicted of desertion and whose disabilities are distinctly removed, there arises no such question. There is a distinct proposition on the part of Congress to set aside that which had been determined by a court-martial under the authority of the President as Commander in Chief, not generally, but as to the distinct individual. It is done here every day; more often than I think it ought to be done.

Mr. SPOONER. I think so, too. There have been too many, but they do not bring the men back into the Army. not impeach the validity of sentences of a court-martial, or of executed orders lawfully made. A man whose service has been lawfully terminated can not again become a member of the Army except by reenlistment. That contract is at an end, and he can not become a member of the Army without a new contract. The bar of reenlistment might be removed by a general rule. not think it can be as to an individual case, or in individual cases similar to thousands of other cases. Of course Congress has absolute control over pensions.

I have never heard it claimed that Congress could revoke a valid order discharging a man, and thereby bring him back into the Army, or require that the President should reenlist him.

An act restoring these men or one of them to the Army would not in any sense whatever be a rule for the government and regulation of the Army. It would be an order or edict revoking the order made by the President for their discharge. Mr. President if the Senate of the Regulation of the dent, if the Senator from Georgia is correct, there is no order which the Commander in Chief may make under the Constitution or the law which the Congress can not revoke and set. aside; and that is, I submit, a dangerous proposition.

Mr. BACON. Will the Senator pardon me a moment? The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. SPOONER. I do. Mr. BACON. I repeat I do not desire to pursue the discussion, because I want the Senator to go on with his argument; but I desire simply to have my position correctly understood, and then I am perfectly willing for the Senator to combat it.

The Senator says that it is a dangerous proposition that Congress has supreme control over the Army and over the Commander in Chief of the Army. I simply desire to state, in response to that, that to my mind there could be no more dangerous proposition than that the great power of the Army and of the Navy, with all of the men who are embraced in them, and all the power given by the consolidation of all of these men, with all of their arms and munitions at the will of one man—there could be, to my mind, no more dangerous proposition than that that immense power, that irresistible power, is in the control and under the power of any one man, free from the control of the lawmaking power of this Government. That is my proposition.

So far as its discussion is concerned, of course that is manifestly impossible in colloquy, and I shall endeavor, unless the Senator appeals to me very directly, not to interfere with the course of his argument. I am content with a statement in opposition to what he has stated as to what I consider the dangerous proposition. I think just exactly the opposite to what he does as to where the danger lies. The danger does not lie in the control of Congress. No people were ever yet subjugated or had their liberty permanently overturned by a deliberative body. Many peoples have had them overturned and been subjugated

when power was lodged in the hands of one man.

If there was one single principle which was sought to be embodied in our Constitution, one single principle upon which republican government must rest for its security, it is that absolute power shall not be given to any one man, and if there is one influence which runs through the entire Constitution it is the influence which seeks to take away from any one man supreme power and put in the Congress of the United States, the lawmaking power of the United States-which consists, as the Senator knows, both of the Congress and the Presidentas the Senator knows, both of the Congress and the Freshent—all of that supreme, power. As I said on yesterday, in alluding to the second division, I think it is, of the first article of the Constitution, all the great powers of government are enumerated in that splendid delegation of power. In the powers delegated to Congress every royal power heretofore exercised by kings—let Senators analyze it and see whether or not I make too broad a statement—every solitary sovereign power theretofore exercised by kings, with the single exception of the pardoning power, was distinctly delegated to the Congress without exception.

If there is any possibility of doubt as to whether or not the construction the Senator puts upon it is correct—and of course there must be a possibility, or he would not contend for it; there must be a probability, or he would not contend for itto my mind there can be no question of the general purpose of the Constitution to put the power in Congress and not rest it in the power of any one man. If that were the purpose it would be defeated if the Constitution is to be construed so that the word "government" can be qualified, because if it can be qualified to one degree it can be qualified to another, and if it can be qualified it is a question as to who shall qualify it. The President? Then he can qualify it so as to say that while this particular element of government is within the Congress when it comes to the Army, there is another particular feature of it which belongs to him, and ultimately, as I said on yesterday, the whole thing can be chipped away until the power of Congress becomes a mere shadow, and the substance of it is in the Executive. I beg the Senator's pardon for intruding so long.

Mr. SPOONER. I will not look at the Senator again, for if I do he considers that I am attacking him or his views.

Mr. BACON. No.

Mr. SPOONER. I have heard the Senator make that speech before.

Mr. BACON. If I could make it well, if I could express the idea in my mind, I could not make it too often.

Mr. SPOONER. The Senator always makes it well; but, Mr. President, it is absolutely inaccurate; it is in distinct contradiction of the whole philosophy of this Government; it is in utter disregard of the Constitution itself and of the distribution by the Constitution of power.

Absolute power in government in some degree has to be lodged somewhere. In our Government it is divided. The executive power, including power in respect of civil or military affairs, is given by the Constitution to the President, not to the Congress. The legislative power of the Government-and all lawyers know what that means—is given absolutely into the hands of Congress. The President has been given the power, when, in his judgment, it is wise, to say "stop;" to afford a locus pænitentiæ to the Congress—an opportunity to reconsider—but under the Constitution it is in the absolute power of Congress, not-withstanding the President's objections, after they have been considered, to enact the law without his signature. If there be not a sufficient number to override the veto of the President, of course, the bill fails; but if it is the general sentiment of the Congress to enact a law, the President can not prevent it any more than the Congress, after the law has been enacted, can execute it.

And so of the judicial power, Mr. President. That is "vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish." The judicial power of the Constitution is beyond the reach of the Congress and of the Executive. Neither can exercise judicial functions.

The validity of the President's order of discharge can be tested any day. Any one of the 167 men who were discharged by this order can go into the Court of Claims and sue for his pay and test the question whether the President in ordering this discharge was beyond his lawful authority. It is a judicial function. Congress may properly only investigate with a view to changing existing rules for future operation.

In all these cases, Mr. President, except as to Members of Congress, there is but one remedy for the abuse of power. That is a remedy provided by the Constitution directly and indirectly, and it is the exclusive remedy.

Congress can not remove a judge of a "constitutional court" of the United States; the President can not remove a judge of a "constitutional court" of the United States. They can be impeached, but they can only be removed by the judgment and sentence of the men who sit in this Chamber, having taken an oath to act as judges.

Each House is given the power to protect itself against corruption in its membership, and that is a power that is absolute. It is not open to review by any other branch of the Government. It is beyond the reach of courts and Presidents. It is the power of expulsion.

Great discretionary power has been given to the President' the United States. Early in the history of the Government of the United States. the President was given the power to call into active service-I have referred to it before-

Whenever the United States shall be invaded-

It does not say when he thinks it shall be invaded-

Whenever the United States shall be invaded, or be in imminent danger of invasion from any foreign nation or Indian tribe, it shall be lawful for the President of the United States to call forth such number of the militia of the State or States most convenient to the place of danger, or the scene of action, as he may judge necessary to repel such invasion.

The exercise of that power by the President was attacked upon the ground that there was no invasion, nor imminent danger of invasion. That is a tremendous power.

Mr. BACON. That is a statutory power.

Mr. SPOONER. Yes; it is a statutory power.

Mr. BACON. I simply desire to say, for fear that I might be misunderstood by those who did not hear me make the statement previously, that I entirely agree with the Senator that the President had the right to summarily discharge these troops. The only point of difference between the Senator and myself is that the Senator thinks the President has that right as a constitutional power, which can not be taken from him—
Mr. SPOONER. I have not claimed that. I am not obliged

to claim that.

Mr. BACON. I think that he exercises the power under the statutes and under the Army Regulations, passed in pursuance of statutory law.

Mr. SPOONER. That is sufficient.

Mr. BACON. Yes; I think it is amply sufficient. Mr. SPOONER. If he has lawfully exercised it.

Mr. BACON. I think he has.

Mr. SPOONER. If he has abused his power or usurped a power under circumstances for which he should be called to account, this is not the place to investigate it.

Mr. BACON. Now, the Senator— Mr. SPOONER. I will leave that out. Mr. BACON. The Senator has reached a point now on which I am not taking issue with him, and I have very grave doubts myself as to the contrary of what he states being true. I shall

be very glad to hear from him on that line.

Mr. SPOONER. Human agencies, of course, must be employed in human governments, and in all human agencies there is the weakness; common to humanity. The framers of the Constitution knew when they drew this instrument that power, absolute power, must be lodged somewhere. They lodged the power of pardon absolutely in the President, left it entirely to his discretion, not subject to restriction or review by the Congress or by the courts. That is a great power. It would be an awful power in bad hands—the power to let loose, if a President were insane enough, the vilest of murderers and the most dangerous of assassins, lawbreakers, all over the land. But the power was lodged with the President, responsible only to public opinion for its exercise, and of course responsible in the manner provided by the Constitution for a corrupt exercise of it.

There has never been much abuse of power by the President in this country from the civil or military standpoint. There has been as much by Congress. If my recollection serves me aright, I have heard great denunciation at times against the legislation of Congress in the reconstruction acts and in various acts which affected sections, and in the light of to-day we can all see action by the Congress which was unwise. The Congress is not perfect. It is not the embodiment of human wisdom in the aggregate. It makes mistakes that are hurtful to the people, but it is responsible only to the people, and its acts are to be set aside only by the tribunal appointed for the purpose

under the Constitution.

But, Mr. President, I pass from this phase of the subject, greatly regretting, notwithstanding its undoubted importance, to have spent so much time upon it. I have discussed it because it is the basis of my objection to the pending resolution, which is essentially a resolution to investigate the *discharge* of these men which was the act of the President. The distinguished Senator from Ohio has stated that he does not care merely for form of words, and his willingness to so remodel his amendment as that it shall provide for an investigation of the facts of the Brownsville affair without reference to the discharge of the enlisted men. There may be excellent reasons oftentimes why Congress should investigate facts, solely for the purpose of ascertaining whether or not reason exists for changing existing laws for future operation either as to the Army or otherwise.

Mr. President, I am not opposed to this investigation and have not been. I really do not know of anyone who is. I would have been better satisfied if the President had ordered a court of inquiry or a board of officers, entitled under the statute to summon witnesses, to administer oaths, so that under the forms of judicial procedure, with examination and cross-examination, this matter might have been investigated and every method known to such procedure exhausted, in order that those who were guilty might be identified, thereby identifying also the But it is plain enough that the President had a right to choose the method. He could have chosen either of the former, or he could lawfully commit the investigation to the officials of the Army, which he did. I am not sure what any of us would have done in his place differently from what he did.

Further inquiry into it is, at all events, without an investigation, probably impossible.

If the President had not included in his order the provision forever disqualifying the discharged soldiers from reenlistment, its legal effect would have been the same, for section 2 of the act of August 1, 1894, volume 28, page 216, provides that-

Hereafter all enlistments in the Army shall be for the term of three years, and no soldier shall be again enlisted in the Army whose service during his last preceding term of enlistment has not been honest and faithful.

A discharge without honor, under article 4, by the proper authorities would be a bar under the statute to reenlistment. I think, therefore, that part of the order is merely declaratory of existing law, except, possibly, as to the use of the word "for-ever." Of course its use could not prevent the Congress from enacting a rule upon the subject of reenlistments which would include these men. I see no theory upon which the validity of the portion of the order which attempted to forever or at all bar the discharged soldiers from serving in any civil capacity under the Government can be sustained. That disqualification could not be imposed upon conviction by a civil court, unless the law had provided it as part of the punishment. The message of to-day informs us that the President has reached that conclusion and, with characteristic promptness, has revoked that part of the order. The prophecy of the Senator from Ohio, in his speech the other day, that the President would, if he became convinced that the order was in any respect invalid, promptly revoke it was well justified.

POWER TO DISCHARGE.

Mr. President, I have proceeded upon the assumption that, barring the disqualification to which I have just referred, the order of the President was lawfully made, and I come now to the question whether the President possessed authority to dis-

charge these enlisted men without honor.

Of course it is true as to this case, as the Judge-Advocate-General decided in 1891, in the case of the Fourth Cavalry, then stationed at Walla Walla, that the President has no power to stationed at Walla Walla, that the President has no power to disturb the legislative organization of the Army. Congress has, in the exercise of an unquestionable power, settled that matter. It has determined how many companies shall constitute a regiment of infantry and of cavalry and artillery, how many men shall constitute the maximum and the minimum of each; and this organization can not be changed except by Congress. If all the members of a company are destroyed it would not destroy the organization. It could be filled up by transfer or enlist-ment. There is no pretense that the President attempted to affect the organization. His order discharged without honor certain men, members of companies B, C, and D of the Twenty fifth Infantry, serving at Brownsville, August 13, 1906. It did not embrace all the enlisted men of either company. It did not deal with organizations.

Mr. MALLORY. He discharged the men.
Mr. SPOONER. Yes; he discharged individuals. I presume
by this time the organizations have been filled up. Men were ordered transferred from other companies, so as to give each company in the battalion its minimum, including those who were not discharged.

Mr. President, the question of power turns altogether, I think, on the construction of article 4 of the Articles of War, as to which able arguments have been made by Senators on the other side of the Chamber and by the Senator from Massachusetts [Mr. LODGE] on this side. I think he is the only Senator on this side of the Chamber who has spoken, aside from the Senator from Ohio [Mr. Foraker], who, with his accustomed ability, has certainly said all that can be said upon his side of the question.

I do not care to repeat much of what has already been said, but to my mind it is a perfectly plain proposition that the President had lawful power, to be exercised in his discretion, not in yours or mine, to discharge these men without honor

from the military service of the United States.

The Senator from Virginia [Mr. DANIEL] showed that this article, in substance, has been in force as long as the Army of the United States under the Constitution, almost, has been in existence. I do not believe it will ever be repealed. believe the time will ever come when the Congress will deal such a blow to the discipline of the Army as to deprive the Commander in Chief of the power to discharge from the service men whom he thinks ought not for the good of the service to remain in it.

One man, without committing a court-martial offense, can demoralize the discipline of a good part of a company. Senators who have been soldiers have known it to be done. He may be guilty of mischief, of things that are not cognizable by court-martial, exerting influence of one sort or another which renders it absolutely adverse to the public interest that that person shall

remain in the Army. I remember one such instance in my own There are a great many times when the public experience. interest requires the discharge of a man or more than one man from a company, and for reasons, too, which would not justify a dishonorable discharge, which would not justify a sentence by court-martial, and for reasons, sometimes, which might hardly justify a discharge without honor; but the public interest demands the severance of the man's relation with the Army.

The fourth article of war is as follows:

No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing.

That is absolute. Even a man sentenced by court-martial to be dishonorably discharged gets his discharge paper. "No man," it says; and the discharge is to be-

signed by a field officer of the regiment to which he belongs, or by the commanding officer when no field officer is present.

This follows:

and no discharge shall be given to any enlisted man before his term of service has expired, except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

It is not necessary to discuss whether the President, as Commander in Chief, possesses inherent power to terminate the contract of enlistment, Some lawyers think he does. Others think he does not. I do not know. This language does not negative it. It is restrictive language. No one can give a discharge to an enlisted man before the expiration of his term of service except these named officials and a court-martial; and of course naming the two who, without this authority, could not do it, if they had not named the President it would seem as

if it were an attempt to exclude him.

So it stands now that the President, the Secretary of War, the department commander, or a court-martial can discharge an enlisted man from the service before the expiration of his term of service. Will some one tell me what limitation is put by that statute upon this power? The Senator from Ohio seems to think there is some. How and to what extent may this power to discharge enlisted men be exercised? The statute contains no limitation. It may be exercised as to one man or fifty men or a hundred and fifty men without violating any express or implied limitation in the statute. One looks in vain for any limitation upon the power. Will some one tell me what definition it makes as to the *grounds* upon which this power may be exercised? That also is left entirely without definition.

Another part of the statute qualifies it to this extent, that no

man shall be dishonorably discharged except by the last-named power—a court-martial. I am unable to find either in logic or in the statutes anything which abridges the discretion of the President, the Secretary of War, or the department commander in the exercise of this power. Perhaps it ought to be restricted. The Congress may conclude some time to define the grounds or reasons which shall regulate its exercise. I do not believe it. At all events, the Senator who asserts that there is a limitation as to the number or as to the grounds upon which the power may be exercised ought to point it out. It has not been done.

It can not be done, in my opinion.

The article uses the words "shall be given." That might imply that this power is only to be exercised—and my good friend, the Senator from Ohio, has almost implied that—upon the request of the soldier. That will not answer, because no soldier ever "requests" to be sentenced by a court-martial, and this word "given" applies also where the discharge is by sen-

tence of a court-martial.

The Supreme Court, in the case of United States v. Sweet (189 U. S., 471), had occasion to consider the meaning of the word "discharge," in connection with travel pay, and also generally. Senators remember that it is provided by the Revised Statutes, section 1289, as amended by act of February 27, 1877 (19 Stat. L., 243), that travel pay, etc., is allowed "when an officer is discharged from the service, except by way of punishment for an offense." The same thing is provided as

to enlisted men by section 1290, Revised Statutes.

In this case a lieutenant from Minnesota, by the name of Sweethe was a second lieutenant of volunteers in the Army—tendered his resignation and was honorably discharged October 15, 1898, having been mustered in at St. Paul, his residence being Minneapolis, and he was not allowed travel pay. He sued for it in the Court of Claims, contending that under the statute every one discharged from the Army, officer or soldier, was entitled to the travel pay, unless he was discharged by way of punishment for a specific offense. The court held in the case, in accordance with the long-established rule of the Army, administered so long and so uninterruptedly as to have the force of law, that he was not entitled to travel pay because he had resigned. The court, through Mr. Justice Holmes, said:

It follows that the only question is whether the meaning of the long-used phrase is too clear for almost equally long-established practice to

control. It seems to us not to be so. It is quite true that in the military service the word "discharge" is the word applied to an order ending the service of an officer at his own request. But in other connections it conveys the notion of a movement beginning with the superior and more or less adverse to the object, as, for instance, when we speak of discharging a servant. Usually it is a slightly discrediting verb. If it is taken in its ordinary meaning here, the exception in case of a discharge by way of punishment raises no difficulty, because a discharge on resignation is not within the meaning of the principal clause.

And then they add that it is usual to state, as it is, on all discharges, except by way of punishment, that the soldier is

entitled to travel pay.

I only read this with reference to any possible misconstruc-tion of the word "given." The word "discharge" does not apply only to a discharge given on application, but is used as covering the whole ground where it is adverse and against the will of the soldier as well as where it is a favor to him.

This power has long existed, often been exercised, and rarely, if ever, abused. At all events, it certainly exists. The Congress has treated this power as entirely discretionary. It did so by chapter 860 of the Thirty-first Statutes at Large, page

708, which provides:

That when the Secretary of War, in the exercise of his discretion, has directed the discharge of any enlisted man of the regular or volunteer forces of the Army, and the orders or instructions directing such discharge stated that such enlisted men were entitled to travel pay, such order or direction shall be sufficient authority for the payment to the soldiers of the traveling allowances provided for by section 1290 of the Revised Statutes, etc.

This Congressional interpretation is confirmatory of the construction which the President and Secretary of War have placed upon it and for which we contend here, that it is an uncontrolled one. It is left uncontrolled in the faith that it will not be abused, but it is not so left that even an abuse of it affects the validity of its exercise, subject to the limitation to which I have alluded.

Mr. President, it will be observed that article 4 does not classify discharges. It covers the whole subject of discharges, honorable discharges, dishonorable discharges, discharges at expiration of term, discharges before expiration of term. It uses the word "discharge" in its generic sense.

A discharge without honor, which is neither an honorable nor a dishonorable discharge, but rather midway between the two, is the creature of regulations established and promulgated by the Secretary of War, with the approval of the President. classification which includes it has been in effect about fifteen years, with the acquiescence of Congress. I do not doubt its I do not remember to have heard it questioned.

I do not contend that the power of the President, directly or through the Secretary of War, to establish Army regulations is without limit. Such a proposition can not be maintained. The law upon the subject was declared by the Supreme Court, through Mr. Justice Harlan, in the case of The United States v.

Symonds (120 U. S., 46), as follows:

Symonds (120 U. S., 46), as follows:

The authority of the Secretary to Issue orders, regulations, and instructions, with the approval of the President, in reference to matters connected with the aproval of the President, in reference to matters connected with the avail establishment is subject to the condition, necessarily implied, that they must be consistent with the statutes which have been enacted by Congress in reference to the Navy. He may, with the approval of the President, establish regulations in execution of, or supplementary to, but not in conflict with, the statutes defining his powers or conferring rights upon others. The contrary has never been held by this court. What we now say is entirely consistent with Gratiot v. United States (4 How., 80) and Ex parte Reed (100 U. S., 13), upon which the Government relies. Referring in the first case to certain Army regulations and in the other to certain Navy regulations, which had been approved by Congress, the court observed that they had the force of law. (See also Smith v. Whitney, 116 U. S., 181.) In neither case, however, was it held that such regulations, when in conflict with the acts of Congress, could be upheld.

That these regulations are in execution of and sumplementary

That these regulations are in execution of and supplementary to, but not in conflict with article 4 or any other statute seems

to be plain.

I have wished that the phrase "without honor" could be changed. I have tried to think of some expression which would improve it. It is difficult to find one. Perhaps it can be done. This form of discharge evidently grew out of the Walla Walla affair, which occurred in 1891 and was in many of its features much like the Brownsville affair. Hunt, a gambler, shot and mortally wounded at Walla Walla a soldier of the Fourth Cavalry, a white man. He was arrested by the civil authorities and incarcerated in the jail. There was evidently great want of discipline in the command. (The colonel commanding at the time was afterwards tried by court-martial for neglect of duty, found guilty, and punished, for not having adopted proper guards to prevent what occurred.) A party of enlisted men of the Fourth Cavalry, from thirty to fifty in number, on the evening of April 24, 1891, surrounded and demanded entrance to the jail, and by means of threats to blow it up induced the sheriff to unlock the door and permit them to enter. They took Hunt into the jail yard and shot him to death. They not only committed a murder, but invaded the peace and dignity and

violated the laws of, a State in which the force for the time was located. The matter was investigated by a board of officers

convened for the purpose.

It was impossible to identify the men. President Harrison then ordered a court of inquiry consisting of three very distinguished and experienced officers of the Army, each one of whom was a model soldier, to investigate and report upon the transaction—Brig. Gen. A. V. Kautz, Col. W. P. Carlin, a general during the war, and Col. Thomas M. Anderson, afterwards a general. With all their investigation they could not identify the men, and they knew how to investigate, and they understood the honor of the Army and knew what was essential to discipline and what is due from the soldier to the law.

They recommended in their report, among other things, as

follows:

That in consideration of the fact that the enlisted men of the garrison of Fort Walla Walla have withheld and neglected to give information which would lead to the identification of the soldiers implicated in the killing of A. J. Hunt, the court further recommends that a reasonable time be given to the officers and enlisted men of the four troops of the Fourth Cavalry at Fort Walla Walla, Wash. (A, C, D, and H), to surrender to the civil authorities for trial all the enlisted men guilty of the crime attempted on the night of April 23, 1891, and actually committed on the night of April 24, 1891; and if upon the expiration of such period the guilty parties aforesaid shall not have been delivered up for trial, that the four troops of the Fourth Cavalry named be, in such manner as may be for the best interests of the service, disbanded.

The Judge-Advocate-General advised that the recommendation to disband the companies or troops could not as matter of law be executed; that the Congress had provided that each regiment of cavalry should consist of a fixed number of companies, each company of a specified number of noncommissioned officers and privates. He advised that the President possessed authority to discharge all the men of the companies, enlisting others in their places, but that the discharge would be in law honorable as to the innocent and guilty alike; that the guilty could recalist; that such a discharge would be a premium on crime. served, moreover, as to the demeanor of the members of the command, as follows:

As to the demeanor of the enlisted force at Walla Walla, the comments of the court are fully borne out by the testimony in the record, It is also understood that these men had been similarly reluctant and secretive in their attitude toward the prosecuting officers, grand jury, etc., in the civil proceedings. This standing mute is evidently the result in part of a consciousness of guilt and in part of a false esprit de corps. The guilt of those who took part in the killing of April 24 is aggravated by the fact that Miller was living at the time, and their crime was clearly murder. The reticence of the rest—those who were cognizant of the violence committed, though not present—places them in a position equivalent or analogous to that of accessories after the fact. Their offenses, therefore, were of the gravest character.

I do not stop to discuss the question whether an officer or an enlisted man who knows of the commission of a crime against the laws of a State by an enlisted man and withholds that knowledge is punishable before a court-martial. I think he is. It is not so written, but it is probably to be considered conduct

prejudicial to good order and military discipline.

But, Mr. President, whether punishable by court-martial or not, it is inherent in the contract of enlistment. It is essential to honest and faithful service. It is the duty of a soldier to maintain the honor of the corps. Self-respect requires a soldier to do it; loyalty to his organization and commander requires a soldier to do it; allegiance to and respect for law and order and good citizenship, all of which enter into it, require a soldier to do it.

The situation is not at all to be compared with the pranks of college students and the college code of honor, which precludes one student from "telling on" others. Such pranks are almost always purely mischievous, sometimes annoying, but rarely ever harmful or brutal. They are generally pardoned by the public because of the known tendency of young men banded together to make a noise and "have a time," and the refusal of one participant to betray another is generally commended, not reprobated. But what, would be said of the conduct of a student who knew that one of his fellows had made a violent assault upon a girl, or had knocked down and robbed a roommate, or had done some other mean, cowardly, wicked thing and should conceal it?

The distinction between the two, Mr. President, is as broad as the sea. In one there is a sort of honor, a spirit of comrade-ship that hurts nobody, that is born in manly boys. In the other there is not a sense of honor; there is not the sense of pride which should lead a right-thinking man to feel "I am dishonored by this occurrence; my class and the college are degraded by it; we must have him out from among us or our standard among ourselves is lowered and degraded, and by ourselves.

on the other. That such an one was a necessity was clearly developed. So to meet such a case they adopted this regula-tion for the discharge without honor; and I venture to say, Mr. President, if the regulation had been in existence at that time and those four companies as individuals had been discharged without honor, the people of the United States would, without distinction of color, have applauded it as a proper exercise and a necessary exercise of discipline in the Army. I believe it.

Paragraph 148, upon the subject, is as follows:

Blank forms for discharge and final statements will be furnished by The Military Secretary of the Army, and will be retained in the personal custody of company commanders. Those for discharge will be of three classes: For honorable discharge, for dishonorable discharge, and for discharge without honor. They will be used as follows:

1. The blank for honorable discharge when the soldier's service has been honest and faithful, in which case he would be entitled to character at least "good."

2. The blank for discharge without honor when a soldier is discharged in the soldier of the soldier is discharged.

charged:

(a) Without trial, on account of fraudulent enlistment.

(b) Without trial, on account of having become disqualified for service, physically or in character, through his own misconduct.

(c) On account of imprisonment under sentence of a civil court.

(d) Where the service has not been honest and faithful; that is, where the service does not warrant his reculistment.

(c) When discharge without honor is specially ordered by the Secretary of Wer for any other reason.

3. The blank for dishonorable discharge, for dishonorable discharge by sentence of a court-martial or military commission.

That latter (e) leaves the discretion with the Secretary of War, recognized by the statute to which I called attention a little time ago, just as the statutes left it, without limit.

The Senator from Ohio [Mr. Foraker] argues—and argues, of

ourse, with sincerity—that the President violated the law in discharging these soldiers without honor without first giving them thirty days' notice each, if possible, in accordance with paragraph 146, and an opportunity for investigation and determination by a board as to the character which should be given the discharge.

The Senator found in that evidence of great concern-he emphasized, I expect, that word a little-for the interest of the enlisted man by Congress. That regulation is not an act of Congress. It did not originate in Congress, as I recollect it, but was entirely the action of the President. Perhaps it was authorized. I have not examined the statutes to ascertain.

Mr. FORAKER. The regulations made by the President are

authorized by act of Congress, and when the President and Secretary of War make new regulations and Congress ac-quiesces, the courts have held that that is the approval of Con-

Mr. SPOONER. I know that.
Mr. FORAKER. So that it is just as I stated, and I was careful to say that these regulations

Mr. SPOONER. But they were not enacted by Congress in the first place.

Mr. FORAKER. No; they were enacted by Congress only in the sense that the President and the Secretary of War had pre-

scribed these regulations by authority of Congress.

Mr. SPOONER. Then what I said, that this concern for the enlisted man, this safeguarding of the enlisted man from injustice by a company commander, originated in the War Department, the executive department of the Government, and not in Congress is accurate. I am not prepared to believe that the Congress, which is not brought into very close connection with the Army in its personnel, as a rule, has more care for or interest in the good of the enlisted men of the Army than the officers who command them-than the President and the Secretary of War.

Upon what possible theory is it that the Senator from Ohio or any Senator can contend that paragraph 146 applies to the discharge of these enlisted men or that it is violated by the discharge of these enlisted men? Mr. President, the President is not above the law, and if Congress enacted these regulations he must be bound by them; but so long as they are regulations in force only because he made them, and Congress has not acted upon them, he is above them, for he can change them either as to individual cases or generally, provided only he does not

violate an act of Congre

When a soldier is entitled to discharge, not by favor of any one, but by virtue of his contract, he is entitled to have his true character as a soldier placed upon that discharge. It is important to him, very important to him, because it not only affects its value to him as a soldier and a man, something to be proud of or not, but it affects his right to reenlist, and it was a wise thing and a just thing for the President, through the Secretary of War. not to leave this matter of fixing the character of a soldier, when At that time there was no regulation which enabled the Government to discharge in the interest of the service the guilty and the innocent without honoring the guilty as well as the innocent on the one hand or dishonoring the guilty and the innocent

each man by name, but to know each man through and through. It is a close relation, and it often happens that officers have more or less friction with the private soldier and the commissioned officer. I know I found it so myself, My company commander had friction with me and I had friction with some men of my company; but I hope that if a man had been a good soldier, if his average had been good, I could not have done him an injustice or have permitted my judgment in fixing his character as a soldier to be governed or affected by my prejudice. I

may be mistaken. There is a danger of it.

So it is provided by paragraph 146 that the character given on a discharge will be signed by the company or detachment commander, and great care will be taken that no injustice is done the soldier; that honest and faithful service shall entitle the soldier to character at least "good;" that where the com-pany commander deems the service not honest and faithful he shall, if practicable, so notify the soldier at least thirty days prior to discharge. He shall notify at the same time the commanding officer, who is in every case to convene a board of three, if practicable, to determine whether the service has been honest and faithful, before which board the soldier shall have a hear-If the company commander is the commanding officer he is obliged to report the facts to the next higher commander, who will convene the board. The finding of the board, when approved by the convening officer, is final. A discharge without honor can be given only on the approved finding of such board That is just, and therefore right.

But, Mr. President, with all deference to the Senator from Ohio-and no one likes him better or more admires him-I can not see any foundation whatever for connecting this paragraph and the proceedings under it with the discharge of the soldiers of this battalion, or with any discharge under the last clause of article 4, by the President, the Secretary of War, etc.

In the first place, Mr. President, no company commander; no regimental field officer unless he is commander of a department, can give an enlisted man a discharge at all before his term of enlistment has expired. That will not be disputed. The power to discharge can not be more explicit.

No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field officer of the regiment to which he belongs, or by the commanding officer when no field officer is present.

If there is a field officer, and a man is entitled to his discharge, it is to be signed by a field officer or by the immediate commanding officer only when no field officer is present.

Then, what follows? An absolute prohibition of the discharge of any man from the service before the expiration of the term of enlistment except by the President, by the Secretary of War, by a department commander, or by general court-martial.

Analyzing the clause a little, Mr. President, how is it possible

that the Senator from Ohio can be right in connecting paragraph 146 with a discharge under the last clause of article 4 of enlisted men prior to the expiration of their term of enlist-ment? The character of a discharge by court-martial is irrecocably fixed by the court itself. Certainly the Senator from Ohio can not successfully contend that where a man is sentenced to dishonorable discharge, or to discharge without honor, by a court-martial, before he shall be given such a discharge the character is to be fixed by his company commander or by a board of officers, under the provisions of paragraph 146. That, of course, is inconceivable.

The power of the President, the Secretary of War, and the commanding officer of a department to discharge with honor or without honor involves a power equally with the court-martial to fix the character of the soldier, except that only the court-

martial can dishonorably discharge.

The term "without honor" fixes the character. How remarkable it would be to hold that where the President of the United States, in the exercise of his statutory authority, discharges a soldier, in his discretion, without honor, a company commander is to try again the question of character, notify the soldier that "without honor" will be put on his discharge, and, upon the demand of the soldier, a board of officers convened and to determine whether the President was right in the character which he fixed for the discharge! Congress made article 4, the latter clause, applying to discharges before expiration of term, being without limit as to number or reasons. The Secretary of War, with the approval of the President, made the regulations, including paragraph 146. It is not possible, aside from other reasons, to suppose they intended to restrict themselves in a power given by Congress, or make their exercise of it subject to the approval of a captain or lieutenant commanding a company, or a board of regimental officers. It is manifest that paragraph 146 applies to discharges at expiration of term of enlistment.

Mr. MALLORY. Mr. President, will the Senator permit me

to interrupt him?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Florida?

Mr. SPOONER Yes.

Mr. MALLORY. Paragraph 146 does not require that the soldier shall make the demand.

Mr. SPOONER. I know it. Mr. MALLORY. The Senator, then, evidently misapprehended what he was saying a while ago.

Mr. SPOONER. I think the Senator is right. Mr. MALLORY. It does not so require. I ha I have it here in my It expressly makes it obligatory upon the officer to notify the soldier, without any request from the soldier at all.

Mr. SPOONER. I think that is right, and it ought to be so. If I said otherwise, it was inaccurate. Just consider that a moment, Mr. President. The President, the Secretary of War, the department commander, a court-martial, and no one else, may discharge a man before the expiration of his term of enlistment. The President makes these regulations. The President, in the exercise of that power, orders the discharge of a man from the service "without honor." What a situation would be necessarily involved if the contention of the Senator from Ohio is correct!

It has always been, so far as I know the rule, that where an enfisted man or an officer has been dishonorably discharged from the service by sentence of a court-martial, there is put on the discharge the character fixed by the court-martial, and a reference is made in the discharge to the sentence of the court-martial. So, where the President or the Secretary of War or the department commander orders the discharge of a man "without honor," while the proper subordinate official signs the discharge, no function is left to him to determine the character of the discharge. They are commanded by a lawful authority at the head of the Army to discharge "without honor." They enter on the discharge papers the number and date, perhaps, of the spe-Any other theory would involve an absolutely grocial order. tesque situation.

Higher tribunals sit in judgment upon the decisions of lower tribunals, but a lower tribunal does not sit in judgment on appeal from a higher tribunal. When the President or the Secretary of War or a department commander or a court-martial has determined upon the discharge and its character that is the end

of it. Subordinates are but to obey.

# THE DISCHARGES WERE NOT "PUNISHMENT."

Now, Mr. President, I come to another branch of this matter. The Senator from Ohio, with great ability and ingenuity, contends that the President has usurped a function. Not denying his power to discharge particularly, he contends he had no right to exercise this power as to these men. Why not? The Senator says that the President has no power to punish. agree to that. He has not. The President can not make a charge against an enlisted man, try him before himself, convict him himself, sentence him himself, and execute the sentence himself. If the President has inflicted—not from the standpoint of the newspapers or words in the orders or the instructions or the messages—punishment in the legal sense, and the word is here used in its legal sense, for it goes to his power-his action is void. Has he done this?

The Senator says these men have been charged with a crime. Every man charged with a crime, in the Army or out of it, is entitled to his day in court. He is entitled to know, Mr. President, by specifications adequate in clearness, setting forth the offense with certainty, if in civil life, by a presentment of a grand jury, or information in some States; if in military life for a military offense, by charges and specifications, to which he may plead "guilty" or "not guilty." No witness can be examined against him without his consent, except in his presence. He is entitled to cross-examine witnesses through his counsel. If he has not counsel, a civil court assigns counsel to help him, and it is the sworn duty of the lawyer, as an officer of the court, to do it. If it be a military court, a military officer is assigned to defend him if he can not employ counsel. possible disagreement between the Senator from Ohio and myself as to that. He is entitled to be heard in argument on the evidence and on the law.

But where is there any charge against these men in a sense which warrants the Senator from Ohio or anybody else in impeaching the validity of the President's action? A charge, Mr. President, in a newspaper is not a charge in the sense of the law. A charge in a message is not a charge upon which a law-yer can logically base the argument, involving a question of power or jurisdiction under the contention which has been urged here.

I want all the circumstances and facts of this transaction investigated. But when the investigation is had, these men will not be having a day in court, except in the phraseology of the

They will not be having a day in court as lawyers understand the term and as the law books use it. Nor, Mr. President, going to the question of power, is there any charge made against any one of these men. I am speaking from the

legal standpoint, not from the oratorical standpoint.

Discharge by way of punishment? No. The Supreme Court has really settled that question, as I will try to show. I am sure that no thought or purpose or assumption of power to convict and punish any of these men can be imputed to the President. On the contrary, his message has not excluded the belief, nor has anything uttered, as I remember, by the Secretary of War, that some of these men are innocent even of knowledge, do not myself believe that knowledge of this scheme was widely distributed. These men, if they could be identified as participating in that assault, would be turned over to the civil authorities for trial and punishment, and if they were convicted by the civil authorities it would be impossible afterwards to do anything with them, I expect, but to bury them. If they were convicted of murder, they would be punished for murder. Why were they not turned over, Mr. President, to the civil authorities? For the same reason that they could not be charged and tried before a court-martial.

The same difficulty which confronted the grand jury and confronts it to-day confronted the President—the impossibility up to this hour of identifying the perpetrators of this crime. Thirteen of these men were arrested and were held under military guard pending the consideration by the grand jury of the case after the warrants had been served upon them, or rather upon their officers for them. They continued after service of the warrants to be held by the military authorities. Why were they Why were they held? They were held, after consultation and with the concurrence of the civil authorities, because of the tremendous excitement there, not unnaturally, following such a transaction, and the danger that the people might in the passion of the hour forget the duty of the citizen and take the law into their own hands and punish without trial, which is a crime not only against the victim, even if he be guilty, but a crime, Mr. President, against society, a crime against the State, against the county, against good order and civilization-a crime which, alas, in the heat and passion and weakness of our common humanity is com-mitted now and then in communities North and South, East and West, but which is always regretted by thoughful men and good citizens everywhere and allowed to pass in silence—never vaunted and glorified.

Mr. President, no man can justly doubt that it was with keen regret and reluctance that the President reached the conclusion that men from this battalion, clad in the uniform of the United States Army, belonging to a military organization alongside of which he and soldiers of another color, the men of his own regiment, had served in Cuba, sharing with him, black as they are. and with his white companions equally the glory and pride and

fame of gallant service there.

Did the grand jury fail to find an indictment because they doubted that the soldiers committed this crime? No. No one who reads this record can say that. Why were none of these men indicted? Because none could be identified as guilty. And no man's behavior could be better in the midst of great popular excitement than the conduct of Judge Welch, the presiding judge of that court. He found the people there in the tensest excitement. He found the women shuddering and the children crying. He had no doubt that the soldiers committed this crime. He said to the grand jury:

I know, gentlemen of the jury, that it takes a long time for blood to cool when it is raised to fever heat by such terrible outrages as your people have had to endure, but in this second test of their high moral courage you, as their special representatives, must be calm, wise, and just, and for the sake of the good name of your community you can not and must not indulge in a single thought of vengeance. You must present for trial before the courts of our State only those against whom evidence is adduced sufficiently pertinent and strong to warrant conviction by a trial jury, and going beyond mere suspicion or even strong probability.

No new Mr. Description.

No, no, Mr. President; and that is true of the military court as it is of the civil court. Proof that an offense has been committed is the first and fundamental step. Proof connecting the defendant accused, by evidence beyond a reasonable doubt, with the offense is the next, and without either there can be no honest conviction. These men therefore were discharged from arrest, the warrants revoked, upon the failure of the grand jury to find an indictment, and they failed to find an indictment because the men could not be identified. That failure is an insuperable bar to conviction and punishment equally in civil and

It is not strange if these men did this thing that they were not identified. It is not very easy to identify colored men in the night. But the troops had been there but a couple of Whatever movements were made there were made with

great celerity, by whomever they were made. In the darkness and with the surprise and fright, the wonder is only that anyone is able to testify even to the general appearance of those who perpetrated it.

Mr. President, I said something yesterday about the record of this regiment. Colored troops have been at Brownsville a number of times before this. General Corbin commanded colored troops at Brownsville, and other officers well known commanded colored troops at Brownsville, and before this there had been no trouble. I will not talk about the officers of that battalion, for I deem it improper. They are awaiting trial, and it would not be decent, far away as they are and in the position in which they are placed, to comment here upon them. They are entitled to their day in court. There is no difficulty about that, for they are known and charges have been preferred

against them.

Now, what was the President to do? Transfer those men to some other southern community? Why take them away from Brownsville and quarter them somewhere else among the people? Why take them from the South and send them to some village in the North? What community would be willing to have stationed in its midst a battalion of troops a portion of whom, undiscovered and undiscoverable, had made a midnight attack upon a city with Government weapons and ammunition. shooting indiscriminately, killing one man, wounding the lleutenant of police, necessitating amputation of his arm, shooting at a woman as she stood near her window, shooting into lighted houses, where they might kill the mother and her babe as she lay sleeping, caring nothing for childhood or sex or old age? What should the Commander in Chief do? Nothing but transfer the honest and faithful men of the battalion, with the murderers of that battalion, to some other community, emboldened by successful concealment of identity to do the same and worse the next time somewhere else, or discharge them all without honor from the service.

The President's duty in such a case was not to the battalion or for the good of the Army alone, but he ewed something to the communities of the United States, among whom some where this battalion would be stationed. Even Mingo Sanders, with twenty-six years of service, with a character "good" and "very good" and "excellent," a hero in many frontier battles, a hero in Cuba, a hero in the Philippines, discharged without honor, is served with notice by the Senator from South Carolina [Mr. Tillman] that he must not go to the State of his birth lest he should be shot down as a possible perpetrator of or participant in this affair at Brownsville. What about the bat-

talion as a whole and other communities and States? Mr. TILLMAN. Would you like to have him sent to Wis-

consin?

Mr. SPOONER. So far as he is concerned, I would not have the slightest objection, for anything I know. But I will have something to say about that before I finish, and I ought to be

Mr. President, in order to fairly judge another and another's acts we must put ourselves in his place. It is easy enough, after the fact, to criticise. The methods might have been different. That was a matter, as I said, to be determined by the President. But given the correctness of his conclusion, what else could he have done in justice to the Twenty-fifth Infantry, in justice to the colored people, in justice to the honor of the Army, and in justice to the public interest than that which he

Undoubtedly it is true that if the President or the officials could have identified the men who composed this platoon or squad they would have been turned over to the civil authorities for trial and punishment. If it were known that some of the men were parties to it-I mean parties to it in the mere matter of knowledge after the fact-it is true they probably could be sent before a court-martial and be tried under the sixty-second article. But it has been impossible to send these men or any of them upon any charge before a court-martial, for it has been impossible to identify any of them as guilty of any specific offense, and it does not follow that the President must be able to establish a charge under the Articles of War against a man to enable him to lawfully discharge him from the service without honor, if he thinks the good of the service requires it.

The Senator from Ohio [Mr. FORAKER] said—I do not remem-

ber his precise language—that the President is estopped from raising this question or alleging it. He does not raise it. I raise it. And I am discussing this matter from my own standpoint, as I would discuss it in the Senate if the President were a Democrat or if he were my enemy. The Senator from Ohio said charges were preferred against thirteen of these men. That is true. Why was it done? I believe it was after the grand jury had met and found no bill of indictment. An officer down there was ordered to prefer charges against these thirteen men. Was it not after the grand jury had acted?

Mr. CULBERSON. I think so. Mr. FORAKER. The Senator is mistaken about that. The grand jury investigated this case some time after these charges were preferred.

Mr. SPOONER. Very well.

Mr. FORAKER. If the Senator will bear with me a moment

Mr. SPOONER. Yes. Mr. FORAKER. These men were arrested, I believe, on the 23d day of August, the day before the battalion left Brownsville.

Mr. SPOONER. Yes.

Mr. FORAKER. They were to have been left behind, according to the first understanding that was arrived at between the military officers and the civil authorities. Later a different arrangement was entered into, whereby the civil process was recalled, and the men were released from arrest. As soon as that was ascertained and reported to Washington, instructions were given to prefer charges under the sixty-second article of war.

Mr. SPOONER. That is immaterial—
Mr. FORAKER. I would not have interrupted the Senator from Wisconsin if he had not asked me the question.

SPOONER. I beg the Senator's pardon. I would have a right to be offended at what he thinks I meant.

Mr. FORAKER. I am not offended, but I do not want to be lectured in public for answering a question when the Senator propounded it to me.

Mr. SPOONER. What I meant to say was that it is imma-

Mr. FORAKER. That is different.
Mr. SPOONER. I would have said that, if the Senator from Ohio had permitted. It is immaterial for the purposes of what I want to say about that whether the preferring of these charges against these men was before or after the action of the grand jury. Anyone who reads the record here knows that these charges were not preferred against these men in order or with the expectation that they would be brought to trial on those charges. No court was instituted for that purpose. I think it was not expected that any court would be instituted for that purpose. The charges were made against these men for a legitimate purpose, not adverse to them, not by way of prejudgment of their guilt or innocence, not because the Gov-ernment had identified them directly or indirectly as guilty of participation in this transaction at Brownsville. They were the same thirteen men who had been charged and arrested by the civil authorities. The charges were preferred against them in order to put their officers in position lawfully to protect them against being taken by habeas corpus from the military custody, possibly to be lynched. Those charges, and the papers clearly enough show it

Mr. FORAKER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. SPOONER. I do. Mr. FORAKER. I dislike exceedingly to interrupt the Senator, but he is evidently under a misapprehension as to the point I made or else I fail to understand him now. What I said was that when I first spoke on this point I went to the trouble to cite authorities to show that the charges against these men were cognizable under the sixty-second article of war. When I spoke on the occasion to which the Senator refers, I said that after I had done that, I had ascertained by looking through Senate Document No. 165 that The Military Secretary, with the approval of the President and the Attorney-General, had taken the same view of it-

Mr. SPOONER. Very well. Mr. FORAKER. And they had directed charges to be filed under the sixty-second article of war. I said that for no other purpose, and gave no other purpose to it, than to show that if there was any ground upon which to make any such charge, it might be tried. I did not indicate that there was any evidence

to sustain the charge.

Mr. SPOONER. I know that. I am glad the Senator has made that statement. I have never disputed, nor do I now, that a court-martial would have cognizance of a charge against these men under the sixty-second article, but what I say is that there has never been the slightest evidence under which any one of them could be sent before a court-martial under the sixty-second article of war.

Mr. FORAKER. That everybody agrees to.
Mr. SPOONER. Very well; let us see. It does not follow from that that there is not in this battalion a band of murderers, and it does not follow from that either that there are not men in the battalion who were cognizant and who are cog-

nizant of the perpetrators of that outrage. But that is neither here nor there. I would have said anyway what I repeat, that these charges were ordered to be filed against these men in order to enable their officers to make adequate return to a writ of habeas corpus that they were held in the custody of the United States under charges, Mr. TILLMAN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. For a question.

Mr. TILLMAN. I only want to ask a question.

Mr. SPOONER. Then I yield.

Mr. TILLMAN. As I understand it, thirteen men were singled out, or whose names were put in the warrants, as probably the guilty ones. Some of them were on guard—

Now, Mr. President-As sentinels. Mr. SPOONER.

Mr. TILLMAN.

Mr. SPOONER. Next week will do just as well for the Senator to ask the question.

Mr. TILLMAN. Of course-

Mr. SPOONER. If the Senator asks a question.

Mr. TILLMAN. I have got to explain what I mean. Mr. SPOONER. The Senator is sometimes very rapid of I wish he would ask the question. What is it?

Mr. TILLMAN. I will not interrupt the Senator if he will not permit me to ask it in my own way.

Mr. SPOONER. Ask it, but do not preface it with a speech.
Mr. TILLMAN. I am not going to preface it with a speech.
When I want to speak I generally do it, and I generally do it directly, so that nobody misunderstands me.

Mr. SPOONER. I do not know about that. Mr. TILLMAN. You never have misunders You never have misunderstood me at least.

You-have misinterpreted me sometimes.

Mr. SPOONER. Out of charity I have brought myself to the conclusion sometimes that I had misunderstood the Senator.

Mr. TILLMAN. Now, with your permission, I will ask my question in my own way or I will sit down—whichever you want.

Mr. SPOONER. No; go on.
Mr. TILLMAN. I was saying that the men who were on guard and the sergeant in charge of the gun racks and who must have known, in the view of the grand jury and of the military officers, something about this transaction were among the thirteen who were arrested as suspected. I want to ask the Senator whether or not the men who were guilty of not keeping the guard and allowing the men to go out of the garrison and the men who were guilty of allowing the gun racks to be opened and the guns taken out, were not amenable to court-martial. and if it was not a military offense worthy of investigation?

Mr. SPOONER. Is that the question?
Mr. TILLMAN. I leave you to judge whether it is a question

Mr. SPOONER. Mr. President, the affidavits of all the men having charge of the gun racks were that the gun racks were not opened until the call to arms; that the keys had been in their possession all of the time; that the racks had only been opened to allow the guns to be taken out for the guards and to be put back by the men whose tour of duty was ended. That is sworn to by the sergeants themselves, except as to one rack, that of Company C, which it was said the men at the time in their hurry for the arms broke open. I fail to dis-

Mr. TILLMAN. The Senator has not said anything about the crime or the omission to do their duty being an offense which was triable by court-martial. It is not a question of the affidavits which were offered. I think the Senator agrees with me that there have been a good many lies sworn to.
Mr. SPOONER. The Senator is not asking me any question.

A reply to it would be difficult or, if made, would not elucidate

in any way the question which I am discussing.

Mr. TILLMAN. The Senator was making an assertion, though, and I wanted to answer it.

What assertion did I make?

Mr. SPOONER. Mr. TILLMAN. You say these men, if I recall it, were not triable, that they had done nothing that would give any excuse for a court-martial.

Mr. SPOONER. I did not say that.
Mr. TILLMAN. That was the meaning of your words, if I understood the language.

Mr. SPOONER. The Senator does not understand my lan-I said the President believed that a part of the battalion perpetrated this offense, and that others knew it; that every one of them made an affidavit that he did not know it; that the President did not know who did it, and there was nothing for him to send to a court-martial; and that it did not follow, as it does not, that while the offenses, if the perpetrators could be identified, would be cognizable by a court-martial, that where the perpetrators could not be identified, the President, if he thought they were guilty, but could not prove it, might not discharge them legally without honor from the service of the United States. And that it what he did. There is no man who believes, Mr. President, that if there had been evidence in the possession of the President to enable him to make a case, against men as having been participants in this transaction he would not have done it. He would, I doubt not, as would any generous, manly man, have been delighted beyond the power of expression to be able by the identification of the guilty to identify the innocent. But from the reports made to him by officers who investigated it and by the commander of this battalion, Major Penrose, that he believed men of the battalion were guilty, and from all the moral evidence the President came to the conclusion that men of that battalion did it. But to this hour there is no evidence that I know of as to individual soldiers who did it.

Mr. President, when the commander of a company or a battalion reports that he believes his men or men from his command have committed an outrage which has shocked the whole country the President is entitled to base much upon it, for naturally the commander stands by his men-Mr. TILLMAN rose.

Mr. SPOONER. No; not now. He stands by his men when he can. It is a part of the comradeship of the officer and men that he should. Moreover, no man could have a higher, intenser interest in the determination that his command was guiltless than Major Penrose, for he knew it would involve himself, as it has involved himself

Mr. TILLMAN rose.

Mr. SPOONER. I am not discussing that part of it. That is not the point which I want to make.

Mr. TILLMAN. Will the Senator allow me a question?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. It depends on the nature of the question.

Mr. TILLMAN. I will make it like a bullet.

Mr. SPOONER. Well, you shoot your bullet very slowly.

Mr. TILLMAN. I like to look in the Senator's eyes.

Mr. SPOONER. Go on.

Why did not the President, if he had so Mr. TILLMAN. much regard for this officer's recommendation, follow it in regard to employing detectives and enlisting them in the company and-

Mr. SPOONER. Mr. President—
Mr. TILLMAN. Try to get at the facts in that way?
Mr. SPOONER. I think the President of the United States will never require any defense against the assaults of the Senator from South Carolina. It has become a mania with the Senator from South Carolina. Mr. President, I have been surprised at the attitude of the Senator from South Carolina more than I ever was by the attitude of any other Senator. The Senator from South Carolina is so filled with animosity against the President of the United States and has so often taken occasion here to express it that I do not believe the people of this country regard his assaults as entirely disinterested.

Mr. TILLMAN rose.

Mr. SPOONER. No; not yet.

Mr. TILLMAN. Surely the Senator will let me come in?

When I get through. Mr. SPOONER.

Mr. TILLMAN. Is that part of the speech through?

Mr. SPOONER. I am not through with that part of it. did ont intend to make this part of it, but the Senator invites me to it. The Senator "associated" himself with the Senator from The Senator began by charging these men, all of them, with being brutal, cowardly, treacherous murderers. That was Then the Senator expressed his conviction that this the first. outrage was perpetrated by men from this battalion. That is the second. This battalion, as a whole, he characterizes as murderers. Then the Senator attacks the President, and in harsh, bitter words, unreasoned and unjust, impeaches his motives and his justice. What about the justice of the Senator from South Carolina to the balance of these men who did not participate in this outrage?

The Senator based his attack upon the President upon his fundamental undying love for justice and liberty. The idea that the *President* of the United States, even in a case where it was impossible to identify the perpetrators of a cowardly and a wicked crime, should discharge them without a trial shocked the Senator's sense of liberty and justice.

How could he try them or send them to trial if he could not

identify them? I never was so touched as I was by the wonderful attachment and loyalty of the Senator from South Carolina to that glorious and fundamental principle of liberty, that no man shall be judged except upon trial.

Mr. TILLMAN. Do not misquote me.
Mr. SPOONER. No; I put it mildly. I do not intend to misquote you. Quote yourself, if you please.

Mr. TILLMAN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Yes, sir.
Mr. TILLMAN. I said it is the fundamental principle of English and American liberty that every man shall be considered innocent until he is proved guilty-

Mr. SPOONER. Proved guilty where? Mr. TILLMAN. In a court, of course. And that ten guilty had better escape than one innocent suffer. Does the Senator

object to that?

Mr. SPOONER. Mr. President, the statement is accurate, generally speaking, but with what grace can the Senator, using that as a foundation, charge usurpation in this case and a violation of fundamental principles of liberty upon the President of the United States? Is not that principle applicable to a black man in the South as well as to the white man in the South or the white man in the North? The Senator, who says, "We shot them, we killed them, and we will do it again," on a former occasion-

Mr. TILLMAN. May I get in? Mr. SPOONER. What do you want to get in for? I want

to finish. What is it?

Mr. TILLMAN. How much provocation will you give a man before you give him a chance to strike back a little?
Mr. SPOONER. Well, strike back; go on.

Mr. TILLMAN. On this proposition which you are discussing you first branch off on one phase of it. You had better sit down a little, if you please.

Mr. SPOONER. No; I do not intend to yield for a speech. The Senator can answer me later. If he wants to ask me a question, he is welcome.

Mr. TILLMAN. Is that all? Mr. SPOONER. That is all.

Now, Mr. President, I would do the Senator from South Carolina no injustice.

Mr. TILLMAN. The Senator from Wisconsin, however, turns himself directly to me, mentions me by name, speaks of things I have said and of my motives, and all that sort of thing, and then says I may answer him hereafter, but he will only let me in now for a question.

Mr. SPOONER. I wish to finish what I want to say. What

is the question?

Mr. TILLMAN. I did not start to ask a question.

Mr. SPOONER. Start to ask it.

Mr TILLMAN. I said I did not start to ask a question.
Mr. SPOONER. I decline to allow the Senator to make a

speech. I am anxious to get through.

The VICE-PRESIDENT. The Senator from Wisconsin de-

clines to yield.

Mr. SPOONER. Now, Mr. President, I believe in law. believe that wherever a man perpetrates a crime, or a crime is committed and the perpetrator or suspected perpetrator can be identified, the law should seize him. I believe he is entitled to a trial before sentence. I believe he is entitled to a day in

I am opposed, Mr. President, to any man making himself judge, juror, and executioner. I look upon it as shocking beyond expression in civilized communities, Mr. President, for the populace to seize a human being, charge him with crime, drag him to a tree protesting his innocence, and hang him or burn him at the stake. "In the corrupted currents of this world" it sometimes happens. All just men deplore it. No man ought to encourage it. It is a crime against civilization to encourage it.

I have looked with peculiar honor and pride upon the brave, continued, efforts of southern governors to conserve the law, to maintain peace, to make that a real shield which the law in every civilized community is intended to throw around a man accused of crime. I have admired Governor Vardaman for it; I have admired the governors of other States in the South for it; I admire the governor anywhere who has done his uttermost to prevent lynching and to punish lynching.

And, Mr. President, I have been shocked more than once. was shocked the other day here by the statement of the Senator was snocked the other day here by the statement of the Senator from South Carolina justifying it and supporting its continuance. If there is one man under the sky who ought not to do it it is a maker of the laws which govern the people.

Mr. President, this is not an attack nor is it intended to be

upon the Senator from South Carolina. It is a plea for good government, orderly government, real liberty—not the liberty of one man, but the liberty of all. What is liberty? It is not license. Liberty was once well defined to be "freedom to do that which the law permits." That is what liberty is. I say again that any man here or elsewhere who encourages lynching, murder, lawlessness, will have much to answer for, and the higher his position and the weightier his influence the more he will have to answer for.

Mr. President, what I started to say when led off into this is that no man can come with very good grace to berate and vitu-peratively impeach the President of the United States for having discharged men without honor from the Army without trial because he could not identify the guilty and single them out from the innocent, who comes to that accusation from a lynch-ing bee or from justifying one. There ought not to be one law for the white man and another law for the black man. The law, Mr. President, is for all. Every man in the land is entitled to its protection, and every man in the land, if he violates it, should feel its weight and punishment after trial and conviction. They have no more right in one State than in another to condemn men and execute them without trial whatever the offense may be. Mr. President, I am sorry to have been led off into I come back to the point I was making.

The Senator from Ohio calls this discharge without honor a punishment. Is it a punishment? Mr. President, to my mind, in the legal sense, it is not possible for anyone accurately to characterize it as a punishment. As to the men who are guilty, if any are guilty—and the President was satisfied of -it certainly is not a punishment; as to the men who are innocent it is not a punishment, although it is a great hardship. Punishment by order is not permitted in the Army of the United States. (Digest Opinions Judge-Advocate-General, par. 2322, and note, p. 654.) It only follows upon the judgment of a court-martial. Used in any other than its legal sense it has no place in this debate in support of a claim that the President has usurped the function of a court-martial and punished without authority. The statute provides that an enlisted man discharged, except by way of punishment, shall be entitled to travel pay. I suppose the word punishment in that clause means just what it means in the Articles of War, and means just what it means to the lawyer anywhere and everywhere. This was not punishment.

In United States v. Kingsley (138 U. S., 90) the Supreme Court had occasion to define the word punishment, in section 1290, Revised Statutes, which provides that-

when a soldier is discharged from the service, except by way of punishment, he shall be allowed transportation and subsistence from the place of his discharge to the place of his enlistment, enrollment, or original muster into the service, etc.

Kingsley was a marine and was discharged for unfitness for the service and general bad character. He sued for retained pay under section 1831, Revised Statutes, and for transportation and subsistence.

It was held by the Court of Claims that "to deny his right to retained pay a forfeiture must have been considered and declared by a court-martial or other military authority having jurisdiction in the premises," and judgment was given him for his retained pay and for his transportation and subsistence. On appeal the Supreme Court reversed the judgment, with direction to the lower court to set aside the judgment and enter a new one for the transportation and subsistence, saying:

(1) Claimant's right to retained pay depends upon Revised Statutes, section 1281, which reads as follows: "To the rates of pay stated in the preceding section \$\frac{1}{2}\$ per month shall be added for the third year of enlistment, \$\frac{1}{2}\$ more per month for the fourth year, and \$\frac{1}{2}\$ more per month for the fifth year, making in all, \$\frac{3}{2}\$ increase per month for the last year of the first enlistment of each enlisted man named in said section. But this increase shall be considered as retained pay, and shall not be paid to the soldier until his discharge from the service, and shall be forfeited unless he serves honestly and faithfully to the date of discharge."

That is the statute.

That is the statute.

To entitle the soldier to this retained pay it is therefore necessary to show, first, his discharge from the service; second, an honest and faithful service to the date of discharge. It was held by the Court of Claims, however, that to deny his right to retained pay a forfeiture must have been considered and declared by a court-martial or other military authority having jurisdiction in the premises, and that the question of honest and faithful service, required by the section, was not one that could be tried in a collateral proceeding. We are nuable to concur in this opinion. By his enlistment the soldier contracts for honest and faithful service, and the rendition of such service is a condition precedent to his right to recover his retained pay. The fact that he has not rendered such service may be shown as well by his military record as by the judgment of a court-martial. \* \* \*

The court cites United States v. Landers (92 U. S., 77), and continues:

continues:

Different considerations apply to his claim for transportation and subsistence from the place of discharge to the place of enlistment. The right to this depends upon section 1290—

"When a soldier is discharged from the service, except by way of punishment for an offense"-

These words are italicized by the court-

These words are Italicized by the court—

"he shall be allowed transportation and subsistence from the place of his discharge to the place of his enlistment, enrollment, or original muster into the service."

We think this statute contemplates a discharge as a punishment inflicted by the judgment of a court-martial or other military authority for a specific offense, and not such a discharge as was issued in this case, for unfitness for service and general bad character. While this may justify the proper authorities in ordering the discharge of the soldier as a worthless member of the service, we can not consider such a discharge as "a punishment for an offense" within the meaning of the statute. The question whether such punishment must necessarily be awarded by the judgment of a court-martial is not presented by this record, and we express no opinion upon the point.

Mr. Presidant expray right that would not follow a discharge

Mr. President, every right that would not follow a discharge by way of punishment did follow these discharges without honor. The men forfeited nothing except the right to reenlist. Upon what theory it can be called a "punishment" I am unable

I do not intend, Mr. President, to go at any length or thoroughness into the mass of reports, affidavits, statements, and documents bearing upon the question of fact. I may incorporate some extracts in my remarks, if permitted to do so.

The VICE-PRESIDENT. In the absence of objection, leave is granted.

Mr. SPOONER. I have read attentively everything which has been sent to the Senate upon the subject. That an attack was made at midnight upon the city of Brownsville by armed men, resulting in death, wounds, and terrorism, can not be dismen, resulting in death, woulds, and terrorish, can let be the puted. I have been unable to escape the conviction that it was perpetrated by soldiers of the battalion of the Twenty-fifth Infantry, not simply from the statements of those who swear that they saw the men, that they were in uniform and colored, and somewhat under command, but from moral evidences inherent in the situation. The suggestion that this shooting was done by citizens of Brownsville in order to bring obloquy upon the battalion, which would lead to its removal from that post, has, for a variety of reasons, seemed to me not only untenable, but grotesque.

The discussion of the whole subject by the President and by the Secretary of War seems to me unanswerable. I incline. strongly to the opinion that the heart of the trouble was in Company C. With one exception, as I remember it, the soldiers who had trouble with citizens belonged to Company C.

There seems to me to be a lie out on this record as to the gun racks of Company C. The affidavit—and I read it that it may have attention hereafter—of D. W. O'Browner, of Company C, on the 14th day of August, the day after this affair occurred, is as follows:

occurred, is as follows:

I was in charge of the company quarters of Company C, Twenty-fifth Infantry, on the 13th and 14th of August, 1906. I locked the arm racks in the company quarters between 10 and 11 o'clock a. m. August 13. There were 53 in the racks, which, with the 4 rifles in the hands of the members of the guard, made up to the total number issued to the men of Company C: that is, 57 rifles in all. The keys of the arm racks were constantly in my possession. The arm racks were not opened until about 12.15 a. m., August 13, 1906, for any reason except that about 2.30 o'clock p. m., August 13, 1906, one rack was opened for a moment to allow the supernumerary of the guard to get his rifle in order to take the place of a member of the guard who was taken sick, and whose rifle was at the same time placed in this arm rack.

About 12.15 a. m., August 14, 1906, I was awakened by a corporal of the company, who told me that shooting had been going on and that call to arms had been sounded, and to get up and open the arm racks. I went down to the first sergeant and asked him what I should do, whether I should open the arm racks, and he said, "Wait for orders." Corporal Madison, whom I met as I was returning to the squad room, told me orders of the commanding officer were to open the arm racks. I then opened three racks, the fourth having been broken open by the men trying to get their rifles from the racks to fall in when call to arms sounded.

It seems a little strange to me that the men of Company C

It seems a little strange to me that the men of Company C alone could not icait, as the members of the other companies had waited, for the gun racks to be unlocked, especially in view of the testimony of O'Browner that he unlocked three of the four. Then comes the affidavit of First Sergeant Harley, of Company He says:

C. He says:

He met noncommissioned officer Sergeant Browner in charge of quarters; Sergeant Browner asked him, "Shall I open the racks?" to which he replied, "Wait for orders." He then met Corporal Washington, who informed him that the call to arms had been sounded. He then instructed Corporal Washington to inform Sergeant Browner to let the men have their guns and get downstairs as quickly as possible. Some of the men were already downstairs without their guns, and he sent them back for their rifles. Major Penrose asked why they did not have their guns, and a member of the company replied that they could not get their guns from the racks, as they could not get in them. Major Penrose ordered them to get their guns if they had to break open the gun, racks. Sergeant Browner opened as fast as he could the racks in the dark, but the men broke open one rack. He reported to Lieutenant Grier, who took charge of the company at once.

It will be noticed that the affidavit of O'Browner, made August

It will be noticed that the affidavit of O'Browner, made August 14, and the affidavit of Harley, made November 24, are not in O'Browner swears that he asked Harley whether he should open the racks, and that Harley said, "Wait for orders." Harley says that O'Browner asked him, "Shall I open the racks?" to which he replied, "Wait for orders." Here they Harley says he instructed Corporal Washington to inagree. form Sergeant O'Browner to let the men have their guns and get downstairs as quickly as possible. O'Browner swears that Corporal Madison, whom he met as he was returning to the squad room, told him the orders of the commanding officer were to open the arm racks.

Harley further swears that as some of the men were already downstairs without guns, he sent them back for their rifles. When Major Penrose asked why they did not have their guns and a member of the company replied that they could not get their guns from the racks, Major Penrose ordered them to get

their guns if they had to break open the racks.

It will be noticed in the affidavit of O'Browner, August 14, he not only does not claim to have heard any such orders from Major Penrose, but that he was on his way back to the squad room and was informed of the orders to open the racks by Corporal Madison.

On the 24th of November Sergeant O'Browner made for the Constitutional League an affidavit, as follows:

Affidavit S .- W. O'Browner, Company C. Aroused by firing.

Affidatif S.—W. O'Browner, Company C. Aroused by firing.

Terrory of Oklahoma, County of Canadian, ss:

Personally appeared before me, the undersigned authority, duly authorized to administer oaths in and for the county and Territory aforesaid, one Sergt. Darby W. O'Browner, of Company C. Twenty-fifth United States Infantry, who deposes and says that he has been in the United States Army for a period of fourteen years—in Cuba. El Caney, and Santiago, in the Philippines April, 1900, to August 1, 1902.

That on August 13 he was garrisoned at Fort Brown and was detailed in charge of quarters Company C; between 12 and 12.20 he was aroused by firing, which sounded like it was a distance over the brick wall in town, and that he rushed downstairs to find his first sergeant, and received orders as to opening up the gun racks. He found Sergeant Harley, who said, "Wait for orders." While standing there he heard Major Penrose say: "Open those gun racks and fall in line promptly, and if you can not find noncommissioned officer in charge of quarters break them open and fall in line promptly." He rushed upstairs and one that he could not get open was broken open and he found all of the guns intact. The men ran promptly and fell in line, and the roll was called and the men were all present and accounted for. He lighted a lantern and found all of the gun racks intact except the one broken open. He remained in charge of quarters.

Affiant further deposes and says that to his best knowledge no fire-arms were gone or used by any members of the Twenty-fifth United States Infantry at Fort Brown prior to call at arms as stated. He means by members of Company C.

Darby W. O'Browner.

DARBY W. O'BROWNER

Subscribed and sworn to before me this 24th day of November, 1906. E. T. Barbour, Notary Public.

My commission expires July 20, 1907. It will be observed that he failed to remember the statement made under oath on the 14th of August, that Corporal Madison communicated to him the order to open the gun racks as he was returning to the squad room, and that he does not mention Corporal Madison at all. He did not pretend in his affidavit the day after the occurrence that he had seen or heard from Major Penrose, but in the foregoing affidavit he makes oath that at the time Sergeant Harley told him to wait for orders, and while he was standing there, he heard Major Penrose say: "Open those gun racks and fall in line promptly, and if you can not find the noncommissioned officer in charge of quarters break them open. This is all new and in conflict with his former affidavit. Without taking time to further analyze it, the difference between the two affidavits is significant and sinister.

In Major Penrose's report from Fort Brown, August 15, 1906. page 68, Senate Document No. 135, second session Fifty-ninth

Congress, he says:

I have the affidavits from three noncommissioned officers who were in charge of quarters on the day and night, and they swear positively the rifles were verified and the racks locked after drill (practice march of Companies B and D, drill of Company C), and the old guard returned to the quarters; that they never left the quarters, and that the keys to the locks of the racks were never out of their possession, and that the racks were not opened until call to arms sounded and were then opened by them by them

When in connection with the discrepancy in these affidavits one turns to the speech of the Senator from Texas [Mr. Culberson] there is an exhibit under oath which, if true, throws a flood of light upon this matter.

Mr. CARMACK.

What page?
Page 28. It is the statement of W. H. Mr. SPOONER. I have endeavored to ascertain who W. H. Sharpe is. He was the post blacksmith. He is not a black man; he is a white man, who went with this company from Fort Brown to their present post-Fort Reno, I think, or whatever their destination was-and is still in service there. He is an employee of the Quartermaster's Department, and he makes this statement under oath:

I live at Fort Brown. I am the post blacksmith. On the 14th of August, the day after the riot, I received verbal orders from the post quartermaster, Lieutenant Greer, through Q. M. Sergt. Roland Allsby, to repair four gun racks, which were brought to my shop. These racks belonged to Company C, as I heard, but I do not know so from

my own personal knowledge. The staples which held the locks had been pulled out, and I replaced them. The piece of iron on which the staples are riveted is 2 inches wide and one-fourth of an inch in thickness; It would require considerable force to break the staples out of the

But he swears that on the four gun racks they were broken out of the iron-

The upper part of the racks, which hold the pistols, showed marks (gashes) as if made with an ax, but the locks had not been disturbed.

When the time comes that phase of this matter-

Mr. CARMACK. Mr. President, I should like to make an inouiry.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. SPOONER. Certainly.
Mr. CARMACK. Is not that which the Senator just read a sworn statement in the testimony before the grand jury?

Mr. SPOONER. It is a sworn statement, and a very significant thing, Mr. President, which will call for investigation.

Mr. President, I am as anxious as any man can be that, if it possible to do it in the proper exercise of legislative power, it shall be determined whether the men from this company and battalion did it. I hope with all my heart it will be possible to identify those who did do it, but I believe that the President has acted entirely within his power and in a manner which he believes, and which I believe, to have been in the interest of the people, for the good of the Army, and for the good of the race to which the discharged soldiers belong.

Now, Mr. President, a word and I shall have finished, apologizing to the Senate for taking so much time and for having allowed myself to discuss some matters not strictly involved. realize as well as any man in the North the complicated and troublesome and, perhaps, in some ways dangerous situation as to both races in the South. I am not able to say that in dealing with the Southern States at the end of the war measures were not adopted which, from the standpoint of to-day, might not better, in some aspects of it, have been pretermitted. In the situation as it presented itself to the Congress of northern men, fresh from the struggle to suppress insurrection against the Government in a war to preserve the Union, it was, of

course, inevitable.

It is always dangerous to confer the suffrage upon a mass of people unfitted by education for its exercise. I do not intend to advert, except by a word, to the fact that, as I understood it then, and as I understand it now, the suffrage was not secured to the colored man in a party interest, but to protect him, by giving the ballot as a weapon of defense, against codes, which you will find collated to some extent only in the dissenting opinion of Mr. Justice Harlan in the Slaughterhouses cases (109 U. S., 36), codes which were thought in the North practically to repudiate the pledge contained in Abraham Lincoln's emancipation proclamation, afterwards written by the people into the Constitution of the United States.

I am far from forgetting the difficulties which then beset the

It was difficult for southern men to realize, when the Confederate flags were furled and laid away and they returned to their homes, that the black people whom they had left at home as slaves had become when they next looked upon their faces free men. It was a sudden dislocation of a long-continued status, and of course it took time to adjust their relations to it.

We once attempted-I did my part of it, for which I have never apologized, nor will I—to safeguard, in the interest of the people at large, the right of the colored man to vote in accordance with the constitutional amendments. That bill did I have been glad it did not pass, although I did not pass. honestly all that I could to secure its passage. That it did not pass has been better, I think, for the white men of the South and infinitely better for the colored men of the South, where the Anglo-Saxon and the negro race live side by side and will continue so to live, doubtless, as long as this Government lasts,

They can live in peace, I hope and pray and believe. It will require the utmost of patience and calmness and justice on the part of the white people of the South. The colored men are not cowards; they are ambitious. They are human beings; they were born in this country; they were made by the fourteenth amendment citizens of the United States.

In respect of the suffrage, which the Southern States have adjusted to suit themselves, their administration of it has been left without Congressional interference, even without recent agitation. Of course, our people feel that the just constitutional equilibrium between the States has been distorted and disarranged because of the situation. The South has a larger representation in the electoral college and in the House of Representatives because of the colored vote. The vote has been decreased in one way and another, but the representation has remained.

Senators will bear me witness that it is a good many years since this subject has been discussed at all on this side of the When I first came to the Senate it was often debated with a violence which is almost always inseparable from it. Silence upon it has not been a surrender, except in this way, that it has come to be felt by our people at large that the delicate and difficult problem down there can be best settled without agitation from without.

Now, Mr. President, I think the fourteenth amendment of the Constitution, which makes the colored man and all persons born in this country citizens of the United States, which guarantees to them equality before the law, the equal protection of the laws, and those rights of liberty, conscience, property, to which all men are entitled in any decent government, must live. I have no notion that the great body of the people of any section of this country think otherwise. The law must be equally a shield for all entitled to its protection; and I feel sometimes I recall the conversations I had years ago with some splendid and chivalrous ex-Confederate soldiers who have gone from this Chamber, and some still here, upon this difficult and sensitive subject in the South, that it requires more than any other problem in history patience, considerateness, and justice on the part of the leaders of southern thought, instead of vehemence and vituperation.

When I listen to the Senator from South Carolina [Mr. Till-MAN] in his impassioned utterances, to the opprobrious terms which he sometimes applies to the colored race, uttered in public places, carried broadcast throughout the land, to wound the self-respect and the hearts and the pride of every black-skinned man, woman, or child in the land, I can not help saying to him, in all kindness, that I think he, and he more than others, because of his ability and his prominence and his leadership, is exciting and begetting trouble sometime in the South which all good men ought to strive to avert, strive by fair speech and kindliness and considerateness, not social equality but justice, to avert.

Somebody has sent me a copy of the speech the Senator from South Carolina made in Chicago. I do not know that it is a fair report of it. In one part of the speech, after a man had interrupted him, he is reported to have said:

Oh, shut up, will you? Let me go on. I have forgotten more about the race question than you could learn in forty years.

That is probably true.

Reference was made by the Senator to the recent defeat of Mr. Barnett for municipal judge. The Senator said that after Barnett—whom he did not mention by name—had been elected by white votes "and by the votes of these baboons," looking toward several colored men in the house, "you hounds—

Speaking to the white men in the audience-

counted him out—a disgrace that would not happen in the State of South Carolina."

In another part of the same speech he is quoted as saying:

We have in days past stuffed ballot boxes, used shotguns, and elected white men, no matter what the nigger vote, but we never committed the infamy of nominating a negro on our ticket and of later counting him out.

Then when some one in the course of the Senator's speech on the race question spoke of the constitutional amendment, or, I suppose, referred to that-

"How about the law?" the auditor asked.

The Senator is reported to have replied:

The law

This says the Senator shouted, but I can not believe that possible—the Senator replied:

To hell with such law

Now, Mr. President, I take the liberty of saying that speeches like those in which the Senator from South Carolina indulges-I am not lecturing the Senator; I am talking about a subjectare not calculated to bring about the future kindly, friendly, and necessary arrangements and relations between the white people and the colored people in the South, and I do not believe, and I think the people of the North do not believe, as the Senator from Colorado [Mr. Patterson] said the other day, that in these vehement outbursts on this subject the Senator from South Carolina speaks the real sentiments of the leading thoughtful people of the southern section.

The negro is not a The South owes much to the negro. baboon. Even in slavery days the Constitution referred to the negroes as persons, dividing them into free persons and bound persons; and I think the spirit which will settle the southern question, which is very different in its language and motive from that of the Senator from South Carolina, is expressed in what I read from another distinguished southern leader, the eloquent Grady, unhappily now gone, considerate, kindly, self-re-

specting, and tender: What of the negro? This of him. I want no better friend than the black boy who was raised by my side, and who is now trudging patiently with downcast eyes and shambling figure through his lowly way of life. I want no sweeter music than the crooning of my old "mammy," now dead and gone to rest, as I heard it when she held me in her loving arms, and bending her old black face above me stole the cares from my brain and led me smilling into sleep. I want no truer soul than that which moved the trusty slave, who for four years while my father fought with the armies that barred his freedom, slept every night at my mother's chamber door, holding her and her children as safe as if her husband stood guard, and ready to lay down his humble life on her threshold. History has no parallel to the faith, kept by the negro in the South during the war.

And it was faith indeed well kept, for every negro knew that as the blue lines of the Federal Army, marching under its flag.

as the blue lines of the Federal Army, marching under its flag, pressed southward, it carried liberty to them, but even that did

not woo them to infidelity.

not woo them to infidelity.

Often 500 negroes to a single white man, and yet through these dusky throngs the women and children walked in safety and the unprotected homes rested in peace. Unmarshaled, the black battalions moved patiently to the fields in the morning to feed the armies their idleness would have starved, and at night gathered anxiously at the big house to "hear the news from marster." though conscious that his victory made their chains enduring. Everywhere humble and kindly; the bodyguard of the helpless; the rough companion of the little ones; the observant friend; the silent sentry in his lowly cabin; the shrewd counselor, and when the dead came home, a mourner at the open grave. A thousand torches would have disbanded every southern army, but not one was lighted.

When the master, going to war in which slavery was involved, said to his slave: "I leave my home and loved ones in your charge," the tenderness between man and master stood disclosed. And when the slave held that charge sacred through storm and temptation he gave new meanng to faith and loyalty. I rejoice that when freedom come to him after years of waiting it was all the sweeter, because the black hands from which the shackles fell were stainless of a single crime against the helpless ones confided to his care.

These beautiful words breathe the spirit which I believe in-

These beautiful words breathe the spirit which I believe inspires the white people of the South in their efforts and purpose to work out the destiny of the Anglo-Saxon and the colored races in that region. May God lead them to a solution of the great problem which will be at once honorable and beneficent. The spirit which moves a few prominent and powerful white leaders to make and encourage constant attacks upon the colored race because of their color; to the constant assertion of their inferiority as a race; to the constant advocacy and defense of lawlessness against them is very, very far from the spirit of Walthall and of Grady and other great southerners whom I have had the honor to know; far away, I hope and believe, from the general spirit and sentiment of the South, which will be infinitely more helpful to a solution which in peace and friendliness will give scope to both races than that exhibited by my friend from South Carolina. I do not know of a more certain way to precipitate a struggle between the two races in such an environment than to be constantly violently declaring it to be imminent and inevitable.

I beg pardon of the Senate, Mr. President. [Applause in the galleries.]

The VICE-PRESIDENT. Applause is not allowed under the rules of the Senate.

During the delivery of Mr. Spooner's speech,
The VICE-PRESIDENT. The Senator from Wisconsin will
suspend while the Chair lays before the Senate the unfinished

business, which will be stated by the Secretary.

The Secretary. A bill (S. 7709) to revise, codify, and amend the penal laws of the United States.

Mr. FULTON. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered, The Senator from Wisconsin will proceed.

After the conclusion of Mr. Spooner's speech,

Mr. CARMACK obtained the floor.

Mr. TILLMAN. Will the Senator from Tennessee allow me for a moment?

Mr. CARMACK. Certainly.
Mr. TILLMAN. I had expected, Mr. President, to have a few brief words to say to the Senator from Wisconsin [Mr. Spooner] in view of the direct personal attack he has made on me this afternoon, but the latter part of his speech has widened the scope of the reply I wish to make, and I therefore will take occasion in the near future to have something to say on this question and in answer to some insulting allusions he has made.

Mr. LODGE. Mr. President-

The VICE-PRESIDENT. Does the Senator from Tennessee yield to the Senator from Massachusetts?

Mr. CARMACK. Certainly.

I should like to ask the Senator from Tennessee Mr. LODGE. whether he would prefer to go on this evening—it is now half past 4-or would be like, rather, to proceed in the morning.

Mr. CARMACK. I believe I would prefer to go on to-morrow if it would suit the convenience of the Senate and be satisfactory to the Senator from Ohio.

Mr. FORAKER. Mr. PresidentThe VICE-PRESIDENT. Does

Does the Senator from Tennessee yield to the Senator from Ohio?

Mr. CARMACK. I do.

Mr. FORAKER. I sincerely hope we may go on with the consideration of the pending resolution this afternoon. I do not want to inconvenience any Senator, but the debate has been considerably protracted and there are such a number of Senators desiring to speak that I fear we will not be able to close the discussion to-morrow unless we hear this afternoon from the Senator from Tennessee or somebody else of the number desiring to speak. If the Senator from Tennessee says he is not prepared to go on, or for any important reason does not desire to go on now, I will not insist upon it. But to-day is Tuesday; Thursday, day after to-morrow, I believe we have set apart as a day for memorial exercises in honor of the late Senator from Tennessee, Mr. Bate; and so, the first thing we know, we will be at the end of the week without having taken any action.

There are a number of reasons why I desire to press this matter to a vote, but I will not take the time of the Senate now to state them. With this suggestion I submit it to the Senate. However, my preference is that the Senator from Tennessee

should go on now.

Mr. CARMACK. I can not say that my reasons for wishing to go on to-morrow are important, because it is a matter of no importance whether I speak at all or not. It is just a matter of preference with me, but I do not wish to press it at all. sire to suit the convenience of the Senate and conform to the wishes of the Senator from Ohio. I can go on to-day.

Mr. LODGE. I made the inquiry because we ought to have an executive session. I am no more desirous of delaying this matter than is the Senator from Ohio. I wish we could get a vote at once. But I do not know whether we shall gain time by compelling the Senator from Tennessee to proceed at this

moment. We ought to have an executive session.

Mr. FORAKER. I am entirely willing to leave the matter to the Senator from Tennessee, so far as he is concerned, but there are two or three other Senators who have told me they desire to speak briefly, only for a few minutes. It might suit the convenience of some other Senator to speak now. If some Senators are not heard this afternoon, I doubt whether we shall be able to conclude the discussion to-morrow, as I have been hoping we might do.

Mr. McCUMBER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Tennessee yield to the Senator from North Dakota?

Mr. CARMACK. With pleasure.
Mr. McCUMBER. I am quite certain that we shall not be able to finish the debate on the resolution to-morrow, and for another reason than the desire of the Senator from Tennessee. I wish we could take the balance of the afternoon in the consideration of unobjected pension bills on the Calendar. They will have to be taken up, of course, at some time, and if the Senator from Tennessee would just as soon make his remarks to-morrow morning after the routine morning business, I will take occasion to move the consideration of the pension Calendar.

Mr. CARMACK. That would be satisfactory to me for several reasons, not only because I would rather go on to-morrow. but I share with the chairman of the committee, of which I am a member, the desire to have the pension bills on the Calendar considered. Therefore I put myself in the hands of the Senator from Ohio. I am going to be governed by his wishes and views in the matter. If he would prefer that I should

proceed this afternoon, I will do so.

Mr. FORAKER. When the Senator from Tennessee puts it in that way, I dislike to decide it. I have already expressed my preference, that we might make some progress this after-But if the Senator from Tennessee has a preference, I noon.

will yield.

Mr. McCUMBER. There is a desire on the part of some Senators that we have an executive session, which I take it will not last more than a short time, and we can then return to legislative business, at which time I should like to ask that we proceed to the consideration of unobjected pension cases and bills for the correction of military records.

Mr. KEAN. And transact no other business, Mr. McCUMBER. No other business to be considered.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

Mr. LODGE. Let us have an executive session.

Mr. KEAN. We are going to have an executive session first.

Mr. LODGE. The executive session first. I beg pardon. Mr. CULLOM (to Mr. Lodge). Move it now.

# EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the

consideration of executive business. After ten minutes spent in executive session the doors were reopened.

#### STEPHEN M. HONEYCUTT.

The VICE-PRESIDENT. The Secretary will announce the first bill on the Calendar, under the order for the consideration of pension bills and bills for the correction of military records.

The bill (H. R. 3498) for the relief of Stephen M. Honeycutt was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with an amendment, on page 2, line 1, after the word "sixtyfive," to insert the following proviso:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc. That the Secretary of War be, and he is hereby, authorized and directed to amend the records of the War Department in such manner as to show that Stephen M. Honeycutt, private of Company E, Third Regiment North Carolina Mounted Volunteer Infantry, was enrolled—that is, enlisted and mustered into the military service of the United States—on the 25th day of March, 1864, and honorably discharged at Knoxyille, Tenn., on the 8th day of August, 1865: Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

# SAMUEL BAKER,

The bill (S. 7105) granting an increase of pension to Samuel Baker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Baker, late of Companies E and D, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

# ELIZABETH S. REESS.

The bill (8, 5542) granting an increase of pension to Elizabeth S. Reess was considered as in Committee of the Whole, It proposes to place on the pension roll the name of Elizabeth S. Reess, widow of Martin F. Reess, late of Company K, Nineteenth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

# JOHN HOLLEY.

The bill (S. 1495) granting an increase of pension to John Holley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Holley, late of Company E, Thirteenth Regiment West Virginia Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

# FREDERICK CAREL.

The bill (S. 7056) granting an increase of pension to Frederick Carel was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendements, in line 6, before the word "musician," to insert "late;" in the same line, before the word "Fourth," to insert "band;" and in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill read:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Carel, late musician, band, Fourth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# MARGARET E. GUTHRIE.

The bill (S. 1594) granting an increase of pension to Margaret E. Guthrie was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "sergeant-major," to strike out "and adjutant;" and in line 9, before the word "dol-lars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret E. Guthrie, widow of Watson H. Guthrie, late sergeant-major, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### SANFORD H. MOATS.

The bill (S. 3681) granting a pension to Sanford H. Moats was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "eighteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sanford H. Moats, late of Company C, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### FELIX G. MURPHY.

The bill (S. 5672) granting an increase of pension to Felix G. Murphy was considered as in Committee of the Whole.

The bill was reported from the Committee or Pensions with amendments, in line 7, before the word "battalion," to strike out the name "Powell" and insert "Powell's;" in line 8, before the word "and," to insert "war with Mexico;" and in the same line, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Felix G. Murphy, late of Company B, Powell's battalion Missouri Mounted Volunteers, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# JOHN E. HENDERSON.

The bill (S. 1797) granting an increase of pension to John E.

The bill (8, 1437) granting an increase of pension to John E. Henderson was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of the U. S. S. Dahlia" and insert "acting third assistant engineer;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John E. Henderson, late acting third assistant engineer, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# CHARLES M. BROUGH.

The bill (S. 6947) granting an increase of pension to C. M. Brough was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles M. Brough, late of Company A, Fifteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Charles M. Brough."

#### JOHN ADSHEAD.

The bill (S. 5106) granting an increase of pension to John Adshead was considered as in Committee of the Whole. poses to place on the pension roll the name of John Adshead, late of Company A, Fourth Regiment New Jersey Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### WILLIAM E. CUMMIN.

The bill (S. 6223) granting an increase of pension to William E. Cummin was considered as in Committee of the Whole.

The bill was reported from the Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to insert "first lieutenant Company F, and;" in line 7, after the word "Company," to strike out the letter "F" and insert "I;" and in line 9, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William E. Cummin, late first lieutenant Company F, and captain Company I, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# WILLIAM H. SHECKLER.

The bill (S. 7162) granting a pension to William H. Sheckler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Sheckler, late of Company E, Thirty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William H. Sheckler."

# SARAH R. WILLIAMS.

The bill (S. 6510) granting an increase of pension to Sarah R. Williams was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Engineer," to strike out "United States;" and in line 8, before the word "and," to insert "United States Army;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah R. Williams, widow of Ferdinand Williams, late first lieutenant, Engineer Corps, United States Army, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# GEORGE B. DRAKE.

The bill (S. 7094) granting an increase of pension to George B. Drake was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George B. Drake, late of Company G, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

# GEORGE F. FORD.

The bill (S. 5991) granting an increase of pension to George F. Ford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George F. Ford, late of Company A, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### DANIEL LOOSLEY.

The bill (S. 5836) granting an increase of pension to Daniel Loosley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Loosley, late first lieutenant, Fourteenth Regiment, and captain, Twenty-third Regiment, United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### GILES M. CATON.

The bill (S. 7378) granting a pension to Giles M. Caton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "late," to strike out "surgeon" and insert "of Company M;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Giles M. Caton, helpless and dependent son of Giles W. Caton, late of Company M, Second Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# MARTHA J. COLLINS.

The bill (S. 7377) granting an increase of pension to Martha J. Callins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "widow," to strike out the name "Callins" and insert "Collins," and in line 7, before the word "late," to strike out the name "Callins" and insert "Collins;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha J. Collins, widow of Howard Collins, late of Company E, Second Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Martha J. Collins."

# ANDERSON HENRY.

The bill (S. 6025) granting an increase of pension to Anderson Henry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anderson Henry, late of Company B, Ninth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

# CHARLES H. TRACY.

The bill (S. 6736) granting a pension to Charles H. Tracy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "seventy-two" and insert "sixty;" and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Tracy, late of Company A, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$60 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Charles H. Tracy.'

#### ESTHER ELDRIDGE.

The bill (S. 6800) granting an increase of pension to Esther Eldredge was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "widow," to strike out the name "Eldredge" and insert "Eldridge;" and in line 7, before the word "late," to strike out the name "Eldredge" and insert "Eldridge;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Esther Eldridge, widow of Daniel D. Eldridge, late of Company F, Eighteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Esther Eldridge."

#### THERON HAMNER.

The bill (S. 6590) granting an increase of pension to Theron

Hammer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out the name "Hammer" and insert "Hamner;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twentyfour;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theron Hamner, late of Company E, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Theron Hamner."

# LUKE M. LEWIS.

The bill (S. 7349) granting an increase of pension to Luke M. Lewis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Second," to insert "Regiment;" in line 7, before the word "Sharpshooters," to insert "Volunteer;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Luke M. Lewis, late of Company E, Second Regiment United States Volunteer Sharpshooters, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# MARVIN OSGOOD.

The bill (S. 6372) granting an increase of pension to Marvin Osgood was considered as in Committee of the Whole.

Osgood was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "and," to strike out "Infantry" and insert "Cavalry;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marvin Osgood, late of Company K, Sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# SAMUEL G. HEALY.

The bill (S. 6915) granting an increase of pension to Samuel G. Healy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel G. Healy, late of Company C, Tenth Regiment New Hampshire

Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

# NATHAN E. STOVER.

The bill (S. 6916) granting an increase of pension to Nathan E. Stover was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathan E. Stover, late of Company A, Eleventh Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### DAVID A. EDWARDS.

The bill (S. 6325) granting an increase of pension to David A. Edwards was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David A. Edwards, late of Company B, Fifth Battalion Maine Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### DANA H. M'DUFFEE.

The bill (S. 6670) granting an increase of pension to Dana H. McDuffee was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "of the," to insert "U. S. S. Monongahela and Ohio;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dana H. McDuffee, late of the U. S. S. Monongahela and Ohio, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# RICHARD DODGE,

The bill (S. 7350) granting an increase of pension to Richard Dodge was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard Dodge, late of Company D, Ninth Regiment United States Infantry, war with Mexico, and Company D. Second Regiment, and Company K, Seventeenth Regiment, Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# ANNA D. BARNES.

The bill (S. 6733) granting a pension to Anna D. Barnes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna D. Barnes, widow of Joseph H. Barnes, late lieutenant-colonel Twenty-ninth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Anna D. Barnes."

# GEORGE MAYBURY.

The bill (S. 6835) granting an increase of pension to George Maybury was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of George Maybury, late of Company D, Second Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### NATHANIEL GREEN.

The bill (S. 5912) granting an increase of pension to Nathaniel Green was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathaniel Green, late of Company H, Tenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### WILLIAM B. SAYLES.

The bill (S. 6963) granting an increase of pension to William B. Sayles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William B. Sayles, late of Company A, Tenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

# THOMAS ASHTON.

The bill (S. 6960) granting an increase of pension to Thomas Ashton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Ashton, late of Company I, Fifth Regiment Michigan Volunteer Cavalry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

# WILLIAM KIRKWOOD.

The bill (S. 4033) granting an increase of pension to William Kirkwood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Kirkwood, late of Company I, Fourteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

# JOHN A. WILLIAMS.

The bill (S. 6573) granting an increase of pension to John A. Williams was considered as in Committee of the Whole. proposes to place on the pension roll the name of John A. Williams, late of Company F, Fourth Regiment Michigan Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to be engrossed for a third reading, read the third time, and passed.

# MARTHA M. LAMBERT.

The bill (S. 4108) granting an increase of pension to Martha M. Lambert was considered as in Committee of the Whole. proposes to place on the pension roll the name of Martha M. Lambert, widow of Henry R. Lambert, late of Company L, Second Regiment Minnesota Volunteer Cavalry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

# EDWARD W. GALLIGAN.

The bill (S. 6050) granting an increase of pension to Edward W. Galligan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward W. Galligan, late of Company H, Fourteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

#### HENRY W. MAHANEY.

The bill (S. 6687) granting an increase of pension to Henry W. Mahaney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry W. Mahaney, late of Company B, One hundred and thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### JACOB NIEBELS.

The bill (S. 756) granting a pension to Jacob Neibels was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Niebels, late of Company E, Fourth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Jacob Niebels."

#### ANNA WILLIAMS

The bill (S. 3295) granting an increase of pension to Anna Williams was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, in line 9, before the word "and," to strike out "Volunteers" and insert "Corps;" so as to make the bill read:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna Williams, widow of John C. Williams, late of Company C, One hundredth Regiment Pennsylvania Volunteer Infantry, and Company B, Third Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# KEZIAH WALKER.

The bill (S. 6958) granting an increase of pension to Keiziah Walker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Keziah Walker, widow of Carmi W. Walker, late of McLain's independent battery, Colorado Volunteer Light Artillery, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Keziah Walker."

# ESTHER A. CLEAVELAND.

The bill (S. 7099) granting an increase of pension to Esther A. Cleaveland was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "late," to strike out "of" and insert "boatswain;" and in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Esther  $\Delta$ . Cleaveland, widow of Charles H. Cleaveland, late boatswain, United

States Navy, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### JAMES CARPENTER, JR.

The bill (S. 6811) granting an increase of pension to James Carpenter was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to insert amendments, in line 6, before the word "late," to insert "junior;" in the same line, after the word "late," to strike out "of" and insert "second lieutenant;" and in line 9, before the word "dollars," to strike out "sixty" and insert "twentyfour;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Carpenter, jr., late second lieutenant Company H, Eighty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate as amended.

Mr. McCUMBER. I move to amend the amendment in line 9 by striking out "twenty-four" and inserting "thirty" before the word "dollars."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James Carpenter, jr."

### DANIEL N. M'CARTER.

The bill (S. 2780) granting an increase of pension to Daniel McCarter was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Daniel," to insert the initial "N.;" and in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel N. McCarter, late of Company I, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Daniel N. McCarter."

# WILLIAM I. ROSS.

The bill (8, 6571) granting an increase of pension to William G. Ross was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William I. Ross, late of Company B, One hundred and fifty-fourth Regiment New York Volunteer Infantry, and Company G, Ninth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William I. Ross."

# WILLIAM "ARNOLD.

The bill (S. 6722) granting an increase of pension to William Arnold was considered as in Committee of the Whole. poses to place on the pension roll the name of William Arnold, late surgeon Thirty-seventh Regiment Ohio Volunteer Infantry. and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

# THOMAS P. WAY.

The bill (S. 6710) granting an increase of pension to Thomas P. Way was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas P. Way, late of Company F, Seventh Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### JOHN R. M'COY.

The bill (S. 7265) granting an increase of pension to John R. McCoy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John R. McCoy, late of Company B, First Regiment West Virginia Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of

that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### DELL E. PERT.

The bill (S. 4113) granting an increase of pension to Dell E. Pert was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "sixteen," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dell E. Pert, widow of Stephen R. Pert, late of Company I, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### SOLOMON DRAPER.

The bill (S. 7053) granting an increase of pension to Solomon Draper was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of Company D" and insert "hospital steward;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Solomon Draper, late hospital steward, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# WILLIAM P. PATTIRSON.

The bill (S. 7294) granting an increase of pension to W. P. Patterson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William P. Pattirson, late of Company D. Ninety-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is pay him a pe now receiving

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William P. Pattirson."

# JOHN W. M'WILLIAMS.

The bill (S. 5854) granting an increase of pension to John W.

McWilliams was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. McWilliams, late of the Signal Corps, United States Army, and pay him a pension at the rate of \$24 per month in lieu of that he is now re-

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### COLUMBUS B. MASON.

The bill (8. 6708) granting an increase of pension to Columbus B. Mason was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "captain," to strike out "late;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Columbus B. Mason, late lieutenant-colonel Thirteenth Regiment and captain Company A, One hundred and ninety-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ELLEN CARPENTER.

The bill (S. 6459) granting an increase of pension to Ellen Carpenter was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen Carpenter, widow of Sidney B. Carpenter, late captain Company B, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving, and \$2 per month additional on account of minor child of the said Sidney B. Carpenter until he reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ROSA OLDS JENKINS.

The bill (S. 4769) granting an increase of pension to Rosa Olds Jenkins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "lieutenant," to insert "and quartermaster;" in line 8, before the word "Infantry," to strike out "Volunteer" and insert "National Guard;" and in line 9, before the word "dollars," to strike out "eighteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rosa Olds Jenkins, widow of Charles E. Jenkins, late first lieutenant and quartermaster, Twenty-eighth Regiment New York National Guard Infantry, and pay her a pension at the rate \$12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# SILAS G. CLARK.

The bill (S. 6350) granting an increase of pension to Silas G. Clark was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Volunteer," to strike out "Mounted;" and in the same line, before the word "Infantry," to insert "Mounted;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Silas G. Clark, late of Company C, Third Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# MARY A. JACKSON.

The bill (S. 6726) granting an increase of pension to Mary A.

The bill (8, 6726) granting an increase of pension to Mary A. Jackson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "first lieutenant;" in line 8, before the word "and," to insert "war with Mexico;" and in line 9, before the word "dollars," to strike out "twenty-five" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Mary A. Jackson, widow of Thomas J. Jackson, late first lieutenant, First Regiment United States Artillery, war with Mexico, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ANDREW J. WEST.

The bill (S. 6351) granting an increase of pension to Andrew J. West was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Mounted," to insert "Volunteer;" and in the same line, before the word "Infantry," to strike out "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. West, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### WASHINGTON D. GRAY.

The bill (S. 6589) granting an increase of pension to Washington D. Gray was considered as in Committee of the Whole.

The bill was reported from the Committee or Pensions with an amendment, in line 8, before the word "and," to strike out "C, Sixth Regiment Massachusetts Volunteer Infantry" and insert "M, First Regiment New Hampshire Volunteer Heavy Artillery;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Washington D. Gray, late of Company M. First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## MICHAEL J. SPRINKLE.

The bill (S. 5292) granting an increase of pension to Michael J. Sprinkle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael J. Sprinkle, late second lieutenant Company C, Third Regiment North Carolina Volunteer Mounted Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

# MARSHALL JOHNSON.

The bill (S. 7069) granting an increase of pension to Marshall Johnson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marshall Johnson, late of Company D, One hundred and eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## MARGARET KEARNEY.

The bill (8.5021) granting an increase of pension to Margaret Kearney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "and," to strike out "Heavy Artillery" and insert "Cavalry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Kearney, widow of James Kearney, late of Company A, Third Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ARTHUR HATHORN.

The bill (S. 6588) granting an increase of pension to Arthur Hathorn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arthur Hathorn, late of First Battery Maine Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### NOAH JARVIS.

The bill (S. 7192) granting an increase of pension to Noah Jarvis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Noah Jarvis, late of Company I, Fifty-fourth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### RUTH E. OLNEY.

The bill (S. 5023) granting an increase of pension to Ruth E. Olney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ruth E. Olney, formerly widow of Francis W. Potter, late of Company E, Seventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## DAVID C. BENJAMIN.

The bill (S. 7193) granting an increase of pension to David C. Benjamin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David C. Benjamin late of Company D, Second Regiment Ohio Volunteers, war with Mexico, and captain Company I, Thirty-ninth Regiment Ohio Volunteer Infantry, and Company B, One hundred and second Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# JOHN H. NIBLOCK.

The bill (S. 6703) granting an increase of pension to John H. Niblock considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Niblock, late of Company G. One hundred and thirty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## ELIAS H. PARKER.

The bill (S. 3320) granting an increase of pension to Elias H. Parker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provision and limitations of the pension laws, the name of Elias H. Parker, late of Company I, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### WILLIAM H. BERRY.

The bill (S. 7246) granting an increase of pension to William H. Berry was considered as in Committee on the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Berry, late of Company D, Twenty-sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### NANCY J. MULLALLY.

The bill (S. 4055) granting a pension to Nancy J. Mullally was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "mother," to insert "dependent;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy J. Mullally, dependent mother of George S. Mullally, late of Company C, Seventh Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## SAMUEL DOOLITTLE.

The bill (S. 4813) granting an increase of pension to Samuel M. Doolittle was considered as in Committee of the Whole,

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the name "Doolittle," to strike out the letter "M.;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Doolittle, late of Company H, Second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Samuel Doolittle."

## AUSTIN S. DUNNING.

The bill (S. 7157) granting an increase of pension to Austin S. Dunning was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Austin S. Dunning, late of Company I, Second Regiment Minnesota Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## ROBERT JENKINS.

The bill (S. 6936) granting an increase of pension to Robert Jenkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Jenkins, late of Company H, Ninth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MICHAEL ROSBRUGH.

The bill (S. 6937) granting an increase of pension to Michael Rosbrugh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Rosbrugh, late of Company C, Fourth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

#### WILLIAM R. NEIL.

The bill (S. 6935) granting an increase of pension to W. R. Neil was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of" where it occurs the first time, to strike out the letter "W." and insert "William;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interor be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William R. Neil, late of Company A, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William R. Neil."

# GEORGE A. TYLER.

The bill (S. 7161) granting an increase of pension to George A. Tyler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 10, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc.. That the Secretary of the Interor be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George A. Tyler, late of Company M. First Regiment Connecticut Volunteer Heavy Artillery, and One hundred and fourth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## JOHN HAGER.

The bill (S. 7160) granting an increase of pension to John Hager was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Hager, late of Troop C, First Regiment United States Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## JOSEPH DANIELS.

The bill (S. 6532) granting an increase of pension to Joseph Daniels was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Daniels, late of Company E, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## ORLANDO O. AUSTIN.

The bill (S. 1516) granting an increase of pension to O. O. Austin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of" where it occurs the first time, to strike out the letter "O." and insert "Orlando;" in the same line, after the word "late," to strike out "of" and insert "captain;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orlando O. Anstin, late captain Company I, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### JOHN S. LEWIS.

The bill (S. 7075) granting an increase of pension to J. S. Lewis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," where it occurs the first time, to strike out the letter "J." and insert "John;" and in line 8, before the word "dollars," to strike out "forty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Lewis, late of Company L, Eighth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John S. Lewis."

#### WILLIAM JENKINS.

The bill (S. 7074) granting an increase of pension to William Jenkins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "and," to insert "Missouri Home Guards;" and in line 8, before the word "dollars," to strike out "forty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Jenkins, late of Company B. Fifteenth Regiment United States Reserve Corps, Missouri Home Guards, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# GEORGE E. VANDERWALKER.

The bill (S. 6233) granting an increase of pension to George E. Vanderwalker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line S, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George E. Vanderwalker, late of Company A. Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## INCREASE OF PENSIONS OF ARMY NURSES.

The bill (S. 695) increasing the pensions of Army nurses was announced as the next pension bill on the Calendar.

Mr. KEAN. I do not think that bill comes under this order. Mr. McCUMBER. No; it does not come under the request. The VICE-PRESIDENT. The bill will be passed over with-

out prejudice.

#### JAMES M. BULLARD.

The bill (S. 362) granting an increase of pension to James M. Bullard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Bullard, late of Company B, Fourteenth Regiment Ohio Volunteer Infantry, and Company E, Twenty-fourth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passd.

#### HELEN C. LETTENMAYER.

The bill (S. 7428) granting an increase of pension to Helen C. Lettenmayer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen C. Lettenmayer, widow of Otto Lettenmayer, late of Company G. Fourteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ALBERT F. PEPOON.

The bill (S. 5586) granting an increase of pension to Albert F. Pepoon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert F. Pepoon, late of Company H, Ninth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## MARY A. MICKLER.

The bill (S. 6226) granting an increase of pension to Mary A. Mickler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "and," to insert "Florida Indian war," and in line 9, before the word "dollars," to strike out "twenty" and insert "twelve; " so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Mickler, widow of James A. Mickler, late of Captain Mickler's company, Florida Volunteers, Florida Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments were agreed to.
The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## ADELAIDE D. MERRITT.

The bill (S. 5699) granting an increase of pension to Adelaide D. Merritt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "major, United States Army, retired," and insert "captain, Twenty-fourth Regiment United States Infantry;" and in line 9, before the word "dollars," to strike out "fifty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adelaide D. Merritt, widow of Thomas E. Merritt, late captain, Twenty-fourth Regiment United States Incantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### JAMES M. DARLING.

The bill (H. R. 8631) for the relief of James M. Darling was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 7, after the word "Volunteers," to insert the following proviso:

Provided, That no pay, allowances, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That James M. Darling shall hereafter be held and considered to have been honorably discharged from the military service of the United States on July 11, 1864, as captain Company H, Fifty-seventh Pennsylvania Infantry Volunteers: Provided, That no pay, allowances, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### JAMES B. MULFORD.

The bill (H. R. 3357) granting an honorable discharge to James B. Mulford was considered as in Committee of the Whole. The bill was reported from the Committee on Military Affairs with an amendment, in line 10, after the word "act," to insert the following proviso:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That James B. Mulford be held and considered to have been mustered into service as a private of Company B, Seventy-ninth Regiment Ohio Volunteer Infantry, as of date of August 18, 1862, and to have been honorably discharged as of date of October 21, 1862, and that the Secretary of War is hereby authorized and directed to issue an honorable discharge in accordance with the provisions of this act: Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

# WILLIAM W. BENNETT.

The bill (H. R. 15769) granting an increase of pension to William W. Bennett was considered as in Committee of the Whole,

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Bennett, late major and lieutenant-colonel Eleventh Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

# THOMAS M. WILCOX.

The bill (H. R. 1026) granting an increase of pension to Thomas M. Wilcox was considered as in Committee of the It proposes to place on the pension roll the name of Thomas M. Wilcox, late of Battery L. First Regiment United States Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MARTIN ALPHONS LUTHER.

The bill (H. R. 18677) granting a pension to Martin Alphons Luther was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin Alphons Luther, late of Company F, Fifth Regiment United States Infantry, and to pay him a pension of \$16 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ANDREW J. GASKEY.

The bill (H. R. 21578) granting an increase of pension to Andrew J. Gaskey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Gaskey, late of Company D, First Battalion Alabama Volunteers, war with Mexico, and to pay him a pension of \$20

per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOSEPH T. EAGLER.

The bill (H. R. 13887) granting an increase of pension to Joseph T. Eagler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph T. Eagler, late of Company D. Forty-second Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

#### JOHN H. WORLEY.

The bill (H. R. 10804) granting an increase of pension to John H. Worley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Worley, late of Company K, Fourteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed,

## LEVI DODSON.

The bill (H. R. 10958) granting an increase of pension to Levi Dodson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi Dodson, late of Company C, Sixtieth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### WILLIAM H. HAYS.

The bill (H. R. 8563) granting an increase of pension to William H. Hays was considered as in Committee of the Whole. proposes to place on the pension roll the name of William H. Hays, late of Company I, One hundred and third Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## GEORGE W. HARRIS.

The bill (H. R. 10751) granting an increase of pension to George W. Harris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Harris, late of Company F, Third Regiment Michigan Volunteer Infantry, and Company I, Tenth Regiment Michigan Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

## ISAAC N. S. WILL.

The bill (H. R. 20617) granting an increase of pension to Isaac N. S. Will was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac N. S. Will, late of Company I, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$30 per month

in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WILLIAM G. BINKLEY.

The bill (H. R. 10531) granting an increase of pension to William G. Binkley was considered as in Committee of the It proposes to place on the pension roll the name of William G. Binkley, late of Company C, One hundred and twenty-second Regiment Pennsylvania Volunteer Infantry, and quartermaster-sergeant Fiftieth Regiment Pennsylvania Emergency Militia Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or lead to a third reading read the third times and mendment, or

dered to a third reading, read the third time, and passed.

# EUGENE DEMERS.

The bill (H. R. 19970) granting an increase of pension to Eugene Demers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eugene Demers, late of Company D, One hundred and twenty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of \$65 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ANNA FLYNN.

The bill (H. R. 10755) granting an increase of pension to Anna Flynn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anna Flynn, widow of James Flynn, late of Company A, Thirtieth Regiment New York Volunteer Infantry, and to pay her a pension of \$12 per-month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ROBERT TURLEY.

The bill (H. R. 20714) granting an increase of pension to Robert Turley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Turley, late of United States Marine Corps, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN BRADLEY.

The bill (H. R. 20559) granting an increase of pension to John Bradley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Bradley, late of Company D, Sixth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JACOB L. HATTON.

The bill (H. R. 7488) granting an increase of pension to Jacob L. Hatton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob L. Hatton, late of Company D, Fourth Regiment United States Colored Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### WILLIAM J. M'ATEE.

The bill (H. R. 15004) granting an increase of pension to William J. McAtee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. McAtee, late of Company A, Fourth Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# GEORGE C. DEAN.

The bill (H. R. 7476) granting an increase of pension to George C. Dean was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George C. Dean, late of Company I, One hundred and ninth Regiment, and Company I, Fifty-first Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## LEVI CHAPMAN.

The bill (H. R. 8789) granting an increase of pension to Levi Chapman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi Chapman, late of Company C, First Regiment Maine Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# WILLIAM J. TURNER.

The bill (H. R. 6911) granting an increase of pension to William J. Turner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. Turner, late of Company C, Fourth Regiment Wisconsin Vol-unteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

## JAMES L. ALLEN.

The bill (H. R. 3355) granting an increase of pension to James L. Allen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James L. Allen, late of Company B, Twenty-second Regiment Iowa Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### WILLIAM R. SEARS.

The bill (H. R. 19390) granting an increase of pension to William R. Sears was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William R. Sears, late of U. S. S. Shamrock, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### HOWARD BENNETT.

The bill (H. R. 19725) granting an increase of pension to Howard Bennett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Howard Bennett, late of Company C, Sixteenth Regiment United States Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## GAINFORD N. UPTON.

The bill (H. R. 15763) granting an increase of pension to Gainford N. Upton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gainford N. Upton, late of Company K, Twelfth Regiment, and Company C, Twenty-third Regiment, Ohio Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JAMES B. O. HORBACH.

The bill (H. R. 20623) granting an increase of pension to James B. O. Horbach was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James B. O. Horbach, late of Company A, One hundred and forty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### EARL K. CHILDS.

The bill (H. R. 2422) granting an increase of pension to Earl K. Childs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Earl K. Childs, late of Company K, First Regiment Michigan Volunteer Engineers and Mechanics, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## THOMAS LONERGAN.

The bill (H. R. 3297) granting an increase of pension to Thomas Lonergan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Lonergan, late of Company G, Thirty-eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# MILTON S. COLLINS.

The bill (H. R. 3195) granting an increase of pension to Milton S. Collins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Milton S. Collins, late of Company H, Eleventh Regiment Pennsylvania Reserve Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MICHAEL DOYLE.

The bill (H. R. 3228) granting an increase of pension to Michael Doyle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Doyle, late of Company L, Eighth Regiment New York Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JOHN P. PATTERSON.

The bill (H. R. 10364) granting an increase of pension to John P. Patterson was considered as in Committee of the It proposes to place on the pension roll the rame of John P. Patterson, late of Company A, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving. The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PETER REEDY.

The bill (H. R. 2290) granting an increase of pension to Peter Reedy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter Reedy, late of Company I, Fiftieth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MICHAEL MAHONEY.

The bill (H. R. 2761) granting an increase of pension to Michael Mahoney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Mahoney, late of Company K, Eighth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LEVI GATES.

The bill (H. R. 2822) granting an increase of pension to Levi Gates was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi Gates, late of Company D, Brackett's battalion Minnesota Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JACOB T. WISE.

The bill (H. R. 2909) granting an increase of pension to Jacob T. Wise was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob T. Wise, late of Company C. First Regiment United States Volunteer Sharpshooters, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SAMUEL HARVEY.

The bill (H. R. 3194) granting an increase of pension to Samuel Harvey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Harvey, late of Company H, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## RUSH DESKINES.

The bill (H. R. 3234) granting an increase of pension to Rush Deskines was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rush Deskines, late of Company D, Fourteenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## SIMEON D. CHELF.

The bill (H. R. 3733) granting an increase of pension to Simeon D. Chelf was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Simeon D. Chelf, late of Company G, Sixth Regiment Kentucky Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## FRANK G. HAMMOND.

The bill (H. R. 3980) granting a pension to Frank G. Hammond was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank G. Hammond, late of Company H, Thirty-seventh Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported with an amendment to the title, so as to make it read: "A bill granting an increase of pension to Frank G. Hammond."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### ALBERT A. TALHAM.

The bill (H. R. 3494) granting an increase of pension to Albert A. Talham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert A. Talham, late of Company H. Twenty-seventh Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### EDWARD WALTON.

The bill (H. R. 3496) granting an increase of pension to Edward Walton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward Walton, late of Company K, Second Regiment New York Volunteer Infantry, and Company F, Sixteenth Regiment New York Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ELI STOVER.

The bill (H. R. 15471) granting an increase of pension to Eli Stover was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eli Stover, late of Company C, Eighth Regiment West Virginia Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOSIAH P. HIGGINS.

The bill (H. R. 13455) granting an increase of pension to Josiah P. Higgins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josiah P. Higgins, late of Companies G and D, First Regiment West Virginia Volunteer Cavalry, and U. S. S. Sybil, Red Rover, and Grampus, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WAITMAN T. MATHERS.

The bill (H. R. 20968) granting an increase of pension to Waitman T. Mathers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Waitman T. Mathers, late of Company D, Fourth Regiment West Virginia Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## HUGH BLAIR.

The bill (H. R. 20891) granting an increase of pension to Hugh Blair was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hugh Blair, late of Company H, Eighty-first Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# CHARLES BARNELL, ALIAS RICHARD NORTH.

The bill (H. R. 14543) granting an increase of pension to Charles Barnell, alias Richard North, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Barnell, alias Richard North, late of Company B, Two hundred and thirteenth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# FREDERICK ROSCHDIANTZKY.

The bill (H. R. 522) granting an increase of pension to Frederick Roschdiantzky was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick Roschdiantzky, late of Company D, Forty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOHN F. MOHN.

The bill (H. R. 562) granting an increase of pension to John F. Mohn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John F. Mohn, late of Company I, Second Regiment Ohio Volunteer Cavalry,

and to pay him a pension of \$24 per month in lieu of that he

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### OLIVER N. M'LAIN.

The bill (H. R. 600) granting an increase of pension to Oliver N. McLain was considered as in Committee of the Whole. proposes to place on the pension roll the name of Oliver N McLain, late of Company E, Thirty-fourth Regiment Iowa Volunteer Infantry, and Company A, Seventh Regiment Veteran Reserve Corps, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ROBERT SMITH.

The bill (H. R. 747) granting an increase of pension to Robert Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Smith, late of Company B, Third Regiment Tennessee Mounted Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MARGARET E. LOUNSBURY.

The bill (H. R. 1060) granting an increase of pension to Margaret E. Lounsbury was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret E. Lounsbury, widow of Herbert Lounsbury, late of Company H, Twenty-eighth Regiment New York Volunteer Infantry, and U. S. S. New Hampshire, Paunce, and Vandalia, United States Navy, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JACOB BENDER.

The bill (H. R. 1067) granting an increase of pension to Jacob Bender was considered as in Committee of the Whole. poses to place on the pension roll the name of Jacob Bender, late of Company F, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WILLIAM S. QUIGLEY.

The bill (H. R. 1068) granting an increase of pension to William S. Quigley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William S. Quigley, late of Company C, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JENNIE E. EDSON.

The bill (H. R. 1673) granting an increase of pension to Jennie E. Edson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jennie E. Edson, widow of Joseph M. Edson, late of Company I, Fourth Regiment Vermont Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JAMES C. DALY.

The bill (H. R. 1687) granting an increase of pension to James C. Daly was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James C. Daly, late of Company A, Battalion Volunteer Cavalry, Mississippi Marine Brigade, and to pay him a pension of \$40 per

month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# GEORGE H. WASHBURN.

The bill (H. R. 1706) granting an increase of pension to George H. Washburn was considered as in Committee of the It proposes to place on the pension roll the name of George H. Washburn, late of Company C, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of

\$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## BRICE P. MUNNS.

The bill (H. R. 1709) granting an increase of pension to Brice P. Munns was considered as in Committee of the Whole,

It proposes to place on the pension roll the name of Brice P. Munns, late of Company G, Seventh Regiment Missouri Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### FLIZA J. INGLE.

The bill (H. R. 1800) granting a pension to Eliza J. Ingle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza J. Ingle, widow of William T. Ingle, late a member of Company E, Fourteenth Regiment Iowa Volunteer Infantry, and to pay her a pension of \$12 per

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SIMEON YORK.

The bill (H. R. 1891) granting an increase of pension to Simeon York was considered as in Committee of the Whole. proposes to place on the pension roll the name of Simeon York, late of Company K, Thirteenth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### NELSON R. SATTERLEE.

The bill (H. R. 1904) granting an increase of pension to Nelson R. Satterlee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nelson R. Satterlee, late of Company E, Eighty-first Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### THOMAS B. FOUTTY.

The bill (H. R. 1938) granting an increase of pension to Thomas B. Foutty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas B. Foutty, late of Company C, Second Regiment West Virginia Volunteer Cavalry, and to pay him a pension of \$24 per month

in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## OLIVER P. PIERCE.

The bill (H. R. 1169) granting an increase of pension to Oliver P. Pierce was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Oliver P. Pierce, late of Company A, Seventeenth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# WILLIAM R. FULK.

The bill (H. R. 1249) granting a pension to William R. Fulk was considered as in Committee of the Whole. It proposes to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William R. Fulk, late of Company F. One hundred and forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and time of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JOSEPHINE I. RICHMOND.

The bill (H. R. 1372) granting a pension to Josephine I. Richmond was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josephine I. Richmond, widow of Obediah Richmond, late of Company A, Fifth Regiment United States Cavalry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## EMILY J. SHERMAN.

The bill (H. R. 1500) granting a pension to Emily J. Sherman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emily J. Sherman, helpless and dependent daughter of Nathan P. Sherman, late of Company E, Fourteenth Regiment Vermont Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

#### DAVID WILBORN.

The bill (H. R. 10789) granting a pension to David Wilborn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Wilborn, late of Company A, Ninth Battalion Ohio Volunteer Infantry, war with Spain, and to pay him a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BARLOW DAVIS.

The bill (H. R. 18454) granting an increase of pension to Barlow Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Barlow Davis, late of Brady's company, Sixteenth Regiment Michigan Volunteer Infantry, and second lieutenant Company B, Thir-tieth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

#### SARAH E. CANNELL.

The bill (H. R. 19482) granting an increase of pension to Sarah E. Cannell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah E. Cannell, widow of Thomas N. Cannell, late of Company A, One hundred and third Regiment Ohio Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

#### JOHN REMICK.

The bill (H. R. 14298) granting an increase of pension to John Remick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Remick, late of Company G, Fifteenth Regiment Massachusetts Volunthere in Company 4, Fineenth Regiment massachusetts volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ZELINDA E. ODENBAUGH.

The bill (H. R. 4386) granting an increase of pension to Zelinda E. Odenbaugh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Zelinda E. Odenbaugh, former widow of John N. Thompson, late of Company K, Twenty-fourth Regiment Ohio Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or dered to a third reading, read the third time, and passed.

## SARAH A. DEDRICK.

The bill (H. R. 4648) granting an increase of pension to Sarah A. Dedrick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah A. Dedrick, widow of Albert C. Dedrick, late assistant surgeon, Fourth Regiment Rhode Island Volunteer Infantry, and to pay her a pension of \$25 per month in lieu of that she is now re-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# THOMAS SNELL.

The bill (H. R. 4656) granting an increase of pension to Thomas Snell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Snell, late of Company G, Eleventh Regiment Rhode Island Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment,

ordered to a third reading, read the third time, and passed.

## HORACE B. TANNER.

The bill (H. R. 4663) granting an increase of pension to Horace B. Tanner was considered as in Committee of the It proposes to place on the pension roll the name of Horace B. Tanner, late of Companies C and G, First Regiment Rhode Island Volunteer Light Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# HARRIET E. PALMER.

The bill (H. R. 4705) granting a pension to Harriet E. Palmer was considered as in Committee of the Whole. It promer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harriet E. Palmer, widow of Henry J. Palmer, late of Company E, Tenth Regiment Michigan Volunteer Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SILAS V. WHITE.

The bill (H. R. 4834) granting an increase of pension to Silas V. White was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Silas V. White, late of Company G, Fifty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ASSOV HARELSON.

The bill (H. R. 19296) granting an increase of pension to Assov Harelson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Assov Harelson, late of Company G, Forty-ninth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MARTIN V. BARNEY.

The bill (H. R. 18742) granting an increase of pension to Mar-The bill (H. K. 1842) granting an increase of pension to Martin V. Barney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin V. Barney, late of Company K, and second lieutenant Company B, Third Regiment Massachusetts Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### FRANCIS HANER.

The bill (H. R. 13241) granting an increase of pension to Francis Haner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis Haner, late of Company C, Twenty-eighth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# AMBROSE S. DELAWARE.

The bill (H. R. 12911) granting an increase of pension to Ambrose S. Delaware was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ambrose S. Delaware, late second lieutenant Company F, Twenty-first Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

# ALVIN N. D. KITE.

The bill (S. 6624) granting an increase of pension to Alvin N. Kite was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "Kite," to insert the letter "D.;" and in line 7, before the word "and," to strike out "Infantry" and insert "Cavalry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alvin N. D. Kite, late of Company A, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in,

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Alvin N. D. Kite."

## MOLLIE J. MITCHELL.

The bill (S. 6623) granting an increase of pension to Samuel

H. Mitchell was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mollie J. Mitchell, widow of Richard P. Mitchell, late surgeon First Regiment Tennessee Volunteer Light Artillery, and pay her a pension at the rate of \$20 per month in Heu of that she is now receiving: Provided, That in the event of the death of Samuel H. Mitchell, helpless and dependent child of said Richard P. Mitchell, the additional pension herein granted shall cease and determine: And provided further. That in the event of the death of Mollie J. Mitchell the name of said Samuel H. Mitchell shall be placed on the pension roll, subject to the provisions and limitations

of the pension laws, at the rate of \$12 per month from and after the date of death of said Mollie J. Mitchell.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mollie J. Mitchell."

#### ELIZABETH B. BOYLE.

The bill (S. 4404) granting an increase of pension to Elizabeth B. Boyle was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth B. Boyle, widow of Henry G. Boyle, alias Henry B. Miller, late of Company C. Mormon Battalion, Iowa Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ALBERT H. NASH.

The bill (S. 6948) granting an increase of pension to Albert H. Nash was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Company," to strike out the letter "K" and insert "G;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert H. Nash, late of Company G, Thirteenth Regiment New York Volunteer Infantry, and first lieutenant and adjutant First Regiment New York Veteran Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## MARGARET M'CULLOUGH.

The bill (S. 7069) granting an increase of pension to Margaret , McCullough was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "and," to insert "war with Mexico;" and in line 9, before the word "dollars," to strike out "twenty-five" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margnett McCullough, widow of Thomas J. McCullough, late of Company E. Fourth Regiment Tennessee Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## LORENZO F. HARMON.

The bill (S. 1879) granting an increase of pension to Lorenzo F. Harmon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the words "late of," to insert "Company C;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lorenzo F. Harmon, late of Company C, Mormon Battalion, Iowa Volunteers, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## FRANCIS H. DE CASTRO.

The bill (S. 7402) granting an increase of pension to F. H. De Castro was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with | the third time, and passed.

an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis H. De Castro, late of U. S. S. Peosta, Great Western, and Missouri, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Francis H. De Castro."

#### AUGUSTA T. EICHHOLTZ.

The bill (S. 7353) granting an increase of pension to Augusta T. Eichholtz was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Company," to strike out the letter "K" and insert "L;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Augusta T. Eichholtz, widow of Hugh Eichholtz, late of Company L, Fifteenth Regiment, New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### SARAH A. KUMLER.

The bill (S. 7623) granting an increase of pension to Sarah A. Kumler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "Infantry," to strike out "Volunteer" and insert "National Guard;" and in line 9, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Kumler, widow of William F. Kumler, late of Company A. One hundred and sixty-seventh Regiment Ohio National Guard Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## DAVID TURNER.

The bill (S. 7358) granting an increase of pension to David Turner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "and," to strike out "and unassigned Ohio Volunteer Infantry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Turner, late of Company D. Forty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## MARY LOUISE M'LEAN.

The bill (S. 6408) granting an increase of pension to Mary Louise McLean was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Louise McLean, widow of Nathaniel C. McLean, late brigadier-general, United States Volunteers, and pay her a pension at the rate of \$30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read

#### ANNA M. LOOMIS.

The bill (S. 4509) granting an increase of pension to Anna M. Loomis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "fifty" and insert "thirty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna M. Loomis, widow of Orlando M. Loomis, late captain Company I, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$36 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ANNA E. HOOD.

The bill (S. 5886) granting an increase of pension to Anna E. Hood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anna E. Hood, widow of Charles F. Hood, late of Company B, First Regiment Ohio Volunteer Cavalry, and Company A, Sixty-second Regiment Ohio Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### STEPHEN H. S. COOK,

The bill (S. 7640) granting an increase of pension to Stephen H. S. Cook was considered as in Committee of the Whole.

The bill was reported from the Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "second lieutenant;" and in line 8, before the word "dollars," to strike out "forty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen H. S. Cook, late second lieutenant Company G. Ninety-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## JOHN MONROE.

The bill (S. 7062) granting a pension to John Monroe was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Monroe, late of Company E, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John Monroe."

## MARY M'GILL.

The bill (S. 3896) granting a pension to Mary McGill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty," and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary McGill, widow of Patrick McGill, late of Troop A, Fifth Regiment United States Cavalry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## GEORGE W. KELSEY.

The bill (S. 6436) granting an increase of pension to George W. Kelsey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five," and insert "twenty-four;" so as to make the

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Kelsey, late of Company D, Second Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### MARY MORGAN.

The bill (S. 7556) granting an increase of pension to Mary Morgan was considered as in Committee of the Wbole. It proposes to place on the pension roll the name of Mary Morgan, widow of James Morgan, late of Company C, Thirteenth Regiment Wisconsin Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### THOMAS SPANTON.

The bill (S. 7558) granting an increase of pension to Thomas Spanton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Spanton, late of Company A, One hundred and fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month

in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### SAMUEL WISE.

The bill (S. 2693) granting an increase of pension to Samuel Wise was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Wise, late of Company B, One hundred and thirteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

# BENJAMIN F. WRIGHT.

The bill (S. 6633) granting an increase of pension to Benjamin F. Wright was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin F. Wright, late of Company E, Second Regiment California Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

# JAMES J. EUBANK.

The bill (S. 6637) granting an increase of pension to James J. Eubank was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James J. Eubank, late of Company C, One hundred and twenty-fourth Regiment Illinois Volunteer Infantry, and Company M, Fifth Regiment United States Colored Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## FREDRICK MIDDAUGH.

The bill (S. 6933) granting an increase of pension to Frederick Middaugh was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," where it occurs the first time, to strike out the name "Frederick" and insert "Fredrick;" and in the same line, after the word "Company," to strike out the letter "B" and insert "E;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fredrick Middaugh, late of Company E, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Fredrick Middaugh."

#### EDMUND FILLIO.

The bill (8, 7067) granting an increase of pension to Edmund Fillio was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Infantry," to strike out "Volunteer" and insert "Militia;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edmund Fillio, late of Company B, Forty-ninth Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### HELEN L. WOODWARD.

The bill (S. 3461) granting a pension to Helen L. Woodward was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen L. Woodward, widow of Frederick S. Woodward, late hospital steward, United States Army, and pay her a pension at the rate of \$8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## JULIA C. R. BAIRD.

The bill (S. 7339) granting a pension to Julia C. R. Baird was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "and," to insert "United States Army, retired;" so as to make the bill read:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia C. R. Baird, widow of George W. Baird, late brigadier-general, United States Army, retired, and pay her a pension at the rate of \$50 per

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## ROBERT B. M'CUMBER.

The bill (S. 7543) granting an increase of pension to Robert B. McCumber was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert B. McCumber, late of Company C, Ninth Regiment Minnesota Volunteer Infantry, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

## TIMOTHY DREW.

The bill (S. 7066) granting an increase of pension to Timothy Drew was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Regiment," to insert "and Company K, Eighth Regiment;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twentyfour;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Timothy Drew, late of Company A, Forty-ninth Regiment, and Company K, Eighth Regiment, Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## KATE O'DONNELL WOOD.

The bill (S. 3583) granting an increase of pension to Kate O'Donnell Wood was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with

an amendment, in line 9, before the word "dollars," to strike "seventeen" and insert "twelve;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate O'Donnell Wood, widow of Frederick B. Wood, late of Company A, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### JAMES E. CROFT.

The bill (S. 3319) granting an increase of pension to James E. Croft was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James E. Croft, late of Twelfth Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### GEORGE W. PEABODY.

The bill (S. 4818) granting an increase of pension to George W. Peabody was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read :

Be it engeted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Peabody, late of Company G, Fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# ABBY L. BROWN.

The bill (S. 5190) granting an increase of pension to Abby L. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abby L. Brown, widow of Richard A. Brown, late of Company G, Fifth Regiment Rhode Island Volunteer Heavy Artillery, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## WILLIAM P. PARRILL.

The bill (S. 2565) granting a pension to William P. Parrill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "and," to insert "war with Spain;" and in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William P. Parrill, iate of Company M, First Regiment West Virginia Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$24 per manth.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## HENRY HUMBLE.

The bill (S. 6278) granting an increase of pension to Henry Humble was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Company," to strike out the letter "F" and insert "I;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Humble, late of Company I, Twentieth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### JULIA A. VROOM.

The bill (S. 5580) granting a pension to Julia Vroom was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia A. Vroom, widow of John Vroom, late of Company K, First Regiment New Jersey Volunteer Infantry, and Battery A, First Regiment New Jersey Volunteer Light Artillery, and pay her a pension at the rate of \$8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Julia A. Vroom.'

#### AMELIA R. RANDOLPH.

The bill (S. 7554) granting an increase of pension to Amelia R. Randolph was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amelia R. Randolph, widow of George F. Randolph, late captain Company K, Sixty-fifth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## DELPHINE DARLING.

The bill (S. 3882) granting an increase of pension to Delphine Darling was considered as in Committee of the Whole. poses to place on the pension roll the name of Delphine Darling, widow of Thomas V. Darling, late of United States Marine Corps, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## WILLIAM J. WELLS.

The bill (S. 6273) granting an increase of pension to William J. Wells was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. Wells, late of Company I, Fifty-ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time.

## GEORGE DOWNING.

The bill (S. 7361) granting an increase of pension to George Downing was considered as in Committee of the Whole. proposes to place on the pension roll the name of George Downing, late of First Battery, Ohio Volunteer Light Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to be engrossed for a third reading, read the third time, and passed.

# JAMES T. STEWART.

The bill (S. 6706) granting an increase of pension to James T. Stewart was considered as in Committee of the Whole. It

proposes to place on the pension roll the name of James T. Stewart, late of Company B, First Regiment United States Veteran Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### LEMUEL T. WILLIAMS.

The bill (S. 6875) granting an increase of pension to Lemuel T. William was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lemuel T. Williams, late of Company E, Ninth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engaged for a third weather the content of the content

dered to be engrossed for a third reading, read the third time, and passed.

#### JOHN WHITE.

The bill (S. 7293) granting an increase of pension to John White was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "and," to strike out "Infantry" and insert "Cavalry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John White, late of Company C, First Regiment Nebraska Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### VICTOR H. COFFMAN.

The bill (S. 7617) granting an increase of pension to Victor H. Coffman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "one hundred" and insert "thirty; is as as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Victor H. Coffman, late surgeon Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# JESSE L. PRITCHARD.

The bill (S. 6876) granting an increase of pension to Jesse L. Pritchard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

amendments, in line 8, before the word "and," to insert "and Second Regiment Colorado Volunteer Cavalry;" and in line 9, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse L. Pritchard, late major, Third Regiment Colorado Volunteer Infantry and Second Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Mr. McCUMBER. I move to amend the amendment of the committee by striking out the word "thirty" before the word "dollars" and inserting in lieu thereof "thirty-six."

The amendment to the amendment was agreed to.

The amendments as amended were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## ALEXANDER M. COWGILL.

The bill (S. 7513) granting an increase of pension to Alexander M. Cowgill was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Company," to insert the letter "G;" in line 7, before the word "Regiment," to strike out "Fifteenth" and insert "Third;" and in the same line, before the word "and," to strike out "Infantry" and insert Cavalry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Alexander M. Cowgill, late of Company G, Third Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the

amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### CHARLES DUBY, ALIAS LOUIS DESHEMEAN.

The bill (S. 2259) granting an increase of pension to Charles Duby was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "late," to insert "alias Louis Deshemean;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Duby, alias Louis Deshemean, late of Company H, Eleventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Charles Duby, alias Louis Deshemean."

#### LOUIS T. FRECH.

The bill (8, 549) granting a pension to Louis T. Frech was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and in-

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louis T. Frech, late of Company F. First Regiment District of Columbia Volunteer Infantry, Company F, Fir war with Spain.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## CHARLES J. FREESE.

The bill (S. 7445) granting an increase of pension to Charles

J. Freese was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "and," to insert "United States Navy;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles J. Freese, late of U. S. S. Minnesota, William Bridges, and Dragon, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## JOHN ANSLOW.

The bill (S. 7566) granting an increase of pension to John Anslow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Regiment," to strike out "K, Fourth" and insert "B, Sixty-fourth;" so as to make the bill read:

Bc it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Anslow, late of Company B, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# MICHAEL BOGUE.

The bill (S. 7505) granting an increase of pension to Michael Bogue was considered as in Committee of the Whole. poses to place on the pension roll the name of Michael Bogue, late of Company A, Twenty-seventh Regiment Michigan Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

#### GEORGE H. M'LAIN.

The bill (S. 5697) granting an increase of pension to George H. McLain was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. McLain, late of Company D, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BYRON A. WILLIAMS.

The bill (S. 7486) granting an increase of pension to Byron A. Williams was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty." and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Byron A. Williams, late of Company E, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ALBERT C. WAGHER.

The bill (S. 7489) granting an increase of pension to Albert C. Wagher was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert C. Wagher, late of Company A, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# WILLIAM W. PUTNAM.

The bill (S. 7488) granting an increase of pension to William W. Putnam was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Putnam, late of Company K, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## SILAS N. PALMER.

The bill (S. 6964) granting an increase of pension to Silas N. Palmer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "late of," to insert "Company G, First Regiment Iowa Volunteer Cavalry, and;" so as to make the bill read :

Be it enacted, etc., That the Secretary of the Interior 1-3, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Silas N. Palmer, late of Company G, First Regiment Iowa Volunteer Cavalry, and Companies D and B, Second Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## HENRY M. BULLARD.

The bill (S. 6820) granting an increase of pension to Henry M. Bullard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry M. Bullard, late of Company G, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

Mr. McCUMBER. I move to amend the amendment of the committee by striking out the word "twenty," before the word "dollars," and inserting in lieu thereof "twenty-four."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### HIRAM SIEGFRIED.

The bill (S. 6957) granting an increase of pension to Hiram Siegfried was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "Infantry," to strike out "Volunteer" and insert "Drafted Militia;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram Siegfried, late of Company I. One hundred and seventy-eighth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## SAMUEL E. COOVER.

The bill (S. 7484) granting an increase of pension to Samuel E. Coover was considered as in Committee of the Whole. proposes to place on the pension roll the name of Samuel E. Coover, late of Company F, Thirteenth Regiment Illinois Volun-teer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

# THEODORE J. SWEETING.

The bill (S. 6827) granting an increase of pension to Theodore J. Sweeting was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theodore J. Sweeting, late of Company G, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

# DAVID HARVEY.

The bill (S. 2994) granting an increase of pension to David Harvey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Harvey, late of Company I, Seventh Regiment Minnesota Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

## JUSTUS B. COOMER.

The bill (S. 7243) granting an increase of pension to Justus B. Coomer was considered as in Committee of the Whole. proposes to place on the pension roll the name of Justus B. Coomer, late of Company C, Twelfth Regiment Indiana Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

#### CATHERINE MATIMORE.

The bill (S. 7101) granting an increase of pension to Catherine Matimore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catherine Matimore, widow of Michael Matimore, late of Company B, Eleventh Regiment Wisconsin Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engressed for a third reading, read the third time, and passed.

#### ANNA B. L. WALKER.

The bill (S. 1397) granting an increase of pension to Anna L. Walker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Anna," to insert the letter "B.;" and in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna B. L. Walker, widow of Ivan N. Walker, late lieutenant-colonel Seventy-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Anna B. L. Walker."

# MELVIN L. LE SUER, ALIAS JAMES FRENCH.

The bill (S. 7177) granting an increase of pension to M. L. Le

Suer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Melvin L. Le Suer, alias James French, late of Companies D and I, Eighth Regiment United States Infantry, war with Mexico; Battery L, Fourth Regiment United States Artillery, and Troop D, Sixth Regiment United States Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Melvin L. Le Suer, alias James French."

## LEWIS A. GRANT.

The bill (S. 6943) granting an increase of pension to L. A.

Grant was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," to strike out the letter "L." and insert "Lewis;" in line 7, before the words "United States," to strike out "of;" and in line 8, before the word "dollars," to strike out "one hundred" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis A. Grant, late brigadier-general and brevet major-general, United States Volunteers, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Lewis A. Grant."

## CHARLES C. BURT.

The bill (S. 7335) granting an increase of pension to Charles C. Burt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles C. Burt, late of Company K, Eighth Regiment Vermont Volunteer Infantry, and Seventh Battery, Maine Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### THOMAS J. NORTHROP.

The bill (S. 6143) granting an increase of pension to Thomas J. Northrop was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read .

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Northrop, late of Company K, Sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### MOSES FEYLER.

The bill (S. 2104) granting an increase of pension to Moses Feyler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, ctc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Moses Feyler, late of Company A, Twenty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ASAPH H. WITHAM.

The bill (S. 1172) granting an increase of pension to Asaph H. Witham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Asaph H. Witham, late of Company H. Tenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## SIMON PETER WALLERSON.

The bill (S. 6793) granting an increase of pension to Simon Peter Wallerson was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Simon Peter Wallerson, late of Company I, Third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# JOHN TREFRY.

The bill (S. 6732) granting a pension to John Trefry was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Trefry, late of Company G, Fifty-ninth Regiment, and Company G, Fifty-seventh Regiment,

ment, Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John Trefry."

#### ELIZA BRUSIE.

The bill (S. 6139) granting an increase of pension to Eliza A. Brusie was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "Brusie," to strike out the letter "A.;" and in line 9, before the word "dollars," to strike out "twenty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza Brusle, widow of Cornelius Brusle, late of Company H, Ninety-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Eliza Brusie."

#### JOHN HEATH.

The bill (S. 6584) granting an increase of pension to John Heath was considered as in Committee of the Whole. poses to place on the pension roll the name of John Heath, late of Company B, First Regiment Massachusetts Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

## MOSES ROWELL.

The bill (S. 6582) granting an increase of pension to Moses Rowell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Moses Rowell, late of Company I, Eleventh and Sixth Regiments New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

## DANIEL L. SEAVEY.

The bill (S. 6830) granting an increase of pension to Daniel L. Seavey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel L. Seavey, late of Company E, Thirty-eighth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

## PAGE G. POTTER.

The bill (S. 7398) granting an increase of pension to Page G. Potter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Page G. Potter, late of Company B, First Regiment Vermont Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to be engrossed for a third reading, read the third time,

and passed.

# ALBERT T. BARR.

The bill (S. 6914) granting an increase of pension to Albert T. Barr was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert T. Barr, late of Company I, Eighteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

## WILLIAM S. GRAY.

The bill (S. 4681) granting an increase of pension to William S. Gray was considered as in Committee of the Whole. It

proposes to place on the pension roll the name of William S. Gray, late of Company F, Twelfth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

# HORACE P. MARSHALL.

The bill (S. 6671) granting an increase of pension to Horace P. Marshall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Horace P. Marshall, late of the First Independent Battery, New Hampshire Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

## JOSEPHINE BRACKETT.

The bill (S. 7744) granting a pension to Josephine Brackett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josephine Brackett, widow of Samuel B. Brackett, late of Company B, Fifth Regiment Maine Volunteer Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### DWIGHT SIMPSON.

The bill (S. 7740) granting an increase of pension to Dwight Simpson was considered as in Committee of the Whole,

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dwight Simpson, late of Company I, First Regiment United States Veteran Volunteer Engineers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# JOHN KIRCH.

The bill (S. 4756) granting an increase of pension to John Kirch was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "and," to insert "and Company I, Fourth Regiment Veteran Reserve Corps;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Kirch, late of Company B, One hundred and eighteenth Regiment Illinois Volunteer Infantry, and Company I, Fourth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## R. SMITH COATS.

The bill (S. 6431) granting an increase of pension to R. Smith Coats was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of R. Smith Coats, late of Company F, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## JAMES T. M'REYNOLDS.

The bill (S. 6769) granting an increase of pension to James T. McReynolds was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with

an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James T. McReynolds, late of Company C, Fifty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### CHARLES BOXMEYER.

The bill (S. 7119) granting an increase of pension to Charles Boxmeyer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Box-meyer, late of Company C, Third Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

#### MARVIN F. BARTON.

The bill (S. 1511) granting an increase of pension to Marvin F. Barton was considered as in Committee of the Whole. proposes to place on the pension roll the name of Marvin F. Barton, late of Company H, Fifty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

The VICE-PRESIDENT. This completes the Calendar. What is the further pleasure of the Senate?

#### EDWARD L. CARPENTER.

Mr. McCUMBER. I should like to ask if the Senate passed the bill (S. 1425) granting an increase of pension to Edward L. Carpenter? I did not hear it called. I notice it is on the Cal-

The VICE-PRESIDENT. It was not passed. It was passed over. Does the Senator wish to have the bill considered

Mr. McCUMBER. I know of no reason, or at least I do not recall any reason, why it should not be considered.

The VICE-PRESIDENT. The Secretary will read the bill. Mr. McCUMBER. If, as I am advised, I asked that it go over at some other time, I will ask that it lie over now.

The VICE-PRESIDENT. The bill will lie over without preju-

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 37 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 16, 1907, at 12 o'clock meridian.

# NOMINATIONS.

Executive nominations received by the Senate January 15, 1907. PROMOTIONS IN THE ARMY.

## Cavalry Arm.

Second Lieut. Robert L. Collins, Second Cavalry, to be first lieutenant from October 2, 1906, vice Norvell, Eighth Cavalry, promoted.

## Infantry Arm.

First Lieut. Lawrence D. Cabell, Fourteenth Infantry, to be captain from January 9, 1907, vice Spence, Eleventh Infantry, retired from active service.

## Corps of Engineers.

Lieut. Col. Clinton B. Sears, Corps of Engineers, to be colonel from January 11, 1907, vice Livermore, retired from active

Maj. Curtis McD. Townsend, Corps of Engineers, to be lieutenant-colonel from January 11, 1907, vice Sears, promoted.

Capt. Charles Keller, Corps of Engineers, to be major from January 11, 1907, vice Townsend, promoted.

First Lieut. Albert E. Waldron, Corps of Engineers, to be captain from January 11, 1907, vice Keller, promoted.

Second Lieut. De Witt C. Jones, Corps of Engineers, to be

first lieutenant from January 11, 1907, vice Waldron, promoted.

## PROMOTIONS IN THE NAVY.

Civil Engineer Frank O. Maxson to be a civil engineer in the Navy with the rank of captain from the 26th day of November, 1906, vice Civil Engineer Mordecai T. Endicott, retired.

Civil Engineer Richard C. Hollyday to be a civil engineer in the Navy with the rank of commander from the 26th day of November, 1906, vice Civil Engineer Frank O. Maxson, pro-

Civil Engineer Frank T. Chambers to be a civil engineer in the Navy with the rank of lieutenant-commander from the 26th day of November, 1906, vice Civil Engineer Richard C. Holly-

day, promoted.

Boatswain John S. Croghan to be a chief boatswain in the Navy, to rank with, but after, ensign, from the 10th day of May, 1904, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.
Surg. John E. Page, who was promoted to fill a vacancy oc-

curring on April 20, 1904, to take rank as a surgeon from March 3, 1904, in accordance with an opinion of the Attorney-General

dated April 24, 1906.

Surg. John M. Moore, who was promoted to fill a vacancy oc-curring on January 1, 1905, to take rank as a surgeon from March 3, 1904, in accordance with an opinion of the Attorney-General dated April 24, 1906.

Naval Constructors Daniel C. Nutting, jr., and Holden A Evans to be naval constructors in the Navy with the rank of lieutenant-commander from the 10th day of October, 1906, to correct the date from which they take rank as confirmed on December 11, 1906.

Second Lieut, Russell B. Putnam to be a first lieutenant in the Marine Corps from the 1st day of July, 1906, vice First Lieut.

Arthur McAllister, deceased.

Second Lieut. Benjamin A. Lewis to be a first lieutenant in the Marine Corps from the 6th day of July, 1906, vice First Lieut. Thomas A. Mott, promoted.

Second Lieut. Arthur Stokes to be a first lieutenant in the Marine Corps from the 1st day of August, 1906, vice First Lieut. Fred A. Udell, who failed to qualify for promotion after being due therefor.

Second Lieut. Benjamin S. Berry to be a first lieutenant in the Marine Corps from the 15th day of August, 1906, to correct the date of his promotion as confirmed on December 19, 1906, which is made necessary by the failure of Second Lieut. Till-

man Bunch to qualify for promotion after being due therefor.

Lieut. Commander Harold P. Norton to be a commander in the Navy from the 10th day of October, 1906, vice Commander

John C. Fremont, promoted.

# RECEIVER OF PUBLIC MONEYS.

Edward S. Wiggins, of Oklahoma, to be receiver of public moneys at Woodward, Okla., his term having expired. (Reap-

Frank W. Wait, of Michigan, to be United States marshal for the western district of Michigan (a reappointment), his term expiring January 18, 1907.

## POSTMASTERS.

# ARIZONA.

Frederick W. Smith to be postmaster at Williams, in the county of Coconino and Territory of Arizona, in place of Frederick W. Smith. Incumbent's commission expires January 15,

ARKANSAS.

Carl O. Freeman to be postmaster at Berryville, in the county of Carroll and State of Arkansas. Office became Presidential January 1, 1907.

Alexander Jackson to be postmaster at Hoxie, in the county of Lawrence and State of Arkansas. Office became Presidential January 1, 1907.

Robert C. Vance to be postmaster at Benton, in the county of Saline and State of Arkansas, in place of Milton P. Westbrook,

CALIFORNIA.

Matthew W. Grace to be postmaster at Lindsay, in the county of Tulare and State of California. Office became Presidential January 1, 1907.

George W. Shuler to be postmaster at Holyoke, in the county of Phillips and State of Colorado. Office became Presidential January 1, 1907.

CONNECTICUT.

H. Guy Linsley to be postmaster at Branford, in the county of New Haven and State of Connecticut, in place of H. Guy Linsley. Incumbent's commission expires February 4, 1907.

FLORIDA.

Mary B. Bishop to be postmaster at Eustis, in the county of Lake and State of Florida. Office became Presidential January 1, 1907.

Edwin N. Bradley to be postmaster at Green Cove Springs, in the county of Clay and State of Florida. Office became Presidential January 1, 1907.

George F. Fernald to be postmaster at Tarpon Springs, in the county of Hillsboro and State of Florida. Office became Presidential January 1, 1907.

George E. Koons to be postmaster at Palmetto, in the county of Manatee and State of Florida. Office became Presidential January 1, 1907.

Fred M. Taylor to be postmaster at Titusville, in the county

of Brevard and State of Florida, in place of Fred M. Taylor. Incumbent's commission expired December 15, 1906.

#### IDAHO.

Millie R. Longfellow to be postmaster at Mountain Home, in the county of Elmore and State of Idaho, in place of William J. Turner, resigned.

TLLINOIS.

Charles D. Clark to be postmaster at Utica, in the county of La Salle and State of Illinois, in place of Charles D. Clark. Incumbent's commission expired December 10, 1906.

Theodore Disosway to be postmaster at Henry, in the county of Marshall and State of Illinois, in place of Charles A. Camp. Incumbent's commission expired December 10, 1906.

Ulysses E. Smith to be postmaster at Metropolis, in the county of Massac and State of Illinois, in place of Frederick R. Young, resigned.

Cyrus Thompson to be postmaster at Belleville, in the county of St. Clair and State of Illinois, in place of John E. Thomas. Incumbent's commission expired December 11, 1906.

Gaither C. Walser to be postmaster at West Salem, in the county of Edwards and State of Illinois. Office became Presidential January 1, 1907.

INDIANA.

L. A. Bachelor to be postmaster at Vanburen, in the county of Grant and State of Indiana, in place of Henry Whitecotton. Incumbent's commission expired January 7, 1907.

Arthur A. Holmes to be postmaster at Sullivan, in the county, of Sullivan and State of Indiana, in place of William R. Nesbit.

Incumbent's commission expired December 20, 1906.

W. F. Moore to be postmaster at West Baden, in the county of Orange and State of Indiana, in place of Elvet B. Rhodes. Incumbent's commission expired January 7, 1907.

TOWA.

Andrew H. Bjorgo to be postmaster at Kensett, in the county of Worth and State of Iowa, in place of Andrew H. Bjorgo. Incumbent's commission expired January 14, 1907.

Charles E. Carmody to be postmaster at Mapleton, in the county of Monona and State of Iowa, in place of Charles E. Incumbent's commission expired December 10, 1906. Carmody. Incumbent's commission expired December 10, 1906, James H. Dunlap to be postmaster at Clarinda, in the county

of Page and State of Iowa, in place of James H. Dunlap. cumbent's commission expired December 9, 1906.

William H. McClure to be postmaster at Fontanelle, in the county of Adair and State of Iowa, in place of William H. Mc-Incumbent's commission expired January 7, 1907.

J. Ken Mathews to be postmaster at Mediapolis, in the county of Des Moines and State of Iowa, in place of J. Ken Mathews. Incumbent's commission expires January 29, 1907.

Charles J. Mills to be postmaster at Ossian, in the county of Winneshiek and State of Iowa. Office became Presidential January 1, 1907.

George A. Sedgwick to be postmaster at Hawarden, in the county of Sioux and State of Iowa, in place of Arthur S. Colby. Incumbent's commission expired January 7, 1907.

Nelson M. Cowan to be postmaster at Kensington, in the county of Smith and State of Kansas. Office became Presidential January 1, 1907.

MAINE.

Frank L. Averill to be postmaster at Oldtown, in the county of Penobscot and State of Maine, in place of Frank L. Averill. Incumbent's commission expired December 9, 1906.

John M. Jewell to be postmaster at Clinton, in the county of Kennebec and State of Maine. Office became Presidential January 1, 1907.

John M. Oak to be postmaster at Bangor, in the county of Penobscot and State of Maine, in place of John M. Oak. Incumbent's commission expired January 7, 1907.

Frank R. Purinton to be postmaster at Fairfield, in the county of Somerset and State of Maine, in place of Frank B. Purinton. Incumbent's commission expired January 6, 1907.

MASSACHUSETTS.

Lorenzo B. Crockett to be postmaster at North Easton; in the county of Bristol and State of Massachusetts, in place of

Lorenzo B. Crockett. Incumbent's commission expires February 11, 1907

David L Small to be postmaster at Harwich, in the county of Barnstable and State of Massachusetts. Office became Presidential July 1, 1906.

#### MICHIGAN.

John Amesse to be postmaster at Lake Linden, in the county of Houghton and State of Michigan, in place of John Amesse. Incumbent's commission expires February 7, 1907.

Joshua Braun to be postmaster at Sebewaing, in the county of Huron and State of Michigan, in place of Joshua Braun. cumbent's commission expires February 9, 1907.

Charles M. Fails to be postmaster at Wolverine, in the county of Cheboygan and State of Michigan. Office became Presidential January 1, 1907.

#### MINNESOTA.

Edward F. Gummer to be postmaster at Frazee, in the county of Becker and State of Minnesota, in place of Edward F. Gummer. Incumbent's commission expired December 10, 1906.

## MISSISSIPPI.

Annie B. Wood to be postmaster at Louisville, in the county of Winston and State of Mississippi. Office became Presidential January 1, 1907.

John C. Lark to be postmaster at Steelville, in the county of Crawford and State of Missouri. Office became Presidential January 1, 1907.

#### NEBRASKA.

Frank Israel to be postmaster at Benkelman, in the county of Dundy and State of Nebraska. Office became Presidential January 1, 1907.

Henry E. Langevin to be postmaster at Curtis, in the county

of Frontier and State of Nebraska. Office became Presidential January 1, 1907.

John H. McGuire to be postmaster at Benson, in the county of Douglas and State of Nebraska. Office became Presidential January 1, 1907.

William R. Pedley to be postmaster at Bertrand, in the county of Phelps and State of Nebraska. Office became Presidential

Frank R. Wild to be postmaster at De Witt, in the county of Saline and State of Nebraska. Office became Presidential Janu-

# NEW JERSEY.

Caroline E. Condit to be postmaster at Millburn, in the county

of Essex and State of New Jersey, in place of Caroline E. Condit, Incumbent's commission expires February 4, 1907.

Marcus Mitchell to be postmaster at East Orange, in the county of Essex and State of New Jersey, in place of Marcus Mitchell. Incumbent's commission expires February 4, 1907.

# NEW MEXICO.

James A. Duff to be postmaster at Farmington, in the county of San Juan and Territory of New Mexico. Office became Presidential January 1, 1907.

## NEW YORK.

Joseph A. Douglas to be postmaster at Babylon, in the county of Suffolk and State of New York, in place of Theodore . C. Incumbent's commission expires February 4, 1907.

Frank W. Higgins to be postmaster at Wellsville, in the county of Allegany and State of New York, in place of Frank W. Higgins. Incumbent's commission expires February 12, 1907.

Charles C. Horton to be postmaster at Silver Creek, in the county of Chautauqua and State of New York, in place of Charles C. Horton. Incumbent's commission expires February

Benjamin C. Moore to be postmaster at Pleasantville Station, in the county of Westchester and State of New York, in place of William T. Bailey. Incumbent's commission expired January

Murray to be postmaster at Warrensburg, in the county of Warren and State of New York, in place of Robert Incumbent's commission expired December 15, 1906.

James L. Taylor to be postmaster at Dobbs Ferry, in the county of Westchester and State of New York, in place of James L. Taylor. Incumbent's commission expires January 22, 1907.

Fred A. Upton to be postmaster at Charlotte, in the county of Monroe and State of New York, in place of John S. Burr, de-

## NORTH CAROLINA.

Willis Perceval Edwards to be postmaster at Franklinton, in the county of Franklin and State of North Carolina. Office became Presidential January 1, 1906.

#### NORTH DAKOTA.

Otis Beardsley to be postmaster at Underwood, in the county of McLean and State of North Dakota. Office became Presidential October 1, 1906.

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Joel P. De Wolf to be postmaster at Fostoria, in the county of Seneca and State of Ohio, in place of Joel P. De Wolf. Incumbent's commission expires January 19, 1907.

John M. Gallagher to be postmaster at Quaker City, in the county of Guernsey and State of Ohio, in place of John M. Gallagher. Incumbent's commission expired January 13, 1907.

Joseph E. Hall to be postmaster at Bucyrus, in the county of Crawford and State of Ohio, in place of Joseph E. Hall. Incumbent's commission expires March 3, 1907.

Jacob C. Irwin to be postmaster at Degraff, in the county of Logan and State of Ohio, in place of Jacob C. Irwin. Incumbent's commission expired December 20, 1906.

#### OKLAHOMA.

Elmer E. Brown to be postmaster at Oklahoma, in the county of Oklahoma and Territory of Oklahoma, in place of Elmer E. Brown. Incumbent's commission expires January 23, 1907.

## OREGON.

Louis A. Githens to be postmaster at Athena, in the county of Umatilla and State of Oregon, in place of Louis A. Githens. Incumbent's commission expired January 7, 1907.

Fletcher E. Wilcox to be postmaster at Milton, in the county of Umatilla and State of Oregon, in place of Fletcher E. Wilcox. Incumbent's commission expired January 7, 1907.

## PENNSYLVANIA.

John H. Bishop to be postmaster at Millersville, in the county of Lancaster and State of Pennsylvania, in place of John H. Bishop. Incumbent's commission expires January 26, 1907.

Joseph M. Brothers to be postmaster at Knox, in the county of Clarion and State of Pennsylvania, in place of Joseph M. Brothers. Incumbent's commission expires January 26, 1907.

Joseph J. Delp to be postmaster at Windgap, in the county of Northampton and State of Pennsylvania. Office became Presidential October 1, 1906.

Silas E. Dubbel to be postmaster at Waynesboro, in the county of Franklin and State of Pennsylvania, in place of Silas E. Dubbel. Incumbent's commission expires January 26, 1907.

Samuel H. Jackson to be postmaster at Claysville, in the county of Washington and State of Pennsylvania, in place of Samuel H. Jackson. Incumbent's commission expires January 26, 1907.

Herman H. North to be postmaster at Bradford, in the county of McKean and State of Pennsylvania, in place of Herman H. North. Incumbent's commission expires February 11, 1907.

Charles A. Passmore to be postmaster at Gap, in the county of Lancaster and State of Pennsylvania. Office became Presi-

dential January 1, 1907.

William H. Pennell to be postmaster at Duncannon, in the county of Perry and State of Pennsylvania, in place of William H. Pennell. Incumbent's commission expires January 26, 1907.

Thomas K. Pullin to be postmaster at Confluence, in the county of Somerset and State of Pennsylvania, in place of Thomas K. Pullin. Incumbent's commission expires January 26,

Rosella M. Russell to be postmaster at Glassport, in the county of Allegheny and State of Pennsylvania, in place of Rosella M. Incumbent's commission expires January 26, 1907.

John H. Thomas to be postmaster at Carbondale, in the county of Lackawanna and State of Pennsylvania, in place of John H. Thomas. Incumbent's commission expires January 26, 1907.

Robert B. Thompson to be postmaster at Freeport, in the county of Armstrong and State of Pennsylvania, in place of Incumbent's commission expires January 26, John H. Holmes. 1907.

Sylvester B. Woollet to be postmaster at McConnellsburg, in the county of Fulton and State of Pennsylvania. Office became Presidential January 1, 1907.

## TEXAS.

Frank P. Varley to be postmaster at Collinsville, in the county of Grayson and State of Texas. Office became Presidential January 1, 1907.

## VERMONT.

John S. Sweeney to be postmaster at Island Pond, in the county of Essex and State of Vermont, in place of Ora M. Carpenter, resigned.

Frank T. Taylor to be postmaster at Hardwick, in the county of Calcdonia and State of Vermont, in place of Frank T. Taylor. Incumbent's commission expires January 22, 1907.

James H. Viele to be postmaster at Essex Junction, in the

county of Chittenden and State of Vermont, in place of Warner B. Nichols. Incumbent's commission expired January 14, 1907. VIRGINIA.

Willard B. Alfred to be postmaster at Clarksville, in the county of Mecklenburg and State of Virginia, in place of Willard B. Alfred. Incumbent's commission expires January 22,

Robert A. Anderson to be postmaster at Marion, in the county of Smyth and State of Virginia, in place of Robert A. Anderson. Incumbent's commission expires January 22, 1907.

Jacob H. Lindsey to be postmaster at Bridgewater, in the county of Rockingham and State of Virginia. Office became Presidential January 1, 1907.

#### WASHINGTON.

Ernest L. Darr to be postmaster at Sumner, in the county of Pierce and State of Washington. Office became Presidential

January 1, 1907.

T. N. Henry to be postmaster at Prosser, in the county of Benton and State of Washington, in place of Nelson Rich, re-

WEST VIRGINIA. Fannie E. Helmick to be postmaster at Thomas, in the county of Tucker and State of West Virginia, in place of Albert C. Helmick. Incumbent's commission expired December 15, 1906.

WISCONSIN. Edward M. Crane to be postmaster at Oshkosh, in the county of Winnebago and State of Wisconsin, in place of Edward M. Crane. Incumbent's commission expired December 20, 1906.

Francis R. Dittmer to be postmaster at Seymour, in the county of Outagamie and State of Wisconsin, in place of Francis R. Dittmer. Incumbent's commission expires January 23, 1907.

Charles Kimnach to be postmaster at Cudahy, in the county of Milwaukee and State of Wisconsin, in place of Charles Kimnach. Incumbent's commission expires March 3, 1907.

William H. Landolt to be postmaster at Wauwatosa, in the county of Milwaukee and State of Wisconsin, in place of William H. Landolt. Incumbent's commission expires February 4,

#### CONFIRMATIONS.

Executive nominations confirmed by the Senate January 15, 1907.

# SECRETARY OF THE TREASURY.

George B. Cortelyou, of New York, now Postmaster-General, to be Secretary of the Treasury, to take effect March 4, 1907.

# SECRETARY OF THE INTERIOR.

James Rudolph Garfield, of Ohio, now Commissioner of Corporations in the Department of Commerce and Labor, to be Secretary of the Interior, to take effect March 4, 1907.

# POSTMASTER-GENERAL.

George v. L. Meyer, of Massachusetts, now ambassador extraordinary and plenipotentiary to Russia, to be Postmaster-General, to take effect March 4, 1907.

# COMMISSIONER OF CORPORATIONS.

Herbert Knox Smith, of Connecticut, now Deputy Commissioner of Corporations, to be Commissioner of Corporations in the Department of Commerce and Labor.

## PENSION AGENT.

John R. King, of Maryland, to be pension agent at Washington, D. C., his term having expired.

## COLLECTOR OF CUSTOMS.

Antoine J. Murat, of Florida, to be collector of customs for the district of Apalachicola, in the State of Florida.

# PROMOTIONS IN THE NAVY.

Lieut. Commander George W. McElroy, an additional number in grade, to be a commander in the Navy from the 7th day of January, 1906.

Frank H. Stibbens, a citizen of California, to be an assistant

surgeon in the Navy from the 4th day of January, 1907.

Midshipman Roy F. Smith, United States Navy, to be an assistant civil engineer in the Navy from the 3d day of January.

Gunner Wilhelm H. F. Schluter to be a chief gunner in the Navy from the 1st day of August, 1906, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

# MARSHAL.

Dewey C. Bailey, of Colorado, to be United States marshal for the district of Colorado.

# HOUSE OF REPRESENTATIVES.

Tuesday, January 15, 1907.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D. The Journal of yesterday's proceedings was read and ap-

#### YAKIMA RESERVATION.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 190.

The Clerk read as follows:

Joint resolution (H. J. Res. 190) extending protection of second proviso of section 1 of the act of December 21, 1904, to certain entrymen.

Resolved, etc., That where entries were allowed by the local land office prior to December 21, 1904, of lands purchased from persons who were bona fide settlers on March 5, 1904, such entrymen shall be entitled to the protection extended by the second proviso of section 1 of the act of December 21, 1904, if they have continued to comply in good faith with the requirements of the settlement laws.

The SPEAKER. Is there objection?
Mr. MANN. Mr. Speaker, I reserve the right to object. The bill itself contains no information of value to the Members of the House, and I suggest that the gentleman explain the provisions of the resolution.

Mr. JONES of Washington. Mr. Speaker, the situation is simply this: Under the act passed in December, 1904, opening the Yakima Indian Reservation and recognizing the claims of Indians to certain lands, there was a proviso that where on the 5th of March, 1904, settlers were occupying certain of these lands that the rights of those settlers should not be interfered with and that the moneys expended upon the reservation for irrigation purposes should be considered as full compensation for those lands—in other words, they extinguished the Indian title. But before the notice of the Land Office withdrawing these lands from settlement had reached the local office three or four settlers who resided on the land on the 5th of March, 1904, and protected by the act, relinquished that land and sold their rights to other persons, who in good faith went on the land and had their cases accepted by the local land office. This act simply extends to those individuals the same rights as were given to the others. It affects only three or four individuals. The bill has the unanimous recommendation of the Committee on Public Lands and of the Secretary of the Interior. It is simply to protect these three or four settlers who acted in perfect good faith.

The SPEAKER. Is there objection?

Mr. MANN. I should like to ask the gentleman a question. Were those people upon these lands there in the first instance rightfully?

Mr. JONES of Washington. They were.

How did they happen to be on lands belonging Mr. MANN.

Mr. JONES of Washington. There was much dispute between the Indians and the Government as to the right to those As a matter of fact, the Government did not recognize the claims of the Indians, and held it out to the public as subject to entry ever since the reservation was established.

The SPEAKER. The Chair hears no objection.
The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. Jones of Washington, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

## BRIDGE ACROSS CALUMET RIVER, INDIANA.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 23718) to authorize the Chicago, Lake Shore and South Bend Railway Company to construct a bridge across the Calumet River in the State of Indiana.

River in the State of Indiana.

Be tt enacted, etc., That the Chicago, Lake Shore and South Bend Rallway Company, a corporation organized under the laws of the State of Indiana, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge, and approaches thereto, across the Calumet River in the southeast quarter of section 34, township 37 north, range 9 west, in Lake County, in the State of Indiana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. WILLIAMS. Is this a unanimous report, Mr. Speaker, from the committee?

The SPEAKER. Is there objection?

Mr. CRUMPACKER. Yes; this bill is in the regular form, and unanimously reported from the Committee on Interstate and Foreign Commerce.

Mr. WILLIAMS. And is in the form required by law?

Mr. CRUMPACKER. It is in the form required by law.
Mr. WILLIAMS. Complying with the provisions required?
Mr. CRUMPACKER. It is in the usual stereotype form.

Mr. WILLIAMS. Then, I have no objection. The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed, with amendments, bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 21574. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to bills of the following titles, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCumber, Mr. Scott, and Mr. Taliaferro as the conferees on the part of the Senate:

S. 6833. An act granting an increase of pension to Bettie May

S. 5041. An act granting an increase of pension to George A.

S. 4908. An act granting an increase of pension to William H. Kimball; and

S. 822. An act granting a pension to Michael V. Hennessy.

#### SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 976. An act granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico—to the Committee on Pensions.

TEMPORARY LEAVES OF ABSENCE FOR HOMESTEAD SETTLERS.

Mr. GRONNA. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 81, which I send to the Clerk's desk.

The Clerk read as follows:

The Clerk read as follows:

Joint resolution [8. R. 81] authorizing temporary leaves of absence for homestead settlers.

Resolved, etc., That homestead settlers upon the public domain, in those sections where climatic conditions and other causes of an unusual nature exist resulting in personal hardship, are hereby granted a leave of absence from their land for a period of three months from the date of the approval of this resolution. All homesteaders serieusly affected by such conditions or causes shall make application, supported by affidavit, setting forth the facts justifying the leave of absence applied for to the register and receiver of the land office of the district in which their land is situated, and settlers granted such leave shall forfeit no rights by reason of the absence allowed hereluder: Provided, That the period of such actual absence shall not be deducted from the full time of residence required by law.

The amendments recommended by the committee were read.

The amendments recommended by the committee were read,

Strike out the lines 4 and 5 and insert in lieu thereof "North Dakota, South Dakota, Wyoming, Minnesota, and Montana."
Strike out all after the word "resolution," in line 8, down to the word "Provided," in line 14.
Strike out the word "such," in line 14; and insert after the word "absence," in line 15, the words "under this resolution."

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, will the gentleman explain to the House the necessity for this legislation?

Mr. GRONNA. Mr. Speaker, we are experiencing an unusually severe winter in North Dakota. We have on an average 4 feet of snow on the level. This snow has drifted so that on nearly all the branch lines of our railroads the service has been practically suspended. Many of the new settlers who are living in the western part of the State are without fuel, and some of them without provisions, and this resolution simply gives them the privilege of moving from their lands, if they so desire, for a term of three months. The people living in the eastern part of our State will not take advantage of this law because they have good houses, but the relief under this resolution will be given to the new settlers, who are living in poor houses, shanties, you

might say.

Mr. WILLIAMS. This is an inculcation of the lesson that people ought to live in warmer climates, is it not? It would be better for themselves and everybody else.

Mr. GRONNA. That is perhaps a matter of opinion, depend-

ing on the latitude in which a person happens to be born. [Laughter.]

Mr. WILLIAMS. I have no objection.
Mr. STERLING. Mr. Speaker, why not amend the resolution so that it would apply to those persons who have entered land there and whose time expires for moving onto the land during the winter. They can not get any fuel either. If they do not move onto the land within six months, then their entry expires. Why would it not be well to amend the resolution so as to apply to those people, as well as to the people who are now on the land?

Mr. REEDER. This would cover them.

Mr. GRONNA. I think the gentleman misunderstands the It will cover the cases of the people he speaks of. Mr. STERLING. Does it apply to any particular part of those States?

Mr. GRONNA. No; it simply grants all a leave of absence

outright for three months.

Mr. STERLING. The reason I ask is this: A number of people from my county have entered land in Butte County, S. Dak. They must be there in February, and what I wish to know is whether this extends their right to go there?

Mr. GRONNA. Yes; it does. The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The amendments recommended by the committee were agreed

The joint resolution as amended was ordered to be read a third time, and was accordingly read the third time, and passed.

## MERCHANT MARINE AND FISHERIES.

Mr. WATSON. Mr. Speaker, I ask unanimous consent that the Committee on the Merchant Marine and Fisheries may have authority to sit during the sessions of the House.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the Committee on the Merchant Marine and Fisheries may have authority to sit during the sessions of the House. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I object.

The SPEAKER. The gentleman from Mississippi objects.

## DESERT-LAND ENTRIES.

Mr. SMITH of California. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 21567) extending the time for making final proof in desert-land entries.

The SPEAKER. The gentleman from California asks unanimous consent for the present consideration of a bill, which the Clerk will report.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the time for making final proof and payment for all lands located under the desert-land laws of the United States in township 13 south, ranges 12 and 13 east; sections 6, 7, 17, 18, 19, 20, 29, 30, 31, of township 13 south, range 14 east; township 14 south, ranges 12 and 13 east; township 15 south, range 12 east; sections 5, 6, and 7, township 15 south, range 13 east; township 16 south, range 12 east; township 17 south, range 12 east; sections 5, 6, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, and 21 of township 17 south, range 14 east, San Bernardino base and meridian, in the county of San Diego, Cal., proof and payment of which has not been made, be, and the same is hereby, extended for the period of two years from the time proof and payment would become due under existing law.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object—

Mr. MANN. Reserving the right to object—
Mr. WILLIAMS. Mr. Speaker, I think this is rather important legislation, especially in view of the fact that the President has virtually recommended the repeal of these desert-land laws, and I shall, for the present at any rate, object.

Mr. SMITH of California. I wish you would allow me to

make an explanation, reserving your right to object.

Mr. WILLIAMS. I understand it is a bill to extend the time for perfecting title under these desert-land laws. I think the laws ought to be repealed.

Mr. SMITH of California. But you probably would not undertake to destroy rights that have been acquired by these people while the law is in existence.

Mr. WILLIAMS. I would not, but I would not extend that

I would not enlarge it.

Mr. SMITH of California. I think you would if you would listen to my explanation.

Mr. WILLIAMS. Certainly.
Mr. SMITH of California. This land is under a system of irrigation, the water being derived from the Colorado River, about which the President's message spoke. The head of the about which the Fresident's message spoke. The head of the canal irrigating this land has been washed out. Under the law settlers of desert lands must make final proof within four years from entry. These people settled there about four years ago. Their time for final proof will expire this spring. It will be impossible for them to restore the canal system by that time,

The law requires that when they make final proof they must show that the land is actually under irrigation.

Mr. MANN. It is under water now.

Mr. SMITH of California. Not at all; this is land that is above the lake and which is affected only by the destruction of their canal. Unless we extend the time and preserve their rights, they are going to default in final proof through no fault of theirs, but through an extraordinary act of natural forces.

Mr. MANN. Is not this the case: That these people are now asking the Government of the United States to rebuild a large portion of the work there for the purpose of permitting them to irrigate their land; and if the Government does expend this money rebuilding these works, why should we then present them

Mr. SMITH of California. That would lead to a discussion of the President's message. My present impression is that the people of that valley are not at all interested in the enactment of the legislation proposed by the President.

Mr. MANN. If it should be determined by Congress to expend there from one million to forty million dollars on this place, there might be some equity in not presenting the land to If it should be determined by Congress not to expend

the money, it is time to give these people relief afterwards.

Mr. SMITH of California. I only desire to have this question settled that these people may be relieved of the anxiety under which they now exist. The Government under this proposition will not reconstruct the head of this canal; that would be left to the settlers. This is only a question of giving them the time which they will actually require to reestablish by their own efforts and expenditures the head of that canal

Mr. MANN. The gentleman refers to the "head of the canal I am not familiar with it, but it all comes from the

canal leading from the Colorado River?

Mr. SMITH of California. It is a branch of that canal, and when the Government work as proposed by the President is completed, if it should be, it would still be necessary for these people, by their own efforts and their own expense, to reestablish this distributing canal and lead the water to their

Mr. MANN. They would receive the benefit of the money expended by the Government in establishing the large canal which leads from the Colorado River without expense to themselves.

Mr. SMITH of California. In common with others, I hope

the gentleman from Illinois will not get off with the idea that the people of this valley are asking for the legislation proposed by the President.

Mr. MANN. I can not understand who is asking for it if the people of the valley are not asking for it. If the people of the valley there do not want it I do not know who does

Mr. SMITH of California. I am as ignorant on that point as

the gentleman is. Mr. MANN. I hope the gentleman will wait, then, until we

can find out. Mr. SMITH of California. I was as much surprised at the arrival of the President's message as the gentleman from Illinois.

Mr. MANN. I do not see how the gentleman could be surprised. It has been announced in the newspapers frequently during the whole month and ever since this session of Congress commenced that the President was intending to do this identical

Mr. SMITH of California. There have been various statements about that, but of course I am not the guide and director of the President. The relief sought in this bill is recommended by the Interior Department and has the unanimous recommendation of the Committee on Public Lands. As an act of justice to these people who have inchoate rights in the land. who are likely to lose through no fault of theirs, if we do not extend this time, I think this measure ought to pass.

Mr. GAINES of Tennessee. Will the gentleman yield to me? Mr. SMITH of California. Certainly.

Mr. GAINES of Tennessee. Mr. Speaker, this is the unanimous report from the Committee on Public Lands, of which I am a member. The matter came up and the gentleman from California [Mr. Smith] stated about this, in substance, that he wished to extend the privilege, as you may call it—not so much a right as a privilege—to perfect their rights to these lands which they have been prevented from doing by a flood of some kind, for which they were not at all responsible.

By reason of that visitation of God, you might say, they were not able to make out their land rights; hence I voted to extend the time of these people to make out their rights which they would have done but for this flood. Now, those are the merits of the case, as I understand it, and that is the reason why I voted to report the bill, and the bill was agreed to in committee.

Mr. WILLIAMS. Mr. Speaker, I would like to ask the gentleman a question. Would the passage of this bill make a precedent that would in any way commit the United States Government to this scheme of remedying the destruction that has been caused out there by a private corporation?

Mr. SMITH of California. Absolutely not.

Mr. WILLIAMS. Then, Mr. Speaker, in view of the information conveyed to me by the gentleman from Tennessee [Mr. Gaines], that this is a unanimous report of the committee after having gone into the matter carefully, I shall not now object. do think, however, that the legislation is somewhat incautious.

Mr. MANN. Mr. Speaker, for the present I shall object. The SPEAKER. The gentleman from Illinois objects.

#### FORTIFICATION APPROPRIATION BILL.

Mr. SMITH of Iowa. Mr. Speaker, I move the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the fortification appropriation bill.

The motion was agreed to; and accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the fortification ap-

propriation bill, with Mr. Mann in the chair.

Mr. SMITH of Iowa. Mr. Chairman, I desire to state before the debate is resumed that, in my judgment, the time allowed for general debate will not all be consumed, so that the members of the committee may know that the reading under the five-minute rule will probably start before the expiration of the time

The CHAIRMAN. The Chair will state for the benefit of the committee that the gentleman from Iowa [Mr. SMITH] has remaining to his credit forty-nine minutes and the gentleman from

New York [Mr. FITZGERALD] one hour and eleven minutes. Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman from Iowa for information about when he will commence under the five-minute rule? I desire to ask some questions for information when we get to that.

Mr. SMITH of Iowa. I am not able to give a definite answer

to that question, because certain gentlemen are to speak and I do not know how long they will consume. There are two hours left, and I do not think the time will be consumed.

Mr. CLARK of Missouri. How long does the gentleman expect the bill to run under the five-minute rule-just a mere

Mr. SMITH of Iowa. I have no idea. We hope to finish it

Mr. FITZGERALD. It is very short.

Mr. SMITH of Iowa. Mr. Chairman, I yield such portion of my remaining time as he may desire to the gentleman from Illinois [Mr. Graff].
Mr. HEPBURN. Mr. Chairman, I hope the gentleman will

reserve five minutes for me, if he can.

Mr. SMITH of Iowa. I will say to the gentleman from Iowa that through the courtesy of the gentleman from New York [Mr. Fitzgerald I have been assured that we may have such time as we may desire on this side to debate the bill. The gentleman from Illinois [Mr. Graff] is a member of the committee, and I do not want to limit him as to his time, but I am quite sure that time will be provided for the gentleman from Iowa [Mr. Hep-BURN] without doubt.

Mr. GRAFF. Mr. Chairman, I listened yesterday to a patriotic speech, filled with proper pride of the power and prestige of the Republic, and very properly indulged in by a gallant soldier, as was my colleague upon this committee, the gentleman from Ohio [Mr. Keifer]. I think it is quite natural that a man who gave so much of the best part of his life to a soldier's career during that great civil war should naturally be enthu-siastic and perhaps a little restive about speedy fortification of our country; but I believe that patriotism can be shown elsewhere than on the field of battle and that the best way in which patriotic qualities can be shown by a Member of Congress is by an economic and wise expenditure of the people's This committee can well afford to defend very confidently the course which it has pursued with regard to its appropriations for the coast defenses of the United States. plan for our coast defense has been one of slow development, commencing away back in 1883 with the passage of an act creating the "Gun Foundry Board," which made a report in 1884, and which resulted in the act of March 3, 1885, creating the so-called "Endicott Board," whose plan, as reported by it January 23, 1886, has been the general basis for all of the subsequent appropriations that have been made by Congress for that purpose. The first appropriation was made, I think, in 1888, and appropriations have been continuously made from year to year ever since, I believe, without interruption. While it is true that the Taft Board, appointed by the President of the United States,

and which made its report last year, which report was transmitted by the President of the United States in a message on March 5, 1906, stated that the report of the Endicott Board and its findings were still valuable in the main as to their general recommendations, yet as to the construction of the emplacements and the batteries and the guns it would have been practically valueless if the country had proceeded without any variation in adopting those plans and carrying out those works and building them during the past twenty years, on account of the tremendous changes made in ordnance and fortifications

At the time of the report of the Endicott Board there was no such thing known as a "disappearing gun." Expensive turrets were made. At that time there was practically unknown any such thing as a long range gun Smoothbore guns were then used. Rifle guns have been subsequently introduced. And if the Committee on Appropriations, through its subcommittee on fortifications and coast defense, had followed the recommendations of the Signal Corps, the Ordnance Board, and the artillery of the War Department and made appropriations in accordance with their recommendations year by year for the full amount, it would have resulted in our having fortifications behind the times and utterly out of line with the possibilities of subsequent development of military science. I say that the appropriations made by the committee and afterwards ratified by the act of both Houses of Congress have the commendation of the experience of the last twenty years. Nor have we been slow. have fully kept up with the needs of the times. We have to-day completed two-thirds of the entire plans of the Endicott Board and the Taft Board combined, which is considered to be fully adequate for the full protection of the entire coast line of the United States on the Atlantic and Pacific without the aid of the Navy, for these coast defenses are recommended with the idea the Navy itself shall be engaged in offensive operations and that these coast defenses shall be adequate for the defense of our coasts without the cooperation of the Navy. It is now estimated that \$99,000,000, in round numbers, is sufficient to complete all of the projects recommended by the Endicott Board in a modern method in accordance with the recommendations of the best military scientific thought on the subject. then, when the Endicott Board made their recommendations smokeless powder was not in existence. Strange as it may seem, that board did not include in their estimate the cost of ammunition or of reserve ammunition or the cost of sites or the maintenance and construction of barracks for the Coast Artillery, and of this \$99,000,000 estimate, which is now considered sufficient to carry out the recommendations of the old Endicott Board, the cost of ammunition and the cost of these other articles, which were not included by the Endicott Board, are not included in the estimate of the \$99,000,000.

When the Taft Board reported last year they recommended the abandonment of some four or five different points which had been included in the Endicott plan, which would make a deduction of something like \$2,600,000 from the estimate, but they added some six places which were not included in the Endicott plans, which would add some \$22,000,000 to the \$99,000,000 to enable us to carry out all the plans recommended by the Endicott Board and the Taft Board combined. Of the \$99,000,000 total necessary to carry out fully the plans of the Endicott Board, we have already appropriated some \$64,000,000, showing a twothirds completion, as I stated, for continental United States. The estimates of the head of the Coast Artillery is that when the plans of the Taft Board are completed and our fortifications in the United States are finished it will make necessary a Coast Artillery of 47,000 men. At present we have in continental United States a Coast Artillery of 10,000 men, 4,000 short of authorization on account of its being impossible

Mr. HULL. Fourteen thousand authorized and 3,000 short; there are 11,000 in now.

Mr. GRAFF. Three thousand two hundred short, I will state, is the testimony exactly, making 11,000 men whom we actually have. This is due to the small inducement at the pay given offered to young men to enlist in these prosperous times.

Mr. HULL. That is about right.
Mr. GRAFF. Therefore we have not now near enough men to properly man the guns which are already in place and ready for operations, and that makes it necessary for us at present to have care takers for the guns at various points on the different coasts of the United States. That is not suggested as an argument why we should not go on toward the completion of this entire scheme, but it does furnish some reason why we should not at least move any faster than other committees of Congress show a willingness to provide the supply of men to adequately operate these fortifications which we are now building. I think I may say safely that there was something said either in the hearings

this year or last year to the effect that the fortifications as they now stand without any further work upon them are without comparison in any other country on the globe, so that the talk about the flag being in danger or continental United States having any particular cause to fear by reason of our coast defenses does not seem to have any great foundation; but I think that it is a part of the business of the Committee on Appropriations, in making appropriations for fortifications, as everything else, to consider its fair proportion of the total expenditures of the Government which ought to be devoted to that particular purpose, and I think that when this Congress adjourns and has finished its work it will never be charged that we have not devoted an adequate amount of the people's money toward the preparation for war and defense in war.

Mr. GRAHAM. Will the gentleman permit me to ask him a question?

Mr. GRAFF.

Mr. GRAHAM. Does this bill provide for the increase of men necessary with which to man the fortifications?

Mr. GRAFF. That is not a part of our duty.

Mr. GRAHAM. I was afraid it was not. will that come up? Under what bill

Mr. GRAFF. That goes to the Committee on Military Affairs. Mr. GRAHAM. I think that is a very important question and

very necessary.

Mr. HULL. If the gentleman from Illinois [Mr. Graff] will permit me, what was the question asked by the gentleman from

Pennsylvania [Mr. Graham]?
Mr. GRAHAM. The procuring of men with which to man the

guns in these fortifications.

Mr. HULL. If the gentleman will yield just a minute, I will say that the Committee on Military Affairs has practically completed a bill increasing the artillery some 5,000 men only, but making the increase in pay of certain officers and noncommissioned officers and electricians that they will enlist up to that point now authorized by law.

Mr. GRAHAM. I am glad to know it. I think it very neces-

Mr. GRAFF. This bill appropriates in all \$5,411,883, which is in excess of the appropriation made last year for the same purpose in the sum of \$357,890. And if the general average of the appropriation bill is made, of all of them which have been made since 1888, it will be found that this is an average amount and not below the average. In other words, we are not lessening our speed for the completion of these fortifications. The per cent is 3 per cent of the total amount necessary for carrying out the scheme of the Endicott Board. Of this sum, \$3,800,000, in round numbers, is devoted to the projects in the coast defense of continental United States, and \$1,592,940, or about \$1,600,000, is devoted to our insular possessions. Now, then, the gentleman from Ohio [Mr. Kelfer], my colleague, stated that we were "cheeseparing" in our appropriations for these great purposes. While he did not devote a great deal of time in attacking the economical mood of the committee with reference to the general appropriation for fortifications, he laid particular stress upon two subjects, and one of them was our failure to appropriate some \$2,600,000 for the purpose of building an artificial island at the mouth of the Chesapeake Bay, between Fort Henry and Fort Charles. The other was his criticism for our alleged "homeopathic" appropriations for our insular possessions. There never has been any serious recommendations for a fortification at the mouth of Chesapeake Bay except within the period of a year. The reference by the Endicott Board in 1886 to the Chesapeake Bay was a matter of suggestion. It did say, by way of suggestion, that it might be well to establish floating batteries at certain points—at a point in Long Island Sound and at two or three other points-and mentions that at the mouth of Chesapeake Bay, all in a single line, and-if there is any significance in that-Chesapeake Bay being the last point mentioned.

The committee has never had an opportunity to receive any light upon this subject except that which has come to us in the last year. And there appeared before us the officers of the War Department and the Secretary of War himself, advocating the building of this island. There does not appear in the hearings any adequate foundation for the result of their estimate of \$2,600,000. It seems to me that in a scheme at one point, which alone is to cost some \$6,000,000, it is not unwise for Congress to demand a little time in order that the merits of the proposition shall be at least gravely considered, that we shall at least know two things, approximately the real cost of the project, and, secondly, the force of the demand for its necessity. It is significant that throughout Secretary Taft's testimony in favor of this island at Chesapeake Bay he puts the greatest burden of responsibility for his recommendation upon the Navy, and does not

assume himself to have technical knowledge sufficient to weigh the real merits of the proposition. In addition to that, he does make it clear that that island is not needed there for the proper protection of the cities within Chesapeake Bay and on the rivers which are tributary thereto. On the contrary, he states that these cities are already amply protected, and that there is no danger of any fleet entering Chesapeake Bay at the present time and successfully attacking any of the cities which surround the borders of the bay or on the rivers which run into the bay. And he himself says that the reason why, and the only reason why, the naval officers desire to have this island built there is because they fear that a hostile fleet would find in Chesapeake Bay a place in which to operate as a base of its operations.

It seems to me, therefore, that the committee were wise at least in postponing action upon this comparatively new proposition of large dimensions until we can get further details both in regard to its naval necessity and in regard to its probable cost.

The next proposition upon which the gentleman from Ohio [Mr. Keifer] takes issue with the committee is the amount of our appropriations for our insular possessions. We have been a great deal more liberal and we have been a great deal more rapid in our appropriations for our insular possessions than we

have for continental United States.

The total recommendation of the Taft Board for all our insular possessions, including fortifications at San Juan, Porto Rico, Guantanamo, Hawalian Islands, Guam, and the Philippine Islands, is \$22,716,360. Of that amount we have appropriated thus far, including last year, \$3,202,920. If the amount of the appropriations recommended in this bill is accepted by If the amount this House and the Senate, and signed by the President, we shall have a total appropriation for the Philippine possessions of \$4,795,860, or over 20 per cent of the total amount recommended by the Taft Board for the entire insular possessions.

But I apprehend that the interest of the House is chiefly in the fortifications of the Hawaiian Islands and in the Philippine Islands. These are the two points to which the gentleman from Ohio [Mr. Keifer] chiefly gave his attention in his speech. Now, then, the total appropriation as recommended by the Taft Board for their entire scheme for the fortification of the Hawaiian and Philippine islands, is \$11,671,262. And therefore we recommend at this time 14 per cent of the total amount necessary for the Hawaiian and Philippine islands. We recommend this year, for instance, in one item, \$600,000 for seacoast batteries in the Hawaiian and Philippine islands.

Mr. STERLING. Will the gentleman yield to a question?

Mr. GRAFF. Certainly.
Mr. STERLING. Do I understand that the Department asked for this appropriation of \$14,000,000 at this time?

Mr. GRAFF. Oh, no.
Mr. HULL. That is the total.
Mr. GRAFF. I was only speaking of the total amount necessary to complete the plans, which is \$11,000,000.

Mr. STERLING. And this is the amount to be used for this

Mr. GRAFF. This year we appropriate the amount to be used this year.

I have here an estimate for 1908 for which we are now appropriating. The estimates for this year, sent in by the War Department, are \$5,074,500. We recommend \$1,592,940 for in-

sular possessions.

There is another thing to which I might advert, and that is that experience has shown us in the hearings that large available balances, and not always allotted, have been disclosed in almost every item where there are recommendations; showing that of the appropriations which are actually made-less, of course, always than are recommended—the War Department hardly keeps up in its work with the actual amount that is appropriated. That seems to me a very significant fact.

Now, then, with reference to the actual experience of the There are those in this House who do not believe in fortifications for the Philippines. There are those in this House who, like my friend from Ohio [Mr. Keifer], in carrying out at once and as rapidly as recommended by the Department full appropriations for the Philippines. Last year we had an item in our appropriation bill exactly the same as we have to-day—\$600,000 for coast defense in the Hawaiian and Philippine Islands, worded exactly as it was worded then. A very sharp conflict took place in this House, and a considerable difference of opinion was manifested even on this side of this Chamber as to the wisdom of fortifications, especially at Subig Bay. It finally passed the House and went to another body, and there it was reduced to \$260,000; and that sum was appropriated to the Hawaiian Islands alone. The Philippines were left out in the other body. At all events, it was reduced

to \$260,000. There is some conflict as to whether the Philippines went out in the legislation or not; but, at all events, was allotted to the Hawaiian Islands, and that was the result of the effort and initiative started by this appropriation committee to get through the selfsame appropriation which is made at this time.

Mr. HILL of Connecticut. Has that been expended?

Mr. GRAFF. That has not yet been expended. I am glad the gentleman asked me that question. It must not be forgotten that while Army and Navy officers are entitled to the greatest respect for their judgment upon all technical questions pertaining to their profession, yet when it comes down to the question of general business judgment it perhaps would be just as well to leave the decision of those questions where the Constitution placed it—upon the House of Representatives.

Now, then, in regard to the fortification of the Philippine Islands My distinguished friend from Ohio [Mr. Keifer] spoke with pride of the fact that we now vied with England in having the sun never set upon our domain. I take just as much pride in that fact as he does; but I take more pride in the hope and belief that our beneficent influence will stretch beyond our territory. [Applause.] But let us see; some fear that we may be attacked in war by possibly Japan, and that the forces of that country will at once wrest the Philippine Islands from us. The Philippine group consists of thousands of islands, and many of them of considerable The island of Luzon, I believe, is somewhat longer than Cuba; at least 500 or 600 miles long. It is not even proposed that there shall be complete fortifications and defense of the single island of Luzon, but plans only are made for Subig Bay and the protection of the city of Manila by defending the harbor of Manila, principally by placing fortifications upon the island of Corregidor. Now, does anyone believe that the defense of the city of Manila is going to furnish us with an adequate protection against the invasion of the Philippine group? It takes three days for Japan to reach the Philippine group with her soldiers and land them, as I am informed, chiefly with lighters, being able to land on almost any coast; while it takes twenty-five days for us to reach the Philippine Islands with our soldiers from the California coast. Does anyone suppose for a minute that we can expect to rely principally upon fortifications in the Philippine Islands for the defense of that territory? Ah, no. We can not rest upon that sort of

Mr. GROSVENOR. Will the gentleman allow me to ask him a question?

Mr. GRAFF.

Mr. GROSVENOR. Suppose it became necessary to transport 5,000 soldiers from any part of the United States in time of war to the Philippine Islands, what would you carry them on?

Mr. GRAFF. I would carry them on Government transports. Mr. GROSVENOR. How many Government transports have

I could not say. I know we have some.

Mr. GROSVENOR. Is it a fact that when we undertook to send 2,500 troops down to Cuba we had to employ foreign ships to carry them?

Mr. GRAFF. That does not exactly come within the scope of my argument. We are not always discussing the merchant marine.

Mr. GROSVENOR. Inasmuch as the gentleman was talking about the defense of the Philippine Islands, it occurred to me that we might take into consideration the fact that in time of war with any great European power that would command neutrality we would have to go afoot in order to get there.

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Mr. GRAFF. I believe in a naval base in the Philippine Islands, but I believe that the great source of our protection in the Philippine Islands will be the knowledge of any nation which attacks us of the ultimate consequences to that nation after it takes possession. Does anyone think for a minute that Japan would suppose that because the Philippine Islands are adjacent and even unfortified that ske might safely enter upon that group of islands and take possession of them without taking into calculation the war strength of the great Republic and the ultimate consequences that would be visited upon her? Why, certainly not. We want a naval base either at Subic Bay or at Cavite. I am willing to leave that to the technical information of those who have charge of that and are skilled in that profession, and I believe that in making an appropriation of \$1,600,000 in advance of the decision of the question of the location of that naval base we are making an ample appropriation at this time. It is the largest sum which has ever been recommended by any committee for the defense of insular possessions, notwithstanding we have been making appropriations for our insular possessions since 1905. The largest appropriation next to this one was passed in 1905, which was for the sum of \$1,318,920. The War Department have already commenced the work of con-structing the emplacements on Corregidor Island and at Subic Bay, and we have proceeded as fast as good judgment would dictate. We must all remember that these appropriations are peculiar in the fact that they remain available in the Treasury, no matter how long they continue unexpended, and the War Department understand this, and in the commendable enthusiasm for pushing energetically these schemes which have been outlined there is no doubt that they want to pile up as much of a surplus as possible, and if Congress should see fit to segregate sufficient money to complete these schemes, no matter if it took a decade to carry out the construction, the War Department would consider it a good thing, because it is not the duty of that Department to give concern to the question of national economics.

We must remember that as we appropriate more liberally than wisdom teaches, we thereby lessen the opportunity for devoting public money to other needed and commendable purposes. So we have been moved by caution and, I trust, by patriotism, and our hearings have been extended. The officers have been summoned before our committee, and for the total amount appropriated we have gone very fully in detail as to the work and the manner of performing it, the need of its immediate construction, the immediate necessity for the money. These things have all been inquired into, as they always are.

I have no fear but that we will complete the fortifications in continental United States away ahead of any probable war, and if within a few months we should be threatened, the world would find the United States the best fortified country on the globe. [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. Townsend having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bill of the following

On January 14, 1907:

H. R. 21951. An act to authorize the Alabama, Tennessee and Northern Railroad Company to construct a bridge across the Tombigbee River in the State of Alabama.

FORTIFICATION APPROPRIATION BILL

The committee resumed its session.

Mr. SMITH of Iowa. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has five minutes.

Mr. SMITH of Iowa. I yield one minute to the gentleman from New York [Mr. BENNET].
Mr. BENNET of New York. Mr. Chairman, I simply desire

to have read in my time the paper which I send to the Clerk's desk.

The Clerk read as follows:

Memorial unanimously adopted at large mass meeting of citizens in Cooper Union, New York City, January 3, 1907.

To the Senate and House of Representatives in Congress assembled:

To the Senate and House of Representatives in Congress assembled:
Your memorialists respectfully represent that:
This mass meeting of citizens convened at Cooper Union, New York City, January 3, 1907, in the annual celebration of the emancipation proclamation, believes with the author of that proclamation that mastership and servitude should be supplanted by true manhood, regardless of race or color.

We therefore call upon Congress and upon all Americans to accord to the colored people of this country not only the rights, but the respect due to worthy American citizens to the end that United States soldiers shall neither be insulted nor discriminated against because of their color, and that, because of color, the right to vote shall not in practice be anywhere denied.

We appeal to the American people for justice and fair play and for protection from the ignorant and malicious writers and speakers who stimulate race hatred or seek to force the colored people into a peasantry of disfranchised servitors.

We further respectfully memorialize the Congress to cause an impartial tribunal to hear and determine the assertions in the President's message, based upon ex parte proceedings, made against soldiers of the Twenty-fifth Infantry, who thereupon have been subjected to a life-long penalty.

And your memorialists will ever pray.

the Twenty-fifth Inlands,
life-long penalty.
And your memorialists will ever pray.
Attested by the officers of the meeting.
Rev. Charles S. Morris,
Chairman.
H. G. Miller, Secretary.

Mr. Benner's time expired during the reading of the paper, and, by unanimous consent, he was given leave to have the balance printed in the RECORD.

Mr. FITZGERALD. Mr. Chairman, I now yield fifteen min-

utes to the gentleman from Tennessee [Mr. Gaines].
Mr. Gaines of Tennessee. Mr. Chairman, on yesterday a subject was touched upon that I think is of very great impor-

It was alluded to by the distinguished gentleman from Iowa [Mr. HEPBURN] in a colloquial debate between the gentleman from Iowa and his colleague [Mr. SMITH]. Later I made some inquiries of the gentleman from New York [Mr. FITZGER-ALD] on the same subject; that is, the subject of the powder monopoly and the patents that have been issued, and the good policy or impolicy of permitting officers of the Army or Navy to procure patents, etc., to make Army supplies when the discovery is made while acting for and by order of the Government.

The gentleman from Iowa [Mr. Hepburn], in his usual trenchant way, used this language-it will be found on page 1108

of the RECORD:

Mr. Hepburn. Then I would ask the gentleman if it is in the contemplation of the Department to establish a factory for smokeless powder?

Right there I will state that the smokeless-powder process was patented by an officer of the Navy, Professor Monroe, while in his line of duty, and for that reason he turned the patent over to the Government of the United States. Now, it seems that some powder monopoly has got hold of that patent and that monopoly is defying the Government of the United States and putting up the price of powder, and we are trying to extricate the Government by making appropriations to build a smokeless-powder factory. I shall refer to that a moment later. The gentleman from Iowa [Mr. HEPBURN] goes on to say:

And in that connection I want to call the gentleman's attention to a document that was probably laid upon his desk—it was upon mine—treating of the subject of smokeless powder, and of the extravagant expenditures that the Government have been compelled to make because of certain combinations of the manufacturers of smokeless powder. In that document it was stated that the Government had sent two of its officers to one of the arsenais, or to some Government work, for the purpose of studying the manufacture of smokeless powder.

Now, here is an important statement:

Now, here is an important statement:

That they, in the time that belonged to the Government, with the means that the Government furnished, with the aid of other employees of the Government, with its machinery and its material for experiment, discovered certain methods for the manufacture of smokeless powder; that they afterwards secured patents for their discoveries, discoveries made by them while in the employ of the Government, mind you, aided by Government facilities; that they sold these patents to certain people now engaged in the manufacture of smokeless powder, who have entered into this combination and are compelling the Government, through the use of these patents, to pay something more than a hundred per cent above what is stated in this paper to be a fair compensation. I should like to ask the gentleman if the committee have considered that subject, if they have formed opinions with regard to the validity of those patents, and the right of anybody to exclude the Government from the use of its discoveries, made through its agencies; and if these men, now engaged in this combination, are thus using these patents that I should think might, in morals at least, be said to belong to the Government of the United States?

Mr. Chairman, that is a very clear statement of the subject.

Mr. Chairman, that is a very clear statement of the subject, and a subject that, I regret, has not been more thoroughly discussed by Members. It is a matter that came to the attention of the Government of the United States in 1898, and was discussed by the gentleman from Iowa [Mr. Hepburn], the gentleman from Missouri [Mr. CLARK], and myself, as the RECORD of April 30, 1898, shows. Now the question comes up-and I allude to the fact that Attorney-General Cushing years ago passed upon -has the Government of the United States, or rather should the Government of the United States educate a young man in the Army or in the Navy to be a soldier or a sailor, and should that young man take the Government's time while he is in the employment of the Government, take the money of the Government, take the machinery of the Government, take everything that the Government can give him, and after discovering a military device, patent it and put it in his own pocket or go outside and sell it to a private concern? Should he go and sell it to a foreign government? Later on that same patent, as suggested by the gentleman from Iowa, of smokeless powder has come back into the hands of a powder monopoly that threatens the powder business of the country as well as the revenues of the Treasury. That question, Mr. Chairman, was passed upon, as I say, a number of years ago by Attorney-General Cushing, and he said that the patent belongs to the Government of the United States in the case I have stated.

Now, I find that the Senate Report No. 1453, pages 49-50, Fifty-fourth Congress, which I have before me, says: "Charles E. Munroe, chemist, torpedo station, smokeless powder, applications 426445 and 426446."

Professor Monroe secured a patent, about which this report

Right to manufacture under these patents granted August 14, 1891.

I turn now to the speech which I delivered in 1898, where I find that I quote Secretary Herbert and also Senator PERKINS, who was a member of the Senate committee that compiled the report which I have here on this subject. Senator Perkins, in the course of his remarks in this committee, stated as follows:

In this connection I wish to state that Professor Munroe, now connected with the chair of chemistry in Columbia College, discovered

smokeless powder when in the Naval Academy filling the chair of chemistry there, and he felt that the invention belonged to the Government, and it was placed by him at the disposal of the Government.

I find on the next page that I inserted in that speech of mine parts of this official Senate report showing a number of patents have been issued to Army and Navy officers for discoveries made in the line of duty except, I believe, three.

Secretary Herbert inserted there a list of these patents in the hearings, and then said:

With the exceptions of Nos. 1, 4, and 3, all the devices were designed by officers in the line of duty and, beyond the mere expense of taking out patents, do not cost the Government anything.

Smokeless powder, says Senator Perkins, was discovered by Professor Munroe when working in the line of his duty.

Mr. Chairman, I intended yesterday to simply drop into the RECORD the syllabus of two cases that I now invite to the attention of the committee. One is the Solomon case—Solomon v. United States, 137 United States, page 342—and the other is Gill v. United States, reported in 160 United States, page 435. The Supreme Court in discussing this question in the Gill case

There is no doubt whatever of the proposition laid down in Solomons case that the mere fact that a person is in the employ of the Government does not preclude him from making improvements in the machines with which he is connected and obtaining patents therefor as his individual property, and that in such case the Government would have no more right to seize upon and appropriate such property than any other proprietor would have. On the other hand, it is equally clear that if the patentee be employed to invent or devise such improvements his patents obtained therefor belong to his employer, since in making such improvements he is merely doing what he was hired to do. Indeed, the Solomons case might have been decided wholly upon that ground, irrespective of the question of estoppel, since the finding was that Clark had been assigned the duty of devising a stamp, and it was understood by everybody that the scheme would proceed upon the assumption that the best stamp which he could devise would be adopted and made a part of the revised scheme. In these consultations it was understood that he was acting in his official capacity as Chief of the Bureau of Engraving and Printing, but it was not understood or intimated that the stamp he was to devise would be patented or become his personal property. In fact, he was employed and paid to do the very thing which he did, viz, to devise an improved stamp; and, having been employed for that purpose, the fruits of his inventive skill belonged as much to his employer as would the fruits of his mechanical skill. So, if the inventions of a patentee be made in the course of his employment, and he knowingly assents to the use of such inventions by his employer, he can not claim compensation therefor, especially if his experiments have been conducted or his machines have been made at the expense of such employer.

I will now read a part of the syllabus in the Solomons case:

When a person in the employ of the United States makes an invention of value and takes out letters patent for it, the Government, if it makes use of the invention without the consent of the patentee, becomes thereby liable to pay the patentee therefor.

If a person in the employ and pay of another, or of the United States, is directed to devise or perfect an instrument or means for accomplishing a prescribed result and he obeys and succeeds and takes out letters patent for his invention or discovery, he can not, after successfully accomplishing the work for which he was employed, plead title thereto against his employer.

Mr. Chairman, let us carry those principles a little further, the general principle that I have discussed. Suppose the Government of the United States would equip a ship and place upon it our Navy officials and direct them to go out into the waters and discover a new country, as Columbus was directed to do. Would the captain of that ship take possession of that country in the name of the captain of the ship, or would the captain of the ship take possession of it in the name of the United States? In the name of the latter, of course. So, Mr. Chairman, are these men educated to do exactly what they are doing, to wit, to devote their lives to their country in the military and naval service. Suppose the teachers at West Point did not strive to give the pupils in those schools the full benefit of their knowledge and intelligence as teachers. Suppose they used, say, 75 per cent of their knowledge and ability to teach—brought only a part of their knowledge into action. Would it for a moment be contended that they were doing their full duty? Do we not employ those teachers and do we not employ the Army and Navy officers to do their full duty, and do they not agree when they enter the Army and Navy service to devote their time and attention and military skill and genius to carry on the Government of the United States from a military and naval stand-point to the fullest extent of their abilities? They do. I want to encourage inventions by Army and Navy men, but we should see to it that they do not put us in an embarrassing status at home and abroad by reason of their inventions.

Now, Mr. Chairman, it is a bad policy to let this practice go on without a statute regulating it, and Secretary Herbert recommended that a statute be enacted to do so. We see what ommended that a statute be enacted to do so. trouble we have gotten into. Here is Professor Munroe, who has invented smokeless powder, and I do not know of any other patent on the subject. Mr. Chairman, I stop here to ask the gentleman from Iowa [Mr. SMITH] how many patents there are of smokeless powder?

Mr. SMITH of Iowa. I only personally know of two. I do not say, however, there are not others.

Mr. GAINES of Tennessee. Who are those patentees?

Mr. SMITH of Iowa. I can not now give them from memory. Mr. GAINES of Tennessee. The gentleman had some patent papers in his hand yesterday and I thought possibly he could

Mr. SMITH of Iowa. I had two certified copies here yesterday of patents upon smokeless powder or the equivalent of it.

Mr. GAINES of Tennessee. Can the gentleman put those in the RECORD, so we can all see them?

Mr. SMITH of Iowa. I think I can. The CHAIRMAN. The time of the gentleman from Tennessee

has expired.

Mr. GAINES of Tennessee. I regret I can not go a little further in this matter. It is certainly something over which Congress should take charge. We are here giving rights or allowing practices that may sometime come back to plague us-evils,

indeed, we ought to regulate.

Mr. SMITH of Iowa. Mr. Chairman, I do not see the gentle-man from New York present upon the floor, but I am authorized to state that such portion of time as may be required by myself to close this general debate in addition to my time is yielded I do not wish to weary the committee with any prolonged discussion of this bill, but there are a few matters that have not yet been made quite so plain, it seems to me, as they I may say in response to the gentleman from Tennessee that I fully agree with him that if an officer of the Army or Navy makes a discovery in the time of the United States and by use of material of the United States, and the United States wants to use any invention the product of those efforts on his part, the United States ought to have the right to do so without the payment of any royalty whatever. I want to say further that, as I understand it, there is no claim by any human being that the United States has not the right to make smokeless powder for its own use.

Mr. GAINES of Tennessee. If the gentleman will pardon me, I understood the gentleman yesterday to say in reply to the gentleman from Iowa that the Government was given the right, and I inferred from that we had to pay for the use of the right.

Mr. SMITH of Iowa. Oh, the gentleman misunderstood me. The language of the license was in substance that the Navy Department might at its then existing powder factory or at any factories that might hereafter be established by it produce this powder without the payment of royalty. If there be any criticism upon the license at all, it is because it leaves it doubtful as to the right of the Government to produce this powder without royalty for the Army.

Mr. GAINES of Tennessee. What makes it doubtful?

Mr. SMITH of Iowa. Because the license only runs upon its face to the Navy Department to manufacture, but I am of the impression the Government might buy from the Navy Department for the War Department unlimited quantities of this powder without the payment of royalty. Now, the Government is about to determine whether it is paying excessive prices for its powder or not, and if it is, we will go ahead, as I understand it, and make our own powder, and I do not know anybody who is claiming that we have not that right.

Mr. GAINES of Tennessee. Will the gentleman tell the committee, please, whether or not the Du Pont Powder Company is

using the Munroe smokeless powder patent?

Mr. SMITH of Iowa. I think it is making a powder which, perhaps, is not identical with that, but involves the use of the patent.

Mr. GAINES of Tennessee. Do not they claim to own the patent?

Mr. SMITH of Iowa. I think so; but nobody, at present at least, denies the right of the Government, so far as I am advised, to produce this powder for Government use without the pay-What may be the contention of the company, ment of royalty. I know not, but we are going ahead in our powder factory to make the powder, and I do not think there is any contention that there is any right to claim a royalty from the Government.

Mr. SMITH of Kentucky. If the gentleman's statement be correct, and I do not doubt it is, then it is inconsequential as

to any contention about royalty.

Mr. SMITH of Iowa. I think so; until at least some one claims a royalty.

Mr. SMITH of Kentucky. If the Government has the power and right, as I think it has, to make this powder these people could not get any royalty.

Mr. GAINES of Tennessee. By virtue of what right; the

gentleman is a good lawyer and could tell us?

Mr. SMITH of Iowa. I claim the right by the Government to

produce this powder without payment of royalty; first, upon the

grounds stated by the gentleman himself, and also upon the ground the Government is licensed to manufacture this powder without the payment of any royalty.

Mr. GAINES of Tennessee. Just a proposition of law. If the Government owns this patent, and if it does not own it it should own it, and a monopoly gets hold of it, the Government

should take it away from any monopoly.

Mr. SMITH of Iowa. I do not know that there is any connection between the ownership of a license to manufacture without royalty and the ownership of a patent. They are two separate and distinct things. The gentleman contends the Government owns the patent, because the Government agents made the discovery by the use of its machinery and appliances, and I have not disputed it, but even if he was not correct in that the Government has the license to manufacture.

Mr. GAINES of Tennessee. Tell us what the Government is doing to determine whether or not it has the right to make this

Mr. SMITH of Iowa. As long as nobody is claiming any royalty and we are going ahead and manufacturing the powder, why should the Government insist on having a lawsuit with somebody to see whether they are entitled to a royalty or not?

Mr. GAINES of Tennessee. The gentleman used the word "determine" just now with reference to what the Government

is doing

Mr. SMITH of Iowa. We are going to determine whether we can manufacture this powder cheaper than the Du Pont people. Mr. GAINES of Tennessee. I think the proof is that we can,

and I hope the Government will.

Mr. SMITH of Iowa. Now, Mr. Chairman, that is all I want to say about the powder question. I want now to call attention to the testimony before the committee of General Murray, the Chief of Artillery of the United States, as follows:

Mr. SMITH. Now, to man the guns proposed to be mounted by the Taft Board would take more than 50,000 men, would it not?

General Murray. It would take exactly 55,110 men, which includes our insular possessions and also the Isthmus of Panama.

Mr. SMITH. How many for the continental United States?

General Murray. In the United States, for the defenses completed and projected by the Taft Board, 47,709 men.

It would then appear that between 7,000 and 8,000 men would be required to man the proposed fortifications in the insular possessions and more than 47,000 men to man the fortifications in the United States, making an aggregate of more than 55,000 The whole Army of the United States now amounts to less than 60,000 men, and the annual Army bill is for about \$70,000,000. In other words, counting the pay and maintenance of the troops and the new barracks and those things that are every year appropriated for, it costs about \$1,200 for every man in the American Army. So that if we were to man the proposed Taft Board's fortifications it would cost this Government \$66,000,000 a year to so man them as to furnish a sufficient number of men, with each man serving theoretically twenty-four

It is not so important what we appropriate in any given fortification bill as it is important as to what is to be the constant and yearly expense imposed upon the Government for the manning of the fortifications; and the proposed plan contemplates adding to the expense of this Government more than \$50,000,000 a year forever. It is as against the rapid growth of an insti-tution which is expensive—not in what it costs to establish it, but in what it costs to maintain it—that I have always resisted too rapid progress in the fortifications at home and abroad. I am a hearty believer in the "big stick," but I do not believe in carrying a stick so large that we will be worn out with the mere weight of the stick and can not wield it when the hour of emergency comes. It is important that we do not squander our military resources, all of them, in time of peace, but reserve some strength for the hour of struggle.

And so your committee has tried at once to provide defenses suitable for this country and our insular possessions, but which will not impoverish the people by the cost of a great army to man them in time of profound peace. My distinguished colleague from Illinois [Mr. Graff] has well pointed out to the House that, owing to the exposed condition of the insular possessions, the committee has, in effect, recommended a progress in the Philippines and in Hawaii five times as rapid as the progress we have made in the defense of our own homes and our own hearthstones. And yet, notwithstanding this fact, and notwithstanding the fact that we are giving \$600,000 more for the insular possessions this year than we gave last year or year before, it is contended that we are not yet proceeding fast

Mr. DAVIS of Minnesota. May I interrupt the gentleman?

Mr. SMITH of Iowa. Certainly.

as to the merits of what the gentleman is saying, because I am very interested in what he does say, does he not think that, owing to the exposed condition of our insular possessions, more rapid progress should be made than upon continental soil?

Mr. SMITH of Iowa. I certainly do, Mr. Chairman, and so stated in opening the debate of this bill. But how much faster?

Mr. DAVIS of Minnesota. As much in proportion as our in-sular possessions are exposed to a greater extent than those upon this continent.

Mr. SMITH of Iowa. I can not grant that, Mr. Chairman. I would say that in determining the relative speed at which we should fortify insular and continental United States we ought to take into consideration the greater danger to which the insular possessions are exposed, and also the fact that they are of less importance than continental United States.

Mr. DAVIS of Minnesota. I agree with the gentleman on the

less importance.

Mr. SMITH of Iowa.

Mr. SMITH of Iowa. Yes, sir. Now, I shall say nothing further upon that subject at this time; but I do want to speak, but briefly, about the proposition to fortify the mouth of Chesapeake Bay. We are told in the hearings, and told in the report of the Taft Board, that the We are told in the Endicott Board realized the importance of fortifications at the mouth of Chesapeake Bay, but condemned them as being too extravagant or too expensive to be considered at that time. have in my hand the report of the Endicott Board, covering 400 pages. That report fails to bear out the statement made with reference to the judgment of that board. The report, on page 25, contains an estimate for floating batteries, including armament. In that estimate Chesapeake Bay is not mentioned, but on page 9 this language is used:

Besides the floating batteries hereinafter specifically recommended, the board desires to point out that while not required at present, others may be useful to guard the eastern end of Long Island Sound and the approaches by that side to New York, and the Chesapeake Bay as an outer line of defense to Baltimore, Washington, and Hampton Roads.

The Endicott Board recommended no artificial island and no fortification there, and no floating batteries. But it recommended floating batteries at the places named on page 25, and then on page 9 said it might be—it was possible—that floating batteries could be made useful at the mouth of Chesapeake Bay.

This is all there is in the Endicott Board report tending to sustain the contention that the Endicott Board believed that this artificial island ought to be constructed, and failed to rec-

ommend it because of its expense.

But suppose I should concede that the Endicott Board wanted an artificial island at the mouth of the Chesapeake Bay, and failed to report it because of its expense. The Endicott Board reported a scheme of fortifications of the coast at an expense of \$126,000,000. The Taft Board reported a scheme of fortifications of the coast at a cost of \$125,000,000, or less money. dicott Board thought this island so expensive that they would not enter upon it, how comes it that the Taft Board thinks that it is cheaper?

The Endicott Board was a Congressional board. The Endicott Board had power to spend money. The Taft Board was created by Executive order, and never had a dollar at its disposal from beginning to end for the purpose of making sound-ings or borings of any kind. If I should concede, as claimed, that the Endicott scheme left this out because of its expense, I should say that the Taft Board, that recommended it, never made any investigation to find out how expensive it would be. Why do I say that? Because that is the testimony of Colonel Abbot, of the Engineer Corps. Colonel Abbot says \$2,600,000 was for the creation of an artificial island.

That is as accurate an estimate as can be made without boring, etc. Such preliminary estimates can not be as correct as if we had made surveys, etc. We have to make assumptions as to some things. That sum will be approximately what will be required to create an area of some 50 acres, which the artillery say will be necessary for the number of guns planned to go on that island.

But they say the Endicott Board was in favor of this scheme, but thought it too expensive.

Mr. MAYNARD. Who says it was too expensive?

Mr. SMITH of Iowa. Colonel Abbot says that the Endicott Board thought that; and the Taft Board, which did not have a dime available for borings, and has not made any at all, is in favor of the creation of this artificial island and the establishment of a fortification at the mouth of the Chesapeake Bay. Secretary Taft when before the committee declared that all the cities upon the Chesapeake Bay were impregnably fortified. This fortification is regarded as in the nature of an outer line of

The Congress of the United States has had many examples of entering upon great works without accurate estimates. Mr. DAVIS of Minnesota. Without expressing any opinion may not be without interest to know that on the 22d of February, 1855, Mr. Stanton, of Kentucky, offered, while the House had under consideration the civil and diplomatic appropriation bill, an amendment "for removing the then present Dome on the central portion of the Capitol and the construction of one upon the plan designed by Mr. T. U. Walter, architect of the Capitol extension, \$100,000.

In the debate upon that bill, Mr. Stanton said it was important that the appropriation should be made at once, as he understood the change could be made before the meeting of the

next Congress

That was an assertion that this \$100,000 was to be in full for removing the old Dome and constructing the new one, because he said the change would be completed, if the money was given, before the next meeting of Congress

When Congress next assembled the old Dome had been torn away, so that Congress could not recede, and a roof had been put over the Rotunda. Congress was informed on March 14, 1856, by the Hon, Jefferson Davis, Secretary of War, that the architect estimated it would take \$945,000 to build the new Dome.

On March 2, 1867, the last \$15,000 of \$965,000 was appropri-

ated for the construction of the Dome.

Such has been the history of enterprises thus heedlessly entered upon by Congress. Without a boring to know what they are going to build this island on, without any knowledge whether the ground under Chesapeake Bay is such that they can there dredge the material to build the island of or must go elsewhere for it, without a survey, without an estimate, they come to Congress and demand \$2,600,000 upon the guess of somebody of how much it will cost to build an artificial island, when they do not know whether the foundation is rock or quicksand and do not know whether the material adjacent to it in the bay, that normally would be dredged to make the island, is rock or sand.

Mr. MAYNARD. Will the gentleman submit to a question?

Mr. SMITH of Iowa. Oh, certainly.
Mr. MAYNARD. How are you going to arrive at what would be the cost of building this island unless you make some provision in the bill for an appropriation to pay for a survey?

Mr. SMITH of Iowa. I take great pleasure in answering the gentleman. For many years the fortification bill has carried an appropriation for the reclamation of sites, out of which surveys and estimates for such purposes have been made. have in my hand a memorandum of an answer received by telephone this morning from the Treasury Department, stating that there is unexpended a balance in the Treasury to the credit of this fund, available for this purpose, of \$151,876. The Engineer's Department estimates that it will take \$3,000 to make these surveys, borings, and estimates. There is the sum of \$151,876 available for that purpose now unexpended in the Treasury.

Now, if the War Department deems this of paramount importance, it will certainly assign the necessary money for these surveys from this large sum at its disposal. And if the War Department does not deem it sufficiently important to make a survey before demanding that we give \$2,600,000 upon a project that may, like the Dome of the Capitol, cost ten times the amount originally estimated, I for one will not vote to give it

any money at all.

Now, Mr. Chairman, I do not care to detain the Committee longer, and unless the gentleman from New York [Mr. Fitzgerald] has some time that he wishes to yield, I will call for the reading of the bill.

Mr. FITZGERALD. There is nobody on this side who de-

sires time.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

The Clerk read as follows:

For construction of fire-control stations and accessories, including purchase of lands and rights of way, and for the purchase, installation, operation, and maintenance of necessary lines and means of electrical communication, including telephones, dial and other telegraphs, wiring and all special instruments, apparatus, and materials, coast signal apparatus, and salaries of electrical experts, engineers, and other necessary employees, connected with the use of Coast Artillery; for the purchase, manufacture, and test of range finders and other instruments for fire control at the fortifications, and the machinery necessary for their manufacture at the arsenals, \$700,000.

Mr. MAYNARD, Mr. Chairman I offer the following amend.

Mr. MAYNARD. Mr. Chairman, I offer the following amend-

ment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 2, in line 8, after the word "dollars," insert the following:

"To make all necessary surveys, borings, and other investigations necessary for and the preparation of an accurate detailed estimate of what it would cost to construct proposed artificial island for fortifications between Capes Charles and Henry, Chesapeake Bay, and to ascertain whether the title to the site of said proposed artificial island can be obtained without expense to the United States, \$3,000."

Mr. SMITH of Iowa. Mr. Chairman, I make the point of

order against this amendment that this was not covered by the

Endicott scheme and not authorized by law to be executed, and therefore the proposition is not authorized by existing law.

The CHAIRMAN. Will the gentleman from Iowa inform

the Chair what authority of law there was for the Endicott scheme and whether the Endicott scheme has been adopted by law?

Mr. SMITH of Iowa. I will say, Mr. Chairman, that I understand that Congress in 1885, shortly after the report of the Gun Foundry Board, passed a law creating a board to report a plan of fortifications, and that board reported in 1886. There has been no express act of Congress adopting the plans proposed by that board. They were prepared, however, by direct authority of Congress, and Congress has from time to time appropriated money for carrying out the plans of the Endicott Board. Last year the President, without any authority from the legislative branch of the Government, appointed a board to revise these plans. This project here referred to originates in the report of this executive board.

The CHAIRMAN. Will the gentleman inform the Chair whether the fortification bills in the past making new appropriations included any report of the Endicott Board?

Mr. SMITH of Iowa. I may say that they never so expressed upon their face. Reports accompanying all of the bills, as far as I now recollect, state that they are in furtherance of the execution of the plan of the Endicott Board.

The CHAIRMAN. Does the gentleman from Virginia wish

to be heard now?

Mr. MAYNARD. No: I will yield now to the gentleman from

Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Chairman, I understand the point of order to be that this proposed amendment offered by the distinguished gentleman from Virgina [Mr. MAYNARD] is not in line with any preexisting law, or in line with the recommendations the Endicott Board appointed by President Cleveland by virtue of the act passed in 1883. I presume, Mr. Chairman, if that rule should be applied, that at least nine-tenths of the entire appropriations provided for in the bill would go out on a point of order. This is a general fortification bill; it is a bill that has to come from the Appropriations Committee to provide generally for fortifying our seacoast and for other like purposes. If there is anything in the bill that exactly and specifically provides for any defenses that are provided for by law, I do not now recollect it. There is not an appropriation anywhere except where they have been generally recommended by either the Endicott Board, the Taft Board, or the War Department perhaps, or officers of the War Department, and are not in accordance or in pursuance of any specific plan at particular

One of my criticisms upon the bill which has been emphasized to-day by the eloquent remarks of both the gentlemen from Illinois [Mr. Graff] and the gentleman from Iowa [Mr. SMITH] is that we do not do anything in a substantive way under our proposed appropriations. They both come here to-day, admitting what I charged, and that is that it is not proposed to make any definite, conclusive, complete appropriations for any fortifications in the United States, but the highest per cent for any of these appropriations is to be only 14 per cent of all that is asked for, and nothing in any case sufficient to complete anything. Are any of these appropriations in pursuance of existing law? It is within the jurisdiction, Mr. Chairman, of the committee and of the House to appropriate for all that Congress thinks will be needed to safeguard our seacoasts so as to provide general defenses at particular places, naval stations, and so on, in the island possessions. But the point of order is now made in order that the most important of all recommendations for defensive fortifications that have been made shall not have a dollar expended in the direction of preparing to make them-not even to make the necessary investigations at that place. The gentleman from Iowa [Mr. Smith] has just demonstrated that as long ago as 1885 and 1886 the Endicott Board looked to the matter of the importance of appropriating money to defend the mouth of Chesapeake Bay.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman permit a question?

Mr. KEIFER.

Mr. LIVINGSTON. As the amendment is offered the latter part of it reads as follows:

And to ascertain whether the title to the site of said proposed artificial island can be obtained without expense to the United States, \$3,000.

If this amendment is adopted as it reads, will it not commit us to the whole scheme?

Mr. KEIFER. I don't care if it does.

Mr. MAYNARD. Suppose it does.

Mr. KEIFER. I want to be committed to that scheme, which

the great naval and military men of our country and the Secretary of War and the President of the United States think is of the first importance in the matter of our coast defenses. Does anybody dispute that?

Mr. LIVINGSTON. Yes.

Mr. KEIFER. Then the record must be looked into as to the report of the Taft Board and the messages from the President and the reports of the Secretary of War to confirm what I have said, and the Record of to-morrow's proceedings containing my speech will cite or quote from all or most of them.

Mr. Chairman, I would be somewhat satisfied with the point of order if I felt that there was any possible way by which we were to get at this most important matter. Gentlemen would indicate that they were willing to fortify the mouth of Chesapeake Bay if somebody will voluntarily, at his own expense, for that is what it means, make the necessary investigations and then perform that wonderful feat of informing the distinguished gentlemen sufficiently to convince their minds that the distinguished people who do this work in advance are right. is said that we have a law now that authorizes the expenditure of money to make these investigations. If that is so, according to the statement of the gentleman from Iowa [Mr. SMITH], then this is in line of existing law. I do not believe this is

exactly true.

Mr. TAWNEY. Is it not the law that the gentleman from Iowa [Mr. SMITH] referred to, authorizing these expenditures the law which authorizes the expenditures to be made within the recommendations of the Endicott Board, which is the Board

created by act of Congress?

The gentleman from Minnesota [Mr. Taw-Mr. KEIFER. NEY1, the distinguished chairman of the Committee on Appropriations, has given a complete answer to that long argument of the distinguished gentleman from Iowa [Mr. SMITH], in which he attempted to show that these people could go with the present state of the law and find out whether it was practicable or feasible to build an island in the mouth of the Chesapeake Bay. This proposition is in general line with the appropriations needed, following not alone what the Endicott Board recommended, as will be found on page 9 of that Board's report, but following the unanimous report of the Taft Board, and it asks that some steps shall be taken in the direction of finding out whether it is practicable and feasible to build an island or erect some other kind of defense in the mouth of the Chesapeake Bay. So, Mr. Chairman, I think we are in proper line with all that is to be found in the bill, in so far as this amendment is con-cerned, and we are in line, too, with the general purpose so clearly stated and emphasized by the gentleman from Illinois [Mr. Graff] this morning, just supplemented by the gentleman from Iowa [Mr. SMITH], that we are not in the work of making defenses for our country, but we are in the work of building by piecemeal patches to that work, following an unbusinesslike idea that no individual or corporation ever adopts. Think of a farmer who wanted a house to cover his family and a barn for his stock and grain who would say: "I have so much money, but I will not build a house or a barn. I will not make any completed improvements: I will freeze to death first. But I will put in the foundations for both house and barn this year, and in seven years "-following the rule of the gentleman from Iowa [Mr. SMITH]—"maybe I will have something under cover. I live long enough, if I am not frozen to death, I will be all right in time." That is the theory upon which we are proceeding, and that is the theory of the amendment of the gentleman from Virginia [Mr. MAYNARD].

Mr. MAYNARD. Mr. Chairman, it seems to me that this amendment is in order. The Endicott Board was authorized by act of Congress, and the report of that board was submitted to Congress and adopted by Congress, and, as admitted by the gentleman from Iowa [Mr. SMITH], on page 9 of that report that board made certain recommendations and, to use the language of the distinguished gentleman from Iowa [Mr. SMITH], which I presume is the language of the report, said that it might be necessary to create defenses and fortifications at Cape Charles and at Cape Henry. The bill which is being considered by this committee is in furtherance of that report, and in offering this amendment to the bill it is carrying out the report of the Endicott Board, so that we may determine by an accurate survey what kind and how costly a class of defense is needed at the mouth of Chesapeake Bay, and I think it is entirely pertinent

and in order at this time.

The CHAIRMAN. The Chair does not understand that in the act of Congress authorizing the appointment of the Endicott Board Congress by law provided that that report should be adopted or that any act of Congress has been enacted since that time specifically adopting the report of the Endicott Board. On the other hand, Congress has provided in annual appropriation

bills for the expenditure of money for fortification purposes, usually in general language making appropriations for purposes general in their nature, to be expended by the War Department. In a few cases appropriations have been made for specific purposes, but as a rule in general language.

In the opinion of the Chair, expressed with some doubt, under the practice of the House at least, the items in the appropriation

bill in general language are probably in order, though the Chair does not undertake to rule upon the question at this time; but the Chair thinks that the introduction of a new item for a work not in progress is not in order, and the Chair therefore sustains

the point of order.

Mr. TALBOTT. I understood from the gentleman from Iowa that \$151,000 is appropriated in this bill for surveys; that it is in the Treasury and available. Now, I suggest to the gentleman from Virginia that he offer an amendment making \$3,000 of that specially available for this survey.

Mr. MAYNARD. Mr. Chairman, I desire to write an amendment to offer. I want to give notice that I desire to offer the amendment at this point and I shall ask later that we return

to this item that I may offer that amendment.

Mr. LITTAUER. I can not understand the gentleman's motion.

Mr. MAYNARD. My request was that I desire to offer another amendment at this point, and I desire to prepare the amendment and shall ask to return to this item later in order that I may offer the amendment.

The CHAIRMAN. The gentleman from Virginia asks unani-

mons consent

Mr. LITTAUER. Mr. Chairman, I must object.
The CHAIRMAN. The gentleman from New York objects.
Mr. MAYNARD. Mr. Chairman, I desire to offer the following amendment

On page 2, in line 8, after the word "dollars," insert the following: "to make all necessary surveys, borings, and other investigations necessary for and the preparation of an accurate detailed estimate of what it would cost to construct proposed artificial island for fortifications between Capes Charles and Henry, Chesapeake Bay, and to ascertain whether the title of the site of said proposed artificial island can be obtained without expense to the United States, \$3,000, out of any money in the Treasury which may now be available for this purpose."

Mr. SMITH of Iowa. Mr. Chairman, I desire to make the point of order against this proposed amendment, and I think I can make it so plain that the gentleman from Virginia will not claim his amendment is in order. In the argument I referred to the fact that money was available in the hands of the War Department to make this survey. In the acts for a number of years, including the act passed in 1904 for the year

The CHAIRMAN. Does the gentleman from Iowa make the point of order against the amendment?

Mr. SMITH of Iowa. I do make the point of order.

The CHAIRMAN. On the assumption it has been reported to the House. Pending that, does the gentleman from Virginia

desire to be heard on the point of order?

Mr. MAYNARD. I will submit the question to the Chair.

The CHAIRMAN. In the opinion of the Chair, while, as the Chair stated before, the matter is in doubt and it may be to a certain extent an arbitrary ruling, the general appropriation under the practice of the House might probably be used by the War Department for the purpose of making the survey proposed by the amendment, but, in the opinion of the Chair, it is not within the province of the House, contrary to the rules, on this appropriation bill to provide for a work not in progress, This work is not in progress, and the Chair therefore sustains the point of order.

The Clerk read as follows:

For construction of sea walls and embankments, \$25,000.

Mr. WALDO. Mr. Chairman, I desire to submit an amendment at this point.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by including, on page 2, between lines 23 and 24, the following words:

"For the purchase of land adjoining Fort Hamilton, Brooklyn, N. Y., and necessary for the enlargement of said fort and the maintenance and preservation of the fortifications at said fort, the sum of \$250,000."

Mr. SMITH of Iowa. Mr. Chairman, I make the point of order against this amendment.

The CHAIRMAN. The gentleman from Iowa makes the point of order.

Mr. WALDO. Will the gentleman reserve his point of order? Mr. SMITH of Iowa. The gentleman from New York requests that I reserve the point of order, and I see no objection to that.

The CHAIRMAN. The gentleman from Iowa reserves the

Mr. WALDO. Mr. Chairman, this is a matter that has been repeatedly recommended by the War Department. They are now constructing at Fort Hamilton very heavy fortifications, but the reservation is too small and the improvements there too little to accommodate sufficient force to take care of fortifications already constructed at an expense of \$2,500,000. This addition to the fort and the construction of other barracks for the purpose of accommodating the necessary force to take care of such fortifications as already exist, were recommended by Colonel Greenough, commandant at this place for several years. It is also recommended by Secretary Taft and by Gen. Frederick D. Grant, the commandant of that department. This was especially called to my mind by a resolution adopted by the Chamber of Commerce in the city of New York on the 3d day of January, 1907, calling attention to the fact that the artillery force was not sufficient at New York City to take care of the fortifications that were there at present. There are not barracks enough, there is not room—not the proper parade grounds, or anything else at this place—and the Government before expending large sums of money on insular possessions certainly ought to take care of the metropolis of the country. This bill provides for over a million and a half of dollars to be expended principally in new fortifications in the Philippines. It is a very grave question whether any money ought to be expended in the Philippines until the coast of our country is properly protected. A proposition has been made by citizens residing in the neighborhood of this fort, that the Government either ought to abandon the fort or it ought to take care of it. Anyone who has been through that fort lately knows that its condition is shameful; that the fortifications that have been put there at large expense—I am informed over \$2,500,000 within the last few years—are going to rack and ruin. The guns are rusty, everything shows lack of proper repair and preservation, because there is no place there in which to keep a sufficient force to take care of the fort. This is a matter, it seems to me, that requires the prompt attention of Congress. I see no reason why any objection should be made to the expenditure of this small sum for this very necessary purpose.

I will ask that the resolution to which I have referred, from the Chamber of Commerce of the city of New York, be appended

to my remarks.

The resolution is as follows:

CHAMBER OF COMMERCE OF THE STATE OF NEW YORK, New York, January 10, 1907.

New York, January 10, 1907.

At the monthly meeting of the chamber of commerce, held January 3, 1907, the following in reference to House bill No. 17347 to reorganize and to increase the efficiency of the artillery of the United States Army was unanimously adopted:

"Whereas this chamber feeling a deep solicitude that this great and most important harbor and entrance for the commerce of the United States should be amply protected by all possible and practicable local fortifications and be supplied with the most modern and effective weapons of war, did on January 4, 1900, pass a series of resolutions intended to impress upon Congress the great value and absolute necessity of action to remedy this defect in our system; and

"Whereas Congress and the United States authorities, under its action and approval and furtherance of this idea and desire, passed requisite acts and have created and mounted at its forts at the entrance of the harbor suitable guns, etc., as suggested by the chamber, and for which the chamber does hereby express its gratitude and acknowledgment; and

which the chamber does hereby express its gratitude and acknowledgment; and
"Whereas the necessity of an important addition to the personnel of
qualified officers and men acquainted with the new and changed character of the equipment and needed to supply the additional work required
in all parts of such changes and additions, do hereby most earnestly
ask and urge upon Congress the adoption and passage of House bill
17347, entitled 'A bill to reorganize and to increase the efficiency of the
artillery of the United States Army,' calculated to supply the actually
needed additions, etc."

MORRIS K. JESUP, President.

Attest: George Wilson, Secretary.

Mr. SMITH of Iowa rose.

The CHAIRMAN. Does the gentleman from Iowa [Mr. SMITH] desire to be heard on the point of order?

Mr. WALDO. Mr. Chairman, I desire to be heard on the

Mr. FITZGERALD. Mr. Chairman, I wish to say to my colleague that I am heartily in favor of some provision being made for the enlargement and proper repair of the fort at Fort Ham-ilton. A number of Army officials from time to time have strongly urged that additional land be acquired at that place and that certain changes be made in the present arrangement of the buildings. If this reservation is to be enlarged it should be at once or in the near future. Otherwise it will be impossible for the Government to acquire lands for that purpose at this place. Land in the neighborhood of this fort is worth to-day between \$10,000 and \$15,000 an acre, and the price is rapidly enhancing, so that if the Government is ever to enlarge this fort the land should be acquired now while the prices are within

reason and not wait until it will be utterly impossible to acquire

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman permit me to ask him a question?

Mr. FITZGERALD. Certainly. Mr. SMITH of Iowa. I wish to inquire for information how long it is since old Fort Hamilton was completed in its present state?

Mr. FITZGERALD. "The memory of man runneth not to

the contrary." I do not know.

Mr. SMITH of Iowa. The Government, then, as I understand, bought all the land that was then deemed necessary, and completed a fort; and this is to enlarge or extend that work which has heretofore been once completed.

Mr. FITZGERALD. The system of coast defenses requires in the vicinity of Fort Hamilton a large number of modern guns that were not contemplated at the time Fort Hamilton was established. There is necessity for accommodation for a much larger number of troops than was contemplated when the present site for a reservation was acquired. The result is that from time to time various officials have requested and recommended that this additional land be acquired. In the last session of Congress, when the sundry civil appropriation bill was under consideration, this item estimated for by the Department was considered very briefly and hastily by the committee, and a remark that was made by an official gave the impression to the subcommittee that it was not an imperative need at that time. The fact is that if the Government intends to enlarge this reservation-and it has been recommended by every official who has been on duty in that vicinity, and has received the approval of the Secretary of War on several occasions-provision should be made soon, because the price of land in that vicinity is very high and rapidly increasing. The people of the neighborhood are not anxious for the enlargement of this reservation. This is not a land scheme. Within the past month residents of the locality petitioned the gentleman from New York [Mr. Waldo] to have the entire fort abandoned, as they believed it was a detriment to the property in the vicinity. Upon the request of the gentleman from New York a report was made by the Secretary of War, based upon information called for by him from several officials, who said that this fort was an essential feature of the defense of the city of New York, and that it was necessary to enlarge the fort. If this be true, something should be done; and if it can not be done in this bill, I wish to assure my colleague that I shall do everything in my power to have the committee provide for this item in the proper bill—the sundry civil appropriation bill. These reports that have been made must be considered, and if the land desired can not be acquired at this time it will be impossible for the Government in the future to acquire the land at all. I simply wish to say this, so that my colleagues on the committee will realize that during this present session of Congress it will be necessary to consider this item seriously and to determine definitely whether the land shall be acquired or whether the plans of the Department, so far as the renovation and enlargement of this fort are concerned, shall be abandoned.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. SMITH of Iowa. I desire to insist upon the point of order simply upon this ground, Mr. Chairman: It is practically conceded, and it is true, that Fort Hamilton is completed. It has been a fort since the memory of man runneth not to contrary. It is proposed to enlarge the inclosure around the existing fort. Those appropriations have never been carried on the fortification bill. This land is not desired for fortification purposes. There is nothing to show that it is proposed to put a battery upon this land, and there is no design to put a battery upon this land. But it is proposed, perhaps, to have barracks and have quarters and have something incident thereto to enlarge this fortification site.

Now I would like and need, greatly need, an appropriation to enlarge the Federal building in my own town; and yet it is not "a continuance of a work in progress." That building has been completed, and it is not in continuation of a work in progress to enlarge the site or that building. This Fort Hamilton has been completed. This proposition here now is to enlarge it, and is no more a continuance of a work in progress than to put an appropriation on the sundry civil appropriation bill for every public building in America to enlarge and extend it. Such appropriations are never carried on the forti-fication bill, and never should be carried in the sundry civil

The CHAIRMAN. Is it the contention of the gentleman that this amendment will be subject to the point on this particular

Mr. SMITH of Iowa. I contend that it is not in order at all

Mr. FITZGERALD. Oh, it is.

Mr. SMITH of Iowa (continuing). And second, it is especially not in order upon this particular bill.

The CHAIRMAN. Does the gentleman think that no appropriation for the purchase of land for forts would be in order upon the fortification bill?

Mr. SMITH of Iowa. Oh, no; I would not say so, because it has been the practice from very early time, and the practice may be stated as defined in the rules of the House, to carry general appropriations for sites for seacoast batteries, not for any specific site at all, but generally for sites. But here is a proposition to enlarge an existing, established, and completed That, I say, is not in order upon this bill. I do not think it will be in order upon the sundry civil appropriation

Mr. FITZGERALD. Mr. Chairman, it was held in order upon the sundry civil appropriation bill at the last session of Con-

Mr. SMITH of Iowa. Does the gentleman say that it was so held?

Mr. FITZGERALD. It was held to be in order. The Chair

can get a ready reference to that ruling, I am sure.

Mr. WALDO. Mr. Chairman, in the first place, it is not a

completed fort. The new fortifications that were commenced here are not completed. This additional land is now needed to take care of the troops just as much as the land between two

In the first place, there are already provisions in this bill for the purchase of land, one for the purpose of establishing electrical plants in fortifications, and another to buy land in the Philippines for new fortifications. This amendment, it seems to me, is for the preservation of a fortification rightly to be considered as still under construction. One thing must be con-structed anyway and that is quarters for the troops, because they have been practically all burned down. Whenever the barracks are to be constructed, they ought to be constructed as they are intended to remain permanently, be in such size and form as will take care of the proper force; that is as much a continuance of a work under way as anything provided for in any line the gen-

tleman has in his bill.

The CHAIRMAN. Will the gentleman from New York permit the Chair to ask him a question with reference to the language of the amendment:

Necessary for the enlargement of said fort-

And so forth. Is the declaration that this land is necessary

a change of existing law or not?

Mr. WALDO. I think it is not, for the reason that it is not only an enlargement, but it is necessary for the preservation and care of the present fortification. That is the language of that amendment. The War Department has repeatedly so declared. Every commandant of that fort for the last ten or fifteen years has so declared. The present commander of the Department of the East has so declared, and there is nobody else in authority who can give any more information or better information than we now have.

The CHAIRMAN. While the Chair thinks there may be some question in reference to the form of amendment making a declaration that this purchase of land is necessary, and that possibly that might be construed to be a change of existing law, yet the Chair assumes that that is more a matter of argument than it is a declaration of law. The rulings have been that where the Government owns land, or a site, the purchase of adjoining land is not subject to a point of order and is a continuance of a work progress. The Chair, therefore, overrules the point of order. Mr. SMITH of Iowa. Mr. Chairman, in view of the fact that

two arguments have been made in support of this amendment, under the reservation of the point of order, I simply desire to urge upon the committee that it would be unwise to incorporate this amendment, for this, if for no other reason: Estimates of this character are sent to the subcommittee on the sundry civil bill. This subject was never brought before the committee having consideration of this bill. There has been no consideration of it, or opportunity for that committee to go into the merits of the proposition. I say it in all kindness, but my distinguished colleague from New York, the gentleman who speaks in favor of this amendment, never called it to the attention of the subcommittee of which he is a most useful member. Not the slightest consideration has been possible at our hands of an estimate made for another bill, where this amendment, if proper, would be considered by the committee. And for this House to incorporate large additional appropriations for items that have not been considered and could not be considered, because not referred to the committee in charge of this bill, would not only

establish a bad precedent, but it is unwarranted, even upon the opinion, in my judgment, of such capable Members as the two gentlemen who have spoken in favor of the amendment. I therefore submit that the amendment ought to be voted down, to let the estimate of this expenditure be investigated by the subcommittee to which the estimate has gone for this enlargement. I personally know nothing as to its merits, and that is the situation of all the subcommittee except the gentleman from New

York [Mr. FITZGERALD].

Mr. FITZGERALD. I wish the gentleman would take my assurance that it is a perfectly proper appropriation to make at

this time.

Mr. SMITH of Iowa. The gentleman's assurance is perfectly good with me on almost any subject; but I do think that when he wants \$250,000 on this bill, he might, in kindness to the rest of us, tell us about it before the bill is reported, so that we may know that the subject is coming up.

Mr. FITZGERALD. The reason it was not called to the at-

tention of the subcommittee considering this bill was that I understand that, under the practice of the House, it properly

went to a different subcommittee.

Mr. SMITH of Iowa. That is undoubtedly true.
Mr. FITZGERALD. I think it is proper for me to say this in explanation of my own position.

Mr. SMITH of Iowa. That is undoubtedly a good explanation,

but it is also a good reason why the House should not now vote in favor of the amendment.

Mr. FITZGERALD. My colleague [Mr. Waldo] has so well presented the reasons for this appropriation that, inasmuch as it is in order upon this bill, it seems to me we can not do less than to urge all those reasons upon the members of the committee and ask them to accept the statements and vote the money for this very necessary and proper work.

Mr. GILLETT. Has the sundry civil bill been reported or

considered at this session?

Mr. FITZGERALD. I am not a member of the subcommittee that considers that bill, and I am unable to state from my own knowledge whether the bill has been considered by that committee.

Mr. GILLETT. I will ask the gentleman from Iowa.

Mr. SMITH of Iowa. The sundry civil bill, as I understand it, has been printed for the use of the subcommittee and contains this item for consideration by the subcommittee.

Mr. GILLETT. So that there is still opportunity for this item

to be considered by the proper committee.

Mr. SMITH of Iowa. And it will be considered and accurate knowledge obtained as to the merits of the project, if opportunity is given to that committee to investigate it.

Mr. FITZGERALD. If the gentleman is as favorably impressed by the soundness of the argument made in favor of this item by my colleague [Mr. Waldo] and myself, it seems to me that we are justified in urging the amendment at this time.

Mr. SMITH of Iowa. I am always favorably impressed with

the remarks of the gentleman from New York.

Mr. HILL of Connecticut. The gentleman from New York [Mr. FITZGERALD] is possibly familiar with these waters and with the system of defense from Sandy Hook up to New York Now, I want to ask him if he honestly believes that Fort City. Hamilton to-day is any more essential to the defense of New York City than a battery would be in the middle of Central

Mr. FITZGERALD. The men best equipped to express an opinion on that point have stated within three weeks that this feature is absolutely necessary for the defense of New York.

Mr. HILL of Connecticut. I ask the gentleman from New

York what his opinion is, with his familiarity with the whole location?

Mr. FITZGERALD. The gentleman from New York is not so presumptuous as to give an opinion upon that point against the expressed opinion of the experts of the War Department. I read with much interest the statement that was made by these gentlemen, that the guns erected at Fort Hamilton will control Ambrose channel, which is now in course of completion. They say that they are essential for the defense of the harbor at that point. I assume that the officials of the Department are able to determine that question. The Secretary of War had a consultation with the Chief of Artillery, the Chief of Ordnance, and, I think, the head of the Bureau of Ordnance, and they said that it was absolutely necessary as a part of the system of fortifications at the harbor of New York to maintain this particular place.

Personally, if it were not necessary, I would welcome the abandonment of the fort, because I believe that it does prevent the development, in a very desirable way, of a very development, in a very development way, in a ve sirable portion of the city in which I reside. But the War

Department insists that this is imperative, that this fort must be maintained, and I am unable to offer an opinion against the expression of the officials of the War Department. Perhaps the gentleman from Connecticut is better able to pass on that question than myself or the officials of the War Department.

Mr. HILL of Connecticut. It is because I doubted the accuracy of my own judgment that I appealed to the gentleman from New York. I have not got his opinion yet, although he

has quoted the opinion of other people.

Mr. FITZGERALD. My opinion is based upon the information by men who are eminently qualified to give an opinion, that this is an essential feature of the defenses of the harbor

of New York.

Mr. WALDO. Mr. Chairman, I desire to say in response to the remarks of the gentleman from Connecticut that anybody who lives in the city of New York will appreciate the force of the argument in support of this amendment. Perhaps if the gentleman lived in a small town in Connecticut, or in the western part of this country, two or three thousand miles from the coast, he might think it was not necessary to defend the harbor of a great city like New York. But the entrance to this harbor at Fort Hamilton is 12 miles wide, and small vessels can come into the harbor 10 miles distance of the fortifications at Sandy Hook, and when the Ambrose Channel is built, they can come in a direct line to the Narrows between Fort Hamilton and Fort Wadsworth, and do not pass close in front of the Sandy Hook fortifications for two or three miles, as they must in the present ship channel. The guns of the present fortifications at Sandy Hook would only command Ambrose Channel a short distance, while small vessels could come up Coney Island channel, past Sandy Hook, at a distance of 9 or 10 miles at any time, and shell the city from the inner harbor, if it were not for the fortifications at Fort Wadsworth on Staten Island and these fortifications opposite at Fort Hamilton. In the opinion of the War Department these fortifications on opposite shores of the narrow entrance to the upper bay are an absolutely necessary second defense against a hostile fleet coming into the harbor. If these two forts were torn down, as suggested by the gentleman from Connecticut, of course a hostile fleet, some of it, at least, could come into the harbor. There is no question about that. The city could be destroyed by light vessels without any question. If I did not think this appropriation was absolutely necessary, I should not be advocating it.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from New York.

The question was taken; and upon a division (demanded by Mr. Waldo) there were—23 ayes and 34 noes.

So the amendment was lost.

The Clerk read as follows:

For the purchase, manufacture, and test of ammunition for seacoast cannon, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture at the arsenals,

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word. I notice that in a series of paragraphs that have last been read, four or five in number, there is this language:

And the machinery necessary for its manufacture at the arsenals, \$325,000.

Coupled with the provision of the purchase and test of ammunition there is also in each of these paragraphs a provision for the manufacture, or for the purpose of at least purchasing machinery for manufacture. I desire to inquire of the gentle-man in charge of the bill if it is in contemplation that the Government should enter into the manufacture of the various munitions of war or equipments for war that are provided for in these paragraphs?

Mr. SMITH of Iowa. Mr. Chairman, substantially always a portion of these items are let to contract and a portion is ex-pended at the arsenal. The expenditure at the arsenal almost always requires some incidental machinery. There is never carried in the appropriation for the enlargement of the arsenal or new shops or anything that would enable the great expense of the manufacturing project, unless it be specifically given in

the bill, and there is nothing of that kind in this bill.

But it is the practice of the Government to buy some pieces, some portions that are partially manufactured, some castings of some other iron shapes, and the like of that, so that it becomes necessary to carry the language both for purchase and manufacture, even if the Government is to in a sense manufacure the completed article in all instances. That is, Government is going to manufacture a siege gun, we will say, certain pieces will be bought that had upon them some work done, so that they might be called manufactured articles as distinguished from pure raw material, and it is necessary to

carry this language to enable the Department to carry on this manufacturing enterprise, and they divide the money between the public contracts and the public manufactures, so as to be able to determine what is a fair and reasonable price.

Mr. HEPBURN. I would like to further ask the gentleman if it would not be possible, should the purpose find favor in the minds of the proper officer, to expend under the peculiar language of these paragraphs a very small sum for the purchase of the article and the balance of each one of these appropriations in the procurement of machinery, so as to lay the fundations for a complete manufacturing establishment at each one of the arsenals of the United States?

Mr. SMITH of Iowa. I may say that I do not think it would

Mr. HEPBURN. I say, might it not be under the language

of this paragraph?

Mr. SMITH of Iowa. I do not think it would be. language which has long been used, and it has an interpreta-tion in the Auditor's office as well as in the War Department, and the machinery that is authorized here is, by the language of the bill, an incident to the manufacture of the main article I can not conceive that if a man is authorized to manufacture seacoast cannon and to purchase the machinery necessary to manufacture the seacoast cannon that any of the money could be expended wholly for machinery to manufacture seacoast cannon. In any event, I would say that this has been the language used in this bill without criticism and without objection from as far back as I know anything about fortification bills, and I think is wise language in its practical use and as applied by the Chief of Ordnance.

Mr. HEPBURN. Mr. Chairman, I do not know that it is at all proper for me to criticise the language of gentlemen who are and have been familiar for a long time with the preparation of statutes of appropriations, yet it seems to me that the language used here is the very extreme of looseness. The language is for the purchase, manufacture, and test of ammunition for seacoast cannon, including the necessary experiments in connection therewith and the machinery necessary for its manufacture at the I undertake to say that it would be a fair interpretation of that language that would authorize the expenditure of a small amount for the purchase of cannon and ammunition and testing thereof, and a large sum-nine-tenths of it, if you choose-for the purchase of machinery, and that no auditing officer would have a right to interfere with the discretion of the officers of the Government charged with the purchase and procurement of these articles.

Mr. SMITH of Iowa. May I ask the gentleman if this lan-guage can possibly be in any wise interpreted except that it is to purchase the machinery to produce the seacoast cannon pro-

vided for in this item?

Mr. HEPBURN. I don't know that there is any limitation in this paragraph upon the number of cannon or upon the amount of ammunition that may be purchased, excepting that limitation that it put on those acts by the words "three hundred and twenty-five thousand dollars;" that it would be entirely legitimate to expend \$1,000 or, say, \$25,000 in purchase and \$300,000 for the procurement of machinery, and that it would not be within the authority of the auditing officer to affect in any way that discretion so used by the officer who purchases. The law might put limitations upon the act of the purchasing officer if it saw fit to do so, but instead of that, abdicating its right, it has conferred upon him a discretion as to the amounts that he may use, and while I think that perhaps there is but little doubt or little probability of the abuse of that discretion, yet the discretion is lodged in him and it has extended over items that amount in the aggregate to millions of dollars.

The CHAIRMAN. The time of the gentleman from Iowa has

expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Iowa may be extended for five minutes. Is there objection?

There was no objection.

Mr. HEPBURN. While the language may for a long time have been used, and may be canonized because of its use, yet I submit that it is loose; that it is not the language of definiteness that ought to be in an appropriation bill, and that it does extend a broad measure of discretion that ought to have proper limitations.

Mr. FITZGERALD. Will the gentleman yield?

Mr. HEPBURN. Yes. Mr. FITZGERALD. My understanding is that that language was attached to these particular paragraphs because in the manufacture of these different articles and munitions of war it was found necessary to make some very insignificant repairs to certain machines and to make certain inexpensive tools. Last session, when I was first a member of the committee, the same objection the gentleman raises appealed to me, and the explanation of the method of disbursement under it satisfied me that while the language was not the best that perhaps might be devised, the method in which it had been worked out had accomplished a desirable result.

Mr. HEPBURN. Mr. Chairman, I am not at all satisfied that the results of the exercise of the power of these officers have at all times been satisfactory. The results are not always satisfac-tory. I am led to make that remark by certain matters which were developed yesterday in this committee. Yesterday I put the query to the gentleman in charge of the bill with reference to the powder manufacturers, and it was developed during that discussion that two naval officers, educated by the Government and in the employ of the Government, had been detailed to a certain scientific investigation. That investigation was a part of their employment and as a recognized duty was undertaken by them. They made such progress with it through their employment and with the material of the Government at the arsenals of the Government, with the aid of the employees of the Government, that a discovery valuable to the United States resulted, namely, the method of the manufacture of smokeless These gentlemen, furnished with these opportunities, with these facilities, charged with these duties, took advantage of the knowledge which they had acquired, the employment they had, to patent these discoveries and then sold the patents to other parties. The gentleman says that the rights of the United States were reserved and were carefully protected. far as my investigation goes and so far as my knowledge goes, the rights of the Government were protected to the extent that the Navy Department made use of these patented discoveries

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman allow an interruption?

Mr. HEPBURN. Certainly.

Mr. SMITH of lowa. The gentleman, I think, scarcely means to state that I said the rights of the Government were reserved

Mr. HEPBURN. I think that was the emphatic language of

the gentleman.

Mr. SMITH of Iowa. The Record will show I used no such

Mr. HEPBURN. Very well, I may be mistaken, but that is as I understood the gentleman.

Mr. SMITH of Iowa. I did not so intend to be understood.

Mr. HEPBURN. I understood him to say by reservation ample in character in the deeds of transfer the rights of the Government of the United States had been amply protected; but, waiving that, I will submit that I am in error if the gentleman insists, but I insist that the rights of the Government in the instance I have adverted to are not protected, but merely reserve to the Navy Department of the Government of the United States the right to employ or make smokeless powder. My information is that the assignees of the rights of these officers of the United States have engaged extensively in the manufacture of powder; that they have engaged in combinations whereby the price of powder has been wonderfully augmented and the Government of the United States has but two alternatives-to engage in the manufacture themselves or to submit to the extortion of those who are using these inventions that, in my humble judgment, belong solely to the United States. But not only that, the information that I have is that the present owners of these rights have now contracts with other govern-ments to furnish smokeless powder to them, and while it is difficult for the United States to obtain it the possible future enemies of the United States are being supplied with it. In other words, we have educated men, detailed men, paid men, furnished men with facilities for making this invention, and then have permitted those men to sell to the possible enemies of the United States, and it may be-such a thing is not impossiblethat should war occur with certain European powers we would find that we have put into their hands the power that would come to them from the uses of this invention.

[Here the hammer fell.]

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman may finish his remarks.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the gentleman from Iowa may conclude his remarks. Is there objection? [After a pause.] The Chair

Mr. HEPBURN. I certainly thank the committee. I submit,

Mr. Chairman, in view of this possible condition, that the language of the gentleman from Iowa, which I will quote, was not happily selected on yesterday. He said:

And so patents upon smokeless powder were granted to these officers of the United States and the right to produce in unlimited quantities vested in the Government of the United States without the payment of any royalty whatever. If some American powder manufacturer wants to manufacture this smokeless powder for sale to any power on earth outside of the United States Government, I for one am willing that that power shall pay a royalty for the genius of that American officer in inventing the device or the powder.

I submit, sir, that we are not compensated, should a condition of war exist and we be confronted with an adversary armed with this material that we have made possible by the reflection that American genius is being so much benefited. [Applause.] We would not be compensated by the fact that foreign traders are compelled to pay a royalty to an American citizen. That is not the question here. The question is whether or not these gentlemen that are charged with the expenditure of this money, gentlemen who are charged with the execution of this law, in view of what has occurred in connection with this matter, have shown that they are the proper persons to be invested with the large responsibility and the large discretion which this faulty language of the bill vests them with. [Applause.]

Mr. SMITH of Iowa. Mr. Chairman, I wish to say that I stated, as I understood it, the rights of the United States Government that were granted by license. I did not attempt at that time to even define the rights of the United States outside of the license; I did not say that the rights of the United States were amply or in any other degree protected, but stated the facts as they were. It is not claimed that this process is a secret process betrayed to foreign powers. It is claimed that

it is a patented process.

Now, I reiterate what I then said, that if foreign powers are to buy this powder I have no objection to their paying an excessive price for it, and that is all I said yesterday upon that

Now, in order that there may be no possible room for differences as to the facts I ask unanimous consent to print in the RECORD a letter from Mr. Allen, the Commissioner of Patents, together with the two certificates and the exhibits attached thereto inclosed in said letter, being the two licenses to the Navy Department to manufacture, the one, colloid explosive, and the other, smokeless powder.

The CHAIRMAN. The gentleman from Iowa [Mr. SMITH] asks unanimous consent to print in the Record certain documents which he has indicated. Is there objection?

There was no objection.

The documents referred to are as follows:

DEPARTMENT OF THE INTERIOR, UNITED STATES PATENT OFFICE, Washington, D. C., March 9, 1906.

Hon. James A. Tawney.

House of Representatives, Washington, D. C.

My Dear Mr. Tawney: I send you herewith certified copies of two licenses from John B. Bernadou to the Bureau of Ordnance of the Navy Department of the United States to manufacture under Letters Patent Nos. 652455 and 673377, dated December 22, 1902, and referred to by you in your telephonic message this morning.

I remain, yours, very truly,

F. I. Allen. Commissioner.

DEPARTMENT OF THE INTERIOR, UNITED STATES PATENT OFFICE. To all persons to whom these presents shall come, greeting:

To all persons to whom these presents shall come, greeting:

This is to certify that the annexed is a true copy from the records of this Office of an instrument of writing executed by John B. Bernadou December 22, 1902, and recorded December 30, 1902, in Liber H-66, page 337. Said record has been carefully compared with the original and is a correct transcript of the whole thereof.

In testimony whereof I have hereunto set my hand and caused the seal of the Patent Office to be affixed at the city of Washington this 9th day of March, in the year of our Lord one thousand nine hundred and six and of the independence of the United States of America the one hundred and thirtieth.

[SEAL]

F. I. ALLEN, Commissioner of Patents. [SEAL.]

[Liber H-66, p. 337.]

[Liber H-66, p. 337.]

In consideration of the sum of one dollar to me in hand paid by the Bureau of Ordnance of the Navy Department of the United States, receipt of which is acknowledged, I do hereby license and empower the said Bureau of Ordnance of the Navy Department of the United States to manufacture, for the use of the United States naval service, at the United States naval powder works at Indian Head and at any other works that may hereafter be built by the Navy Department of the United States, the invention described as an improvement in "colloid explosive and making same," for which Letters Patent of the United States, No. 673377, were granted to me the seventh day of May, in the year 1901, to the full end of the term for which said letters patent are granted. year 1901, to the full end of the term for which said fetters patent are granted.

Signed at Washington, District of Columbia, this 22d day of December, 1902.

JOHN B. BERNADOU.

In presence of— HARRY W. SMITH. F. M. LANIGAN. Recorded December 30, 1902. DEPARTMENT OF THE INTERIOR, UNITED STATES PATENT OFFICE.

To all persons to whom these presents shall come, greeting:

To all persons to whom these presents shall come, greeting:

This is to certify that the annexed is a true copy from the records of this Office of an instrument of writing executed by John B. Bernadou December 22, 1902, and recorded December 30, 1902, in Liber H-66, page 338. Said record has been carefully compared with the original and is a correct transcript of the whole thereof.

In testimony whereof I have hereunto set my hand and caused the seal of the Patent Office to be affixed at the city of Washington this 9th day of March, in the year of our Lord one thousand nine hundred and six, and of the independence of the United States of America the one hundred and thirtieth.

[SELL]

F. I. ALLEN,

F. I. ALLEN, Commissioner of Patents.

[Liber H-66, p. 338.]

In consideration of the sum of one dollar to me in hand paid by the Bureau of Ordnance of the Navy Department of the United States, receipt of which is acknowledged, I do hereby license and empower the said Bureau of Ordnance of the Navy Department of the United States to manufacture, for the use of the United States naval service, at the United States naval powder works at Indian Head and at any other works that may hereafter be built by the Navy Department of the United States, the invention described as an improvement in "making smokeless powder," for which Letters Patent of the United States No. 652455 were granted to me the twenty-sixth day of June, in the year 1900, to the full end of the term for which said letters patent are granted.

Signed at Washington, District of Columbia, this 22d day of December, 1902.

John B. Bernadou.

JOHN B. BERNADOU.

In presence of— HARRY W. SMITH. F. M. LANIGAN. Recorded December 30, 1902.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word in order to ask a question. Are those two patents the patents under which the Du Pont Powder Company are manufacturing powder?

Mr. SMITH of Iowa. I understand that these are two patents, among others, on which the Du Pont company is manufacturing powder. I understand that the formula for the smoke-less powder for the Army is not quite identical with the powder covered by these patents; but it is probable that these patents would entitle a party at least to a royalty on the powder used in the Navy and perhaps on the powder used in the Army, in the absence of some right of the Government by license or otherwise.

Mr. GAINES of Tennessee. Can the gentleman tell whether Mr. Waddell, of Illinois, manufacturer of powder, is manufacturing under these two patents?

Mr. SMITH of Iowa. I think not; but I am not certain about

Mr. GRAFF. I will state for the information of the gentleman from Tennessee [Mr. Gaines] that Mr. Waddell only manufactures black powder, and that he formerly worked for the Du Pont company.

Mr. GAINES of Tennessee. I understand that he did.

The CHAIRMAN. The time of the gextleman from Iowa [Mr. SMITH] has expired.

Mr. SMITH of Iowa. Mr. Chairman, I would like unanimous consent to take just a moment upon this subject in order to suggest

The CHAIRMAN. The gentleman from Iowa [Mr. SMITH] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. SMITH of Iowa. Mr. Chairman, there has been no suggestion from any source that we should build any more of these powder factories than we are at present. The gentleman complains, apparently—and I do not want to use the word "com-plain" if that is not satisfactory to him—that we ought not to authorize the use of this money for machinery, whereas the very object in authorizing its use for machinery is to enable the Government to manufacture the respective articles named if it finds it can do it cheaper than it can buy them in the open

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

Mr. GAINES of Tennessee. Mr. Chairman, since my last colloquy with my friend from Iowa [Mr. SMITH] I have been handed by the gentleman from Pennsylvania [Mr. KLINE] a letter touching on this question. I will ask that the Clerk please read it for the information of the committee.

The CHAIRMAN. The gentleman from Tennessee renews his motion to strike out the last word. Without objection, the letter will be read in the gentleman's time.

There was no objection.

The Clerk read as follows:

KEYSTONE POWDER MANUFACTURING COMPANY, Emporium, Pa., January 14, 1907.

Hon. MARCUS C. L. KLINE, M. C., Washington, D. C.

Hon. Marcus C. L. Kline, M. C.,

Washington, D. C.

Dear Sir: I beg to acknowledge receipt of your esteemed favor of the 12th instant, and note what you say in regard to the distribution of the contract for smokeless powder for the use of the United States Army and Navy among different competitors, and for your information would say that there are no competitors in this business, as the only people who manufacture smokeless powder in this country are the E. I. Du Pont Company, Wilmington, Del. It is, of course, true that bids will be submitted under half a dozen different names, but for your information would say that these names are simply titles of concerns incorporated in the E. I. Du Pont Company and any bid you might receive for smokeless powder will go direct to Wilmington, Del., so that you will see there is no competition whatever.

I am not sufficiently familiar with the cost of a plant for the manufacture of smokeless powder, but I know it is an expensive proposition. So far as I am able to judge, I should think an appropriation of \$3,000,000 for that purpose to be money well spent, as the history of this country just prior to the war with Spain fully shows, and I have no doubt but you are familiar with the conditions existing at that time, when, as you well know, the Government had to delay operations until they received a limited supply of smokeless powder from foreign countries, and also that the Army and Navy were both badly handicapped by having to use black powder as against the smokeless powder used by the Spaniards.

This is a matter of record, which you can easily ascertain from the files in Washington.

Yours, truly,

Keystone Powder Manufacturing Company.

A. C. Bluxi, Secretary.

KEYSTONE POWDER MANUFACTURING COMPANY. A. C. Blum, Secretary.

Mr. GAINES of Tennessee. Now, just one observation. The point I make it this, gentlemen: This smokeless-powder patent belongs to the Government of the United States. It was patented by Professor Munroe and turned over to the Government of the United States as its property, because he discovered it in line of duty and when he was working for the Government of the United States as an officer. Now it has gotten out of the hands of the Government of the United States, or its exclusive power, and has gone into the hands of this powder monopoly that we are trying to control by making appropriation in this or some other bill to build a smokeless-powder factory and make our own powder. Why not withdraw our property, if it is our property, from any and everybody, if we please, and thus save the expense of building a smokeless-powder factory, or control those who use this patent, and thus save money? If it is the Government's property, let the Government take charge of it and control those who use it. If it is Du Pont's property, let Du Pont have it. That is the point about it, and that is why I have addressed

myself to the subject here to-day.

Mr. FITZGERALD. I move to strike out the last word. I do so simply to refer very briefly to one criticism made by the gentleman from Iowa [Mr. Hepburn] as to the language used in several items of this bill. Criticism was made of the use of the words "and the machinery necessary for the manufacture" of certain munitions of war "at the arsenal." It appeared, Mr. Chairman, in the examination of this bill last year by a subcommittee that this language did confer upon certain officials in the War Department a discretion that appeared to me then as unwise. The Chief of the Bureau of Ordnance, however, explained the purposes to which the expenditure of this money were put in so satisfactory a manner that the committee was unanimous in the belief that it was not only wise but necessary

to have such language in the bill.

I am one of those who believe that the purposes for which appropriations are made should be as specifically stated as language can make them; and yet it was found that in the manufacture of certain implements of war in the arsenals it would be necessary from time to time to manufacture certain instruments, not of a very expensive character, but of a very essential nature in the manufacture of these guns, and unless this particular language was incorporated in each of these provisions there were no funds available for the acquisition of these instruments, and the entire appropriation would be un-

available for any purpose whatever.

That there is little danger that the discretion reposed in these officials will ever be abused is apparent when it is stated that the purpose for which each appropriation carried in the bill is asked was specifically explained by the chiefs of the different bureaus when the bill was under consideration. So that while I agree with the gentleman from Jowa that so far as possible the specific purpose for which the appropriation is made should be plain in these bills, yet there are some items in the bills where we have been unable to find anyone who could suggest language that would accomplish what Congress desires in these appropriations and use language not identical with the language they contain.

I simply state these facts so that Members will know that the committee in preparing this bill had this very objection in

mind, and that a criticism that at first sight might be made legitimately to this language does not in fact exist.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read:

The Clerk read as follows:

FORTIFICATIONS IN INSULAR POSSESSIONS.

For construction of seacoast batteries in the Hawaiian and Philip-ne islands, \$600,000.

Mr. KEIFER. Mr. Chairman, I move to amend in line 23, page 6, by inserting after the word "islands" in that line the words "one million."

The Clerk read as follows:

Page 6, line 23, after the word "islands" insert "one million," so as read "one million six hundred thousand dollars.".

Mr. KEIFER. Mr. Chairman, I shall not make any further extended remarks in support of this amendment. It is in the line of what I have already said. If this amendment is put in the bill it will provide an appropriation of \$1,600,000 for seacoast batteries in Hawaii and the Philippine Islands, which is little more than two-thirds of the amount recommended and estimated for immediate use, or rather to be expended in the fiscal year ending June 30, 1908. The recommendation of the War Department for purposes of seacoast batteries in the Hawaiian and the Philippine islands, to be expended in the fiscal year thus ending, is \$2,303,000, I believe. So that if my amendment should carry the bill would then provide a little more than two-thirds of the amount believed to be requisite and absolutely necessary for the purpose of seacoast batteries in the Hawaiian and Philippine islands.

It is not enough. I do not like even to be classed with those who want to get along with a small per cent of the absolutely necessary appropriation; but with the hope and belief that if this amendment is adopted the War Department will be able, with \$1,600,000, to adopt some plan, now impossible, by which it can put in some really effective fortifications at Pearl Harbor and Honolulu, in Hawaii, and at Manila, in the Philippine Islands. I thought that the House might be willing, if it is willing to do anything, to make this concession to the wishes of the President of the United States and the Secretary of War, and to the recommendations of the distinguished officers of the Army and Navy and the Taft Board, composed of Secretary Taft and expert, highly educated, trained, and experienced officers of the Army and Navy. Therefore, I offer the amend-

ment just read.

Mr. SMITH of Iowa. Mr. Chairman, just a word. The gentleman has not called the attention of the House to the fact that the items in this bill should be balanced. Seacoast batteries simply mean emplacements. We have balanced \$600,000 in the bill with the amount allowed for guns in the insular possessions, and if one item be changed without a corresponding change in the other, it throws the entire bill out of So that if this is the only amendment he means to offer the amount would be out of balance with the amount allowed for guns, and if not, he is asking for a very much larger increase than is suggested by the single amendment. Now, we have given the insular possessions \$600,000 more than last year, more than \$600,000 in excess of what they got the year before, and more than they ever got in the history of the insular possessions.

I want to present this one thought in addition, and that is that where we fortify a city we have several forts, and more than one battery to a single fort. So when we appropriate the money, as we are doing, a part at a time, it does not mean a fragmentary construction, but it means the establishment complete of a fort, or of a given number of batteries, just as effective as they

will ever be.

I ask that this amendment be voted down.

Mr. KEIFER. Now, Mr. Chairman, I just desire to say a word in reply, if I may be allowed. It is not accurate for the gentleman from Iowa [Mr. SMITH] to say that we have appropriated this year \$600,000 more than last year, and I think he does not mean to make that statement. Last year we attempted to appropriate for Hawaii and the Philippines \$260,000 for coast defenses and this year \$600,000. Something was said about the \$260,000 not being expended. That brings me to say that it was almost impossible to expend it at all, because there was no adequate sum that could be applied in any way, or for any useful purpose, and so it was not expended anywhere. The appropriation last year, as agreed upon in the conference committee on the fortifications bill, was intended to be \$260,000 for Hawaii and the Philippines; but here came in one of those unfortunate things about the enrollment, and it appeared in the law as an appropriation of \$260,000 for the Hawaiian Islands alone. I am informed that that has not been expended, for the reason that they have no sites or places, and that they have no plan or pur-

pose to which they could apply it without wasting it, the amount being so small.

Mr. GRAFF. Will the gentleman yield for a question?

Mr. KEIFER. Certainly.

Mr. GRAFF. Is it not true that \$260,000 was all that was asked for the Hawaiian Islands last year?

Mr. KEIFER. Oh, no; I think not. Mr. GRAFF. That was all that was asked for that purpose. Mr. KEIFER. We wanted a larger amount, and my recollection is that we had in our bill a larger sum, but in the committee of conference we agreed upon \$260,000 to be used in the Hawaiian and Philippine islands; but it turned out, with the law as it is now, that that applied only to the Hawaiian Islands, I think that now, if we have an appropriation of \$1,600,000, the War Department can proceed, adopt a definite plan, and in the fiscal year to come can have some sort of real, substantial fortifications at Manila and at Pearl Harbor and Honolulu.

Mr. SULLIVAN. Mr. Chairman, I move to strike out the last I do so in order to ask the gentleman from Ohio a ques-Is the gentleman's amendment, asking for the increase, based upon the plan of the Taft Board for the fortification of

certain places in the insular possessions?

Mr. KEIFER. It is based upon the plan of the War Department, and that, in general, is based upon the plan of the Taft Board, as I understand it. But my proposition is that we shall have this amount of money available in the War Department to make some defense or defenses in the Hawaiian Islands and at Manila that will give us at least naval stations well pro-

Mr. SULLIVAN. Do I understand that this is in part execution of the plan of the Taft Board, which will require the expenditure ultimately of some \$11,000,000 for fortifications at

Manila, Subig Bay, Pearl Harbor, and Guantanamo?

The recommendation and estimate of the War Department for the purpose of seacoast defenses to be expended in the fiscal year ending June 30, 1908, was \$2,303,000. sume that the Department had a plan in view by which it was to accomplish something, but under the piecemeal appropriation we are now adopting we are to do nothing potential.

Mr. SULLIVAN. I assume that the War Department has some definite plan for fortification of these specified places in the insular possessions, that they are not proceeding in any haphazard way, and that the Taft Board has framed a plan which in its execution will require the expenditure of about \$11,000,000. Now, is it in pursuance of that plan that the gentleman from Ohio offered his amendment for an increase?

Mr. KEIFER. I am unable to say that there is any specific plan except that this amount of money will, I hope, give the Department enough money to adopt an effective plan, and I assume that it is working on the lines of the Taft Board recommendation, which is that there shall be an immediate, effectual fortification of Pearl Harbor and Honolulu and Manila Bay.

Mr. SULLIVAN. I understand, then, the gentleman's purpose is to get Congress to hurry in the execution of this plan and to proceed faster than the committee has recommended?

Mr. KEIFER. Undoubtedly that is the object of the War Department, to proceed so that at a very early day, or as early as practicable, we may have some defenses there where we have not now

Mr. SULLIVAN. One further question. The gentleman is undoubtedly familiar with the attitude of the War Department; for some time we have been trying to get some definite statement of the policy of this Administration with respect to the future control of the Philippine Islands. I would ask whether the plan of the Taft Board, requiring the expenditure of \$11,000,000, is based upon the idea of the permanent retention of the Philippine Islands by the Government of the United States:

Mr. KEIFER. Mr. Chairman, I would be glad to answer, if I may, that this plan is not necessarily based upon the idea that we shall retain them, but is based upon the idea that so long as we do retain them no nation in the world shall come and take them away from us. [Applause.]

Mr. SULLIVAN. But is the plan of the Taft Board requiring the expenditure of the money which will complete the fortifications based upon the permanent retention of the islands?

Mr. KEIFER. It is a sufficient answer to say that the plan of defense of the Taft Board proceeded upon the idea that we shall not be in the naked condition there that we now are, and have our sovereignty taken from us by the first comer.

Mr. SULLIVAN. It seems to me we ought to find out or get some expression of the policy of this Administration with respect to the duration of our control of the Philippine Islands. If the Taft Board contemplates a complete plan of fortifica-tions, and I understand it does, it would be manifest folly to

execute that plan if it is the policy of the Government to abandon the islands in the near future. It would be a waste of money to fortify islands that we intended to surrender. Therefore it seems to me that it would be economy on the part of the Government, and it would give the people of the country some intelligent idea of what its policy is, if we can get an expression by some one who is in the secrets of the Administration as to the Administration's purpose, and I thought the gentle-man's familiarity with the War Department would enable him

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULLIVAN. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for five minutes.

The CHAIRMAN. Is there objection? There was no objection.

Mr. KEIFER. Mr. Chairman, I am not in the secrets of the Administration or of the War Department, but I do know that the War Department stands for the flag of this country wherever it floats and is going to stand for it until the end comes, not that we shall abandon these possessions that have come to us at so much cost, but that we shall make disposition of them if we wish, or retain them through all time. The fact about it is that when we acquired the Philippine Islands we paid \$20,000,000 in cash toward their purchase, as well as paying the expense of the Spanish war, and if we should conclude to sell them to some power or surrender them to an independent gov-ernment, including the Philippine Islands, then we could make terms for our permanent expense in fortifying them and preserving them, and if the gentleman wants to look further as to the wishes of the War Department, of the President, and various persons in authority, I will call his attention to what he will find in the Record of to-morrow's proceedings in the way of extracts from messages and reports, and so forth.

Mr. SULLIVAN. Can not the gentleman briefly tell me whether I will find in that RECORD he mentions any definite expression of the policy of this Government with respect to the

islands and their future control?

Mr. KEIFER. This much the gentleman from Massachusetts will find, in all of the messages and recommendations of the President, in all of the reports of the Secretary of War, and in the reports of the boards, that the policy is to defend them and to protect them, and to have defenses built up there so that we can safely do it, and if from that he can draw any inference he will find it all in the RECORD day after to-morrow morn-

ing

Mr. SULLIVAN. Mr. Chairman, I have never been able to draw any inference satisfactory to myself concerning the policy of this Administration with respect to the control of these islands. We have never received any definite information. The nearest approach to definiteness has been the statement that when the people of the Philippine Islands have acquired sufficient intelligence to appreciate the beneficent purpose of the United States Government then they might be trusted with some small measure of local government and, having shown some capacity to administer their local affairs, might eventually be granted from time to time larger shares in the administration of the government of the whole islands. That is the nearest approach to a definite statement that I have read yet, and I think that perhaps the gentleman, out of his abundant and, I think, definite information, might be able to tell us in a more definite way than we have been told yet just what the purpose of the Administration is with respect to these islands. If the gentleman is going to justify the appropriations made from year to year as part of a plan which will require some eleven or twelve millions of dollars to execute upon the theory that we are simply improving these islands, and that we will make some purchaser later on pay the cost of these improvements, I shall have to rest content with that explanation; but if he has any more information, I should like to have the House get the benefit of it.

Mr. KEIFER. Mr. Chairman, I only want to say that if the gentleman from Massachusetts can tell what the disposition of the Congress of the United States is, then he will get nearer to knowing what will be the ultimate disposition of the Philippine

Islands.

Mr. SULLIVAN. Well, judging from the expressions I have heard privately in the House, not always publicly, I think most of the Members would not be sorry if the Philippine Islands disappeared beneath the surface of the ocean to-morrow morning, for then the United States would be relieved of the necessity of fortifying and governing them. The islands have ceased to be commercially valuable. No one questions or can question the accuracy of that statement, and I do not think any statesman in America to-day will point out any reason for retaining them any longer, except this one, namely, that if we should abandon them upon the theory that their government is a

nuisance to the United States Government, some other power might take them and thus acquire possession of the nuisance. That does not seem to me to be a sufficient reason for retaining them. Some one has said that if they are not sufficiently fortified some foreign power may take them. I think it would be the best thing that could happen to the people of the United States if some foreign power did take them, for then we should be relieved of the responsibility of paying these extravagant bills for their government and their defense. It has already been pointed out in a very able magazine article by a Republican Member from the State of Massachusetts that all our occupation of the islands has meant to us up to date is this: That they give an exceptional advantage to any foreign power which may engage us in war; thus if Japan should go to war with the United States she would strike immediately at the Philippine Islands and compel us, in order to save the national honor, to concentrate our fleet in the Pacific Ocean, near the coast of the Philippine Islands, drawing that fleet away from the whole west coast of the United States, compelling us to wage a war far from our coal supplies and our supplies of food, and other munitions of war, placing us at a tremendous disadvantage and losing us the benefit of the great stretch of ocean which, up to the time of our acquisition of the Philippine Islands, would have given us a tremendous advantage in a contest with that rising oriental power. Now, then, it seems that our retention of the Philippine Islands simply affords us an opportunity to waste money in time of peace and squander it in time of war. Neither of those seems a sufficient reason for retaining them, and therefore I say it would be a good thing if somebody would take them away from us some dark night. The CHAIRMAN.

The time of the gentleman has expired. Mr. KEIFER. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts be allowed five minutes' additional time.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the gentleman from Massachusetts be allowed to proceed for five minutes. Is there objection?

Mr. SMITH of Iowa. Mr. Chairman, I do not want to object,

but I want a vote on this at a very early moment.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SULLIVAN. I now yield to the gentleman from New

York [Mr. Perkins]

Mr. KEIFER. Will the gentleman allow this inquiry, and I will not interrupt him any more? I understood the gentleman from Massachusetts to say his information from conversations with Members here was that a majority of the House was in favor of abandoning these islands, and I would like to inquire whether he or any Member of this House has ever offered a joint resolution or a bill of any kind looking to the abandonment of those islands?

Mr. SULLIVAN. Oh, no; no member of the majority would dare to vote for that proposition. I think if we could take a secret ballot we would drop the islands by an almost unanimous vote. Of course no member of the minority would waste his time on a losing legislative proposition. The minority is power-less to effect these changes in the law, so no one of the minority has attempted that.

Mr. PERKINS. The only question I was going to ask the gentleman from Massachusetts was in line of the remarks he just made, whether he thinks, as bearing upon this question of the necessity of fortification, that, considering our own experience in the Philippines, the amount of money we have spent, and the small return we have received, it is conceivable that any government could wish to go to work in order to take them away from us?

Mr. SULLIVAN. No; I do not think that any government would wage war against the United States with the Philippine Islands as the stake in the contest, but if Japan should engage in war with the United States she would strike at the Philippine Islands at once and compel the United States to send the Navy there to defend them. National honor would compel that course. [Cries of " Vote!"

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and the amendment was rejected. Mr. KEIFER. Mr. Chairman, I send to the Clerk's desk an amendment to come in immediately after line 23 on page 6 of

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will read.

The Clerk read as follows:

Page 6, after line 23, insert the following: "For the procurement of a site or sites in the Hawaiian Islands for forts and seacoast batteries, \$100,000."

Mr. SMITH of Iowa. Mr. Chairman, I desire to reserve the point of order upon that amendment. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Mann, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 23821—the fortifications bill—and had come to no resolution thereon.

#### COMMITTEE APPOINTMENT.

The SPEAKER. The Clerk will announce the following committee appointment.

The Clerk read as follows:

The Chair announces the appointment of Representative Sherley, of Kentucky, a member of the Committee on the Judiciary, vice Representative Little, resigned.

#### JOHN INGRAM.

The SPEAKER laid before the House the following message from the President; which was read, referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

In compliance with the resolution of the House of Representatives (the Scnate concurring therein) of the 11th instant, I return herewith House bill No. 18214, entitled "An act granting an increase of pension to John Ingram."

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 15, 1907.

#### CHANGE OF REFERENCE.

By unanimous consent, the Committee on War Claims was discharged from the further consideration of the bill (S. 502) for the relief of James A. Russell, and the same was referred to the Committee on Claims.

#### ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 6580. An act granting an increase of pension to Ella B. Greene;

S. 6581. An act granting an increase of pension to Joseph W. Lowell;

No. 6583. An act granting an increase of pension to Abram P.

Colby; S. 0822. An act granting an increase of pension to Christopher

Christopherson; S. 6824. An act granting an increase of pension to Byron Can-

field; S. 0825. An act granting an increase of pension to Thomas M.

Roberts; 8.6826. An act granting an increase of pension to Jacob

Turner; S. 6829. An act granting an increase of pension to Thomas P.

Cheney; S. 6881. An act granting an increase of pension to Jefferson

Bush; S. 6882. An act granting an increase of pension to Elisha H.

Stephens;
S. 6883. An act granting an increase of pension to Thomas W.

White; S. 6885. An act granting an increase of pension to William H. Anderson;

S. 6942. An act granting an increase of pension to William

S. 6978. An act granting an increase of pension to Samuel

S. 6997. An act granting an increase of pension to William

S. 7065. An act granting an increase of pension to Louisa Donaldson;

S. 7077. An act granting an increase of pension to Mary E. Hattan:

S. 7160. An act granting an increase of pension to Kate Myers; S. 6855. An act to amend the act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea;"

S. R. 76. Joint resolution providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C.;

S. 6019. An act granting a pension to Harriet O'Donald;

S. 6035. An act granting an increase of pension to John Fox; S. 6051. An act granting an increase of pension to Mary A. Duncan;

S. 6052. An act granting an increase of pension to William E.

S. 6131. An act granting an increase of pension to Frances A. Jepson; S. 6586. An act granting an increase of pension to Wesley J. Ladd;

S. 6591. An act granting an increase of pension to Henry Campbell;

S. 6596. An act granting an increase of pension to Cyrus W. Cobb;

S. 6597. An act granting an increase of pension to Frank H. Read;

S. 6631. An act granting an increase of pension to George W. Hodgman;

S. 6650. An act granting an increase of pension to John A. McGinty;

S. 6645. An act granting an increase of pension to Timothy C. Stilwell;

S. 6632. An act granting an increase of pension to William Dayis;

S. 6636. An act granting an increase of pension to Andrew J. Grover;

S. 6705. An act granting an increase of pension to Holmes Clayton;

S. 6707. An act granting an increase of pension to Stephen E. Lemon;

S. 6709. An act granting an increase of pension to Samuel Shawver;

S. 6712. An act granting an increase of pension to Orin Ingram;
S. 6714. An act granting an increase of pension to Joseph

S. 6714. An act granting an increase of pension to Joseph Bolshaw;

S. 6717. An act granting an increase of pension to Manasa T. Houser;

S. 6718. An act granting an increase of pension to Augustus L. Holbrook;

S. 6723. An act granting an increase of pension to Agusta P. Morgan;

S. 6767. An act granting an increase of pension to John C. Brown;

S. 6821. An act granting an increase of pension to Jonathan M. Adams;

S. 6814. An act granting a pension to Alice Bosworth;

S. 6819. An act granting an increase of pension to Nelson Bigalow;

S. 10. An act granting an increase of pension to Roswell Prescott;
S. 123. An act granting an increase of pension to William M.

Morgan; S. 480. An act granting an increase of pension to Silas Λ.

Reynolds; S. 677. An act granting an increase of pension to Albert G.

Peabody, jr.; S. 679. An act granting an increase of peaslon to Thomas

Kelly;
S. 768. An act granting an increase of pension to William H.

Rhoads; S. 771. An act granting an increase of pension to Samuel G.

Kreidler; S. 774. An act granting an increase of pension to August

Krueger; S. 831. An act granting an increase of pension to Isaac G.

Clark;
S. 1240. An act granting an increase of pension to Dana W.

S. 1257. An act granting an increase of pension to Patrick O'Day;

S. 1347. An act granting a pension to Martha W. Pollard;

S. 2563. An act granting a pension to Isaac Carter;

S. 1493. An act granting an increase of pension to Cathrin Huff;

S. 1857. An act granting an increase of pension to William-Vantilburgh; S. 1891. An act granting an increase of pension to Charles F.

M. Morgan; S 1941 An act granting an increase of pension to Elvira A

S. 1941. An act granting an increase of pension to Elvira A. Kelly; S. 2249. An act granting an increase of pension to George W.

Smith; S. 2541 An act granting an increase of pension to Thomas W.

S. 2541. An act granting an increase of pension to Thomas W. Murray;

S. 2643. An act granting an increase of pension to James H. Thrasher; S. 2669. An act granting an increase of pension to Winfield S.

Ramsay; S. 2734. An act granting an increase of pension to John R.

Conyngham;

S. 2737. An act granting an increase of pension to Benjamin Hains;

S. 5741. An act granting an increase of pension to Amelia M.

S. 2749. An act granting an increase of pension to John H. Brooks

S. 2794. An act granting an increase of pension to John H. Allison

S. 3220. An act granting an increase of pension to Wilbur II.

S. 3221. An act granting an increase of pension to Robert Mills:

S. 3671. An act granting an increase of pension to Louis Castinette

S. 3763. An act granting an increase of pension to Mary A. Baker:

S. 3767. An act granting an increase of pension to Samuel

S. 3931. An act granting an increase of pension to Fanny A.

S. 4032. An act granting an increase of pension to Solomon Craighton;

S. 4127. An act granting an increase of pension to Samuel

S. 4053. An act granting an increase of pension to William A.

S. 4406. An act granting an increase of pension to Susan N. Fowler:

S. 4389. An act granting an increase of pension to Florence B.

S. 4542. An act granting an increase of pension to Aaron Daniels

S. 4510. A act granting an increase of pension to Rufus C. Allen: S. 4771. An act granting an increase of pension to George R.

Turner: S. 4772. An act granting an increase of pension to Gertrude

McNeil:

S. 4894. An act granting an increase of pension to Robert Ramsev:

S. 4909. An act granting an increase of pension to Louis Sidel:

S. 4979. An act granting an increase of pension to Don C. Smith:

S. 5001. An act granting an increase of pension to Louis A. Baird:

S. 5067. An act granting an increase of pension to Martin Schultz:

S. 5073. An act granting an increase of pension to Daniel G. Smith:

S. 5084. An act granting a pension to John W. Connell;

S. 5138. An act granting a pension to Jane Metts;

S. 5156. An act granting an increase of pension to Granville

S. 5176. An act granting an increase of pension to Lewis C.

S. 5493. An act granting an increase of pension to Marcus Wood; S. 5443. An act granting an increase of pension to James D.

Merrill: S. 5502. An act granting an increase of pension to John B.

Coyle;

S. 5573. An act granting an increase of pension to Gustavus A. Thompson:

S. 5599. An act granting an increase of pension to Dennis Flaherty;

S. 5685. An act granting an increase of pension to James M. S. 5693. An act granting an increase of pension to Margaret

L. Houlihan ; S. 5725. An act granting an increase of pension to Alonzo S.

Prather: S. 5727. An act granting an increase of pension to Lucius Rumrill:

S. 5740. An act granting an increase of pension to Jared Aver:

S. 5771. An act granting a pension to Mary E. Thompson; S. 5823. An act granting an increase of pension to Nelson

S. 5826. An act granting an increase of pension to Isaac C.

Phillips ; 8. 5892. An act granting an increase of pension to Daniel W.

Redfield: S. 5963. An act granting an increase of pension to James

Reed; S. 5980. An act granting an increase of pension to Jacob

Smith:

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S. 6001. An act granting an increase of pension to Emily Killian;

S. 6005. An act granting an increase of pension to John G. Bridaham;

S. 6008. An act granting an increase of pension to Joseph Lamont:

S. 6585. An act granting an increase of pension to Amos Ham;

S. 6163. An act granting an increase of pension to William H. Westcott:

S. 6186. An act granting an increase of pension to James L. Estlow:

S. 6203. An act granting an increase of pension to Francis W. Crommett;

S. 6230. An act granting an increase of pension to Nellie Paxton:

S. 6232. An act granting an increase of pension to John L. Anthony;

S. 6238. An act granting an increase of pension to Hugh S. Strain:

S. 6239. An act granting an increase of pension to Kate M. Miner

S. 6250. An act granting an increase of pension to Alice G. Clark:

S. 6266. An act granting an increase of pension to Paul Baker

S. 6267. An act granting an increase of pension to Denis A. Manning;

S. 6347. An act granting an increase of pension to Edward R. Cunningham:

S. 6353. An act granting an increase of pension to Dolores C. Foster:

S. 6367. An act granting an increase of pension to Joseph Johnston;

S. 6368. An act granting an increase of pension to Sherrod Hamilton; S. 6429. An act granting an increase of pension to Mary L.

Beardsley S. 6438. An act granting an increase of pension to Martha J.

Haller: S. 6466. An act granting an increase of pension to Samuel

S. 6485. An act granting an increase of pension to Samuel

Cook ; S. 6505. An act granting an increase of pension to Theodore

M. Benton S. 6506. An act granting an increase of pension to Henry Z.

Bowman ; S. 6514. An act granting an increase of pension to Alfred A.

Stocker: S. 6537. An act granting an increase of pension to William

Eppinger; S. 6538. An act granting an increase of pension to Betsey A.

Hodges; S. 6558. An act granting an increase of pension to Samuel A. Pearce :

S. 6560. An act granting an increase of pension to Reuben D. Dodge:

S. 6561. An act granting an increase of pension to George W.

S. 6568. An act granting an increase of pension to Wilbur F. Hodge;

S. 6569. An act granting an increase of pension to George Porter;

S. 6572. An act granting an increase of pension to Aaron L. Roberts:

S. 6574. An act granting an increase of pension to Maria H. Waggoner;

S. 6576. An act granting an increase of pension to Michael Meyers; and

S. 6579. An act granting an increase of pension to Ezekiel Morrill.

## PERSONAL REQUEST.

By unanimous consent, Mr. SMITH of Kentucky was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of the estate of Harvey Woodward, Fifty-sixth Congress, no adverse report having been made thereon.

# PRINTING HEARINGS.

Mr. LACEY. Mr. Speaker, I ask unanimous consent that the hearings in the Virginia military continental or State land warrants matter and the Ohio University lands be printed as a document, so the results may be preserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and the Chair announced that the ayes seemed to have it.

On motion of Mr. WILLIAMS, the House divided, and there were—ayes 130, noes 60.
Mr. WILLIAMS. Mr. Speaker, let us have tellers.

Mr. SMITH of Iowa. Mr. Speaker, I demand the yeas and

The yeas and nays were ordered.

The question was taken; and there were—yeas 143, nays 77, answered "present" 5, not voting 156, as follows:

	YEAS	-143.	
Alexander Allen, Me. Allen, N. J. Bannon Bennet, N. Y. Birdsall Bowersock Bradley Brick Brownlow Burke, S. Dak. Calder Campbell, Ohlo Capron Cassel Chapman Clark, Fla. Cocks Couner Cooper, Wis. Coudrey Cromer Crumpacker Cushman Dale	Driscoll Edwards Ellis Englebright Esch Fletcher Fletcher Fordney Foster, Vt. Fowler French Fulkerson Fulker Gaines, W. Va. Gardner, Mich. Gilhams Gilhams Gilhams Gilhams Graham Graham Gronna Hale Hamilton Haskins Hangen Hayes Hepburn Hermann	Jones, Wash. Kahn Keifer Kennedy, Ohio Klepper Knowland Lacey Landis, Frederick Litley, Conn. Littauer Littlefield Longworth Loud Loudenslager Lovering Lowden McKinley, Ill. McKinney Mahon Mann Marshall Martin Miller Minor Moon, Pa. Mooser	Rhodes Rives Roberts Samuel Sibley Smith, Ill. Smith, Iowa Smith, Pa. Smyser Southard Stevens, Minn. Sulloway Tawney Taylor, Ohio Townsend Volstead Wachter Waldo
Cushman Dale	Hepburn Hermann	Moore, Pa. Mouser	Wachter Waldo
Dalzell Darragh Davis, Minn. Dawes	Higgins Hinshaw Howell, N. J. Howell, Utah	Mudd Murdock Murphy Needham	Washburn Watson Webber Weeks
Dawson Deemer Denby	Hubbard Huff Hull Humphrey, Wash.	Nelson Norris Olcott	Weems Wharton Wiley, N. J. Young
Dovener Draper	Jenkins	Otjen	Toung

## NAYS-77.

Alken Bankhead Beall, Tex. Broocks, Tex. Brundidge Burgess Burnett Byrd Candler De Armond Dixon, Ind. Ellerbe Field Fitzgerald Fitzgerald Fitzgerald Gaines, Tenn. Garner Garnert Gill Gillespie	Glass Goulden Granger Gregg Gudger Hay Heflin Henry, Tex. Hill, Miss. Houston Howard Humphreys, Miss. Hunt James Jones, Va. Kellher Kitchin, Claude Kitchin, Wm. W. Kline Lamar	Lee Legare Livingston Lioyd Macon Maynard Padgett Page Patterson, N. C. Patterson, S. C. Pou Pujo Reid Richardson, Ala. Robinson, Ark. Russell Ryan Saunders Shackleford Sheppard	Sherley Sims Small Smith, Ky. Smith, Ky. Southall Sparkman Stephens, Tex Sullivan Taylor, Ala. Thomas, N. C. Underwood Wallace Webb Williams Wilson Zenor

# ANSWERED "PRESENT "-5.

Bartlett	Currier	Grosvenor	Mey
Bell, Ga.			

# NOT VOTING-156.

acheson damson damson damson damson darchfeld dartholdt dartholdt dates dede seidler dennett, Ky. dingham dishop dishop dackburn donynge dowers dower	Calderhead Campbell, Kans. Chaney * Clark, Mo. Clayton Cockran Cole Cooper, Pa. Cousins Curtis Davey, La. Davidson Davis, W. Va. Dickson, Ill. Dixon, Mont. Dresser Dunwell Dwight Fassett Finley Flack Flood Foss	Greene Griggs Hardwick Hearst Hedge Henry, Conn. Hill, Conn. Hogg Holliday Hopkins Hughes Johnson Kennedy, Nebr. Kinkaid Knapp Knopf Lafean Lamb Landis, Chas. B. Law Lawrence Le Fevre Lever	Overstreet, Ind Palmer Pearre Powers Rainey
Bowers Bowie Brantley Brooks, Colo.	Dresser Dunwell Dwight Fassett	Knopf Lafean Lamb Landis, Chas. B.	Nevin Overstreet, Ga. Overstreet, Ind Palmer
Brumm Buckman Burke, Pa.	Flack Flood	Lawrence Le Fevre	Powers Rainey Randell, Tex.
Burleigh Burleson Burton, Del. Burton, Ohio Butler, Pa.	Garber Gardner, N. J. Gilbert Goebel	Lilley, Pa. Lindsay Lorimer McCall	Ransdell, La. Reyburn Rhinock Richardson, Ky Riordan
Butter, Tenn.	Goldfogle	McCarthy	Rixey

Robertson, La. Slemp Stanley Van Winl	
Rodenberg	rth

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. VAN WINKLE with Mr. McDermott.

Mr. WANGER with Mr. ADAMSON.

Mr. Sherman with Mr. Ruppert. Mr. Currier with Mr. Finley.

Until further notice:

Mr. Lilley of Pennsylvania with Mr. Gilbert.

Mr. Morrfll with Mr. Rioedan. Mr. McCall with Mr. Robertson of Louisiana.

Mr. BINGHAM with Mr. COCKRAN. For the 15th and 16th:

Mr. Geosvenor with Mr. Clark of Missouri.

For the day:

Mr. McCreary of Pennsylvania with Mr. Weisse.

Mr. BARCHFELD with Mr. TALBOTT.

Mr. Butler of Pennsylvania with Mr. Bartlett.

Mr. Burton of Delaware with Mr. Bell of Georgia.

Mr. SOUTHWICK with Mr. BURLESON. Mr. Curtis with Mr. Rhinock.

Mr. Dresser with Mr. Hearst.

Mr. WM. ALDEN SMITH with Mr. SULZER.

Mr. Burke of Pennsylvania with Mr. Lindsay.

Mr. Foss with Mr. MEYER.

Mr. TYNDALL with Mr. VAN DUZER.

Mr. Woodyard with Mr. Hardwick. Mr. Reyburn with Mr. Wiley of Alabama.

Mr. SMITH of California with Mr. TRIMBLE.

Mr. TIRRELL with Mr. Towne.

Mr. Wood with Mr. Stanley. Mr. Vreeland with Mr. Spight.

Mr. Thomas of Ohio with Mr. Smith of Maryland. Mr. Samuel W. Smith with Mr. Rucker.

Mr. Powers with Mr. Rixey. Mr. Pearre with Mr. Slayden.

Mr. Mondell with Mr. Richardson of Kentucky.

Mr. MADDEN with Mr. RANDELL of Texas.

Mr. LE FEVRE with Mr. OVERSTREET of Georgia.

Mr. LAWRENCE with Mr. RAINEY.

Mr. LAFEAN with Mr. Moore of Texas.

Mr. KNAPP with Mr. McNARY.

Mr. HOLLIDAY with Mr. McLain. Mr. Fassett with Mr. Moon of Tennessee.

Mr. Dwight with Mr. Lewis.

Mr. Greene with Mr. Johnson.

Mr. Goebel with Mr. Lever.

Mr. Davidson with Mr. Hopkins.

Mr. Cousins with Mr. Lamb.

Mr. CALDERHEAD with Mr. WATKINS. Mr. CAMPBELL of Kansas with Mr. GRIGGS.

Mr. Burleigh with Mr. Goldfogle.

Mr. BRUMM with Mr. GARBER.

Mr. Brooks of Colorado with Mr. Floop. Mr. Bonynge with Mr. Davis of West Virginia.

Mr. Burron of Ohio with Mr. Davey of Louisiana. Mr. Bede with Mr. Clayton.

Mr. Bartholdt with Mr. Butler of Tennessee. Mr. Babcock with Mr. Broussard.

Mr. Andrus with Mr. Brantley.

Mr. Ames with Mr. Bowie.

Mr. Acheson with Mr. Bowers.

Accordingly (at 4 o'clock and 15 minutes p. m.) the House adjourned.

## EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as

A letter from the Acting Secretary of the Treasury, submitting, with the report of a commission appointed to make investigations of certain conditions relative to the United States court-house and post-office in New York City, recommendations for the enlargement of the same—to the Committee on Public Buildings and Grounds, and ordered to be printed.

# REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CUSHMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 23560) to authorize the construction of a bridge across the Columbia River between Benton and Franklin counties, in the State of Washington, by the North Coast Railroad Company, reported the same with amendment, accompanied by a report (No. 6392); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23561) to authorize the construction of a bridge across the Columbia River between Walla Walla and Benton counties, in the State of Washington, by the North Coast Railroad Company, reported the same with amendment, accompanied by a report (No. 6393); which said bill and report were referred to the House Calendar.

Mr. RYAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 23578) to authorize the county of Clay, in the State of Arkansas, to construct a bridge across Black River at or near Bennetts Ferry, in said county and State, reported the same without amendment, accompanied by a report (No. 6394); which said bill and report were referred to the House Calendar.

Mr. BARTHOLDT, from the joint committee under section 25 of act to increase limit of cost of certain public buildings, etc., submitted a report (No. 6396); which said report was ordered to be printed.

Mr. GAINES of West Virginia, from the Committee on Election of President, Vice-President, and Representatives in Congress, to which was referred the bill of the Senate (S. 4563) to prohibit corporations from making money contributions in connection with political elections, reported the same with amendment, accompanied by a report (No. 6397); which said bill and report were referred to the House Calendar.

He also, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 24109) to authorize the Norfolk and Western Railway to construct sundry bridges across the Tug Fork of the Big Sandy River, reported the same without amendment, accompanied by a report (No. 6398); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23383) to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved June 25, 1906, reported the same with amendment, accompanied by a report (No. 6399); which said bill and report were referred to the House Calendar.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the joint resolution of the Senate (S. R. 80) authorizing the Secretary of War to furnish two 3-inch wrought-iron muzzle-loading cannon, with their carriages, limbers, and accessories, to the State of South Dakota, reported the same with amendment, accompanied by a report (No. 6400); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 15437) providing for the donation of condemned cannon to the University of Idaho, reported the same with amendment, accompanied by a report (No. 6401); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 16235) authorizing the Secretary of War to deliver condemned brass field pieces to the city of Petoskey, Mich., reported the same with amendment, accompanied by a report (No. 6402); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution (H. J. Res. 195) authorizing the Secretary of War to furnish two condemned cannon to the mayor of the town of Preston, Iowa, reported the same with amendment, accompanied by a report (No. 6403); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

# REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DAWSON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 19284) for the relief of James Behan, reported the same without amendment, accompanied by a report (No. 6391); which said bill and report were referred to the Private Calendar.

Mr. MARTIN, from the Committee on the Public Lands, to

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 23889) authorizing the Secretary of the Interior to issue deed of conveyance to Lyman Ballou to certain lands in Custer County, S. Dak., reported the same without amendment, accompanied by a report (No. 6395); which said bill and report were referred to the Private Calendar.

# PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WILSON: A bill (H. R. 24271) in relation to the Illinois and Michigan Canal and granting to the State of Illinois all rights, easements, and title of the United States in, to, and into that portion of said canal lying between the upper basin situated in the city of Joliet and Lake Michigan—to the Committee on Interstate and Foreign Commerce.

tee on Interstate and Foreign Commerce.

By Mr. BUCKMAN: A bill (H. R. 24272) permitting the building of a dam across the Mississippi River at or near Pike Rapids, in Morrison County, Minn.—to the Committee on Interstate and Foreign Commerce.

Interstate and Foreign Commerce.

By Mr. MARTIN: A bill (H. R. 24273) for the protection of game animals, birds, and fishes in the Black Hills Forest Reserve of the United States, in the State of South Dakota.—
to the Committee on the Public Lands.

to the Committee on the Public Lands.

By Mr. BOWERSOCK: A bill (H. R. 24274) providing for the appointing and keeping of a deputy marshal and a deputy clerk of the circuit and district courts for the district of Kansas, at Kansas City, Kans.—to the Committee on the Judiciary.

sas, at Kansas City, Kans.—to the Committee on the Judiciary.

By Mr. GRIGGS: A bill (H. R. 24275) permitting the building of a dam across the Flint River at Porter Shoals—to the Committee on Interstate and Foreign Commerce.

Committee on Interstate and Foreign Commerce.

By Mr. DENBY: A bill (H. R. 24276) to amend section 3469 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. FLETCHER: A bill (H. R. 24277) providing for the

By Mr. FLETCHER: A bill (H. R. 24277) providing for the erection of a post-office building in the city of Minneapolis, Minn.—to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 24278) to suspend for a period of five years the duty on structural steel and other necessary building material to be used in the rehabilitation of the stricken cities in the State of California that suffered damage by earthquake or conflagration on April 18, 19, and 20, 1906—to the Committee on Ways and Means.

By Mr. ALLEN of Maine: A bill (H. R. 24279) to appropriate money for the purchase of Cushings Island—to the Committee on Appropriations.

By Mr. SMALL: A bill (H. R. 24280) making an appropriation for the improvement and construction of the inland waterway between Norfolk, Va., and Beaufort Inlet, North Carolina—to the Committee on Rivers and Harbors.

By Mr. HUBBARD: A bill (H. R. 24281) to fix the time of holding circuit and district courts in the northern district of

Iowa—to the Committee on the Judiciary.

By Mr. PEARRE: A bill (H. R. 24282) to provide for the examination and license of all telegraph operators engaged in handling block signals and telegraphic train orders affecting the movement of trains on all railroads engaged in interstate commerce in the United States, and to limit their hours of employment to eight hours in each day of twenty-four hours—to the Committee on Interstate and Foreign Commerce.

By Mr. BUCKMAN: A bill (H. R. 24283) permitting the building of a railway bridge across the Mississippi River, in Morrison County and State of Minnesota—to the Committee on Interstate and Foreign Commerce.

Interstate and Foreign Commerce.

By Mr. PEARRE: A bill (H. R. 24284) for the opening of Warren and Forty-sixth streets NW., in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 24285) to

provide for holding terms of United States courts at Clarksdale,

Miss.—to the Committee on the Judiciary.

By Mr. BRUNDIDGE: A bill (H. R. 24286) to extend the time limit within which the requirements of an act entitled "An act to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the White River, Arkansas, and for other purposes," approved June 26, 1906, may be mplied with—to the Committee on Rivers and Harbors. By Mr. HUGHES: A resolution (H. Res. 759) relating to complied with-

messenger service in the office of disbursing clerk of the House-

to the Committee on Accounts.

By Mr. OVERSTREET of Indiana: A resolution (H. Res. 760) increasing the salary of the Assistant Chief Clerk of the House—to the Committee on Accounts.

By Mr. BUTLER of Pennsylvania: A resolution (H. Res. 761) to pay John J. Cameron, assistant official reporter of the House,

an increase of salary—to the Committee on Accounts.

By Mr. MAHON: A resolution (H. Res. 762) increasing the salary of the assistant in the Clerk's office of the House-to the

Committee on Accounts.

By Mr. LOUDENSLAGER: A resolution (H. Res. 763) providing for the payment, out of the contingent fund, of the sum of \$300 to the messenger to the Chief Clerk of the House-to the Committee on Accounts.

By Mr. CHARLES B. LANDIS: A resolution (H. Res. 764) providing for the printing of 5,000 copies of the pure-food law,

approved June 30, 1906, etc.—to the Committee on Printing.
Also, a joint resolution (H. J. Res. 219) providing for an increase in the number of copies to be printed of the Annual Report of the Comptroller of the Currency-to the Committee on Printing.

By Mr. HILL of Connecticut: A resolution (H. Res. 765) for the relief of Clara Morgan-to the Committee on Accounts.

# PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows

By Mr. AIKEN: A bill (H. R. 24287) granting a pension to

Robert M. Jones—to the Committee on Pensions.

By Mr. ALLEN of Maine: A bill (H. R. 24288) granting an increase of pension to John Gooding-to the Committee on In-

valid Pensions. By Mr. BEALL of Texas: A bill (H. R. 24289) granting an

increase of pension to Margaret E. Hilton-to the Committee on

By Mr. BENNETT of Kentucky: A bill (H. R. 24290) granting an increase of pension to Johnson Everman—to the Commit-

tee on Invalid Pensions. Also, a bill (H. R. 24291) granting an increase of pension to

James A. Fisher-to the Committee on Invalid Pensions. Also, a bill (H. R. 24292) granting an increase of pension to Josiah Paris-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24293) granting an increase of pension to Nancy V. Hubbard—to the Committee on Pensions.

By Mr. BOWERSOCK: A bill (H. R. 24294) granting a pension to D. R. Lamoreau-to the Committee on Invalid Pensions.

By Mr. BURTON of Ohio: A bill (H. R. 24295) granting an increase of pension to George A. James-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24296) granting an increase of pension to J. Otis Richmond-to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 24297) granting an increase of pension to Josiah T. Middleton—to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 24298) granting an increase of pension to William T. Wiley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24299) granting an increase of pension to William B. Doyle—to the Committee on Invalid Pensions. Also, a bill (H. R. 24300) granting a pension to Sadie E. Haw-

thorn—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 24301) granting an increase

of pension to James M. Harman-to the Committee on Invalid

Pensions. Also, a bill (H. R. 24302) granting an increase of pension to

William Inman-to the Committee on Invalid Pensions. Also, a bill (H. R. 24303) granting an increase of pension to

Gillum M. Ezell-to the Committee on Pensions.

Also, a bill (H. R. 24304) granting an increase of pension to Susan W. McClure—to the Committee on Invalid Pensions, By Mr. DE ARMOND: A bill (H. R. 24305) granting an in-

crease of pension to Austin Green—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 24306) granting a pension to Cynthia E. Smith-to the Committee on Invalid Pensions

By Mr. DEEMER: A bill (H. R. 24307) granting an increase of pension to Donaldson Farley-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24308) granting an increase of pension to Lyman Thompson—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 24309) granting an increase of pension to Isaac H. Isaacs-to the Committee on Invalid Pensions

Also, a bill (H. R. 24310) to pay Marshall N. De Long for extra services as an engineer while in the service of the United States—to the Committee on Claims.

Also, a bill (H. R. 24311) to complete the military record of Joshua C. Warrick and granting him an honorable discharge-to the Committee on Military Affairs.

By Mr. DOVENER: A bill (H. R. 24312) granting a pension to Lucinda F. Slater—to the Committee on Invalid Pensions. Also, a bill (H. R. 24313) granting an increase of pension to Horatio N. Peabody—to the Committee on Invalid Pensions.

By Mr. DUNWELL: A bill (H. R. 24314) granting an increase of peusion to James Henderson—to the Committee on

Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 24315) for the relief of the estate of Charles A. Hull, deceased-to the Committee on Claims.

Also, a bill (H. R. 24316) granting a pension to Melvina W. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24317) granting an increase of pension to Charles L. Simmons—to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 24318) granting a pension to Alfred Merrell—to the Committee on Invalid Pensions. By Mr. FLACK: A bill (H. R. 24319) granting a pension to

Abraham Facto-to the Committee on Invalid Pensions. By Mr. FRENCH: A bill (H. R. 24320) granting an increase

of pension to Benjamin F. Boots-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24321) granting an increase of pension to Belah H. Wilcox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24322) granting an increase of pension to Mary C. Brown-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24323) granting an increase of pension to Talcott M. Brown—to the Committee on Pensions.

Also, a bill (H. R. 24324) granting an increase of pension to Eunice E. Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24325) for the relief of T. S. Williams—

to the Committee on the Post-Office and Post-Roads.

By Mr. FULKERSON: A bill (H. R. 24326) granting an increase of pension to Benjamin Malam-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24327) granting an increase of pension to Silas R. Owen-to the Committee on Invalid Pensions.

By Mr. GARBER: A bill (H. R. 24328) granting an increase of pension to Jeremiah M. Martin-to the Committee on Invalid Pensions.

By Mr. GARNER: A bill (H. R. 24329) for the relief of certain persons who sustained injuries in person and property at Brownsville, Tex., on August 13, 1906-to the Committee on

By Mr. HAYES: A bill (H. R. 24330) granting a pension to Betsey E. Higgins—to the Committee on Invalid Pensions. By Mr. HUBBARD: A bill (H. R. 24331) granting an in-

crease of pension to Martin J. P. Jenness-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24332) granting an increase of pension to Leander L. Chapman—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 24333) granting a pension to Beatrice H. Duncan-to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 24334) granting an increase of pension to Emma Case-to the Committee on Invalid Pen-

Also, a bill (H. R. 24335) granting an increase of pension to to the Committee on Invalid Pensions. Mary Mount-

By Mr. McKINNEY: A bill (H. R. 24336) for the relief of Francis H. Connelly-to the Committee on Claims.

By Mr. MADDEN: A bill (H. R. 24337) granting an increase of pension to Francis M. Baker-to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 24338) granting an increase of pension to James M. Gardner-to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 24339) grant-

ing a pension to Margaret Bresnehan-to the Committee en Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 24340) granting an increase of pension to James T. Foster—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 24341) for the relief of the estates of Bolling Gordon and Richard Gordon-to the Committee on War Claims.

By Mr. PARSONS: A bill (H. R. 24342) granting an increase of pension to Edward M. Lee—to the Committee on Invalid Pensions.

By Mr. REID: A bill (H. R. 24343) granting an increase of pension to James M. Haney-to the Committee on Invalid Pen-

By Mr. RICHARDSON of Kentucky: A bill (H. R. 24344) granting an increase of pension to John H. James—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: A bill (H. R. 24345) granting a pension to David Hubert-to the Committee on Invalid Pensions.

By Mr. SAMUEL: A bill (H. R. 24346) granting an increase of pension to Jonathan Rumberger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24347) granting an increase of pension to Jacob B. Getter-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24348) granting an increase of pension to Smith Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24349) granting an increase of pension to Mary Jane Schreyer-to the Committee on Invalid Pensions.

By Mr. SHARTEL: A bill (H. R. 24350) granting right to Peter McMillen and Lewis L. Allen to sue in Court of Claims to the Committee on Claims.

By Mr. SHERLEY: A bill (H. R. 24351) granting an increase of pension to Andrew Krakel-to the Committee on Invalid Pen-

By Mr. TAWNEY: A bill (H. R. 24352) granting an increase of pension to Archibald Bamber—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: A bill (H. R. 24353) granting an increase of pension to DeWitt C. Carpenter—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 24354) granting a pension to Harriet M. Wandell—to the Committee on Invalid Pensions.

By Mr. WASHBURN: A bill (H. R. 24355) granting a pension to Mary O. Learned—to the Committee on Invalid Pen-

By Mr. WEBB: A bill (H. R. 24356) for the relief of W. J. Roberts-to the Committee on Military Affairs.

By Mr. WEEKS: A bill (H. R. 24357) to correct the naval rec-

ord of Edgar F. Crawford—to the Committee on Naval Affairs. By Mr. WILEY of Alabama: A bill (H. R. 24358) granting an increase of pension to John R. Cauley-to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 24359) for the relief of Mrs. Mary S. Miller and Charles E. Bullock, heirs of J. L. W. Bullock, deceased—to the Committee on War Claims.

By Mr. ZENOR (by request): A bill (H. R. 24360) granting an increase of pension to Jeremiah F. Pittman—to the Committee on Invalid Pensions.

# CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 20320) granting an increase of pension to Charles Hussey—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 23453) granting an increase of pension to Margaret T. Everly-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24146) for the relief of John H. Butman-Committee on Invalid Pensions discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 24188) granting an increase of pension to Samuel Moore-Committee on Invalid Pensions discharged, and referred

to the Committee on Pensions. A bill (H. R. 24191) for the relief of Leonard Keeling-Committee on Invalid Pensions discharged, and referred to the Com-

mittee on Military Affairs.

A bill (H. R. 24200) to remove the charge of desertion standing against Jerry Fritts-Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 1362) granting an increase of pension to Simon

Olsen—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9768) granting an increase of pension to Mary H. Stacy-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18104) granting a pension to Wesley Duncan-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23981) granting an increase of pension to Sarah Elizabeth Fuller-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23984) granting an increase of pension to Jacob Miller-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

# PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of West End Business Men's Association, of St. Louis, against action of Rivers and Harbors Committee relative to request for hearing-to the Committee on Rivers and Harbors.

Also, petition of Washington National Monument Society, for appropriation to pave around the Monument-to the Committee on Appropriations.

By Mr. ALLEN of New Jersey: Petition of the Dilliston Lumber Company, Paterson, N. J., for extension of waterways of the country, and particularly for deepening of the Passaic River from Newark Bay to Paterson, N. J.—to the Committee on Rivers and Harbors.

Also, petition of State Camp of New York, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. BANNON: Papers to accompany bill H. R. 23952, granting an increase of pension to Hiram N. Wallace-to the Committee on Invalid Pensions.

By Mr. BATES: Petition of Evan D. Evans, of Erie, Pa.,

against amendment to copyright bill-to the Committee on Patents.

By Mr. BEALL of Texas: Paper to accompany bill for relief of Margaret E. Hilton-to the Committee on Pensions.

Also, petition of Texas Baptist Herald, against tariff on lino-type machines—to the Committee on Ways and Means.

By Mr. BELL of Georgia: Petition of 73 citizens of Dahlonega, Ga., to accompany bill H. R. 24117—to the Committee on Coinage, Weights, and Measures.

Also, paper to accompany bill for relief of Sarah L. Bowen-to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of James W. Fisher-to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of S. S. Woodman, favoring restriction of immigration (S. 4403)-to the Committee on Immigration and Naturalization.

By Mr. DAWSON: Petition of Tri-City Labor Congress, of ock Island and Moline, Ill., and Davenport, Iowa, for House bill 17562, for investigation of women and child workers of United States—to the Committee on Labor.

By Mr. DOVENER: Paper to accompany bill for relief of Mary A. Biggs—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of heirs of Lucinda Mure Thomas—to the Committee on Claims.

By Mr. FLOYD: Paper to accompany bill for relief of Ben Mahuren—to the Committee on Claims. Also, paper to accompany bill for relief of Leonard Keeling-to

the Committee on Military Affairs.

By Mr. FULLER: Petition of Publishers' League of New York City, against tariff on linotype machines—to the Com-mittee on Ways and Means.

Also, petition of Illinois State Teachers' Association, for simplified spelling-to the Committee on Revision of Laws.

Also, petition of Pennsylvania State Camp, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Ella C. Washburnto the Committee on Invalid Pensions.

Also, petition of Charles K. Harris, for Senate bill 6330, relative to copyright of musical compositions—to the Committee on Patents.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of Eliza P. Wilson—to the Committee on War Claims.

By Mr. GARNER: Paper to accompany bill for relief of William Davis—to the Committee on Pensions.

Also, paper to accompany bill for relief of certain persons who sustained injury in person and property at Brownsville, Tex., August 13, 1906-to the Committee on Claims.

By Mr. GOULDEN: Petition of Joseph Shaffner, Westchester, Y., and 60 citizens of Westchester, N. Y., for improvement of Westchester Creek, New York Harbor-to the Committee on Rivers and Harbors.

By Mr. GRAFF: Petition of State Grange of Illinois, Patrons of Husbandry, against ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of State Grange of Illinois, Patrons of Husbandry, for free trade with Canada-to the Committee on Ways and Means.

Also, petition of Illinois State Grange, Patrons of Husbandry,

against free seeds—to the Committee on Agriculture.

Also, petition of Illinois State Grange, Patrons of Husbandry, against parcels-post law-to the Committee on the Post-Office and Post-Roads.

Also, petition of Illinois State Grange, Patrons of Husbandry, for deep waterways, via Illinois and Mississippi River, from Lakes to Gulf-to the Committee on Rivers and Harbors.

Also, petition of State Grange of Illinois, Patrons of Husbandry, for constitutional amendment providing for election of Senators by direct vote of people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, petition of State Grange of Illinois, Patrons of Husbandry, for postal-savings bank-to the Committee on the Post-Office and Post-Roads.

By Mr. GUDGER: Petition of the Asheville Citizen and the Asheville Gazette-News, against tariff on linotype machines to the Committee on Ways and Means.

Also, petition of Blue Ridge Lodge, No. 455, Southern Railway, Asheville, N. C., against the sixteen-hour bill-to the Committee on Interstate and Foreign Commerce.

By Mr. HARDWICK: Paper to accompany bill for relief of John Loughmiller-to the Committee on Invalid Pensions.

By Mr. HAYES: Paper to accompany bill for relief of Betsey E. Higgins—to the Committee on Invalid Pensions.

Also, petition of L. E. Thurston et al., citizens of San Jose, Cal., against employment of Asiatic coolies in Panama Zone—

to the Committee on Labor.

By Mr. HERMANN: Petition of Kennewick Commercial Club, State of Washington, for improvement of Columbia River-to the Committee on Rivers and Harbors.

By Mr. HOPKINS: Paper to accompany bill for relief of

H. D. Coombs—to the Committee on Pensions.

By Mr. HUBBARD: Petition of Sioux City Stock Exchange, favoring the reciprocity demurrage bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HUNT: Petition of T. S. Beeler Lodge, No. 19, Brook-

field, Mo., for the sixteen-hour bill-to the Committee on Inter-

state and Foreign Commerce.

Also, petition of West End Business Men's Association, St. Louis, against action of River and Harbor Committee relative to request for hearing—to the Committee on Rivers and Harbors.

Also, petition of general protective board, Brotherhood of Lo-comotive Firemen and Engineers, Union Pacific system, Cheyenne, Wyo., against passage of sixteen-hour bill—to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY of Nebraska: Petition of Western Fruit Jobbers' Association, for an annual appropriation of \$50,000,000 for rivers and harbors generally and specifically for improve-ment of Missouri River—to the Committee on River and Har-

By Mr. KLINE: Petition of Alexander Hamilton Council, No. 28, Daughters of America; Alburtis Council, No. 1014; Jordan Council, No. 746; New Tripoli Council, No. 204, and Charles A. Gerasch Council, No. 1004, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)-to the Committee on Immigration and Naturalization,

Also, petition of the Labor Advocate, Reading, Pa., against tariff on linotype machines-to the Committee on Ways and Means.

By Mr. LEVER: Paper to accompany bill for relief of Elizabeth Hodge—to the Committee on Pensions.

By Mr. LLOYD: Petition of women of Palmyra, for the Crane bill to establish children's bureau—to the Committee on Education.

By Mr. LOUDENSLAGER: Petition of State Federation of Women's Clubs of New Jersey, for Senate bill to inquire into status of child labor in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Wenonah, N. J., for the McCumber-Sperry-Tirrell bill-to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Democrat, Camden, N. J., against tariff

on linotype machines—to the Committee on Ways and Means.
Also, petition of Monday Afternoon Club, Passaic, N. J., for forest-reservation legislation—to the Committee on Agriculture. By Mr. LOWDEN: Petition of National Business League, for conservation of the public lands—to the Committee on the Public Lands.

Also, petition of National Business League, for consular improvement-to the Committee on Foreign Affairs,

By Mr. MOON of Tennessee: Paper to accompany bill for re-

lief of James T. Foster—to the Committee on Invalid Pensions, By Mr. NEEDHAM: Petition of the Daily Register, against tariff on linotype machines-to the Committee on Ways and Means

By Mr. OVERSTREET of Indiana: Papers relative to postal savings bank of Great Britain-to the Committee on Foreign

By Mr. PADGETT: Paper to accompany bill for relief of Richard Gordon and Boling Gordon-to the Committee on War Claims

By Mr. PAYNE: Petition of citizens of Auburn, N. Y., favoring passage of Littlefield bill, relative to interstate transportation of liquor-to the Committee on the Judiciary.

By Mr. PEARRE: Papers to accompany a bill to amend sections 190, 193, and 194 of the Code of Law for the District of Columbia, relative to coroner and inquisitions before him—to the Committee on the District of Columbia.

By Mr. SHERMAN: Petition of Carl K. Frey, Utica, N. Y.,

against certain proposed amendments to copyright law-to the Committee on Patents.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of William P. Routt-to the Committee on Invalid Pensions.

By Mr. RANDELL of Texas: Petition of Denison Board of Trade, for improvement of upper Red River—to the Committee on Rivers and Harbors.

By Mr. ROBINSON of Arkansas: Petition of George W. Know et al., of Monticello, Ark., for legislation to increase efficiency of personnel of the Navy—to the Committee on Naval

Also, petition of D. C. Butler et al., of Malvern, Ark., for appropriation of \$50,000 for cotton farm demonstration—to the Committee on Agriculture.

Also, paper to accompany bill for relief of James C. Minorto the Committee on War Claims.

By Mr. STAFFORD: Petition of New Immigration Protective League, against Lodge-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. TAWNEY: Papers and affidavits to accompany bill granting an increase of pension to Archibald Bember-to the Committee on Invalid Pensions.

By Mr. WALLACE: Paper to accompany bill for relief of Harry E. Couriney—to the Committee on War Claims.

By Mr. WHARTON: Petition of Adolph C. Hottenroth et al.,

for immediate amendment of currency law-to the Committee on Banking and Currency.

By Mr. WILEY: Paper to accompany bill for relief of Charles Hussey—to the Committee on Invalid Pensions.

By Mr. ZENOR: Paper to accompany bill for relief of George W. Bogle-to the Committee on Invalid Pensions.

# SENATE.

# Wednesday, January 16, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE. The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Gallinger, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

## HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary :

H. R. 9976. An act to provide for the appointment of an aidditional district judge in and for the southern district of the State of Ohio; and

H. R. 20990. An act to create a new division of the southern judicial district of Iowa and to provide for terms of court at Ottumwa, Iowa, and for a clerk for said court, and for other purposes

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 17624. An act to amend an act entitled "An act to amend section 4405 of the Revised Statutes of the United States," approved March 3, 1905;

H. R. 23218. An act to authorize the Kentucky and West Vir-11. R. 23218. An act to authorize the Kentucky and West Virginia Bridge Company to construct a bridge across the Tug Fork of Big Sandy River at or near Williamson, in Mingo County, W. Va., to a point on the east side of said river, in Pike County, Ky.; and
H. R. 23219. An act to authorize Majestic Collieries Company, of Eckman, W. Va., to construct a bridge across Tug Fork of Big Sandy River about 2½ miles west of Devon, W. Va., a station on the Norfolk and Western Railway.

The following bills were saverally read twice by their titles.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

H. R. 19568. An act vacating Alexander place and Poplar street in the subdivision of a part of a tract called Lincoln, D. C., and vesting title in the present owner;

H. R. 23201. An act to amend the act approved March-1, 1905, entitled "An act to amend section 4 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia, approved February 28, 1901;" and

H. R. 23556. An act prohibiting the purchase or procurement, sale, gift, or disposition of intoxicating liquors to minors by unlicensed persons.

H. R. 24047. An act to authorize Chapter No. 376 of the Daughters of the American Revolution to erect a fountain on the property of the United States at Paducah, Ky., was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

#### HOT SPRINGS RESERVE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting the draft of an item of proposed legislation authorizing the Secretary of the Interior, with the consent of the Indians of the Shoshone Reservation, to lease the Hot Springs Reserve on that reservation for a term not exceeding twenty-five years for the purpose of erecting a sanitarium, etc.; which was referred to the Committee on Indian Affairs, and ordered to be printed.

#### DEPARTMENT OF STATE MAIL MATTER.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, a record of all mail matter entered by the Department of State at the Washington City post-office under the penalty privilege from July 1 to December 31, 1906; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

# FOREST RESERVE IN INDIAN TERRITORY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting certain information relative to the area desirable for a forest reserve in the southeastern Indian Territory, and requesting that authorization be given the Department to enter into negotiations with the Choctaw tribe of Indians looking to the acquisition of the unallotted land desirable for a forest reserve, etc.; which, with the accompanying papers and illustrations, was referred to the Committee on Indian Affairs, and ordered to be printed.

# MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 81) authorizing temporary leaves of absence for homestead settlers, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

H. R. 23718. An act to authorize the Chicago, Lake Shore and South Bend Railway Company to construct a bridge across the Calumet River in the State of Indiana; and

H. J. Res. 190. Joint resolution extending protection of second proviso of section 1 of the act of December 21, 1904, to certain entrymen.

# ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President: S. 10. An act granting an increase of pension to Roswell

Prescott:

S. 123. An act granting an increase of pension to William M. Morgan;

S. 480. An act granting an increase of pension to Silas A. Reynolds;

S. 677. An act granting an increase of pension to Albert G. Peabody, jr.; S. 679. An act granting an increase of pension to Thomas

S. 768. An act granting an increase of pension to William H. Rhoads:

S. 771. An act granting an increase of pension to Samuel G. Kreidler;

S. 774. An act granting an increase of pension to August Krueger;

S. 831. An act granting an increase of pension to Isaac G. S. 1240. An act granting an increase of pension to Dana W.

Hartshorn S. 1257. An act granting an increase of pension to Patrick

O'Day

S. 1347. An act granting a pension to Martha W. Pollard; S. 1493. An act granting an increase of pension to Cathrin Huff; S. 1857. An act granting an increase of pension to William

Vantilburgh;

S. 1891. An act granting an increase of pension to Charles F. M. Morgan; S. 1941. An act granting an increase of pension to Elvira A.

S. 2249. An act granting an increase of pension to George W.

Smith: S. 2541. An act granting an increase of pension to Thomas W. Murray;

S. 2563. An act granting a pension to Isaac Carter; S. 2643. An act granting an increase of pension to James H.

Thrasher S. 2669. An act granting an increase of pension to Winfield S.

Ramsay; S. 2734. An act granting an increase of pension to John R.

S. 2737. An act granting an increase of pension to Benjamin

S. 2749. An act granting an increase of pension to John H.

S. 2794. An act granting an increase of pension to John H. Allison: S. 3220. An act granting an increase of pension to Wilbur H.

Clark; S. 3221. An act granting an increase of pension to Robert

Mills: S. 3671. An act granting an increase of pension to Louis Castinette

S. 3763. An act granting an increase of pension to Mary A. Baker

S. 3767. An act granting an increase of pension to Samuel Turner: S. 3931. An act granting an increase of pension to Fanny A.

Pearsons; S. 4032. An act granting an increase of pension to Solomon

Craighton; S. 4053. An act granting an increase of pension to William A.

S. 4127. An act granting an increase of pension to Samuel

S. 4389. An act granting an increase of pension to Florence B. . Plato;

S. 4406. An act granting an increase of pension to Susan N. Fowler

S. 4510. An act granting an increase of pension to Rufus C. Allen:

S. 4542. An act granting an increase of pension to Aaron Daniels S. 4771. A act granting an increase of pension to George R.

Turner; S. 4772. An act granting an increase of pension to Gertrude McNeil:

S. 4894. An act granting an increase of pension to Robert Ramsey

S. 4909. An act granting an increase of pension to Louis Sidel; S. 4979. An act granting an increase of pension to Don C. Smith:

S. 5001. An act granting an increase of pension to Louis A. Baird:

S. 5067. An act granting an increase of pension to Martin Schultz:

S. 5073. An act granting an increase of pension to Daniel G. Smith:

S. 5084. An act granting a pension to John W. Connell;

S. 5138. An act granting a pension to Jane Metts;

S. 5156. An act granting an increase of pension to Granville F. North;

S. 5176. An act granting an increase of pension to Lewis C. Janes;

S. 5443. An act granting an increase of pension James D. Merrill;

S. 5493. An act granting an increase of pension to Marcus Wood;

S. 5502. An act granting an increase of pension to John B. Coyle;

S. 5573. An act granting an increase of pension to Gustavus A. Thompson;

S. 5599. An act granting an increase of pension to Dennis Flaherty;

S. 5685. An act granting an increase of pension to James M. Jenkins;

S. 5693. An act granting an increase of pension to Margaret L. Houlihan;

S. 5725. An act granting an increase of pension to Alonzo S. Prather;

S. 5727. An act granting an increase of pension to Lucius Rumrill:

S. 5740. An act granting an increase of pension to Jared Ayer; S. 5741. An act granting an increase of pension to Amelia M. Hawes:

S. 5771. An act granting a pension to Mary E. Thompson;

S. 5823. An act granting an increase of pension to Nelson Virgin;

S. 5826. An act granting an increase of pension to Isaac C. Phillips;

S. 5892. An act granting an increase of pension to Daniel W. Redfield;

S. 5963. An act granting an increase of pension to James Reed:

S. 5980. An act granting an increase of pension to Jacob Smith;

S. 6001. An act granting an increase of pension to Emily Killian;

S. 6005. An act granting an increase of pension to John G. Bridaham;

S. 6008. An act granting an increase of pension to Joseph Lamont;

S. 6019. An act granting a pension to Harriet O'Donald;

S. 6035. An act granting an increase of pension to John Fox; S. 6051. An act granting an increase of pension to Mary A. Duncan:

S. 6052. An act granting an increase of pension to William E. Redmond;

S. 6131. An act granting an increase of pension to Frances A. Jepson;

A. Jepson; S. 6163. An act granting an increase of pension to William

H. Westcott; S. 6168. An act granting an increase of pension to James L.

Estlow; S. 6203. An act granting an increase of pension to Francis W. Crommett:

S. 6230. An act granting an increase of pension to Nellie

Paxton; S. 6232. An act granting an increase of pension to John L.

Anthony; S. 6238. An act granting an increase of pension to Hugh S.

Strain; S. 6239. An act granting an increase of pension to Kate M.

Miner; S. 6250. An act granting an increase of pension to Alice G.

S. 6266. An act granting an increase of pension to Paul

S. 6207. An act granting an increase of pension to Denis A. Manning;

S. 6347. An act granting an increase of pension to Edward R. Cunningham;

S. 6353. An act granting an increase of pension to Dolores S. Foster;

S. 6367. An act granting an increase of pension to Joseph Johnston; S. 6368. An act granting an increase of pension to Sherrod

Hamilton; S. 6429. An act granting an increase of pension to Mary L.

Beardsley; S. 6438. An act granting an increase of pension to Martha I

S. 6438. An act granting an increase of pension to Martha J. Haller;

S. 6466. An act granting an increase of pension to Samuel Moser;

S. 6485. An act granting an increase of pension to Samuel Cook;

S. 6505. An act granting an increase of pension to Theodore M. Benton;

S. 6506. An act granting an increase of pension to Henry Z. Bowman;

S. 6514. An act granting an increase of pension to Alfred A. Stocker;

S. 6537. An act granting an increase of pension to William Eppinger;

S. 6538. An act granting an increase of pension to Betsey A. Hodges;

S. 6558. An act granting an increase of pension to Samuel A. Pearce;

S. 6560. An act granting an increase of pension to Reuben D. Dodge;

S: 6561. An act granting an increase of pension to George W. Blair;

S. 6568. An act granting an increase of pension to Wilbur F. Hodge:

S. 6560. An act granting an increase of pension to George Porter:

S. 6572. An act granting an increase of pension to Aaron L. Roberts;

S. 6574. An act granting an increase of pension to Maria H. Waggoner;

S. 6576. An act granting an increase of pension to Michael Meyers;

S. 6579. An act granting an increase of pension to Ezekiel Morrill;

S. 6580. An act granting an increase of pension to Ella B. Green;

S. 6581. An act granting an increase of pension to Joseph W. Lowell;

S. 6583. An act granting an increase of pension to Abram P. Colby;

S. 6585. An act granting an increase of pension to Amos Ham; S. 6586. An act granting an increase of pension to Wesley J. Ladd:

S. 6591. An act granting an increase of pension to Henry Campbell;

S. 6596. An act granting an increase of pension to Cyrus W. Cobb; S. 6597. An act granting an increase of pension to Frank H.

Read; S. 6631. An act granting an increase of pension to George W.

Hodgman; S. 6632. An act granting an increase of pension to William Davis:

S. 6636. An act granting an increase of pension to Andrew J. Grover:

S. 6645. An act granting an increase of pension to Timothy C. Stilwell;

S. 6650. An act granting an increase of pension to John A. McGinty;

S. 6705. An act granting an increase of pension to Holmes Clayton; S. 6707. An act granting an increase of pension to Stephen E.

Lemon; S. 6709. An act granting an increase of pension to Samuel Shawyer:

S. 6712. An act granting an increase of pension to Orin Ingram:

S. 6714. An act granting an increase of pension to Joseph Bolshaw;

S. 6717. An act granting an increase of pension to Manasa T. Houser;

S. 6718. An act granting an increase of pension to Augustus L. Holbrook;

S. 6723. An act granting an increase of pension to Agusta P. Morgan;
S. 6767. An act granting an increase of pension to John C.

S. 6767. An act granting an increase of pension to John C. Brown;

S. 6814. An act granting a pension to Alice Bosworth; S. 6819. An act granting an increase of pension to Nelson

Bigalow; S. 6821. An act granting an increase of pension to Jonathan

M. Adams; S. 6822. An act granting an increase of pension to Christopher

Christopherson; S. 6824. An act granting an increase of pension to Byron Can-

field; S, 6825. An act granting an increase of pension to Thomas M.

Roberts; S. 6826. An act granting an increase of pension to Jacob

Turner; S. 6829. An act granting an increase of pension to Thomas P. Cheney;

S. 6855. An act to amend the act approved August 19, 1890,

entitled "An act to adopt regulations for preventing collisions

S. 6881. An act granting an increase of pension to Jefferson Rush .

S. 6882. An act granting an increase of pension to Elisha H. Stephens;

S. 6883. An act granting an increase of pension to Thomas W. White:

S. 6885. An act granting an increase of pension to William H. Anderson:

S. 6942. An act granting an increase of pension to William B.

S. 6978. An act granting an increase of pension to Samuel Jackson:

S. 6997. An act granting an increase of pension to William

Kennedy; S. 7065. An act granting an increase of pension to Lovisa

S. 7077. An act granting an increase of pension to Mary E. Hattan:

S. 7160. An act granting an increase of pension to Kate

Myers; and S. R. 76. Joint resolution providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C.

# PETITIONS AND MEMORIALS.

Mr. CLARK of Wyoming. I present a memorial adopted by the constitutional convention of the proposed State of Oklahoma, concerning the removal of restrictions upon Indian lands. I ask that the memorial be read and referred to the Committee on Indian Affairs.

There being no objection, the memorial was read, and referred to the Committee on Indian Affairs, as follows:

Memorial by the constitutional convention of the proposed State of Oklahoma concerning removal of restrictions upon Indian lands, in-troduced by Hon. O. P. Brewer, district 77, on the 8th day of Janu-ary, A. D. 1907, and adopted by unanimous vote of the convention. CERTIFICATE.

I hereby certify that the within memorial was introduced and passed by the constitutional convention on the date and in the manner above stated. MEMORIAL.

JNO. M. YOUNG, Secretary.

MEMORIAL.

To the President of the United States and to the Senate and House of Representatives in Congress assembled:

We, the representative delegates of the people of Oklahoma and Indian Territory in constitutional convention assembled, respectfully request that the restrictions imposed upon the sale and lease of lands allotted to and held by citizens of the United States in the proposed State of Oklahoma, whether of Indian blood or not, full-blood homesteads excepted, be removed without delay, as a necessary means to the development of our State and the development and welfare of our citizens of Indian blood.

WM. H. Murray President

WM. H. MURRAY, President.

JNO. M. YOUNG, Secretary.

Mr. CLARK of Wyoming. I present a memorial adopted by the constitutional convention of the proposed State of Oklahoma, relative to forest reserve in the Indian Territory. that the memorial be read and referred to the Committee on Indian Affairs.

There being no objection, the memorial was read, and referred to the Committee on Indian Affairs, as follows:

Memorial by the constitutional convention of the proposed State of Oklahoma, relating to forest reserve in the Indian Territory, introduced by Hon. Gabe E. Parker, district 109, on the 10th day of January, A. D. 1907, and referred to committee on coal, oil, gas, and lumber lands. Reported favorably by committee on the 11th day of January, A. D. 1907, and adopted by unanimous vote.

CERTIFICATE.

I hereby certify that the within memorial was introduced and passed by the constitutional convention on the date and in the manner above stated.

JNO. M. YOUNG, Secretary.

MEMORIAL.

To the President of the United States, and to the Senate and House of Representatives in Congress assembled:

Representatives in Congress assembled:

We, the representatives and delegates of the people of Oklahoma, in constitutional convention assembled, respectfully request that the order of the honorable Secretary of the Interior, setting aside a forest reserve in the eastern portion of the proposed State of Oklahoma, be set aside and not confirmed. Such reserve would be injurious to the welfare of this State and would be harmful to those citizens of the United States who are the owners of this entire property.

WM. H. Murray, President.

Attest: JNO. M. YOUNG, Secretary.

Mr. GALLINGER presented a petition of the Petworth Citizens' Association, of Washington, D. C., praying for the enactment of legislation to reduce the price of gas in the District of Columbia to 75 cents per 1,000 feet; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Meredith,

N. H., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

He also (for Mr. Burnham) presented petitions of Rev. Virgil V. Johnson, of Claremont; of F. A. Hawley, of Manchester, and of J. C. Robbins, of Concord, all in the State of New Hampshire, praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

Mr. MILLARD presented a memorial of sundry citizens of Platte County, Nebr., remonstrating against the enactment of legislation to further restrict immigration; which was referred to the Committee on Immigration.

Mr. PILES presented a petition of sundry citizens of Seattle. Wash., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. DICK presented a petition of 77 members of the constitutional convention of Oklahoma Territory, praying for the enactment of legislation to legalize an act of the Oklahoma legislature making an appropriation of \$25,000 for the repair of buildings and grounds and for the care of the insane of that Territory at Fort Supply; which was referred to the Committee on Territories,

Mr. DUBOIS presented a memorial of the Hardware Implement Dealers' Association of Idaho, remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TELLER presented petitions of Local Union No. 73, of Team Owners' Union No. 1, of the Mill Men's Union No. 528, of the Shirt Waist and Laundry Workers' Union, of the Bindery Women's Local Union No. 58, of the Journeymen Cooks' Union, of the Amalgamated Sheet Metal Workers' Union, No. 9, of the Building Trades Council, of the Pattern Makers' Union, and of the Hoisting Engineers' Union No. 323, all of the American Federation of Labor, of Denver, in the State of Colorado, praying for the enactment of legislation to extend the provisions of the present Chinese-exclusion law so as to include Japanese and Koreans; which were referred to the Committee on Immigration.

Mr. RAYNER presented a petition of sundry citizens of Wenona, Md., praying for the enactment of legislation providing for the transportation through the mails, free of postage, of all reading matter for the blind; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DANIEL presented the petition of Edgar S. Snipes, of Conley, Va., praying for an investigation into the existing condition in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Copper River Valley Railway Company, of the State of Washington, remonstrating against the enactment of legislation to aid in the construction of a railroad, telegraph, and telephone line in the district of Alaska; which was referred to the Committee on Territories.

Mr. ANKENY presented a memorial of sundry citizens of

North Yakima, Wash., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

# REPORTS OF COMMITTEES.

Mr. KNOX, from the Committee on Patents, to whom was referred the bill (S. 7676) to amend section 4919 of the Revised Statutes of the United States, to provide additional protection for owners of patents of the United States, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 7270) to establish a fish-hatching and fish-culture station at Dell Rapids, S. Dak., asked to be discharged from its further consideration, and that it be referred to the Committee on Fisheries; which was agreed to.

# THE FIVE CIVILIZED TRIBES.

Mr. CLARK of Wyoming. I ask leave to submit a partial report from the select committee appointed to investigate affairs connected with the Five Civilized Tribes. I ask that the report be printed in the RECORD; that the report and the testimony be printed as one publication, and that the report be printed separately, and that report and testimony be referred to the Committee on Indian Affairs. Inasmuch as the committee has not yet arrived at a conclusion as to some matters, I ask that it may be permitted later to report further.

The VICE-PRESIDENT. Without objection, such permission

is granted, and the report and accompanying testimony will be printed as desired.

The report is as follows:

is granted, and the report and accompanying testimony will be printed as desired.

The report is as follows:

The select committee appointed under the provisions of Senate resolution of June 30, 1906, to investigate all matters connected with the control of June 30, 1906, to investigate all matters connected with the control of June 30, 1906, to investigate all matters connected with the cate entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes" and kindred matters in said Territory, begs leave to submit the following partial report:

On June 30, 1906, the Senate of the United States authorized the senate resolution as follows:

"Resolved, That a select committee, consisting of five Senators, under a sponing to fully investigate all matters connected with the condition of affairs in the Indian Territory in relation to legislation included in of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906, and kindred matters in said Territory with reference to the Five Civilized Tribes, and that said committee be authorized to employ a stenographer to report its hearings and all necessary of Washington and in the Indian Territory or elsewhere, as circumstances may demand, with power to send for persons and papers and to administer oats, and shall make full and complete report, to gether with their conclusions and recommendations, to the Senate of mecessary expenses of said committee shall be paid out of the control may be administer oats, and shall make full and complete report, to gether with their conclusions and recommendations, to the Senate of mecessary expenses of said committee shall be paid out of the continuent of the Senate."

Under said resolution the President of the Senate appointed said committee, as follows: Senator C. D. Clark, Wyoning, chairman; connecticut; Senator H. M. Tellers, Colorado; Senator W. A. Clark, Montan.

The committee organized at Denver, Colo., on August 10, 1906, and on November 12, 1906, met a

# THE SEGREGATED COAL AND ASPHALT LANDS.

By act of Congress approved July 1, 1902, it was provided, among other things, that the Secretary of the Interior should cause to be segregated coal and asphalt lands in the Choctaw and Chickasaw nations not to exceed in extent 500,000 acres, the same to be sold for cash under terms and conditions as provided in said act. Proceeding under the provisions of that law the Secretary of the Interior caused thus to be segregated from allotment 444,983 acres, and duly caused the improvements upon the surface of said lands to be appraised. Included within this segregation were lands under lease to different persons and corporations to the extent of 100,280 acres, each of said leases having an unexpired term of twenty years and upward to run. Under the provisions of said act of Congress the Secretary of the Interior caused full information to be published and offered said segregated lands for sale in the year 1904. None of the bids received, however, for one or more tracts was acceptable to the Secretary of the Interior, and none was accepted.

By said act of July 1, 1902, the authority to lease any of the un-

leased lands within said segregation was withdrawn, and under the act of April 26, 1906, it was provided that all said lands, whether leased or unleased, should be reserved from sale until the existing leases for coal and asphalt lands should have expired or until such time as might be otherwise provided by law. Under these several acts of Congress, therefore, this land stands segregated from allotment, but no authority in the Secretary of the Interior or elsewhere to make new leases or to sell the said coal land without a further act of Congress is given.

The present revenue, under leases now in operation, which is used for school purposes by the Choctaw and Chickasaw nations, amounts to about \$250,000 per annum upon a royalty of 8 cents per ton, mine run. The committee, in its investigation, sought diligently, by personal observation and by soliciting information, both from interested and disinterested sources, to ascertain the value of these lands. Special attention was paid this inquiry because of exaggerated views that have found expression in regard not only to the value of the land per acre, but to the extent and quality of the actual producing coal lands included in said segregation. There will be found in exhibits attached to this report estimates placed upon the land from experts connected with the operation of certain portions of the land under lease, from the United States inspector of mines for Indian Territory, from the Director of the United States Geological Survey, and others connected with that Bureau, from the Secretary of the Interior, himself an owner and operator of large tracts of coal lands, and from many others well informed on the subject; and from all the evidence and statements thus submitted, while the committee is unable to arrive at a definite price per acre which might be considered the fair value of all the land, it may be reasonably said that the entire value of the said segregation per acre, for the mineral rights alone, and the necessary surface for outside workings may be s

near future.

The best evidence obtainable shows that a considerable portion of the surface of the segregated lands is suitable for agricultural purposes and at a fair valuation worth from \$10 to \$15 per acre.

Two ways have been submitted for the disposal of the lands:
First. An outright sale under the direction of the Secretary of the Interior to the highest bidder, in such tracts as the bidder may desire.

Second. The sale of the surface of said land, reserving the mineral rights thereto, to individual settlers in small tracts for farming purposes, and the sale of the mineral rights in such tracts and under such terms and conditions as might be approved by the Secretary of the Interior.

rights thereto, to individual settlers in small tracts for farming purposes, and the sale of the mineral rights in such tracts and under such terms and conditions as might be approved by the Secretary of the Interior.

It is the insistent opinion of the authorities of the Choctaw and Chickasaw nations, and of the great majority of the Indians themselves, having interests in common in said tract, that the lands should be disposed of in such a manner as to bring the greatest possible price, and at an early date, and the opinion of the nations themselves seems to be that this purpose could be best accomplished by sale outright of the surface and mineral rights without separation and in one transaction. The committee is not of opinion, however, that this course would result in obtaining the greatest price or would be for the ultimate best interests either of the tribes or of the individual members thereof or for the general public good.

In the vicinity of these lands and in many cases upon the lands are towns of considerable importance, and it is clearly apparent that the surface of the segregation, much of which is first-class farming land, should, as early as is possible, pass into individual ownership. The interests of the Indians, the necessities of the new State, and many other considerations seem to demand that this be done; but as to the mineral rights the same necessity does not exist. Indeed, in the judgment of the committee, the time is not now propitious for a final decision as to the disposition of these mineral rights. A fair income is now being derived from present leasing operation, and except for the advisability of closing up as early as practicable the community affairs of the Choctaw and Chickasaw nations, no necessity exists for action in the near future as to the disposal of these lands, so far as the mineral rights are concerned.

It has been presented to the committee that there has been appointed by the State of Oklahoma, within whose boundaries the lands will fall, and that such committee

REMOVAL OF RESTRICTIONS.

REMOVAL OF RESTRICTIONS.

By the act of March 3, 1901, all Indians in Indian Territory were made citizens of the United States. The Indian tribes had title to these lands by patents from the United States. These lands were occupied in common by the members of the respective tribes. By the supplemental agreements made in 1902, these Indians agreed to take their lands in severalty upon condition that they could alienate their allotments within a certain period, which differed in the several tribes. We believe that Congress might shorten this period and permit alienation at an earlier date.

Congress by the act of April 21, 1904, removed the restrictions upon the alienation of all allottees of either of the Five Civilized Tribes who were not of Indian blood, except minors and except as to homesteads, and provided that restrictions upon the alienation of all other allottees, except minors and except as to homesteads, might, with the approval of the Secretary of the Interior, be removed upon application to the Indian agent at the Union agency.

Section 19 of the act of April 26, 1906, provides that no full-blood Indian of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes should have power to allenate, sell, dispose of, or encumber in any manner any of the lands allotted to him for a period of twenty-five years from and after the approval of that act, unless such restrictions, prior to the expiration of said period, shall be removed by act of Congress.

We believe that this last legislation was unwise, injurious to the Indians, and of no validity. Congress after providing in the supplemental agreements that all the lands allotted to the citizens of the different tribes should be alienable within certain periods could not, without the consent of the Indians, extend the time in which the lands could not be alienated and add to the restrictions imposed by the original agreements. The effect of this legislation has already clouded, and if unrepealed, will continue to cloud the title of much land in Indian Territory and will result in endless litigation.

It will prevent the Indians from obtaining a fair price for their lands and has been, and will continue to be, a fruitful source of dishonest transactions. It will not prevent sales being made at the expiration of the periods designated in the supplemental agreements, and has already resulted in contracts being made for such sales. This provision is generally considered to be invalid and should be repealed.

We recommend that all restrictions be removed from tesurplus lands of all citizens of the Five Civilized Tribes, except minors.

We recommend the removal of restrictions as to homesteads of the members of such tribes who are not of Indian blood, which includes intermarried white citizens and freedmen.

The removal of restrictions on the alienation should also include the removal of restrictions as to encumbering and leasing.

We believe that the restrictions should remain upon the homesteads of citizens of Indian blood, which would include both full bloods and mixed bloods. This will insure each member of every family a home that can be improved from the funds derived from the sale of his surplus lands. A homestead in Indian Territory is not like a homestead on the public domain where the head of the family only has a homestead. A homestead in Indian Territory consists of from 40 to 160 acres of average land for each member of the tribe and may or may not be his place of residence. A family of six may have hom

#### OIL AND GAS.

Meetings of the select committee were held to investigate the questions of oil and gas at Vinita, Tuisa, and Bartlesville, where hearings were had and statements made by the many people engaged in these industries as well as by all others who desired to be heard.

The regulation providing a limit of area not to exceed 4.800 acres to any one individual or company governing the oil lands seemed to be generally satisfactory to all parties, except that a party interested in a 4.800-acre tract, even though only to a small extent, is prohibited from having an interest in any other lease. There was a general contention that each party should be entitled to hold in several companies, if so desired, so that he should be entitled to an aggregate holding of 4.800 acres, though said holdings might be distributed in different companies.

The royalty at one-tenth was not complained of and seemed to be

tention that each party should be entitled to hold in several compenses, the so desired, so that he should be entitled to an agreezate points of 4,800 acres, though said holdings might be distributed in different companies.

The royalty at one-tenth was not complained of and seemed to be generally satisfactory.

There was universal complaint as to the requirement of the Department for a deposit of \$5,000 in bank as a guaranty for each lease, and it is the opinion of your committee that this regulation should be modified or dispensed with where the parties obtaining leases would make a showing of ability to carry out their contracts.

There was also a general demand that leases should be transferable without necessity of securing consent of the Secretary of the Interior, and this would seem to be a reasonable demand, provided always that in no instance should the maximum limit of 4,800 acres to a single holder be exceeded.

It was the consensus of opinion amongst the producers that there should be some local authority in the Territory to pass upon applications for leases, and thereby avoid the long delay which they claim usually occurs in having an application submitted to the authorities at Washington, and if a proper tribunal or agency could be established to carry out this plan, it would seem to be advisable to adopt it.

At present there are only two pipe lines running into the Indian Territory, both belonging to the Frairie Oil and Gas Company, one a 6-inch line and the other an 8-inch line, and the total capacity of the two lines is not all district, where populary From the best information obtainable, the object of the control of the con

follows:
"Any permit granted heretofore or under these regulations shall be subject to any changes or amendments in or to these regulations hereafter made by the Secretary of the Interior."
Further provision is made as an "express condition" of the acceptance of a permit or permission to build or operate a pipe line and

appurtenances under these regulations that if at any time the Secretary of the Interior shall be satisfied that any of the provisions of these regulations, or of any amendments or changes thereof hereafter established, have been or are being violated, the said Secretary of the Interior, after ten days' notice to the owner or owners of such pipe line of his intention so to do, shall have "authority summarily to suspend, cancel, or revoke" such permission under certain conditions, which are stated. It is doubtful whether any company could be financed under such uncertain conditions, which are subject entirely to the uncontrolled discretion of a Secretary of the Interior.

Your committee approves of stringent regulations to prevent monopolies, but they should be of such a character that they would not work a forfeiture of property without due process of law. We believe that Congress should provide appropriate general regulations with reference to oil and gas leases and the transportation of said commodities in the Indian Territory.

WITHDRAWAL OF LANDS FROM ALLOTMENT.

#### WITHDRAWAL OF LANDS FROM ALLOTMENT.

Indian Territory.

WITHDRAWAL OF LANDS FROM ALLOTMENT.

Many earnest and insistent protests have been received against the withdrawal from allotment by the Secretary of the Interior of a large body of land in the Choctaw, Chickasaw, and Cherokee nations. The original withdrawal was of about 4,000,000 acres, and also suspended further action as to perfecting complete individual title to all allotments already made within the area withdrawn. This was subsequently modified by rescinding the order as to allotments already made and by cutting down the area about one-half.

The committee has carefully considered this matter and is of the opinion that the order of withdrawal was without authority of law. The agreement with the tribes and the act of Congress approved July 1, 1902, authorized and directed the allotments to be made as soon as practicable, and that law the committee believes can not be set aside, impeded, or modified except by act of Congress repealing or changing the original statute.

The Secretary of the Interior advised your committee that he had made this order of withdrawal upon the request of the Secretary of Agriculture, who contemplated establishing a forest reservation therein if Congress should authorize the purchase by the Government of the land from the Indians for that purpose; but the committee is of opinion that whatever may have been the purpose or object of the Secretary of the Interior, he had no authority under the law to make the order of withdrawal.

The investigation made by the committee has satisfied it that the general situation in the Indian Territory, so far as concerns the relationship between the Government of the United States and the several Indian tribes and the individual members thereof, is such as to demand as speedy action by Congress as may be consistent with the magnitude and multitude of the interests involved.

In view of this fact, the committee submits this partial report, and at an early day, if permitted by the Senate, will submit to the Senate its conclusions

C. D. CLARK.
CHESTER I. LONG.
FRANK B. BRANDEGEE.
H. M. TELLER.
W. A. CLARK.

# BILLS INTRODUCED.

Mr. FLINT introduced a bill (S. 7879) granting to the Los Angeles Inter-Urban Railway Company a right of way for railroad purposes through the United States military reservation at San Pedro, Cal.; which was read twice by its title, and referred to the Committee on Military Affairs,

Mr. KEAN introduced a bill (S. 7880) granting an increase of pension to Sarah E. Stockton; which was read twice by its

title, and referred to the Committee on Pensions

Mr. ALGER introduced a bill (S. 7881) granting an increase of pension to John J. Mackey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEARIN introduced a bill (S. 7882) granting an increase of pension to Maggie E. Holden; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 7883) for the relief of the estate of R. M. McClelland, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7884) granting an increase of pension to Greenberry Gabbard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PILES introduced a bill (S. 7885) granting an increase of pension to Edgar H. Jones; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 7886) granting a pension to Mary McKay; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULBERSON (by request) introduced a bill (S. 7888) to provide an American register for the bark Baunen; which was read twice by its title, and, with the accompanying paper, was refer to the Committee on Commerce.

Mr. NELSON introduced a bill (S. 7889) for the relief of cer-

tain settlers on the public lands, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. McCUMBER introduced a bill (S. 7890) granting an increase of pension to Henry Zacher; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARNER introduced a bill (S. 7891) to carry out the findings of the Court of Claims in the case of H. N. Vaughan,

executor of Benjamin Kirk, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 7892) to carry out the findings of the Court of Claims in the case of John W. Brooks, son of Isaac Brooks, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 7893) granting an increase of pension to David H. Norris; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions

Mr. KNOX introduced a bill (S. 7894) to amend an act entitled "An act to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charleroi, Washington County, to a point in Rostraver Township, Westmoreland County," ap proved March 14, 1904; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (8. 7895) granting an increase of pension to William Wallace; which was read twice by its title, and referred to the Committee on Pensions.

Mr. RAYNER introduced a bill (S. 7896) granting a pension to Edith C. McCarteney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HEMENWAY (by request) introduced a bill (S. 7897) to reorganize and enlist the members of the United States Naval Academy Band; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions :

A bill (S. 7898) granting a pension to John Bilderback;

A bill (S. 7899) granting an increase of pension to Samuel Reeves; and

A bill (S. 7900) granting an increase of pension to Levi Cain (with accompanying papers).

Mr. MONEY introduced a bill (S. 7901) for the relief of Robert T. Cheek; which was read twice by its title, and referred to the Committee on Claims.

· Mr. CULLOM introduced a bill (S. 7902) granting a pension to Henry B. Edwards; which was read twice by its title, and, with

the accompanying paper, referred to the Committee on Pensions.

Mr. TILLMAN introduced a bill (S. 7903) granting an increase of pension to Catherine De Rossett Meares; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KEAN introduced a joint resolution (S. R. 84) authorizing the Secretary of Way to divisible condensed express for an

ing the Secretary of War to furnish condemned cannon for an equestrian statue of the late Lieut. Gen. Winfield Scott, U. S. Army; which was read twice by its title, and referred to the Committee on Military Affairs.

## SHORTAGE OF CARS.

Mr. CULBERSON. Mr. President, several days ago I introduced a bill requiring railroad companies engaged in interstate commerce to supply ears promptly for the shipment of live stock, and it was referred to the Committee on Interstate Commerce. The Senator from North Dakota [Mr. Hansbrough] suggested that if the committee should take up that subject it ought also to consider the question of interstate shipment of grain. From that suggestion, as well as from others, the bill I introduced has been redrafted, so as to make it applicable to all character of interstate freight. I ask that it be printed in the RECORD and referred to the Committee on Interstate Commerce.

The bill (S. 7887) to require railroad companies engaged in interstate commerce to promptly furnish cars and other trans-portation facilities and to empower the Interstate Commerce Commission to make rules and regulations with respect thereto, and to further regulate commerce among the several States was read twice by its title.

Mr. KEAN. Do I understand the Senator from Texas to say that that is a substitute for the bill he introduced the other day?

Mr. CULBERSON. It is intended to cover the entire subject. Mr. KEAN. It is a substitute for the bill introduced the other day by the Senator?

Mr. CULBERSON. Yes. There being no objection, the bill was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

A bill (S. 7887) to require railroad companies engaged in interstate commerce to promptly furnish cars and other transportation facilities and to empower the Interstate Commerce Commission to make rules and regulations with respect thereto, and to further regulate commerce among the several States.

Be it enacted, etc., That it is hereby declared to be the duty of every railroad company, subject to the provisions of the act to regulate com-

merce, approved February 4, 1887, and the amendatory acts thereof and supplemental thereto, and the act approved June 29, 1906, enti-state Commerce Commission." to provide sufficient tracks, depots, modern and supplemental thereto, and the act approved February 4, 1887, and to increase the powers of the Interstate Commerce Commission." to provide sufficient tracks, depots, modern and the provide and furnish transportation, as that foreign commerce offered, tendered, or to be offered to its duties as a common carrier; and to provide and furnish transportation, as that foreign commerce offered, tendered, or to be offered to its foreign commerce offered, tendered, or to be offered to its foreign commerce offered, tendered, or to be offered to its foreign commerce offered, tendered, or to be offered to its foreign commerce offered, tendered, or to be offered to its foreign provide that he desires to ship such freight, at the difference of the supply within a reasonable time at its station or stations from which of the supply its properties of the supply its supply within a reasonable time at its station or stations from which the supply its supply within a reasonable time at the supply its supply within a reasonable time at the supply its supply its supply within a reasonable time at the supply its supp

to conform to all rules, regulations, and orders of the Commission made in accordance herewith.

SEC. 4. That every such railroad company which, in violation of any of the provisions of this act, shall fail to furnish any car or cars or transportation, as that word is herein defined, within a reasonable time, or within the time prescribed by the Interstate Commerce Commission where the time is by it prescribed, or to conform to any order, within the time prescribed by the Interstate Commerce Commission where the time is by it prescribed, or to conform to any order, which is the property of the interstate Commerce Commission where the time is by it prescribed, or to conform to any order, it is allowed to the shipper or other person injured or damaged thereby for all such injury and damage as may result thereby to him, his property, or his business, and to pay in addition thereto as punitive damages an amount could to a reasonable attorney's fee, for such cases where such suit is brought for such recovery; and in case of such shall also be liable for double the damage caused thereby, to be recovered in any court in any State or Territory or the District of Columbia having jurisdiction of the parties and subject-matter, or in any circuit court of the United States having jurisdiction of the parties, regardless of the amount in controvers; the shipper shall undertake to unload such freight delivered or offered to the shipper upon any side track or any place for such unloading, and where by the usual custom of business freight is unload such shipment within a reasonable time, to be prescribed by the rules and regulations of the Interstate Comment of the pay of

Mr. MILLARD submitted an amendment providing for a reconsideration and review of applications to be enrolled as members of the Choctaw tribe of Indians, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment providing that any person heretofore identified as a Mississippi Choctaw and who has failed to remove to the Choctaw-Chickasaw country within the period heretofore stipulated for such removal may, within one year hereafter, so remove to the Indian Territory, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered

to be printed.

Mr. DUBOIS submitted an amendment authorizing the Court of Claims to hear and adjudicate the claims of Samuel Garland, deceased, against the Choctaw Nation, etc., intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. NELSON submitted an amendment relative to appropriations for the more complete endowment and maintenance of agricultural colleges now established, or which may hereafter be established, etc., intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

Mr. TELLER submitted an amendment proposing to appropriate \$600,000 for the balance and final payment due the loyal Creek Indians on the award made February 16, 1903, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$50,000 for the erection of necessary improvements, including cottages, on the lands donated to the Murrow Indian Orphans' Home by the Choctaws and Chickasaws, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be

printed.

Mr. GALLINGER submitted an amendment authorizing the payment, out of the existing appropriation for the enforcement of the Chinese-exclusion laws, to the Canadian Pacific Railway Company of \$1,666.50 for reimbursement of cost of maintenance of alleged native-born Chinese in the years 1903 and 1904, etc., intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropria-

Mr. NELSON submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be

AFFAIRS OF THE MEXICAN KICKAPOO INDIANS.

Mr. TELLER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Indian Affairs of the Senate be, and it hereby is, authorized and directed to fully investigate the affairs of the Mexican Kickapoo Indians and all affairs connected therewith, and that said committee be empowered to send for persons and papers and to subporna witnesses and to administer oaths and to sit during the sessions of the Senate; and said committee shall make full and complete report, together with its recommendations, to the Senate. The necessary expenses of said investigation shall be paid out of the contingent fund of the Senate.

ROBERT T. CHEEK.

Mr. MONEY submitted the following resolution; which was referred to the Committee on Claims:

Resolved, That the bill (S. 7901) for the relief of Robert T. Cheek, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the "Tucker Act."

SILAS SILVER. Mr. MONEY submitted the following resolution; which was referred to the Committee on Claims:

Resolved, That the bill (S. 6336) for the relief of Silas Silver, with all accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and generally known as the "Tucker Act."

R. H. HOFFMAN. Mr. MONEY submitted the following resolution; which was referred to the Committee on Claims:

Resolved, That the bill (S. 5617) for the relief of the estate of R. H. Hoffman, with all accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts under the terms of the act of March 3, 1887, and known as the "Tucker Act."

EXTENSION OF FEDERAL POWERS.

Mr. WHYTE. Mr. President, I desire to give notice that on Friday, the 18th, I will ask leave, after the routine morning business, to call up resolution No. 200, in regard to the form of our present Government, as to the rights given to the General Government and the reserved rights of the States, and that I will address the Senate briefly on the subject, if opportunity offers.

INTERNATIONAL SUNDAY SCHOOL ASSOCIATION.

Mr. McCREARY. I ask unanimous consent for the immediate consideration of the bill (S. 7034) to incorporate the International Sunday School Association of America.

The Secretary read the bill, which had been reported from

the Committee on the Judiciary with amendments.

The VICE-PRESIDENT. Is there objection to the present

consideration of the bill?

Mr. HEYBURN. I heard the bill only imperfectly, and I find no copy of it. I have sent for one. It occurred to me, if I did hear it correctly, that there should be some amendment proposed.

Mr. McCREARY. There are two amendments proposed by

the Judiciary Committee.

Mr. HEYBURN. I will wait until the amendments have been

Mr. McCREARY. The bill was considered by the Judiciary Committee and favorably reported unanimously.

The VICE-PRESIDENT. The amendments of the committee

will be stated in their order.

The first amendment of the Committee on the Judiciary was, in section 4, on page 2, line 21, before the word "provide," to strike out "law" and insert "by-laws."

The amendment was agreed to.

The next amendment was, in section 8, page 4, line 2, after the word "by-laws," to strike out:

The members of the association may change the principal place of business at any annual meeting or at any special meeting when notice of the proposed change shall be given in the call for such meeting.

Mr. McCREARY. Those words are proposed to be stricken

Mr. HEYBURN. I understand the request is that unanimous consent be given for present consideration.

Mr. McCREARY. Yes.

The VICE-PRESIDENT. That is the request. Is there ob-

jection to the present consideration of the bill?

Mr. HEYBURN. I should like to inquire before allowing it to be taken up by unanimous consent whether I am correct in my understanding of the bill that it does not require that the principal place of business shall be retained within the jurisdiction of the United States?

Mr. McCREARY. It is applicable only to the District of Co-

Mr. HEYBURN. As I understand it, consent is given to

change it to any other part of the world.

Mr. McCREARY. No, sir; that is a mistake.

Mr. HEYBURN. I should like to have the bill read again, so that we may hear it.

Mr. BACON. If the Senator will pardon me a moment, this is simply a corporation in the District of Columbia.

Mr. HEYBURN. But it contains a provision that the trustees

may change the principal place of business.

Mr. McCREARY. Those are the words expressly eliminated from the bill and are no longer in it-that is, the amendment proposes that they shall be stricken out. They are the words which have just been read at the desk.

Mr. HEYBURN. I ask that the amendment be again read. The Secretary again read the amendment of the committee.

Mr. McCREARY. Those words are to be stricken out.
Mr. HEYBURN. I should like to make just one other inquiry. There is no requirement that a majority of the board of trustees shall be American citizens, as I read it, so that it might pass entirely under the control of those who are not citizens of the United States. It seems to me that that provi-sion, which is common in all such statutes, should be incorporated in the bill.

Mr. BACON. If the Senator will pardon me, this is simply for the purpose of incorporating a Sunday school association of a national character, but limited in its corporate capacity to the District of Columbia. The case supposed by the Senator from Idaho is scarcely one to be considered. When the motive is to incorporate the Sunday school people of the United States, the suggestion that it might pass entirely into the hands of for-eigners, it seems to me, is so remote a possibility as not to be entertained.

Mr. HEYBURN. But I notice in the enumeration of those who are constituted by this act of incorporation there are a number of foreigners by name. I would be far from objecting to a bill having for its object the purposes stated in the bill, but I do not think it is proper to make an incorporation by authority of an act of Congress that shall vest powers in those who are not citizens of the United States and throw no safeguard about it, so that it may at some time be constituted entirely of foreigners.
Mr. McCREARY.

I will say to the Senator from Idaho that the International Sunday School Association of America is now composed of persons in the United States and in Canada.

Mr. HEYBURN. It is claimed to be international; that is to say, they are designated as an international association.

Mr. McCREARY. Yes; and last year the meeting was held in the State of Ohio.

Mr. HEYBURN. It is a very worthy purpose, but in incorporating the organization we should provide that a majority of

the trustees shall at all times be citizens of the United States.

Mr. McCREARY. I have no objection to an amendment as suggested, that a majority of the trustees shall be citizens of the

Mr. HEYBURN. I think with that amendment there can be no objection to the bill. The objection is only as to the form. The VICE-PRESIDENT. The question is on agreeing to the

amendment reported by the committee.

The amendment was agreed to.

The VICE-PRESIDENT. The Senator from Idaho proposes an amendment, which will be stated.

Mr. McCREARY. It will come in at the end of section 4. Mr. HEYBURN. Yes; at the end of section 4 I-move to insert the following proviso:

Provided, That a majority of the board of trustees shall at all times be citizens of the United States.

Mr. McCREARY. As far as I can do so, I accept that amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# SALE OF PROVISIONS IN THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 6578) to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, and to amend an act amendatory thereof approved June 20, 1906; which was, on page 2, line 3, after "shall," to insert "when sold by weight or measure."

Mr. GALLINGER. I move that the Senate concur in the

amendment of the House of Representatives. The motion was agreed to.

#### LEAVES OF ABSENCE FOR HOMESTEAD SETTLERS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. R. 81) authorizing temporary leaves of absence for homestead settlers; which were, to strike out lines 4 and 5 and insert "North Dakota, South Dakota, Wyoming, Minnesota, and Montana;" in line 8, to strike out all after "resolution" down to and including "hereunder," line 14; in line 14, to strike out "such;" and in line 15, after "absence," to insert "under this resolution."

Mr. NELSON. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

## HOUSE BILLS REFERRED.

H. R. 23718. An act to authorize the Chicago, Lake Shore and South Bend Railway Company to construct a bridge across the Calumet River in the State of Indiana, was read twice by its title, and referred to the Committee on Commerce.

H. J. Res. 190. Joint resolution extending protection of second proviso of section 1 of the act of December 21, 1904, to certain entrymen was read twice by its title, and referred to the Com-

mittee on Public Lands.

## OPENING OF MACOMB STREET NW.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 20069) for the opening of Macomb street NW., District of Columbia. A similar bill has once passed the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-

eration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE ACROSS THE TUG FORK OF THE BIG SANDY RIVER.

Mr. SCOTT. I ask unanimous consent to call up the bill (H. R. 19523) to authorize Thomas J. Ewing and George B. Patton, of Catlettsburg, Ky., and Charles Miller, of Huntington, W. Va., to construct a bridge across the Tug Fork of the Big Sandy River. It is a small bill, and it has been on the Calendar for nearly a year.

Mr. CARMACK. Mr. President-

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Tennessee?

Mr. CARMACK. I simply want to call up the resolution of

the Senator from Ohio [Mr. FORAKER].

Mr. SCOTT. I will say to the Senator from Tennessee that this is a small bridge bill that has been on the Calendar for nearly a year, and the parties are very anxious to go ahead and build the bridge.

Mr. CARMACK. I will not object to its consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISMISSAL OF THREE COMPANIES OF THE TWENTY-FIFTH INFANTRY. The VICE-PRESIDENT. The Chair lays before the Senate a resolution, which will be stated.

The Secretary. Resolution No. 208, by Mr. Foraker, directing the Committee on Military Affairs to investigate the Brownsville (Tex.) affray, etc.

Mr. CARMACK. Mr. President, I have received the paper which I send to the desk, and I ask to have it read.

The VICE-PRESIDENT. Without objection, the Secretary

will read as requested.

The Secretary read as follows:

House joint resolution No. 7.

House joint resolution No. 7.

(1) Be it resolved by the house of representatives of the fifty-fifth general assembly of the State of Tennessee (the senate concurring), That the course of President Roosevelt in discharging the negro soldiers implicated in the Brownsville, Tex., shooting affair be, and the same is hereby, heartily commended.

(2) Be it further resolved, That our delegation in Congress, both in the Senate and House of Representatives, are respectfully asked to give their support to the President's course in discharging the negro soldiers. Adopted January 10, 1907.

Concurred in by the senate January 11, 1907.

This resolution was adopted by a unanimous vote in both houses.

EDW. B. MARTIN,

Chief Clerk of House of Representatives.

Mr. CARMACK. Mr. President, that resolution was unanimously adopted, being supported by every Democrat and every Republican in both houses of the General Assembly of Tennessee. It will be noted that the resolution requests the Senators from Tennessee, as well as the Members of the other House, to support the action of the President in discharging these soldiers of the Twenty-fifth Infantry. It gives me great pleasure to do so, because the sentiment of the resolution is entirely in accord with my own.

I think it proper to say, Mr. President, that any report Senators may have heard that I have been personally solicited to come to the President's rescue in this matter, that the President has personally urged me to forgive and forget certain energetic personal remarks and to throw myself between him and the ferocious assault of the Senator from Ohio, is a gross exagger-I will not say that it is an infamous falsehood, because ation. such language belongs to the vocabulary of Presidential controversy rather than to that of Senatorial debate. Nor is it true, as Senators may have heard, that I have been moved to come to the President's defense because of an infatuated devotion to the man. I have a great admiration for that strong and brave and large-minded gentleman, the Secretary of War. My admiration for the President is more temperate and subdued. In the language of Hamlet, "It waits upon the judgment."

Seriously, Mr. President, I suppose there is no Senator, always with the exception of my friend from South Carolina [Mr. Tillman], who is less likely than I to be suspected of an excessive partiality for our present Chief Executive. The President once said that he would see a certain member of the Tennessee delegation in hades before he would do anything for him, a remark that was entirely gratuitous in view of the fact that the person supposed to have been referred to had never stooped to ask a favor at his hand; but, with supreme indifference to his opinion, had censured him when he was wrong and, with a like indifference to his opinion, can support him when he is right. I care so little for the verbal ebullitions of that remarkable man that I can see what he himself could never see in any man who expressed an opinion contrary to his own-I can see the good as well as the bad in his public conduct, and judge both fairly and impartially.

In this case, Mr. President, it seems to me that the President has acted with a remarkable freedom from impulse, with unusually careful deliberation, and with an anxious effort to do nothing more nor less than complete justice to all concerned. Indeed, Mr. President, I am haunted by the suspicion that the President was the more careful to ascertain the facts and to keep within the limits of the law because he was dealing with negro offenders than he would have been if he had been dealing with white offenders.

Mr. President, if I know my own heart, my judgment of the President's act has not been influenced in the least by any prejudice against the negro. While I have my own views as to the proper place of the negro in the government of this country, I know his virtues—and he is not without virtues—I know his virtues as well as I know his fallings, and no Senator upon the other side of the Chamber can judge his conduct with a broader charity. There is no Senator upon the other side of the Chamber and no man elsewhere who has a profounder pity for his condition, or who more honestly and sincerely wishes him well. I have never given my consent to any policy or course of dealing that did not recognize his rights as a man and which did not require for him exact and even-handed jus-

tice under the law. For more than twenty years I have never failed with tongue or pen to make my indignant protest against every act of lawless violence upon the negro, or to demand that he shall have a fair trial under the laws which the white man has made.

When I object to the negro as a governing citizen I do so because it is my profound belief that a government constructed by and for a race with a heritage of a thousand years of freedom can not be wielded by a race whose only preparation has been ages of barbarism modified by centuries of slavery.

It is no purpose of mine, Mr. President, to go into a discussion of the race question, but I can not forbear saying just a word or two in reply to some suggestions which have been made upon the floor of the Senate. My honorable friend the junior Senator from Colorado [Mr. Patterson] delivered a lecture to southern Senators, in which there were many things said with reason, many things profitable for instruction; but the Senator suggested that if Senators from the South should continue to protest against the fifteenth amendment, should continue to express opinions contrary to the wisdom of the enfranchisement of the negro, we should lose all the friends we had not already lost among the Democrats of the North. Mr. President, the fifteenth amendment was imposed upon the southern people at a time when their lips were sealed and when their hands were tied. It is asking too much of us to demand that we shall remain dumb and silent forever in the presence of an issue so full of peril not only to the people of the South, but to this entire Republic. If, for expressing our sentiments upon that question, we are to pay the penalty of losing the few remaining friends we have among northern Democrats, I have only to say, Mr. President, that, so far as I am concerned, I am not willing to retain their friendship at the price of our own freedom and of our right to speak our honest thought. The time has passed when the Southern people must speak with bated breath and whispered humbleness as a condition of their right to speak at all. are freeborn and the sons of freemen.

But, Mr. President, I believe that the negro has suffered most from the action of his false or misguided friends in the North, and that no better illustration of that fact has appeared than in the violent and passionate protest that has been made against the just and proper and necessary action of the President in this

Mr. President, the only complaint that can justly be made against the President with reference to the negro race is that he has loved the negro "not wisely, but too well." There is something to my mind infinitely pathetic in the plaintive recital which the President makes in his message of the many acts of friendship, of the many efforts he has made in behalf of the negro race; yet there is not to-day in all this country a man who is more universally or more bitterly hated by the negroes of this country than is the man who abolished the Indianola post-office and dined with Booker Washington. [Laughter.] All that he has done, all that he has attempted in behalf of the negro race has been utterly forgotten simply because he could not manifest that sympathy with the criminal negro, which pervades the negro population of this country from one end of it to the other.

I think that it is a most unfortunate thing that this agitation should have been brought about. I think it is the most unfortunate thing that has occurred, so far as the negro is concerned, It is my deliberate judgment, Mr. President, in many years. that if the soldiers who committed that outrage at Brownsville had been white soldiers, instead of negro soldiers, and especially if they had been white soldiers who had fired into the houses of negro citizens, neither the Senator from Ohio [Mr. Foraker] nor any other Senator would have ever lifted his voice in protest against it. Whatever distinction Senators may draw, to the negroes of this country this agitation appears, not as a demand for justice, but as a justification of crime. Senators may say for justice, but as a justification of crime. Senators may say that there is no proof; they may say, as the Senator from Ohio has said, that the evidence against these negro soldiers is flimsy; they may deny that they actually committed this crime; but that is not the voice of the negroes throughout this country. They confess the act; they justify it; they glory in it. read, Mr. President, an extract from resolutions adopted by a great mass meeting of negro citizens in the city of Boston. Speaking of what occurred in the town of Brownsville, they say:

Brooding on repeated insults and outrages, a few of these colored soldiers went into the town on the night of August 13 last with their guns, determined to do for themselves what the uniform of their country could not do for them and what the police power of white Brownsville would not do for them, viz, protect them from such Insults and outrages and punish at the same time the authors of their misery.

Here, in the great city of Boston, the home of culture, the Athens of America, the hub of the universe, where negroes have been educated and elevated and illuminated for forty years, we have this barefaced justification of a criminal assault by armed soldiers upon peaceful citizens; of a deliberate, preconcerted, cold-blooded attempt to murder, not particular individuals against whom they nursed a grievance, but to commit an indiscriminate savage massacre of women and children because they were white women and children.

The President has truly said that this act was an atrocity without parallel in the history of the American Army. It was indeed, Mr. President, an act of pure savage deviltry; yet it is excused and condoned and justified by the educated negroes, the scholars, the literati, the teachers, the professors, and the clergymen in the great city of Boston.

Mr. President, no enemy of the negro would want any stronger evidence against him to show that he is not fit to bear a part in the government of a civilized republic. No stronger indictment has ever been written against the race than this which is

thus written with its own hand.

The Senator from Ohio may claim that he is only defending American soldiers without regard to race or color or previous condition of servitude. If so, Mr. President, I think the Senator from Ohio belongs to the class of whom the apostle said, "They have a zeal for man, but not according to knowledge;" for, Mr. President, the only effect of this agitation will be a tendency to demoralize the discipline of the Army and to unbridle those passions and evil propensities of a race not yet far enough removed from their primitive condition to have learned

the civilized virtues of patience and self-control.

Mr. President, in the beginning I confidently expected that the President's action in this case would be received with universal applause. I confess my amazement at the harshness and severity of the assaults that have been made upon the President by his own party friends. This case, Mr. President, is but one of many in which the President has discharged soldiers of the Army without any court-martial and has discharged them without honor. As the Senator from Massachusetts [Mr. Lodge] has suggested, if it be true that the President has repeatedly and continuously violated the law and trampled upon the legal rights of American soldiers, then he ought to be impeached. Indeed, Mr. President, if what Senators say is true, the President's action in this case alone is so utterly without justification or excuse that impeachment ought to follow swift and sure. No other punishment can be adequate for a man who wantonly and recklessly, upon an unfair and prejudiced investigation, without the sanction of law and in flagrant contempt of the evidence, imposes a harsh and brutal punishment upon men who have a record of honorable and heroic service and who have done no wrong. That is practically the charge that the Senator from Ohio makes against the President of the United States. In whatever language it may be clothed, however guardedly it may be expressed, it has this meaning or it has none at all.

Every step that the President has taken in this matter from the beginning to the end has been challenged and impeached in a way to call in question not only the soundness of his judg-

ment, but his honor and good faith.

Major Blocksom was selected to make an investigation into the facts of this case; but the Senator from Ohio tells us that Major Blocksom's father forty years ago was a Democrat in the State of Ohio, and therefore that Major Blocksom can not be trusted to make a fair and honest investigation and tell the truth. Mr. President, it is a divine law that the sins of the fathers shall be visited upon the children; but I beg leave to question the applicability of that law to this particular case. Especially do I question the right of the Senator from Ohio to pronounce the judgment. He may be the God Almighty of the Republican party of Ohio, but he does not yet sustain that relation to the universe. [Laughter.]

I believe that a man who has an honorable record as an officer and a gentleman, a record without a stain, in the Army of the United States can be trusted to make a fair and honest investigation, even if his father was a Democrat in Ohio, just as Allen G. Thurman was, just as old Bill Allen was, and just as

George Pendleton was.

General Garlington was born in South Carolina, and that is paraded as a damning fact against him. Every effort is made, Mr. President, to disparage the honesty and good faith of these honorable officers who conducted this investigation, in order to shield the authors of a most dastardly and infamous crime.

Mr. President, my associations with the Senator from Ohio have been exceedingly pleasant. I have always found him fair and courteous in debate. My personal intercourse with him has shown him to be a genial, generous, and obliging Senator; yet I can remember when I had a very different impression of the Senator from Ohio. I can remember with what frantic energy he used to wave the bloody shirt, a shirt stained blood red by the crimson current of his own rhetoric. [Laughter.] I can remember when the Senator used to go raging over the land, a

bifurcated, peripatetic, volcano in perpetual eruption, belching fire and smoke and melted lava from his agonized and tumultous bowels. [Laughter.] I can remember when the Senator from Ohio used to bespatter the South with the gall of his bitterness, until I sometimes thought that he wished all of the white people of the South, men, women, children, and babes at the breast, had a single neck that he might sever it at a blow.

Mr. President, I would not have to go back forty years, nor would I need to trace the pedigree of the Senator from Ohio, to show by such evidence that he is the very last man to sit in judgment upon any case of murder where a negro was the

murderer and a southern white man was the victim.

But I will not do the Senator from Ohio the gross injustice of judging him by the words of his own mouth. You could not do the Senator from Ohio a greater injustice than that. am asked by my friends in the South if the Senator from Ohio is really as fierce and as rabid as he sometimes seems to be, I tell them no, that his ferocity is purely oratorical; that it is but the lingering force of the tyranny of habit which continues to have some power over the tongue long after it has been ex-

pelled from the heart. [Laughter.]

We can all remember when it was nothing short of treason for a Democratic Senator to question in the slightest degree the accuracy of any statement proceeding from the executive department with respect to the conduct of American soldiers. know not how often I have been denounced as a traitor simply because I have told the plain, unvarnished truth about the President and his then Secretary of War. But, Mr. President, no charge that has ever been made by any Democrat in the fiercest partisan debate has equaled in gravity and severity the accusation which the Senator from Ohio has brought against this Republican Administration. He charges, in effect, that through his selected agents the President prosecuted an inquiry in a spirit of hostility to the accused because of their race and color; and that when even this prejudiced and untrustworthy investigation had failed to develop incriminating evidence, the President then proceeded, without evidence or upon evidence of the flimsiest character, and in flagrant violation of law, to inflict a punishment which the Senator from Ohio describes as "exaggerated, harsh, and brutal.'

The President's act is made to appear in blacker colors from the statement of the Senator from Ohio that the victims of the act were men who had a record of long and honorable and he-Such was the character of the men upon whom roic service. the President, after an unfair and dishonest investigation, with-out evidence and without law, inflicted a harsh and brutal pun-ishment, according to the Senator from Ohio.

Mr. President, if it be true that a spirit of injustice has characterized every act of the President in this matter; if it be true that he has conducted an unfair and hostile investigation; if it be true that he has inflicted upon these patriotic and heroic warriors a harsh and brutal punishment, and if the Senator from Ohio can convict him of that, then he will have placed him upon an eminence of infamy from which no man can take him down.

But, Mr. President, is all this credible? What motive can we ascribe to the President? I can imagine motives that might impel the Senator from Ohio to assail the President of the United States, but what motive can we ascribe to the President himself for perpetrating a wanton outrage upon his worshiping and devoted friends, of wantonly offending so great a body of his followers and turning them over en masse into the hands of his personal and political enemies? What motive could he have had for doing it? No man can find it, Mr. President.

To say that the President and his Secretary of War, a lawyer of the highest ability, erred through ignorance of the plain law and because of their incompetency to judge the weight of evidence, is to defend their motives at the expense of their intelligence. No, Mr. President. If it be true, as the Senator from Ohio has charged, that upon an unfair and prejudiced investigation, without either evidence or law, the President has done this act, then his conduct will stand without the slightest palliation or excuse to save it from the brand of infamy and dishonor.

But, Mr. President, there is no such case here. The first question that arises is, Did he have legal and constitutional authority for what he did? And, Mr. President, that is the only question, so far as the Senate has any business with the act. act belongs exclusively within the scope of the Executive authority, then it necessarily follows that the Executive is the sole and exclusive judge of the facts upon which that action based. I do not object to this discussion, because, Mr. President, power may be abused; and wherever great power is lodged there should be the utmost freedom of discussion and of criticism. Even though we have no power to control or to limit his action in this matter, I am glad that it has been made

the subject of debate, so that if he has abused even his legal

and constitutional power it may be exposed.

But, Mr. President, if the President had legal authority to act and constitutional authority to act, the only thing needed to justify his action, as a matter of fact, is simply to determine whether or not his act was for the good of the service. We are not trying a case in a criminal court where the accused is hedged about by rigid maxims of law and rigid rules of evidence. We are simply to inquire into the fact whether or not from the standpoint of military discipline and for the good of the service the President's action in this case was wise and proper.

The President of the United States under the Constitution is made the Commander in Chief of the Army and Navy. The Constitution also provides that Congress may make rules for the government and regulation of the land and naval forces. Just how far Congress could go under this provision I will not undertake to say. But it seems clear that Congress could not strip the President of the United States of any of his necessary powers as Commander in Chief. It could not take unto itself or delegate to any other the control of the military forces of the United States, leaving the President merely the name without the attributes of a commander.

But no such question arises here. The power to discharge a soldier naturally and historically belongs to a commander in It is an inherent power, a power necessary to command, and it has been so considered in every army and in every age and country of the world. Undoubtedly, then, if Congress has not tried to deprive the President of this power he has it and needs no other delegation than that which goes by necessary implication with his office of Commander in Chief. Congress has done nothing of the kind. On the contrary, it has expressly recognized the President's right to discharge a soldier in the fourth article of war. That article reads as follows:

No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field officer of the regiment to which he belongs, or by the commanding officer when no field officer is present; and no discharge shall be given to any enlisted man before his term of service has expired except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

It will be seen, Mr. President, that the power of the President, of the Secretary of War, of a department commander, and of a general court-martial to discharge an enlisted soldier before the expiration of his term of service is the same and in each case it is absolute. The President's authority is identical and fully equal to that of a general court-martial. This is made plain by the language of the ninety-ninth article, which says:

No officer shall be discharged or dismissed from the service except by order of the President or by sentence of a general court-martial; and in time of peace no officer shall be dismissed except in pursuance of the sentence of a court-martial or in mitigation thereof.

In other words, the President, without a trial, without the action of a court-martial, may discharge a soldier before the expiration of his term of service either in peace or in war. time of war he may discharge an officer without the action of a court-martial, but in time of peace he can not discharge an officer without the verdict of a court-martial.

The Senator from Ohio [Mr. FORAKER] quoted numerous articles of war providing for the punishment of soldiers for different offenses. They have absolutely nothing to do with this case. This is not a question of punishment. The Senator lays great stress upon article 62 of the Articles of War, which is as follows:

All crimes not capital and all disorders and neglects which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles of war, are to be taken cognizance of by a general, or a regimental, garrison, or field officers' court-martial, according to the nature and degree of the offense, and punished at the discretion of such court.

Mr. President, that has absolutely nothing on earth to do with this case. That article provides for the trial and punishment of particular individuals accused of crime. It has nothing whatever to do with the President's power to discharge a man from the service, not as a punishment for crime, but for the good of the service and for the promotion of military discipline.

Mr. President, if the President had attempted to punish these men for murder or for aiding and abetting a murder or for being accessories after the fact to murder, if he had sought to punish them by simply sending them out over the land without a certificate of good character, the utter inadequacy of the punishment, the contemptible nature of the punishment, would have shocked the conscience of the whole country. It is an absurdity to talk of punishing men for murder by discharge without honor from the Army. It was not done as a punishment; it was done as a matter of military discipline.

The question is, Was the Army made better or worse by dis-charging these men? Would it have been better or worse if they had been permitted to continue in the Army, to wear the

uniform and to carry the guns of American soldiers? That was the only question the President had to decide. The mere fact that a few of these men were probably innocent and admitted to be so by the President, shows that it was not intended as a punishment, but simply as a necessary act of discipline.

The President's action was absolutely necessary. He either had to do what he actually did or he had to do nothing at all. He had to leave these murderers in the Army of the United States, leave them to commit future acts of violence, leave them to stir up strife and bitterness between the Army and the citizenship of the country, or he had to do what he actually did do. There was no possible alternative except to do what he did or do nothing at all. I say, Mr. President, that it was absolutely necessary for the discipline of the Army; it was necessary if its respect for the rights of civilians was to be enforced; it was necessary, if the people's respect for the American Army was to be preserved, to do this, even though some innocent men should suffer by the act.

Mr. President, we have had a great deal of talk here about the injustice of making innocent men suffer. It may be true as a maxim of criminal jurisprudence that it is better that ninetynine guilty men should escape than that one innocent man should be hanged, but it is not true that it is better that ninety-nine murderers should wear the uniform of the American Army and carry its guns to slaughter peaceful citizens, than that one innocent man should be discharged from the Army. maxim would be destructive of all military discipline.

The President in this case simply did what Robert E. Lee did when a lieutenant-colonel in the old Army, in command of a department. When members of a certain company engaged in a lynching and a murder, and it was impossible to find out the particular individuals who committed the crime, Lee disbanded the whole company and discharged every member of it without honor. There were doubtless some innocent men who were made to suffer. But why did he do it? He did it because it was necessary for the maintenance of military discipline; it was necessary for the protection of innocent and peaceful citizens, and General Lee knew—no man knew better—how important it is in a Republic that peace and amity should be preserved between the citizens and the Army. That is what General Lee did. And, Mr. President, so long as the President of the United States follows in the footsteps of Robert E. Lee, a man whom he himself declared to be the greatest captain of the English-speaking race, greater than Marlborough, greater than Wellington, greater than Grant, and a man whom history will know as one of the noblest and purest souls that ever lived in the tide of times-so long as the President follows in the footsteps of that illustrious man he can not deviate from the path of rectitude or the path of honor. Le us hope that for the rest of his term he will walk in the light of such bright and shining examples.

Mr. President, I have called attention to the fact that this power has been exercised by the President before over and over again. Here is a list of 352 cases, 113 of them for desertion, a crime provided for in the very articles read by the Senator from Ohio as an offense that can not be punished except after trial by a court-martial. Yet here are 113 cases in the last two years where men have been discharged from the Army for desertion simply by the act of the President-discharged without honor

and without a trial.

The Senator from Ohio admits that there are cases in which the President may discharge without honor, and he admits that desertion is one of them, although it is one of the very cases provided for in the Articles of War read by him which declare absolutely that no man shall be punished for desertion except after a trial by court-martial. Here is what the Senator from Ohio said. He has admitted that the President did not violate the law in any of these 352 cases. He admitted that there were cases where the President might discharge a man without honor; and here is what he said:

I think the discharge without honor is proper enough in a proper case. Well, what is a proper case? Here is one of the cases the Senator from Ohio supposed to be proper:

There is another man who has deserted. The officers do not think much of him perhaps as a soldier anyhow. He is arrested and brought back. There may be some trouble about proving the case against him.

"There may be extenuating circumstances," and so on, and therefore he is not tried by a general court-martial, but he is discharged from the Army by the act of the President alone, discharged without honor, punished by such discharge, as the Senator from Ohio would argue.

But, Mr. President, the only ground upon which the Senator can justify, as he does justify, the action of the President in discharging these 113 men is that that discharge was not punishment. That is the plain truth about it. It was the President's exercising the legal and constitutional power to discharge a man from the Army whenever he thinks for any reason upon earth that the good of the service and the discipline of the Army would be promoted. I can imagine cases where the very character of the man, the influence of a man upon his associates, would be demoralizing and subversive of discipline, though no single punishable offense could be alleged against him, and when it would be necessary for the sake of discipline and the good of

the service to discharge that man from the Army.

The Senator from Ohio quotes from the Army Regulations, which are not acts of Congress, which are not statutes of the United States, but simply rules promulgated by the President himself, to regulate the conduct of his subordinates and not to limit and restrict his own. The Senator read from section 146: Where the company commander deems the service not honest and faithful he shall notify the soldier at least thirty days prior to discharge, and shall at the same time notify the commanding officer, who will convene a board of officers to determine whether the soldier's service has been honest and faithful. Discharge without honor on account of 'service not honest and faithful' will be given only on the approved finding of a board of officers as herein prescribed." This, I say, has nothing to do with the President's action. It is simply instruction issued by him as Commander in Chief of the Army to company commanders and to others as to what course they shall follow before they can give a soldier dishonorable discharge at the expiration of his

It has reference solely, as its context will show, to regular discharges happening after the expiration of the soldier's term of service. He shall give notice at least thirty days prior to the soldier's discharge—that is, thirty days prior to the time when the soldier will be regularly discharged because of the expiration of his term of service; and in giving such discharge, before he can give it without honor, the company commander and the commanding officer must convene a board. That has nothing whatever to do with the President's right to discharge.

The Senator repeatedly declared that the evidence upon which the President acted was of the flimsiest character. It has not seemed so to the President of the United States; it has not seemed so to the Secretary of War, a man whose experience on the bench and at the bar has qualified him for the investigation of questions of evidence. It has not seemed so to Major Blocksom and General Garlington and other officers sent there to make careful investigation into the facts, and it has not seemed so to Assistant Attorney-General Purdy, who was especially charged with the duty of making inquiry into that incident. It has not seemed so to the American consul in the neighboring town in Mexico, who was on the scene and inquired into the facts. And finally Major Penrose, the commander of that battalion, was himself compelled to admit by the force of the evidence that the crime was committed by soldiers under his own command. Here is the man responsible for the discipline of the soldiers under him, a man who must be made to suffer, to some extent, at least, by the failure of his discipline, a man who is to be tried by court-martial for allowing his soldiers, through lack of discipline, to commit this assault upon the people of Brownsville. He is compelled reluctantly, against his own inclination and against his own interests, by the overwhelming force of the testimony, to admit that the crime was not only committed by the soldiers under his command, but that it was committed after a deliberate and preconcerted plan.

Mr. President, if those soldiers did not do it, who did? idea that citizens of Brownsville entered into an elaborate plot to commit an assault upon themselves, that they in some way or other procured imitation United States uniforms and Army rifles and ammunition and that they blacked their faces and kinked their hair and flattened their noses and went out and made an assault upon the town in order to cast suspicion upon the soldiers in that fort is the most preposterous idea that was ever presented to the intelligence of man; and yet that is the only alternative to accepting the proposition that it was committed by the soldiers themselves. If they did not do it, who did? There are plenty of eyewitnesses who saw colored men in the United States uniform, with guns in their hands. What other colored men in and about Brownsville were armed with United States rifles and dressed in the uniform of the Army? There are the physical facts of the bullets, the shells, and the clips which belonged to Springfield rifles, exclusively in the possession of the troops there at Brownsville. If they did not commit the act, who did? If only the identity of the individuals who were seen there that night could be discovered, there would not be the slightest difficulty on earth in convicting these men beyond a shadow of a doubt in a trial before a jury, even in

Mr. President, I was much interested in the speech of my

honorable friend the Senator from South Carolina [Mr. TILL-MAN]. It was a powerful speech; it was unique and original, as his speeches always are; it contained detached points and arguments of great interest and value; but with all due respect to my friend the Senator from South Carolina it seems to me that his premises were upon one side of the earth and his con-clusion upon the other, with no bridge between. The Senator from South Carolina says he has no more doubt than he has of his own existence that this assault was committed by soldiers of that regiment. He characterized the whole regiment, the whole command there at Brownsville, as a gang of lawless, brutal, murderous desperadoes. He tells us and tells us truly that they have committed the same crime, or like crimes, over and over again; and of this there can be no doubt. Wherever they went, in the North or in the South, they made the same record for ruffianism, violence, and murder. They did not need to be incited by the insults or indignities of negro-hating southerners to commit their acts of violence. They were as ready to shoot up a town and to murder citizens in Nebraska or in Nevada as in any southern community.

I have here a letter written by C. H. Cornell, chairman of the Republican Congressional committee of the Sixth district of Nebraska, telling about the conduct of these troops in that State. I will not read it all, but, mentioning one instance, he says

Nebraska, telling about the conduct of these troops in that State. I will not read it all, but, mentioning one instance, he says:

A discharged soldier from one of the negro regiments named Stratton kept a rooming and dance house on a tract of land about 1½ miles from Fort Niobrara. On the night of October 29, 1904, about midnight, while the usual dance was in progress, a team hauling a spring wagon, with four occupants, drove up in front of the door, and one of the inmates, called Lulu Johnson, came out of the house to the wagon. Immediately shots rang out, apparently fired at the wagon, but from a point that each must take effect there or pass into, and in some instances through, the dance hall, which was very well filled with dancers.

When the firing ceased it was found that Turnbull, the driver, was shot through the arm; Raymond Smith, an occupant, through the body; Lulu Johnson, through the breast, near the heart; one horse killed and the other wounded. Inside the building a stove had been hit and shattered, the bar shot up somewhat, but miraculously no person hurt, although there were any number of close calls. Coincidently, two men in khaki were seen, with guns across their shoulders, starting toward Fort Niobrara. Next morning sixteen empty Krag-Jörgensen shells were found on the ground at the point where the firing seemed to come from and the location the two men were seen leaving. The wounded were taken to the Fort Niobrara hospital, where the Johnson woman died the next day; Turnbull recovered promptly, and Smith finally.

The shooting, having been committed off the reservation, came under the jurisdiction of the civil authorities. Consequently the sheriff and coroner were notified, a coroner's jury was empaneled, and a post-mortem held at post hospital, which resulted in determining that from the character of the wound it was made from a Krag-Jörgensen. The murder appeared so wanton and cold-blooded, extraordinary efforts were put forth to try to locate the guilty ones. Pernons who were thought by

Mr. President, wherever these soldiers went they were a terror to good citizens and a disgrace to the American uniform. They had committed murders before, but then, as now, they stood together apparently so solidly to shield the guilty that none of the murderers has been traced or convicted. Can any man give me a good reason why they should continue to wear the uniform of the United States?

Mr. SCOTT. Will the Senator from Tennessee allow me to ask him a question?

Mr. CARMACK. With pleasure.

Mr. SCOTT. Providing that one of the colored soldiers who was dismissed could establish before a proper tribunal that he was absolutely innocent, does not the Senator think that a tribunal should be established before which he should be heard in order to give him an opportunity to establish his innocence?

Mr. CARMACK. I should say, if the President thought it was necessary and proper, he ought to do it. I think it would be a proper thing to do. I do not think it would be a proper thing for us to do. I believe that this matter is exclusively within the province of the executive department. I believe the President ought to do everything he can do to separate the inno-cent from the guilty, and if there are any men who were not actually concerned directly or indirectly in the perpetration of this crime, and who have not shown any sympathy with it, who have not attempted to shield the murderers-if there is

one such man as that in that battalion, and the President can find him, I do not hesitate to express my opinion that he ought to relieve him from the consequences of the act.

Mr. SCOTT. Will the Senator allow me a moment further?

Mr. CARMACK. With pleasure.

Mr. SCOTT. I do not know that it is an absolute fact, but by the press we are informed that the President has said if any of these men can prove their innocence there is no objection to their reenlistment. How can they prove their innocence unless we provide for them a tribunal before which they can be tried?

Mr. CARMACK. Well, Mr. President, if they can not, then if we can we ought to do it. That is all there is about it. If there is no other way in which innocent men can be shielded from the consequences of this act, whatever is necessary to be done and can legally and constitutionally be done by any department of the Government ought to be done. I do not hesitate to say that. But I see no reason why the President can not do this. He is himself the tribunal, the constitutional tribunal, in

Mr. President, it is easy to talk about innocent men being made to suffer. There may be a few men in that battalion who neither directly nor indirectly were implicated in this affair. But they must be few. But what have the Senator from South Carolina and other Senators to say about the innocent men, women, and children who must be made to suffer if these ruffians are allowed to remain in the Army of the United States? What community could sleep in peace with this gang of murderers and lawless desperadoes, as the Senator from South Carolina describes them, in the midst of it? The Senator tells us that they have terrorized towns and communities again and again. Must they be permitted to continue to do that forever simply because it is impossible with absolute accuracy to divide the few who are innocent from the many who are guilty?

Mr. President, there are others who have rights in this matter. There are men, women, and children, peaceful civilians. who have a right to be protected against the terror and peril that come to every community to which these soldiers are sent. They have rights superior to those even of supposedly innocent

soldiers of the battalion.

The Senator from South Carolina says President Roosevelt lynched 167 men, I believe, because 20 were guilty of a crime. When I find that Robert E. Lee, as a colonel in the United States Army, did precisely the same thing under substantially identical circumstances, I am not willing to apply such an epithet to such an act.

Mr. TILLMAN. Mr. President-Mr. CARMACK. When I find

When I find that my distinguished friend from South Carolina, as governor of that great State, discharged an entire company of soldiers under his authority as commander in chief without any form or semblance of a trial I do not say that the Senator from South Carolina was guilty of lynching or even that he approved it-

The VICE-PRESIDENT. Does the Senator from Tennessee yield to the Senator from South Carolina?

Mr. CARMACK. With pleasure.
Mr. TILLMAN. I suppose the Senator must have found from his reading that General Ainsworth declares most emphatically that the action of Colonel Lee is not a precedent for the action of

Mr. CARMACK. It may not be a precedent for General

Ainsworth, but it is good enough for me.

Mr. TILLMAN. That may be; but still General Ainsworth ought to know what military law is; and I for one prefer to take his opinion rather than that of the Senator from Tennes-

Mr. CARMACK. I prefer to take General Lee's opinion rather than that of either the Senator from South Carolina or General Ainsworth. I think Lee knew more than both of them on the subject of military law. He knew more than both of them put together will ever learn.

Mr. TILLMAN. Undoubtedly; but the Senator ought at least to be fair enough to quote General Lee's action accurately. He did not discharge the soldiers. He distributed them, I understand, to other companies. He broke the company up and distributed them around.

Mr. CARMACK. The Senator is exactly correct. I say he disbanded the company-

Mr. TILLMAN. Oh, no. Mr. CARMACK. And afterwards discharged every member

of it without honor upon the expiration of his term.

Mr. TILLMAN. Oh, the man was already discharged when his term expired. General Lee had nothing more to do with him. Mr. CARMACK. He had this to do with it, that he ordered

them discharged without honor-lynched them, as the Senator from South Carolina would say.

Mr. TILLMAN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Tennessee yield further to the Senator from South Carolina.

Mr. CARMACK. I do. Mr. TILLMAN. This form of discharge without honor is only about thirteen years old. All discharges before that time were honorable or dishonorable discharges. The Senator is drawing on his imagination for some of his statements.

Mr. CARMACK. Mr. President, I am drawing upon the statement expressly made by the War Department upon this matter. I am not drawing upon my imagination when I say that the com-mander in chief of the army of South Carolina, being no other than the Senator himself, discharged an entire company, not only without honor, but with dishonor, without any trial whatever. I think under the circumstances he did right.

Mr. TILLMAN. The Senator was not present when I made the explanation about that, and probably he has not read it in the Record. I discharged those men, or dismissed them rather, from the service of the State of South Carolina because they had mutinied against the orders of their commander, myself.

Mr. CARMACK. How did the Senator know they had done it? Mr. TILLMAN. They sent me a written communication refusing to obey my orders and resigning while they were out, under

service.

Mr. CARMACK. The point I make, Mr. President, is that the Senator as commander in chief of the army of South Carolina acted upon his own authority, and upon his own responsibility, and upon information exclusively in his possession, and without a single fact or particle of evidence ascertained by a court-martial, by a board of military officers, or by any form of trial whatever.

Mr. TILLMAN. When I did that, Mr. President, if the Senator will permit me, these men had been called into the service of the State under the laws of South Carolina, and they were subject to the rules and regulations of war. Are these men at Brownsville in a time of war? Is there anything of that sort?

Is there any analogy?

Mr. CARMACK. Oh, Mr. President, that was not a time of war in South Carolina.

Mr. TILLMAN. It was so near it that if the Senator had been there he would have thought it was.

Mr. CARMACK. If the Senator from South Carolina had been in Brownsville he might have thought there was something like war there, and there are some people who still think so.

Mr. TILLMAN. Wars do not last for only fifteen minutes. Mr. CARMACK. The man with the empty sleeve in the town of Brownsville probably has an impression that there was something like a state of belligerency at least in that town.

But, Mr. President, there was disorder in the State of South Carolina, and upon evidence which the commander in chief of the army of South Carolina thought sufficient, acting as the sole and exclusive judge of that evidence, acting as the sole and exclusive judge as to his own right and authority in the matter, without any trial whatever, without any day in court except in so far as the governor of South Carolina was the court, just as in this case the President of the United States was the court, without a form or semblance of trial, discharged every member of the company.

Mr. President, I am not criticising the action of the Senator from South Carolina. I think he acted absolutely within the scope of his duties. I have no doubt that he was entirely justified in his act. He tells me that these men were dudes, and I agree with the Senator from South Carolina that lynching is good enough for a dude. He says they were bandbox warriors; that they did not obey the order of their commanding officer, and with his usual directness the governor of South Carolina did what he ought to have done—he taught them a lesson in military discipline, and did it for the good of the service without fooling away any time on a court-martial or a board of military officers

Mr. TILLMAN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Tennessee

yield to the Senator from South Carolina?

Mr. CARMACK. That is the kind of a man he is—I will yield in a moment—I think it is one of the highest compliments ever paid to the Senator from South Carolina that the President of the United States should have followed in his shining footsteps. [Laughter.]

Mr. TILLMAN. Mr. President—
The VICE-PRESIDENT. Does the Senator from Tennessee yield to the Senator from South Carolina?
Mr. CARMACK. With pleasure.
Mr. TILLMAN. Of course, if the Senator persists in refusing

to see that there is no analogy, no comparison, no relation between my action and that of the President of the United States, I can not help that. These militiamen had been called to the service of the State, as I had the authority to do, and were ordered to supervise the sending of telegrams and to allow nothing to go out that was incendiary. They notified me in writing the next morning, by their commanding officer, that they thought that duty was not that of a soldier; that it was obnoxious, and, therefore, rather than be compelled to perform it they tendered their resignation. Does the Senator see no difference?

Mr. CARMACK. They notified you?

They notified me in writing that they did Mr. TILLMAN. not think it was their duty to perform that service and asked to be relieved of it and to be got out of service, and tendered their resignation.

Mr. CARMACK. Do I understand the Senator to say that

they notified him through the commanding officer?

Mr. TILLMAN. Yes. Mr. CARMACK. Well, Mr. President, the Senator then, upon a communication addressed to him by one man, having no evidence before him upon earth except the statement of one man, proceeded to discharge an entire company, every man of them. Without any form of trial whatever, without any investigation whatever, without any court-martial or board of military officers, without making any inquiry at all as to whether there might not be some innocent men involved, he promptly, immediately pro-ceeded to disband and discharge this whole company and to send them out branded with dishonor as unfit to wear the uniform of the great State of South Carolina.

Mr. TILLMAN. Now, one moment, please.
Mr. CARMACK. I will agree with the Senator it is not exactly analogous. His action was a little worse than that of the

Mr. TILLMAN. In one sense probably it was worse. But here was the President of the United States made cognizant of the fact that murder had been committed, and only 20 men out of 167 had ever been charged with complicity in it or participation in it. Instead of employing all the instrumentalities at his command, instead of using the suggestion of their com-mander that three men be enlisted as detectives and turned loose among them to ferret out the murder and to find those who were guilty, he discharges the whole gang, and he turns loose these men, punished how? Simply by the words on the back of their discharge, "Ordered discharged without honor." Is that sufficient punishment for murder?

Mr. CARMACK. It is no punishment at all for murder. Then what does the Senator think was the Mr. TILLMAN. President's duty? Was it his duty to turn them loose?

Mr. CARMACK. No, Mr. President. Mr. TILLMAN. He has got detective agencies. He has got every instrumentality in the shape of money to offer a reward. What did he do?

Mr. CARMACK. If the President of the United States intended to employ detectives to inquire into this matter, I do not suppose he would publish it to the world or give the information to be used publicly here upon the floor of the United States Senate.

Mr. TILLMAN. Mr. President—
Mr. CARMACK. Men who employ detectives do not, as a rule, notify the persons whom they are trying to investigate in that way. Whether the President employed any detectives or not I do not know, neither does the Senator from South Carolina.

Mr. TILLMAN. But, Mr. President—
Mr. CARMACK. But we have a right to suppose that he has done and is doing everything he can to inquire into the matter and to find out all he can about it. He has at least done a great deal more than the governor of South Carolina did, who did not employ any instrumentalities at all, who did not make any investigation at all, and who with no evidence before him except the word of one man proceeded to discharge a whole company.

Mr. TILLMAN. If the Senator gets any consolation out of

that, of course he is welcome.

Mr. CARMACK. I am not getting any consolation out of it.

It grieves me.

Mr. TILLMAN. The Senator does not think that the President instead of turning these men loose should have held them in the service, should have held them where he could get at them, should have kept them together so that the detectives could have done their work? Now where are they? Roaming up and down the land as martyrs and heroes.

Mr. CARMACK. There are some Senators who are trying to make them martyrs and heroes. I am not one of them, thank Wherever they may be roaming, they are not wearing the uniform or carrying the gun of an American soldier. They are

not disgracing the Army of the United States. They are not doing that. I think the President ought not to have kept them in the Army. I think it is of the highest importance that there should be the best of feeling prevailing between the soldiers in the Army and the civilians, and we can not have that if we keep such murderers of peaceful civilians wearing the uniform of the United States

The Senator from South Carolina says that if one of those soldiers were to come to South Carolina he would probably be lynched.

Mr. TILLMAN. No.
Mr. CARMACK. I understood the Senator to say that.
Mr. TILLMAN. I simply said he was not going there; that is all; and the Senator knows he is not going to Tennessee, either. [Laughter.]

Mr. CARMACK. I do not know it. I know he could come to Tennessee if he wanted to, and if he did not commit any crime while there he could come just as safely as the Senator from South Carolina could come. You never heard of a man being killed in Tennessee on account of something that occurred in Texas, no matter whether he was black or white, and

you never will hear of it.

Mr. President, I think it exceedingly unfortunate from every point of view that this agitation should have been begun. I cast no imputation upon the good faith of the Senator from Ohio, and certainly none upon the Senator from South Carolina. But it seems to me, sir, that there is something else behind these uncalled-for attacks upon the President than a passion for justice and for law. Whence comes this new-found zeal for law and Constitution; this jealousy of Executive encroachment upon the power of Congress and the rights of citizens? This particular act of the President is simply the occasion, but it is not the cause, of this violent and concerted attack upon the Administration. The President has done enough in all conscience to alarm every real friend of the Constitution and of the Republic. Through it all he has had the united, enthusiastic support of Senators upon the other side of the Chamber. We have seen him issue an Executive order embodying the very terms of a pension bill which the Congress of the United States had refused to pass, and give it the force and effect of law. We have seen him in the Panama adventure riding roughshod over treaty and statute and international and constitutional law, and doing it with the unanimous approval of Senators upon the other side of the Chamber. We have seen him make a treaty with a foreign country and put it in force without the advice and consent of the Senate. We have observed his action in the matter of the Indianola post-office. There was a case, Mr. President, where the Senator from Ohio might have truly said that the President acted upon the flimsiest evidence and without the warrant of law. There was a case in which the Postmaster-General officially declared that only a very few people were even suspected of intending to do something wrong and that the vast majority of the people had no sympathy with their conduct and no part in their act, and yet the President abolished that postoffice and compelled all the people of that community, the great majority of them innocent and only a few supposed to be guilty, to go 30 miles to get their mail. Why was not the voice of the Senator from Ohio then uplifted? Where, where, was Roderick then? Why did he not come to the defense of the white people of Mississippi, who were subjected to a great wrong and outrage and violation of law and upon the flimsiest and most contemptible evidence?

Mr. President, there have been numberless infractions of the Constitution and the law by the President, and they have never stirred a ripple upon the placid waters of Republican harmony. It is by the most honorable acts of his Administration that the President has aroused so deadly an antagonism within his own party. He might have continued to trample upon the law to the end of time; he might have multiplied his infidelities to the Constitution until they were as numberless as the stars of heaven or the sands of the sea, and if he had not otherwise offended, no voice would ever have been lifted to protest against the great outrage upon the negro troops at Brownsville.

The President has made the mistake of compelling his party to violate all its traditions, to break with its old-time friends, to turn its guns upon the allies of a hundred battles. He has brought the great railways and trusts and corporations of the country to recognize that there are such things as law and government in this country. Helpless under the compelling force of public opinion that he has arrayed behind him, his party leaders have yielded, snarling and reluctant, but biding time and opportunity to strike, just as the dog that is compelled to fight will "snatch at the master that doth tarre him on.

This is but the beginning of a fight, Mr. President, to break the power of the only leader of the Republican party who ever

arrayed it against the enemies of the people. It is an effort to put the party back into its old position, to renew its old alliances, to make peace with its old friends, and establish again its covenant with the plunderers and oppressors of the Amer-

ican people.

And, Mr. President, it will succeed. The resources of the gentleman in the White House can not stay the inevitable hour. He has attempted the impossible task of recreating the Republican party. Mr. President, you may whitewash the Ethiopian and you may unspot the leopard, but you can not make the one a Caucasian or the other a lamb. There is a force as compelling and persistent as the law of gravitation that will draw the Republican party back to the position from which, by main strength and awkwardness, the President of the United States has lifted it up. The Republican party has never felt comfortable in the strange company it has been compelled to keep. It has tried to appear at ease in the stolen garb of Democracy and to comfort itself with the proverb that "every true man's garment fits your thief;" but it has never been able to conquer its yearning for the old suit of stripes which it has worn so long and which fitted it so becomingly and so well.

Mr. President, the Republican party must go back to its old associations, even as the dog returneth to his vomit and the sow, that was washed, to her wallowing in the mire. It will in a little while look back to its brief masquerade as a friend of

the people as to a hideous dream.

Mr. President, the issue has been forced. President Roosevelt must fight the course; and I say to Senators upon the other side of the Chamber, you must take your alternative, you must either renominate Theodore Roosevelt or you must give us back our platform. [Laughter.] You have got to do it. It was never yours. In your hearts you are longing for the time to come when you can cast off this Rooseveltian incubus. The Republican party, for the first time in years, will look natural when it sits for its photograph in the next campaign. But, Mr. President, in the meanwhile the sentiment which President Roosevelt has created, which he has helped to arouse against plutocracy, will turn millions of voters to the ranks of the Democratic party, and if President Roosevelt himself chooses to come, he will find there ample opportunity to render great service to the American people and to learn some respect for the Constitution and the law. [Manifestations of applause in the galleries and on the floor.]

The VICE-PRESIDENT. The Chair must admonish the occupants of the galleries that, under the rules of the Senate,

applause is not permitted.

During the delivery of Mr. Carmack's speech,

The VICE-PRESIDENT. The Senator from Tennessee will suspend while the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The Secretary. A bill (S. 7709) to revise, codify, and amend the penal laws of the United States.

Mr. FULTON. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Oregon asks unanimous consent that the unfinished business may be temporarily laid aside. Without objection, it is so ordered.

After the conclusion of Mr. Carmack's speech,

Mr. STONE. Mr. President, I can give to the Senate and to Senators who are yet to speak the comforting assurance that I shall occupy the Senate for a few minutes only. My speech will have one merit at least, which Polonius described as the soul of wit—the merit of brevity. I know this assurance has been often given and not often kept, but in my case and in this instance it will be kept, because I have written what I shall say, and I know just how long it will take me to dispose of it.

I begin, Mr. President, under rather difficult circumstances, while the Senate is still under the glamor of the eloquent peroration of the Senator from Tennessee [Mr. Carmack]. That Senator treated this question with great seriousness, with almost sepulchral seriousness; but, Mr. President, somehow I

can not share and do not share in that view of it.

Mr. President, the discussion upon which the Senate has been engaged for several weeks has taken on such curious phases that it is impossible for me longer to regard it with seriousness.

From real war to mimic war is usually a long stride, but we have seen the feat accomplished here in a single short step. We have on hand a tempest in a teapot—several of them, indeed—and the whole performance has come to be downright funny. I have been greatly diverted by the shifting of the scenes. Surely the Senator from Ohio did not foresee what he was starting when he offered his resolution. It can not be that he intended to provoke the accomplished Senator from South Carolina [Mr. Tillman] into repeating in the Senate Chamber those polished and most admirable deliverances on the race

question with which he has, with rare discretion and at great personal sacrifice, regaled impecunious chautauquas throughout the country, and thereby incite the redoubtable Senator from Colorado [Mr. Patterson] to make a resentful defense of the American democracy in the name of Roosevelt. Just what the race question has to do with an investigation into the facts of the Brownsville incident may not be perfectly clear to all of us; nevertheless we have had all the phases of the race question discussed except the remedy. We are promised that a solution of this portentous question will be later disclosed, but so far the oratorical pyrotechnics have served only to make the familiar darkness more plainly visible.

Still this diverting flurry has not been without value, since it afforded the Senator from Colorado an opportunity to give authoritative assurance to all mankind, which he did with charming naïveté, just what the Democrats of the country, South as well as North, think of the negro problem. It is a delightful sensation to feel that, after all, those of us who have viewed this dread question with an ever-accentuating fear are, in fact, without any substantial ground for our apprehension. It

is all very funny, but also very comfortable—if true.

But, Mr. President, if this race question-introduced as a side show and as a diversion alien to the main circus—has been amusing, so has the real thing itself. A few days ago the sky beyond this center aisle was overcast with ominous clouds. The very atmosphere was surcharged with sulphurous odors. There was a most exhibitaring prospect of a desperate clasha tragic duel to the death between the accepted champion of the President and the accepted champion of the President and the accepted champion of the discharged soldiers of the Twenty-fifth Regiment. Then the Senator from Massachusetts [Mr. Lodge] and the Senator from Ohio [Mr. FORAKER] were marshaling their forces for battle and lurid war seemed inevitable. But almost within the twinkling of an the battle prospect which stirred our pulses to quicker beating vanished and "grim-visaged war smoothed his wrinkled Now, instead of loud alarums and threats of dire portent, we hear only the harmless tumult of a sham engagement. Mr. President, I am disappointed. It is well, of course, for brethren to dwell together in unity, but, being fond of a "scrap"—I mean as a looker-on—I confess myself most grievously disappointed. However, it is but fair to say that, though disappointed, I am not wholly surprised. In fact, I rather anticipated this outcome when I heard that the Senator from Wisconsin [Mr. Spooner], who is a veritable apostle of peace, had arranged an armistice, and I felt sure of it when I heard that the amiable senior Senator from Iowa had left his sick room, braved the winter winds, and hurried to Washington. It was easy odds that when he came and laid his soothing and plastic hand on the mutinous hot bloods and brought them under the spell of his persuasive influence there would be hand shakings and felicitations.

But, after all, Mr. President, there is really nothing left to fight about. If the Senator from Massachusetts had stood by his original amendment to the resolution of the Senator from Ohio we would now have a real issue of real moment before the Senate. That amendment proposed to commit the Senate, in terse and definite terms, to the proposition that in dismissing this negro battalion the President acted within the scope of his constitutional and legal authority. There was meat in the issue thus presented. It was a bold stroke, too, on the part of the Senator from Massachusetts. It was a bearding of the lion in his den. Into the arena the Senator strode like a veritable Ajax, wearing the colors of the king, with frowning visage and lance firm set, challenging the hotspur who dared affront the throne to have a bout with him. As I observed the Senator on that occasion, I felt my admiration for him, already and always great, perceptibly grow; and when the Senator from Ohio instantly and impetuously snatched up the gauge of battle thrown at his feet I fancied I could see blood spots on the moon. Here were foemen worthy each of the other's steel. The outlook was beautiful and full of tragic promise. We were to have a tilt that would become historical; and I repeat, Mr. President, I was savage enough to feel elated at the prospect. longer. The trumpets are silent; pennants no longer wave; "the pomp and circumstance of glorious war" have vanished, and we have sunk again to the humdrum level of the common-place. When the Senator from Massachusetts backed away and withdrew his amendment, a truce was inevitable. There was nothing left to fight about. True, since then we have had debate galore, pro and con, as to the President's authority to do what he did, but to what practical purpose I know not. heavy guns have boomed and there have been fusillades of lighter arms, but there is no way of telling whether anything or any-body has been hit. This is so because the issue as to the President's authority was withdrawn from the Senate when

the Senator from Massachusetts withdrew his amendment. No doubt, Mr. President, the question raised by that amendment is, after all, still the one paramount and complicated question involved in this whole consideration, but it is no longer before the Senate in a form to be authoritatively determined. It may return to provoke discord again—that delightful discord which the valiant retreat of the Senator from Massachusetts was the means of silencing. Let us hope it may. But then, what is more likely, it may never come to plague or please us again. In any event there is no such issue before the Senate now. substitute proposed by the Senator from Massachusetts, with which he sought to cover his flight and protect his rear, does not even remotely present that issue. His speech in explaining his purpose in offering the substitute was interesting, as his speeches always are; but, like the others, he only fired in the air. There was no target to shoot at. He had removed the target with his own hands, and thereby made it impossible for the Senate to say whether his aim was accurate or whether he had been shooting to any purpose. His substitute can not be measured by his interpretation of it nor by his statement of his motive in offering it. The substitute, like the resolution of the Senator from Ohio, speaks for itself. If it should be adopted. the committee charged with the duty it enjoins would not look to the Senator's speech, but to the resolution itself for instruc-Doing that, they would find that they were instructed by "to make inquiry and take testimony in regard to the affray at Brownsville"—exactly what the resolution of the Senator from Ohio calls for. There is not a word about the President's authority; all that is eliminated.

Mr. President, for myself I am sorry the Senator from Massachusetts did not stand by his guns. But he did not. To inquire why he did not might be indelicate; it might be to trample on the Senator's sensibility. Can it be possible that he feared to make the test and take the hazard of the die? Perish the thought, since above all things the Senator stands for President. Not only on this occasion, but on all occasions, the able and erudite Senator from Massachusetts, with a possible well-known exception on this side the Chamber, is first in the the President needs defense. As defender know he is alert, able, and faithful. His arm is puissant, his tongue eloquent, his loyalty superb. He is a man of power and great worth, and no President could be more fortunate in championship. Therefore, if ever he fails or falters it must be that his cause is bad or that he is subject to some extraneous influence he can not resist. To say that the Senator feared to put his issue to the test would be to say that the President feared also. Can twin fears of such parentage be conceived? Imagine great Jove and Mars, his minister, trembling together! That would be a sight for the gods! Then, indeed, might we Great is the Buckeye State, and greater still its But whatever the cause, the fact remains that the Senator from Massachusetts abandoned the field to his antago-The flag of the Ohio Senator now floats on the Presidential rampart, and it will remain there unless the Senator from Massachusetts returns successfully to the attack. No more finesse, no strategic side stepping or play for place, no beating of tom-toms can obscure that fact or rob the victor of It is perfectly manifest that the substitute with his honors. which the Senator from Massachusetts displaced his amendment differs in no essential particular from the resolution of the Senator from Ohio. There is, of course, some slight variance in phraseology, but between the two there is no difference in meaning, substance, or effect. Both call for an investigation into the facts of the Brownsville butchery, and that is the sum total of all that either calls for. No matter whether the resolution of the Senator from Ohio or the substitute of the Senafor from Massachusetts shall be adopted, the result will be the same. In either event the same investigation will be held and the same report be made.

Why, then, was the substitute proposed by the Senator from Massachusetts? Was it a mere play for position? Mr. President, that seems to be about all we have left of the fight. The Senator from Massachusetts begs only for a modicum of aromatic salve for his bruises, while the Senator from Ohio demands his laurel wreath without a missing leaf. Can not the senior Senators from Iowa and Wisconsin adjust this extremely delicate point of difference? Can it not be arranged so that we may have yet another resolution of the same purport by way of compromise, and perfect peace in consequence? It is possible that the Senator from Wisconsin has impaired his usefulness as a pacificator by his inopportune speech of yesterday. But that should not be so, for his speech, though exceptionally able, was, like others we have heard, directed to the President's power, which is really not now an issue before the Senate, and was therefore, as the matter now stands, not such a deliverance as

needs to interfere with his high office as mediator. Besides, we know that whom the Senator from Wisconsin loveth he chasteneth, and on that account the Senator from Ohio should not take mortal offense because the Senator from Wisconsin has shown some natural leaning to the President. Besides, again, the blow was softened by the oft-repeated but always charming oratorical duet of the Senators from Wisconsin and South Carolina. No Senator could set such music going, and then thrust with envious dagger. No; I regard the Wisconsin Senator as still eligible to the arduous office of peacemaker. But, in any event, we have the Senator from Iowa still, and that alone is enough.

In the meantime, Mr. President, the only question of present moment before the Senate is that presented by the Senator from Ohio, namely, Will the Senate order an investigation? Whether the President had lawful right to dismiss these soldiers from the Army or not, he did do it. And now that the question of his authority has been eliminated—I came near saying from the discussion, but from the consideration of the Senate—at least for the present, there is nothing left except to determine whether the investigation moved by the Senator from Ohio shall be ordered. At first I was disposed to vote to turn the whole proposition down; but, on reflection, I shall vote for the resolution mainly because it seems proper that so serious a matter should be thoroughly and impartially investigated. Beyond doubt the

exact facts should be ascertained as far as possible.

The occurrence at Brownsville involves the discipline and good name of the American Army, and for that reason it ought to be thoroughly sifted. And then, since the drastic action of the President has been called in question, as being not only without authority of law, but in violation of law, and since it has been further said that as a consequence of that action gross injustice has been done to individual soldiers, the whole affair should be probed to the bottom. True there have been some investigations made under Executive direction, and while such investigations were proper, and while at this time I credit the results of those investigations in so far as facts were developed by them, nevertheless it is manifestly true that those investigations were ex parte in character and somewhat superficial, and it would seem, therefore, that the public interests, as well as considerations of justice, demand a more complete, searching, and adequate inquiry into the facts. If this should be done courageously, patiently, and impartially, as I have no doubt it would be by the Senate committee, it is more than possible that it would result in fixing responsibility for the crime upon those who are guilty of it, and at the same time exculpate those who are innocent. It may result not only in punishing the guilty, but in laying a basis for having justice done to the innocent. As no man guilty of this atrocity is now wearing the uniform of the Army, and since all of them, the guilty and innocent alike, have been dismissed, no public harm can possibly eventuate from the proposed investigation. On the contrary, substantial good in more ways than one may be accomplished by it. I believe the facts when fully ascertained will confirm the President's statement as to what the facts are, and as the investigation may lead to important results in other respects, there should be no hesitancy about ordering it. I am anxious to see the President vindicated. In common with all civilized men, I was profoundly shocked at the murderous assault made by fiends wearing the uniform of American soldiers on a sleeping town at midnight, and instinctively I sympathized—heartily sympathized—with the President's just indignation and impulsively indorsed his vigorous action. After the first outburst of horror inspired by the tragedy was past and men had recovered their poise again, the whole country watched the President's course with a keen and constantly augmenting interest. I am sure I followed him through it all with the greatest concern. The President is not always as bold at the end as at the beginning, and I wondered whether he would yield to the pressure brought upon him to reverse his action or go on resolutely to the end of the road upon which he had started. I observed that some of his advisers manifested timidity and a disposition to retreat. ambient air was made hot with wireless warnings and admonitions to the President, then sailing on distant seas, and, judging by the past, I expected a halting note would be sounded back; but for some reason it did not come.

With the light since thrown upon the question, and the doubt excited by it as to the President's power, I can see that he might well have hesitated; but at the beginning I presumed, as a matter of course, that he was acting within the purview of his authority. Assuming that that was true, I was interested in seeing how he would be affected by the pulse beat which alarmed his deputies at home. Except to the extent that he may be responsible, if at all, for the fiasco here in the Senate, he has so far deported himself with unflinching courage. For once in his phenomenal career he has stood steadfast and firm.

I believed the President's act merited universal approval, and I was strengthened in that belief by the strong presentation made by him and the Secretary of War. And now, Mr. President, just as I was settling down and accustoming myself to the novelty of supporting the President without a doubt as to the wisdom of doing so, along comes the Senator from Ohio [Mr. FORAKER] and says on the authority of his great name, first, that the President has not properly reported the facts, and secondly, that in dismissing the battalion he exceeded his authority and violated the Constitution and the statute law of the land. That upset me. It put me to the necessity of making some inquiry into the President's power. I am still wholly in sympathy with the President, but I am not so confident as before. I do not believe that the President missed the facts very far, and he was right in saying that the Army should be rid of such miscreants. But, Mr. President, I am a great stickler for the Constitution, and I am so unalterably opposed to the tendency and the apparent purpose of those now in executive authority to override the limitations with which their power has been hedged about that I must hesitate to follow the mere promptings of sympathy in a given case if thereby a dangerous precedent is established. Yet, so strong is my desire to support the President in this controversy, I would have to be sure that there was no legal justification for his act before I would vote to disapprove it. But at this time I am bound to confess that doubt is so yoked to inclination that I could not follow the President in his final step without a feeling of insecurity. But, Mr. President, I will not amplify upon that, or else I will be shooting into the air also. I will say what I have to say on that subject when it comes as an issue before the Senate.

In the meantime I think the investigation should proceed. I am aware that there is a disposition on this side of the Chamber to squelch the investigation by voting down all the reso-Intions. At first I was in sympathy with that view, but now I have determined to vote the other way. The investigation can not do any harm, and it may do good in the particulars I have indicated. And it will do good in other ways. Here is a family feud for which Democrats are in no sense responsible, and I see no reason why we should smother the fire or pull chestnuts out of it to save the fingers of any of our friends over there from burning. Aside from the light an investiga-tion would throw upon the facts and the law, the investigation would be a source of intense interest to all and of endless amusement to many. Back of it all there is said to be a masterful game of politics. In this play the mighty men of rival Republican factions will be star attractions, and all the front seats will be occupied by the negro contingent of the American electorate. Let the play go on. The rest of us can stand the pungent odor for the fun of it. The hot days are coming anon, and I think this investigation would greatly enhance the gayeties of the summer solstice. Therefore, for one, at least, I shall vote for the resolution.

Mr. HEYBURN. Mr. President, it would seem that when Senators refer to the attitude of each other in this regard as being in support of or against the President or the Administration they misconceive the legitimate purpose of this resolution should it be adopted, and they misconceive the legitimate question involved in determining whether or not this resolution should be adopted. There is one thing of which we may be absolutely certain, and that is that the Senate has not the power, that it may not properly exercise supervision over the completed act of the President under consideration. No such power is vested in the Senate, notwithstanding the fact that it cooperates with the President of the United States in determining the Articles of War.

Those articles have been referred to frequently during this discussion as though they emanated entirely from Congress. They are the joint act of Congress and the President of the United States. They must receive the approval of both Congress and the Executive before they are in force. The personnel of the President that participated in the enactment of the statutes which we term the Articles of War does not affect their binding force legally or morally. The fact that the particular President now occupying the office of Chief Executive was not a party to the enactment of the Articles of War does not relieve him in any degree from the consideration and observance of those Articles of War which he would have given to them had he been a party to their enactment.

Mr. President, I have listened with very much interest to, and have been instructed by, the discussion of the question involving the duties and the rights of the Commander in Chief of the Army as to what is meant by that phrase in the Constitution. When that dignity was first discussed in the constitutional convention which framed the Constitution of the United States, it was not contemplated that there would be a standing army, and the sen-

timent of the convention up to that time was practically unanimous against the existence of a standing army. The term used by those who participated in the discussion of it was always connected with the phrase that is now found in the clause, "when called into active service," and pertained, in the minds of those who had it under consideration, to the Army when in actual service, whether it consisted of enlistment under the call of the General Government or under a call of the States.

Mr. President, there is another thing of which we may be absolutely sure, and that is that there is not an atom of imperial power vested in any Department of the Government of the United States or vested in any individual occupying an official position, and it matters not whether it is the President or the Senate or the House of Representatives or the Chief Justice. There is no imperial power vested in any Department or person connected with this Government. Whatever power the Commander in Chief has he has by virtue not of the fact that for the purpose of establishing uniformity in the personnel of that offi-cer the Constitution says the President shall be the Commander in Chief, but he has it by virtue of the statutes of the United States enacted by Congress, because in the same article Congress is vested with the power and the sole power of making rules for the government of the Army. Those Articles of War, as they are termed, have taken the form of statutes, and they are en-acted as other acts of Congress are enacted. They are enacted by the cooperation of Congress and the President of the United The President as Commander in Chief always, of course, exercises a watchful and vigilant care as to the action of Congress in enacting statutes for the government of the

The courts in construing that provision of the Constitution have said this, and it stands as the last interpretation of that provision of the Constitution. So long as Congress has acted, the President is limited and governed by the action of Congress in exercising the functions of Commander in Chief of the Army. Where Congress has not acted, he then acts within the scope of the general power that is invested in him by reason of Congress having acted at all. That is what the court says; that in the interval, to meet occasions as they arise, he may act on his judgment, but as soon as Congress acts upon those things which in the interval have rested in the discretionary power of the President, the President's discretion ceases, and the act of Congress becomes the law governing the Commander in Chief. That is the law as it is interpreted by the courts and as it stands to-day.

What is the object of this resolution? Is it that we may investigate the act of the President in connection with the discharge of these troops? I would suggest that the resolution be amended, first, in line 2 by striking out the words "such further," because that implies that there has already been an investigation by Congress, and there has not been; in line 2 strike out "as may be necessary," and third, that in lines 3 and 4 the words "discharge of members" be stricken out and the words "conduct of members of" be inserted, and after the word "Infantry" insert "and the members thereof."

The resolution would then read:

That the Committee on Military Affairs be, and hereby is, authorized to take testimony—

Instead of "further testimony"-

to establish the facts connected with the conduct of Companies B, C, and D of the Twenty-fifth United States Infantry and the members thereof.

Instead of reading, as it does now:

authorized to take such "further" testimony as may be necessary to establish the facts connected with the discharge of members, etc.

That is an accomplished fact. The discharge of the members of those companies is a completed act, and neither the Senate nor Congress has any power whatever to review it.

Now, why sit here and do a vain and useless thing—to attempt to review the act of the President of the United States, which is a completed act? As was said by the Senator from Wisconsin [Mr. Spooner] yesterday, Congress has already created a tribunal that may protect individuals in any rights which have been infringed upon by this order. They have the right under existing law to bring a suit in the Court of Claims to recover the pay that may be coming to them and to recover any other property rights of which they may have been deprived by an order issued in violation of their legal rights.

The contract of enlistment is a contract to which the Government of the United States and the enlisting man are both parties. Article 2 of the Articles of War provides that the Articles of War shall be read to the man proposing to enlist before he enlists; that after he has enlisted he shall sign them, agreeing to the terms, and take the oath of enlistment. He becomes a party to it. It is a contract. He is required by the terms of

the oath to perform his duties in a manner faithful and loyal to the Government. If he breaks his contract, he comes under the general rule of contracts, and the courts would so interpret it. If the Government breaks its contract, his rights are not affected by it at all. So why should we spend days here in considering whether or not we will investigate the acts of the President of the United States when there is no vestige of power resting in the Senate to do anything if it should arrive at the conclusion that he has acted in violation of the law?

Why should we do it? For the purpose of criticising the President? That would be an undignified function for this body to attempt to exercise. For the purpose of showing that the President was not justified in his act? That is not a part of our duty. There is no reason why we should engage in that pastime. It is entirely competent, however, for Congress or either body of it to investigate any condition of facts that will enable it in the exercise of legislative power to exercise it wisely, for the purpose of future consideration of similar conditions, for the purpose of guiding us in framing such legislation as will avoid such events as have occurred and which we are now considering. That is the only legitimate purpose. It is the only legitimate act that we can perform, and the country should know, it should be definitely announced through the action of this body, that we have not sat here through these days for the purpose of criticising the President of the United States to no purpose.

It should be known to the country that the Senate is sitting here not for the purpose of finding some grounds in the action of the President of the United States to criticise, but that we have been engaged in this inquiry for the purpose of guiding our own body in its present and future consideration of questions of this kind. When we are away from those lines we are without the scope of our authority. When we are away from that purpose then we are exercising no legitimate function whatever. So, if this resolution is adopted at all, then all reference to the acts of the President in discharging the soldiers should be stricken from it, and it should stand simply as a resolution to inquire as to the fact for the purpose of our own information, and not as a basis for further action looking to further criticism of the President of the United States.

Mr. President, it seems to me that it would be most unfortunate that it should go out to the country that we have sat here for two weeks discussing questions with which we have no concern, for purposes that we have no power to serve. Unless the public mind is advised of the real purpose of this inquiry in this discussion a wrong impression will go out to the effect that the Senate of the United States, mistaking the scope of its powers, has undertaken to inquire into the action of the President, which is completely under the assumed power that we may do something to undo that which the President has done. Whether he is right or wrong in his action is a matter which does not concern this body in its official capacity. Whether he is right or wrong in his conclusions as to where the blame is to be placed or as to the manner of dealing with these people does not concern this body in its public and official capacity, however much interest individual Senators may feel in the question.

The judicial tribunal of the United States is vested by the Constitution with the power to review the acts of the President of the United States wherever they affect private property interests. The Supreme Court of the United States may review the acts of the Executive just as it may review the acts of the legislative branch of the Government. Both are limited in the scope of their action by the same instrument. Neither Congress nor the Chief Executive or any branch of the Government can destroy individual or private rights. When they attempt it the court is the only tribunal that can stay the hand. If the President had no power to discharge these men, then it may be that their property rights were affected, and if they were they must appeal to the tribunals provided by the Constitution, and they will be protected in their property rights.

My only purpose, Mr. President, in speaking at all upon the pending resolution is that I might raise my voice against any impressions which might go abroad that the Senate was discussing it with a view of correcting any error or any violation of his power by the President, but that if we discuss it at all it is for the purpose of directing our own steps aright in present or future legislation. That is a legitimate purpose, and we may discuss this or any other resolution of the kind. We may inquire into the facts surrounding the circumstances or into any other facts that we deem will assist us in performing our duty in legislating not for the past but for the future. in regard to this matter is a closed book. The future in regard to like matters is open for us to act to the fullest extent of our constitutional power.

making a contribution to this great debate until to-day. I think if all extraneous and irrelevant matter could have been excluded from the debate it would have received a more dispassionate consideration and a more proper determination. I shall confine myself to the case in point, not reflecting at all upon any Senator who chooses in the course of the debate to take any course that his judgment approves.

The question raised by the resolution of the Senator from Ohio and by his speeches is whether the President had any authority to discharge a battalion of colored troops accused of crime, or whether having any authority he exceeded that authority, and whether the weight of evidence would justify the exercise of the authority if he had it. If it can be shown that the President of the United States was acting within his authorized power, then it is unnecessary to discuss the second question. If, on the other hand, the second can be established, that the President did not have, according to the judgment of the Senate or its committee, a sufficient weight of evidence to justify the exercise of his authority then we are powerless to do anything, and so it is a useless inquiry. So we may ask, What is the utility of all this discussion? I am not one who desires to fetter-the Senate in the free exercise of its power in looking into and investigating everything that may concern the public administration. We are here as a coordinate branch of the Government. In this particular matter we have a grant of power to raise armies and to make rules for the government and regulation of the Army, of the Navy, and of the militia of the several States when called into the actual service of the United States. The learned Senator from Idaho who preceded was mistaken when he supposed that there was to be no standing Army. The words "when in actual service" do not apply to the Army and Navy of the United States, but simply to the militia of the several States when actually called into the service of the United States.

Mr. HEYBURN. Mr. President—
The VICE-PRESIDENT. Does the Senator from Mississippi

yield to the Senator from Idaho?

Mr. MONEY. Certainly.

Mr. HEYBURN. I reluctantly interrupt the Senator, but-

Mr. MONEY. It is all right.

Mr. HEYBURN. I confined that statement to the earlier stages of discussion in the Constitutional Convention. After the second report by the committee on revision, it was then for the first time contemplated that we should have a standing army, but up to that time the sentiment was against it. referring to that period of the consideration of the Constitution when I made the statement the Senator refers to.

Mr. MONEY. Certainly; I accept that, except to say that we are dealing with the Constitution as it passed the Convention and not as it stood in the several stages and processes of its

making.

Mr. President, the men who constituted that Constitutional Convention were not only great men in their heroism, in their devotion to liberty, in their courage, and in their patriotism, but they were a scholarly set of men. They were men who were the equal in learning of anybody who ever sat in this Chamber. Many of them had participated in the war of seven years, the great struggle for independence. They not only knew from actual experience under a commander in chief what his duties were. but they had studied in the literature of every country that had recorded its military achievements what a commander in chief was. The statement of the learned Senator from Massachusetts [Mr. Lodge] the other day in telling us what the commander in chief was considered in different armies of the world was useful to the Senate in the consideration of this matter, not as a precedent, because there is no necessity to hunt for precedents for this case, but because it shows what was the duty of a commander in chief.

When the framers of the Constitution gave the authority to the President of the United States to be the Commander in Chief of the Army and Navy and the militiamen in the actual service of the United States they meant no empty compliment or distinction, but they meant something tangible and actual, energetic and vital, that he was to be the real Commander in Chief, not, I think, as my very brilliant friend from Tennessee [Mr. Car-MACK | says, that the office had any inherent authority. opinion there is no inherent authority anywhere in any branch of the United States Government. But the Commander in Chief has the authority to act as Commander in Chief, and that carries an implied grant of power to do everything necessary to carry into effect the power of the grant. He was to do what-ever, in his opinion, might be necessary to perform the functions of that great office and make it effective.

Now, if this is true, it is beyond the province of any coordi-Mr. MONEY. Mr. President, I had no intention whatever of nate branch of the Government to assail the action of the President in this matter. If it can be proven that the President was not considerate of the evidence, that he did not labor sufficiently, that he did not avail himself of all the means that might be open to him-and of that we have no knowledge, but sur--if all that could be proven it would not invalidate his act. In fact, Mr. President, in my humble opinion, if we should get all the facts, and many more of them than the President had reached, and upon that should base legislation, as I have heard it hinted in some quarters, to restore this battalion to a place in the Army, if the President had not changed his mind as to this offense it would be not only his right but his constitutional duty to dismiss them the very next day after Congress had put them back into the Army.

It does not lie within the power of Congress by any statutory law to curtail or diminish or abbreviate in any way the constitutional authority of another coordinate branch of the Government. This is not a singular view. It is as old as the Constitution itself. I can recall, since this debate has come up, that a long time ago I read the correspondence between Thomas Jefferson and John Adams when debating this question, not between Congress and the President, but between the court and the President. Mr. Jefferson in one letter wrote to Mr. Adams, and he repeated it in quite a number of letters, according to my recollection, that he not only went as far as Mr. Adams, who was a Federalist, but he went further, and he denied that the court could in any manner judge of the constitutional duty of the President of the United States. That view was held by Andrew Jackson, who said again and again that the Executive must for itself judge of the constitutionality of every law.

Now, the President of the United States, whether in his investigation he has been too loose or too searching-in whatever way he may have done it-has had brought to his mind a state of circumstances and facts which show to him that this battalion should be dismissed from the service. We can not review that decision. We can discuss it; we can inquire into the facts, but we are powerless to act. If they want to impeach the President for that, I venture to say there will not be any votes in this Chamber for his conviction. He has clearly, in my opinion, acted within his constitutional grant of power.

I am not alluding now, and I shall not, to any other circumstance than the one in point. I am sorry that the whole debate

has not turned upon the point at issue.

The President of the United States must satisfy himself, and it is absolutely immaterial to the case whether any man in the Senate is satisfied with it or not. Would you go to a judge who had written and handed down a decision and say to him: have given too much weight to the evidence of A; you have given too little weight to the evidence of B; you have admitted incompetent testimony in the case of C; you did not understand the law of evidence in relation to D's testimony, and alto-gether you have misapplied the law to the case?" Would that invalidate the judgment? Would the critic get any consolation from that except the one of speaking his mind? That is just what we are getting here. We are speaking our mind. We can not affect anything by our action; and until the utility of this proceeding can be shown, I ask what is the good of passing a resolution instructing a committee of the Senate to get information of a case about which we have no final determination?

Now, if it is necessary to convict the President of having improperly acted in the discharge of what he considered his duty, of course that devolves upon the majority of this Chamber. If they think it is a wise and proper thing to arraign the President and place him before the people of this country in the attitude of a defendant, if he is to be arraigned before the bar of public opinion upon emotion and impulse, and some of a character that are disreputable, I want to know, Mr. President, how it concerns us on this side, except that it is the business of every man in the Senate-it makes no difference what his politics may be; it makes no difference whether he is friendly or unfriendly to the President of the United States-to stand here to respect the Constitution of the United States and to defend in every particular and at every hazard the authority and the privileges of the honorable body to which he belongs, and to be as careful to restrain the President and keep him as far as it can within bounds in respect to his constitutional anthority.

There has been enough of authority, there have been enough of decisions quoted, and there has been able argument about the statutory power of the President. The President, though, carries into effect all the statutes and rules for the government and regulation of the Army, because he is the Chief Executive of this country. It is his business to execute the law. It does not make a bit of difference whether that law is military or civil. It does not make any difference whether it concerns the citizen

or whether it concerns a soldier. As Chief Executive he must carry into execution all the laws until the Supreme Court has declared them unconstitutional. But as Commander in Chief he has a distinct set of duties to perform, and those duties no statutory legislation can touch. He is absolutely impregnable.

It has been said it was a case of punishment. But let us look at that a moment. It has been eloquently refuted, I think, but

I only refer to it for the necessity of making a point.

The President in his investigation, with sufficient evidence to satisfy his own mind (and that is the only mind that is to be satisfied in his action), has seen fit to eject from the service of the United States a battalion of men. I do not care about calling them colored men, and for the purpose of this debate I am sorry they were not white men, that we might have kept out of it all the feeling and the irrelevant stuff that has been brought I say he dismissed a battalion of United States soldiers in here. upon what he considered sufficient evidence.

Now, Mr. President, why did he do that? To punish any-It does not appear so to me. But he did it because he found an organization of men enlisted in the service of the United States-uniformed, armed, fed, and clothed-who were raised for the protection of this country and the execution of the laws of the land when the posse comitatus shall fail. that this instrument of his, which has been placed in his hands the Constitution of the United States-troops raised and maintained and fed and clothed by the Congress of the United States-were not only an inefficient instrument, totally ineffective for the purpose for which they were organized, but also menacing and dangerous to the peace and happiness and life of the people for whose benefit they were organized and put into

Are we to be told, Mr. President, that, because he can not secure evidence sufficient to satisfy the mind of some Senators. he is to fail to discard this useless but this dangerous instrument. to preserve the morale of the Army, to assure the confidence of the people of the country that they will be protected and not harassed and killed by soldiers of the Army?

Every consideration of duty-waiving his constitutional authority—would lead him to do what he has done. It is not possible that anybody wants to continue in play so insufficient and so dangerous an instrument as this battalion has proved itself to be. The idea that there are a few innocent men can cut no figure whatever in the consideration of their discharge. wanted to undertake to punish these men, then that would have something in it.

The eloquent and distinguished Senator from Ohio [Mr. For-AKER] said the other day that the grand jury sat upon this case and acquitted these men. He is too good a lawyer to have intended to use that term, because he knows that grand juries do not acquit and do not try. They simply weigh the evidence and find a true bill, and generally upon a prima facie case.

There is a moral conviction upon the mind of every man in that jury, in that court, and everybody in the city of Brownsville, and every unprejudiced mind, I believe, in the United States, that these men were guilty, some of them, of this offense. It was impossible to indict a battalion or a company of men. When you get to Private George and Corporal Jack and Sergeant Jim, named, and swear that they were the identical soldiers who were guilty of this midnight assault and assassination, who could prove it? The judge gave a temperate, moderate instruction to the jury, which they obeyed. When it came to the examination by the citizens' committee, nobody could fix the guilt upon a single individual. So the several investigations which the President has fortified himself with, one after the other, could do nothing more than say that there was a perfect knowledge that the battalion was guilty, but no knowl-

edge that any single individual was guilty.

Then what was the President to do? Was he still to allow this battalion to continue in the service which they disgraced, still to countenance these outrages upon civilization and society? Were they still to assail at midnight the women and children of peaceful towns, still to disgrace the uniform and the flag?

Mr. President, to do that was to invite demoralization and destroy the discipline of the Army that is placed in his hand for his conduct and management in time of emergency and in

time of peace.

In my opinion, there is not the slightest difference, as some affect to see here, between the power of the President as Commander in Chief in time of war and in time of peace. There is, however, a difference in many subordinates, for we know very well that a general commanding in a state of siege proclaims martial law without any authority from anybody. He does it ex necessitate rel, because it can not be helped. It is his sole business to bring to a successful conclusion the battle or the siege or the campaign in which he is engaged. He has a right

to do it. There are emergencies that invest men with extraordinary power, and it is not unconstitutional that they should so act, because the grant goes with them to do what is necessary to be done to make effective the office which has been given to them. The captain-general of Cuba, under the articles of the provision that organized and created that office, had a power more arbitrary than is exercised by any despot in the world. The King on the throne of Spain, who appointed him, had no such dictatorship as he had. He was absolutely responsible, because it was named in the article that his power was that of a general commanding a city in a state of siege. That means martial law. That means to shoot without trial or conviction, to confiscate, and sell, and plunder, and do anything else, and no tribunal on that account is to be given authority, and there is no authority anywhere to call any act in question. not the law, but by the necessity of the case that implied power, which comes with every original grant of power to every branch of this Government, was brought into action.

I said awhile ago that Mr. Jefferson had his doubts, as did President Jackson also, and I recollect now that in debating the subject of the whole judicial system as keen and acute an intellect as John Randolph, of Roanoke, inveighed most bitterly and sarcastically against giving the judiciary the power to de-clare null, the acts of Congress. To use his language, he said, "It was absurd that a coordinate branch of the Government should permit its acts, deliberately taken, to be declared unconstitutional by another coordinate branch of the Government." That was his view about this thing; but we take it as it resulted

at last, in three great divisions of power.

This is the political branch of the Government; the brain of

the Government, which thinks for the Government. The Executive is the hand that obeys the will of the brain; and the courts decide upon the constitutionality of the acts that pass this body; determine suits between States and citizens of States,

and so on.

Mr. President, in this whole matter I have neither fear, prejudice, nor predilection. I am looking at it from a strictly impersonal point of view. I am regarding it as a Senator from the State of Mississippi, and my duty here is just as binding upon me to support the constitutional power of one branch of the Government as it is of another branch of the Government. have risen often in my place here and have said to the Senate that I thought that they were a little bit too subservient to the will of the Executive. I, perhaps, made those reflections improperly, but they came from an honest opinion about it, and from a desire that we preserve the power granted to us and exercise it, not only for the good of the present administration of public affairs, but for the permanence of our free institutions. When one branch of this Government begins to encroach upon another, then we will see the beginning of the end. The fear that haunted the mind of Thomas Jefferson, the greatest political philosopher who, in my opinion, ever lived, was continually that the Supreme Court—as he called it, the mind of the court should after a while so invade the powers of Congress as to dissipate them and lead to general confusion.

Mr. President, I think it is to be deprecated, from many points of view, that this discussion has taken so wide a range. I would have been glad if the whole of the resolution could have been voted upon with fifteen minutes of debate. I do not think it needed any discussion to convince anybody whether it was necessary or not necessary to take testimony in a case in which the Senate could not act. It can not be the basis of any legislative action, except perhaps a resolution of opinion, and it would be nothing more than that, simply a resolution of the Senate, which is an expression of opinion and has no legal force anywhere, and must not even be necessarily considered by the President of the United States, nor read by him. I think, Mr. President, that when he exercises his clearly granted constitutional power, there can be no criticism upon that to affect its validity, and there can be no change in the result of his action. All the powers of this whole Government can not; against the will of the President, reinstate these men in office.

Now, as to the fact that some of them have been done injustice, that is to be lamented, if it is true; but, according to the language of the official documents that have been transmitted to us and according to the statements repeated over and over again by every solitary man concerned—by Major Blocksom, by General Garlington, the Secretary of War, and the President the whole body, if they were innocent, preserved a guilty silence to exculpate or protect the criminals. In my State there is no such thing as an accessory before and after the fact-they are all principals; and in this case it seems to me they are all principals. If it is true that a man can show an alibi, that certainly will be used for his benefit, and he can avail himself

of it to be reinstated in all the rights which he has forfeited by his discharge.

Mr. KNOX obtained the floor.

Mr. SCOTT. Will the Senator allow me a moment?

The VICE-PRESIDENT. Does the Senator from Pennsyl-

vania yield to the Senator from West Virginia?

Mr. KNOX. Ves

Mr. SCOTT. Mr. President, as a member of the Military Committee it strikes me that if the Senate would only allow us to have an investigation of this matter before the case is argued it would be much better. I am not a lawyer, and sometimes I thank God that I am not when I see the differences there are between very eminent attorneys. I am a member of the between very eminent attorneys. I am a member of the Military Committee and have not taken part in this discussion because I wanted to try to divest myself of any prejudice that I might have and act in the capacity of a judge. the Senate will allow this matter to go to the Military Committee or to some other committee, and, after they have investigated it, allow them to report to the Senate of the United States, and then let us have the discussion and the learned opinions of the attorneys of this body.

Mr. KNOX. Mr. President, notwithstanding the admonition and very excellent advice we have just received from the Senator from West Virginia [Mr. Scort], I have the temerity to make a few observations about the resolution now pending be-

fore the Senate.

The propositions advanced by the distinguished Senator from Ohio [Mr. FORAKER] when this debate began, challenged, as they necessarily must have challenged, the attention of the lawyers not only of this body, but of the bar of the United States. given some time and some thought to their consideration, primarily for the purpose of self-guidance, and for the possible purpose of making some contribution that might be useful in the debate upon the resolution. But, Mr. President, the industry of my colleagues has been so great, and these questions have been so fully and lucidly discussed, that I can not find it possible to justify myself in doing more than announcing the conclusions I have reached and to announce them mainly in the language of the authorities by which they are sustained.

It must be conceded, Mr. President, that the Commander in Chief of the Army has the power to discharge any man or any number of men for the good of the service. This power inheres This power inheres in the office of the Commander in Chief and is part of his power, unless it is, if it can be, taken away by statute. Not only is this power or function not taken away under the laws of the United States, nor qualified by any positive enactment, but, on the other hand, it is distinctly recognized by statute law, by judicial decisions, and by Army regulations, which have the power of law.

By legislative enactment and constitutional provisions: The

Constitution, in Article II, section 2, says:

The President shall be Commander in Chief. The Articles of War-article 4-provide:

No discharge shall be given to any enlisted man except by the order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a court-martial.

Observe, Mr. President, that this statute places the power in the Commander in Chief, his agent, the Secretary of War, and the commander of a department. General Lee's order of October, 1864, is an example of the discharge by the commander of a department, and is therefore, in my judgment, a precedent in this case.

judicial interpretation: Section 1229 of the Revised Statutes provides that "no officer in the Army shall in time of peace be dismissed from the service except on the sentence of a court-martial;" and yet in Keys v. United States, reported in 109 U. S., at page 336, citing Blake v. United States, reported in 103 U.S., it was held that the President of the United States had the power to supersede or remove an officer, notwithstanding the provisions of this statute.

Of course, Mr. President, I admit that there is some difference between the removal of an officer by the appointing power and the termination of the contract of enlistment by the Commander in Chief, but there is none in principle, both being for the good of the service. The appointment of an officer is during good behavior, and the contract of enlistment is so long as the soldier's conduct shall be honest and faithful.

By Army regulation: Army regulations have the power of law, they being the rules promulgated by the executive depart-

ment and having been recognized by Congress in the provisions for their modification and publication.

Article 21, section 137, of the Army Regulations, provides for the discharge of an enlisted man "by order of the President or the Secretary of War," and section 148 provides that the Secretary of War may specially order the discharge "without

So it will be seen, Mr. President, that, as Commander in Chief, the President has the power to discharge; that this power is not taken away if qualified by statute law, but is fortified by legislative enactment, by judicial decision, and by

Executive regulation.

The President of the United States directed the discharge of certain members of Companies B, C, and D of the Twenty-fifth Regiment of Infantry. He did not disband the companies; he did not wipe out the organization. He could not do that, because Congress has fixed the number of regiments and the division into battalions and companies. He discharged many enlisted men who were members of certain companies. If he had the right, which in my judgment he clearly had, to discharge one, he had the power to discharge one after another or many at the same time. The suggestion that the power may be abused can not be urged against the existence of the power.

The President of the United States has the power to remove, with some exceptions, all the administrative officers of the Government. Yet it is no argument against the existence of that power that he might thereby be enabled to stop the operations of the Government. If he had the right, as I say, to discharge one, he had the right to discharge many.

By the fourth article of war, Mr. President:

#### FOURTH ARTICLE OF WAR.

No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field officer of the regiment to which he belongs, or by the commanding officer when no field officer is present; and no discharge shall be given to any enlisted man before his term of service has expired, except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial. \*

There are three forms of discharge

FORMS OF DISCHARGE.

This article, in its second clause, specifies two kinds of discharge as authorized to be given to soldiers before their terms of enlistment have expired and which are quite distinct in their nature.

I am now reading from Davis on Military Law.

The one is given by Executive order and the other by sentence; the one is a rescinding of the contract of the soldier, authorized to be resorted to whenever deemed desirable, at the discretion of the Secretary of War, etc., and is in law an honorable discharge or a discharge without honor, as the case may be; the other is a punishment, and therefore a dishonorable discharge. One of the officials named can, of his own authority, no more order a soldier to be, in terms, dishonorably discharged than can a court-martial adjudge a soldier to be honorably discharged.

The author then goes on to speak of the discharge by Executive order, the type of discharge with which we are now dealing, and this statement of the author is amply supported by the authorities

Continuing to quote from Davis:

## DISCHARGE BY EXECUTIVE ORDER.

Although the engagement of the soldier under his contract of enlistment is for a term certain, the Government is under no obligation to retain him in service to the end of the stipulated period, and, under the authority conferred by this article, may "terminate at pleasure an enlistment without regard to the soldier." It is essential to the discipline and efficiency of the military establishment that the Government should "not only have but should be able to exercise this power without question or controversy" and at its discretion.

Why, Mr. President, we all know the engagement put, as it is, on the basis of a contract is an engagement for a personal service. We all know that in our domestic menage and in all the engagements for personal service the status can be changed at will by the employer. No man has a right to remain in the employment of another against the will of the employer. The service can be terminated at any time, subject, of course, in civil life only to liability for damages for breach of contract.

Mr. President, the statement I shall now read from O'Brien's Military Law seems to me to cover this case like a blanket He

If a national army be established, it is indispensably requisite that order and discipline should be established and maintained in that army. To effect this it is necessary that the duties of the military be defined and their performance enforced, under appropriate penalties, by tribunals appointed for that purpose. For this reason rules and articles of war are ever found to accompany an army. There is yet a stronger motive for their establishment, which relates to the tranquillity and security of the State, for nothing could be more dangerous to the public peace and safety than a licentious and undisciplined military. Such a force would be merely an armed mob; and our own experience, as well as that of other nations, has given us sad but useful lessons in the mischief to be apprehended from such an assemblage. The aim of all military legislation should, therefore, be twofold: First, to render the army as efficient as possible against the public enemy; and, secondly, to deprive it of all power of injuring the country which supports it. (O'Brien, Military Law, 25.)

In United States v. Eliason, reported in 16 Peters, the Supreme Court has said:

The power of the Executive to establish rules and regulations for the government of the Army is undoubted.

The Secretary of War is the regular constitutional organ of the President for the administration of the military establishment of the nation; and rules and orders publicly promulgated through him must be re-

ceived as the acts of the Executive, and as such be binding upon all within the sphere of his legal and constitutional authority.

Mr. President, I call the attention of Senators to the following sentence contained in this opinion:

Such regulations can not be questioned or defied because they may be thought unwise or mistaken. (United States v. Eliason, 16 Pet., 301-302.)

Says Attorney-General Legare in his Opinions to the President, reported in 4 Opinions Attorney-General:

dent, reported in 4 Opinions Attorney-General:

Whatever I might have thought of the power of removal from office, if the subject were res integra, it is now too late to dispute the settled construction of 1789. It is according to that construction, from the very nature of executive power, absolute in the President, subject only to his responsibility to the country (his constituent) for a branch of such a vast and solemn trust. (3 Story's Com. on the Constitution, 397, sec. 1538.)

It is obvious that, if necessity is a sufficient ground for such a concession in regard to officers in the civil service, the argument applies a multo fortiori to the military and naval departments. That the power is a tremendous one, and that if tyrannically exercised, none can be imagined more intolerable and more revolting to a free people are propositions which all will admit. That brave and honorable men, such as alone are worthy of a military commission, should be subject to a capricious despotism, which may not only deprive them of their profession, but even sully their good name, must be felt to be a case of very peculiar hardship. Yet—

The Attorney-General goes on to say—

The Attorney-General goes on to say-

these considerations have not prevented nations jealous of their rights and earnest in upholding and enforcing their laws against all prerogative from acknowledging the necessity of such a power in the commander in chief of their army and navy.

From the organization of the Government, under the present Constitution, to the commencement of the recent war for the suppression of the rebellion the power of the President in the absence of statutory regulations to dismiss from the service an officer of the Army or Navy was not questioned in any adjudged case or by any Department of the Government.

I am reading from Mr. Justice Harlan's opinion in Black v. The United States (103 U.S.):

The United States (103 U. S.):

During the Administration of President Tyler the question was propounded by the Secretary of the Navy to Attorney-General Legare, whether the President could strike an officer from the rolls without a trial by a court-martial after a decision in that officer's favor by a court of inquiry ordered for the investigation of his conduct. His response was: "Whatever I might have thought of the power of removal from office, if the subject were res integra, it is now too late to dispute the settled construction of 1789. It is according to that construction, from the very nature of executive power, absolute in the President, subject only to his responsibility to the country (his constituent) for a breach of such a vast and solemn trust. (3 Story, Com. Const., 397, sec. 1538.) It is obvious that if necessity is a sufficient ground for such a concession in regard to officers in the civil service, the argument applies a multo fortiori to the military and naval departments. \* \* I have no doubt, therefore, that the President had the constitutional power to do what he did, and that the officer in question is not in the service of the United States." The same views were expressed by subsequent Attorneys-General. (4 Opin., 1; 6 id., 4; 8 id., 233; 12 id., 424; 15 id., 421.) \* \* \*

In addition thereto, the justice states:

In addition thereto, the justice states:

Such was the established practice in the executive department, and such the recognized power of the President, up to the passage of the act of July 17, 1862, chapter 200 (12 Stat., 596), entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes," the seventeenth section of which provides that "the President of the United States be, and hereby is, authorized and requested to dismiss and discharge from the military service, either in the Army, Navy, Marine Corps, or volunteer force, any officer for any cause which, in his judgment, either renders such officer unsuitable for, or whose dismission would promote, the public service.

In reference to that act Attorney-General Devens (15 Opin., 421) said, with much reason, that so far as it "gives authority to the President, it is simply declaratory of the long-established law. It is probable that the force of the act is to be found in the word 'requested,' by which it was intended to reenforce strongly this power in the hands of the President at a great crisis of the State." \* \* (Blake v. United States, — U. S., 103.)

It is well settled that Army regulations when directly approved by Congress have the absolute force of law equally with other legislative acts until repealed by the same power. Congress so treated them when it passed the act of June 8, 1872, chapter 348 (17 Stat. L., 337), providing that the fifth section of the act of May 8, 1872 (17 Stat. L., 83), should not be held to repeal that part of paragraph 1030 of the Revised Army Regulations of 1863, with which it appeared to be in conflict, thus recognizing the regulations approved by Congress in that year as having the same force as Congressional enactments.

On the other hand, it is just as well settled that regulations not so approved have the force of law only when founded on the President's constitutional powers as Commander in Chief of the Army or are "consistent with and supplementary to the statutes which have

Mr. President, I am not opposed to the passage of a resolution authorizing or directing the Committee on Military Affairs

to make an investigation into the facts concerning this unfortunate affair. I desire that my position shall be clearly understood. It is my deliberate opinion-and I think it is the opinion of the majority of the lawyers of this body-whether you put it upon constitutional grounds, whether you put it upon statutory grounds, whether you put it upon the rule established by the Army Regulations, or whether you put it upon them all, that the President of the United States had the power to discharge these enlisted men from the Army of the United States.

Mr. President, if the President had the power to discharge, if he had the power to act, he necessarily had the power to determine under what circumstances he would act. It was a question not for us, not for the community to determine whether we or it would, under the same circumstances and with the same facts before us, entertain the same opinion, or whether we would predicate our action upon the same belief. It was a question for the President of the United States, making the inquiry in any way he saw fit, to determine in his own conscience, subject to his responsibility to public opinion and possibly to the impeaching power of Congress, whether he was doing justice or injustice to these men under the facts.

Mr. President, I can not accept the proposition that it was the duty of the President of the United States, under circumstances such as surrounded him, to have allowed the status quo to have remained as he found it. I can not believe that he was not called upon to immediately and promptly act as he viewed

and understood the Brownsville case.

Why, Mr. President, if it had not been his duty when he believed—and I am not alleging either the truth or the falsity of that belief; I am not contending for its soundness or whether it was a mistake-but if he believed that on the night of the 13th of August, 1906, fifteen or twenty men belonging to the garrison at Fort Brown had gone forth and murdered or at-tempted to murder citizens of Brownsville it was his duty to If he did not have the power to act on that occasion, what would have been his power if the act had been repeated upon the following night, still unaccompanied with ability to identify the perpetrators of the deed? Suppose that on the following night fifty men had gone out from the garrison and fifty citizens of Brownsville had been slain, should the President have waited until he could lay his finger upon the individuals who perpetrated the offense? Why, Mr. President, he might have waited until the community had been "shot up" piecemeal. The time for him to have acted was when he was convinced that men of the garrison had perpetrated the deed. If he had not acted and the offense had been repeated the President's condemnation would have been swift and severe.

Mr. President, if it was within the power of the President to act, and if it was within his power to ascertain the facts upon which he acted, then I am not in favor of any resolution which, upon its face or in any way, seems to suggest the idea that we are challenging and inquiring into that power or its exercise. And yet, upon the other hand, I can see clearly that there may be a possible legislative duty to perform in respect not to the things that were done at Brownsville, but in respect to the things that are suggested by what was done a Brownsville, and that it would be entirely proper to conduct an investigation which is clearly within our power and for our own purposes. Besides, Mr. President, I think there can not be too many investigations of that dastardly deed, as some one of them may ultimately lead to the identification of its real per-

Mr. FORAKER. Mr. President, I take the floor at this time because, so far as I am aware, there is no other Senator who desires to speak to the pending resolution. If there be any Senator who desires to discuss it, I would prefer that he speak before I speak, for I trust that I will be allowed, under all the circumstances, to close the debate. That, I suppose, according to parliamentary usage, is my right.

Mr. CLAPP. Will the Senator from Ohio yield to me to make

a statement?

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. FORAKER. Certainly.

Mr. CLAPP. The Senator from North Dakota [Mr. McCum-BER] stated that he desired to be heard. I merely mention it for the Senator's information.

Mr. CULBERSON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Certainly.

Mr. CULBERSON. I desire to say, in answer to the suggestion of the Senator from Ohio, that I suppose everyone will concede the propriety of his closing the discussion on this matter. Nevertheless, if he should say anything in the speech

which he is about to deliver that calls for some answer. I imagine there will be no objection to its being made.

Mr. FORAKER. Certainly not, and I am very liable to do that. Somehow or other I feel just as though I might.

Mr. CULBERSON. We still have the power to close.
Mr. FORAKER. Mr. President, I wish to commence where
the Senator from Pennsylvania [Mr. Knox] left off. His closing remarks were in the nature of a criticism upon the form of the resolution that is under consideration. This resolution, No. 208, is as follows:

Resolved, That the Committee on Military Affairs be, and hereby is, authorized to take such further testimony as may be necessary to establish the facts connected with the discharge of members of Companies B; C, and D, Twenty-fifth United States Infantry, and that it be, and hereby is, authorized to send for persons and papers and administer oaths, and report thereon, by bill or otherwise.

There is another paragraph which I accepted, offered by the Senator from Texas [Mr. CULBERSON], authorizing the committee, or any subcommittee it may appoint, to sit at Brownsville if deemed advisable, but I have read all that I care to have go

into the RECORD.

I call attention to the fact-and in making this statement I am undertaking not only to answer the Senator from Pennsylvania, but also other Senators who have spoken to the same effect—that what is called for by this resolution is an investigation of facts—nothing else. There is not by this resolution any question of the power of the Chief Executive raised. can not be under the resolution or within the scope of it any criticism whatever of anything the President of the United States has done. I have no purpose of that kind. I do not understand how Senators can imagine that there is within the scope of the proposed resolution any possibility for this investigation to take such a course or such a range as that it would involve anything of that nature. It calls for facts-facts connected with the discharge of the soldiers

Why do I mention the discharge? That is an executive act, Senators say. I say discharge, because it is the discharge about which we are all concerned. If the discharge of these soldiers had not been a result of the affray at Brownsville, there would not have been any thought on the part of anybody of having an investigation of the facts connected with the affray at

Brownsville.

But, Mr. President, as I have said on another occasion, I am not particular about the language. I am willing to accept any language that will satisfy Senators by which the committee will be authorized to go to the bottom of this matter and establish the truth, if they can establish it, and by which, in undertaking to discharge that high and important duty, these men who stand arraigned before the country as criminals will have a chance to be heard in their own defense. I am more concerned about that than I am to know whose resolution is adopted or what shall be the language employed in framing that resolution.

But, Mr. President, since when did Senators become possessed of this sensitiveness on this point? This is not the first resolution we have had under consideration in the Senate in regard to this matter during the present session. I call attention to two resolutions, for both of which I think every Senator here perhaps voted, and a number of Senators who are now taking exception to this language spoke in support of them.

In the first place, we adopted on the 6th day of December a resolution offered by the Senator from Pennsylvania [Mr. Pennsose]. I do not know what the truth is, but the papers announced that that resolution has met with the approval of the President of the United States, that it had been submitted to him, and that the Senator offering it was authorized to say to the Senate that the President would be glad to have us adopt it. Now, what does it say?

Resolved, That the President be requested to communicate to the Senate, if not incompatible with the public interests, full information bearing upon the recent order dismissing from the military service of the United States three companies of the Twenty-fifth Regiment of Infantry, United States troops (colored).

Nobody took exception to that as calling on the President for information in regard to a purely executive act. Nobody took occasion when that resolution was under consideration to say, "What is the use to pass it, for it is beyond the control of the Congress, and we can not do anything about it, no matter what the answer may be."

That is not the only resolution which we then had under consideration. Senators will remember that I offered a resolution which was adopted on that same day. I read just the com-

mencement of it. It is as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the Senate copies of all official letters, telegrams, reports, orders, and so forth, filed in the War Department in connection with the recent discharge of the enlisted men of Companies B, C, and D, Twenty-fifth United States Infantry.

Did anybody take exception to the form of that resolution? No one did. On the contrary, the distinguished Senator from Wisconsin [Mr. Spooner] spoke in support of that resolution. He spoke on both of these resolutions, for they were both under consideration at the same time. I quote from the Senator's language, as employed on that occasion:

Mr. President, I am opposed to the resolution offered by the Senator from Pennsylvania. My opposition to it is based entirely upon the form of it. This resolution does not, so far as the subject-matter goes, fall within the class of inquiries which the Senate has ever been accustomed to address to the President. It implies on its face, Mr. President, a doubt here which I think does not exist—as to whether the Senate is of right entitled to all the facts relating to the discharge of the three named companies or not.

Further along in the course of his remarks he used this

Mr. President, in time of peace as to matters relating to the organization and the administration of the Army there can be no secrecy. It is purely domestic public business, as to which the Congress has a right to know. I should be very much disappointed if in a matter of this kind the Senate should address the inquiry to the President, coupled, as it must be, with the suggestion that we doubt our right to the information. I think it is a bad precedent to establish. In such matters I think we ought to maintain the practice which, so far as I remember, hitherto has been unbroken. Therefore I am opposed to the form of the resolution of the Senator from Pennsylvania. I am in favor of the form of the resolution of the Senator from Ohio.

Mr. SPOONER. Will the Senator from Ohio allow me a word?

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Wisconsin?

Mr. FORAKER. Certainly.
Mr. SPOONER. I would not, if I had the power, change a

word the Senator has read.

Mr. FORAKER. I am not surprised that the Senator says that. Of course he would not. Why should he? What I am calling attention to is the fact that no Senator criticised the resolution because it called for facts relating to and connected with the discharge of the members of these three companies. The facts we wanted were facts connected with the discharge. We did not care anything about the affray at Brownsville, except only as the affray at Brownsville made up facts that had led to that discharge. That is why we wanted them. Nobody thought then to say, "Oh, this is an Executive act, about which the Congress has no right to concern itself, because when you get the facts you can not do anything about them."

Now, it is not to be wondered at that when I came to draft the present resolution I should have employed precisely the same language that stood muster on these two former occa-I did not know anybody would raise any question about it. I was not offering a resolution here calling for anything that criticised the President; nothing that called in question his exercise of power. I was calling for the facts. What for? To criticise the President, as the Senator from Idaho [Mr. HEYBURN] said a moment ago? I have not criticised the President. I have been trying to defend the President. I have said I thought the President had been imposed upon, and I think so still, and I think before we are done with this investigation the President himself will agree with me in that particular. But that is all foreign to our present purpose. am not going to be drawn into any discussion of that at this

Why, then, did I offer the resolution? What was the President's order? I had that in mind. The President's order was that these men should be by name discharged-practically all the members of these three companies. But he conceded, as everybody else conceded who had to do with it officially, that in all probability there were quite a number of these men who had not only not participated in the shooting up of Brownsville, but who also had no knowledge whatever about it to withhold from the inspection officers or from anybody else. President, in recognition of the fact that he might be imposing a great hardship, as we are now told we must call it, upon in-nocent men, said: "I will undo and relieve the hardship so far as I can in behalf of any of these men whom I have just discharged who will come forward and by satisfactory evidence show that they are innocent of the shooting, innocent of perjury, and innocent of withholding knowledge of which it was thought they might have been possessed."

Where and how are these men who claim to be innocent—and they all claim, under oath, to be innocent—to appear and by satisfactory evidence satisfy somebody who is authorized to take that evidence that they are innocent? Is there any place so competent for them to be given an opportunity to appear as before this great committee, the Committee on Military Affairs, consisting of thirteen men, in the judgment of every one of whom the Senate would have confidence and in the judgment of every one of whom, I think, the President of the United States would have entire confidence.

Suppose a case: If we pass this resolution, witnesses will be called; the whole matter will be gone into. If it should turn out, as I think I know in advance that it will, that this and that and the other soldier, perhaps a hundred of them, or even more of them, maybe all of them, will satisfy the committee that they had no part in the shooting and had no guilty knowledge to withhold, are they not then within the terms of the President's order? Is it not a high duty for us to give them an opportunity to place themselves where the President says he will extend a helping hand to them if they can so place them-

So, Mr. President, it is not the purpose of the investigation to embarrass anybody or criticise anybody. And after the long service I have had here I do not like the insinuation that goes with some of these remarks that have been made that there is a purpose other than that which should be the purpose of the Senate acting only with reference to the public good and to do justice to men who certainly need the help which it is within our power possibly to extend them. Such were the purposes of the resolution, and I employed the language I did only because it seemed appropriate; because it had been employed twice before in the other resolutions upon which I have commented.

But, as I said, I have no disposition to stick in the bark about this matter. What I want is that we may open the door to these men to come in, if they want to, and offer whatever evidence they may be able to command to show that they are, as they claim to be, innocent of this awful crime. If they can not show that, the clemency of the President in the respect to which I have called attention will not avail, but if they can show that, I would not believe that the President of the United States would hesitate one moment to do all in his power to reinstate the men as to whom, by a unanimous vote, we will assume, of our committee, we should certify back to this body "we have fully examined into this case, and we believe that A B and C D and E F and G H, and so on down through the whole list, as to whom we may be able to make such a certificate, are entirely innocent of having participated in the shooting or of having withheld evidence. We believe their service has been honest and faithful, and we recommend that the President withdraw so much of his order as debars them from reenlisting, and that the Congress of the United States pass a bill restoring them, if we have that power, to their place in the Army and to all things they have lost in consequence of this order." Would not the President of the United States be the Army and to all things they have lost in consequence of this order." Would not the President of the United States be rejoiced if in that way, through our help, a hundred of these men could be relieved of this awful stigma which he, by his Executive order, has placed upon them? If he would not, I do not know the man. If he would not rejoice, he is the only man in this country, in my opinion, who would not. I think he would be rejoiced in such a case.

But now, Mr. President, to meet the differing views of Senators, I offer the resolution I sent to the desk, which I understand will meet their objections, as a modification of the resolution that is under consideration, and I ask that it may be read and printed in the RECORD.

The PRESIDING OFFICER (Mr. DICK in the chair). The resolution will be read.

The Secretary read as follows:

Resolved. That the Committee on Military Affairs is hereby authorized and directed, by subcommittee or otherwise, to take and have printed testimony for the purpose of ascertaining all the facts with reference to or connected with the affray at Brownsyille, Tex., on the night of August 13-14, 1906. Said committee is authorized to send for persons and papers, to administer oaths, to sit during sessions of the Senate, and, if deemed advisable, at Brownsyille or elsewhere, the expenses of the investigation to be paid from the contingent fund of the Senate. the Senate.

Mr. SPOONER. Will the Senator from Ohio yield to me for a moment?

Mr. FORAKER. Certainly. Mr. SPOONER. Is it the desire of the Senator to proceed with his remarks at this time or to take up the resolution tomorrow and make his speech?

Mr. ALDRICH (to Mr. SPOONER). To-morrow there are the eulogies on the late Senator Bate.

Mr. SPOONER. Then to-morrow the pending resolution will

not be taken up anyway.

Mr. FORAKER. Let me say just one word before I take up this other matter. I want to say it in this connection, and then I will yield to the Senator.

I desire to say that I offer this modification with the understanding that it is not to be contended by anybody that it is capable of a construction that will limit or restrain or restrict our inquiry as to any facts connected with any of these important transactions.

Now, as to the Senator's suggestion that I stop here until tomorrow morning, I think it is a good suggestion, and I believe I shall act upon it. I see it is late.

Mr. SPOONER. That will give the Senator an opportunity to

speak more connectedly.

Mr. ALDRICH. Notice has been given by the Senator from Tennessee [Mr. CARMACK] that to-morrow, as I remember it, the eulogies upon the late Senator Bate will be delivered. I imagine that the morning hour could be used for the purposes of the Senator from Ohio.

Mr. FORAKER. Yes. Mr. ALDRICH. Probably we could get through with this discussion in time to have a vote taken before we adjourn to-

Mr. FORAKER. I do not know how long it will require to say what I want to say. I think I can get through perhaps in an hour's time. At any rate, I will be glad to resume in the morning and get through as quickly as I can.

Mr. LODGE. Immediately after the routine morning busi-

ness?

Mr. FORAKER. Immediately after the morning business I

will resume the floor.

Mr. KEAN. Will the Senator from Ohio yield to me?

Mr. FORAKER. Certainly.

#### EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 17, 1907, at 12 o'clock meridian.

#### CONFIRMATIONS.

Executive nominations confirmed by the Senate January 16, 1907.

ASSISTANT SECRETARY OF THE TREASURY.

Arthur F. Statter, of the State of Washington, to be Assistant Secretary of the Treasury.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Horace G. Knowles, of Delaware; late consul at Bordeaux, to be envoy extraordinary and minister plenipotentiary of the United States to Roumania and Servia.

ASSISTANT TREASURER AT BOSTON, MASS.

Edwin Upton Curtis, of Massachusetts, to be assistant treasurer of the United States at Boston, Mass.

COLLECTORS OF CUSTOMS.

George A. Alba, of Florida, to be collector of customs for the district of St. Augustine, in the State of Florida, Charles H. Marchant, of Massachusetts, to be collector of cus-

toms for the district of Edgartown, in the State of Massachu-

UNITED STATES ATTORNEY.

William B. Sheppard, of Florida, to be United States attorney for the northern district of Florida.

MARSHALS.

Frank W. Wait, of Michigan, to be United States marshal for the western district of Michigan.

Thomas F. McGourin, of Florida, to be United States marshal for the northern district of Florida.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Third Lieut. William Clayton Ward to be second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from December 25, 1906.

POSTMASTERS.

ILLINOIS.

James A. Lauder to be postmaster at Carterville, in the county of Williamson and State of Illinois.

MINNESOTA

Oscar Krook to be postmaster at Marshall, in the county of Lyon and State of Minnesota.

NEW YORK.

Sidney B. Cloyes to be postmaster at Earlville, in the county of Madison and State of New York.

Freeman H. Merritt to be postmaster at White Plains, in the county of Westchester and State of New York.

James A. Snell to be postmaster at Fonda, in the county of

Montgomery and State of New York.
Winfield S. Vandewater to be postmaster at Cedarhurst, in the county of Nassau and State of New York.

J. Wesley Van Tassell to be postmaster at Hopewell Junction, in the county of Dutchess and State of New York.

SOUTH CAROLINA

Guss E. Smith to be postmaster at Mullins, in the county of Marion and State of South Carolina.

WASHINGTON.

T. N. Henry to be postmaster at Prosser, in the county of Benton and State of Washington.

# HOUSE OF REPRESENTATIVES.

Wednesday, January 16, 1907.

The House met at 12 o'clock m.

The following prayer was offered by the Chaplain, Rev.

HENRY N. COUDEN, D. D.:

Eternal and everliving God, whose ways are past finding out, we thank Thee that amid the perplexing and inexplicable problems of life we may look up to Thee and call Thee Father, believing that nothing comes to us through hate or revenge, but through love and mercy; that when a calamity comes upon any people it makes the whole world akin, teaching fatherhood and brotherhood.

Our sympathies therefore go out to the people of Jamaica, and we most fervently pray that in that great calamity they may be comforted by the blessings of Heaven and by the helping hand of all the world; that we bear one another's burdens, and so fulfill the law of Christ. Amen.

The Journal of yesterday's proceedings was read and ap-

proved.

RESIGNATION OF COMMITTEE ASSIGNMENT.

Mr. SHERLEY. Mr. Speaker, on yesterday, just prior to adjournment, the Chair announced my appointment as a member of the Committee on the Judiciary. I respectfully request that the House relieve me from further service on the committee.

The SPEAKER. The gentleman asks unanimous consent that he be relieved from further service on the Committee on the Judiciary. Is there objection? [After a pause.] The Chair hears none.

DAM ACROSS SAVANNAH RIVER AT GREGG SHOALS, SOUTH CAROLINA.

Mr. AIKEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 21402.

The Clerk read the title of the bill, as follows:

Permitting the building of a dam across the Savannah River at

The Clerk proceeded to read the bill.

Mr. WILLIAMS. Mr. Speaker, I desire to ask the gentle-man from South Carolina if this bill has a unanimous report? Mr. AIKEN. Yes; it has been unanimously reported.

Mr. MANN. Mr. Speaker, this bill and a number of other bills of similar character have been amended in the committee, so as to make them conform in form to the common bills relating to bridges; and I ask unanimous consent that the Clerk in reporting the bill may report it as amended, so that the House may know what it contains instead of reading the long

The SPEAKER. Without objection, the Clerk will report the bill as requested.

The Clerk read as follows:

A bill (H. R. 21402) permitting the building of a dam across the Savan-nah River at Gregg Shoals.

nah River at Gregg Shoals.

Be it enacted, etc., That the Savannah River Power Company, a corporation organized under the laws of South Carolina, its successors and assigns, is hereby authorized to construct and maintain a dam across the Savannah River, extending from a point in Elbert County, Ga., to a point in South Carolina near the dividing line between Anderson County, S. C., and Abbeville County, S. C., upon or in the vicinity of Gregg Shoals, and all works incident thereto in the utilization of the power thereby developed in accordance with the provisions of an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

SEC. 2. That the right to amend or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. Aiken, a motion to reconsider the vote by which the bill was passed was laid on the table.

DAVENPORT WATER POWER COMPANY.

Mr. DAWSON. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The Clerk read as follows:

A bill (H. R. 21677) to amend an act granting to the Davenport Water Power Company rights to construct and maintain a canal, power sta-tion, and appurtenant works in the Mississippi River in Scott County,

Be it enacted, etc., That the act granting to the Davenport Water Power Company rights to construct and maintain a canal, power station, and appurtenant works in the Mississippi River in Scott County, Iowa, approved April 5, 1904, be, and it is hereby, amended as follows: In section 3 of said act strike out the word "three" and insert the word "six" in lieu thereof; also strike out the word "six" and insert the word "nine" in lieu thereof.

The SPEAKER. Is there objection?
Mr. WILLIAMS. Mr. Speaker, reserving the right to object—
my attention was called away for just a moment—I do not quite understand something about the dam and furnishing power.

Mr. MANN. It is merely extending the time. Mr. DAWSON. I will state to the gentleman it does not come under the classification of dam bills. It is a water-power canal. It extends the time for the construction of the same, and the company has shown all due diligence.

Mr. WILLIAMS. There was a previous act of Congress giv-

ing them the power.

Mr. DAWSON. Yes, sir.
Mr. WILLIAMS. And this merely extends the time?
Mr. DAWSON. That is all.
Mr. WILLIAMS. Has the bill the unanimous report of the committee?

Mr. DAWSON. It has, and has the recommendation of the Engineer Department.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed

On motion of Mr. Dawson, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS BLACK RIVER, ARKANSAS.

Mr. MACON. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill:

The Clerk read as follows:

A bill (H. R. 23578) to authorize the county of Clay, in the State of Arkansas, to construct a bridge across Black River at or near Bennetts Ferry, in said county and State.

netts Ferry, in said county and State.

Be it enacted, etc., That the county of Clay, one of the counties of the State of Arkansas, duly created and organized under the laws of said State, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto, across the Black River, at or near Bennetts Ferry, which is located on or near the south half of the north half of section 4, in township 20 north, range 5 east, in said county, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a page 1]

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. Macon, a motion to reconsider the vote by which the bill was passed was laid on the table.

FURNISHING CANNON TO THE STATE OF SOUTH DAKOTA.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 80.

The Clerk read as follows:

Joint resolution (S. R. 80) authorizing the Secretary of War to furnish two 3-inch wrought-iron muzzle-loading cannon, with their carriages, limbers, and accessories, to the State of South Dakota.

limbers, and accessories, to the State of South Dakota.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to deliver to the State of South Dakota, if the same can be done without detriment to the public service, two 3-inch wrought-iron muzzle-loading cannon, now in South Dakota, with the carriages, limbers, and accessories belonging to them, to be the property of the said State: Provided, That the donation shall be without expense to the United States.

The amendment recommended by the committee was read, as

follows:

In line 8, page 1, after the word "Provided," strike out the words "That the donation shall be without expense to the United States" and insert in lieu thereof the words "That no expense shall be incurred by the United States in the delivery of said cannon, carriage, and acces-

The SPEAKER. Is there objection? [After a pause.] The Chair hears none

The amendment recommended by the committee was agreed to. The resolution as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. Burke of South Dakota, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the fortifications appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 23821—the fortifications appropriation bill-with Mr. MANN in the chair.

The CHAIRMAN. The Chair understands that a point of order was reserved by the gentleman from Iowa [Mr. SMITH] on the amendment offered by the gentleman from Ohio [Mr. KEIFER]

Mr. KEIFER. Mr. Chairman, I do not understand that the point of order is insisted on this morning.

The CHAIRMAN. Does the gentleman from Iowa withdraw

the point of order? Mr. SMITH of Iowa. The point of order has not been made

As far as I am concerned, I shall suband will not be made. mit the question to the House.

Mr. LIVINGSTON. Do I understand the gentleman to withdraw the point of order?

Mr. SMITH of Iowa. Yes. I shall oppose the amend but shall not claim that it is subject to the point of order. I shall oppose the amendment.

The CHAIRMAN. The gentleman from Iowa withdraws the point of order.

Mr. LIVINGSTON. Mr. Chairman, I hope the amendment will be reported again.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Page 6, after line 23, insert: "For the procurement of a site or sites in the Hawaiian Islands for forts and seacoast batteries, \$100,000."

Mr. KEIFER. Mr. Chairman, I shall be very brief. In the temper of this House with reference to doing things or not doing them, I presume there will be quite an opposition to preparing sites for seacoast defenses in the Hawaiian Islands. Last year we appropriated an insufficient amount for sites in the Hawaiian Islands, to wit, \$150,000, to be expended in the present fiscal year. The estimates for sites to secure the purchase that are absolutely necessary for the erection of seacoast batteries and other defenses at Pearl Harbor and Honolulu for the coming fiscal year are \$176,100. My belief is that the War Department ought to be given all of their estimates in order that they may complete the purchase of all the requisite sites for the purpose of making a perfect defense of Pearl Harbor and Honolulu. There was appropriated last year for seacoast batteries in the Hawaiian Islands the sum of \$260,000, and it has been stated on the floor here by those who, I presume, know, that this has not been expended; and I have been informed that one reason is that they were waiting and expecting to have an adequate appropriation to procure the necessary and proper sites to expend the money upon.

This bill carries no appropriation whatever for a site for seacoast batteries in the Hawaiian Islands. We did not obtain the Hawaiian Islands as a result of the Spanish-American war, nor yet as an incident to that war. Proceedings were taken and continued through part of the Administration of Cleveland, and later on continued until by resolution of Congress, which, as I remember, bears date July 6, 1898, in the midst of the progress of the Spanish war, we obtained the Hawaiian Islands. We did not organize them into a separate Territory, giving them a Territorial government, until April 30, 1900, when this was done by an act of Congress bearing that date. Now, these islands are located in the Pacific Ocean. They are on the road to the Philippines. They are not as far west as a large portion of the Aleutian Islands, which are a part of Alaska obtained about forty years ago. The Hawaiian Islands are absolutely essential to us for the safety of our Pacific coast and our Alaskan possessions, to say nothing of the Philippine Islands. Therefore it does not come within any of the objections of my friend from Massachusetts [Mr. Sullivan] about wanting to abandon them. We took them deliberately. They are not the result to us of the conquest of war. They are the result of careful annexation, with the approval of the Congress of the United States solemnly given by an act of law, and not through any treaty arrangement.

[The time of Mr. Keifer having expired, by unanimous consent, at his request, it was extended five minutes.]

Mr. LIVINGSTON. As a member of the subcommittee that framed the bill and as a member of the whole committee, will the gentleman state why no appropriation was made for the purchase of sites in Hawaii?

Mr. KEIFER. You will have to ask that question of those who were opposed to it on the subcommittee. I was not one of those.

Mr. LIVINGSTON. The gentleman certainly knows why it was not done.

Mr. KEIFER. I only know that the subcommittee and the committee refused to do it. I could not give any good reason at all. I know of none. Let me add, Mr. Chairman, that it is an absolute necessity that we should have an additional appropriation for sites for defenses in Hawaii. We have the \$260,000, it is said, that was appropriated in the first session of this Congress yet to be expended, wholly, as it turned out in the law as printed, in the Hawaiian Islands, and it has not been expended for want of adequate appropriations for proper sites.

Now we propose in this bill to appropriate \$600,000 more for seacoast defenses, to be expended in the Hawaiian and Philippine islands, and it is fair to assume that some portion of it, some substantial portion of the \$600,000, is to be expended in preparing and building defenses for the Hawaiian Islands. ought to have, Mr. Chairman, sites for those defenses. All I fear is that if my amendment is adopted and the War Department is given \$100,000 to be used in connection with the appropriation for the fiscal year ending June 30, 1908, that it will be inadequate. I think this much can be given, and it would be used properly and economically, and we can expend the \$260,000 already appropriated that has not been expended—appropriated at the last session-and such part as the War Department may decide to expend of the \$600,000 that is carried in this bill, and these are my reasons for urging this amendment.

Mr. SMITH of Iowa. Mr. Chairman, last year the fortification bill carried \$150,000 for sites in the Hawaiian Islands. shall now read to this committee the testimony of Colonel Abbot and General Mackenzie, with reference to the appropriation of additional money for that purpose, given this year before the subcommittee, and shall practically add nothing to that.

I read from the hearings:

Mr. SMITH. To what extent have you applied the appropriation we have given you to buy land for a Hawaiian site, or have you been brought to a standstill by reason of the exhaustion of your money? Colonel Abbot. We had been brought to a standstill when the act of June 25 gave us an additional \$150,000.

Mr. SMITH. That is, have you been banking this money or spending it?

of June 25 gave us an additional \$150,000.

Mr. Smith. That is, have you been banking this money or spending it?

Colonel Abbot. Not the last appropriation. We had spent all that we had received up to \$150,000. The last has not been spent.

Mr. Smith. Why, in brief, has it not been spent?

Colonel Abbot. We have been waiting for the determination as to just where the best sites for the batteries should be. There has been some discussion on that matter, and we do not want to buy any further land until we find out exactly where we should go.

Mr. Smith. What have you to say as to whether the amount we have given you will not be sufficient to pick out and buy the land you require at a definite price, or within the next year?

Colonel Abbot. General Mackenzie can answer that better than I can, as he has been over there.

General Mackenzie. There is one piece of land which we undoubtedly will have to buy, and which a year ago was \$25,000. Whether the price will vary very much from that I do not know. There is another piece of land where we have not yet succeeded in making an arrangement—that is, we have not got a price on it yet; but I think that with this amount we have we can pull through for the next year.

xt year.

Mr. SMITH. And it probably would not delay your work?

General Mackenzie. I think not, unless we have an unusual amount

Colonel Abbot. We have land enough now on which to sp \$200,000 out of the \$260,000, so that the land and the money are

\$200,000 out of the \$250,000, so that the land and the money are on all fours.

Mr. SMITH. It might be well to buy the land fairly speedily, but from what I understand you have not located the land, nor have you a definite price on it.

Colonel ABBOT. There have been different opinions as to that mortarbattery site. There is quite a degree of variation that is possible and still have an effective position. As to just which is the best location there has been much discussion and a great deal of variance of opinion.

Mr. HEPBURN. Will the gentleman yield for an interruption?

Mr. SMITH of Iowa. Certainly. Mr. HEPBURN. To what locality does the testimony which the gentleman has just read apply?

Mr. SMITH of Iowa. To Honolulu and Pearl Harbor.

Mr. HEPBURN. It is not on the general subject of the insular fortifications?

Mr. SMITH of Iowa. Not at all. In other words, so far from being in want of money to buy sites on which to spend \$260,000, the testimony is undisputed that the Department has enough land already bought and paid for to utilize all but \$60,000 of the \$260,000, and \$150,000 money not spent for sites on which to spend \$60,000 given them for seacoast batteries. And the testimony of General Mackenzie is that the failure to appropriate more will not delay construction unless they have an unusual amount of work. Instead of having no money to buy sites in the Hawaiian Islands, they now have \$150,000 in bank that they have not spent, and there is no conceivable need for the appro-

priation of more money for sites when they have not determined where they are going to buy and have already substantially land enough on which to erect all the batteries provided for up to this hour.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was lost.

The Clerk read as follows:

The Chief of Ordnance, in conducting manufacturing or similar operations, is authorized to charge any indirect or general expense for labor or material therefor against any of the appropriations authorizing these operations in such manner as is most economical and efficient, provided that the methods adopted shall show that each of such appropriations bears its ratable share of the total amount of these expenses.

Mr. DAWSON. Mr. Chairman, reserving the point of order against this provision, I would like to ask the gentleman in charge of the bill one or two questions relating to it. In the first place, I would like to understand the scope of this legislation; what is the intent and purpose of it?

The CHAIRMAN. The gentleman from Iowa reserves the

point of order to lines 17 to 24, page 8.

Mr. SMITH of Iowa. I may say, Mr. Chairman, that but little can be furnished to the gentleman from Iowa upon this subject that is not contained in the Book of Estimates. At all of the arsenals of the United States work is being done under various appropriations. Some instruments for use in manufacture are utilized in the production of all these various classes: for example, a wheelbarrow at the Rock Island Arsenal, with which the gentleman is familiar, would be used in connection with much of the work under many items of appropriation contained in this or the Army or any other bill.

There is no separate item carried that covers these expenses; nor, is it desirable that such separate items be carried, because if you do, you do not have any idea of what a given branch of the service is costing. This provides that the expense of these things used in conducting the manufacturing establishment and utilized in connection with work under divers appropriations may be distributed equitably over the appropriations in the utilization of which these articles are necessary.

Mr. DAWSON. Mr. Chairman, I would like to ask my colleague whether or not the effect of this legislation would be to furnish more accurate information as to the exact cost of the manufacture of any article in an arsenal in the United States?

Mr. SMITH of Iowa. In my judgment it would furnish both a more and a less accurate estimate. It would furnish a really more accurate idea of what each article costs than any other system, because if we make a separate appropriation for machinery there would be no method of telling how much of that ought to be charged to any given article that was produced, but this requires that the proper amount, the equitable amount, be assessed to each appropriation to cover this general expense of manufacture.

Mr. DAWSON. The point I was getting at was this: The Chief of Ordnance, in the hearings, stated a fact which I have long known, that in the manufacture of articles in the arsenals of the United States the actual labor cost of the manufacture is first ascertained and then to that sum is added 40 per cent for the general expense of maintenance of the plant. I would like to know whether or not under this amendment the Chief of Ordnance will be able to determine the exact cost, we will say, of a gun carriage manufactured at the Rock Island Arsenal without the necessity of taking the labor charge and then adding to it 40 per cent for general expenses?

Mr. SMITH of Iowa. I can not say that any system will enable us to tell the exact cost of an article where we are manufacturing in the same place many different kinds of articles, because there are general expenses there that it is extremely difficult to tell what percentage of should be assigned to the different articles, so that I deem it utterly impossible, if in a factory you are producing articles of various kinds, under divers appropriations, to state with mathematical accuracy what each item costs; but I do think that the general tendency of this legislation will be to give a more accurate idea as to how

much each article does cost.

Mr. DAWSON. The reason I make these inquiries is that I think it is important for the Government to know and for Congress to know, and I think it is important for the great Committee on Appropriations to know, whether or not these articles can be manufactured in our own arsenals at a less cost than they can be purchased by contract. As the chairman of the Committee on Military Affairs, the gentleman from Iowa [Mr. Hull stated to the House the other day, it cost the Government about 25 per cent more to buy metallic ammunition than it did to manufacture it in its own arsenals; and I would like to ask whether or not the Committee on Appropriations, having always in view the question of economy and the question of the careful expenditure of the appropriations, has ever gone into the question of whether or not it is more economical to manufacture these articles in the arsenals or more economical to pur-

chase them by contract?

I would say that I think the evidence Mr. SMITH of Iowa. before the committee quite clearly shows that some articles are more cheaply bought than they are manufactured; that there are certain castings, certain shaped iron-things of that kindthat can be bought more cheaply than they can be manufac-tured. I think, generally speaking, it is cheaper for the Government to manufacture in the arsenals than it is to let the contract outside. That is partly due to the fact that in some lines there is at least something approaching a combination in bidding. In those lines, it seems to me, the Government ought to manufacture for itself. In other lines, where there is such competition as will insure fair bidding, it perhaps would be well, in a measure, to encourage the maintenance of reserve strength to produce these goods in time of war by letting the

Mr. DAWSON. As I understand the general policy of the War Department in letting out contracts for the manufacture of various articles, it is on the theory which has been adopted by foreign governments that it is wise to have certain private plants equipped with the necessary machinery for the manufacture of these goods in an emergency. Now, that being so, does that not of itself prove that these appropriations will not go so far if the money is expended in contracts as it would if they were manufactured in the arsenals? At Rock Island we have perhaps the most splendid manufacturing plant in the United States, ten splendid buildings and unsurpassed water power, complete, to furnish all of the power and all of the light for that great institution, the power being taken from the Mississippi River. There we have the plant; there we have the Does it not stand to reason that they can manufacture more cheaply in that establishment, which has already been built and which is already equipped, than they can purchase from a private establishment, when the effect of purchasing in a private establishment is to give them a sufficient profit to enable them to equip their manufacturing plants so as to be ready in an emergency?

Mr. SMITH of Iowa. Mr. Chairman, to reply to the questions of the gentleman would require that I enter upon a full discussion of all the questions involved in public ownership, and that he will not expect me to do. I am not one of those who believe that ordinarily a political body transacts business better than private individuals, and I do not believe that the Government ordinarily can manufacture or manage a business more cheaply than a private individual can, but it is necessary that we have some reserve productive power. That is, that we have a capacity to expand our production in time of emergency.

Mr. DAWSON. Mr. Chairman, right there—
Mr. SMITH of Iowa. Just pardon me a moment. It is not to be anticipated that private individuals will maintain this reserve. They can not be expected to maintain great idle manufactories to await the hour when this Government in its need calls for their services; therefore all reserve productive power we have in time of emergency must be Government power. must have Government plants having this reserve productive power for time of emergency, for we can not hope for private plants to maintain it.

Mr. DAWSON. As I understand it the theory of the Department is that the reserve power shall be lodged in private

Mr. SMITH of Iowa. Not at all, as I understand it. It is desired that factories be maintained for the production of those classes of goods, and then that the Government shall maintain also plants containing a large reserve power of production, these Government plants to accomplish two purpose one to supply the goods and determine whether we are being charged unreasonable prices by private producers, the other to have the ability for expansion in time of need, which no

private capitalist can be expected to furnish.

Mr. DAWSON. Mr. Chairman, I fear that my colleague has a misunderstanding of the basis upon which the policy of the War Department rests. As I understand it, one reason for the allotment of these large sums to contractors is with a view of enabling the contractors to keep their shops equipped for the manufacture of these particular articles, so that in case of an emergency these private plants will be ready, and we could go to them for an increased supply of these materials. But, Mr. Chairman, in my judgment that should not be a controlling reason. I know, and my colleague knows, that this particular plant of which I speak, the Rock Island Arsenal, is equipped, has the power and the buildings, so that it could increase its output fourfold, yes, sixfold, I think, upon short notice and without extra expense except for the labor.

But the point I want to get at, Mr. Chairman, is I want to ask my colleague in charge of the bill whether or not it is within the province of the Committee on Appropriations, in the future, perhaps, to make inquiry as to the expenditure of these appropriations and report to this House, or determine for themselves whether it is more economical to manufacture in the arsenals or purchase by contract. I believe they would find it good policy to increase the manufacture of ordnance and supplies at the arsenals.

Mr. SMITH of Iowa. It is the policy of the Committee on Appropriations to ascertain in as full a degree as possible the manner in which the money appropriated by Congress has been I can not quite agree with the gentleman. If we transfer all the work to the arsenals and run them at their full capacity and leave nothing to be done outside, then certainly all the factories outside will not be maintained, and the arsenals will have no capacity for increasing their output in time of emergency, and you will then have no reserve power of production, private or public; and it is only by maintaining this reserve largely at the arsenals that we can have any reserve of that kind at all, because it can not be anticipated that these private capitalists will permanently maintain plants of two or three or four times the capacity of the work that they have to do, and it is the duty of the Government to maintain for itself this capacity for increased production in time of need.

Mr. DAWSON. Mr. Chairman, I agree entirely with the gentleman as to the necessity of this reserve power of production in an emergency, but in my view we could now have practically all this ordnance manufactured in Government plants and we would still have in those plants the capacity for a large in-

crease in case the emergency should arise.

The CHAIRMAN. The time of the gentleman has expired. Mr. SMITH of Iowa. Does the gentleman insist upon or withdraw his point of order?

Mr. DAWSON. I withdraw the point of order, Mr. Chairman.

The Clerk read as follows:

Section 2 of act of Congress approved March 19, 1892, authorizing the Secretary of War to issue, on the requisition of the governor of a State bordering on the sea or Gulf coast, and having a permanent camping ground for the encampment of the militia not less than six days annually, two heavy guns and four mortars, with carriages and platforms, for their instruction, and for the construction of a suitable battery for the cannon so issued, and appropriating \$5,000 for each State to carry out the above-mentioned objects, is hereby repealed.

Mr. SMITH of Iowa. Mr. Chairman, I desire to offer an

amendment.

Mr. BENNET of New York. Mr. Chairman, I reserve a point

of order upon the paragraph.

Mr. SMITH of Iowa. I will state, Mr. Chairman, that by a clerical error in fixing the date of this law, in the estimate sent down a mistake was made in the draft of the section, and this is merely to perfect it, and if the gentleman from New York will withhold his point until that can be done I will be gratified.

The CHAIRMAN. Does the gentleman from Iowa [Mr. SMITH] desire to have his amendment read for information?

Mr. SMITH of Iowa. The gentleman from New York desires to withhold his point of order long enough to perfect the section. Can not that be done by unanimous consent, Mr. Chairman?

The CHAIRMAN. The gentleman from Iowa [Mr. SMITH] asks unanimous consent to offer an amendment to the section without impairing the right of any Member to make a point of order after the amendment.

Mr. BENNET of New York. Mr. Chairman, reserving the right to object, I would like to ask, as a parliamentary inquiry, if that amendment is adopted will it still be in time to make a

point of order against the paragraph?

The CHAIRMAN. The request of the gentleman from Iowa [Mr. SMITH] is that he may be permitted to offer an amendment to the paragraph without barring the right of any Member of the committee to make a point of order upon the paragraph as perfected, whether the amendment be adopted or otherwise. Is there objection?

There was no objection.
The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

On page 8, in lines 25 and 26, strike out the words "March nineteenth, eighteen hundred and ninety-two" and insert in lieu thereof the words "May nineteenth, eighteen hundred and eighty-two."

The CHAIRMAN. The question is on agreeing to the amend-

ment offered by the gentleman from Iowa [Mr. SMITH].

The question was taken; and the amendment was agreed to. The CHAIRMAN. The gentleman from New York [Mr.

Bennet] reserves a point of order upon the paragraph as

Mr. BENNET of New York. Mr. Chairman, I would like to ask the gentleman from Iowa if the seven States that have received cannon under this act ought not to be protected in their right, and if he does not think it a little bit unsafe to put in a loophcle provision without a saving clause?

Mr. SMITH of Iowa. Mr. Chairman, having some doubt about that question I caused a telegram to be sent to General Crozier, the Chief of Ordnance, to know what the interpretation of the War Department would be of this section, and I have in my hand the telegram in reply, dated January 11, 1907, as follows:

WAR DEPARTMENT, January 11, 1907.

Hon. J. C. Courts, Clerk of Appropriation Committee, House:

Replying to your telegram of this date, the repeal of section 2 of the act authorizing issue of heavy guns and mortars to seaboard States will not in any way effect the retentions by the States of guns and mortars already issued.

mortars already issued.

When any State no longer needs the guns and mortars issued to it on account of their obsolete character, they are condemned by a surveying officer of the organized militia of the State, sold by the authority of the Secretary of War, and the proceeds covered into the United States Treasury. This has already occurred in the case of one

So that this repealing clause would have no effect upon any State that has this existing equipment until it became so obsolete as to become worthless, and condemned, not by the Federal Government, but condemned by the State militia. I see no necessity for the saving clause. I think that the States are fully protected during the lifetime of what they have now received, and, of course, the gentleman from New York [Mr. Ben-NET] will not think that these States ought to hereafter be given preferential rights over the other States in the renewal of their supplies.

Mr. BENNET of New York. Oh, no, Mr. Chairman, I do not think that. I think that having gone to the expense and trouble, and giving the land and everything for fitting up these places for the guns, and having taken them in good faith, they ought to be protected in their ownership of the guns.

Mr. SMITH of Iowa. They are protected, as General Crozier states, and I rely upon his judgment on this subject.

Mr. BENNET of New York. He is not a lawyer, is he? Mr. SMITH of Iowa. He is a better lawyer than a great many gentlemen who have certificates to practice, I will say.

Mr. BENNET of New York. That is possibly true. But what

harm would a saving clause do?

Mr. SMITH of Iowa. Because a saving clause has never been presented to the committee, although this matter has been public for some time. We have not had time to consider such a saving clause or submit it to the Department as to its legal effect in its judgment. I feel confident, in the face of this assurance, that the gentleman can rest sure that the great State he represents will not be interfered with in the possession of these batteries.

Mr. BENNET of New York. I think without the exception I

would accept

Mr. SMITH of Iowa. I would not consent to an exception. I would rather consent that it go out on the point of order.

Mr. BENNET of New York. I make the point of order that it changes existing law.

Mr. SMITH of Iowa. The point of order is well taken, Mr.

The CHAIRMAN. The Chair sustains the point of order.

The Clers read as follows:

That all material purchased under the foregoing provisions of this act shall be of American manufacture, except in cases when, in the judg-ment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, which material shall be admitted free of duty.

Mr. GAINES of Tennessee. I move to strike out the last word. Mr. Chairman, as I caught the reading of that paragraph the Government of the United States was given some sort of right or some conditional privilege to use something about a gun, I believe, if patented by an Army or a Navy officer.

Mr. SMITH of Iowa. Mr. Chairman, I take it that the gentleman is alluding to another paragraph that was read before

this paragraph.

Mr. GAINES of Tennessee. I waited until the Clerk got through reading the paragraph to inquire. I have no bill.

Mr. SMITH of Iowa. If you refer to the second provision prior to the close of the bill, I will state that the language used is the language that has been carried for several years past, and it is not new language. It is intended to protect the United States in the use of these matters that it investigates, whether patented or otherwise.

Mr. GAINES of Tennessee. Does it cover a case where an

Army officer or a Navy officer in the line of duty is directed to do something of a certain kind, and in doing so discovers something and takes out a patent therefor in his own name?

Mr. SMITH of Iowa. It is so intended.
Mr. GAINES of Tennessee. Does it give him the right

to claim it as his property or the Government?

Mr. SMITH of Iowa. Neither. It provides that if Government money shall be expended in the construction or test of any gun or implements under the supervision of the Board the United States shall have the lawful right to the use of the inventions involved in the constructions. How fully it is covered I do not know, but that language has been carried for many years.

Mr. GAINES of Tennessee. I thank the gentleman for the information. Continuing some remarks of yesterday that I have made on that line, I desire to say this morning I sent a telegram to Secretary Metcalf to know something about this smokeless-powder patent. If the committee will indulge me a few moments, I will give it some information I have obtained in the shape of telegrams. I said yesterday, Mr. Chairman, that Mr. Munroe patented the smokeless-powder process, and therefore he must have been the first man to discover it. I also read from a Senate hearing a statement made by the distinguished Senator from California [Mr. Perkins] to this effect:

In this connection I wish to state that Professer Munroe, now connected with the chair of chemistry in Columbia College, discovered smokeless powder when in the Naval Academy, filling the chair of chemistry there, and he felt that the invention belonged to the Government, and it was placed by him at the disposal of the Government.

Now, the gentleman from Iowa [Mr. SMITH] was asked yesterday about, and very kindly placed in the Record, copies of two other patents, it seems, upon the same subject, taken out by Mr. John B. Bernadou. They do not state, and no one has stated, what his position was at the time of taking out the patent nor what he was doing when he discovered the thing that he patented. So I sent a telegram this morning in the following language to the Secretary of the Navy:

January 16, 1907.

SECRETARY NAVY, City:

Please wire me, House Representatives, whether John B. Bernadou was in the Navy in any capacity. If so, what, when he patented a smokeless powder, process Nos. 673377 and 652455, in 1900 and 1901. See Record of yesterday (15th), pages 1185-1186. If not employed in Navy, what was his business in the years named and what now? Please reply immediately.

To that telegram I have just received this reply:

NAVY DEPARTMENT, January 16, 1907.

To JOHN W. GAINES, House:

Replying your telegram, John B. Bernadou was a commissioned offi-cer of the Navy at time of taking out smokeless-powder patents re-ferred to. He is still in the service.

V. H. METCALF, Secretary. I also, Mr. Chairman, called by telephone the Patent Commissioner this morning, and asked the Commissioner to send a

copy of the patent issued to Mr. Munroe, which I have received since I got on my feet to make these remarks. I will read a portion of it so that we can see, if possible, whether the patent was given to him as an individual or the

United States Patent Office. Charles E. Munroe, of Newport, R. I. Explosive powder and process of making same. Specification forming part of Letters Patent No. 489,684, dated January 10, 1893. Application filed August 14, 1891. Serial No. 402,645. (No specimens.)

To all whom it may concern:

Government.

mens.)

To all whom it may concern:

Be it known that I, Charles E, Munroe, a citizen of the United States, residing at the Naval Torpedo Station, at Newport, in the State of Rhode Island, have invented a certain new and useful Improvement in Explosive Powder and the Manufacture Thereof, of which the following is a specification.

The object of my invention is to produce a powder for use as a propellant in fire-arms, which shall be capable of giving a high velocity to the projectile without the production of a dangerous pressure in the barrel of the gun, and without the production of smoke to any serious extent, and which is incapable of being exploded with detonation. To accomplish this I make use of gun cotton, and, preferably, I first purify the same by the method set forth in my application of even date herewith, namely, exposure to the action of a solvent such as methyl alcohol which acts upon the lower cellulose nitrates (that is to say, those which are capable of being dissolved by such a solvent) and other soluble products of nitration, but not upon the higher nitrates (that is, such as are not materially affected by a solvent of this character) to any material extent, and which by percolation through the gun-cotton removes the soluble portions. I thus obtain a uniform material instead of one containing a variable and uncertain quantity of the lower nitrates, and therefore having an uncertain value as an explosive, as has been the case with the gun cotton heretofore employed for military purposes. I mix this material with nitro-benzene, the same being incorporated thoroughly with the gun cotton in a mill or between rolls, so that the gun cotton is acted upon throughout by the nitro-benzene and by which, preferably, it is shaped into sheets. The material, which is now of a plastic, coherent and homogeneous character, is then preferably out, molded, rolled or otherwise formed into strips, grains, wires or other forms, the size and form given to the material being varied according to the use to which it is

It is exposed to the air, and which is capable of being indurated or converted into a hard, horny product by the process hereinafter described it to the process hereinafter described it being the process hereinafter described it being the process hereinafter described it being the process hereinafter described in the process hereinafter described to the use of such material, for I consider the use of any agent by which the gun cotton may be converted into a material of sufficient plasticity to enable the thorough incorporation of the colloidizing agent to be effected, and which retains its plasticity ration as hereinafter described to be within the scope of my invention. I prefer to use from about nine-tenths to about one and eight-tenths parts of nitro-benzene to one part of gun-cotton. I may mix with the material suitable oxidizing salis to perfect combustion; the kind and which the product is to be put as will be understood.

I now indurate the material by the action of heated liquids or the vapors thereof. I prefer to employ water or steam or both. I have discovered that nitrated cilulose after being colloidized in the manner described by me, if treated by hot liquid or vapor, becomes indurated and like substances, and by so treating the colloidized material I obtain a substance of much density, great toughness, very close grained texture, great superficial hardness and smoothness, which is insoluble in water and completely resists disintegration thereby. The material is also incapable of being exploided by detonation, but inurs with sent rapidity but the presence of smoke to any material extent.

Any suitable method and apparatus for applying the heated liquid or vapor may be employed. For instance, the material may be placed in a which also the heated steam or vapor is caused to pass. The time of exposure to the liquid depends upon the degree of subdivision of the material. For instance, the small grains best adapted to use with small arms require the conditions as to temperature, pressure, and other matt

This specification signed and witnessed this 12th day of August, 1891.

CHARLES E. MUNROE.

Witnesses:
WM. CROOKE,
G. W. PATTERSON.

It seems the patent was given directly to him, and not the Government or to him in trust for the Government.

Senator Perkins, as I have shown, says he (Mr. Munroe) thought the patent "belonged to the Government" and turned it over to the Government because Munroe discovered it while as an officer he was working in the line of his duty at the Naval Academy.

Now, Mr. Chairman, I read yesterday from the Supreme Court decision that when an officer, directed in his line of duty to investigate a subject, when he takes Government machinery, Government money, Government time, and does investigate, and in the course of his investigations discovers something for which he takes out a patent, that patent belongs to the Government of the United States. That is the Gill case and that is the Solomon case. Mr. Justice Brown wrote the opinion in the Gill case and Mr. Justice Brewer in the Solomon case. Now, what is the Government's condition to-day as to this powder? No one can doubt that the Government owns the Munroe patent. It is the parent patent. Mr. Munroe, as he should have done. turned his patent over to the Government, and yet his patent is to-day in the hands of this great powder monopoly, and the Government is in the throes of that monopoly.

But how about Mr. Bernadou? I do not know the immediate circumstances under which he "discovered" his smokelesspowder process, but he certainly did not turn the patent over to the Government, so far as I have been advised. I have not been able to find any evidence in any report that he turned his patent over to the Government, as Mr. Munroe did; but it seems the Government only has a free "permit" to use the patent, though it at least owns the Munroe patent.

I am sorry to say that this great monopoly, the Du Pont con-cern, that the Senate has been investigating, fruitlessly, so far as I know, is in possession of all these patents, and we are appropriating money-a proposition which I have voted for and am going to vote for, as I have been doing since the Fifty-fifth or Fifty-sixth Congress-for a Government powder factory, to get ourselves out of the throes of this monopoly, aided by our Munroe patent, which we own, and may own-or should-the other Here we are to-day with no statute to control this matter, no provision in this bill to curtail the embarrassment that has been brought about by these Federal officials, whether intentionally or not. I charge no bad faith on their part; but there is no statute that I know anything about

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman kindly enlighten the committee as to what legislation could have been put upon this bill, unless it might have been additional appropriations for additional powder plants, that would have had

any effect whatever upon this subject?

Mr. GAINES of Tennessee. I think the gentleman could have embodied a provision in this bill to cover the case. It might have been subject to a point of order, but I dare say no one would have objected to it, because it would be a proper reform. It would save money to the people. It would tend to remove the embarrassment wrought by this monopoly.

What was the provision that the gen-Mr. SMITH of Iowa.

tleman was going to put in?

Mr. GAINES of Tennessee. Something like the one recommended by Secretary Herbert ten or twelve or fifteen years ago in a report a copy of which I had before me yesterday, or something like the one that Senator Chandler, chairman of that Senate committee, reported as a result of the testimony taken before him. We could even improve on them.

Mr. SMITH of Iowa. Would the gentleman kindly state the

substance of the legislation he refers to.

Mr. GAINES of Tennessee. If I can get in time from the gentleman from Iowa [Mr. Hepburn] this report which I gave him yesterday, I will read the proposed bills suggested by Secretary Herbert and possibly others. We should go further than this bill goes. We should stop the sale or use of these patents by foreign governments.

Mr. LACEY. I think you gave it to us yesterday, Mr. GAINES of Tennessee. No; I alluded to such sales and uses. I will get the report from the gentleman from Iowa [Mr. HEPBURN] and read it later if I get a chance. The British Government has a provision similar to this bill. Mr. Herbert conferred with British officials on the subject. But the point I want to make is this, Mr. Chairman: The gentleman from Iowa [Mr. Herburn] yesterday alluded to the fact that these naval officers, perhaps not intending to embarrass the Government in time of war or peace, have put these patents in the hands of monopolies, and many have put them in the hands of foreigners. Certainly the latter can be done, but should not be allowed.

Mr. BURTON of Delaware. I should like to ask the gentleman if the Government has not the use of those patents?

Mr. GAINES of Tennessee. That is true, a mere "permit;" but the Government owns them, or at least owns the Munroe patent.

Mr. BURTON of Delaware. Has the Government paid anything for the use of the patents?

Mr. GAINES of Tennessee. I understand not.

Mr. BURTON of Delaware. The Government has paid noth-

Mr. GAINES of Tennessee. No. The naval officer, Mr. Mun-roe, turned his patent to the Government as its own property, roe, turned his patent to the Government as its own property, while the other inventor, it seems, said, "I will let the Government of the United States use my patent." But it seems the Government has only a license, a gift, a permit to use them, exercise no ownership, although it owns the Munroe patent. What has it cost the Government? Let us see. It has given the inventors the education. It has given them the money. It has given them the time. It has given them the machinery to discover with, and then gave them the patents. The Government in return has only permits—exercises no control other-wise. Now, these patents have gone into the hands of for-eigners. They have "permits" to use, I suppose, so that when

we go to fight the great battles of this country—which I trust God we shall never have the necessity to fight—we must meet this smokeless powder made by the Munroe and Bernadou patents, invented by officers of the Army and Navy; hence I protest to-day against that kind of practice.

Mr. KEIFER. Will the gentleman allow me a question?

Mr. GAINES of Tennessee. Certainly.

Mr. KEIFER. I want to find out, because I have not given very close attention to that, when these patents which the gentleman speaks of will expire, or have they expired?

Mr. GAINES of Tennessee. No; the Munroe patent was issued on the 12th of August, 1891, and the other two were issued within the last two years, I think.

Mr. KEIFER. So recent as that?

Mr. GAINES of Tennessee. Yes; about then. The gentleman will find the date at pages 1185 and 1186 of yesterday's Record. No one wants to curtail the ambition of a naval officer, but Con-

gress should regulate these practices.

Let me tell you another thing. You will read in the Chandler report that officers have retired under very questionable circumstances, which are commented upon by that gallant statesman of wasp-like intellectuality, Senator Chandler, and gone into foreign lands, peddling out their patents, or patents in which they became interested, for improved Army machinery and naval machinery, and sold the rights and privileges, with strings tied to them, I presume, to foreign governments. I say in all seriousness, without intending to impugn anyone's motives, that this matter is one that must be dealt with by this Government.

Mr. BURLESON. Were these men educated at the expense of

the Government?

Mr. GAINES of Tennessee. Yes; every one of them.

Mr. PRINCE. Are they on the retired list and drawing large

pay as retired officers?

Mr. GAINES of Tennessee. I can't say about Mr. Munroe or Mr. Bernadou. I refer to the gentleman alluded to by Mr. Chandler in his report, who had been retired or given a "leave of absence" at his request, and during this "leave" drew pay at \$2,500 or \$3,000 per year, as in such cases was provided.

These are all unpleasant subjects to discuss, but that should not deter us from doing our duty and remedying these evils.

I am grateful to the committee for its courtesy. My time is about consumed.

Mr. SMITH of Iowa. Mr. Chairman, I move that the committee do now rise and report the bill to the House, with the

recommendation that the bill do pass.

The motion was agreed to; so the committee determined to rise, and the Speaker having resumed the chair, Mr. Mann, Chaisman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 23821) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and had directed him to report the same back with the recommendation that the bill do pass.

The SPEAKER. The question is on the engrossment and

third reading of the bill.

The bill was ordered to be engrossed and read a third time,

was read the third time, and passed.

On motion of Mr. SMITH of Iowa, a motion to reconsider the vote whereby the bill was passed was laid on the table.

# MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 7105. An act granting an increase of pension to Samuel

Baker

S. 5542. An act granting an increase of pension to Elizabeth S. Reess :

S. 1495. An act granting an increase of pension to John Holley

S. 7056. An act granting an increase of pension to Frederick Carel:

S. 1594. An act granting an increase of pension to Margaret E. Guthrie:

S. 3681. An act granting a pension to Sanford H. Moats;

S. 5672. An act granting an increase of pension to Felix G. Murphy; S. 1797. An act granting an increase of pension to John E.

S. 6947. An act granting an increase of pension to Charles M.

S. 5106. An act granting an increase of pension to John Adshead;

S. 6223. An act granting an increase of pension to William E. Cummin ;

S. 7162. An act granting an increase of pension to William II. Sheckler;

S. 6510. An act granting an increase of pension to Sarah R. Williams;

S. 7094. An act granting an increase of pension to George B. Drake

S. 5991. An act granting an increase of pension to George F. Ford:

S. 5836. An act granting an increase of pension to Daniel Loosley;

S. 7378. An act granting a pension to Giles M. Caton;

S. 7377. An act granting an increase of pension to Martha J. Collins;

S. 6625. An act granting an increase of pension to Anderson Henry

S. 6736. An act granting an increase of pension to Charles H.

Tracy; S. 6800. An act granting an increase of pension to Esther

S. 6590. An act granting an increase of pension to Theron Hamner:

S. 7349. An act granting an increase of pension to Luke M. Lewis:

S. 6372. An act granting an increase of pension to Marvin Osgood:

S. 6915. An act granting an increase of pension to Samuel G. Healy

S. 6916. An act granting an increase of pension to Nathan E. Stover; S. 6325. An act granting an increase of pension to David A.

S. 6670. An act granting an increase of pension to Dana H.

McDuffee ; S. 7350. An act granting an increase of pension to Richard

S. 6733. An act granting an increase of pension to Anna D. Barnes;

S. 6835. An act granting an increase of pension to George Maybury

S. 5912. An act granting an increase of pension to Nathaniel Green:

S. 6963. An act granting an increase of pension to William B. Sayles

S. 6960. An act granting an increase of pension to Thomas Ashton: S. 4033. An act granting an increase of pension to William

Kirkwood; S. 6573. An act granting an increase of pension to John A.

Williams: S. 4108. An act granting an increase of pension to Martha M.

Lambert; S. 6050. An act granting an increase of pension to Edward W. Galligan;

S. 6687. An act granting an increase of pension to Henry W. Mahaney

S. 756. An act granting an increase of pension to Jacob Niebels:

S. 3295. An act granting an increase of pension to Anna Williams;

8. 6958. An act granting an increase of pension to Keziah Walker

S. 7099. An act granting an increase of pension to Esther A. Cleaveland; S. 6811. An act granting an increase of pension to James Car-

penter, jr. S. 2780. An act granting an increase of pension to Daniel N.

McCarter: S. 6571. An act granting an increase of pension to William I.

Ross S. 6722. An act granting an increase of pension to William

Arnold; S. 6710. An act granting an increase of pension to Thomas P.

Way; S. 7265. An act granting an increase of pension to John R.

McCoy S. 4113. An act granting an increase of pension to Dell E. Pert

S. 7053. An act granting an increase of pension to Solomon Draper ; S. 7294. An act granting an increase of pension to William P.

Pattison; S. 5854. An act granting an increase of pension to John W. McWilliams;

S. 6708. An act granting an increase of pension to Columbus

S. 6459. An act granting an increase of pension to Ellen Car-

S. 4769. An act granting an increase of pension to Rosa Olds Jenkins:

S. 6350. An act granting an increase of pension to Silas G. Clark;

S. 6726. An act granting an increase of pension to Mary A. Jackson:

S. 6351. An act granting an increase of pension to Andrew J. West:

S. 6589. An act granting an increase of pension to Washington D. Grav

S. 5292. An act granting an increase of pension to Michael J. Sprinkle:

S. 7069. An act granting an increase of pension to Marshall Johnson:

S. 5021. An act granting an increase of pension to Margaret Kearney;

S. 6588. An act granting an increase of pension to Arthur Hathorn:

S. 7192. An act granting an increase of pension to Noah

S. 5023. An act granting an increase of pension to Ruth E. Olney; S. 7193. An act granting an increase of pension to David C.

Benjamin;

S. 6703. An act granting an increase of pension to John H. Niblock: S. 3320. An act granting an increase of pension to Elias H.

Parker S. 7246. An act granting an increase of pension to William H.

Berry S. 4055. An act granting a pension to Nancy J. Mullally;

S. 4813. An act granting an increase of pension to Samuel Doolittle;

S. 7157. An act granting an increase of pension to Austin S. Dunning:

S. 6936. An act granting an increase of pension to Robert

S. 6937. An act granting an increase of pension to Michael 8. 6935. An act granting an increase of pension to William R.

Neil; S. 7161. An act granting an increase of pension to George A.

S. 7060. An act granting an increase of pension to John Hager S. 6532. An act granting an increase of pension to Joseph

Daniels S. 1516. An act granting an increase of pension to Orlando O.

Austin: S. 7075. An act granting an increase of pension to John S. Lewis:

S. 7074. An act granting an increase of pension to William Jenkins:

S. 6233. An act granting an increase of pension to George E. Vanderwalker:

S. 362. An act granting an increase of pension to James M. Bullard:

S. 7428. An act granting an increase of pension to Helen C. Lettenmayer;

S. 5586. An act granting an increase of pension to Albert F. Pepoon;

S. 6226. An act granting an increase of pension to Mary A. Mickler.

S. 5699. An act granting an increase of pension to Adelaide D. Merritt:

S. 6624. An act granting an increase of pension to Alvin N. D. Kite:

S. 6623. An act granting an increase of pension to Mollie J. Mitchell:

S. 4404. An act granting an increase of pension to Elizabeth B. Boyle;

S. 6948. An act granting an increase of pension to Albert H. Nash:

S. 7096. An act granting an increase of pension to Margaret McCullough;

S. 1879. An act granting an increase of pension to Lorenzo F. Harmon:

S. 7402. An act granting an increase of pension to Francis H.

S. 7353. An act granting an increase of pension to Augusta T. Eichholtz;

S. 7623. An act granting an increase of pension to Sarah A. Kumler;

S. 7358. An act granting an increase of pension to David Turner :

S. 6408. An act granting a pension to Mary Louise McLean; S. 4509. An act granting an increase of pension to Anna M. Loomis;

S. 5886. An act granting an increase of pension to Anna E. Hood:

S. 7640. An act granting an increase of pension to Stephen

H. S. Cook; S. 7062. An act granting an increase of pension to John Monroe:

S. 3896. An act granting a pension to Mary McGill;

S. 6436. An act granting an increase of pension to George W. Kelsey

S. 7558. An act granting an increase of pension to Mary Morgan;

S. 7556. An act granting an increase of pension to Thomas Spanton;

S. 2693. An act granting an increase of pension to Samuel Wise:

S. 6633. An act granting an increase of pension to Benjamin F. Wright:

S. 6637. An act granting an increase of pension to James J. Eubank; S. 6933. An act granting an increase of pension to Fredrick

Middaugh; S. 7067. An act granting an increase of pension to Edmund Fillio:

S. 3461. An act granting a pension to Helen L. Woodward; S. 7339. An act granting a pension to Julia C. R. Baird;

S. 7543. An act granting an increase of pension to Robert B. McCumber:

S. 7066. An act granting an increase of pension to Timothy Drew

S. 3583. An act granting an increase of pension to Kate O'Donnell Wood; S. 3319. An act granting an increase of pension to James E.

Croft: S. 4818. An act granting an increase of pension to George W. Peabody;

S. 5190. An act granting an increase of pension to Abby L. Brown:

S. 2565. An act granting a pension to William P. Parrill; S. 6278. An act granting an increase of pension to Henry Humble:

S. 5580. An act granting a pension to Julia A. Vroom;

S. 7554. An act granting an increase of pension to Amelia R. Randolph:

S. 3882. An act granting an increase of pension to Delphine Darling;

S. 6273. An act granting an increase of pension to William J. Wells:

S. 7361. An act granting an increase of pension to George Downing; S. 6706. An act granting an increase of pension to James T.

Stewart; S. 6875. An act granting an increase of pension to Lemuel T.

Williams; S. 7293. An act granting an increase of pension to John

White; S. 7617. An act granting an increase of pension to Victor H. Coffman;

S. 6876. An act granting an increase of pension to Jesse L. Pritchard;

S. 7513. An act granting an increase of pension to Alexander M. Cowgill;

S. 2259. An act granting an increase of pension to Charles Duby, alias Louis Deshemean; S. 549. An act granting a pension to Louis T. Frech;

S. 7445. An act granting an increase of pension to Charles J. Freese;

S. 7566. An act granting an increase of pension to John Anslow: S. 7505. An act granting an increase of pension to Michael

Bogue; S. 5697. An act granting an increase of pension to George H. McLain;

S. 7486. An act granting an increase of pension to Ryron A. Williams;

S. 7489. An act granting an increase of pension to Albert C. Wagher;

S. 7488. An act granting an increase of pension to William W. Putnam;

S. 6964. An act granting an increase of pension to Silas N.

S. 6820. An act granting an increase of pension to Henry M. Bullard;

S. 6957. An act granting an increase of pension to Hiram Siegfried;

S. 7484. An act granting an increase of pension to Samuel E.

S. 6827. An act granting an increase of pension to Theodore J. Sweeting

S. 2994. An act granting an increase of pension to David Harvey

S. 7243. An act granting an increase of pension to Justus B.

S. 7101. An act granting an increase of pension to Catherine

Matimore; S. 1397. An act granting an increase of pension to Anna B. L. Walker:

S. 7177. An act granting an increase of pension to Melvin L. Le Suer, alias James French:

S. 6943. An act granting an increase of pension to Lewis A.

S. 7335. An act granting an increase of pension to Charles C. Burt

S. 6143. An act granting an increase of pension to Thomas J. Northrop :

S. 2104. An act granting an increase of pension to Moses Feyler:

8. 1172. An act granting an increase of pension to Asaph H. Witham :

S. 6793. An act granting an increase of pension to Simon Peter

Wallerson; S. 6732. An act granting an increase of pension to John Trefry. S. 6139. An act granting an increase of pension to Eliza

8,6584. An act granting an increase of pension to John

S. 6582. An act granting an increase of pension to Moses

S. 6830. An act granting an increase of pension to Daniel L.

S. 7398. An act granting an increase of pension to Page G.

Potter S. 6914. An act granting an increase of pension to Albert T.

S. 4681. An act granting an increase of pension to William S.

Gray; S. 6671. An act granting an increase of pension to Horace P.

Marshall;

S. 7744. An act granting a pension to Josephine Brackett; S. 7740. An act granting an increase of pension to Dwight Simpson:

8, 4756. An act granting an increase of pension to John Kirch; S. 6431. An act granting an increase of pension to R. Smith Coats

S. 6769. An act granting an increase of pension to James T. McReynolds;

S. 7119. An act granting an increase of pension to Charles Boxmeyer

S. 1511. An act granting an increase of pension to Marvin F. Barton; and

S. 7337. An act granting a pension to Henry W. Blair.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 13675. An act to ratify and confirm the acts of the legislative assembly of the Territory of Oklahoma, passed in the year 1905, relating to an insane asylum for the Territory of Oklahoma, and providing for the establishment and maintenance of an insane asylum for the Territory of Oklahoma at Fort Supply, in Woodward County, Okla., and making appropriations therefor

H. R. 1026. An act granting an increase of pension to Thomas M. Wilcox :

H. R. 18677. An act granting a pension to Martin Alphons Luther

H. R. 21578. An act granting an increase of pension to Andrew J. Gaskey

H. R. 13887. An act granting an increase of pension to Joseph

H. R. 10804. An act granting an increase of pension to John

H. Worley;
H. R. 10958. An act granting an increase of pension to Levi

H. R. 8563. An act granting an increase of pension to William H. Hays;

H. R. 10751. An act granting an increase of pension to George W. Harris

H. R. 20617. An act granting an increase of pension to Isaac N. S. Will:

H. R. 10531. An act granting an increase of pension to William G. Binkley

H. R. 19970. An act granting an increase of pension to Eugene

H. R. 10755. An act granting an increase of pension to Anna

H. R. 20714. An act granting an increase of pension to Robert Turley;

H. R. 20559. An act granting an increase of pension to John Bradley

H. R. 7488. An act granting an increase of pension to Jacob L. Hatton

H. R. 15004. An act granting an increase of pension to William

H. R. 7476. An act granting an increase of pension to George C. Dean

H. R. 8789. An act granting an increase of pension to Levi

H. R. 6911. An act granting an increase of pension to William

H. R. 3355. An act granting an increase of pension to James H. R. 19390. An act granting an increase of pension to Wil-

H. R. 19725. An act granting an increase of pension to Howard

H. R. 15763. An act granting an increase of pension to Gain-

ford N. Upton; H. R. 20623. An act granting an increase of pension to James

B. O. Horbach H. R. 2422. An act granting an increase of pension to Earl K.

Childs H. R. 3297. An act granting an increase of pension to Thomas Lonergan

H. R. 3195. An act granting an increase of pension to Milton

H. R. 3228. An act granting an increase of pension to Michael Doyle

H. R. 10364. An act granting an increase of pension to John P. Patterson:

H. R. 2290. An act granting an increase of pension to Peter Reedy H. R. 2761. An act granting an increase of pension to Michael

Mahoney ; H. R. 2822. An act granting an increase of pension to Levi

Gates H. R. 2909. An act granting an increase of pension to Jacob

H. R. 3194. An act granting an increase of pension to Samuel

Harvey H. R. 3234. An act granting an increase of pension to Rush

Deskines H. R. 3733. An act granting an increase of pension to Simeon

D. Chelf H. R. 3494. An act granting an increase of pension to Albert A. Talham

H. R. 3496. An act granting an increase of pension to Edward Walton

H. R. 15471. An act granting an increase of pension to Eli

H. R. 13455. An act granting an increase of pension to Josiah . Higgins

H. R. 20968. An act granting an increase of pension to Waitman T. Mathers;

H. R. 20891. An act granting an increase of pension to Hugh

H. R. 14543. An act granting an increase of pension to Charles Barnell, alias Richard North;

H. R. 522. An act granting an increase of pension to Frederick Roschdiantzky

H. R. 562. An act granting an increase of pension to John F. Mohn

H. R. 600. An act granting an increase of pension to Oliver N. McLain

H. R. 747. An act granting an increase of pension to Robert Smith: H. R. 1060. An act granting an increase of pension to Mar-

garet E. Lounsbury H. R. 1067. An act granting an increase of pension to Jacob Bender;

H. R. 1068. An act granting an increase of pension to William S. Quigley

H. R. 1673. An act granting an increase of pension to Jennie E. Edson:

H. R. 1687. An act granting an increase of pension to James

H. R. 1706. An act granting an increase of pension to George

H. Washburn; H. R. 1709. An act granting an increase of pension to Brice P.

H. R. 1800. An act granting a pension to Eliza J. Ingle;

H. R. 1891. An act granting an increase of pension to Simeon

H. R. 1904. An act granting an increase of pension to Nelson R. Satterlee

H. R. 1938. An act granting an increase of pension to Thomas B. Foutty

H. R. 1169. An act granting an increase of pension to Oliver P. Pierce

H. R. 1249. An act granting a pension to William R. Fulk;

H. R. 1372. An act granting a pension to Josephine I. Richmond; H. R. 1500. An act granting a pension to Emily J. Sherman;

H. R. 10789. An act granting a pension to David Wilborn; H. R. 18454. An act granting an increase of pension to Barlow

Davis; H. R. 19482. An act granting an increase of pension to Sarah

E. Cannell; H. R. 14298. An act granting an increase of pension to John

H. R. 4386. An act granting an increase of pension to Zelinda

E. Odenbaugh; H. R. 4648. An act granting an increase of pension to Sarah A.

Dedrick H. R. 4656. An act granting an increase of pension to Thomas

Snell H. R. 4663. An act granting an increase of pension to Horace

B. Tanner H. R. 4705. An act granting a pension to Harriet E. Palmer;

H. R. 4834. An act granting an increase of pension to Silas V. H. R. 19296. An act granting an increase of pension to Assov

Harelson: H. R. 18742. An act granting an increase of pension to Martin

H. R. 13241. An act granting an increase of pension to Francis

H. R. 12911. An act granting an increase of pension to Ambrose S. Delaware;

H. R. 19754. An act to provide for the distribution of public documents to the library of the Philippine government at Ma-

H. R. 19523. An act to authorize Thomas J. Ewing and George B. Patton, of Catlettsburg, Ky.; Otto Burger, of Cincinnati, Ohio; Herbert Haynard, of Kenova, W. Va., and Charles Miller, of Huntington, W. Va., to construct a bridge across the Tug Fork of the Big Sandy River; and

H. R. 20069. An act for the opening of Macomb street NW.,

District of Columbia.

The message also announced that the Senate had passed with amendment bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 3498. An act for the relief of Stephen M. Honeycutt; H. R. 8631. An act for the relief of James M. Darling; H. R. 3357. An act granting an honorable discharge to James

B. Mulford : H. R. 15769. An act granting an increase of pension to William

W. Bennett; and H. R. 3980. An act granting an increase of pension to Frank G. Hammond.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to joint resolution and bill of the following titles:

S. R. 81. Joint resolution authorizing temporary leaves of absence for homestead settlers; and

S. 6578. An act to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, and to amend an act amendatory thereof approved June 20, 1906.

## SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 7105. An act granting an increase of pension to Samuel Baker-to the Committee on Invalid Pensions.

S. 5542. An act granting an increase of pension to Elizabeth S. -to the Committe on Invalid Pensions.

S. 1495. An act granting an increase of pension to John Holley-to the Committee on Invalid Pensions,

S. 7056. An act granting an increase of pension to Frederick Carel—to the Committee on Invalid Pensions.

S. 1594. An act granting an increase of pension to Margaret E. Guthrie-to the Committee on Invalid Pensions.

S. 3681. An act granting a pension to Sanford H. Moats-to the Committee on Invalid Pensions.

S. 5672. An act granting an increase of pension to Felix G. Murphy—to the Committee on Invalid Pensions.

S. 1797. An act granting an increase of pension to John E. Henderson-to the Committee on Invalid Pensions.

S. 6947. An act granting an increase of pension to Charles M. Brough—to the Committee on Invalid Pensions.

S. 5106. An act granting an increase of pension to John Adshead—to the Committee on Invalid Pensions.

S. 6223. An act granting an increase of pension to William E. Cummin—to the Committee on Invalid Pensions.

S. 7162. An act granting an increase of pension to William H. Sheckler—to the Committee on Invalid Pensions

S. 6510. An act granting an increase of pension to Sarah R. -to the Committee on Pensions. Williams-

S. 7094. An act granting an increase of pension to George B. Drake-to the Committee on Invalid Pensions.

S. 5991. An act granting an increase of pension to George F. Ford-to the Committee on Invalid Pensions.

S. 5836. An act granting an increase of pension to Daniel Loosley-to the Committee on Invalid Pensions.

S. 7378. An act granting a pension to Giles M. Caton-to the Committee on Invalid Pensions.

S. 7377. An act granting an increase of pension to Martha J. Collins—to the Committee on Invalid Pensions.

S. 6625. An act granting an increase of pension to Anderson Henry-to the Committee on Invalid Pensions.

S. 6736. An act granting an increase of pension to Charles H. Tracy—to the Committee on Invalid Pensions.

S. 6800. An act granting an increase of pension to Esther Eldridge—to the Committee on Invalid Pensions. S. 6590. An act granting an increase of pension to Theron

Hamner—to the Committee on Invalid Pensions: S. 7349. An act granting an increase of pension to Luke M.

Lewis-to the Committee on Invalid Pensions. S. 6372. An act granting an increase of pension to Marvin

Osgood—to the Committee on Invalid Pensions. S. 6915. An act granting an increase of pension to Samuel G.

Healy-to the Committee on Invalid Pensions. S. 6916. An act granting an increase of pension to Nathan E. Stover-to the Committee on Invalid Pensions.

S. 6325. An act granting an increase of pension to David A. -to the Committee on Invalid Pensions. Edwards-

S. 6670. An act granting an increase of pension to Dana H. -to the Committee on Invalid Pensions,

S. 7350. An act granting an increase of pension to Richard Dodge—to the Committee on Invalid Pensions.

S. 6733. An act granting an increase of pension to Anna D. Barnes-to the Committee on Invalid Pensions.

S. 6835. An act granting an increase of pension to George May--to the Committee on Invalid Pensions.

S. 5912. An act granting an increase of pension to Nathaniel Green-to the Committee on Invalid Pensions.

S. 6963. An act granting an increase of pension to William B. Sayles—to the Committee on Invalid Pensions.

S. 6960. An act granting an increase of pension to Thomas Ashton-to the Committee on Invalid Pensions. S. 4033. An act granting an increase of pension to William

Kirkwood-to the Committee on Invalid Pensions.

S. 6573. An act granting an increase of pension to John A. -to the Committee on Invalid Pensions. Williams-

S. 4108. An act granting an increase of pension to Martha M. Lambert-to the Committee on Invalid Pensions.

S. 6050. An act granting an increase of pension to Edward W. Galligan-to the Committee on Invalid Pensions.

S. 6687. An act granting an increase of pension to Henry W. -to the Committee on Invalid Pensions. Mahaney-

S. 756. An act granting an increase of pension to Jacob Niebels-to the Committee on Invalid Pensions.

S. 3295. An act granting an increase of pension to Anna Williams—to the Committee on Invalid Pensions.

S. 6958. An act granting an increase of pension to Keziah Walker-to the Committee on Invalid Pensions.

S. 7099. An act granting an increase of pension to Esther A. Cleaveland-to the Committee on Pensions.

S. 6811. An act granting an increase of pension to James Carpenter, jr.—to the Committee on Invalid Pensions.

S. 2780. An act granting an increase of pension to Daniel N. McCarter—to the Committee on Invalid Pensions.

S. 6571. An act granting an increase of pension to William I. Ross-to the Committee on Invalid Pensions,

S. 6722. An act granting an increase of pension to William Arnold—to the Committee on Invalid Pensions.

S. 6710. An act granting an increase of pension to Thomas P.

Way—to the Committee on Invalid Pensions. S. 7265. An act granting an increase of pension to John R. McCoy—to the Committee on Invalid Pensions.

S. 4113. An act granting an increase of pension to Dell E. Pert—to the Committee on Invalid Pensions.

S. 7053. An act granting an increase of pension to Solomon Draper—to the Committee on Invalid Pensions.

S. 7294. An act granting an increase of pension to William P. Pattison—to the Committee on Invalid Pensions.

S. 5854. An act granting an increase of pension to John W. McWilliams—to the Committee on Invalid Pensions.

S. 6708. An act granting an increase of pension to Columbus B. Mason—to the Committee on Invalid Pensions.

S. 6459. An act granting an increase of pension to Ellen Carpenter—to the Committee on Invalid Pensions.

S. 4769. An act granting an increase of pension to Rosa Olds

Jenkins—to the Committee on Invalid Pensions. S. 6350. An act granting an increase of pension to Silas G.

Clark—to the Committee on Invalid Pensions.

S. 6726. An act granting an increase of pension to Mary A. Jackson-to the Committee on Pensions.

S. 6351. An act granting an increase of pension to Andrew J. West—to the Committee on Invalid Pensions.

S. 6589. An act granting an increase of pension to Washington to the Committee on Invalid Pensions.

S. 5292. An act granting an increase of pension to Michael J. Sprinkle—to the Committee on Invalid Pensions.

S. 7069. An act granting an increase of pension to Marshall

Johnson—to the Committee on Invalid Pensions. S. 5021. An act granting an increase of pension to Margaret

Kearney—to the Committee on Invalid Pensions. S. 6588. An act granting an increase of pension to Arthur

Hathorn—to the Committee on Invalid Pensions.
S. 7192. An act granting an increase of pension to Noah Jar-

vis—to the Committee on Invalid Pensions. S. 5023. An act granting an increase of pension to Ruth E.

Olney—to the Committee on Invalid Pensions. S. 7193. An act granting an increase of pension to David C.

Benjamin—to the Committee on Invalid Pensions. S. 6703. An act granting an increase of pension to John H.

Niblock—to the Committee on Invalid Pensions. S. 3320. An act granting an increase of pension to Elias H.

Parker—to the Committee on Invalid Pensions. S. 7246. An act granting an increase of pension to William H. Berry—to the Committee on Invalid Pensions.

S. 4055. An act granting a pension to Nancy J. Mullally-to

the Committee on Invalid Pensions. 8. 4813. An act granting an increase of pension to Samuel Doolittle—to the Committee on Invalid Pensions.

S. 7157. An act granting an increase of pension to Austin S. Dunning-to the Committee on Invalid Pensions.

S. 6936. An act granting an increase of pension to Robert Jenkins-to the Committee on Invalid Pensions.

S. 6937. An act granting an increase of pension to Michael Rosbrugh—to the Committee on Invalid Pensions.

S. 6935. An act granting an increase of pension to William R. to the Committee on Invalid Pensions.

S. 7161. An act granting an increase of pension to George A. Tyler—to the Committee on Invalid Pensions.

S. 7060. An act granting an increase of pension to John Hager—to the Committee on Invalid Pensions.

S. 6532. An act granting an increase of pension to Joseph Daniels—to the Committee on Invalid Pensions.

S. 1516. An act granting an increase of pension to Orlando O. Austin—to the Committee on Invalid Pensions.

S. 7075. An act granting an increase of pension to John S. Lewis—to the Committee on Invalid Pensions.

S. 7074. An act granting an increase of pension to William Jenkins—to the Committee on Invalid Pensions.

S. 6233. An act granting an increase of pension to George E. Vanderwalker—to the Committee on Invalid Pensions.

S. 362. An act granting an increase of pension to James M. Bullard—to the Committee on Invalid Pensions.

S. 7428. An act granting an increase of pension to Helen C. Lettenmayer—to the Committee on Invalid Pensions.

S. 5586. An act granting an increase of pension to Albert F. Pepoon—to the Committee on Invalid Pensions.

S. 6226. An act granting an increase of pension to Mary A. Mickler—to the Committee on Pensions.

S. 5699. An act granting an increase of pension to Adelaide D. Merritt—to the Committee on Invalid Pensions

S. 6624. An act granting an increase of pension to Alvin N. D. Kite—to the Committee on Invalid Pensions.

S. 6623. An act granting an increase of pension to Mollie J. Mitchell—to the Committee on Invalid Pensions.

S. 4044. An act granting an increase of pension to Elizabeth B. Boyle—to the Committee on Pensions.

S. 6948. An act granting an increase of pension to Albert H. Nash—to the Committee on Invalid Pensions.

S. 7096. An act granting an increase of pension to Margaret McCullough—to the Committee on Pensions.

S. 1879. An act granting an increase of pension to Lorenzo F. Harmon—to the Committee on Pensions.

7402. An act granting an increase of pension to Francis H. De Castro—to the Committee on Invalid Pensions.

S. 7353. An act granting an increase of pension to Augusta T. Eichholtz—to the Committee on Invalid-Pensions.

S. 7623. An act granting an increase of pension to Sarah A. Kumler—to the Committee on Invalid Pensions.

S. 7358. An act granting an increase of pension to David Turner—to the Committee on Invalid Pensions.

S. 6408. An act granting a pension to Mary Louise McLeanto the Committee on Invalid Pensions.

S. 4509. An act granting an increase of pension to Anna M. Loomis—to the Committee on Invalid Pensions.

S. 5886. An act granting an increase of pension to Anna E. Hood—to the Committee on Invalid Pensions.

S. 7640. An act granting an increase of pension to Stephen H. S. Cook—to the Committee on Invalid Pensions.

S. 7062. An act granting an increase of pension to John Monto the Committee on Invalid Pensions.

S. 3896. An act granting a pension to Mary McGill-to the Committee on Pensions. S. 6436. An act granting an increase of pension to George W.

Kelsey—to the Committee on Invalid Pensions. S. 7558. An act granting an increase of pension to Mary

Morgan—to the Committee on Invalid Pensions. S. 7556. An act granting an increase of pension to Thomas

Spanton—to the Committee on Invalid Pensions. S. 2693. An act granting an increase of pension to Samuel

-to the Committee on Invalid Pensions. S. 6633. An act granting an increase of pension to Benjamin

-to the Committee on Invalid Pensions. S. 6637. An act granting an increase of pension to James J.

to the Committee on Invalid Pensions. S. 6933. An act granting an increase of pension to Fredrick Middaugh—to the Committee on Invalid Pensions.

S. 7067. An act granting an increase of pension to Edmund to the Committee on Invalid Pensions

S. 3461. An act granting a pension to Helen L. Woodward—to the Committee on Invalid Pensions.

S. 7339. An act granting a pension to Julia C. R. Baird-to the Committee on Invalid Pensions.

S. 7543. An act granting an increase of pension to Robert B. McCumber—to the Committee on Invalid Pensions.

S. 7066. An act granting an increase of pension to Timothy Drew-to the Committee on Invalid Pensions.

S. 3583. An act granting an increase of pension to Kate O'Donnell Wood—to the Committee on Invalid Pensions.

S. 3319. An act granting an increase of pension to James E. Croft—to the Committee on Invalid Pensions.

S. 4818. An act granting an increase of pension to George W. Peabody—to the Committee on Invalid Pensions.

S. 5190. An act granting an increase of pension to Abby L. Brown—to the Committee on Invalid Pensions. S. 2565. An act granting a pension to William P. Parrill-to

the Committee on Invalid Pensions. S. 6278. An act granting an increase of pension to Henry

Humble—to the Committee on Invalid Pensions.

S. 5580. An act granting a pension to Julia A. Vroom-to the Committee on Invalid Pensions.

S. 7554. An act granting an increase of pension to Amelia R. Randolph-to the Committee on Invalid Pensions.

S. 3882. An act granting an increase of pension to Delphine Darling—to the Committee on Invalid Pensions. S. 6273. An act granting an increase of pension to William J.

Wells—to the Committee on Invalid Pensions.

S. 7361. An act granting an increase of pension to George Downing—to the Committee on Invalid Pensions.

S. 6706. An act granting an increase of pension to James T. Stewart-to the Committee on Invalid Pensions.

S. 6875. An act granting an increase of pension to Lemuel T. Williams-to the Committee on Invalid Pensions.

S. 7293. An act granting an increase of pension to John White-to the Committee on Invalid Pensions.

S. 7617. An act granting an increase of pension to Victor H. Coffman—to the Committee on Invalid Pensions.

S. 6876. An act granting an increase of pension to Jesse L. Pritchard—to the Committee on Invalid Pensions.

S. 7513. An act granting an increase of pension to Alexander M. Cowgill—to the Committee on Invalid Pensions.

S. 2259. An act granting an increase of pension to Charles Duby, alias Louis Deshemean—to the Committee on Invalid Pensions.

S. 549. An act granting a pension to Louis T. Frech-to the Committee on Pensions.

8, 7445. An act granting an increase of pension to Charles J. Freese-to the Committee on Invalid Pensions.

S. 7566. An act granting an increase of pension to John Ans--to the Committee on Invalid Pensions.

S. 7505. An act granting an increase of pension to Michael Bogue-to the Committee on Invalid Pensions.

8. 5697. An act granting an increase of pension to George H. McLain-to the Committee on Invalid Pensions.

S. 7486. An act granting an increase of pension to Byron A. Williams—to the Committee on Invalid Pensions.

S. 7489. An act granting an increase of pension to Albert C. Wagher—to the Committee on Invalid Pensions.

S. 7488. An act granting an increase of pension to William

W. Putnam—to the Committee on Invalid Pensions. S. 6964. An act granting an increase of pension to Silas N.

Palmer—to the Committee on Invalid Pensions. S. 6820. An act granting an increase of pension to Henry M.

Bullard-to the Committee on Invalid Pensions. S. 6957. An act granting an increase of pension to Hiram Sieg-

fried—to the Committee on Invalid Pensions. S. 7484. An act granting an increase of pension to Samuel E.

Coover—to the Committee on Invalid Pensions.

S. 6827. An act granting an increase of pension to Theodore J. Sweeting—to the Committee on Invalid Pensions.

S. 2994. An act granting an increase of pension to David Harvey—to the Committee on Invalid Pensions.

S. 7243. An act granting an increase of pension to Justus B. Coomer—to the Committee on Invalid Pensions.

S. 7101. An act granting an increase of pension to Catherine Matimore—to the Committee on Invalid Pensions. S. 1397. An act granting an increase of pension to Anna B. L.

Walker-to the Committee on Invalid Pensions. S. 7177. An act granting an increase of pension to Melvin L.

Le Suer, alias James French—to the Committee on Pensions. S. 6943. An act granting an increase of pension to Lewis A.

Grant-to the Committee on Invalid Pensions. S. 7337. An act granting a pension to Henry W. Blair-to the Committee on Invalid Pensions.

S. 7335. An act granting an increase of pension to Charles C. Burt-to the Committee on Invalid Pensions.

S. 6143. An act granting an increase of pension to Thomas J. Northrop-to the Committee on Invalid Pensions.

S. 2104. An act granting an increase of pension to Moses Feyler—to the Committee on Invalid Pensions.

S. 1172. An act granting an increase of pension to Asaph H. Witham—to the Committee on Invalid Pensions.

S. 6793. An act granting an increase of pension to Simon Peter Wallerson—to the Committee on Invalid Pensions.

S. 6732. An act granting an increase of pension to John Trefry-to the Committee on Invalid Pensions.

S. 6139. An act granting an increase of pension to Eliza Brusie-to the Committee on Invalid Pensions.

S. 6584. An act granting an increase of pension to John Heath-to the Committee on Invalid Pensions.

S. 6582. An act granting an increase of pension to Moses Rowell-to the Committee on Invalid Pensions.

S. 6830. An act granting an increase of pension to Daniel L.

Seavey—to the Committee on Invalid Pensions. S. 7398. An act granting an increase of pension to Page G. Potter-to the Committee on Invalid Pensions.

S. 6914. An act granting an increase of pension to Albert T. Barr-to the Committee on Invalid Pensions.

S. 4681. An act granting an increase of pension to William S. -to the Committee on Invalid Pensions.

S. 6671. An act granting an increase of pension to Horace P. Marshall—to the Committee on Invalid Pensions.

S. 7744. An act granting a pension to Josephine Brackettto the Committee on Invalid Pensions.

S. 7740. An act granting an increase of pension to Dwight Simpson—to the Committee on Invalid Pensions.

S. 4756. An act granting an increase of pension to John Kirch—to the Committee on Invalid Pensions.

S. 6431. An act granting an increase of pension to R. Smith Coats—to the Committee on Invalid Pensions.

S. 6769. An act granting an increase of pension to James T. McReynolds—to the Committee on Invalid Pensions.

S. 7119. An act granting an increase of pension to Charles Boxmeyer—to the Committee on Invalid Pensions.

S. 1511. An act granting an increase of pension to Marvin F. Barton—to the Committee on Invalid Pensions.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL. Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval; the following bills:

H. R. 189. An act to establish a life-saving station at the Isles of Shoals, off Portsmouth, N. H.;

H. R. 14811. An act to authorize George T. Houston and Frank B. Houston to construct and operate an electric railway over the national cemetery road at Vicksburg, Miss.; and

H. J. Res. 214. An act to provide for the printing of 16,000 copies of Senate Document No. 144, Fifty-ninth Congress, second session.

## ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. R. 81. Joint resolution authorizing temporary leaves of absence for homestead settlers.

COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF AGRICUL-TURE.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent that the Committee on Expenditures in the Department of Agriculture be authorized to sit during the sittings of the House.

The SPEAKER. The gentleman from Maine asks unanimous consent that the Committee on Expenditures in the Department of Agriculture be authorized to sit during the sessions of the House.

Mr. SHEPPARD. Mr. Speaker, reserving the right to object, I want to ask the gentleman if he expects to make a report during this session of Congress?

Mr. LITTLEFIELD. We shall make a report if we succeed in completing the investigation that we are now making. We have had half a dozen sessions and developed about 1,500 pages of testimony when it is printed. We will make the report as soon as we can get at it.

Mr. SHEPPARD. I want to express the hope that other committees on expenditures in the Departments will follow the good example of the Committee on Expenditures in the Agricultural Department.

Mr. LITTLEFIELD. That is something, of course, with which we have nothing to do.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

BRIDGE ACROSS THE COLUMBIA RIVER, IN THE STATE OF WASHINGTON.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 23560) to authorize the construction of a bridge across the Columbia River between Benton and Franklin counties, in the State of Washington, by the North Coast Railroad Company.

The Clerk read the bill at length.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

# BRIDGE ACROSS COLUMBIA RIVER.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 23561) to authorize the construction of a bridge across the Columbia River between Wallawalla and Benton counties, in the State of Washington, by the North Coast Railroad Company, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the North Coast Railroad Company, a corporation existing under the laws of the State of Washington, its successors and assigns, be, and they are hereby, authorized to construct and maintain a bridge and approaches thereto across the Columbia River from some convenient and practical point, to be selected, on the east bank of said river in Wallawalla County to some convenient and practical point on the west bank of said river in Benton County, in the

State of Washington, for the passage of railroad trains and, at the option of said company or corporation, its successors and assigns, for the safe and convenient passage of wagons and vehicles of all kinds, animals, and foot passengers, at such reasonable rates of toll as may be fixed from time to time by the Secretary of War, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments recommended by the committee were read, as follows:

Strike out all of line 11, page 1, after the word "Washington," and on page 2 strike out lines 1, 2, 3, 4, and the words "of War" in line 5. The SPEAKER. Is there objection?

Thre was no objection.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken; and the amendments were agreed to. The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time,

read the third time, and passed.
On motion of Mr. Jones of Washington, a motion to reconsider the last vote was laid on the table.

#### ELEVATOR AND GRAIN-BUYING BUSINESS.

Mr. PERKINS. Mr. Speaker, I call up the Senate concurrent resolution 36, which I send to the desk and ask to have read. The Clerk read as follows:

## Senate concurrent resolution No. 36.

Senate concurrent resolution No. 36.

Resolved by the Senate (the House of Representatives concurring),
That there be printed for the use of the Senate and House of Representatives 3,000 copies of the testimony taken in the investigation pursuant to Senate resolution of June 25, 1906, directing the Interstate Commerce Commission to make a thorough investigation of the elevator and grain buying and forwarding business of this country to determine to what extent special favors have been granted to them by railroad companies, the influence which the alleged monopolizing of this branch of business has had upon the market, the injury it has worked to the grain producers, the extent to which the railroads, their officers, directors, stockholders, and employees own or control the grain-buying and grain-forwarding companies, and the manner in which these railroads, their officers, directors, stockholders, and employees secured holdings, if any, in these grain buying, storing, and forwarding companies, and to report the same to the Congress at its next session, 1,000 copies for the use of the Senate and 2,000 copies for the use of the House of Representatives. Representatives

Mr. PERKINS. Mr. Speaker, I move the adoption of the Senate resolution.

The SPEAKER. The question is on the adoption of the resolution.

The question was taken; and the resolution was agreed to.

### DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GILLETT. Mr. Speaker, I move the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 24103) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1908, and for other purposes. Pending that motion, I ask unanimous consent that the time for general debate be equally divided between the gentleman from Texas [Mr. Burleson] on behalf of the minority and myself on behalf of the majority.

The SPEAKER. The gentleman from Massachusetts, pend-

ing a motion to go into the Committee of the Whole House on the state of the Union, asks unanimous consent that the time for general debate be controlled by himself one-half of the time and one-half by the gentleman from Texas [Mr. Burleson]. Is

there objection?

There was no objection, and it was so ordered.

The SPEAKER. The question now is on the motion of the gentleman from Massachusetts that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the District of Columbia appropriation bill.

The question was taken; and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the District of Columbia appropriation bill, with Mr. MANN in the chair.

Mr. GILLETT. Mr. Chairman, I ask unanimous consent that

the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. GILLETT. Mr. Chairman, I shall occupy the attention of the House a very few minutes in explaining the general features of this bill. There is never much in the District of Columbla appropriation, of course, which is of general interest to the House, but I think there is quite as little as usual in this particular bill. The question of the finances of the District I this is that, although this is a city of broad streets, jet the

think I ought to touch upon. This bill carries an appropriation of about \$10,000,000. That is \$200,000 less than the appropriation last year, but the committee can not properly claim that it has economized to that extent. On the contrary, we must admit that the appropriations this year for the current expenses of the District are much larger than they were last year, and this apparent reduction comes from the fact that the extraordinary expenses which have been consuming so large a portion of the District revenues for the last five years are approaching their completion. We have undertaken within the last few years several very large projects, which under the ordinary custom of municipalities would be paid for by the issue of bonds. There was the sewage-disposal system, for instance, which took about \$5,000,000. There was the Union Station, with the changes of grades connected with it, which also took about \$5,000,000. There was the new municipal building, which took two millions and a half, and there was the new filtration plant, which took about three millions.

Then, there was the highway bridge across the Potomac, which took \$1,200,000, and there was the Connecticut Avenue Bridge, which took about \$800,000, making in all a total of some seventeen or eighteen millions of dollars of what would be called permanent improvements, which would ordinarily be paid for by bonds, but which we have paid for as far as possible as current expenses. Naturally it was impossible for the District to pay all of these out of its income. So the plan was evolved that our partner in District business, the United States Government, which pays one-half of all the expenses of the District, should pay its half of all these current expenses outright and then should advance to the District money sufficient to pay the District's half of these current expenses, without any bonds and upon payment of 2 per cent annual interest. That has been carried on now for several years, and there is now due the United States for these advances nearly \$3,000,000. These extraordinary expenses, however, have come to a completion, with the exception of about \$550,000 which come into this year's bill and which will complete the municipal building, and with the exception of about \$800,000 which is still due upon the Union Station.

So that after this year's bill, which appropriates the \$550,000. there will be only about \$800,000 which will in the future be due upon extraordinary expenses, unless, of course, Congress should decide that we should undertake some new improvement. Consequently we can hope very soon to begin to pay off this \$3,000,000, and, in fact, the bill this year, if it shall not be increased in the Senate, will have a balance of about \$600,000 toward decreasing that sum which is due the General Government, and at that rate in four or five years we could expect to pay off what might be called our "floating indebtedness" and once more be solvent and ready to expend all our income upon the current expenses of the government. There is besides this a permanent debt of about \$11,000,000 for which bonds were issued some thirty years ago and which is gradually in the process of extinction. Now, in our appropriations this year we have thought that the streets of the city were in such condition that they justified and demanded a large appropriation, and therefore we have appropriated \$300,000 for the permanent repairs of the streets, the full sum that is asked for by the Commissioners. We have also very much increased the expenditure for school buildings, because the buildings are crowded. The compulsory-education bill which was passed at the last session of Congress necessarily largely increased the number of scholars, and therefore we have appropriated over \$500,000 for new schoolhouses; and the expenses for the schools, paying schoolteachers, for the police, and for the fire department are all necessarily much larger than this year because of the legislation which was passed last year increasing salaries.

There is only one other item which I think is of such interest or might excite such difference of opinion that I feel I ought to state it to the committee, and that is the appropriation we have made of \$75,000 for the purchase in three different parts of the city of three playgrounds. This playground question is one which has recently come to the fore in large cities in connection with the education of children. It is a question which personally I have not had much sympathy with, but I find that the persons who have most studied the subject, and for whose opinions I have most respect, are thoroughly in favor of public playgrounds, and arguments were advanced sufficient to convince me that it was wise we should make this appropriation. We appropriated for one lot of land in Georgetown, which will cost about \$25,000 and which has about 2 acres, for a plat of land in the northeast section of the city which has about 3 acres and which will cost about \$30,000, and for a tract of about 1 acre in the southwest section of the city which will cost about \$20,000. The theory upon which we recommend

police regulations do not allow the children to play ball or indulge in sports on the street, and, moreover, we felt that the streets are not the proper place for the children to take their outdoor exercise, and if without disproportionate expense we can provide the school children a place where they can be in the open air for healthful exercise I consider it to be an advantage to their health, their morals, and probably their studies; also to give them this outing. When the items of the bill are read of course they will be open for discussion, and unless there is information anyone desires, I have nothing more I care to suggest in general debate.

Mr. JOHNSON. I would like to ask the gentleman some questions.

Mr. GILLETT. Certainly. Mr. JOHNSON. Does the gentleman know what the water plant in the city of Washington cost?

Mr. GILLETT. What it cost originally?

Mr. JOHNSON. Yes.

Mr. GILLETT. No; I can not give the gentleman that figure. I can easily ascertain it, but I do not carry it in my

Mr. JOHNSON. Well, I looked into the hearings for those figures and could not find them. Is it true that it takes all the revenues derived from the water department to pay the ex-

penses of operating that plant?

Mr. GILLETT. Oh, no; it does not take nearly all, but there has been a provision in the bill for a number of years that the balance of receipts over expenses can be applied to the extension of what is called the "high-service system," and each year a large sum is from this revenue appropriated to extend the service. I think in the last ten years about \$2,000,000 have been paid from the revenues and appropriated to the extension of the system.

Mr. JOHNSON. How long will it be under this plan under

which you are operating before the system will be complete?

Mr. GILLETT. It depends on how fast the city grows, of course. If the city had remained stationary, it would have been completed long before this, but if the city keeps growing, of course our water system has got to keep growing propor-

Mr. JOHNSON. Does the gentleman know how the water rates in Washington compare with the water rates in other cities of similar size?

Mr. GILLETT. No; I can not tell the gentleman that ex-It came up last year. I remember the rates were low.

but the figures I do not remember from last year.

Mr. JOHNSON. I want to ask the gentleman another question in regard to another matter, namely, in regard to the playgrounds. Does the gentleman think that the same reason that has brought about the purchase of playgrounds in cities like New York and Chicago, where streets are narrow and crowded, apply to a city the half of which is already in parks and open spaces?

Mr. GILLETT. I recognize that Washington does not need it nearly as much as these large congested cities. Washington, of course, is a city of broad streets and of parks, but of course these little parks are not really playgrounds for children, except the very small children, who can just walk around with their nurses. And in the places where we have located these playgrounds, in Georgetown, in the southwest, and in the northeast, there are no playgrounds of any size near the spots which we have selected.

Mr. PARSONS. No parks?

Mr. GILLETT. No parks. There is one in the southwest, but it is a very small one.

Mr. JOHNSON. Is the land that is to be purchased for the purpose of playgrounds reasonably worth on the market the

prices that it is expected to pay?

Mr. GILLETT. We were informed that they were very good investments, and with me that weighed something. Although it is hardly proper to ever say that land is a good investment for a city, because, of course, we are never going to sell it, but if they were abandoned as playgrounds, they would be useful for buildings.

Mr. JOHNSON. Of course, it is only a question of whether

it will be dearer later.

Mr. GILLETT. I think it will be very much dearer. The one we got in Georgetown is an old cemetery. It is right in the midst of the thickly grown part of the city. As the gentle-man knows, there are no parks there to speak of. This is an old cemetery which the church is willing to sell and which we are told we are getting at a very reasonable price. And the

other lots we were convinced were excellent purchases.

Mr. JOHNSON. Another thing I want to ask the gentleman about. Did the committee look into the cost of lighting

this city as compared to what other cities of equal size were

paying?

Mr. GILLETT. The committee were rather forestalled this year, to their surprise, in doing that, because by a provision which was put into the bill before I was on the committee there is authority given to the District Commissioners to make a three year's contract for lighting, which has never been exercised before; but this year, on the 1st of July last, the District Com-missioners made a three year's contract for all the gas lamps, and consequently we have nothing to do except to appropriate. They had that authority. They have made a very much better contract, however, I will say, than they have ever been able to make before, and they have no flat-flame gas-burners now, but they are all mantel flames, which give a very much better light, and they have secured a price which is very much lower than they had ever secured before, and lower than they told us last year was possible.

Mr. JOHNSON. They are asking for authority to make a three year's contract in regard to other lights, are they not?

Mr. GILLETT. I do not know. They have not asked our committee; at least I do not remember that they asked it. If they did, it was not granted.

Mr. JOHNSON. I understood they wanted to make a threeyear contract with the arc-light people.

Mr. GILLETT. Perhaps they did. It was not granted, if they asked it.

Mr. PRINCE. Will the gentleman yield for a question?
Mr. GILLETT. Certainly.
Mr. PRINCE. I think the gentleman stated the committee had favored a plan of paying out of the Treasury the half of the expenses of making certain improvements in the District of Columbia, and hit upon a plan of advancing the half that the District should pay, and that the District in turn should repay to the Treasury the amount advanced, with an annual interest of 2 per cent. How long has this practice been in operation?

Mr. GILLETT. It was adopted in 1901, at the time these

large permanent improvements were entered upon.

Mr. PRINCE. Is there any sinking fund created out of

which this money can be repaid?

Mr. GILLETT. No; it is paid right back to the Treasury each year out of the surplus there is at the end of the year from the appropriations. It is applied to the payment of the debt.

Mr. PRINCE. If there should be no surplus, then there is nothing applied?

Mr. GILLETT. There is nothing applied.

Mr. PRINCE. If there is a deficiency, then we will have to

Mr. GILLETT. The debt is increased so much. vided, I will say to the gentleman, in the original bill, and has been carried so ever since, that they shall be made up in five years. But the gentleman sees that five years have already gone by and it has not been paid.

Mr. PRINCE. It started in 1901 and this is 1907, and it is

not made up. How much balance is there behind unpaid?
Mr. GILLETT. About \$2,900,000, and at the end of the year
there will practically be \$3,000,000.

Mr. PRINCE. Has the interest been paid promptly?
Mr. GILLETT. Oh, the United States helps itself to the interest. The money is all in the Treasury, and the United States helps itself to the interest out of the annual receipts of the District.

Mr. PRINCE. In advance, or after the current expenses have been paid and there is a surplus?

Mr. GILLETT. Not in advance.
Mr. PRINCE. If there is a surplus, it pays itself the interest. Mr. GILLETT. It pays itself the interest anyway; and then, if there is no surplus, as has been the case for several years, it has that as a deficiency, and the debt already due is increased

Mr. PRINCE. In making up the deficiency, in making up the budget for the ensuing year, do you take into consideration the fact that they are behind in interest and in principal?

Mr. GILLETT. We are never behind in interest.
Mr. PRINCE. But we are behind in principal.
Mr. GILLETT. Certainly.
Mr. PRINCE. In making up that does the Government pay half and in that way whittle it down and eventually pay it itself?

Mr. GILLETT. Oh, no; the Government does not pay any part of this. The District pays this full indebtedness, interest and all.

Mr. PRINCE. Then, as I understand, you have no security other than the surplus? Mr. GILLETT. Why, the Government has perfect security.

The Government pays itself. The Government is making the appropriation, and the Government can help itself any time it please

Mr. PRINCE. Certainly. By making larger appropriations?

Mr. GILLETT.

Mr. PRINCE. And having a surplus?

Mr. GILLETT. The smaller appropriation made-

Mr. PRINCE. And in order to have a surplus the Government would make a larger appropriation?

Mr. GILLETT. The smaller the appropriation to current expenses

Mr. PRINCE. Would make a surplus?
Mr. GILLETT. Would make a large surplus.
Mr. PRINCE. In what way?
Mr. GILLETT. The less we appropriate for expenses the arger the surplus. If our revenues are \$11,000,000 and we larger the surplus. only appropriate \$8,000,000 to current expenses, that leaves a surplus of \$3,000,000.

Mr. PRINCE. Yes; I see that.

Mr. GILLETT. This year we leave a surplus of about half

-\$600,000. a million dollars-

Mr. PRINCE. Now, asking you of the working of this arrangement, in your opinion, do you think it wise for the Government to lend its money to cities and take security and receive therefor an annual interest of 2 per cent?

Oh, no; I do not think it should be done Mr. GILLETT.

with any other city.

Mr. PRINCE. That is what we are doing for the District

of Columbia.

Mr. GILLETT. Why, of course, the Government is a partner of the District. And, moreover, as the gentleman under-

Mr. JOHNSON. A very generous arrangement. Mr. GILLETT. Very. This year we make an appropriation for these permanent improvements for the District of Columbia of only \$550,000, and they ought to be paid for in about six

Mr. PRINCE. The only criticism I have of the scheme is that it does not work. It was proposed to work out in five years, but instead of doing so there is an indebtedness from the District to the General Government in the neighborhood of \$3,000. 000. It is a good deal like stepping up one step and slipping back two.

Mr. GILLETT. It is not my province to defend that original provision, for I had nothing to do with it; but I do not think it is fairly subject to the criticism the gentleman makes, for this reason, that when it started it was not supposed that so many of these very large permanent improvements would be indulged in. But year by year we have gone on and undertaken one by one these very large and expensive permanent improve-ments. At the same time, as I say now, we are entirely at the end of them, and unless Congress decides to go into some other similar large permanent improvements, if we keep on at the same rate, there will be a large sum every year to reduce this Last year we reduced it about half a million dollars, and we will do as well or better this year.

BANNON. Mr. Chairman, have options been secured upon these different tracts of land which are proposed to be

used for playgrounds?

Mr. GILLETT. No; we do not limit them to any particular spot, so if the price is put up on us, the Commissioners are not obliged to take that land.

Mr. BANNON. Then the three tracts that the gentleman mentioned will not necessarily be the ones that may be purchased if the appropriation is made?

Mr. GILLETT. Not necessarily, because if the price is raised to an unreasonable figure, the Commissioners would not buy the land.

Mr. BANNON. Are the Commissioners of the opinion that the prices set on this land are reasonable prices?

Mr. GILLETT. They thought they were very reasonable. Mr. BANNON. Were any affidavits or appraisements submitted to the Commissioners or by them?

Mr. GILLETT. Not submitted by them.
Mr. BANNON. Do I understand this cemetery that it is contemplated to purchase for a playground has been used as a burying ground?

Mr. GILLETT. Not for a great many years. It is an old disused burying ground belonging to a church.

In the event that the Government should Mr. BANNON. buy the title to that cemetery from the church, which, I presume, would have to be done under court proceedings, might there not be some claims set up by the families of those buried there for certain rights in this burying ground?

Mr. GILLETT. I do not think so. They have told us that we could get a clear title.

Mr. BANNON. Against all persons whatsoever?

Mr. GILLETT.

Against everybody. N. Mr. Chairman, I have no disposition to Mr. BURLESON. discuss the details of this bill. If I felt so inclined, it would be unnecessary to do so after the very clear and comprehensive statement which has been submitted to the committee by the gentleman who so ably presides over the subcommittee which had charge of its preparation.

I do desire, however, to submit to this committee a few thoughts which occurred to me during the time the subcommittee was engaged in the preparation of this measure, and I offer these suggestions with diffidence to the gentlemen who compose the District Committee and who are directly chargeable with the responsibility of suggesting legislation in the interest of the District of Columbia.

Mr. Chairman, in the early days, while the Continental Congress was holding its sessions in the city of Philadelphia, it was so persistently and constantly annoyed by the actions of an organized mob which assembled near the house where the Congress was assembled that it was compelled to adjourn and take ref-

uge in an adjoining State.

It is believed that these facts were fresh in the recollection of the fathers when they were called together to frame the Constitution (the Constitutional Convention consisting largely of members who constituted the First Congress), and they embodied in the organic law a provision that 10 square miles, to be ceded by certain States, should become the seat of government, over which the Congress should "exercise exclusive legislative jurisdiction in all cases whatsoever." To this section in the first article of the Constitution we look for our authority to legislate for the capital city. By its terms the grant of power to legislate is as broad and sweeping as language can make it. exclusive authority to legislate for the District of Columbia carries with it, of course, the responsibility which the Congress ought not to evade-to devise for the District the very best government possible.

Since the seat of the National Government was established here many plans for the government of this District have been suggested and several tried. For nearly three-quarters of a century the affairs of the municipality, if I might so term it, were administered by direct legislation on the part of Congress, at the end of which time the bonded indebtedness of the city aggregated in amount a little in excess of \$3,000,000. At that time, in 1870, the amount necessary to meet the current expenses of the city was about \$2,000,000, and approximately this amount was carried in the appropriation bills to meet this purpose.

In February, 1871, after the enfranchisement of the negro another system of government for Washington City was devised by the Congress. Provision was made for a governor, a board of public works with defined powers, and a legislative assembly. I will not at this time attempt a characterization of the government given the taxpayers of this District, and under this plan, but suffice it to say that at the end of a little more than three years the bonded indebtedness of this city had been increased to a degree without a parallel in the history of the civilized world. When its bonded indebtedness had reached a sum in excess of \$23,000,000, the Congress, which was, of course, responsible for the form of government under which this great increase had been brought about, was confronted with the necessity of doing something. The air was filled with rumors of the corruption, the rottenness and thievery of those who were in charge of the city's affairs. The taxpayer was helpless. No honest man would undertake to defend what had taken place; in fact, no one could be found who would even attempt a justification of the continued existence of such a government, and, in a moment of desperation, the Congress wiped it out completely—abolished it—and provided for the government of the District by three Commissioners, declaring at the time that it was a temporary expedient-only a temporary plan. This was in 1874, and at the time this action was taken a select committee consisting of members of both parties was appointed for the purpose of giving careful consideration to the subject-matter and reporting back to the Congress a permanent system of government for the District of Columbia.

This select committee considered the matter for four years before it brought before the Congress the fruit of its labors. its first report provision was again made for a representative government or a legislative assembly for the District of Columbia. For reasons which it is now unnecessary to discuss the bill met with an overwhelming defeat. It was recommended that the three Commissioners be selected in this way: One, the Engineer Commissioner, to be named by the President, one to be elected by

the Members of the House, and the other to be elected by the Senators. After much discussion this recommendation was rejected, and finally the Congress, vested as it is with the exclusive right of legislation within this territory, and therefore chargeable under the Constitution with the responsibility of fashioning the best government it is capable of devising for the District of Columbia, notwithstanding the fact that every vestige of popular government was practically eliminated from the plan, suggested the adoption of the present system of government for the District of Columbia. When it acted in the discharge of this solemn duty, it recognized that there were defects in the plan adopted.

Mr. Chairman, I am afraid the time has not yet arrived when the defects in this plan can be remedied. In fact, I know that, for reasons which it is unnecessary for me to state, the principal defect in the plan of government for this District under

existing conditions can not be eliminated.

The Commissioners at present, if I may use the term, are an "irresponsible" body. They are not elected by the people, they are not elected by the Congress, as was first suggested by the select committee in their report made in 1878, but they are appointed by the President, and, of course, are responsible only to the President. Our President is a very busy official; either he is attempting to reform the mother tongue by Executive order or directing who shall enter the public schools in California or advising against the dangers of race suicide by intimating to the heads of households in this country how many children should be found therein, so that he has no time to give attention to the affairs of the District of Columbia, and consequently one can see that the Commissioners are practically not responsible to any authority. If it were possible to provide for the election of these Commissioners, adopting in the District of Columbia a suffrage qualification like that existing in South Carolina or Mississippi (or it may be like Massachusetts; as I now recollect the provisions of its constitution, I believe it requires a poll tax and an educational qualification), the principal defect in its plan of government will have been removed. Mr. Chairman, if we could provide for the election of the Commissioners by the people, thereby making them responsible to the people for their action, and then vest them with a larger discretion and a larger power in the management of the affairs of the District, I do not hesitate to say that the Congress of the United States would, in my humble opinion, measure up to the full responsibility that rests upon it to give this city the best government that could be devised by the assembled wise men of the nation. But, Mr. Chairman, we know that this can not be done at this time. I believe in time it will be done, but not

Another reason why I think the present arrangement, under which the General Government pays one-half the expense of the District government, is disadvantageous is that it encourages extravagance. There is a condition here found in no other municipality in the country—a condition which seems unlikely to change and, in my opinion, as long as the present arrangement continues, will not change. Every suggestion offered looking to the expenditure of money in connection with the District government is given prompt approval by every person living in the District. I challenge any Member under the sound of my voice to show or to make known if he ever heard of a suggestion made looking to the expenditure of money within the District of Columbia, regardless of what it was for or whether it came from a Republican source, a Democratic source, or a Socialistic source, that was opposed by anybody who lived within the limits of the District of Columbia.

And why should they? They bear only one-half the burden of the expenditure to be made, and inasmuch as the inhabitants of the District are to be the beneficiaries of the whole expenditure,

why of course they are not opposed to it.

It is natural, perfectly natural, and I do not think the Commissioners of the District are so very blamable when they emphasize their recommendations—as they always do—for the rapidly increasing appropriations called for to support the city government. I have been impressed with the earnest desire of the Commissioners to make their estimates just as close as possible so as to cover the maximum of revenue to be raised within the District, multiplied by two, thus reaching as far into the Treasury as they can.

The necessity for economy as far as the District people are concerned is rarely voiced in the room where the bill under consideration is prepared—and naturally so. To illustrate my meaning: Suppose the improvement of a street is under consideration. In any other city the controlling idea would be, first, what is necessary to be done; second, how can the improvement be most economically made? Here the idea seems to be, let's have the finest possible improvement made, be-

cause we are paying only half, and when we secure this we will not have then paid as our part as much as a cheaper improvement would have cost if we were bearing the cost of it alone. Naturally this tends to extravagance, as every thought-

ful person must admit.

Furthermore, Mr. Chairman, in this District the taxpayer is relieved of many burdens imposed on those living in other cities. Here they are not called upon to aid in the support of a duplicate or triplicate set of officials as residents of other cities are; they have no machinery of State government or county government to maintain, and, moreover, for some unknown reason, the taxpayer here escapes a part of the burden of taxation laid on residents of municipalities elsewhere, as I understand it. Here a tax is laid on real estate and household effects (with certain exemptions) and tangible personal property. No tax is laid on moneys, credits, notes, mortgages, stocks, or bonds. And the truth is, if this condition continues, in my opinion this city will become a veritable place of refuge for the tax dodgers of our country. It is said they are already beginning to gather here. Time and time again attention has been directed to this matter, but nothing has been done. I repeat, with all these favorable conditions the residents of the District naturally favor large appropriations for the District, as the burden of paying their share of same rests but lightly upon them.

I do not hesitate to say, Mr. Chairman, that in my judgment the time has come for a readjustment of the financial arrangement between the General Government and the District of Columbia. At the time that the bill providing for the so-called permanent system of government for the District of Columbia" was under consideration, the contention was made that because the value of the real property owned by the citizens of the District of Columbia and the property owned by the General Government was approximately the same—the value owned by the Government at that time being estimated at \$96,000,000, as I now recollect it, and the real property owned by the individual citizens, real estate, at \$95,000,000—the expenses of the District Government should be borne equally by the General Government and the District. But in estimating the property owned by the General Government, the value of the streets and avenues was estimated and added to the value of the lots and squares owned by the Government for public purposes, and it was upon that basis that the contention was made that the District of Columbia should only share one-half the burden of the expense of maintaining the District government. of this contention is manifest to any fair-minded person.

The contention at that time was also made or, rather, plea was put forward, that the General Government should assume 50 per cent of the expenses of the District government because the bonded indebtedness of the city had become so great under the government imposed upon it by Congress that with the levy of the maximum tax authorized by the bill it would provide only sufficient revenue to meet the interest on its bonded indebtedness and maintain the public schools, and consequently there was an absolute necessity for the General Government to shoulder one-half of the burden of the District government.

Notwithstanding these misleading contentions and baseless pleas, we find that at that time some of the most thoughtful men in Congress protested against fixing 50 per cent as the part the General Government should bear of the District government

expenses.

A glance at the roll call, where they registered themselves against it, will show that among them were Mr. Reed, of Maine; Mr. Blount, of Georgia; Mr. Cox, of New York, and Mr. Reagan, of Texas, who, with many others, contended that 25 per cent was a sufficient amount for the Government to pay toward this city's general expenses.

Mr. Chairman, the select committee which had been appointed by the Congress to consider and report upon a permanent system of government for the District of Columbia, had in its report recommended that 40 per cent be the amount fixed to be paid by the General Government toward the expenses of the District government. There is no doubt in my mind that but for the fact that Congress felt responsible, or, rather, its conscience was being pricked with the thought that the corrupt government of its creation had brought woe to the District, aided very materially in inducing it to assume the burden for the General Government it did when it agreed for the time being to pay one-half this city's expenses.

Washington at that time was a city of approximately only 140,000 inhabitants. The statement was made in the course of the debate on this subject that ultimately it would become a great city, and the answer was that then a change could be made. We see the aspiration of this city manifesting itself through the columns of its newspapers—there is a call for a greater Washington—and, Mr. Chairman, what will be the ex-

penses of this city if the ambition of its progressive citizens are realized and Washington does become a city of a million or a million and a half of inhabitants? The time will then come when the current expenses of this city will easily amount to twenty or thirty millions of dollars. Do we propose then to burden our constituents with bearing one-half of the expenses of its government? It now has a population of 350,000. It is surrounded by a score or more of suburban villages, many of them miles from this capital. These suburban villages contain nearly one-half as many people as lived within the limits of the city at the time the present plan of government was devised. Our constituents bear one-half the expense of the government in every particular. Will some one tell me why the people in the mountains of Tennessee should be taxed for the education of the children within the limits of these suburban villages and of

I confess, as far as I am concerned, that I do not want the General Government to shirk the responsibility of paying every cent that it should pay-yes, I want the General Government to be liberal, if I may be permitted to use that term, in its dealings with the District of Columbia, but I do say that there are certain charges, that there are certain obligations, resting upon the people of the District that they should carry for themselves and which should not be shared by the constituents of the gen-tlemen who sit upon this floor. Will some one please tell me tlemen who sit upon this floor. Will some one please tell me why the people in Maine should be taxed to care for the indigent poor within the limits of the District of Columbia? Every capital of a State within the United States bears the burden, not alone of its city government, but it also shares the burden of the county and State governments, and in addition bears its proportionate share of the stupendous expenses incurred in the support of the General Government. In every State capital the State owns real property just as the General Government owns real estate here, and in the case of the capital city of my State the fee in the streets, avenues, and parks is in the State just as here it is in the General Government, and yet the suggestion that the State government should bear 50 per cent of the city of Austin's expenses would be promptly rejected as too ridiculous for consideration. Can some man differentiate for me between a State capital and this capital in the matter of a just and equitable responsibility from sharing the burdens of the municipal government?

Mr. GAINES of Tennessee. Will the gentleman state whether or not the people of the United States are taxed to take care of

the resident poor, the indigent poor, of the city?

Mr. BURLESON. Oh, certainly; the General Government pays one-half of the expenses of the support of every pauper, of every blind person, of every deaf person, of every person who is afflicted in any way, whose support is chargeable to the District of Columbia.

Mr. GAINES of Tennessee. For those who live here?
Mr. BURLESON. Yes. There is no question about that.
The question is, Why should it be? No man can give a reason, and, as was said when this matter was under discussion in 1878, no man would stand upon this floor and contend for such a proposition or would vote for it if he knew that his constituents were to pass directly upon the proposition and would hold him directly accountable for that vote.

Mr. STERLING. What is the rate of taxation in the District

of Columbia?

Mr. BURLESON. One dollar and fifty cents, I believe, levied only against the character of property I have indicated. mit, Mr. Chairman, and I do not want to be misunderstood, all are anxious that Washington should be made a beautiful city, all take pride in the fact that the capital of this great country of ours should be the most beautiful city in the world, and I do not believe a man can be found, who has visited the capitals of Europe after visiting this capital, but will admit that to-day it is the most beautiful capital in the world; and now having attained this end the question arises, Shall this General Government continue to bear excessive burdens, more excessive than is just and fair to our constituents?

I do not want to be misunderstood. I am not only willing but anxious that the General Government should bear its full part in the expense of governing this city; but in fairness to ourselves and our constituents, we should not place on them bur-dens they ought not to carry. There is another matter to which I want to ask your attention. The District Commissioners, in my opinion, should be given larger responsibility and larger authority in regard to the regulation of local affairs within the District of Columbia. It is true that they are not responsible to any person or any authority, as I have shown, but I still believe that it would be best for this city if larger powers could be conferred on the Commissioners. Is there a man here who will gainsay the proposition if these District Commissioners had

been accountable directly to the people, and they had been given the authority to act, that long before this the people of this District would have had 75-cent gas or even 65-cent gas? Is there any man here who will gainsay the proposition that they would have long since had, if not universal transfers upon all street cars of this city, a very much reduced rate? Is there any-one but who knows the people here would have had cheaper telephones in this city if the District Commissioners were vested with the authority to regulate these charges and were directly responsible to the people for their action?

Mr. FITZGERALD. I would be glad to have the gentleman

state upon what he bases his opinion that if the Commissioners did have greater authority we would have lower charges for the services from these public-utility corporations that he indi-

Mr. BURLESON. Because I believe it would have been just to have made such reductions, and I know that the people here would have insisted upon the reductions being made. That is the reason upon which I base my belief, and I contend it is well founded.

Mr. FITZGERALD. The gentleman's statement is largely speculative.

Mr. BURLESON. I do not think so; and as for the matter of gas, if the gentleman will send for bulletin issued last year by the Bureau of Labor and see how very cheaply it can be produced, if he will look into the question of the actual cost of making gas, I do not believe that he or any man upon this floor would say it should not be reduced and that in doing so it would be perfectly just and fair to the gas company. I have no purpose other than to be scrupulously fair and just to all these public-service corporations. I do not want to fix a charge, and would not if I had the authority or power to do so, for 1 cent lower than was just and fair alike to the people and to the corporations which have been given, given without cost, the franchises to furnish these services to the people,

Mr. FITZGERALD. Why should in the gentleman's opinion an irresponsible commission be more quick to respond to the demands of the public than a body that is responsible to its con-

stituents?

Mr. BURLESON. Oh, the gentleman knows quite well, if he refers to this body, that the Congress is always slow to move. The gentleman also understands that the District Committee, consisting of wise men as all will confess, has many, many complex matters confronting it, and probably has not had the time to give these less important matters attention.

Will the gentleman yield? Mr. OLCOTT.

Mr. BURLESON. Certainly.
Mr. OLCOTT. I would like to ask the gentleman whether he knows that the District Committee is now investigating most thoroughly the entire question of the cost of gas and the proper price that should be charged in the District of Columbia?

Mr. BURLESON. I am not a member of the Committee on the District of Columbia, but I remember quite well that during the consideration of this bill at the last session of Congress, when an item had been embodied in it to reduce the price of gas to the city and to the Government from \$20 to \$15 for the flat-flame burner, that a point of order was made against it, and it was of course sustained, and out the item went.

At that time members of this committee urgently invited the attention of the Committee on the District of Columbia to the matter and pleaded with them to take some steps to afford the

people relief.

Mr. OLCOTT. Of course my recollection does not go back to the last Congress.

Mr. BURLESON. The RECORD will bear me out in the statement I have made.

Mr. OLCOTT. But, as a matter of fact, I would like to state to the gentleman that matter is being carefully considered by the subcommittee having that matter in charge now.

Mr. BURLESON. Will the gentleman tell me whether it is going to be so carefully considered that we will not be able to

get a report at this session? Mr. OLCOTT. It is going to be so carefully considered, in my opinion, that justice is going to be done to every one concerned, both the people in the city of Washington and the com-

panies that have the right to manufacture the gas.

Mr. BURLESON. And thus it is, Mr. Chairman, that light is turned upon the proposition as to whether we are going to have a report at this session. Justice is going to be done. Why, of course, a committee of Congress could never do anything but report a measure that would be exactly just and fair. That report a measure that would be exactly just and fair. That was not the query. The query was, Will there be a report at this time, this session?

It has been charged that the capital stock of this gas monopoly has been inflated by the unauthorized issuance of certificates of indebtedness. It has been charged repeatedly in the public prints that the people of Washington City have been victimized by this monopoly for years and that they can get no relief.

Mr. GAINES of Tennessee. Will the gentleman tell the committee why it was that, notwithstanding the fact that this House defeated a conference report and specifically directed the committee to take it out and bring back a bill fixing the price of gas at, I think, a dollar—though I am not sure—they did not bring back any bill? They did not obey the instructions of the House, as I recollect. The gentleman will remember it, I am

Mr. BURLESON. Of course, the members of the District Committee will remember it.

Mr. GAINES of Tennessee. That was, possibly, a year or two

Mr. BURLESON. Mr. Chairman, as I have stated before, I have no disposition to be unjust or unfair to a single publicservice corporation within the District of Columbia. not under any circumstances vote for a proposition that would take from them one-hundredth part of 1 per cent of what they are justly and fairly entitled to charge for the service they are rendering the citizens of this District, but I do believe that this system of government that we have in the District of Columbia, resulting in the irresponsibility of the District Commissioners and I say that intending no reflection upon the eminent gentlemen who constitute the board—is the prime cause for the delay in bringing the relief to which these people are entitled at this time. I realize, as I have stated, and I will not discuss the reasons why, that this can not be corrected; that we can not change the present plan under existing conditions. I believe it ultimately will come. I believe within a quarter of a century Members upon the floor of this House, upon that side as well as upon this, will have the courage to submit a plan here for the permanent government for the city of Washington that will enable the people of this District to hold directly responsible those who are chargeable with the responsibility of its government. If this could be done and the intelligent taxpaying element of the District were given the right to select the Commissioners all these difficult problems would be promptly and correctly solved.

Mr. WILEY of New Jersey rose.

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from New Jersey?

Mr. BURLESON. Certainly.

Mr. WILEY of New Jersey. Mr. Chairman, I only wanted to say to the gentleman from Texas [Mr. Burleson] that I put in a bill for free transfers on three separate occasions, and the present bill is now in the committee, and I hope for a favorable report and that I will be able to present it to the House at the next District day. Then, in the matter of telephone charges I propose to do something in that line as a member of the District Committee, and am now collecting data, because I do not want to go ahead without a proper backing. Just as soon as I get that backing I am going to put that bill before the District Committee. I simply say this to show that the members of the District Committee are not idle.

Mr. BURLESON. It is gratifying to receive this information, Mr. Chairman, and I sympathize with the gentleman, because he seems to be in the same condition of mind in which the subjects living within the limits of the District of Columbia find He has hope that something is going to be done.

Mr. WILEY of New Jersey. It is going to be done.
Mr. BURLESON. It is going to be done! Mr. Chairman, that is the first cheering information that I have heard since I have been a Member of this body coming from any member of the District Committee.

Mr. WILEY of New Jersey. Mr. Chairman, I do not want to bring a bill in and let it sleep. I am going to move that bill up

some way.

Mr. GAINES of Tennessee. The gentleman states he is getting data on the telephone subject and others. Is the gentleman doing that individually or is the committee having hearings on that subject?

Mr. WILEY of New Jersey. No, sir; it is just individual action; but I will call it to the attention of the committee.

Mr. GAINES of Tennessee. You had no hearings upon the

Mr. WILEY of New Jersey. No. Mr. BURLESON. Mr. Chairman, I have said even more than I intended to say. I know that municipal government is a grave problem. I know that it presents many complex problems, and the thoughtful men of both parties throughout the length and breadth of our country are seeking for a solution, and the best solution, of the problem. I believe that the time will come—in fact, I am sure the time will come-when we can make these

District Commissioners directly responsible to the intelligent tax-paying people of the District; and when that time does come, in my judgment we will have then devised the best form of government that can be devised for the government of a municipality.

Mr. SHACKLEFORD. Will the gentleman allow me to ask

him a question?

Mr. BURLESON. Certainly.

Mr. SHACKLEFORD. In that connection, is it the opinion of the gentleman from Texas that the District Commissioners ought to have control of the streets and avenues of the city of Washington, independent of Congressional control?

Mr. BURLESON. Not at all. My contention is that they ought to be given larger powers relating to the regulation of public-service corporations and the charges that they make to

the public for the service they render.

Mr. SHACKLEFORD. I will ask the gentleman if he does not think that inasmuch as the people of the Republic are going to come here, either themselves or through their representatives, to transact business that Congress ought to keep control of all

Mr. BURLESON. Congress can not rid itself of the exclusive right of controlling the municipality of the District of Columbia or, I should say, of the exclusive right to legislate for the District of Columbia; but I contend that that authority carries with it the responsibility to devise for the people who reside here the very best system of municipal government that can be devised. It is true that we have not the courage now to do it, for reasons which I do not now care to discuss. We all know what they are, and I do not care to discuss them.

Mr. SHACKLEFORD. If the gentleman does not care to discuss the reasons, of course it is not worth while to ask him for them: but I will ask him if there is any reason why three Commissioners appointed by the Executive are better qualified to see that the people of the District get a better or fairer government than Members of Congress elected directly by the

as behind another.

Mr. BURLESON. I confess I know none, except the fact that we are not responsible to the people here, but to our own con-We all know Members of Congress can not, because of the multiplicity of the duties devolving upon them, give District matters their close personal attention, can not give to the details of this municipal government that attenion which it properly requires or demands at their hands. There are not three Members in this body who would not give to this city an honest, economical, and efficient municipal government if they had the power conferred upon them or authority conferred upon them and were made directly responsible to the people of the District for their conduct.

Mr. SHACKLEFORD. Mr. Chairman, I would like to make a suggestion in connection with the observation that has just been indulged as to the duty of Congress to legislate for the District of Columbia. That would apply with equal force to every duty that devolves upon Congress, and while the District of Columbia is the general seat of government, it seems to me that there is just as much pressure behind one of these duties

Mr. BURLESON. Probably so; but I venture the assertion that aside from members of the subcommittee who make up this bill there are not five men upon the floor now that could come within a million dollars of the amount appropriated last year for the District government.

Mr. SHACKLEFORD. Is it not also true that the measure is made up by the members of the subcommittee and that there is no member of the whole committee who undertakes to be informed with reference to the details that does not come to him as a member of the committee?

Mr. BURLESON. That is largely true.

Mr. SHACKLEFORD. So that confirms what I was saying. I see no difference between this legislation and any other. All it means is that Members of Congress and committees should give attention to these things that come before them, having in mind always, Mr. Chairman, the difficulties they sometimes encounter here about getting bills reported into the House, and difficulties also of getting them considered, which I grant is sometimes tense.

Mr. GILLETT. I yield one hour to the gentleman from Ver-

mont.

Mr. FOSTER of Vermont. Mr. Chairman, the dual form of our Government, "an indissoluble Union of indestructible States," while one of the sources of our national strength has resulted in many and varied complex and complexing questions. Popular government in any form in a land of the extent and population of ours would be necessarily an intricate problem. Under our Constitution one of the elements of the problem is the

constant conflict of authority between the States and the National Government. To maintain the constitutional equilibrium between the States and the United States, to preserve the former in all their integrity, and at the same time give full scope to the powers and attributes of nationality in the latter has demanded the highest wisdom and patriotism. It is therefore a tribute to the American people that to-day, more than a hundred years after the adoption of the Constitution, our national motto still expresses the true relationship between the States and the Federal Government. E pluribus unum-out of many one. Fortyfive separate and, within their jurisdiction, sovereign States, but one nation—80,000,000 people distributed among those States enjoying the blessings and charged with the responsibilities of local self-government, but one nation extending the protecting folds of its flag over States and people.

We hear much, it is true, of the dangers of centralization.

We are told that the States are abdicating their ancient rights and privileges in favor of the National Government. And we can not close our eyes to the fact that whenever government supervision or regulation or control is found necessary for the general welfare, there is a strong tendency on the part of the people of the several States to prefer to see it exercised by the Federal Government rather than by their respective States. But there is nothing unnatural in this. They see themselves relieved of the burden and the responsibility. They see substituted for the power of their States the irresistible power of the United States, representing, as it does, the combined power of all the States and of all the people. Such supervision or regula-tion or control is vastly more effective and costs the State noth-This explains the popularity of the antioleomargarine legislation, of national quarantine in its various forms, of the pure-food law, of the railway rate legislation. This tendency, therefore, is not necessarily an indication that the people are losing their old-time State pride or that they are less loyal, less devoted to their State. It is undoubtedly true that there are dangers in the tendency. It certainly should not be encouraged as to those matters which are within the strict province of the In the division of power under the Constitution grave responsibilities are devolved upon the States. Loyalty to the States, which is the sworn duty of all their citizens, is in itself loyalty to the Republic, for the States are the trustees of the Republic, and upon the manner in which they discharge their trust depends in large measure its future.

In point of fact there are on every hand tokens of that intense State pride which has characterized the American people ever since the Declaration of Independence. It was written of old that one star differeth from another star in glory," and it certainly was never truer than it is to-day that the stars that on the blue firmament of the flag represent the several States of the Union differ one from another in glory. You who come here from the State of New York insist that the star which represents your Empire State shines with a glory that is all its own; and we who come from the little State that lies nestled among the Green Mountains insist that the star which represents our State has a glory that is peculiarly its own; and so you who come from Virginia and Pennsylvania and Texas and Illinois and California, and all the other States, insist the star which on the flag represents your State has its own peculiar glory. And so to-day, as ever before, the citizens of each of the forty-five States are proud of their State. They rejoice in her achievements in peace They guard with jealous care her ancient rights and and war. They resent with just indignation any reflection upon her fair fame. They rejoice in the part vouchsafed to them in maintaining her honor and prestige, and, best of all, they see in all this nothing incompatible with their absolute and unswerving loyalty and devotion to the Republic.

Then, again, there are those who profess to believe that the dangers of centralization come from the tendency of the National Government toward self-aggrandizement, toward encroachment upon the authority of the States. Some of these now tell us that a new danger from the treaty-making power of the Government threatens the States. They call attention to the recent claim of the Empire of Japan that we have violated the treaty of 1894 in that the children of Japanese subjects domiciled in California are not permitted to attend the public schools in common with the children of citizens of that State, but have been segregated in schools of their own. I do not propose to discuss at this time the proposition whether the language of the treaty is sufficiently broad to justify the claim of Japan, nor in the brief period allotted me shall I consider the question of the wisdom of the treaty-making power undertaking to bind the National Government by such a treaty stipulation. But in view of the wide discussion that has resulted from Japan's claim and in view of the unjust criticism to which the President's course has subjected him, and particularly

in view of the idle talk that has been heard about "coercing a sovereign State," I call the attention of the committee to the fundamental question that underlies these propositions—the abstract question whether the United States, by treaty stipulation with a foreign government, can lawfully undertake that the children of the subjects of that government domiciled in any one of the States of the Union shall have the same right to attend the public schools of that State as is enjoyed by the children of the citizens thereof.

No one will deny the far-reaching significance of the question. To many earnest citizens who have given little consideration to the scope of the treaty-making power of the United States the proposition involved is a startling one. Our systems of public instruction, which are jealously guarded as one of the bulwarks of the Republic and one of our priceless free institutions, are the offsprings of the several States. They are maintained and regulated by the States. And to the great majority of our people it has never occurred that the National Government could interfere in any manner with their management or control.

But the treaty-making power of the United States is broad and comprehensive. Section 2 of Article I of the Constitution provides that the President "shall have power, by and with the consent of the Senate, to make treaties, provided two-thirds of the Senate present concur." Section 10 of Article I provides that "no State shall enter into any treaty, alliance, or confederation." And Article VI provides that "This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding."

The Constitution, then, confers upon the National Government the treaty-making power without qualifying words and provides that all treaties made under the authority of the nited States shall be a part of the supreme law of the land, shall spend no time upon the academic question whether the treaty-making power lies in grant or in sovereignty. whichever theory you please, the result, so far as the scope of the power in the Federal Government is concerned, is the same, If you insist that the Federal Government exercises the treatymaking power as one of the necessary powers of sovereignty, then the scope of the power is full, adequate, and complete. Or if you prefer to hold that the power was granted to the United States by sovereign States, you must remember that those States when sovereign were clothed with the treaty-making power, else they could not grant it to the Federal Government. having that power, they divested themselves of every vestige of it and conferred it all upon the National Government. This does not mean that there are not restrictions and limitations upon our treaty-making power. John C. Calhoun, whose iron logic led him to the last extreme of the States rights doctrine, set forth those limitations with force and clearness, as follows:

set forth those limitations with force and clearness, as follows:

But although the treaty-making power is exclusively vested, and without enumeration or specifications, in the Government of the United States, it is nevertheless subject to several important limitations.

It is, in the first place, strictly limited to questions inter alios; that is, to questions between us and foreign powers which require negotiation to adjust them. All such clearly appertain to it. But to extend the power behind these, be the pretext what it may, would be to extend it beyond its allotted sphere, and thus a palpable violation of the Constitution. It is, in the next place, limited by all the provisions of the Constitution which inhibit certain acts from being done by the Government or any of its departments, of which description there are many. It is also limited by such provisions of the Constitution as direct certain acts to be done in a particular way, and which prohibit the contrary, of which a striking example is to be found in that which declares that "no money shall be drawn from the Treasury but in consequence of appropriations to be made by law." This not only imposes an important restriction on the power, but gives to Congress, as the lawmaking power, and to the House of Representatives, as a portion of Congress, the right to withhold appropriations, and thereby an important control over the treaty-making power whenever money is required to carry a treaty into effect, which is usually the case, especially in reference to those of much importance. There still remains another and more important limitation, but of a more general and indefinite character. It can enter into no stipulation calculated to change the character of the Government or to do that which can only be done by the Constitution-making power, or which is inconsistent with the nature and structure of the Government or the objects for which it was formed, among which it seems to be settled that it can not change or after the boundary of a State or cede any po

This was written in 1849. Forty years later, in 1889, the Supreme Court of the United States, in speaking of our treatymaking power, said this:

The treaty power, as expressed in the Constitution, is in terms unlimited, except by those restraints which are found in that instrument against the action of the Government or of its departments and those arising from the nature of the Government itself and of that of

the States. It would not be contended that it extends so far as to authorize what the Constitution forbids or a change in the character of the Government or in that of one of the States, or a cession of any portion of the territory of the latter without its consent. But, with these exceptions, it is not perceived that there is any limit to the questions which can be adjusted touching any matter which is properly the subject of negotiation with a fereign country.

And the most cursory review of the events leading up to the establishment of the Republic shows conclusively that its founders fully understood that if the Constitution were adopted, the treaty power of the National Government would be unlimited except by those restraints above set forth. By the Articles of Confederation, adopted in 1781, the United States, in Congress assembled, was given the sole and exclusive right and power to make treaties, and the States were prohibited from entering into any treaty or alliance with any foreign power without the consent of Congress. The ratification in 1778 of the treaty with France, after the Articles of Confederation had been adopted and while they were pending before the States for ratification, was a recognition of the broad scope of the treaty power of Congress. From this time on, during the time these articles were in force, treaties were made with Great Britain, The Netherlands, Sweden, Prussia, and Morocco, and were ratified by Congress, although they contained stipulations seriously affecting many matters otherwise wholly within the jurisdiction of the States. In 1786, four years before the Constitution was adopted, the binding effect of some of these provisions upon the States began to be seriously discussed. This was particularly true as to the stipulation in the treaty of peace with Great Britain respecting debts due British subjects from American citizens. Congress took up the question whether these treaty provisions were paramount to State laws. In the course of an elaborate report, John Jay, the secretary of foreign affairs of the Confederation, said:

course of an elaborate report, John Jay, the secretary of foreign affairs of the Confederation, said:

The ninth article of the Confederation most expressly conveys to Congress the sole and exclusive right and power \* \* \* of entering into treaties and alliances. When, therefore, a treaty is constitutionally made, ratified, and published by Congress it immediately becomes binding on the whole nation and superadded to the laws of the land without the intervention, consent, or flat of State legislatures. \* \* \* The United States in Congress assembled have neither committed nor approved of any violation of the treaty. To their conduct no exceptions are taken; but to their justice an appeal is made relative to the conduct of particular States. The United States must, however, eventually answer for the conduct of their respective members, and for that and other reasons suggested by the nature of their sovereignty and the Articles of Confederation, your secretary thinks they have good right to insist and require that national faith and national treaties be kept and observed throughout the Union; for otherwise it would be in the power of a particular State, by injuries and infractions of treaties, to involve the whole confederacy in difficulties and war.

In his opinion it would highly become the dignity of the United States to act on such occasions with the most scrupulous regard to justice and candor toward the injured nation and with equal moderation and decision toward the delinquent State or States.

In the present case he thinks it would be proper to resolve:

1. That the legislatures of the several States can not of right pass any act or acts for interpreting, explaining, or construting a national treaty or any part or clause of it; nor for restraining, limiting, or in any manner impeding, retarding, or constitutionally made, ratified, and published they become, in virtue of the Confederation, part of the law of the land, and are not only independent of the will and power of such legislatures, but also binding, a

John Jay was a commanding figure in that period of great and historic characters. He was a delegate from New York to the Congress which convened in Philadelphia in 1774. He was a member of the Second Continental Congress, which met in 1775. He was our first minister to Spain, where he served during the later years of the Revolution. He was one of the peace commissioners that negotiated the treaty of peace with Great Britain, where he rendered invaluable services. He was Secretary of Foreign Affairs from 1784 until the adoption of the Constitution, when he became Chief Justice of the Supreme Court of the United States. His wisdom and foresight was equaled only by the depth and sincerity of his patriotism, and his wide and varied experiences in national and international affairs enabled him to speak with authority. No one can read this report without being profoundly impressed with the fact that his contemporaries must have been fully apprised of the true significance of the provisions in the Constitution relating to the treaty power of the United States. The simple fact was: The United States had learned during

the brief but eventful years of the Confederation that it was not the sole function of the treaty power to confer right and privileges upon foreign subjects on American soil; that the chief purpose of the power was to secure rights and privileges and protection for American citizens abroad, and that in order to accomplish this high purpose most successfully and effectively it was essential that the Government be able to reciprocate by treaty stipulations which should be binding upon the whole American people. Those were not the days when the people of the States were willing to concede any power to the National Govern-

ment without full knowledge of the consequences of their All the ties that had bound the colonists together during the bitter night of the Revolution had burst asunder and, in place of a people working together in unity and concord, in place of a people working together in unity and concord, there stood forth thirteen petty republics, each racked by the intensest jealousy of all the others; each fearful lest the least concession of right or privilege for the common weal might open the way for the tyrant or the oppressor. John Fiske well describes the time as the critical period of our history. The representatives of the thirteen States in the Convention that framed the Constitution adopted the provisions respecting the treaty power deliberately and with full knowledge of their true import. It was their judgment that they had properly safeguarded the States by providing that a treaty, to be effective, must be ratified by a two-thirds vote of the Senate present. The Senate was to be composed exclusively of representatives of the States, and surely, said they, if two-thirds of these representatives concur in support of the provisions of a treaty it may be safely assumed that they contain nothing of serious detriment to any State. And the experience of more than a hundred years proves how rightly they judged.

This view of the scope of our treaty-making power is sustained by an unbroken line of decisions of the Supreme Court of the United States as well as by many decisions of the State One of the first cases considered by the Supreme Court involving the question of the treaty power of the National Government was that of Ware v. Hylton. It is not only a leading case, but one of great historic interest. It was decided in 1796, seven years after the inauguration of the new Government under the Constitution. Washington was still President. The proceedings of the Constitutional Convention were still fresh in the minds of those who had participated in them, and the echoes of the fierce controversy that attended the adoption of the Constitution were still heard. Justice Chase, who wrote the principal opinion, who was one of the signers of the Declaration of Independence, and who has been described as "the torch that lighted up the revolutionary flame in Maryland," was a citizen of Maryland, where the controversy arose. Justice Pat-terson, who wrote a concurring opinion, had been a member of the Constitutional Convention, where he was largely instru-mental in shaping the provisions relative to the treaty power. Justice Wilson, who also concurred, was one of the signers of the Declaration of Independence and one of the ablest men in the Constitutional Convention. Marshall and Patrick Henry were of counsel in the case. The fourth article of the treaty of peace with Great Britain provided for the payment of debts due British subjects from American citizens in the several Maryland, by an act of her legislature, had confiscated such debts due from her citizens. This action was brought to recover such a debt from Hylton, a citizen of Maryland, who had paid the larger part of the debt into the State treasury under the confiscating statute, and the question was whether the treaty stipulation was paramount to the Maryland statute.

the treaty stipulation was paramount to the Maryland statute. Chase, Patterson, Wilson, and Cushing, impressed by the uncommon magnitude of the subject, the bitter and exciting controversies it had provoked, and the far-reaching consequences by which their decision would be attended, although differing upon some matters of detail and in the mode of their reasoning, reached the conclusion that the treaty of 1783 was the supreme law, equal in its effect to the Constitution itself, in overruling all State laws upon the subject, and the words that British creditors should meet with no lawful impediment were as strong as the wit of man could devise to avoid all effects of sequestration, confiscation, or any other obstacle thrown in the way by any law particularly pointed against the recovery of such debts. The decision expanded from a statement of the contractual liability of an individual to an assertion that the treaty obligations of the nation were paramount to the laws of the individual States.

In the course of an eleborate oninion Justice Chase after

In the course of an elaborate opinion Justice Chase, after stating his belief that treaties made by Congress during the existence of the Confederation were superior to the laws of the States, said this:

States, said this:

If doubts could exist before the establishment of the present National Government, they must be entirely removed by the sixth article of the Constitution, which provides that "all treaties made, or which shall be made, under the authority of the United States shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding." There can be no limitation on the power of the people of the United States. By their authority the State constitutions were made, and by their authority the Constitution of the United States was established; and they had the power to change or abolish the State constitutions or to make them yield to the General Government and to treaties made by their authority. A treaty can not be the supreme law of the land—that is, of all the United States—if any act of a State legislature can stand in its way. If the constitution of a State (which is the fundamental law of the State and paramount in its legislature) must give way to a treaty and fall before it, can it be questioned whether the less power, an act of the State legislature, must not be prostrate? It is the deciared will of the people of the United States that every treaty made by the authority of the United States; shall be superior to the constitution and laws of any individual State; and their will alone is to decide. If a law of a State contrary to a treaty is not void, but voidable only by a repeal or nullification

by a State legislature, this certain consequence follows, that the will of a small part of the United States may control or defeat the will of the whole.

For more than a century this case has been cited with approval, not only by the Supreme Court of the United States, but by many of the courts of last resort of the several States. In 1879 the Supreme Court, in the case of Hauenstein v. Lynham, held that our treaty with Switzerland was superior to the laws of Virginia. That treaty provided that citizens of Switzerland might inherit real estate situated in the United States, and if by the laws of the State in which it lay they could not hold it by reason of their being aliens they were given a reasonable time in which to sell it. Hauenstein, a citizen of Virginia, died possessed of real estate and without heirs, except certain citizens of Switzerland. By the laws of the State of Virginia an alien could not inherit property within the State, and it was claimed that the real estate escheated to the State, but the Swiss heirs contended that under the treaty they had the right to sell the land and avail themselves of the proceeds of the sale. The court sustained their contention. Justice Swayne, in rendering the opinion of the court, cited with approval the case of Ware v. Hylton, and after quoting largely from the opinion of Justice Chase, as "showing the views of a powerful legal mind at that early period, when the debates in the Convention which framed the Constitution must have been fresh in the memory of the leading jurists of the country," said this:

It must always be borne in mind that the Constitution, laws, and treaties of the United States are as much a part of the law of every State as its own local laws and constitution. This is a fundamental principle in our system of complex national policy. We have no doubt that this treaty is within the treaty-making power conferred by the Constitution, and it is our duty to give it full effect.

In 1889, in Jeofroy v. Riggs, the Supreme Court again reviewed the treaty-making power of the United States. Field, in rendering the decision of the court, after declaring that article 7 of the treaty of 1800 with France suspended during the existence of the treaty the statutes of Maryland, so far as they prevented citizens of France from taking by inheritance from citizens of the United States property, real or personal, situated therein, said this:

That the treaty power of the United States extends to all proper subjects of negotiation between our Government and the governments of other nations is clear. It is also clear that the protection which should be afforded to the citizens of one country owning property in another and the manner in which that property may be transferred, devised, or inherited are fitting subjects for such negotiation and of regulation by mutual stipulations between the two countries. As commercial intercourse increases between different countries the residences of citizens of one country within the territory of the other naturally follows, and the removal of their disability from allenage to hold, transfer, and inherit property in such cases tends to promote amicable relations. Such removal has been within the present century the frequent subject of treaty arrangement.

In all the times that our treaty-making power has been under review by the Supreme Court of the United States not once has it been suggested by the court that any provision of the treaty under consideration was beyond the treaty power. In every instance the question has been whether the State law in question contravened the stipulations of the treaty. If so, then it must yield to the supreme law of the land.

In 1855 the supreme court of California reviewed the treatymaking power of the National Government in the case of The People v. Gerke & Clark. The State denied the power of the Federal Government to make a treaty which should remove the disability of alienage as against the laws of the State respecting inheritance of lands situated in that State. In upholding the treaty the court called attention to the fact that cases have frequently arisen where aliens have claimed to inherit by virtue of treaty provisions analogous to the one under consideration, and that all of them were enforced in favor of the foreign claimant. The fact was noted that in none of these cases was the question raised as to the power of the Federal Government to make the treaty. Attention was called to the fact that, although it had been the practice of the Government from an early period after the ratification of the Constitution, its power was now for the first time disputed. The court then said:

now for the first time disputed. The court then said:

One of the arguments at the bar against the extent of this power of treaty is that it permits the Federal Government to control the internal policy of the States, and in the present case to alter materially the statutes of distribution.

If this was so to the full extent claimed, it might be a sufficient answer to say that it is one of the results of the compact, and, if the grant be considered too improvident for the safety of the States, the evil can be remedied by the Constitution-making power. I think, however, that no such consequence follows as is insisted. The statutes of distribution are not altered or affected. Alienage is the subject of the treaty. Its disability results from political reasons which arose at an early period of the history of civilization and which the enlightened advancement of modern times and changes in the political and social condition of nations have rendered without force or consequence. The disability to succeed to property is alone removed, the character of the person is made politically to undergo a change, and then the statute of distribution is left to its full effect, unaltered and unimpaired

in word or sense. If there is one object more than another which belongs to our political relations and which ought to be the subject of treaty regulations, it is the extension of this comity which is so highly favored by the liberal spirit of the age and so conducive in its tendency to the peace and amity of nations.

Even if the effect of this power was to abrogate to some extent the legislation of the States, we have authority for admitting it if it does not exceed the limitations which we have cited from the work of Mr. Calhoun and laid down as the rule to which we yield our assent.

In 1879 a case of interest and importance, bearing upon the treaty power of the United States, was determined by the circuit court of the United States for the district of Oregon. Our treaty with China, then in force, declared that-

Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may be then enjoyed by the citizens or subjects of the most favored nation.

In 1872 Oregon passed the statute which provided that-

It shall be unlawful to employ any Chinese laborers on any street, or part of street, of any city or incorporated town of this State, or on any public works or public improvement of any character, except as a punishment for crime; and all contracts which any person or corporation may have for the improvement of any such street, or part of street, or public works or improvements of any character, shall be null and void from and after the date of any employment of any Chinese laborers thereon by the contractor.

And the question involved was whether this statute was in contravention of the provisions of the treaty then in force.

The court, in rendering its decision, declared:

Contravention of the provisions of the treaty then in force.

The court, in rendering its decision, declared:

This treaty, until it is abrogated or modified by the political department of the Government, is the supreme law of the land, and the courts are bound to enforce it fully and fairly. An honorable man keeps his word under all circumstances, and an honorable nation abides by its treaty obligations, even to its own disadvantage.

The State can not legislate so as to interfere with the operation of this treaty or limit or deny the privileges or immunities guaranteed by it to the Chinese residents in this country.

It will be observed that the treaty recognizes the right of the Chinese to change their home and allegiance and to visit this country and become permanent residents thereof, and as such residents it guarantees to them all the privileges and immunities that may be enjoyed here by the citizens or subjects of any nation. Therefore, if the State can restrain and limit the Chinese in their labor and pursuits within its limits, it may do the same by the subjects of Great Britain, France, or Germany.

True this act does not undertake to exclude the Chinese from all kinds and fields of employment. But if the State, notwithstanding the treaty, may prevent the Chinese or the subjects of Great Britain from working upon street improvements and public works, it is not apparent why it may not prevent them from engaging in any kind of employment or working at any kind of labor.

Nor can it be said with any show of reason or fairness that the treaty does not contemplate that the Chinese shall have the right to labor while in the United States. It impliedly recognizes their right to make this country their home, and expressly permits them to become permanent residents here; and this necessarily implies the right to live and to labor for a living. It is difficult to conceive a grosser case of keeping the word of promise to the ear and breaking it to the hope than to invite Chinese to become permanent residents of

It is firmly settled that the United States may by treaty stipulations remove all the disabilities of alienage affecting property rights and place the persons thus relieved on an equality with the citizens of the United States with respect to those rights, the laws of any State to the contrary notwithstanding. It may provide by treaty that the citizens of a foreign country living in any one of the States may acquire real and personal property by gift, purchase, or inheritance; that he may hold it or dispose of it by sale, gift, or will as freely and on the same terms as may be done by an American citizen. It may provide that the foreign citizen may have the same access to the courts of the several States as is given to their citizens, It may provide that he shall be subjected to no greater burdens of taxation than is borne by the citizens of the State in which he lives

Mr. GARRETT. Will the gentleman yield for a question?

Mr. GARRETT. Will the gentleman yield for a question?
Mr. FOSTER of Vermout. Yes; certainly.
Mr. GARRETT. This is speculative, of course, but this is a very interesting subject. In this country I suppose there is not a State but that has a statute preventing perpetuities in the holding of estates. Now, suppose the Federal Government should enter into a treaty with a foreign nation whereby it should stipulate that the citizens of that country might hold title to property here as they hold it at home. Would the gentleman think that would be sustained by the courts?

Mr. FOSTER of Vermont. Well, I will say in answer to the

question, Mr. Chairman, that up to this time the United States Government has never undertaken to confer upon aliens any right or privilege that was not enjoyed by citizens of the United States. All the Government has undertaken to do so far in the direction indicated by the gentleman from Tennessee [Mr. Gar-RETT] has been to relieve the foreigner of the disabilities of alienage and to place him, so far as his property rights were concerned, upon an equality with citizens of our country.

Mr. GARRETT. That is true.
Mr. FOSTER of Vermont. Nor is it to be supposed that our Government would undertake to confer upon aliens by treaty stipulations rights and privileges not enjoyed by our own citizens, or that the Senate would ratify a treaty containing such a provision.

Mr. GARRETT. In all the Southern States we have laws for separate schools for the colored and white races

Mr. FOSTER of Vermont. I see the gentleman's point. Mr. GARRETT. Suppose a treaty were entered into between this country and some other country giving them admission to the schools

Mr. FOSTER of Vermont. There, again, Mr. Chairman, I think I have given my answer already to the question. If the State provides that her colored citizens shall be taught in separate schools and her white citizens shall be taught in separate schools, then I repeat that I have found no instance in our history where the treaty-making power of the National Government has undertaken to interfere in any way with that regulation. The furthest is has gone is to say that the foreigner shall enjoy the same rights and privileges in this country as are enjoyed by the citizens of our country or of the most favored nation. Do I make myself plain to the gentleman from Tennessee?

Mr. GARRETT. Yes; I think I understand the gentleman's

position.

Mr. HAYES. I want to ask the gentleman from Vermont if his researches will enable him to answer whether, if the Government of the United States should undertake to make a treaty such as my friend from Tennessee [Mr. Garrett] suggests, it would be a lawful and valid treaty under the Constitution?

Mr. FOSTER of Vermont. It is my judgment that the power of the Government in this behalf is confined to the removal of the disabilities of alienage. It certainly has never been suggested by any modern government that it could, by its treaty-making power, exalt the alien above its citizens. I repeat that our Government has never undertaken by treaty stipulations to do this. All it has undertaken to do has been to place the aliens upon an equality with our citizens. In some cases in the very earliest treaties the stipulation was to the effect that the people of the foreign country should not be considered aliens; that they should be considered on an equality with American citi-

zens with respect to the matter therein referred to.

Mr. GAINES of Tennessee. Will the gentleman yield for a

question?

Mr. FOSTER of Vermont. I will yield.
Mr. GAINES of Tennessee. Will the gentleman inform the committee by what authority the States established what is known as "common" or "public" schools?

Mr. FOSTER of Vermont. By their own authority.
Mr. GAINES of Tennessee. The reserved right of the State.
Mr. FOSTER of Vermont. I would say that the State is under no obligation to the National Government to maintain the public schools or any kind of schools.

Mr. GAINES of Tennessee. Does it not grow out of the fact that the States reserve to themselves all powers except those expressly given away to the National Government, or necessarily implied, and, having reserved its power, these schools are promulgated under the police power of the State?

Mr. FOSTER of Vermont. Aside from the treaty power of the Government, the maintenance and control of the public schools in each State are within the exclusive jurisdiction of

that State.

Mr. NORRIS. I would like to ask the gentleman a question.

Mr. FOSTER of Vermont. Certainly.

I want to ask the gentleman in reference to a question asked him a while ago in regard to the school proposition. The language in the treaty, or at least the one that the gentleman considered, the Oregon treaty, was not that they should enjoy the same privileges as the citizens of this country, but enjoy the same privileges as were enjoyed by the most favored nation. I take it that would refer to the citizens of other countries who were provided for by treaty.

Mr. FOSTER of Vermont. Yes. Mr. NORRIS. Now, suppose that some country had a treaty with our Government that the children, we will say, should enjoy all the privileges of our public school system wherever they might be located or situated in this country; then with that kind of a clause in the treaty under consideration, even though the subjects were of a different color from us, would it not fol-low that the courts would have to hold that they should have the same privileges that children of other nations enjoyed?

Mr. FOSTER of Vermont. Certainly. So that if the State in which they lived had no provision respecting the separation of white and colored children of the citizens of the State, then, in my humble opinion, a statute of the State providing that the colored subjects of that nation should be segregated in schools of their own would have to yield to the stipulation of the treaty.

Mr. NORRIS. Let us put a specific case. Suppose, in the case of California, that we have a provision in the treaty with England that the children of English citizens should enjoy the same school privileges as the children of our own citizens.

Mr. FOSTER of Vermont. The subjects of Great Britain, it would be

Mr. NORRIS. The subjects of Great Britain, it would be:

ves. sir.

Mr. FOSTER of Vermont. They may be white or black. Mr. NORRIS. Now, in a treaty with Japan, that would provide that the children of Japanese citizens should enjoy the same privileges as those of the most favored nation.

Mr. FOSTER of Vermont. That would place them on an equality with the subjects of Great Britain, but the subjects of Great Britain include nearly all races and colors.

Mr. NORRIS. Exactly.

Mr. FOSTER of Vermont. The situation under the circumstances detailed by the gentleman from Nebraska [Mr. Norris] would be precisely the same as it would be if our treaty with Japan provided that the citizens of Japan should have the right to attend the public schools of the State equally with and on the same terms as was enjoyed by the citizens of the State.

Mr. NORRIS. It would obliterate the color line unless the State itself provides the color line for its own citizens.

Mr. FOSTER of Vermont. Yes. I state again what I have already said. If the State provides in its statute the color line for its own citizens in the public schools, then, up to this time, the Government of the United States, in its treaty-making power, has not undertaken to confer upon any foreign subject, even those of the most favored nation, a right greater than that enjoyed by the citizens of the State respecting those schools.

Mr. NORRIS. I do not claim that it could.
Mr. GARRETT. The conditions of such a treaty as the gentleman from Nebraska [Mr. Norris] suggests would be met by a State assuring to those children of foreign birth an equal number of days, equal opportunities in point of study. No reasonable construction of such a treaty would mean that they must admit them to the same building. If so, it would be just as reasonable to say-with the permission of the gentleman from Vermont—that by treaty they could compel them to sit by a particular individual or by a particular colored individual in a building after they had gotten in there. The conditions would be met by giving just the same number of days, with the same financial support to the school, and the same number of studies in the school.

Mr. GILBERT. Mr. Chairman, I want a little informa-The gentleman from Vermont has evidently given this subject a good deal of investigation. Suppose the treaty-making power of this Government should, by stipulation in a treaty with any foreign power, undertake to regulate the school question in California or any other State, and should specifically require the same treatment to be shown to all the children of all the nationalities. Suppose that should be the case, would that have any validity at all in the face of the constitutional enactment or the statutory enactment of the State of California? In other words, could the President and the Senate, by the exercise of the treaty-making power, annul and abrogate a statute made by the President and both Houses of Congress?

Mr. FOSTER of Vermont. To the latter question I say, "Yes." It has been done repeatedly in our history. But to the first part of the question I repeat what I think the gentleman could not have heard. He must have been absent at the time I made the statement before. Our Government, up to this time, has never undertaken to confer any right upon foreigners that was not enjoyed or that was greater than the rights enjoyed by our citizens. If a State provides by law that the white children shall be educated in separate schools, the colored citizens in separate schools, then, up to this time, the Government of the United States has not gone further than to say that people coming from a foreign country might have the same privileges in those schools that American citizens have.

The CHAIRMAN. The time of the gentleman has expired. I yield twenty minutes more to the gentle-Mr. GILLETT.

man from Vermont.

Mr. GILBERT. What I meant to ask was, conceding that

attampted—I am supposing heretofore no such power had been attempted—I am supposing a case where there is a Federal statute directly in conflict with the stipulations of the treaty-would not the statute, being last in point of time, necessarily repeal the provisions of the treaty, and has not the Supreme Court so held?

Mr. FOSTER of Vermont. Yes; a treaty stipulation is unquestionably superseded by a later statute of Congress.

Mr. GILBERT. I understand the law to be that an act of

Congress abrogates a treaty.

Mr. FOSTER of Vermont. Oh, yes; an act of Congress that is made later than the treaty. Certainly, that is true, because the treaty is only a part of the law of the land, and the Constitution is also a part of the law of the land, and the laws of Congress are a part of the law of the land.

Mr. GAINES of West Virginia. Mr. Chairman, I have endeavored to follow the gentleman with great care, but I am not certain what limitations he has placed upon the treaty-making power of the Government. For instance, he certainly would not say that the treaty-making power might modify the essential character of the Federal Government. It could not abolish the House of Representatives.

Mr. FOSTER of Vermont. That is correct.
Mr. GAINES of West Virginia. Why not?
Mr. FOSTER of Vermont. Why, Mr. Chairman, take the case of any government in the world that confessedly exercises the treaty-making power as an incident of sovereignty. No one would claim for a moment that that nation by a treaty stipula-tion could change the form of its government. That would be revolution. Much more would it be revolution in our case. We have a written Constitution that prescribes the form of our Government, that establishes the legislative department of the Government, and that guarantees a republican form of government to the several States. No one claims that the treaty power gives any government the right to change its form of government. And our treaty power is further limited, as I have already pointed out, by those commands and inhibitions that are contained in the Constitution itself.

Mr. GAINES of West Virginia. Is not the gentleman therefore compelled to admit that the treaty-making power can not violate the Constitution of the United States?

Mr. FOSTER of Vermont. Certainly.

Mr. GAINES of West Virginia. That treaties as well as laws must be made under and in pursuance of the Constitution.

Mr. FOSTER of Vermont. Certainly. Mr. GAINES of West Virginia. Would not the gentleman practically hold that since the treaty-making power can not abolish one of the powers expressly granted to the Federal Government, it can not invade the powers reserved to the States?

Mr. FOSTER of Vermont. I do not concede that. The States might have reserved to themselves the right to make treaties. They might have limited the treaty-making power. But they did not do so. They conferred the whole power upon the National Government, and expressly forbade any State to exercise the power.

Mr. GAINES of West Virginia. And for that reason the treaty-making power could not interfere with the right of the

Mr. FOSTER of Vermont. In reply to the gentleman, I fear I have talked in vain if I have not made myself plain upon this subject. I have already quoted from Calhoun on the subject of the limitation of the treaty-making power. Let me read a few words from an opinion given by him when he was Secretary of State away back in 1844. It is true that the treaty-making power is limited by certain provisions in the Constitution, but that the National Government can not interfere with matters which but for the treaty-making power would be ex-clusively within the control of the State I deny. The Government has done that repeatedly through its treaty-making power and has been sustained by the Supreme Court. Let me read. what Mr. Calhoun said:

The treaty-making power has, indeed, been regarded to be so comprehensive as to embrace, with few exceptions, all questions that can possibly arise between us and other nations and which can only be adjusted by their mutual consent, whether the subject-matter be comprised among the delegated or the reserve powers.

That is John C. Calhoun in 1844. There is no question about that proposition. It has been recognized by the Supreme Court and by the courts of the States from the foundation of the

Mr. GAINES of West Virginia. If the gentleman will permit me, the cases he has read have, almost all of them, related to the conventions between this Government and foreign govern-ments concerning property relations, admitted to be a proper subject of international conventions.

Mr. FOSTER of Vermont. Concerning disabilities

alienage.

Mr. GAINES of West Virginia. Concerning the rights of aliens to hold property in foreign countries.

Mr. FOSTER of Vermont. To hold property in this country,

to take property in this country, to inherit property in this country, to sell and dispose of property in this country, to reside in this country on the same terms with the subjects of the mostfavored nations, and so on. In other words, I will say to the gentleman, aside from the disabilities of alienage affecting the right of suffrage, the treaty-making power of the Government during the hundred and more years of our existence as a nation has dealt with almost every disability of alienage by treaty stipulations.

Mr. GAINES of West Virginia. Now, if I may further trouble the gentleman, I fail to understand on what ground the gentleman would limit the right of the treaty-making power to invade the Federal Government as, for instance, to abolish the House of Representatives. That would permit the treaty-making power to go beyond the powers which the Government has and invade the reserved rights of the States in local affairs.

Mr. GILBERT. Let me put it in this shape: How can the

Mr. Gilbert. Let me put it in this shape. How can the treaty-making power exercise a function that is not delegated to the General Government at all?

Mr. FOSTER of Vermont. The gentleman from Kentucky [Mr. Gilbert] does not state the case with exactness. I contend, as I have repeated over and over again, that the States did delegate expressly to the National Government the entire treaty-making power. If they were sovereign States when they delegated that power, then they possessed the treaty-making power as fully as it was ever possessed by any sovereign power. While the States did reserve to themselves certain powers, they divested themselves wholly of the treaty-making power and conferred it all upon the United States.

Mr. GILBERT. The Government of the United States is expressly a Government of delegated powers. Now, if the treaty-making power should undertake to exercise a function that is not delegated to the Federal Government, then that attempt to exercise it on the part of the treaty-making power

would be null and void.

Mr. HAYES. Just one question. The gentleman has already stated that the State government is under no obligation to maintain public schools or to educate anybody.

Mr. FOSTER of Vermont. Certainly.
Mr. HAYES. I presume the gentleman will not deny that the Congress of the United States would have no authority under the Constitution to pass a statute compelling State educa-tion, for example, of aliens, or regulating the conduct of the public schools in any State.

Mr. FOSTER of Vermont. Certainly. Mr. HAYES. But still the gentleman claims, as I have gathered, that the treaty-making power, the President, and the Senate of the United States might by treaty compel the State of California, for example, to do in this regard what the Congress of the United States under the Constitution could not do.

Mr. FOSTER of Vermont. I do not say that. I want to reverse it a little. I say this: That the treaty-making power of the National Government can by treaty stipulation provide that the subjects of Japan may enjoy in the State of California, equally with the citizens of the State, such public schools as the State of California does maintain.

Mr. HAYES. Does, then, the gentleman maintain— Mr. FOSTER of Vermont. I can not yield any further, because I have not the time. The gentleman has stated the question and I have answered him.

Mr. HAYES. One other suggestion and I am done. tleman would doubtless admit that the courts have decided that a treaty is not of the same character as the statutes passed by the Congress of the United States?

Mr. FOSTER of Vermont. It is on an equality with the

Mr. HAYES. The courts have decided that a statute of the

United States is of a higher character.

Mr. FOSTER of Vermont. Oh, no; treaties and laws of Congress are equally the supreme law of the land with the Constitution.

Mr. HAYES. Equal? Mr. FOSTER of Vermont. If a statute of Congress is passed later than the treaty, it supersedes it if relating to the same subject-matter.

Mr. HAYES. Then I am mistaken. Mr. FOSTER of Vermont. There is no question about that. As I have already shown, the treaty-making power may provide that the foreign subject may be relieved of all the disabilities of alienage affecting the rights of property.

Aside from the treaty-making power, all these matters are in the exclusive jurisdiction of the State; yet whenever the United States includes any of these provisions in a treaty the author-

ity of the State must yield.

Mr. WILLIAMS. Will the gentleman pardon me a moment?

Mr. FOSTER of Vermont. My time is very limited, but I

will yield.

Mr. WILLIAMS. I desire to ask the gentleman this: Does the gentleman take the position that treaties are the supreme law of the land, or only such treaties as are made under the authority of the United States?

Mr. FOSTER of Vermont. A treaty must be constitutionally

Mr. WILLIAMS. Well, then, if there be a power such as is not delegated, but is reserved to the State, does the gentleman think that the President and the Senate and a foreign country can exercise that power?

Mr. FOSTER of Vermont. Well, I might read to the gentle-man from John C. Calhoun. I have read some from it already.

I think he covers the whole ground.

Mr. WILLIAMS. Does the gentleman contend that what he has read from John C. Calhoun covers the point I am asking about now?

Mr. FOSTER of Vermont. I certainly do. But repeat your

question, please.

Mr. WILLIAMS. Whether, in connection with the exercise of power, a given power which has not been delegated to the Federal Government, but under the eleventh amendment is reserved to the States or the people, the action by treaty of the President, the Senate, and a foreign country will control, notwithstanding the action of a State?

Mr. FOSTER of Vermont. If the Constitution provides, as I have already indicated in what I quoted from John C. Calhoun, that a certain thing shall be done in a certain way, then it must be done in that way, and not by treaty. For instance, as I have read from Mr. Calhoun, the Constitution provides that no money shall go out of the Treasury except by appropriation.

Mr. WILLIAMS. That is not the point, if the gentleman will pardon me. I am not asking him about those matters concerning which the Constitution expressly lodges power in a certain department of the Federal Government. That is what the gentleman is talking about, where the other department under-

takes to usurp it by treaty.

But I am talking about that vast reservoir of powers that are not delegated to the Federal Government, but are reserved in amendment 11 to the State and the people. Now, does the gentleman contend that the Senate, the President, and a foreign country may change the Constitution of the United States by exercising a power that is not delegated to the Federal Government, but is reserved to the States?

Mr. FOSTER of Vermont. I do contend that the treaty-making power is not limited to the powers that are granted to the Federal Government expressly by the Constitution. Now, take this question of disabilities of aliens. Is there any ques-

tion about that?

Mr. WILLIAMS. That is a different matter; a question in my opinion that is delegated. Now, let us talk about a matter about the nondelegation of which there is no doubt. Suppose that the Federal Government undertook in a treaty to make any regulations for the benefit of a foreign power concerning the trial of a man in a court of justice in a State for petty larceny. Do you pretend that the Federal Government could enter into any valid, binding obligation that would be constitutional and therefore valid, that would not be set aside by the States upon a subject-matter everybody admits is a reserved and not a delegated power?

Mr. FOSTER of Vermont. Why, Mr. Chairman, I do not for a moment claim that the Government could go further than to provide that the accused, if an alien, should have the same rights, be accorded the same treatment, and be subject to the

same penalty as if he were a citizen of this country.

Mr. WILLIAMS. Does the gentleman— Mr. FOSTER of Vermont. Let me go on and finish this. I have undertaken to do throughout my remarks is to show how far, in my judgment, the National Government can go under its treaty-making power respecting the removal of disabilities of aliens living within the United States.

WILLIAMS. In other words, the gentleman contends that the Federal Government, or rather the President, the Senate, and Japan, for that is what we are dealing with

Mr. FOSTER of Vermont. The treaty-making power, I call it. Mr. WILLIAMS. That the treaty-making power can control, amend, alter, or repeal a State statute concerning the management of schools established by the State, paid for by the State, and engaged in the business of education-a business reserved to the State?

Mr. FOSTER of Vermont. If the gentleman had heard all I have said upon the subject, I do not think he would undertake to state the case in this way. Let me say again for his benefit that what I have said is, that the United States, by treaty stipu-

lation, might relieve the subjects of a foreign power of the disabilities of alienage respecting the public schools. And the gentleman from Mississippi [Mr. Williams] seems to concede that the disabilities of alienage are within the jurisdiction of the treaty-making power of the Federal Government. Consider for a moment some of the provisions of this very treaty with Japan. This will indicate to the gentleman from Mississippi [Mr. Wil-LIAMS] the scope of the treaty-making power as exercised in these latter days.

I read from Article I:

The citizens or subjects of each of the two high contracting parties shall have full liberty to enter, travel, or reside in any part of the territories of the other contracting party, and shall enjoy full and perfect protection for their persons and property.

Mr. GILBERT. That does not touch it.

Mr. FOSTER of Vermont. That does not touch the school question, and I desire to say that I stated distinctly at the start that I was not considering the question whether the language of the treaty was sufficiently broad to justify Japan's claim.

They shall have free access to the courts of justice in pursuit and defense of their rights; they shall be at liberty equally with native citizens or subjects to choose and employ lawyers, advocates, and representatives to pursue and defend their rights before such courts, and in all other matters connected with the administration of justice they shall enjoy all the rights and privileges enjoyed by native citizens or subjects.

subjects.

In whatever relates to rights of residence and travel; to the possession of goods and effects of any kind; to the succession to personal estate by will or otherwise, and the disposal of property of any sort and in any manner whatsoever which they may lawfully acquire, the citizens or subjects of each contracting party shall enjoy in the territories of the other the same privileges, liberties, and rights, and shall be subject to no higher imposts or charges in these respects than native citizens or subjects of citizens or subjects of the most-favored nation.

The citizens or subjects of coche of the company of the citizens of subjects of the most-favored nation.

nation.

The citizens or subjects of each of the contracting parties shall enjoy in the territories of the other entire liberty of conscience, and, subject to the laws, ordinances, and regulations, shall enjoy the right of private or public exercise of their worship, and also the right of burying their respective countrymen, according to their religious customs, in such suitable and convenient places as may be established and maintained for that nurpose.

that purpose.

They shall not be compelled, under any pretext whatever, to pay any charges or taxes other or higher than those that are or may be paid by native citizens or subjects, or citizens or subjects of the most favored

nation.

A consideration of these far-reaching provisions will show the scope of the power given to and exercised by the National Government respecting treaties. One of the most important of these provisions is that relating to the courts. Those who contend that the Government has not the power to say by treaty stipulation that aliens may enjoy the schools of the States on equal terms with their citizens say truly that the States are under no obligations to the National Government to maintain any schools. It is equally true that the States are under no obligations to the National Government to maintain courts of justice. They are as much the creature of the individual States as are the public schools. And yet the Government has stipulated, as it does in this treaty with Japan, that aliens may have access to such courts as the States maintain for the protection of their rights and the redress of their wrongs equally with and on the same terms as the citizens of those States; and no one has successfully denied its power to do this. If the Government can do all these things for the alien, the conclusion is irresistible that it may guarantee the child alien, who is in no way responsible for the circumstances in which he is found, that he may enjoy the public schools of the State in which he lives equally with and on the same terms as the citizens of that To say to the child alien that "in whatever relates to right of residence he shall enjoy in the territory of the United States the same privileges, liberties, and rights as native citizens" means for him protection from those conditions that would dwarf or injure his inner life, as well as protection from outward violence.

As I said at the start, I am not discussing whether such a provision is contained expressly or impliedly in our treaty with Japan. That is for the executive department of the Government to determine. Nor am I considering the wisdom of such a provision. If it is contained in the treaty and if it is deemed unwise, there is a proper and honorable method by which to secure its modification. But if it is contained in the treaty, so long as the treaty remains in force it is binding upon the conscience of the people of the State. As the Supreme Court declared in 1893:

The United States are a sovereign and independent nation, and are vested by the Constitution with the entire control of international relations and with all the powers of government necessary to maintain that control and to make it effective. The only government of this country which other nations recognize or treat with is the Government of the Union, and the only American flag known throughout the world is the flag of the United States.

And so long as the treaty remains in force it is the sworn duty of the President to enforce its provisions as a part of the

supreme law of the land, and in doing this he shall not be charged with attempting to coerce a sovereign State. For while the individual States within their sphere are supreme, the power of the National Government within its jurisdiction is "absolute It extends over all the people and to the and uncontrollable." and uncontrollable." It extends over an the people and to the farthest corner of the remotest State. And the President in executing the laws of the nation wields the combined power, "the absolute and uncontrollable power," of fourscore millions of sovereign people.

From the days of Benjamin Franklin, our first and still our greatest diplomat, the American people have insisted that our foreign relations should be grounded in the highest morality and justice. Our foreign relations have become one of the most important functions of the Government. Our own growth and expansion during the last hundred years, and the contraction of the world through the extinction of distance, have brought the nations of the earth to our door and have taken us to their door. Hundreds of thousands of Americans are con-stantly in foreign lands. They are there for business, for pleas-In addition to the tourists who come to our country from lands we have a million immigrants per year. These ure. In addition to the tourists who come to our country other lands we have a million immigrants per year. people leave kindred and friends at home and form new friendships here. Hundreds of thousands of them return each year, leaving kindred and friends here. Our vast foreign commerce brings us into contact with the other nations of the earth, for the products of our field and our factory go to nearly every harbor in the world. And so it comes to pass in these days of modern development and modern enterprise and modern invention and modern unification that no nation lives unto itself Our diplomacy has assumed new proportions. And in all her foreign relations the great Republic standing for equality of opportunity must continue to shape her conduct by the principles of the highest morality and justice. [Applause.]

Mr. SHEPPARD. Mr. Chairman, I rise to discuss the pres Mr. SHEPPARD. Mr. Chairman, I rise to discuss the present economic and political situation. As the close of the Fifty-ninth Congress is rapidly approaching, it may not be out of place briefly to review the history of the great American parties, to consider their underlying principles, to compare their achievements, and to analyze their attitudes with reference to the

future.

The most amazing fact in all the amazing history of the United States is the vitality of the Democratic party. It is as eternal as justice, with which it is synonymous; as indestructible as truth, for which it stands. No other political organization ever survived such revolutions of human thought and action as those through which it has passed intact, unawed, and undismayed. Frequently majorities, fascinated by the lights that quiver about the rot of empire and of greed, by the glamor of concentered wealth, the pageantry of power, have rejected its pure and salutary teaching. Frequently it has come unto its own and its own received it not. Frequently its enemies have pronounced it dead, but always they have seen it rise with added stature and redoubled strength to press anew the conflict for the people's rights. [Applause.] The Democracy is imperishable because it rests on an imperishable doctrine—the doctrine of equal rights. When first the human heart was stirred with pity for the wrongs of man democracy began. The first tear that quivered in compassion for human woe and want was the first Democratic platform. The most tragic struggle of all the ages of God has been the struggle between those who loved the people and wished to see them prosperous and free and those who distrusted, exploited, and oppressed them.

The fundamental division in every nation and in every time has been between the overburdened many and the underburdened few, between the masses and the masters, between the advocates of the people's dominancy and the people's subordination. Even when republics were to be established the same division has been observable among those summoned to devise a system of government. The American Revolution was equally the most notable and successful contest for popular rights in mortal records. It dedicated a virgin world to liberty. dominated and transfigured by a valorous devotion to the principles of equality and brotherhood. The motives which prompted the colonists to commit their lives and fortunes to the issue of unequal conflict were expressed in the Declaration of Independence, an instrument so molded in the eloquence and the justness of human rights that it will be recognized forever as the permanent constitution of liberty, the chief classic in the literature of freedom. [Applause.] It was the inspiration of the Revolution, and the Supreme Court of the United States has officially declared it to contain the spirit of our Government. The essence of that celebrated document was in the announcement of the truths it proclaimed to be self-evident, the truths that men are created equal, that they are endowed by the Creator with certain inalienable rights, among which are life,

liberty, and the pursuit of happiness, and that to secure these rights governments are constituted among men deriving their just powers from the consent of the governed. tremendous significance that the author of this immortal proclamation, Thomas Jefferson, was also the founder of the Demo-

cratic party. [Applause.]

When the Declaration of Independence flowered from his brain and pen, the Democratic party of the United States had been definitely inaugurated. For fifty years Jefferson remained the world's most conspicuous defender of human rights, the leader of the Democratic party. He was the opponent of imperialism and monopoly, a disciple of equality. He believed in the people; he was devoted to their interests. He championed both the capacity and the right of the people to govern them-selves. "I am not among those," he said, "who fear the people; they and not the rich are our dependence for continued freedom." "Again he said: "The people are our only reliance for the preservation of our liberty." Again he said: "No other depositaries of power than the people themselves have ever been found which did not end in converting to their own profit the earnings of those committed to their charge." It was fitting that the founder and the leader of the Democratic party should have been so forcible an exponent of the people's cause. eighty years after the death of Jefferson, sixty years after the death of his great successor, Jackson, another leader has arisen to illustrate in his life, to glorify in his utterance, the permanence of the Democracy and the beneficence of its principles in William Jennings Bryan. [Applause.] Thus the Democratic party of the United States began with the United States. It has destroyed the various parties with which oppression and greed have successively opposed it, the Federalist party, the Whig party, and minor organizations, and it is only a matter of time, such is the vitality of its beliefs, until it sends its latest adversary, the Republican party, to join its departed prede-cessors. [Applause.]

I said that even in assemblies gathered to frame systems of governments for republics the line of division was observable between those who upheld and those who doubted the capacity of the people for self-rule, between those who would give the people as much to do with government as possible and those who would give the people as little to do with government as possible, between democracy and aristocracy. In the Constitutional Convention of 1787, which devised our present Federal system, the followers of Jefferson represented the forces of popular government, while Alexander Hamilton, a man of extraordinary ability, led the element which distrusted the people. The tendencies typified by Hamilton and Jefferson in the formative years of the Republic have constituted the basic battle line between American political parties throughout our history. Democratic party is the only American political party that has maintained a continuous existence from the beginning of the nation to the present, and to-day it proudly reasserts the tend-encies and principles of Jefferson. The party which first followed Hamilton and his aristocratic teachings was the Federalist party. It crumbled before the repeated assaults of the Democracy and was succeeded by the Whig party. The Whig party in its turn succumbed and the present Republican party took its place. To-day Hamilton and Jefferson live again in the Republican and Democratic parties. The Republicans reverence Hamilton as their father god, their tutelary deity and saint, and they have established lordly clubs bearing his name in the great cities. We have examined Jefferson's ideas in order to ascertain the origin and inspiration of the Democratic party; now let us investigate the beliefs of Hamilton in order to grasp the aim and mission of the Republican party.

In the Constitutional Convention of 1787 Hamilton proposed a plan of government for the United States, a plan which provided that the President and Senators should hold office for life, subject only to impeachment, and that the Federal authorities should appoint the governors of the States, who were to have a veto over all State legislation, these governors to have virtual life The people of the States were to have no authority in the matter. In a speech before the Convention "he acknowledged himself," to quote exactly from Madison's minutes, "not to think favorably of republican government, but addressed his remarks to those who did think favorably of it," in order to try to persuade them "to tone their government as high as possible." Again, in giving the Convention his ideas of government, he said that in his private opinion he had no scruple in declaring the British Government the best in the world, and that he doubted whether anything short of it would do in America. As to the Executive, he said before the Convention that the English model was the only good one on the subject. Let us not forget that the English Government was and is a monarchy. Senator HENRY CABOT LODGE, of Massachusetts, one of the Republican

leaders in the Senate of to-day, says in his Life of Hamilton that Hamilton did not believe in democracy as a system of government; that he believed in class influence and class representation, a strong government, and in an aristocratic republic. Such were the views of the man whom Republicans acclaim as founder and as saint-views which contradict the spirit and question the stability of American institutions. It is little won-der that the Republican party which traces its birth, through Whig and Federalist ancestry, to the aristocrat who doubted the people and who would have subjected the masses to the classes, today shows its loyalty to its origin through violation in the Philippines of the principle of government by consent of the governed and through destruction in the entire United States of the principle of equal rights by a system of tariff taxation which impoverishes the many and upbuilds the few. The monarchical impulse is seen in the Republican President to-day, who tries to regulate everything in the country from the size of families to the method of spelling. [Laughter.] When he gets through with Congress he brandishes the big stick above the cradle and the dictionary. The Republican party in its wild career has piled Pelion on Ossa, Root on South America, Taft on Cuba, and Roosevelt on Noah Webster. [Laughter.] Since the President has begun to reform the dictionary the American people are preparing to give him an instance of simplified spelling he may not appreciate. They are going to spell President, B-r-y-a-n. [Laughter and applause.]

Oppression finds its climax and avarice its crown in the present Republican tariff system. It is the most effective instrument of public spoliation that greed has yet fashioned or tyranny devised. Its own history is the most emphatic exponent of ny. If there is anything a Republican hates it is [Laughter.] When the American Republic began it was chiefly an agricultural country, and for more than twenty years it so remained. The war of 1812 with Great Britain closed our ports and gave an impulse to domestic manufacture. Large sections of the country turned their attention and their capital in that direction. The close of the war brought an influx of goods from Europe, and the young industries hardly able to stand were threatened with extinction. President Madison, in his message of December, 1815, recommended a tariff on for-eign goods sufficiently high to shield the youthful industries until they could care for themselves. The tariff of 1816 was the result, a tariff averaging 20 per cent, a tariff recommended by a Democratic President and adopted by a Democratic Congress. Thus the Democratic party in 1816, forty years before the Republican party was born, through a 20 per cent tariff preserved American industry in the hour of its real peril. Today the Republican party, with a tariff ranging from 50 to 100 per cent, pampers American industry in the period of its greatest strength. [Applause.] Secretary Shaw, the Republican Cabinet officer, said recently that the American people should be willing to pay a little more in order to help American manufacturers, and so they were ninety years ago when American manufacturers needed help. But the people are unwilling and unable to pay from 50 to 100 per cent more for almost every article of necessity and use to these manufacturers to-day when they have become the richest and most powerful in the world, able to meet and master competition anywhere on the globe, when through combination and monopoly they have become so omnipotent and so merciless that the question is no longer how to use the people's means for them, but to protect the people's

means from them. [Applause.]
From 1816 to 1846 the American people discussed and tested every phase of the tariff question. In 1828 and in 1842 high protective tariffs were enacted with rates running as high as 50 per cent. But the final judgment of the people was against the high protective system, and in 1846 the Democratic party established a tariff law on the principle of revenue, the principle that no higher rates should be levied than necessary to furnish revenue for the expense of government economically administered, a tariff law which met with almost universal approbation. The original advocates of protection never urged it as a permanent policy; under the leadership of Clay they defended it only as a means of putting new and inexperienced industry on its feet. The idea of perpetually transferring a large per-centage of the people's earnings through import taxes to the manufacturing classes, regardless of how powerful and how prosperous, how independent of both foreign and domestic competition they may become, was not dreamed of in the United States until the Republican party, out of its wedlock with criminal wealth, produced a school of stand-patters, of whom Secretary Shaw is perhaps the most exhilarating example. [Laughter and applause.] Under the Democratic tariff of 1846 and its successor, the tariff of 1857; the country enjoyed the most general and most genuine prosperity of its history. The crisis of

1857 was a speculative disturbance emanating from the very exuberance of the times, a flurry due to the excessive purchasing of western lands and the construction of too many railroads for the immediate needs of the country. The Democratic tariff of 1846 was so satisfactory that the Whig Administration of 1848 did not dare or desire to change it.

James G. Blaine, one of the ablest and most uncompromising Republicans in American annals, says in his great book, Twenty Years in Congress, that the acquiescence in the tariff of 1846 was so general that in 1856 a protective tariff was not even suggested, or even hinted at, by any one of the three parties which presented Presidential candidates. lation increased, from 1850 to 1860, 35 per cent; wealth, 126 per cent. From 1850 to 1860, under Democratic tariffs, railway mileage increased 300 per cent; from 1890 to 1900, principally under Republican tariffs, only about 19 per cent. From 1850 to 1860 capital employed in manufacture increased nearly 90 per cent; from 1890 to 1900, about 30 per cent. From 1850 to 1860 the value of manufactured products increased 85 per cent; from 1890 to 1900, about 40 per cent. Thus, after thirty years of tariff discussion and legislation, the American people deliberately and with practical unanimity adopted the Democratic conception of tariff taxation. Indeed, it is doubtful craic conception of tariff taxation. Indeed, it is doubtful whether the repudiated doctrine of high protection would have ever reappeared in our political history but for the civil war. The civil war marks the boundary between the two great periods of our tariff history. The present Republican tariff system finds its origin in that frightful strife.

In order to meet the enormous expense of an enormous war the heaviest taxes which the country and its resources could possibly bear were imposed on practically every article of production and consumption. As an offset against the high internal rates on manufactured articles heavy duties were laid on competing imposts. The war tariffs reached an average of almost 50 per cent, but they were defended on the ground of an emergency which threatened the nation's life, and it was generally understood that they were to be reduced at the close of hostilities. Indeed, the tariff acts of July, 1862, and April, 1864, were entitled "acts to increase duties temporarily." The other great war tariff act, the act of June, 1864, did not use the word "temporary" in its title, but Mr. Morrill, the Republican spokesman, in urging its passage, said that it was intended as a war measure, a temporary measure, and that it must be defended as such. The contest ended and all the exorbitant war taxes were removed except the war tariff. And that war tariff the Republican party has gradually increased, until today, forty years after the war, in an age of peace, it ranges from 50 to 100 per cent. The only exception in this long period of rising taxation was the three-year interval of the Democratic tariff of 1894, the so-called "Wilson law," which inaugurated a substantial reduction of the martial charges. Thus to-day the people pay on almost everything they eat and wear and use the highest tariff taxes the country has ever known, taxes higher than those of the most stupendous war in American or in universal history, taxes higher than those which would not have been tolerated a moment but for the argument that they were the temporary weapons with which a gigantic national crisis must be fought.

The most universal Republican argument on the tariff question is the panic of 1893, and it shows that Republican aversion to history is equaled only by Republican perversion of history. Republicans assert that Democratic tariff legislation produced the panic of 1893. The Wilson tariff bill, the only Democratic tariff since the war, became a law in August, 1894, and soon times began to improve. And yet Republicans say that the Wilson bill of 1894 caused the black times of 1893. When the economic convulsion of 1893 occurred, Republican tariff rates were in unrestricted operation. Cleveland had been inaugurated, it is true, but the McKinley tariff act of 1890 was in force and so continued until late in 1894. Johnston and Taussig, two of the most prominent authorities on our fiscal history, unite in attributing the panic of 1893 to causes entirely disassociated from the Democratic party and the Wilson bill. Occasionally Republicans assert that it was the prospect of a Democratic tariff which produced the panic. This is to say that the American people deliberately voted upon themselves the prospect of a panic, and the mere statement of such an ab-

surdity is its own refutation.

Our agricultural and industrial enterprises are rapidly outgrowing home consumption. If fact, many of our industries and commodities are absolutely dependent on a widening foreign market. Our export trade now reaches an annual volume of over a billion and a half. It becomes more necessary every hour that we should cultivate harmonious trade relations with other countries. And yet the enormous rates of the Republican tariff are producing antagonisms everywhere. Nation after nation is constructing retaliatory tariffs against us. Germany, in a remarkable spirit of forbearance, has postponed for another year the operation of her retaliatory tariffs against American goods in the hope that our tariff may yet be modified. But the standpatters control the Republican party and are set like flint against the slightest reduction. They continue to place the United States in an attitude of defiance before the world. And yet the present Republican tariff law itself, in section 4, made distinct provision for a 20 per cent reduction of all its rates through such reciprocity arrangements as might be negotiated with other countries within two years from its enactment.

How arrangements were negotiated with important countries and how they were allowed to die by limitation in the Republican Senate is ancient, but none the less deplorable, history. And yet McKinley, on the day of his assassination at Buffalo, in September, 1901, warned the American people that the period of exclusiveness had passed; that the expansion of our trade and commerce was the present problem; that the high tariff schedules should be reduced. The Republican party has ignored this solemn counsel. And yet Senator Dolliver, of Iowa, a prominent Republican Senator, in a speech in the United States Senate in January, 1903, recalled the fact that he had been a member of the Ways and Means Committee of the House of Representatives in 1897, when that committee framed the present Dingley tariff, and stated that in fashioning its schedules duties were put up for the express purpose of being traded down. The rates which were purposely made too high in 1897, the year of the enactment of the present Dingley law, have not yet been traded down, and we are now entering the year of 1907. And yet President Roosevelt, in his first annual message, his message of 1902, recommended the appointment of a commission of business experts to correct the inequalities of the present tariff system. In his messages of 1903, of 1904, of 1905, and of 1906 he has been silent on the subject. The inequalities continue, and the President last summer at a conference at Oyster Bay gave formal adhesion, it is commonly understood, to the stand-pat element. It is now the general report that he has consented to permit no tariff relief whatever during the remainder of his spectacular Administration.

One of the most sinister results of the Republican tariff is the modern trust, the synonym of monopoly. Shielded from foreign competition by the tariff, the American manufacturers have combined to destroy domestic rivalry. Henry O. Havemeyer, the president of the sugar trust, stated in his testimony before the Industrial Commission that the mother of trusts was the customs tariff. Moody, in his remarkable work, The Truth About the Trusts, enumerates nearly 300 articles of common use which he shows to be under the actual or potential control of monopolies. Prominent among these tariff-burdened and trustgoverned articles are agricultural implements and farm tools, practically all steel and iron products, including nails and chains and cutlery and wire, bleachings and duckings, borax, chemicals, paints, oilcloths, mattings, carpets, rubber and leather goods, building stone, lumber, furniture, cement, glass and glassware, harness, saddlery, and hardware, tin plate and tinware, toys, typewriters, sewing machines, watches, and so forth. I have mentioned these few items out of a host of items to show that the tariff and the trust dominate the necessities of life, the articles which the poorest family must have in order to live. Even if the trusts had not combined to control these articles, the Democratic party would hold that the present high tariff taxes upon them in the interest of manufacturing magnates, already wealthy and more than capable of competing with the world is plunder in the name of law.

Observe the injustice to which the system subjects the agricultural masses, the producers of cotton and corn and wheat, for example, the prices of which are determined in the markets of the world because the supply exceeds the home demand, and the foreign price regulates the home price. They must sell the products of their toil in competition with the earth, with the cheapest places of production on the globe; they must buy the things with which they make these products and sustain and educate their families from industrial monarchs in this country, who are shielded from foreign rivalry by the tariff and sheltered from domestic competition by the trust. [Applause.] What is the result? Ten and a quarter million people in the United States engaged in agricultural pursuits, with a capital, including all farm property—lands, buildings, implements, live stock, and the like—amounting to twenty and one-half billions, obtain an annual return of three billions; 7,400,000 people engaged in manufacturing, with a capital of about eleven billions, obtain a total annual return of about thirteen billions. The Republican protective system compels the farmer to pay a price for manufactured products based on the highest tariff in the

world, but it can not compel the foreign or domestic purchaser of the farmer's cotton or corn or wheat to pay one cent more than the price based on the cheapest market in the world. The American manufacturer bases the price of an article on what the foreigner can lay it down for; he knows that the consumer must get it from him or the foreigner. In fixing his price the foreigner reimburses himself for the tariff charge, the transportation cost, and allows for a profit. This price the American manufacturer charges, pocketing as clear and unearned gain the equivalent of the tariff and the transportation charges. This price the American manufacturer charges whether the foreigner actually brings the article here or not; he knows that if the consumer should endeavor to seek relief by purchasing from the foreigner the latter would add these elements in making up the charge.

making up the charge. When the American consumer buys an imported article, the equivalent of the tariff charge goes to the Government for purposes of revenue. When he buys an article of domestic manufacture, the equivalent of the tariff goes to the manufacturer for purposes of enrichment. During the twelve months ending with last August we bought a billion and a quarter of foreign goods, and of that amount several hundred millions went to the Government in the shape of revenue. During the same twelve months we bought over eleven billions of home goods, and of that amount not less than two billions, as I shall demonstrate later, went to these pampered manufacturers in the shape of plunder. Secretary Shaw, in his very entertaining speeches throughout the country, talks of jewelry and cut-glass vases, and endeavors to leave the idea that only those who actually buy imported goods bear the burden of the tariff. The fact is that the equivalent of the tariff charge forms an element in the price of every article of domestic manufacture when there is a tariff rate on the corresponding and competing foreign article. Almost every article of domestic manufacture is protected by such a rate. It is not a matter of surprise that this heartless system is rapidly consuming the substance of the people and concentrating the wealth of the country and the control of its industries in the tariff-favored classes. mins, of Iowa, one of the country's foremost Republicans, recently elected governor of Iowa for the third time, said, in a recent speech on the tariff, that the total life-insurance grafts of all time had not been one-fifth of the annual amount of

which the people have been despoiled by excessive tariff rates. It is no longer necessary that the American people shall pay more in order that American manufacturers may thrive. Our industries are now the most powerful and successful in the world. Our country is to-day the foremost industrial and agricultural power of the globe. With unparalleled agricultural resources; with an unequaled abundance of food supplies and raw materials for manufactures; with unrivaled mineral deposits, leading the world in coal, in iron ore, in copper, and in lead; with 18,000 miles of navigable waterway and more than 200,000 miles of railway; with four-fifths of the world's cotton; with every climate and every soil; with the greatest stretch of territory on the globe in which there is absolute freedom of trade, we have achieved the industrial primacy of mankind, and the whine for continued subsidies from the people for our giant industries does little credit to American intelligence or American patriotism. [Applause.] Nine million people at work in the factories of Great Britain produce goods not much more than half the value of those produced by about seven and one-half millions in American factories. The numbers engaged in the factories of Germany and France are much greater, the value of the products in both countries much smaller, than in those of America. And yet our manufacturers have the hardihood to ask for contributions from the people to protect them against these countries, with which natural advantages enable them so easily and so successfully to compete. Iron and steel can be made in the United States cheaper than anywhere else in the world, as admitted by Mr. Dalzell, of Pennsylvania, on the floor of the House during the last session. Then why should the people be subjected to a tariff of 40 per cent on iron and steel?

Why do American manufacturers need protection when they undersell foreign competitors in foreign markets and sell their American products cheaper abroad than at home? It is a frequent assertion of Republican speakers that only four millions of goods are sold abroad at cheaper prices than at home. Mr. Dalzell, one of the most gifted and conspicuous champions of high protection, repeated this statement during the last session. And yet in the same speech he stated that we sold our surplus cheaper abroad than at home, so that our mills and factories might run twelve months in the year instead of nine. Is it possible that our mills and factories turn out only four millions of goods in three months? The average annual output is

about thirteen billion, or more than a thousand millions every month.

Mr. Schwab, the steel magnate, said in his testimony before the Industrial Commission that it was a fact generally true of all our exports that they sold at lower prices in foreign markets than at home. According to the testimony of James J. Hill before the Merchant Marine Commission, a railroad 1,500 miles long was built in Canada a few years ago with American steel rails bought from American manufacturers at \$10 per ton cheaper than a competing and parallel American railroad was able to buy them.

The New York Press of May 7, 1906, a stalwart Republican paper, reported the sale of 35,000 tons of American steel billets during April at an export price of \$18 per ton when the home price was \$27 per ton. This means a difference of about \$245,000 a month, or two and one-half millions per year, in favor of the foreign consumer in this one item of the great iron and steel trade. Seeing this statement in the New York Press, Congressman Spight, of Mississippi, wrote the editor and received not only a confirmation of the statement regarding steel billets, but a statement from that great Republican paper's regular trade representative to the effect that the same practice applied not only to billets, but also to rails and all other iron and steel material. Our iron and steel exports for the last fiscal year exceeded \$160,000,000. As has been admirably brought out by Congressman RAINEY, of Illinois, the jeweler Keene, at 180 Broadway, New York City, has this sign above his door: "Great protection sale; Waltham and Elgin watches bought in England cheaper than in America and brought back to undersell Keene has been conducting a profitable business by purchasing American-made watches in foreign countries, reimporting and selling them in the United States cheaper than the American wholesalers could buy them in America. It is the statement of William E. Smythe, an economic writer and student, that "we are selling cotton goods cheaper in China and Japan than in Georgia where the cotton is grown or in Massachusetts where it is woven into cloth."

It was a recent remark of H. Rider Haggard, the famous Englishman, after making a personal investigation of conditions in the United States, that prices had been elevated in this country to the prohibitive point for all but the very rich. "Why," he added, "the bacon we eat in Amity on the table costs more in Colorado, where it is made, than it does in England." In a desperate endeavor to defend the sale of American goods abroad cheaper than at home, Congressman Charles B. Lands and others have said that it was the mere dumping of the surplus—that having supplied the American market our manufacturers would dispose of the surplus abroad at prices below the home figure. If it be true that American manufacturers supply the home market so completely that they must dump the surplus abroad at emergency prices, how is it that foreign manufacturers found a market in the United States during the last fiscal year for the billion and a quarter of competing goods which they sold here?

The Republican clamor for high protection never ceases. They tell us that it is patriotism to feed these bloated interests with the people's earnings forever. Patriotism, indeed! Let us examine the patriotism of the beneficiaries of this extortionate taxation. During the year ending with last August American manufacturers sent abroad over a billion and a half of American goods. How much of this American export trade was carried in American ships beneath the American flag? Not one-fifth. And yet the American flag was once the commercial monarch of And yet the American mag was once the commercial monarch of the waters and American ships rode every sea. Once we were the ocean carriers of America, yea, the world, but that was in a period of low tariff taxes. With the increasing tariff taxes of the Republican regime it became more and more expensive to build an American ship. Ships are built, equipped, and managed in competition with the world. Mr. Joseph L. Bristow, a distinguished Republican, says, in his report on Panama, that a German steamship of 3,500 tons can be operated for \$15,315 less per year than an American steamship of the same tonnage, a British steamship of 2,500 tons for \$18,289.68 less per year than an American steamship of like tonnage. Now, as the American shipowner, on account of the increasing cost of production and maintenance resulting from increasing tariffs, was compelled to raise his carriage rates above those of foreigners, did the American manufacturer offer to pay him more in order that the American flag might retain the commercial mastery of the seas? No: the American manufacturer began the employment of foreign ships and foreign flags the moment they could underbid his countrymen. American ships fell to pieces at the wharves while foreign vessels, with strange pennants above their sails and strange voices upon their decks, succeeded to the carriage of American goods. To-day the American merchant ship is hardly a reputable factor in the world's ocean trade. By far the larger portion of American oversea traffic is transported in foreign bottoms.

Such is the patriotism of the tariff-swollen classes. economic tories who have fattened on the tariff are entirely willing to have the shipowners subsidized from the United States Treasury—the pocket of the people—and already a ship-subsidy bill has passed the Republican Senate. The manufacturer says to the shipowner: "The American people have enriched me; perhaps you can be equally successful. Don't ask me for aid; ask the people. Get Secretary Shaw and Congressmen Hepburn, GROSVENOR, and others to tell them that it is 'pay'-triotism, with the accent on the 'pay.'" [Laughter and applause.] A with the accent on the 'pay.'" [Laughter and applause.] A few months ago the city of San Francisco sank upon its dissolving foundations, and the heart of the world stood still. It fell a blackened mass, and from the ruin there rose a cry that must have startled the outposts on the battlements of heaven. And as the gallant people staggered from the chaos and the wreck, exhibiting that American courage which is most conspicuous in disaster, a thrill of sympathy and admiration went round the globe. A bill was introduced in the American Congress to remove the high tariff taxes on building material intended for San Francisco in order that the stricken people might more easily rebuild their broken homes. But the tariff satraps and their servitors, the Republican standpatters, who dominate Congress and the country, killed the bill. They were willing that a few millions should be voted from the people's Treasury for temporary food and medical supplies, but not one dollar for permanent aid would they yield through the slightest modification of their unholy privileges. It was perhaps the most revolting example of insolence and cupidity the favored interests have yet How long will the American people consent further to enrich this arrogant and unfeeling class-a class blind to every consideration but that of interest; deaf to every cry but that of gain-a class rapidly becoming experts in oppression and artists in plunder-the patricians, the tories, the aristocrats of modern times? [Applause.]

Patrician, aristocrat, tory—whatever his age or name,
To the people's rights and liberties a traitor ever the same.
The natural crowd is a mob to him, their prayers a vulgar rhyme,
The freeman's speech is sedition and the patriot's deed a crime.
Wherever the race, the law, the land—whatever the time, the throne,
The tory is always a traitor to every class but his own.

[Applause.]

But they tell us that the especial object of the present tariff system is to protect the American wage-earner against the pauper labor of Europe. And yet almost every European country has a high protective tariff: Is it possible that the high protective tariff produces pauper labor? And if the high protective tariff produces pauper labor in European countries how long will it be until it produces pauper labor in the United States? They boast of the size of the American wage under the present ariff and talk of preserving the American standard of living. Let us see. It is the estimate of the Massachusetts bureau of statistics that it requires \$754 per year to support an American family of five. John Mitchell in his valuable book on organized labor says that \$600 a year is necessary in the anthracite district for a family of ordinary size.

Now, what is the actual American wage? The census of 1900 shows a little over 5,300,000 wage-earners in the United States, with a total annual wage of a little over \$2,300,000,000, or \$438 a year apiece-\$438, the princely amount on which the American wage-earner is to maintain himself and his family and try to look cheerful when Republican standpatters eulogize Republican prosperity. [Laughter and applause.] Adding wages and salaries and cost of material and miscellaneous expenses, there was a total expenditure in American manufacture last year of about eleven billions. The total value of the product was some-thing over thirteen billions. Two billions went to the small class of protected owners, the real beneficiaries of Republican prosperity. Turning to agriculture, we find that according to the last census 10,300,000 people engaged therein received for their total product \$3,700,000,000, or less than \$370 each per annum, and this includes farm owners. This, forsooth, is our matchless prosperity-\$370 per year for the man engaged in agricultural work, \$438 per year for the man employed in the fac-The Republican doctrine seems to be that unto everyone that hath shall be given, but from him that hath not shall be taken away even that which he hath. [Laughter.] Republicans forget that the true test of a nation's happiness and prosperity is not the amount of its wealth alone but the extent to which that wealth is diffused among the people.

It is the statement of Moody, the foremost authority on trust conditions, that there are now in the United States 440 industrial, franchise, and transportation trusts, with a total capitalization of twenty and one-fourth billions, an amount equivalent to one-fifth the nation's wealth, and that these are largely dominated by the Rockefeller and Morgan financial And so the concentration of wealth proceeds. was recently said by a noted writer, Charles E. Russell, regarding the beef trust, after a close investigation, that it to-day fixes the price of all meats, fruits, fertilizers, and dairy products; that within certain limits it can make the price of corn, oats, and wheat what it pleases; that to-morrow it may be able to control the price of every loaf of bread; that the growth and development of this terrible monopoly threatens to reduce to semiserfdom the farmers of the West. It is a lamentable fact that the trusts are more numerous, more merciless, and more powerful at this hour than ever before in our history. And yet the Republican party has had absolute control of every branch of the Government for almost ten years, and for five of these years Theodore Roosevelt has been President. The laws against the trusts have been plain and ample. And yet not one monopoly controlling a life necessity has been dissolved; not one trust magnate has been sent to jail. The Northern Securities Company, a northwestern railroad combination, was dissolved, but soon resumed operation under a slightly different form. It is shown by the economic author Smythe that to-day almost all the important railway mileage of the Union is in the control of six great capitalistic groups—the Vanderbilts, the Pennsylvania Railroad, the Morgan, the Gould-Rockefeller, the Harriman-Kuhn-Loeb, and the Moore; that there is practically no competition among them, and that they have divided the country, this great sextumvirate, into so many conquered provinces, known as the Vanderbilt territory, the Gould territory, etc.

How has the President enforced the criminal laws against the trusts? A few underlings have been fined, but the great criminals are still free to exploit the people and to defy the law. And yet the President has gained a distinct popularity from mere attitudes and mouthings against the trusts. It is a singular fact that the period in which the President has issued the most furious proclamations and uttered the most resounding platitudes against monopoly has been the period of its most rapid development and most consummate power. One of the surest remedies against most of the trusts is entirely to remove or materially to reduce the tariff that has nurtured them. Sald Mr. Sherman, a leading Republican of his time:

If individuals or combinations combine to advance the price of domestic products I would without a moment's hesitation reduce the duties on foreign goods competing with them in order to break down the combination.

Said United States Senator Washburn, another celebrated Republican:

The Republican party has got to disconnect itself from trusts, and whenever they find the trust is depending for its exorbitant profits largely on protective duties it will be the duty of Republican Congressmen and Senators to remove the duties at once. This should be done at once with the duty on steel rails and steel plate.

Sherman and Washburn made these statements over seven years ago, but the Republican party has remained as unresponsive to them as to the last warning of McKinley against the continuance of the present destructive system.

The rapacity of monopoly, the pressure of enormous tariff taxes, the small returns of labor are uniting to convert a country dedicated to the people's rights into a country shadowed with the people's wrongs. [Applause.] It is the estimate of Mr. Charles B. Spahr, a noted statistician, that 1 per cent of the families in the United States hold approximately 90 per cent of the national wealth. The census of 1900 shows that of the 16,000,000 families in the United States 8,800,000 own no homes at all, 2,100,000 have their homes mortgaged, while less than 5,000,000 American families own their homes entirely free from incumbrance. The last census further shows that in the 160 cities of the United States with at least 25,000 inhabitants 1,027,000 own no homes at all, 435,000 have their homes mortgaged, while only 561,000 families own their homes; only 14 per cent with homes free from debt, 11 per cent with homes mortgaged. 74 per cent without homes.

In his remarkable book on economic conditions, entitled "Poverty," Robert Hunter shows that approximately 10,000,000 people in the United States are on the verge of destitution. It is universally recognized that the problem of existence, of securing food and shelter and clothing, is becoming more difficult every day. For the staples of life we must pay from 35 to 50 per cent more than ten years ago. The prices of rent and fuel have increased enormously. While the millions of small wage-earners are confronted with the questions of shelter and food, the other millions whose earnings are somewhat larger, the clerks, the stenographers, those who are trying to establish a business and who get from \$15 to \$35 a week, are having a more and more distressing struggle to preserve appearances. The

increasing domination of the trusts is making it more and more difficult for young men to start in business with any hope of ultimate independence and success. The trusts are writing the death warrant of the small business man. Young men are rushing into the overcrowded professions, because they prefer a few clients and a precarious living with independence to the perpetual enslavement of the trusts. One of the deepest students of the times, Judge Grosscup, of Chicago, says that the loss which republican America now confronts is the loss of individual hope and prospect. The son of John D. Rockefeller, the greatest monopolist of the age, said in a defense of the trusts before the students of Brown University:

The American Beauty rose can be produced in all its splendor only by sacrificing the early buds that grow up around it. The rose has 1,000 buds, and in order to produce the American Beauty the gardener goes around it with a knife and snips 999 in order that all the strength and beauty may be forced into one bloom.

Such is the brutal teaching of the trust; 999 small business men must be destroyed in order that the American beauty, the trust, may thrive. As has been truthfully said, with the highwayman of a century ago it was, "Your money or your life;" but with these modern trust vandals it is, "Your money and your life." [Applause.] We see the small business men falling on every side, and there is no Red Cross for the wounded on the economic battlefield. Dr. William Howe Tolman, the director of the Institute for Social Science in New York, an institute devoted to the collection of sociological information, says:

The increased cost of living is presenting a tremendous problem to the industrial class all over the country. The worker has little or no surplus left over from his weekly wage. It is well-nigh impossible for him to lay up for the traditional ralpy day. As for lifting himself up or bettering his condition, the little margin between income and expenditure, which formerly enabled him to do that, has been wiped out.

But the strongest proof of the increasing sharpness of the times is found in the number of women and children who have been driven into the struggle for the daily wage. In this land of fancied freedom and prosperity more women and children are to-day compelled by the growing sternness of conditions to labor for daily sustenance than ever before.

labor for daily sustenance than ever before.

The head of the family with an average yearly return of \$438 if he is in the factory, or \$370 if he is in the field, is finding it impossible to support his loved ones. Where once he left his wife to minister at the fireside, the children to gather love of honor, home, and God from her radiant example, they must all now rush in many instances into the pallid rank to toil for shelter and for bread. Over 5,000,000 women have been lashed by pitiless necessity into the arena of economic conflict, 2,000,000 of whom are in the factories and the mills. Over 1,700,000 little children are forced by frowning want to work for wages in the field, the factory, the workshop, and the If BEVERIDGE and Lodge are in earnest on the subject of child labor, let them join with the Democrats in reducing the high-tariff charges and in removing the conditions which drive entire families into the factories, the fields, the mines. plause.] Despite these conditions we are still told that American labor under the high-protective tariff is the happiest and most highly paid on earth. We reply that American labor is underpaid; that it has an insufficient wage; that our marvelous wealth has been turned from the channels of equitable distribution along which Democratic laws and principles once di-rected it into the private treasuries of protected classes. We say that a system which concenters wealth and distributes want may be protection for the few it favors and upbuilds, but that it is oppression for the many it despoils. We say that this high-protective system has made the Government an accessory to theft, an accomplice in plunder. When a government founded to promote the high principles of equality and freedom, heralded as the ark of liberty, the refuge of the world's oppressed, is thus prostituted it is small wonder that socialists assault our basic institutions and anarchists proclaim all government a lie. [Loud applause.]

The Democratic party will materially reduce or, if necessary, entirely remove the duties that aid the trusts, and it will set in motion against all trusts and all trust owners the neglected machinery of the Federal law. It will rearrange and modify the tariff rates on the basis of equality and justice, touching articles of necessity very lightly or not at all, imposing a somewhat higher charge on things not necessities but still not luxuries, and laying the heaviest rates on luxuries. In no event will it collect more from the people than is necessary to defray the unavoidable expense of a government administered with the most rigid economy. Democrats believe that the power of taxation should not be used to build up one man with another's means. The Democratic party revised the exorbitant tariffs of 1828 and 1842 and gave the American people in 1846

the most satisfactory tariff law they have ever had. The Republican party will never make a sincere and effective modification of the present enormous rates. It has pretended to undertake their revision on several occasions since the civil war inaugurated them on a scale which would never have been permitted in a time of peace, but the Republican party has never touched the tariff except to increase it. The last Republican national platform asserted that the tariff should not be revised until changing conditions demanded it, and experience demonstrates that the dominant element of the Republican party will never admit the existence of such condi-tions. In October of 1905 the Republicans of Massachusetts, in State convention assembled, demanded a revision of the tariff.

During the first session of the present Congress the Republican Members from Massachusetts authorized Representative McCall, of that State, in the name of Republican Massachusetts, to request the Republican Congressional leaders to permit a revision of the tariff. In March of 1906 Mr. McCall addressed a letter to Chairman PAYNE, of the Ways and Means Committee, the Republican floor leader, reciting the tariff clause in the last Republican national platform, stating that the Massachusetts delegation believed, with the people of Massachusetts, that conditions had so changed that the public interests demanded the alteration of the present tariff, and asking revision and readjustment. Mr. PAYNE, voicing the views of the dominant, stand-pat element of the Republican party, replied, denying that conditions had so changed and refusing the appeal. He said that Congress was not prepared to review the tariff schedules in that calm, judicial frame of mind so necessary to the proper preparation of a tariff act at a time so near the Congressional elections. The Congressional elections have passed, and we are now told that the Republicans will not consider the question of revision before 1909. And so the subterfuge and procrastination continue.

Not only has the Republican party desecrated the principle of equal rights in the establishment of a flagrant tariff system, but also it has degraded another basic principle of the Declaration of Independence, the principle of government by consent of the governed, through its policies in the Philippines. During the last eight years the Republican party has extended our dominion over 9,000,000 foreign peoples in foreign seas, the vast majority of whom are subjects governed regardless of their consent. The subjugation of the Philippines has cost us hun-dreds of millions, aside from the sickening slaughter following a fanatical and hopeless resistance. Thus the Republican party has made the American flag a symbol of tyranny. It has violated its original teachings and blasphemed the memory of its founders. The Republican party was dedicated to the preservation of the rights of men. It was born with a cry against human slavery on its lips. With impassioned energy it proclaimed the doctrine of universal liberty, and 3,000,000 bayonets glittered from the Mississippi to the sea to translate that doctrine into the institutions of the country. It claims to have liberated 4,000,000 of the human race from bondage. And yet to-day the Republican party holds 9,000,000 of the sons of men

in absolute subjection. [Applause.]
Rise, Wendell Phillips, from the dead and behold this spectacle, you who renounced allegiance to your country because it was not wholly free and with an eloquence not of earth assailed the established customs of a century-rise and scourge with epic wrath this Republican defamation of all for which you fought and toiled. Rise, Garrison, you whom history terms "the liberator," whose fearless gospel incited war that chains might fall and break, and observe the degradation of the party which was first elevated to power on the tide your energies had set in motion. Rise, Lincoln, you who would not govern a people in the world against that people's will and with sorrow beyond all words bear witness to the repudiation of your life's supremest teaching, the sentiment of your inspired deliverance at Gettysburg, by the recreant sons of heroic sires. When the Roman republic first established colonies, which it governed without regard to the will of the subjected peoples, the decline of its liberties began, although it preserved long afterwards all the outward forms and signs of freedom. After pointing out this fact in Roman annals Froude, the great historian, says:

If there be one lesson which history clearly teaches it is this, that free nations can not govern subject provinces. If they are unable or unwilling to admit their dependencies to share their own constitution, the constitution itself will fall in pieces from mere incompetence for

But they tell us that we are a world power and that we must have dependencies in order to maintain our dignity and extend our influence. We say that the world influence of this country will be far more salutary and more lasting through the consist-

ent exemplification of the principle of self-government on this continent than through the acquisition of provinces in every quarter of the earth. But why have other nations acquired dependencies? It is because they have developed their own territory to the fullest possible extent and must find outlets for surplus energies and overflowing populations. Is this the condition of the United States? No; it is capable of perhaps ten times its present population, and the development of its continental territory will consume our best thought and effort for centuries to come. Then why cling to distant lands in persistent violation of our most cherished principles? Our entire for-eign possessions are not to be compared to our Western States and Territories as an outlet for population, a field for capital and manufacture. California and Nevada are as large as Holland, Belgium, Portugal, and France combined; Washington and Oregon are as large as Great Britain, Denmark, and Switzerland; Utah and Arizona are as large as Spain; Idaho and Montana are almost the size of Austria and Hungary; Wyoming and Colorado are as large as the German Empire; New Mexico is practically the size of Italy; the Dakotas, Kansas, and Nebraska are as large as Norway and Sweden; Indian Territory is the size of Greece, while Texas and Oklahoma are equal in area to New Zealand and Japan. The combined population of the foreign countries I have mentioned is about 300,000,000; that of the Western American States equaling them in territorial extent about 10,000,000. What infinite possibilities of expansion and development are presented within our own boundaries! The limitless West is ours already; no millions to be expended in subjugation, no blood to shed, no graves to fill, no principles to violate; the people already Americans, their institutions our institutions, their sympathies our sympathies, their hopes our hopes, their God our God. As has been strikingly said, "Let us dig more ditches in the West and fewer graves in the Philippines." [Applause.]

The Republican party has exhibited an astounding and dangerous indifference on the subject of the currency. They boast of establishing the gold standard, but they have done nothing to solve the problems that have arisen since its establishment. an address several months ago before the West Virginia Bankers' Association Secretary of the Treasury Shaw said:

The system is not perfect largely because it is nonelastic. It fails to respond in volume to the changing needs of seasons and localities. Attention has been called to this many times by many people. That there will be no further currency legislation until we shall have experienced a panic occasioned by the want of elasticity I am convinced. The country does not appreciate the danger, and until the danger is fully understood no remedy will be applied. We came nearer such a panic September 20, 1902, than most people appreciate. The fact that we escaped then does not raise a presumption that we will always escape. A glaring defect at a vital point will somewhere sooner or later assert itself.

Could there be a more unanswerable condemnation of the Republican party? We have here the deliberate prediction by a Republican Cabinet minister of a panic with his own party in full control, and a deliberate admission that his own party will do nothing to remedy the defect and prevent the panic. But this is not all. Henry Clews, the famous financier, a profound observer, and a confirmed Republican, says in his weekly financial review of October 6, 1906:

It is absolutely certain that continued refusal to adopt sane currency measures will lead us to drift into one of the greatest financial crises that the country has ever seen. Of course we shall have panics with or without currency reform, but disaster will be immeasurably aggravated by clinging to a clumsy and antiquated currency system or correspondingly ameliorated by adopting a system that is scientific, elastic, automatic, and suitable to American necessities.

Further on he says:

No civilized country in the world maintains a system so ill suited to its wants as the United States. That we are so far astern in this respect is a sore reflection upon our national intelligence.

What an indictment of the Republican party! It is permitting the United States to trail behind the world with a clumsy and antiquated currency system, and it is taking no step to remedy a situation which both Shaw and Clews tell us will result in a panic. Thus the country, under Republican management, is staggering headlong into disaster and convulsion.

Under Republican management the Federal expenditures have increased at an appalling rate. Exclusive of the Panama Canal appropriation the increase of governmental expenditure in 1904 appropriation the increase of governmental expenditure in 1904 over 1903 was thirty-five millions; in 1905 over 1904, forty millions; in 1906 over 1905, more than seventeen millions—an increase of over ninety-two millions in three years. The total national expenditure for 1903, 1904, 1905, and 1906, excluding the Panama Canal, was over \$2,866,000,000; the total expenditures for 1898, 1899, 1900, and 1901, the four full years of McKinley, over \$2,430,000,000. Thus, exclusive of all expenses in Panama, the expenditures of the four years of Roosevelt exceeded those of the four years of McKinley, although he conducted the Spanish-American war, by over four hundred and

thirty millions. Our colonial, military, and naval expenditure has assumed European proportions.

It is a curious and significant fact, a tribute to the vitality of Democratic principles, that the President and the Republican party after receiving in November, 1904, the largest national majority in American history, had to turn to the rejected Democratic platform for the principal and most popular legislation of the Congress following that election. [Loud applause.] I refer to the railroad rate law. This law is a distinct step toward stricter regulation, and it contains many improvements on the old act, but it would have been made vastly more effective had not the President surrendered to the Aldrich-Allison element in the Senate. So far as actual relief from unjust rates and discriminations is concerned, little has been accomplished. only practical effect of the new law is to enable the controversy between the shipper and the carrier to be transferred more quickly to the courts, where the case still may be tied up in-definitely. The new law makes more effective changes along other lines, changes which the railroad interests were glad to accept after winning the main issue of a court review. movement for stricter regulation of railways did not originate with the Republican party. It began, so far as national parties were concerned, when the Democratic national platform of 1896 demanded the enlargement of the powers of the Interstate Commerce Commission.

The demand was embodied in every succeeding Democratic platform and urged by Bryan and other Democrats. It was never mentioned in a Republican national platform. Roosevelt astounded his party associates when in his message of 1904 he took up this Democratic demand. A bill indorsed by the President and known as the "Hepburn bill" passed the House almost unanimously without any provision regarding a court review. When the bill reached the Senate the President announced that no court-review amendment would be tolerated. Seeing that he could not obtain enough Republican votes to pass the bill through the Senate, he opened negotiations through ex-Senator Chandler with the Democrats. TILLMAN had been placed in charge of the bill by a shrewd move of its Republican opponents. Prompted by the highest and most patriotic motives the Democratic Senators stood firmly by the President and it soon became evident that the President was about to achieve a notable victory for the people. Suddenly, while the Democrats and a small contingent of Republicans, composing a sufficient number to have passed the original Hepburn bill, were standing loyally in the breach, the President announced that he would accept the Aldrich-Allison amendment, and the battle for the people's rights was lost. Later, when LA FOLLETTE, of Wisconsin, introduced an amendment providing for a valuation of railway properties in order that the Commission might have an accurate basis for the determination of a fair and proper rate, his Republican colleagues voted it down, the Democrats valiantly supporting him. It is evident that if effective rate legislation is to be had the Republican party must be banished from control. The work has only begun.

Roosevelt himself can not stay the tide he has unwittingly helped to set in motion. His attempt to secure popularity with measures which Bryan and the Democracy originated is like the endeavor of a pigmy to steal the thunderbolts of Jove. The other measures which became laws at the recent session, the pure-food bill, the meat-inspection bill, the quarantine bill, the canal-type bill, etc., were either nonpartisan or perfunctory. The Republican party was literally forced, after years of inexcusable delay, by a threatening public opinion and the Democratic filibuster to admit Oklahoma and Indian Territory to statehood. The principal measures which the President specifically recommended and to which the Administration was officially committed, the Philippine tariff bill, the ship-subsidy bill, and the Santo Domingo treaty, all failed. What a spectacle! A President and a party fresh from the greatest majority in our history unable to pass any other than Democratic or nonpartisan measures! [Applause.]

The Republican Senate has persistently blocked the movement for the election of United States Senators by the direct vote of the people of each State. The last two Democratic national platforms demanded this reform, and the American people are almost a unit in its favor. The Republican national platforms have maintained an obstinate silence regarding this measure while the Republican Senate stands like adamant in the way of its adoption.

Accustomed to limitless and perpetual power, the Republican party has drifted into a complete paralysis, a hopeless inertia, Stand pat is merely another expression for dry rot. [Laughter and applause.] Swollen with the spoils of office, corpulent with the wine of power, distended with the dropsy of corruption, the Republican party drags its huge, infected body across the halls

of state, helpless among the trophies of the past, powerless alike before the problems of the present and the retribution of the future, while its coward lips wail out "Stand pat, stand pat!" [Laughter and applause.] "Stand pat," although the pillage of the people never ceases; "stand pat," although the pillage of the Republic is by a ruthless tariff law transferred from the millions who support to the masters who exploit it; "stand pat," although the Republican party refuses to lighten the tariff taxes which it first imposed as a temporary burden in the years of war to double and redouble as a permanent tyranny in the years of peace; "stand pat," although the tariff law itself provides for a reduction of its charges; "stand pat," although the enormous rates incite the antagonism of the world and imperil our foreign trade; "stand pat," although McKinley pleaded from the doorstep of the grave for lower tariffs; "stand pat," although patriotic Republicans of Massachusetts, Iowa, and all the country unite in the general prayer for less oppressive schedules; "stand pat," although our loftiest principle, the very soul of the Republic, the principle in the name of which our country was consecrated in the blood and tears of patriots, the principle of government by the governed's will, has been abandoned in Republican policies abroad; "stand pat," although the currency situation is black with impendent danger; "stand pat," although the expenditures of the public moneys has become a riotous dissipation, a wanton waste.

Let me say here that a small but entirely sincere element of the people, in utter despair over Republican conditions, have fallen into socialism, into the violence and iconoclasm of ultra radicalism. In seeking a remedy for existing evils the Socialist would give us still more serious ones. He would overturn the basic institutions of our civilization; he would uproot the foundations of individualism and freedom. Let me quote from the Socialist platform of 1904: "Socialism means that all things upon which the people in common depend shall by the people in common be owned and administered. \* \* \* The so-called in common be owned and administered. \* trust is but a sign and form of the developing socialism of the world's work." Thus the Socialist would substitute common ownership for private ownership; he would destroy the insti-tution of private property. He hails the trust as a natural step toward common ownership. He would make the government a universal trust, an unlimited monopoly. He would make us a nation of employees; he would leave no prospect for individual enterprise and ownership. He forgets the lessons of history and the make-up of the human nature, for history and experience teach us that when the government owns everything it is not long before somebody owns the government. The safety of mankind and the permanence of freedom require the separation of government as far as possible from all purely private enterprise. The happiest and purest government is the impersonal government of law, of law before which all citizens stand as independent equals, not as servants and employees. [Applause.]

The Socialist would abolish the private ownership of land. Without the private ownership of land, what would become of the individual ownership of home, the very cornerstone of civilization? Without the individual ownership of home, how long would the institution of marriage retain its sacredness? It may be a significant fact that many Socialist leaders entertain lax views regarding marriage. The glory of English liberty, our brightest heritage, has proceeded from the sanctity which has ever surrounded the humblest English home. Said Chatham, in the British Parliament: "The poorest man may in his cottage bid defiance to all the forces of the Crown. It may be frail; its roof may shake; the wind may blow through it; the storms may enter; the rain may enter, but the King of England can not enter! All his forces dare not cross the threshold of the ruined tenement." [Applause.] What sacredness would attach to a so-called home in which a man knew that every other man in the country, of whatever race, had an equal interest? Socialism would wreck our civilization and remit us to savagery.

The Democratic party would apply to society and its varying emergencies the principles of equality and brotherhood, the principles which its founder embodied in the Declaration of Independence and which constitute the underlying spirit of American institutions. They tell us that the Democracy changes its issues at each election. We answer that the basic principle of the Democracy, the principle of equal rights, never changes, although its application to new conditions naturally develops new measures, and that thus the Democracy keeps step with time. We applied the principle of equal rights in 1896 when we said that justice to all the people required an increasing volume of standard money to meet the increasing needs of business, and we have been sustained by events. The volume of standard money has experienced since 1896 the greatest increase in its history. We applied the principle of equal rights

in 1900 when we defended the doctrine of government by the governed's will, and to-day the American people are realizing the soundness of that position. We applied the doctrine of equal rights in 1904 when we denounced the corrupt partnership of the dominant party with the great corporations of the country. Our candidate for President openly charged that the Republican campaign manager had received immense corporate donations. With violent effrontery the President denounced the charge as false, and the country believed him. It has since developed that almost at the very hour of the President's loud denunciation the Republican campaign manager was receiving the funds of widows and orphans from the great insurance corporations with which to debauch a free electorate. [Loud applause. 1

Thus the Democracy applies an eternal principle to unfolding events. Thus it adopts new measures when new measures are necessary to the application of this principle. Thus it occupies a rational middle ground between the ultraconservatism, which would preserve existing conditions at any cost, and the ultraradicalism, which would overturn the foundations of society. We say to the Republican stand-patter: "You can not arrest the tide of progress; the tariff must be revised, the doctrine of government by the governed's will must be restored, economy must be practiced in the Government expenditure." We say to the Socialist: "You can not uproot the fundamental institu-We say to tions of home and land and property without precipitating both anarchy and savagery." Paraphrasing the idea of another, the situation may be thus described: Plutocracy and Republicanism "Stand pat; let evils rage;" Socialism shouts, "Pull down the temple, though it crush us in its fall;" the Democracy, applying the deathless principle of equal rights, cries to all the struggling race of man, "Forward, march; keep a just and even step with time." [Applause.]

In the defense and promulgation of the Democracy we need an especial enthusiasm, an enthusiasm like that which an old negro deacon prayed might be given to Sam Jones from on high. Sam Jones had been invited to address a colored church in Georgia, and they called on this old deacon to open the service with prayer. He responded with a plea of fervid eloquence and power, accompanied by the vociferous hallelujahs and the melodious amens of a typical Ethiopian congregation. "O, Lord," he said, "gib Brudder Jones de eye ob de eagle dat he may see sin from afur. Glue his ear to de gospel telephone and connect him wid de central skies. 'Luminate his brow wid a brightness dat'll make de fires ob hell look lak a tallow candle. Nail his hands to de gospel plow. Bow his head in some lonesome valley where prayer is much wanted to be made. 'Noint him all over wid de ker'sene oil ob Thy salvation and sot him on fire." [Laughter and loud applause.]

With an enthusiasm that can not die let us gather beneath the stainless standard of the stainless leader, who, in a recent private journey around the globe, was honored by the nations as perhaps no other private citizen of any country was ever honored before, whose every heart beat is a throb of brotherhood, whose soul is illumined with the love of man, whose arm is tireless in the people's cause. The most powerful lesson of history is the triumph of truth, truth the force invisible yet omnipotent, its scepter swaying all the vassal years. In its silent courts the centuries assemble to cry earth's multitudes to judgment. The prostrate rise; the exalted fall. The mask of sanctity drops from the brow of gain. From sword and crown there leaps the accusing blood of peoples conquered and despoiled. Chains fashioned in the forges of the world's injustice break and hands unshackled are to God uplifted. Men and nations, stripped of arrogance and rank and all the ornaments of earth, await the verdict of eternity. The deeds and motives of all days and ages are measured by the test, severe yet beautiful, of fidelity to truth. And no man, in all the years that have been and that are to be, will stand before that solemn assize with more assurance of its approval than the defender of humanity, the cru-sader of equality, the friend and champion of the overburdened millions, the exemplar of righteousness and love in his conception of government and in the conduct of his life, William Jennings Bryan. [Loud and prolonged applause on the Democratic side.]

Mr. GILLETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Campbell, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 24103) making appropriations to provide for the expenses of the gov-ernment of the District of Columbia for the fiscal year ending June 30, 1908, and had come to no resolution thereon.

#### LEAVE OF ABSENCE.

By unanimous consent, Mr. KNAPP was granted leave of absence for eight days, on account of illness in his family.

MEMORIAL ADDRESSES ON THE LATE HON, H. C. ADAMS.

Mr. NELSON. Mr. Speaker, I ask unanimous consent for the present consideration of the order which I send to the Clerk's

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the present consideration of the order which the Clerk will report:

The Clerk read as follows:

Ordered, That there be a session of the House on Sunday, February 24, 1907, at 12 o'clock m., which shall be set apart for memorial addresses on the life, character, and public services of Hon. H. C. Adams, late a Representative from the Second Congressional district of Wis-

The SPEAKER. Without objection, the order will be considered as agreed to.

There was no objection.

BRIDGE ACROSS ASHLEY RIVER, SOUTH CAROLINA.

Mr. LEGARE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 22135) authorizing the construction of a bridge across the Ashley River in the counties of Charleston and Colleton, S. C., which I send to the Clerk's

The SPEAKER. Without objection, the Clerk will read the bill as amended.

There was no objection. The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the assent of the United States of America is hereby given to the Charleston and St. Andrews Railway Company, a corporation incorporated by the laws of the State of South Carolina, its successors and assigns, and such other persons as may be associated with it, to construct and maintain a bridge over the Ashley River, in the county of Charleston, in the State aforesaid, at a point suitable to navigation interests, in accordance with the provisions of an act of Congress entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, is the bill in conformity with the regulations of the War Department?

Mr. LEGARE. Yes, sir. There was no objection.

The bill as amended was ordered to be engrossed and read a third time; was read the third time, and passed.

# DAMS AND POWER STATIONS ON BEAR RIVER.

Mr. CANDLER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 21194) to authorize J. F. Andrews, J. W. Jourdan, their heirs, representatives, associates, and assigns, to construct dams and power stations on Bear River, on the southeast quarter of section 31, township 5, range 11, in Tishomingo County, Miss.

The SPEAKER. Without objection, the bill will be read as

amended.

There was no objection.

The Clerk read as follows:

The Clerk read as 10110ws:

Be it enacted, etc., That J. F. Andrews, J. W. Jourdan, their heirs, representatives, associates, and assigns may hereafter erect, maintain, and use a dam or dams in or across the Bear River, in the State of Mississippi, at such points on the southeast quarter of section 31, township 5, range 11, in Tishomingo County, Miss., as they may elect, for the purpose of erecting, operating, and maintaining power stations, and to maintain inlet and outlet races or canals, and to make such other improvements on Bear River as may be necessary for the development of water power and the transmission of the same, in accordance with the provisions of the act of Congress entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is expressly reserved.

The SPEAKER. Is there objection? Mr. WILLIAMS. Is this bill in ac Is this bill in accordance with the requirements of the War Department?

Mr. CANDLER. Yes, sir. Mr. WILLIAMS. Unanim

Unanimously reported by the committee?

Mr. CANDLER. Yes, sir; unanimously reported.
Mr. DALZELL. Reserving the right to object, I would like to ask the gentleman what committee it comes from.

Mr. CANDLER. From the Committee on Interstate and Foreign Commerce, from which committee all such bills come.

Mr. DALZELL. Is it a unanimous report? Mr. CANDLER. Unanimous report and ha Unanimous report and has the approval of the War Department.

The SPEAKER. Is there objection? There was no objection.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

#### THE LATE SENATOR BATE.

Mr. GAINES of Tennessee. Mr. Speaker, I ask unanimous consent that the House change the hour for holding the memorial service in the memory of the late Senator Bate, from half past 1 o'clock p. m. next Sunday to 2 o'clock the same day.

The SPEAKER. Is there objection?

There was no objection.

#### ADJOURNMENT.

Mr. GILLETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting, with accompanying documents, a recommendation that the Interior Department be authorized to enter into negotiations with the Choctaw Nation in relation to acquisition of unallotted land desirable for a forest reserve in Indian Territory-to the Committee on Indian Affairs, and ordered to be printed, with illustra-

A letter from the Secretary of the Interior, transmitting, with a copy of a letter from the Commissioner of Indian Affairs, a recommendation as to the leasing of a hot sulphur spring on the Shoshone Reservation in Wyoming—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for Watertown Arsenal, Mass. Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting a supplemental estimate of appropriation for armament of fortifications—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of State, submitting a statement of the amount of mail matter entered from his Department at the Washington post-office under the penalty privilege from July 1 to December 31, 1906—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a list of judgments rendered against the United States by circuit and district courts-to the Committee on Appropriaions, and ordered to be printed.

A letter from the Attorney-General, transmitting a draft of a

proposed bill relating to the further distribution of the Reports of the Supreme Court of the United States--to the Committee on the Judiciary, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting the report of the Commissioner of Education for the year 1904-5 to the Committee on Education, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BATES, from the Joint Select Committee on Disposition of Useless Papers in the Executive Departments, submitted a report (No. 6405); which said report was referred to the House Calendar.

Mr. GROSVENOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 6898) concerning licensed officers of vessels, reported the same without amendment, accompanied by a report (No. 6406); which said bill and report were referred to the House Calendar.

Mr. WILLIAMS, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 21197) amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, by extending the provisions of the first section thereof to the port of Brunswick, Ga., reported the same without amendment, accompanied by a report No. 6407); which said bill and report were referred to the

House Calendar.

Mr. BROWN, from the Committee on Mines and Mining, to which was referred the bill of the House (H. R. 23583) to provide for the investigation of the water resources in the United States, reported the same without amendment, accompanied by

a report (No. 6408); which said bill and report were referred to the House Calendar.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 4423) providing for the donation of obsolete cannon, with their carriages and equipments, to the University of Idaho, reported the same with amendment, accompanied by a report (No. 6409); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 24361) to amend an act entitled "An act to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charleroi, Washington County, to a point in Rostraver Township, Westmoreland County," approved March 14, 1904—to the Committee on Interstate and Foreign Commerce.

By Mr. McMORRAN: A bill (H. R. 24362) to reduce the rates of postage in certain cases on mail matter addressed to enlisted men in the Army, Navy, Marine Corps, and Revenue-Cutter Service—to the Committee on the Post-Office and Post-Roads.

By Mr. LACEY: A bill (H. R. 24363) to protect the public lands on the lower Colorado River, and for other purposes—to the Committee on the Public Lands.

By Mr. DE ARMOND: A bill (H. R. 24364) to authorize and direct the Postmaster-General to procure postal cars and contract for hauling them, and appropriating money therefor-to the Committee on the Post-Office and Post-Roads.

By Mr. McCALL: A bill (H. R. 24365) declaring section 6

of Act 781, passed by the United States Philippine Commission. to be null and void-to the Committee on Insular Affairs.

By Mr. LACEY: A bill (H. R. 24366) authorizing the enlargement of military reservations by exchange of lands-to the Committee on the Public Lands.

By Mr. SCOTT: A bill (H. R. 24367) to authorize Inter-State Bridge and Terminal Railway Company of Kansas City, Kans., to construct a bridge across the Missouri River at or near Kansas City, Kans.—to the Committee on Interstate and Foreign Commerce.

By Mr. LACEY: A bill (H. R. 24368) reserving coal, oil, and gas upon the public domain in lands not disposed of under the coal-land laws, and for other purposes-to the Committee on the Public Lands.

By Mr. DALZELL: A bill (H. R. 24369) to construct a road along the south bank of the Anacostia River—to the Committee on the District of Columbia,

By Mr. CURRIER: A bill (H. R. 24370) to amend section 4886 of the Revised Statutes, relating to patents—to the Committee on Patents.

By Mr. MORRELL: A bill (H. R. 24371) for the prevention of railroad collisions-to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: A bill (H. R. 24372) permitting citizens of the Creek, Cherokee, Seminole, Choctaw, and Chickasaw nations to alienate their allotments-to the Committee on Indian Affairs.

By Mr. ESCH: A bill (H. R. 24373) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon—to the Committee on Interstate and Foreign Commerce.

By Mr. FRENCH: A bill (H. R. 24374) to fix the boundaries of lands of certain landowners adjoining the Coeur d'Alene Indian Reservation—to the Committee on the Public Lands.

By Mr. SMITH of Illinois: A bill (H. R. 24375) for acquiring a site and the erection of a Federal building for the postoffice at Marion, Ill .- to the Committee on Public Buildings and

Also, a bill (H. R. 24376) for acquiring a site and the erection of a Federal building for the post-office at Carbondale, Ill. to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 24377) for acquiring a site and the erection of a Federal building for the post-office at Murphysboro, Ill.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 24378) for acquiring a site and the erec-

Also, a bill (H. R. 24578) for acquiring a site and the erection of a Federal building for the post-office at Duquoin, Ill.—
to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A resolution (H. Res. 766)
directing the Secretary of the Interior to transmit to the House certain contracts entered into between certain members of the Cherokee Nation-to the Committee on Indian Affairs.

By Mr. WILEY of New Jersey: A resolution (H. Res. 767) to inquire into the rates of telephone service in the District of Columbia-to the Committee on the District of Columbia.

GARDNER of Massachusetts: A resolution (H. Res. 768) providing for an increase of the salary of the assistant disbursing officer of the House-to the Committee on Accounts.

By Mr. ALEXANDER: A resolution (H. Res. 769) referring to the Court of Claims the bill H. R. 24139—to the Committee on Claims.

By Mr. FRENCH: A joint resolution (H. J. Res. 220) authorizing temporary leaves of absence for homestead settlersto the Committee on the Public Lands.

## PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as

By Mr. ALEXANDER: A bill (H. R. 24379) for the relief of Peter G. Straub-to the Committee on Claims.

Also, a bill (H. R. 24380) granting an increase of pension to Charles Woodruff Woolley—to the Committee on Pensions. By Mr. ANDREWS: A bill (H. R. 24381) granting a pension

to John H. Young—to the Committee on Pensions.

Also, a bill (H. R. 24382) granting an increase of pension to

Sylvia A. Sturges—to the Committee on Invalid Pensions. By Mr. BELL of Georgia: A bill (H. R. 24383) granting an

increase of pension to Shadrack H. J. Alley-to the Committee on Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 24384) for the relief of D. E. Workman-to the Committee on Military Affairs. Also, a bill (H. R. 24385) granting a pension to Bridget Grimes-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24386) granting an increase of pension to

John R. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24387) granting an increase of pension to

Peter Brown-to the Committee on Invalid Pensions. Also, a bill (H. R. 24388) granting an increase of pension to William W. Hedrick—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 24389) granting an increase

of pension to Bridget McAllister-to the Committee on Invalid

By Mr. BROOKS of Colorado: A bill (H. R. 24390) to correct the military record of Charles H. Kellen-to the Committee on

By Mr. BRUNDIDGE: A bill (H. R. 24391) granting an increase of pension to Hugh Brady—to the Committee on Invalid

Also, a bill (H. R. 24392) granting an increase of pension to

Miles B. Boswell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24393) granting an increase of pension to

George F. Allen—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 24394) granting an increase of pension to Mildred L. Stone—to the Committee on Pensions.

Also, a bill (H. R. 24395) to remove the charge of desertion from the military record of William H. Smith—to the Committee on Military Affairs.

By Mr. COUDREY: A bill (H. R. 24396) granting a pension to Freda Burow-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24397) granting an increase of pension to

David Prunkard—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 24398) granting an increase of pension to John Cole-to the Committee on Invalid

By Mr. DRISCOLL: A bill (H. R. 24399) granting an increase of pension to Charles F. Carlisle-to the Committee on Invalid Pensions

By Mr. FORDNEY: A bill (H. R. 24400) for the relief of Sidney Carleton—to the Committee on Invalid Pensions. By Mr. GAINES of West Virginia: A bill (H. R. 24401)

granting a pension to Thomas Gawthrop—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24402) granting a pension to Taylor Hyreto the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 24403) granting a pension to Harriette M. Maxwell-to the Committee on Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 24404) granting a pension to Lauraette La Fluer-to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 24405) granting an increase of pension to Mary Hunt Smith Bishop to the Committee on Invalid Pensions.

Also, a bill (H. R. 24406) granting an increase of pension to Edmund Johnson-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24407) granting a pension to Hugh W. Thockmorton-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24408) granting an increase of pension to Michael O'Neill-to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 24409) granting an increase of pension to George W. Myers-to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 24410) for the relief of the heirs

of Joshua White—to the Committee on War Claims. By Mr. JONES of Virginia: A bill (H. R. 24411) granting a pension to Annie Farrell—to the Committee on Invalid Pensions. Also, a bill (H. R. 24412) granting a pension to Minnie Driscoll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24413) granting an increase of pension to

William Thomas—to the Committee on Pensions.

By Mr. KEIFER: A bill (H. R. 24414) granting a pension to

Van C. Wilson-to the Committee on Pensions. By Mr. LEE: A bill (H. R. 24415) granting an increase of

pension to Laura G. Hight-to the Committee on Pensions. By Mr. McCALL: A bill (H. R. 24416) granting a pension to

James F. Flynn-to the Committee on Invalid Pensions. Also, a bill (H. R. 24417) granting a pension to Carlos L. -to the Committee on Invalid Pensions.

By Mr. McLAIN: A bill (H. R. 24418) granting an increase of pension to Kate Flowers—to the Committee on Pensions.

By Mr. MANN: A bill (H. R. 24419) granting a pension to Belle M. Ocker-to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 24420) for the relief of Lieut. Commander Kenneth McAlpine-to the Committee on Naval Affairs.

By Mr. MILLER: A bill (H. R. 24421) granting an increase of pension to Squire Smith-to the Committee on Invalid Pensions. Also, a bill (H. R. 24422) granting an increase of pension to Thomas J. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24423) granting an increase of pension to William M. C. Hix—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24424) granting an increase of pension to

Margaret Holland—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 24425) granting an increase of pension to William McMillan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24426) granting a pension to Thomas H. Addison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24427) for the relief of Henry A. Butler—to the Committee on War Claims.

By Mr. MURPHY: A bill (H. R. 24428) granting an increase of pension to Pleasant C. Joiner-to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 24429) for the relief of S. H. Bailey, sr.—to the Committee on War Claims.

By Mr. PEARRE: A bill (H. R. 24430) for the relief of

Richard T. Gott, administrator of Thomas N. Gott, deceased-to

the Committee on Claims.

By Mr. REID: A bill (H. R. 24431) granting a pension to Morgan Reasor—to the Committee on Invalid Pensions,

By Mr. REYNOLDS: A bill (H. R. 24432) granting an increase of pension to Emanuel Russell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24433) granting an increase of pension to Nicholas Beaver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24434) granting an increase of pension to Alphonsus J. Bigham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24435) granting an increase of pension to John McCune—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24436) granting an increase of pension to Alexander N. Hart—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 24437) granting an increase of pension to John F. Harper—to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 24438) for the relief of Mrs. S. M. Sisson, widow of Brown Sisson, deceased-to the Committee on War Claims.

By Mr. SHACKLEFORD: A bill (H. R. 24439) granting a pension to Frederick Eggers—to the Committee on Invalid Pen-

sions. Also, a bill (H. R. 24440) granting a pension to Frederick

-to the Committee on Invalid Pensions. Maier-By Mr. SCOTT: A bill (H. R. 24441) granting an increase of pension to Isaac Paradise-to the Committee on Invalid Pen-

Also, a bill (H. R. 24442) granting an increase of pension to William Hall—to the Committee on Invalid Pensions.

By Mr. SCROGGY: A bill (H. R. 24443) granting an increase of pension to Caleb J. Richardson—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 24444) granting an increase of pension to Alexander J. Herbert-to the Committee on Pen-

By Mr. TYNDALL: A bill (H. R. 24445) granting a pension to Mary E. Gann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24446) granting a pension to Isham M. Garrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24447) granting an increase of pension to William W. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24448) granting an increase of pension to George B. Matthews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24149) granting an increase of pension to Philemon Devereux—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24450) granting an increase of pension to Hosea Bilyeu—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24451) granting an increase of pension to

Reuben R. Garrett-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24452) granting an increase of pension to John H. Estes-to the Committee on Invalid Pensions.

Also, a bill. (H. R. 24453) granting an increase of pension to John W. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24454) granting an increase of pension to Webb--to the Committee on Invalid Pensions. Also, a bill (H. R. 24455) granting an increase of pension to

to the Committee on Invalid Pensions.

Also, a bill (H. R. 24456) granting an increase of pension to John A. Barnhouse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24457) granting an increase of pension to Leonard L. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24458) granting an increase of pension to Alfred Spence—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24459) granting an increase of pension to John W. Abbott-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24460) granting an increase of pension to Joseph F. Mendenhall, sr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24461) granting an increase of pension to

Martin Hancock—to the Committee on Invalid Pensions.

By Mr. WILSON: A bill (H. R. 24462) granting an increase of pension to Leonidas Obenshain—to the Committee on Invalid

By Mr. WILEY of New Jersey: A bill (H. R. 24463) granting an increase of pension to Matthias Crane, jr .- to the Committee on Invalid Pensions.

By Mr. PATTERSON of North Carolina: A bill (H. R. 24464) granting an increase of pension to Rebecca Blackwell—to the Committee on Pensions.

# CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 19042) granting a pension to Georgette K. Collum-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24176) granting a pension to Tilden Aderholt-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1209) granting a pension to Sarah E. Dillon—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24260) granting a pension to W. L. Corum—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24264) to correct the military record of Charles J. Lanning—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 24325) for the relief of T. S. Williams—Com-

mittee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 23010) to refer to the Court of Claims the claim of John C. Galley, for compensation for loss of personal property in 1864-Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 23009) to refer to the Court of Claims the claim of Mary Galley for loss of real and personal property in 1864 Committee on Claims discharged, and referred to the Committee on War Claims.

# PETITIONS, ETC,

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of the Herald, Newcastle, Pa., against tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of John S. Ryan-to the Committee on War Claims.

Also, petition of Association of Army Nurses of Civil War, for Dalzell pension bill, favoring volunteer nurses in civil war equally with nurses pensioned under act of 1892—to the Committee on Invalid Pensions.

Also, petition of conductors, engineers, firemen, and brakemen, Pittsburg Division of Pennsylvania Central, favoring modification of House bill 18671-to the Committee on Interstate and Foreign Commerce.

Also, petition of Union Ex-Prisoners of War Association, Beaver County, Pa., favoring the Dalzell bill, H. R. 9, and S. 3195—to the Committee on Invalid Pensions.

Also, petition of trainmen and conductors employed on Pennsylvania line west of Pittsburg, for modification of the sixteenhour railway bill-to the Committee on Interstate and Foreign Commerce.

Also, petition of Denison (Tex.) city council, for improvement of upper Red River-to the Committee on Rivers and Harbors.

Also, resolution of the constitutional convention of Oklahoma, for appropriation to improve upper Red River-to the Committee on Rivers and Harbors.

By Mr. BARTHOLDT: Paper to accompany bill for relief of Frank S. Krebs—to the Committee on War Claims.

Also, petition of citizens of St. Louis, favoring restriction of immigration (S. 4403)-to the Committee on Immigration and Naturalization.

Also, petition of St. Louis Amerika, St. Louis, Mo., against tariff on linotype machines-to the Committee on Ways and Means.

By Mr. BEALL of Texas: Petition of the Farm and Ranch, against tariff on linotype machines-to the Committee on Ways and Means.

By Mr. BENNET of New York: Petition of Adolph Hottenroth et al., for immediate reform in currency laws-to the Committee on Banking and Currency.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of Darius E. Workman—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Peter Brown, Bridget Grimes, William W. Hodsick, and John R. Evans—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: Paper to accompany bill for relief of George F. Allen—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: Petition of citizens of Hanson County, S. Dak., favoring passage of House bill 20554. against interstate dealing in futures-to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Pukwana, S. Dak., for appropriation annually of \$50,000,000 for waterways improvement-to the Committee on Rivers and Harbors.

By Mr. CAMPBELL of Ohio: Paper to accompany bill for relief of Jacob Little-to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Richard N. Porterto the Committee on Invalid Pensions.

By Mr. CHANEY: Petition of The Commercial, against tariff on linotype machines-to the Committee on Ways and Means.

By Mr. COOPER of Pennsylvania: Petition of Fruit Growers' Association of Bedford County, Pa., for certain amendment of the Payne bill (H. R. 19750), relative to duty on apples imported to Germany-to the Committee on Ways and Means.

By Mr. DAVIS of Minnesota: Paper to accompany bill for relief of Mrs. Ellen Mealia-to the Committee on Invalid Pen-

By Mr. DENBY: Petition of the Michigan Farmer, Detroit, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. ESCH: Petition of Order of Knights of Labor, District Assembly No. 66, favoring the Esch bill for railway block system—to the Committee on Interstate and Foreign Commerce.

By Mr. FLOOD: Paper to accompany bill for relief of Margaret T. Everly (previously referred to Committee on Invalid Pensions)—to the Committee on Pensions. By Mr. FLOYD: Paper to accompany bill for relief of Wilson

Graham—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of American Shippers' Association, for the Madden reciprocal-demurrage bill-to the Committee on Interstate and Foreign Commerce.

Also, petition of Clinton Rosette, of De Kalb, Ill., for amendment to rate bill permitting interchange of newspaper advertising for transportation—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of survivors of the Mississippi River ram fleet-to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: Paper to accompany bill for relief of Charles F. Wonson-to the Committee on War Claims.

By Mr. GRAFF: Petition of Illinois State Teachers' Association, favoring simplified spelling—to the Committee on Printing. Also, petition of Peoria County Pomona Grange, Patrons of Husbandry, against ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Peoria County Pomona Grange, indorsing reciprocity treaties—to the Committee on Ways and Means.

Also, petition of Peoria County Pomona Grange, Patrons of Husbandry, against free seeds—to the Committee on Agriculture. By Mr. HAY: Paper to accompany bill for relief of heirs of

Joshua White—to the Committee on War Claims.

By Mr. HIGGINS: Petition of George E. Tingley, of Mystic, Conn., against amendment to copyright bill relative to photo-

graphic work in newspapers—to the Committee on Patents. By Mr. HULL: Petition of citizens of Madison County, Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. KENNEDY of Nebraska: Paper to accompany bill for relief of heirs at law of David W. Dodson-to the Committee on Claims.

By Mr. KLEPPER: Petitions of more than 1,000 citizens of Clay County, against granting further extension of time for building a bridge across the Missouri River at Kansas City, on the old Winner piers; also, letters from Hon. R. E. Ward, J. D. Wasson, and George Tuggle, citizens of Clay County, and telegrams from Dr. J. E. Gartside, A. Howard, et al., of Kingston, -to the Committee on Interstate and Foreign Commerce.

By Mr. LEVER: Paper to accompany bill for relief of Samuel S. Gardner—to the Committee on Military Affairs.

By Mr. LITTLEFIELD: Paper to accompany bill for relief of

William A. Paul—to the Committee on War Claims.

By Mr. MANN: Paper to accompany bill for relief of Belle
M. Ocker—to the Committee on Invalid Pensions.

By Mr. MOORE: Petition of Fruit Growers' Association of Bedford County, for certain amendments of the Payne bill (H. R. 19750) relative to duty on apples imported to Germany—

to the Committee on Ways and Means. By Mr. MUDD: Paper to accompany bill for relief of Henry A. Butler—to the Committee on War Claims.

By Mr. NEEDHAM: Petition of the Hanford Journal, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. NORRIS: Petition of National Business League, for improvement in consular service—to the Committee on Foreign Affairs.

By Mr. OVERSTREET of Indiana: Petition of New Albany (Ind.) Commercial Club, for improvement of the Ohio Riverto the Committee on Rivers and Harbors.

Also, petition of Indianapolis Board of Trade, for a law to regulate issuing bills of lading on merchandise shipments in such form as to enable granting of credit by our national banks-to the Committee on Interstate and Foreign Commerce.

By Mr. PADGETT: Paper to accompany bill for relief of S. H. Bailey—to the Committee on War Claims.

By Mr. PARSONS: Paper to accompany bill for relief of Brig. Gen. Edward M. Lee—to the Committee on Invalid Pensions.

By Mr. REYBURN: Petition of Fruit Growers' Association of Bedford County, Pa., for certain amendment of the Payne bill (H. R. 19750) relative to duty on apples imported to Germany to the Committee on Ways and Means.

By Mr. REYNOLDS: Paper to accompany bill for relief of Alexander N. Hart-to the Committee on Invalid Pensions.

Also, papers to accompany bill for relief of Philip Lape, Franklin Lear, Samuel Shoup, John T. Criswell, F. M. Amos, Burdine Beake, Alphonsus J. Bigham, John McCune, William Grant Melliott, Daniel Lamberton, Samuel Wilhelm, Joseph H. Stonebraker, Emanuel Russell, and Nicholas Beaver-to the Committee on Invalid Pensions.

Also, petition of Orient Council, No. 72; Saxton Council, No. 591; Dale Council, No. 642; Daniel Webster Council, No. 700; East Freedom Council, No. 405, and Good Will Council, No. 42, Junior Order United American Mechanics, and State Camp of New York, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Daily Democrat and the Tribune, Johnstown, Pa., against tariff on linotype machines-to the Committee on Ways and Means.

Also, petition of Johnstown Turn Verein, against Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. SIMS: Paper to accompany bill for relief of heirs of Edward T. Trice-to the Committee on War Claims.

By Mr. STERLING: Petition of citizens of Champaign and Vermilion counties, Ill., favoring the Littlefield-Dolliver bill (H. R. 13655)—to the Committee on the Judiciary.

By Mr. TRIMBLE: Paper to accompany bill for relief of Thomas N. Arnold—to the Committee on War Claims,

By Mr. TYNDALL: Paper to accompany bill for relief of William M. Mahaffey—to the Committee on Invalid Pensions.

By Mr. WALDO: Petition of George A. Taber and C. D. Pollock, for continuance of stream measurements by Hydrographic Bureau-to the Committee on Appropriations.

## SENATE.

# THURSDAY, January 17, 1907.

The Chaplain, Rev. EDWARD E. HALE, offered the following

Take unto you the whole armor of God, that ye may be able to withstand in the evil day, and having done all, to stand. Stand therefore.

Abhor that which is evil; cleave to that which is good. Be kindly affectioned one to another; in honour preferring one another; not slothful in business; fervent in spirit; serving the Lord.

Behold, I come quickly, and my reward is with mc, to give every man according as his work shall be. Blessed are they that do His commandments, that they may have right to the tree of life, and may enter in through the gates into the city.

Father of love, Father of life, we commemorate this day the service of him whom Thou wast pleased to call from service here to higher service there. Teach, us, Father, every man, every woman, every boy, every girl, how to do the duty that comes next our hand in every living day. Show us what that duty is. Show us from hour to hour how we are to do it. Give us strength for our weakness that we may be fellow-workmen with our God-not alone, not as if we could be alone, but as together, to bear each other's burdens, to live in the common life, each for all and all for each. This is our prayer; and that Thou wilt unite us, Father, as Thine own children in Christ Jesus.

Our Father who art in heaven, hallowed be Thy name. kingdom come, Thy will be done, on earth as it is done in Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. us not into temptation, but deliver us from evil. For Thine is the kingdom, the power, and the glory. Forever and ever.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Kean and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### REPORT OF COMMISSIONER OF EDUCATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Education submitting the manuscript of his report for the year 1904-5; which, with the accompanying papers, was referred to the Committee on Education and Labor, and ordered to be printed.

## FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Elijah Stannard v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 16169. An act granting a pension to Neal O'Donnell

H. R. 19035. An act granting a pension to Elizabeth Moore Morgan;

H. R. 19462. An act granting an increase of pension to Emily Fox; and

H. R. 19528. An act granting an increase of pension to Elizabeth Maddox.

The message also announced that the House insists upon its amendment to the bill (S. 822) granting a pension to Michael V. Hennessy, disagreed to by the Senate, agrees to the conference on the disagreeing votes of the two Houses thereon asked for by the Senate, and had appointed Mr. Loudenslager,

Mr. Draper, and Mr. RICHARDSON of Alabama managers at the conference on the part of the House.

The message further announced that the House insists upon its amendment to the bill (S. 4908) granting an increase of pension to William H. Kimball, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON of Alabama managers at the conference on the part of the House.

The message also announced that the House had passed the joint resolution (S. R. 80) authorizing the Secretary of War to furnish two 3-inch wrought-iron muzzle-loading cannon, with their carriages, limbers, and accessories, to the State of South Dakota, with an amendment in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 21194. An act to authorize J. F. Andrews, J. W. Jourdan, their heirs, representatives, associates, and assigns, to construct dams and power stations on Bear River, on the southeast quarter of section 31, township 5, range 11, in Tishomingo County, Miss.

H. R. 21402. An act permitting the building of a dam across

the Savannah River at Gregg shoals;

H. R. 21677. An act to amend an act granting to the Davenport Water Power Company rights to construct and maintain a canal, power station, and appurtenant works in the Mississippi River in Scott County, Iowa; H. R. 22135. An act authorizing the construction of a bridge

across the Ashley River, in the counties of Charleston and Col-

H. R. 23560. An act to authorize the construction of a bridge across the Columbia River between Benton and Franklin counties, in the State of Washington, by the North Coast Rail-

road Company;
H. R. 23561. An act to authorize the construction of a bridge across the Columbia River between Walla Walla and Benton counties, in the State of Washington, by the North Coast Rail-

road Company;

H. R. 23578. An act to authorize the county of Clay, in the State of Arkansas, to construct a bridge across Black River at or near Bennetts Ferry, in said county and State; and

H. R. 23821. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

# ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. R. 81) authorizing temporary leaves of absence for homestead settlers; and it was thereupon signed by the Vice-President.

# PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Washington National Monument Society, praying that an appropria-tion of \$7,500 be made for paving with asphalt the present circular driveway around and near the base of the Washington Monument; which was referred to the Committee on Appropriations.

Mr. NELSON presented petitions of the Woman's Christian Temperance Unions of Minneapolis and Marietta, in the State of Minnesota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which

were referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of sundry women's clubs of Skowhegan, Me., praying for the enactment of legislation to regulate the employment of child labor; which was referred to the Committee on Education and Labor.

He also presented sundry petitions of citizens of Machias, Me., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to

the Committee on the Judiciary.

Mr. GALLINGER presented the petition of the Rev. George L. Mason, of Rochester, N. H., praying for the passage of the so-called "Crumpacker bill," providing for a judicial review of orders excluding persons from the use of United States mail facilities; which was referred to the Committee on the Ju-

He also presented a petition of the Sullivan Machinery Company, of Claremont, N. H., praying that an appropriation be made for the preservation of the models in the United States Patent Office; which was referred to the Committee on Appropriations,

Mr. LODGE. I present a petition of the National Business

League, praying for a permanent consular improvement and commercial enlargement. The petition is very brief. I move that it be printed as a document, and referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. DEPEW, presented petitions of sundry citizens of Atlanta, Middleport, and Greenwood, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. McENERY presented a paper to accompany the bill (S. 7826) for the relief of the heirs of John R. Elliott; which was

referred to the Committee on Claims.

Mr. BURKETT presented a memorial of sundry citizens of Collegeview, Nebr., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Hardy, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to

the Committee on the Judiciary.

Mr. LONG presented a petition of sundry citizens of Ottawa, Kans., and a petition of sundry citizens of St. John, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the twenty-fifth annual encampment, Department of Kansas, Grand Army of the Republic, of Topeka, Kans., praying for the enactment of legislation to appropriate \$12 a month as a pension for all widows of deceased Union soldiers now or hereafter drawing a pension; which was referred to the Committee on Pensions.

Mr. TALIAFERRO presented memorials of sundry citizens of Plant City, Fla., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Com-

mittee on the District of Columbia.

Mr. CLAPP presented petitions of sundry citizens of Fairfax and Minneapolis, in the State of Minnesota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

Mr. KNOX presented petitions of F. W. Thompson, of New Wilmington; L. McKelvey, of New Wilmington; M. A. Veazey, of New Wilmington; R. W. Eggert, of Danville; S. A. Kirkbridge, of New Wilmington, and of the Christian Endeavor Soclety of the Fourth Methodist Episcopal Church of Pittsburg, all in the State of Pennsylvania, and of J. A. Veazey, of Ithaca, N. Y., praying for an investigation of the charges made and filed against Hon. Reed Smoor, a Senator from the State of Utah; which were ordered to lie on the table.

He also presented petitions of Samuel C. Huey, of Philadelphia; R. L. Martin, of Philadelphia, and of Henry A. Frey, of Philadelphia, all in the State of Pennsylvania, praying for the passage of the so-called "navy personnel bill;" which were re-

ferred to the Committee on Naval Affairs

He also presented petitions of the publishers of the Elizabeth Herald, of Elizabeth; the Delaware County Democrat, of Chester; of the People Company, of Franklin, and of George W. Wagenseller, of Middleburg, all in the State of Pennsylvania, praying for the enactment of legislation providing for a modification of the Interstate Commerce Commission's ruling denying newspapers the right to exchange advertising for railroad transportation; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the congregations of the Fourth Methodist Protestant Church of Pittsburg; the Hawthorne Avenue Presbyterian Church, of Crafton; the Woman's Christian Temperance Union of Newtown; the Tabernacle Presbyterian Church, of Pittsburg; the Brushton Avenue Lutheran Church, of Pittsburg; the Homewood Avenue Methodist Episcopal Church, of Pittsburg, and the Homewood Presbyterian Church, of Pitts-burg, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the National Business League of Chicago, Ill., praying for the enactment of legislation provid-ing for a revision of the public-land laws; which was referred to

the Committee on Public Lands.

He also presented a petition of the National Business League of Chicago, Ill., praying for the adeption of certain amendments to the present consular-service law; which was referred to the Committee on Foreign Relations.

#### REPORTS OF COMMITTEES.

Mr. FOSTER, from the Committee on Commerce, to whom was referred the bill (S. 7515) to authorize the Missouri River Improvement Company, a Montana corporation, to construct a dam or dams across the Missouri River, reported it with amendments, and submitted a report thereon.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (H. R. 1142) for the relief of Ephraim Greenawalt, reported it without amendment, and submitted a report

Mr. DEPEW, from the Committee on Commerce, to whom was referred the bill (H. R. 7014) to provide American registers for the steamers Marie and Success, reported it without amend-

Mr. LODGE, from the Committee on Military Affairs. I ask that that committee be discharged from the further consideration of the claim covered by Senate Document No. 165, part 2, Fifty-ninth Congress, second session, and that it be referred to the Committee on Claims, part 1 of the document having been already rereferred from the Committee on Military Affairs to the Committee on Claims.

The VICE-PRESIDENT. Without objection, it is so ordered. Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (H. R. 21689) to increase the limit of cost of five light-house tenders heretofore authorized, reported it

without amendment.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (H. R. 23218) to authorize the Kentucky and West Virginia Bridge Company to construct a bridge across the Tug Fork of Big Sandy River at or near Williamson, in Mingo County, W. Va., to a point on the east side of said river in Pike County, Ky., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 7800) to authorize the Norfolk and Western Railway Company to construct a bridge across the Potomac River at or near Shepherdstown, W. Va., reported it with amendments, and

submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 23718) to authorize the Chicago, Lake Shore and South Bend Railway Company to construct a bridge across the Calumet River in the State of Indiana, reported it without

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 5614) for the relief of the widow of Harrison S. Weeks, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 7550) for the relief of Harry A. Young, reported it with-

out amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9577) for the relief of Charles H. Stockley, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2325) for the relief of James D. Vernay, submitted an adverse report thereon; which was agreed to, and the bill was

postponed indefinitely.

Mr. CRANE, from the Committee on Commerce, to whom was referred the bill (H. R. 17624) to amend an act entitled "An act to amend section 4405 of the Revised Statutes of the United approved March 3, 1905, reported it without amend-States,' ment.

Mr. SCOTT, from the Committee on the District of Columbia. to whom was referred the bill (S. 7042) to transfer jurisdiction of the Washington Aqueduct, the filtration plant, and appurtenances to the Commissioners of the District of Columbia, reported it with amendments, and submitted a report thereon.

Mr. BULKELEY, from the Committee on Military Affairs, to whom was referred the bill (S. 3645) to correct the military record of Edwin H. Moyer, reported it with amendments, and submitted a report thereon.

# BILLS INTRODUCED.

Mr. BURKETT introduced a bill (S. 7904) granting an increase of pension to John S. Duke; which was read twice by its

title, and referred to the Committee on Pensions.

He also introduced a bill (8. 7905) to amend an act approved June 29, 1906, entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission;" which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. BENSON introduced a bill (S. 7906) for the relief of James Tulley; which was read twice by its title, and, with the

accompanying papers, referred to the Committee on Military

He also introduced a bill (8, 7907) granting an increase of pension to Wilkison B. Ross; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 7908) to provide the right of appeal or writ of error in behalf of the United States in criminal cases; which was read twice by its title, and re-

Mr. MALLORY introduced a bill (8, 7909) to remove the charge of desertion from the military record of Abraham Collinsworth; which was read twice by its title, and referred to the

Committee on Military Affairs.

Mr. WHYTE introduced a bill (S. 7910) placing John W. Saville, passed assistant engineer, United States Navy, on the retired list with an advanced rank; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 7911) placing M. H. Plunkett, assistant engineer, United States Navy, on the retired list with an advanced rank; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval

Mr. SMOOT introduced a bill (S. 7912) granting an increase of pension to Eleanor P. Bigler; which was read twice by its title, and, with the accompanying paper, referred to the Com-

mittee on Pensions.

Mr. DILLINGHAM (by request) introduced a bill (S. 7913) providing that in the assignment of lands herein provided for to the several members of the Creeks, Cherokees, Chickasaw, and Choctaw tribes of Indians situated in the Indian Territory, who have not heretofore accepted allotments, the said several assignments to them, respectively, shall be of the lands occupied, improved, cultivated, and inclosed by them; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. GALLINGER introduced a bill (S. 7914) granting a pension to Mary F. Johnson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KEAN introduced a bill (S. 7915) granting an increase of pension to Mary M. Howell; which was read twice by its title,

and referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 7916) providing for the appointment and maintenance of a deputy marshal and a deputy clerk for the circuit and district courts for the district of Kansas, at Kansas City, Kans.; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 7917) to authorize the Interstate Bridge and Terminal Railway Company, of Kansas City, Kans., to construct a bridge across the Missouri River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. NIXON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions

A bill (S. 7918) granting an increase of pension to R. T. Melvin:

A bill (S. 7919) granting an increase of pension to John D. Abel; and

A bill (S. 7920) granting a pension to Josephine M. Buck. Mr. NIXON introduced a bill (S. 7921) for the relief of George A. Armstrong; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 7922) to reimburse Anna B. Moore, postmaster at Rhyolite, Nev., for money expended for clerical assistance; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. HEYBURN introduced a joint resolution (S. R. 85) authorizing temporary leaves of absence for homestead settlers; which was read twice by its title, and referred to the Committee on Public Lands.

## AMENDMENTS TO DISTRICT APPROPRIATION BILL.

Mr. GALLINGER submifted an amendment proposing to appropriate \$3,000 for completing card index, and to correct and transcribe the indexes of copies, correct the dockets, and index all wills filed from 1801 to the present time, etc., in the office of the register of wills, intended to be proposed by him to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. LONG submitted an amendment proposing to appropriate \$66 to reimburse William C. Eckstein for amounts paid to John E. Allman and A. S. Lucas, who were erroneously placed on the

roll of privates of the fire department of the District of Columbia in the month of July, 1906, etc., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. LONG submitted an amendment, intended to be proposed by him to the omnibus claims bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Claims.

# DONATION OF CANNON TO SOUTH DAKOTA.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 80) authorizing the Secretary of War to furnish two 3-inch wrought-iron muzzle-loading cannon, with their carriages, limbers, and accessories, to the State of South Dakota; which was, in line 8, to strike out all after "Provided," down to and including "States," line 9, and to insert: "That no expense shall be incurred by the United States in the delivery of said cannon, carriages, and accessories."

Mr. KITTREDGE. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

#### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 21194. An act to authorize J. F. Andrews, J. W. Jourdan, their heirs, representatives, associates, and assigns, to construct dams and power stations on Bear River, on the southeast quarter of section 31, township 5, range 11, in Tishomingo

H. R. 21402. An act permitting the building of a dam across

the Savannah River at Gregg Shoals;

H. R. 21677. An act to amend an act granting to the Davenport Water Power Company rights to construct and maintain a canal, power station, and appurtenant works in the Mississippi River in Scott County, Iowa;

H. R. 22135. An act authorizing the construction of a bridge across the Ashley River, in the counties of Charleston and Col-

leton, S. C.:

H. R. 23560. An act to authorize the construction of a bridge across the Columbia River between Benton and Franklin counties, in the State of Washington, by the North Coast Railroad Company

H. R. 23561. An act to authorize the construction of a bridge across the Columbia River between Walla Walla and Benton counties, in the State of Washington, by the North Coast Rail-

road Company;

H. R. 23578. An act to authorize the county of Clay, in the State of Arkansas, to construct a bridge across Black River at or near Bennetts Ferry, in said county and State; and

H. R. 23821. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

The VICE-PRESIDENT. If there are no concurrent or other resolutions, the morning business is closed. The Chair lays before the Senate a resolution, which will be read.

The Secretary read the resolution submitted by Mr. FORAKER, as modified by him yesterday, as follows:

Resolved. That the Committee on Military Affairs is hereby authorized and directed, by subcommittee or otherwise, to take and have printed testimony for the purpose of ascertaining all the facts with reference to or connected with the affray at Brownsville, Tex., on the night of August 13–14, 1906. Said committee is authorized to send for persons and papers, to administer oaths, to sit during sessions of the Senate, and, if deemed advisable, at Brownsville or elsewhere, the expenses of the investigation to be paid from the contingent fund of the Senate. the Senate.

Mr. FORAKER rose. Mr. BLACKBURN. Mr. President, I will ask the courtesy of the Senator from Ohio long enough to say that in his speech yesterday afternoon the Senator stated that it was his desire To that, Mr. President, I have no objection. to close this debate. But it is my purpose to offer an amendment to the resolution of the Senator from Ohio, and in that connection I should say that it is not my purpose to discuss the amendment at any considerable length, nor, in fact, to go beyond a statement of its intent and scope. It seems to me, in the light of the Senator's declaration and expressed wish, it is proper for me to give him notice of this purpose. It will be entirely agreeable to me for the Senator himself to determine at what point my proposed amendment shall be submitted, whether before he proceeds with his argument, or later, after he shall have concluded.

Mr. FORAKER. Mr. President, I would rather, for reasons which I think the Senator will appreciate, conclude my remarks at this time. I would be obliged to the Senator, however, if without interrupting me to make his explanation he would be willing to offer his amendment so that I may be advised of its nature

Mr. BLACKBURN. It was with that purpose that I made the suggestion, as probably the Senator from Ohio, in the course of his concluding argument, would want to have an opportunity of noticing the proposed amendment. That course is entirely agreeable to me. I send it to the desk to be read for the information of the Senator and the information of other Senators, and at the conclusion of the speech of the Senator from Ohio I shall ask to submit briefly a statement as to the purpose and

scope and intent of the proposed amendment.

The VICE-PRESIDENT. The Senator from Kentucky proposes an amendment to the resolution of the Senator from Ohio,

which will be read by the Secretary.

The Secretary. After the first words, "Resolved, That," it is proposed to insert the following:

Without questioning or denying the legal right of the President to discharge without honor enlisted men from the Army of the United

Mr. FORAKER. Mr. President, I need not say I am opposed to that amendment and can not accept it. I want to get the facts, and my resolution calls for nothing but the facts.

But, Mr. President, I do not think the Senate should now, by adopting an amendment of that character, preclude itself from considering this question of power when all the facts that may be obtained by the committee shall have been laid before the Senate.

I had hoped it would not be necessary to say anything more on the question of the power of the Chief Executive, but this amendment makes it necessary, perhaps, that I should address myself to that proposition at this time, not for the purpose of shows pose of elaborately arguing it, but only for the purpose of showing at least that it is a question about which we should not preclude ourselves by taking action of this kind before we have learned and established what this case is.

There is another thing, Mr. President. On yesterday, supposing I was meeting the objections of all Senators who were disposed to have an investigation at all, I agreed to a modification of my resolution. I did that upon the theory that all question of power was to be postponed until the case was brought before the Senate upon the testimony. I did that for the sake of harmony. I did that for the sake of getting the facts and opening the door-

Mr. BLACKBURN. The Senator does not, I am sure, mean to be understood

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Kentucky?

Mr. FORAKER. Certainly.

Mr. BLACKBURN. I am sure the Senator does not mean to be understood as even intimating that I or those about me were parties to that agreement.

Mr. FORAKER. Certainly not. I am speaking about my party colleagues on this side of the Chamber. I supposed when that modification was agreed upon it would be satisfactory and we would have a vote; that those who did not want an investigation of the facts would vote "no," and those who wanted an investigation of the facts would vote for the resolution, with the understanding that we were not hampered or restrained in the investigation of the facts, but that no question of power was to be considered by the committee or to be reported upon by the

But now, in view of what the Senator brings into the case, let me speak about the power of the President to make this kind of an order. I listened with close attention and with very great interest to the very able arguments of the Senator from Wisconsin [Mr. Spooner], the Senator from Pennsylvania [Mr. KNox], and other Senators on that point, who contended that the President had power inherent in him as Commander in Chief to make the order in question, and that, such power inhering in him as Commander in Chief, it had not been taken away from him by any statute or by any regulation of the Army, but, on the contrary, had rather been confirmed to him. I believe that, in a word, is the gist of the arguments that have been made on the other side as to this proposition.

Mr. President, when I spoke here on December 20 I touched upon that point because I thought we were challenged to speak about it by some passages in the President's message. I then made some rather extended remarks as to what was the constitutional power of the President and what was the constitutional power of Congress with respect to the Army, contending in that behalf that the constitutional power of the President is the power to command and that the constitutional power of the Congress is the power to raise armies and to provide rules for the government and regulation thereof. And I contended that because of these constitutional provisions it was competent for the Congress to make all necessary regulations, and that when any regulation had been made by Congress for the government of the Army, as to the size of it, as to the units of its organization, as to the distribution of it between infantry, artillery, and cavalry, as to enlistment, as to discharge-anything permanent in its character as a regulation, those regulations were absolutely binding on the President, as well as on everybody else, and that the President had no power to make regulations except only when authorized by Congress or when Congress had neglected to make some regulation, which necessity compelled him to make for the preservation of his Army or for its proper government or management.

I will ask to have incorporated in my remarks at this place what I then said on that subject. I send the remarks to which I refer to the desk, and ask that the Reporter may incorporate

VICE-PRESIDENT. Without objection, permission is The granted.

The matter referred to is as follows:

The matter referred to is as follows:

"The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia, etc."

I have read far enough. That is all that the Constitution says as to the constitutional powers of the President as Commander in Chief. In section 8 of Article I of the Constitution it is provided as I shall read. I have a note of it, but I prefer to read from the Constitution itself. However, to save time I will read from my notes. Section 8 of Article I reads, in part, as follows:

"The Congress shall have power \* \* \* to raise and support armies; \* \* \* to make rules for the government and regulation of the land and naval forces."

That is all that is applicable, and I confine myself in the reading to that.

That is all that is applicable, and I confine myself in the reading to that.

Now, Mr. President, it must be apparent to anyone without any study that the constitutional power conferred upon the President of the United States as Commander in Chief is to command the Army, and the power conferred by the Constitution on the Congress is a power to raise the Army and to prescribe the laws and the rules whereby the Army shall be regulated. Nobody would pretend that the Congress had any power or that anybody else had any power over the President as the commander to direct the movement of troops, to say where they should be stationed in time of peace or how they should be directed against the enemy in time of war. He, in that particular, is absolute, without anybody to question his authority.

But, on the other hand, it seems to me, Mr. President, equally clear no one can question that the Congress has power to prescribe by law what rules and regulations shall govern the Army as to its organization, as to the size of the Army, its maximum, its minimum, as to the number of the infantry regiments, the number of cavalry regiments, the number of artillery regiments, and the number of batteries, and the number of men in each of these units of organization; and how, Mr. President, particularly, men shall be enlisted and men shall be discharged from the Army, the terms and conditions upon which they shall be revice—long service, faithful service—whether or not they shall be recognized by the Government and be rewarded by the Government. All that rests with Congress as a part of that power. As a part of that power it is competent for the Congress of the United States to provide that no man shall be summarily discharged from the Army after he has been regularly enlisted except upon certain terms and conditions; that no man in the Army shall be found guilty of any offense with which he may be charged except after he has had an opportunity to appear before a tribunal where he can present his defense, where he can be represented i

Mr. FORAKER. Now, Mr. President, I call attention to what I then said and repeat it in substance, so that there may be no misunderstanding of what I have been contending for, namely, that the constitutional power of the President is the power to command, the constitutional power of the Congress is the power to regulate and govern the Army; that the President is supreme as commander and can not be interfered with by the Congress, and that the Congress is supreme in legislating for the Army and can not be interfered with by the President; that the President can make regulations only by authority of law or as a result of a necessity that Congress has not provided for.

That was my first statement. I repeated that statement in effect when I spoke here January 7. I did not suppose there would be issue taken upon that proposition. But there has On yesterday the Senator from Pennsylvania [Mr. Knox] cited some authorities to support his contention that this power inheres in the President to make regulations and to make orders; and the Senator from Wisconsin [Mr. Spooners] contended that whatever the power of the Congress might be to regulate and govern the Army, it did not extend to the regulation of orders issued by the Commander.

The Senator from Massachusetts [Mr. Lodge] told us that our fathers made the Constitution with the British constitution in mind, and that when they provided that the President of the

United States should be the Commander in Chief of the Army they had reference in their minds to the powers of the King as the commander in chief of the British army.

Mr. President, I was rather surprised to hear that kind of a statement coming from a representative of Massachusetts, the scene of the Boston tea party, Bunker Hill, and other places of great Revolutionary historic interest, for of all the men in this body he should remember that our forefathers and their predecessors fled to this continent in order that they might get away from the King, and they had no purpose at any time, certainly not when they framed the Constitution after our independence had been conquered, to create a king or to create kingly power for any man to exercise.

I have some authorities on that subject. In the first place, I call attention to what Alexander Hamilton said. In that elder, if not better, day when lawyers were lawyers and proud of their profession and ready to stand up for the law everywhere and under all circumstances, when courts were courts and fearlessly administered justice, and when Senators were Senators and spoke on the floor of this Chamber precisely what they spoke in the cloakroom, he was considered a fairly good authority on the Constitution of the United States. Alexander Hamilton, in the Federalist, said what I am about to read.

I need not tell you who Alexander Hamilton was. He was the greatest creative genius of the formative stages of our Government, the most brilliant man of his time, the best authority on government making, and the most pronounced type of all who contended for a strong centralized government. It was his contention throughout that the central government should be a strong government, as nearly the opposite of what we had under the Articles of Confederation as it was possible to make it, and to him, perhaps, more than anybody else are we indebted for our Constitution, not that he said as much in the Convention as others or took as much part there, but because he led successfully the greatest parliamentary battle ever fought on the American continent, or in the world, when he secured the ratification by the New York convention of the Constitution of the United States, which without that ratification never would have been adopted.

Mr. President, here is what Alexander Hamilton said on this I read this in answer to the suggestion of the Senator from Massachusetts [Mr. Lodge] that the Commander in Chief was given all the inherent power, the same power, that per-tained to the commander in chief of the British army. In discussing this subject in the sixty-ninth number of the Federalist,

Alexander Hamilton said:

I will not read all of it-

The President is to be Commander in Chief of the Army and Navy of the United States. In this respect his authority would be nominally the same with that of the King of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces as first general and admiral of the confederacy, while that of the British King extends to the declaring of war and to the raising and regulating of fleets and armies; all which, by the Constitution under consideration, would appertain to the Legislature.

I need not read further. I have read enough to show what Mr. Hamilton's view was of the Constitution he helped to make, the Constitution which he did more than any other one man to secure the ratification of by the requisite number of States.

He did not imagine, Mr. President, that the power that was being conferred upon the President of the United States as Commander in Chief of our Army and Navy was the same as the powers of the commander in chief of the British army. He recognized that we were undertaking here to escape not only from kingly power, but also from unwritten constitutions, and to establish governments founded on written constitutions. Those men knew exactly, and better than anybody else, what to put in a constitution to express their purpose, for they were the greatest constitution makers the world has ever known. Gladstone once said with respect to that Constitution-I can not quote his words exactly, but I can substantially—that it was the greatest work ever struck off by the hand of man at a single effort. The only criticism I would make upon that statement is that it was not a single effort. It was the ripened work of two hundred years of constitution building. Our fathers, in securing and drafting and discussing their charters, their organic laws, had come to understand the work of creating a government resting on a written constitution better than anybody else in all the world. They knew the danger of leaving anything to be inferred from the institutions in the light of

which, of course, our institutions were founded.

Therefore they provided what? Not that our Commander in Chief should have the same power as the British commander in chief, but that he should be limited to the power to command,

while the other power that had belonged to the British com-

mander to regulate the army should be given to Congress.

I think that authority of itself is enough to establish the proposition for which I have been contending. But let me call attention in this connection to the fact that I cited on previous occasions a number of authorities precisely in line with what Mr. Hamilton said, and yesterday the Senator from Pennsylvania [Mr. Knox] cited one of them in his argument. He cited it to show that the President of the United States has power to make regulations inherent in him as Commander in Chief, as I understood the Senator. The case I refer to, as cited by him in support of that proposition, is reported in 16 Peters, known as the "Eliason case." In that case—I cited it in one of the speeches I made here on the subject-the Supreme Court said that the President had the power to make regulations when Congress had not acted with respect to a subject where regulation was necessary, and it said all such regulations as the President might see fit to make would have the effect of law. provided, Mr. President, provided they were within the legal and constitutional sphere of the President-not otherwise.

But, Mr. President, yesterday the Senator from Pennsylvania cited an authority that no one else until he cited it had called attention to in this debate, O'Brien on Military Law. I had never seen the work. This is a work that was published sixty years ago. I overlooked it because I was looking for something more modern, and I shall call attention to something more modern presently. I sent at once to the Library and got this work, looked through it, to find that it is one of the best authorities on this subject I have found anywhere. I am greatly obliged to the Senator from Pennsylvania for calling my attention to it. After discussing the power of the President as Commander in Chief and after citing the constitutional provision that the President shall be the Commander in Chief and the Congress shall have power to raise armies and provide rules for the government and regulation of the same, this author proceeds. I read from page 30:

proceeds. I read from page 30:

The effect of these provisions is that Congress, after raising and equipping an army, can not use it against the liberties of the country, because it can neither command it nor appoint a commander to it. The President can do nothing detrimental to the public safety, for Congress may at any moment strike from his hands the instrument he is misusing. Independently of this, any military command contrary to law is null, and no military officer dare obey it under penalty of punishment by a military or civil court.

In all that relates to the raising of an army, to its strength, to its organization, to its criminal code, Congress is omnipotent, the President powerless. The same remark applies to the fiscal concerns of the Army.

And then, passing over a part of the text, he continues:

The command of the President is, indeed, absolute within its sphere, but its sphere is bounded on all sides by law.

It is "bounded on all sides by law." And so it is-

The moment the Executive oversteps the boundaries prescribed he becomes powerless and his commands are of no force.

I looked to see the speech of the Senator from Wisconsin [Mr. Spooner] in the Record this morning, but it has not yet been printed. Therefore, if I am in error in quoting him, I hope he will correct me. I understood him to say that this power conferred by the Constitution upon the Congress to provide rules for the government and regulation of the Army was not a power that authorized Congress to interfere with any order the Commander in Chief might make.
- Mr. SPOONER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Wisconsin?

Mr. FORAKER. Certainly.
Mr. SPOONER. If the Senator appeals to me, that is my opinion. I think Congress is given power to govern the Army through rules and regulations. I agree entirely with the Senator that neither Congress nor the President can exceed the constitutional power. Neither can the President exceed any statutory restriction.

Mr. FORAKER. I understand. All I appealed to the Senator for was to see that I did not misquote him.

Mr. SPOONER. That is right.
Mr. FORAKER. I am quoting him simply from recollection, because I have had no opportunity to see his remarks in

Mr. SPOONER. That is right.
Mr. FORAKER. But now, in answer to that, Mr. President, I read again the sentence that prompted me to make that allusion to the Senator's remarks:

The moment the Executive oversteps the boundaries prescribed he becomes powerless and his commands are of no force.

That is, an order-

Mr. SPOONER. I agree to that. I said, if the Senator will permit me a moment, that where the President in the exercise

of a power which he possesses, derived from the Constitution or from a law, makes an order, while the Congress may change the rule it can not review and set aside that order.

Mr. FORAKER. That is true, Mr. President; but I have been reading from Mr. Hamilton to show that the power of the President is a power to command, and that all power with respect to the regulation of the Army is vested in Congress. the Congress do not exercise that power and the necessity arise, the Commander in Chief may, from the necessity of the case, prescribe a regulation for it. I am not done reading from this author. He says further:

this author. He says further:

Congress may declare when and for what objects the Army is to be used and for what purposes it may not be used, and thus chart out accurately the limits of Executive power. And even within these limits the action of the Executive indirectly, but absolutely, depends on the concurrence of Congress, which must appropriate funds for the purpose before even a corporal's guard can be moved.

So contracted is the actual authority of the President that, but for the protective power of his qualified veto, his command might be so restricted by legislation as to destroy its utility. It is in the power of Congress not only to protect itself, but to embarrass the action of the Executive at every step. It may prohibit the approach of troops within a certain distance from the Capitol; it may raise troops for a special service, such as to garrison a particular fort or to operate in a particular district, and may declare that this corps shall serve nowhere else. In none of these or similar cases dare the President overstep the limits prescribed. The only effect of his illegal order would be to subject to punishment the officer who obeyed it.

As Commander in Chief the President may issue to the Army any military commands or orders whatever, provided they be not illegal. These orders are of binding force on those to whom they are given, not merely by virtue of law, but in consequence of the article of the Constitution appointing him supreme commander.

Then, passing over a part of the text, he continues:

Then, passing over a part of the text, he continues:

As the Executive has no legislative power it is plain that the regulations issued by him to the Army are not law; and as he is as much bound by law as any other citizen it follows that, if any of them conflict with law, they are so far null and void, otherwise they are constitutionally binding as military commands.

Or military orders, to adopt the language which was employed by the Senator from Wisconsin.

Mr. President, there is not in point of principle much difference between the Senator from Wisconsin and myself. The ence between the Senator from wisconsin and mysen. The difference is in the application of it. What I have contended for from the outset is, as expressed by this authority, that the President, in the exercise of his power as Commander in Chief, is surrounded on all sides by law, and is just as amenable with a content of the content of to law as is anybody else, and this authority, taken in connection with the interpretation of the Constitution given by Mr. Hamilton, shows that his power under the Constituion is limited to command; the same power as, he says for illustration, would belong to the Admiral of the Navy or the first General of the Army. That is what Alexander Hamilton said about it, and that is what I contend for in regard to it.

But, now, let us come down to something more recent. not been very long out of the active practice of the profession of law, but I have been out of it long enough for text writers to commence a series of publications on a new classification of law. There is no new law in it, but the classification is new. All these orders and regulations about which we have been talking are now classified by the text writers as administrative law, and a number of books have been written on this subject quite recently. I have before me one by Fairlie. I read from it at page 32, where he discusses this subject:

Military powers.—The President is by the Constitution Commander in Chief of the Army and Navy, and also of the State militia when in the service of the United States. Congress, however, has the power of declaring war and of military legislation. It is thus difficult, if not impossible, to draw a strict line of demarcation between the authority of Congress and that of the President. But the general principles of demarcation can be indicated, and in practice there have been very few important conflicts. Congress regulates whatever is of general and permanent importance, while the President determines all matters temporary and not general in their nature.

It is by virtue of that rule by virtue of that principle. Mr.

It is by virtue of that rule, by virtue of that principle, Mr. President, that Congress, within the exercise of its constitutional power, undertakes to regulate not only how men shall be enlisted when an army is raised, on what terms and conditions and for what length of time, what they shall be paid for their services, but also undertakes to regulate how men shall be discharged. It is just as much a permanent rule to regulate the discharge as it is to regulate the enlistment. Nobody will contend that anyone but Congress has constitutional power to raise an army. No one should contend that with respect to anything permanent in the nature of regulation anybody but Congress has the power to act. If it be true that the powers of the Commander in Chief under the Constitution of the United States are not the powers of the British King; if it be true that his powers are only those deduced from the Constitution; if it be true, as Mr. Hamilton says, that he is but the first general, then it follows, Mr. President, that he has no so-called inherent power with respect to discharges; and he has never pretended to ex-ercise the inherent power to grant discharges as President of

the United States from the beginning of our Government down to this day. He never undertakes to discharge a man from the service in time of peace except in accordance with the rules prescribed for the government of discharges by Congress or by Army Regulations promulgated by the President through the Secretary of War, by virtue of authority from Congress. I might read at greater length to the same effect on that subject.

Mr. SPOONER. Mr. President, will the Senator allow me to

interrupt him?

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Wisconsin?

Mr. FORAKER. Certainly. Mr. SPOONER. The Senator does not understand me as taking a position which contravenes what he has just read?

Mr. FORAKER. I do. Mr. SPOONER. Well-

Mr. FORAKER. I understand the Senator to say—and I understood him to say it in so many words—that the Commander in Chief, by his inherent power, without regard to the statutes, had authority to discharge a man from the service if he thought the good of the service required it, without regard to a regulation of Congress on the subject.

Mr. SPOONER. On the contrary, Mr. President, I said that it was not necessary in this matter to discuss that question.

Mr. FORAKER. I know that is what the Senator said.
Mr. SPOONER. And I did not discuss it.
Mr. FORAKER. Well, but the Senator certainly made Well, but the Senator certainly made the statement I refer to.

I said it was unnecessary to discuss the Mr. SPOONER. question, because the President proceeded under the act of Con-

Mr. FORAKER. Certainly; but the Senator had spoken of the inherent power of the President, indicating the opinion that, in the exercise of his inherent power without any statutory provision, the President may so discharge a man; but he did add-and I should have added that in the statement of what the Senator said when I quoted what he said on the point to which he was addressing himself when he took exception to a portion of my remarks—he added that it was not necessary now to discuss that, because the statute of Congress so provided. Then the Senator went on to challenge all who believed that the President had this statutory power, to point out wherein it had been limited. Now, I am going to tell you wherein it has been limited, according to the opinion I have about it. I say I am at a disadvantage when I undertake to quote the Senator, because he speaks with such an entertaining manner, so elaborately, and so forcibly, and on this occasion he spoke at such length that it is impossible for me, two days afterwards, without having a chance to look at the text of his remarks, to be sure that I am quoting him accurately.

Mr. SPOONER. If the Senator will permit me, I should have been very much delighted to have printed my remarks in the RECORD the next morning, but I did not have an opportunity to read them until last night on account of the pressure of other

Mr. FORAKER. I am not finding any fault with that.

only referred to it by way of apology for myself. That is all.

I want to call attention to another late work, by Goodnow on this same subject. These are modern works. At page 86, after fully discussing this subject—I am going to read very briefly, because it is not necessary to read it at length—it is sufficient to say that it agrees entirely with every authority that I have quoted—with Fairlie, with Hamilton, with 16 Peters, with O'Brien, and with all the other cases. At the foot of page 86, after fully discussing the question, he says:

Furthermore, such executive regulations, whether issued by the President or by heads of Departments acting under his direction, must conform to the law, else the courts will refuse to enforce them.

He cites 106 U. S. Reports, 466, the case of Barlow v. Jones,

the syllabus of which reads as follows:

1. Animals specially imported from beyond the seas for breeding purposes are not subject to duty.

2. The Secretary of the Treasury has no authority to prescribe a regulation requiring that before admitting them free the collector shall "be satisfied that they are of superior stock, adapted to improving the breed in the United States."

The Chief Justice delivered the opinion of the court, in which he said that it was competent under the law for the Secretary, with the approval of the President, to establish such regulations as had been established because the law authorized it, but that there was no power anywhere in the Secretary to prescribe a regulation, or in the President or in anybody else, that added to the law or took away from it. Therefore, when they said a certain class of animals might be admitted duty free, the Secretary could not add another necessary qualification to exempt them from duty.

Now I come to the challenge the Senator gave to point out

any limitation upon the power conferred by article 4 of the Articles of War upon the President. It has been quoted so often that I suppose I need not quote it again, but if I can find it perhaps I had better do so.

Mr. TILLMAN. I have it here and will hand it to the Sen-

ator.

Mr. FORAKER. I thank the Senator.

The fourth article of war provides as follows:

No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field officer of the regiment to which he belongs, or by the commanding officer when no field officer is present; and no discharge shall be given to any enlisted man before his term of service has expired, except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

The Senator argues that this is a broad and unqualified conference of power, by this fourth article of war, upon the President to grant discharges; and on its face it is. He challenges us to point out any limitation upon it. Mr. President, that is the easiest thing in this whole debate. This limitation upon the President is found in all the articles providing for courts-martial, especially the sixty-second article of war. It is in one article after another, as I have heretofore pointed out. It is in these articles provided that for this and that and the other offense, enumerating every possible offense that could be foreseen and thought of beforehand that a soldier was likely to commit, he should be subject to trial by court-martial, and his punishment should be such, and only such, as the court-martial might direct. Then we have the sixty-second article. It is the omnibus article, which provides that any other offense that a soldier may commit, not specified, shall be punishable after a trial by court-martial in such manner as the court-martial may direct.

The point that I contend for is this, Mr. President, that where an enlisted man is charged with a crime, charged with an offense that is cognizable under the Articles of War, and with respect to which he is entitled to trial by court-martial, neither the President nor anybody else has the right to take the law as to that offense into his own hands. He has not the right, because in the contract of enlistment that the enlisted man enters into, it is expressly provided that he shall be ruled and governed in accordance with the Articles of War.

Mr. CULBERSON. Mr. President, will the Senator allow me to interrupt him for a question?

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Certainly. Mr. CULBERSON. Mr. President, it is conceded that one of the crimes committed at Brownsville, by soldiers or otherwise, is murder, which is a capital offense under the laws of Texas. call the Senator's attention to the fact that article 62, which

he says governs all crimes, especially excepts capital cases.

Mr. FORAKER. Certainly it does. I have already pointed that out and commented on it; not on this occasion, however.

Mr. CULBERSON. I want to ask the Senator, in view of the fact that there is absolutely no provision in the Articles of War punishing capital cases, does he deny that the President has

authority to discharge from the Army a murderer?
Mr. FORAKER. I deny, Mr. President, that the President of Mr. FORAKER. I deny, Mr. Fresident, that the Fresident of the United States has any authority whatever with respect to discharges from the Army, except only that which is conferred upon him by statute. The power conferred upon him by the fourth article is to be construed in connection with all these other safeguards which the Congress, in enacting these Articles of War, has seen fit to throw about the enlisted man for his protection. In the case of murder he is entitled to be turned over to the civil authorities to be tried.

Mr. CULBERSON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. It is one of the provisions, however, of the Articles of War, I believe, that a discharge may be granted on account of conviction in the civil courts. Now I yield to the

Mr. CULBERSON. I may have misunderstood the Senator, but I understood him to say that the President had no power to discharge in this case, because the punishment of every conceivable crime was provided for by the Articles of War. Now, when I point out to him that capital cases are expressly excepted and that there was a capital offense committed at Brownsville, he says, as I understand him, changing his position somewhat, that because that is punishable by State law the President had no power to discharge.

Mr. FORAKER. Mr. President, I am not changing my position at all. Every conceivable crime is provided for by the Articles of War. It is provided how, if a soldier shall be charged with an offense, he shall be tried in every case. He shall be tried by a court-martial, except only in capital cases,

where he shall be turned over to the civil authorities and be tried by them. That is as much a provision for the trial of the man as though the provision were that he should be tried before a general court-martial. There is nothing different in principle. The Articles of War have carefully provided for every con-ceivable case, for that case to which the Senator calls my attention, as well as for all other cases.

Mr. President, all these provisions of the Articles of War are, therefore, I say, limitations upon the broad, unqualified power conferred by the fourth article. That is the contention I made in the first remarks that I offered here, and the conten-

tion I have been making ever since.

So it is about the regulations. The regulations are made by the President and promulgated by him through the Secretary of War. They are made for the government of the Army. But, Mr. President, they are not made by virtue of his power as Commander in Chief; they are made by virtue of the fact that Congress has authorized the President to make them by express statutory provision. That duty is intrusted to him; and when he makes regulations and promulgates them it is the duty of Congress to take notice, and the Supreme Court has held that if Congress does not take exception to the regulations that are thus promulgated they have the same force and effect as law. It is competent for us at any time to take exception. Therefore, it is, Mr. President, that the provision with respect to discharges without honor is another limitation upon the power conferred by the fourth article of war.

But, says the Senator from Wisconsin, the President who promulgates these Army regulations to-day may to-morrow, when occasion arises, override them with a new regulation. That is the effect of what I understood him to say. Mr. President, that is a rather startling legal proposition for a free and constitutionally governed people to accept. I have never heard of but one instance, in modern times, at any rate, of any supreme authority of the state undertaking to override in the afternoon what was law in the forenoon without legislative intervention, but simply by executive power. The official to whom I refer was the late Oom Paul, president of the Boer republic. I do not know whether the facts were as charged or not, but in the indictment against him was that charge that if the law did not suit him when he came to apply it to a case, he forthwith changed it, and then applied it in its changed form, making the law from day to day, if he saw fit, just what he wished to make it. Is it possible that we are to have that kind of lawmaking in this country? I take it not even the President would stand for that sort of a contention, much as he might like to make the law fit this particular case.

Mr. President, the President can not do it, for this reason: There is a limitation upon his power in that respect. Every one of the men discharged by this order was enlisted after the regulation to which I refer—the one hundred and forty-sixth regulation-was put into its present form, and the contract of each man is therefore that he submits to be governed according to the rules and Articles of War; according to the regulations and Articles of War-

Mr. MALLORY. Mr. President— Mr. FORAKER. In a moment. So it was that in the form in which it now stands that regulation was written into the contract of every one of these 167 men who were discharged. It was a part of the contract; and, being a contract right, not even the President himself could change it. He may change the regulations, and thus affect all men enlisted afterwards, but he could not give it a retroactive effect, so as to enable him to discharge these men in violation of regulations existing when they

Mr. MALLORY. Mr. President-

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Florida?

Mr. FORAKER. Certainly.
Mr. MALLORY. I have listened with a great deal of interest to the Senator from Ohio. If I understand his position aright, it is that wherever the Articles of War prescribe there shall be a court-martial for an offense the President is debarred from discharging a soldier when guilty of such offense?

Mr. FORAKER. Yes, sir.
Mr. MALLORY. How does the Senator account for the approving by himself of the action of the President in discharging some men who had been guilty of fraudulent enlistment and who had deserted, perhaps, without subjecting them to a court-martial? There are some 352 cases, including some of those of which, I understand, the Senator from Ohio approved.

Mr. FORAKER. Mr. President, I take great pleasure in reminding the Senator that I have spoken on that subject explicitly, and I have challenged the War Department, and I have challenged any Senator who wants to speak in opposition

to what I am contending for, to bring forward a single case out of the 352 that are referred to where a discharge was not granted in effect as a favor instead of as a punishment. a number of illustrations. A man comes forward and he petitions to be discharged from the service. There are reasons why his officers may think he is of no value in the service, and they are willing to have him discharged. The case being laid before the President, and the man wanting it, the President discharges him. But now let me suggest to the Senator the reverse of that. If the President, without regard to the state of facts, can discharge without honor, he can discharge without any facts whatever. That is the ultimate result of the argument the Senator contends for, and if he can discharge three companies without any reason except that he so wills, he can discharge the whole Army simply because he wishes to do so. Mr. MALLORY. Mr. President-

The VICE-PRESIDENT. Does the Senator from Ohio yield further to the Senator from Florida?

Mr. FORAKER. Certainly.

Mr. MALLORY. If the President is required by law to subject any man who violates one of those articles to a court-martial, it does not lie in the province of the President to grant any favor or to permit a discharge simply because he chooses to oblige a transgressor. The Senator approved both of the cases to which I have referred, and yet fraudulent enlistment and desertion are punishable specifically by court-martial.

Mr. FORAKER. Certainly; but if the soldier, as I have heretofore said repeatedly in this debate, denies the charge that he was fraudulently enlisted or that he deserted, and stands upon his rights, the President has no power, except only to court-martial him, for such is the law. But if the soldier says, "Yes; I did make a misrepresentation; I am sorry for it; I want to get out, and I am willing to take a discharge without

honor," then the President has power to give it.

President, the point is that a discharge without honor is limited necessarily, because of the construction that we must give to the other articles of war, to cases where a man is discharged, not as a criminal or because by Executive order he has been found guilty of a crime, but where he comes and makes no contention, but submits and accepts, and is willing to accept, and is usually glad to get, a discharge "without honor." It is a matter of favor and not of penalty.

Mr. TILLMAN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. If there be in the 352 cases one different from what I have said, then let somebody produce it. Now, I yield to the Senator.

Mr. TILLMAN. I want to suggest to the Senator that the word "given" in the fourth article—providing that no dis-charge shall be "given"—exactly fits his own contention and confirms it.

Mr. FORAKER. Yes.

Mr. TILLMAN. And absolutely makes it certain that that is the only method by which a discharge can be given. It is a discharge made not by order, as for a punishment, but given as a matter of grace.

Mr. FORAKER. I am very much obliged to the Senator for calling my attention to that word. It does support the contention. But, Mr. President, if the word "given" were not there, but some other word, it would have the same general effect. Of necessity, we would have to conclude, if we gave effect to the other articles of war, that where a man is charged with crime and denies it and stands upon his rights, he has a right to trial, and there is no power lodged anywhere to say he is guilty and order him to be dismissed; there is no power lodged anywhere to indict a man by order, try a man by order, convict a man by order, and then punish him by order.

Mr. President, there is another limitation upon the power of the President, and that is the spirit of American institutions that runs through all our legislation and all our political relations—the spirit that every man somewhere and some time and in some manner shall have his day in court when charged with crime. That, Mr. President, has been the law of the world

from the beginning of civilization.

I am reminded of the trial of Paul before Agrippa. member that Festus reported the case of Paul to Agrippa, and that he declined to punish him or to find him guilty of any offense until he had a chance to be heard. I read verses 14, 15, and 16 of the twenty-fifth chapter of the Acts of the Apostles:

14. And when they had been there many days, Festus declared Paul's cause unto the King, saying, There is a certain man left in bonds by

Felix.

15. About whom, when I was at Jerusalem, the chief priests and the elders of the Jews informed me, desiring to have judgment against him.

16. To whom I answered, It is not the manner of the Romans

to deliver any man to die, before that he which is accused have the accusers face to face, and have license to answer for himself concerning the crime laid against him.

That, Mr. President, has ever been the law of every civilized and every Christian country in all the history of the world. No man shall be convicted of crime until after he has been permitted to face his accusers and cross-examine the witnesses. Is it possible that we, in this twentieth century, with our boasted constitutional liberty, are behind the Romans of two thousand years ago? No; it is elementary, and when in the fifth amendment to the Constitution it was provided that life, liberty, or property should not be taken without due process of law, and then the Army and the Navy were excepted from that provision, the Congress, recognizing the incongruity of such a provision with the spirit of liberty and the nature of our institutions, provided that the enlisted man should have due process of law, should have a right to trial.

What is due process of law? Due process of law is nothing more than being heard and punished according to the law of the land, and so Congress made a law of the land for the enlisted man who had been put outside the provision of the fifth amendment to the Constitution. That law so made by Congress has Does any man need to be told that continued until this day. anything in conflict with the spirit of American liberty and American justice and American right is un-American? Shall a man who has served his country for twenty-six years, who has borne the flag of this nation in battle always to victory, who has an honorable record—as honorable as any man in the public service, from the President down to the lowest-be disgraced before the world, branded as a criminal, without being given a chance somewhere to say to an authority authorized to hear him, "I am not guilty; I have not committed this offense," and prove his contention if he can? If such is the law, it is a shame and a disgrace to the American people.

It was because of this spirit of our institutions that the Congress carefully so provided, and all the more carefully because enlisted men in the Army are under officers who have a certain measure of very autocratic power; under officers frequently far removed from courts of justice and from those to whom the enlisted men could appeal if their rights were being taken away from them. For such reasons has the Congress provided that every man in the Army who is charged with a crime shall have a right to be tried before a court-martial, shall have a right to come and present his defense, if he claims to

have one.

All these men claim to have a defense. I do not know whether their defense is good or not. That remains to be seen. I am not going to be drawn into a discussion of the merits of this testimony, although by other Senators there has been much discussion of that character. I am confining myself to the great, broad question that applies to white men as well as to black men. I am not going to belittle and dwarf this question of constitutional power on the one side and constitutional right and liberty on the other by introducing the race problem or any other question that would belittle it. It is a great, broad, living question, and we should deal with it with

a sense of that fact.

But the Senator from Wisconsin [Mr. Spooner] told us in an effort he was making to evade-I do not use that word in an offensive sense-the restrictions of the Articles of War as to trial and the regulations as to discharge without honor, he contended, I say, in order to escape the effects of them, as I understood him always-let that be understood-that no charges have been preferred against these men; that they do not stand charged with anything, in a technical sense. Of course he could not mean in any other. And he says further, "Neither are they so charged nor have they been punished." Let us see if they have not been both charged and punished. Who is it that arriving these mens before the world? The Investor of the country o raigns these men before the world? The Inspector-General of the Army, General Garlington, is one, Major Blocksom, an in-spector, is another, and the President of the United States and the Secretary of War speak to the same effect. What do they say? These are not indefinite men, indefinite individuals. They are the highest officials of the nation. They say to Congress—the President does and the Secretary does, and they cause the Army officials to say the same thing by transmitting their reports—that some of these men have committed murder, many of them have committed perjury, all of them possibly have committed misprision of felony by refusing to tell what the men say they do not know anything about. The President tells us of the savagery of these men, of the

brutal crime they committed, of the murder they committed. He speaks of them in his last message as midnight assassins. All these terms are justifiable when the men are shown to be guilty and to the extent they are shown to be guilty, but I am not speaking of that. I am speaking of the question whether or not they are charged by anybody with any offense. Is not that a charge? Is not that an official charge? Is not that the worst possible form of charge that could be made against them?

And the punishment. It is not adequate, everybody agrees, for a murderer if he be found to have been a murderer to simply dismiss him from the Army without his extra pay or with his right to retire on pay taken away from him as a result of it. That is not punishment of an adequate character. But, as I said once before, while that is true, yet it is punishment of the severest character to men who may be innocent of all crime. I have not heard anybody contend that all the men in this battallon are guilty of an offense. I have heard it contended that from fifteen to twenty were guilty of shooting up the town, and that they were all murderers because murder was committed. To the extent that it may be established by testimony, that will be the result. It must be that they had accessories before the fact and accessories after the fact. If they did any such thing as charged, necessarily they had, and those who were accessories before and after the fact are equally guilty, we will assume, at least morally, whatever the local statute may say. That is the character of the charge that is made.

I have before me the President's message, the one he sent to Congress December 19, in which these men are arraigned in

this language:

In short, the evidence proves conclusively that a number of the soldiers engaged in a deliberate and concerted attack, as cold blooded as it was cowardly; the purpose being to terrorize the community, and to kill or injure men, women, and children in their homes and beds or on the streets, and this at an hour of the night when concerted or effective resistance or defense was out of the question, and when detection by identification of the criminals in the United States uniform was well-nigh impossible. So much for the original crime, A blacker never stained the annals of our Army.

I ask that the remainder of the paragraph, as I have marked it, be incorporated by the Reporter in my remarks.

The VICE-PRESIDENT. Without objection, permission is

granted.

The matter referred to is as follows:

It has been supplemented by another, only less black, in the shape of a successful conspiracy of silence for the purpose of shielding those who took part in the original conspiracy of murder. These soldiers were not schoolboys on a frolic. They were full-grown men, in the uniform of the United States Army, armed with deadly weapons, sworn to uphoid the laws of the United States, and under every obligation of oath and honor not merely to refrain from criminality, but with the sturdiest rigor to hunt down criminality; and the crime they committed or connived at was murder. They perverted the power put into their hands to sustain the law into the most deadly violation of the law.

Mr. FORAKER. Mr. President, I do not wish to detain the

Senate unduly, so I shall hurry along.

It is said, "Now, what are you going to do if you have an investigation?" It will be time to cross the river when we get to it. I yesterday stated that one purpose of this investigation was to give these men the opportunity, if any of them can avail themselves of it, to show that they have no responsibility whatever for this crime, and that they have not committed the offense of withholding knowledge, for they have no knowledge. I do not know how many of them can show that they are without offense in that and in every other particular. But I am sure, from what I have been advised of, that many of them can; the great majority of them can. If so, it is our duty to establish that fact, to the end that the President may, as he has said he would do in such a contingency, act with favor in the reinstatement of these men and the restoration of them to all rights which they have improperly lost by reason of his order including innocent men.

That is true without regard to the evidence which has been sent here, taken recently by Mr. Purdy. I am not going to comment on that now. I have not read it all yet, but I have read most of it. But when I have read it all, at a later day and at a more appropriate time I shall have something to say about it. For the present I want to say with respect to it that it does For the present I want to say with respect to it that it does not relieve this case from the objections that I have been urg-ing against the procedure leading up to the discharge of these men, because this testimony was taken ex parte—taken by offi-cials who were sent there by the President to investigate and to secure testimony without these men themselves or through any representative having an opportunity to defend, to appear, to We do not in that way convict men of crime in this country, not even soldiers. The lowliest citizen, the humblest man, is entitled to his day in court, and that is true though he may be a soldier in the United States Army. His court will be a military court instead of a civil court. That is the only difference.

Now, I think we ought to have this investigation on the President's account, to the end that he, upon testimony properly taken, where everybody has a right to be heard, may be sustained and vindicated if the testimony shall have that effect;

for the credit of the Army, without regard to what the result may be; for the sake of common decency, and to be in accord with the spirit of American institutions.

Mr. NELSON. Will the Senator from Ohio allow me to interrupt him for a minute?

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. FORAKER. Certainly.

Mr. NELSON. I desire to call the Senator's attention to the fact that all that evidence is confined to the issue whether these men committed that raid, and not whether there was any misprision of the crime.

Mr. FORAKER. The Senator is exactly right; and on that point General Garlington says he thinks probably there is a conspiracy of silence, but there is no evidence whatever to show it. That is almost his exact language, I believe. It is quite as

strong, at any rate.

Now, I want to come to something else, and I desire to hurry I have been amazed at the feeling that breaks out in this country whenever something is done which involves the colored man, especially if it be some injustice or wrong to him. If my colleagues on the other side will allow me to say so, it is surprising to me, in connection with lynchings in the South and, for that matter, also in the North. It does not seem to be enough to put a man to death outside the law—without waiting for the law-but it must be done with brutality. He must be burned at the stake, as has been done in some instances, or the poor victim is put to some horrible terture in connection with his lynching, frequently something that would disgrace

Indian savages

Now, that spirit has been cropping out here to some extent. The Senator from South Carolina [Mr. TILLMAN] the other day, in speaking, told us what had happened at Athens, Ohio. I do not want to comment upon that except only to call attention to the fact that the Secretary of War did in that case what I think it was right and proper for him to do, notwithstanding the protests that were made against it. When he was informed that some soldiers had been engaged in the shooting up of the town of Athens; that they had shot a corporal of the provost guard and killed him and severely wounded a sergeant and two or three others, I believe, and that the men had been arrested and that their cases were to be brought before the grand jury, and that they would be put on trial for murder, the Secretary of War directed the Judge-Advocate-General to send one of his staff to Athens to defend those men, and the Attorney-General of the United States was importuned to have the district attorney for the southern district of Ohio, in which Athens was situated, to attend and care for and protect and look out for and defend the rights of these men. And the Judge-Advocate-General appeared and the district attorney, by his assistant, ap-

All that was done by the Government, and when General GROSVENOR, as it has been shown by the evidence put in the RECORD, wrote to the Secretary of War protesting against the Government intervening to defend murderers, as he charged these men with being, the Secretary of War said he justified his action on the ground that an enlisted man, when he gets into trouble of that kind, should be treated as in some sense a ward of the Government because of his helpless condition. The Government did everything in its power to see that they were protected. The testimony was marshaled to show their inno-cence in so far as it could be. The men were finally tried and some of them were convicted, and one of them is now in the

penitentiary of Ohio.

Mr. President, that rule was not followed in this case. anybody can think of anybody more helpless than a discharged, discredited negro soldier in Brownsville, I would like to know who it would be.

Mr. CULBERSON. Mr. President

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Certainly.

Mr. CULBERSON. I simply rise, in view of the statement of the Senator, to remind him that the assistant district attorney for the southern district of Texas was sent at the request of the Secretary of War to see that these men had a fair trial

Mr. FORAKER. If that be true, I stand corrected, and I am much obliged to the Senator for calling my attention to that This is the first time I have heard of it, and if there is anything of that nature in this record I would be obliged if the Senator would point it out. I have overlooked it if there is.

Mr. CULBERSON. The report of the assistant district at-

torney is in the record.

Mr. FORAKER. I have overlooked it.

Mr. CULBERSON. His name is A. C. Hamilton. Mr. FORAKER. Yes; since the Senator mentions the name, recall there is something of the kind in the record. Mr. CULBERSON. It was quite early.

Mr. FORAKER. Perhaps so; but what I am talking about is what is being done now. Men are being sent, a representative from the Department of Justice and a representative of the Army, to Brownsville, what for? To get testimony that would look to the defense of these men in any contingency? They claim they are innocent. They make a claim that the men at Athens could not and did not pretend to make. These men claim they are innocent and swear they are innocent, and because they have all sworn they are innocent, and because the testimony first sent to Congress seemed inadequate to justify the action that had been taken, officers of the Government are sent there to secure and send here testimony looking to their conviction. Their defense and testimony for them receive no

consideration whatever.

Now, Mr. President, that is not all. They sent to us in the President's message what purports to be a history of the Twenty-fifth Infantry, and the Senator from South Carolina [Mr. Tillman] in his speech the other day—and he must not take exception to the fact that I take exception to something that was said by one who is assisting, as he announced, in the trial of this case—the Senator took occasion to say that the record sent to the Senate by the President of the United States as an exhibit to his message shows that these discharged men are a set of brutal, murderous, cutthroats, or something like that. I can not quote his language exactly, but that is the effect of it. I know he used the word "cutthroats" and I know he used the word "brutal," and I know he used the word "murderous." How many other adjectives he employed I do not recall That is what he said. Other Senators have spoken to the same effect. Quite a number have told us that they were vicious, that they were brutal, that they ought to be called the "Bloody Twenty-fifth," and so forth, and so on.

Let me call the attention of Senators to the fact that not a single man of the 167 discharged had anything whatever to do with any one of the offenses recited in this record of the Twentyfifth-not one of them-nor did any one of the companies of this battalion have anything to do with any shooting affray in all the forty years this regiment has been in existence. Let me analyze this record. It is set out here with great particularity, and I call the attention of every Senator to it. In this record, at page 315, is given first an official account of the shooting affair at Sturgis City, Dak. I can not read it. It is not necessary. There was a shooting affray, denominated properly by that name. One man was shot and killed, and it was a murder, and there was no excuse for it, and I would not stand here to extenuate to the extent of one iota the crime committed by the men who did that shooting; and yet there were extenuating and provoking causes that led to it. But let it stand as murder committed by those men. But who were those men? They all belonged to Company H, of the Twenty-fifth Infantry. Not one of them belonged to Company B, C, or D, and that happened in 1885, twenty-two years ago. Every man connected with that shooting long ago was mustered out of the service, some after they had been tried and convicted for that crime.

But, while I will not stop to read that, let me in justice to this much-abused regiment, read what Gen. Alfred H. Terry saw fit to say in his official report on that subject. At page 359 of Senate Document 155 there will be found his official report. He was the commanding officer. He said:

I have had much experience with colored troops, and I have always found them as well behaved and as amenable to discipline as any white troops that we have. The characteristic submissiveness of their race is manifested in the readiness with which they yield to military control.

They are much more temperate than our white troops, and crime and disorders resulting from intexication are comparatively rare among

Passing over a few paragraphs, he says, further:

Passing over a few paragraphs, he says, further:

I take it for granted that in the Territory of Dakota the keeping of houses of ill-fame is prohibited by law, but notwithstanding the law there are in the town two brothels which would appear to have been established for the express purpose of catering to the taste and pandering to the passions of the colored troops, for they are "stocked" with colored prostitutes—negresses and mulattoes.

They are, I am assured, places of the vilest character, and it was at one of them that the affray of September 19 occurred. Had no such place existed it is most improbable that any affray would have occurred, and if the people of Sturgis City suffer such places to exist they must. I submit, expect the natural result of their existence—frequent broils, and from time to time the commission of the most serious crimes. And I submit further that until the people of the town shall have suppressed these dens, which equally debauch the troops of the post and threaten their own safety, they will not be in a position to ask the Government to change its garrison.

Now, that is one. There was a shooting. There was a man

Now, that is one. There was a shooting. There was a man lled. I do not pretend to extenuate or to apologize for it.

Only as an act of justice I read what the commanding officer said about it, and every man knows that we never had in the United States service a more conservative, conscientious, and capable man to judge honestly than Alfred H. Terry, a majorgeneral of the volunteers during the civil war and a brigadiergeneral at the time when this shooting affray occurred.

Moreover, there was a board appointed in that case. Did the President of the United States, by order, discharge somebody because of that shooting? No; they convened a board of in-quiry and they investigated it. There was the same effort there to conceal as is charged here, but when the trial came on the guilty parties were discovered. The testimony established the

guilt, and they were all brought to punishment.

What is the next case? One of these bloody shooting affrays, the only one that any one of the companies of this battalion had anything to do with. It happened at San Carlos, in Arizona. It was not a shooting scrape at all, but a case where some men of Company C got into a sort of fist fight with some of the Indians stationed at that agency, and the soldiers got the better of the Indians and beat them up pretty badly with clubs; but there was no shooting. Nobody was armed on either side. There was nothing in connection with that occurrence that has not occurred a hundred times in connection with white companies and white regiments. I pass that by as not worthy of any further comment.

Mr. SPOONER. The men were identified in that case and

punished.

Mr. FORAKER. Certainly. And now the Senator suggests to my mind an important point. I said here the other day that if, out of the 170 men then belonging to this battalion stationed at Fort Brown, 16 to 20 of the number had organized a raid, had plotted a shooting up of the town, and then carried it out in the way indicated, of necessity they must have accessories before and accessories after the fact; and it seemed to me utterly impossible that a crime of such magnitude, with so many men engaged in it, could be carried out in the way indicated and

they or some of them not be discovered by anybody.

But it is said the colored men were in a conspiracy and they would not discover them. It is conceded that the white offi-cers—the commissioned officers—were not in the plot. They were present. Immediately after the firing commenced they repaired to the barracks and saw the men formed in line, and stood by while the roll was called. It has been said that the roll was carelessly called. I do not think so. I know enough of what the facts are to believe that it was carefully called and every man was there, and that the roll was practically called before the firing ceased, and that the commissioned officers stood by the side of the orderlies who were calling the roll, and that they were on the alert, especially to see anybody who might be approaching from the city, from which point they thought they were being attacked. No commissioned officer saw anybody come and join the rolls. anybody come and join the ranks.

Does anyone contend that sixteen or twenty men who had been 300 yards, or whatever the distance may be, down in the town shooting up the town, in the state of excitement they would necessarily be under, could come after the firing rushing back to the garrison, pass around the barracks, join the companies, and form in line in front of the barracks and not be detected by the commissioned officers or by the noncommis-

sioned officers who called the roll?

Mr. President, this may amount to nothing in the final result, but now it amounts to this: It is such an extraordinary thing that I was justified in saying, as I did the other day, that you may search the history of criminal jurisprudence in vain from the beginning of the world to this time to find anything like it successfully carried out with nobody to tell it, not a clew to be found to convict any one of the men. You will search in vain for anything like it. At Sturgis City and at San Carlos and all the other places where the conspirators killed some-body they undertook to conceal their crime, but in every in-stance the crime was detected. Witnesses were found. They were found because the men were guilty. "Murder will out" to-day as much as when that fact was first announced. But so much for that.

Now I come to another case, the third, the shooting at Winnemucca; and I want the attention of Senators, because I have a rather unpleasant duty to perform with respect to this alleged shooting. The resolutions of the Senate were sent to the War Department and to the President, calling for all the facts relating to these discharges and calling for the history of this regiment. In response we got, among other things, what purported to be a history of the shooting at Winnemucca. . The record of the shooting at Winnemucca, as shown by this record, consisted of a report made by S. W. Groesbeck, Judge-Advocate-Gen-

eral of the United States Army; a recommendation by William R. Shafter, major-general commanding, two or three short affidavits, and a very extended sensational newspaper account of the The upshot of it all, according to the report made by shooting. the Judge-Advocate-General and this newspaper account, is that not Companies B, C. and D, but Companies L and M, of the Twenty-fifth, with Company K, of the Twenty-fourth, were on their way to the Philippines. They stopped at this little place in Nevada, called Winnemucca, and the officers went from the train to get their suppers. It was about 7.30 in the evening. While they were getting their suppers a report was brought to them that there was a shooting affray occurring in a saloon. They immediately repaired to it, but found that all the men who had been at the saloon had returned to the train. The newspaper account goes on to tell how the men went into that saloon, a little place 20 by 20 feet, which had a bar, with tables and There could not have been very many men in it. They chairs. seemed like a good many perhaps. They went in to get some refreshments, and they got into some kind of a squabble, and one of them whipped out his revolver, as the newspaper says, and shot the bartender and seriously wounded him. The troops were immediately inspected. No guilty man could be found among them. No gun could be found that had been discharged and no revolver that had been discharged. The troops had to hurry on, although they were kept there some hours. In due time they went on board the transport at San Francisco; and when they were on the Pacific Ocean, without anybody to represent them, the Judge-Advocate-General who makes this report was sent to Winnemucca, and he there got an ex parte statement, such as had been published in the newspapers; and his report was made in accordance with that. General Shafter, reviewing that report, recommended that these companies be fined to the extent of \$250, and there the record sent us stops

Well, I read it over and I thought I would like to know whether that fine was paid. Somehow or other it seemed to me that possibly something had been omitted, and so I wrote to the Secretary of War calling his attention to this state of the records, and inquiring whether or not there were any more correspondence or orders and documents of any kind on file in the War Department having reference to this shooting.

In answer to that in due time I received the following, inclosed in a letter from the Secretary of War, giving additional information in regard to that shooting. I ask that it may be printed in full in my remarks as a part of the same.

The VICE-PRESIDENT. Without objection, permission is

granted.

The matter referred to is as follows:

United States Senate, Washington, D. C., April 6, 1903.

Hon. ELIHU ROOT. Secretary of War, Washington, D. C.

Dear Sir: I inclose two letters from Mr. Bert Klucny, of Winnemucca. Nev., a constituent of mine, relative to a claim he and others have for depredations committed by some negro troops, en route to the Philippines, at Winnemucca. The letters will give you all the information I have regarding the matter. Will you kindly advise me whether such claims have ever been filed in your Department; and if so, what disposition has been made of them? Kindly return the letters with your reply, and greatly oblige,

Yours, respectfully,

Francis G. Newlands.

## [First indorsement.]

Headquarters of the Army, Adjutant-General's Office, Washington, April 13, 1903.

Washington, April 13, 1903.

Respectfully referred to the commanding general Department of the Missouri, Omaha, Nebr.

The records of this office show that while passing through the town of Winnemucca, Nev., certain members of Companies L and M, Twenty-fifth Infantry, committed depredations upon the property belonging to one C. W. Deiss and one Bert Klucny, citizens of the town in question, and that upon the recommendation of the Judge-Advocate-General certain papers on the subject (249375 A. G. O.) were referred to the commanding officer Twenty-fifth Infantry, through the Division of the Philippines, on August 14, 1899, for the purpose of appointing a board of officers to endeavor to ascertain, if possible, the perpetrators of the outrage. outrage.
The Secretary of War desires to know what action, if any, has been taken on this paper.
By command of Lieutenant-General Miles:

WILLIAM ENNIS, Lieut. Col., Artillery Corps, Assistant Adjutant-General.

[Second indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI, Omaha, Nebr., April 16, 1903.

Respectfully referred to the commanding officer Twenty-fifth Infan-try, through commanding officer Fort Niobrara, Nebr., for the informa-tion called for in the first indorsement. By command of Major-General Bates:

E. J. McClernand, Major of Cavalry, Adjutant-General.

[Third indorsement.]

HEADQUARTERS TWENTY-FIFTH UNITED STATES INFANTRY,
Fort Niobrara, Nebr., April 18, 1903.
Respectfully referred to Capt. A. B. Shattuck, quartermaster Twentyfifth Infantry, for a full and complete report of the circumstances referred to within.
By order of Colonel Bowman:

Seven inclosures.

J. D. LEITCH, Captain, Adjutant Twenty-fifth Infantry.

[Fourth indorsement.]

FORT NIOBRARA, NEBR., May 2, 1903.
Respectfully returned to the adjutant Twenty-fifth Infantry, report aclosed. I was relieved from duty with Company L in August, 1899.

A. B. S. SHATTUCK,
Captain, Quartermaster Twenty-fifth Infantry.

[Fifth indorsement.]

Headquarters Twenty-Fifth Infantry, Fort Niobrara, Nebr., May 3, 1993.

Respectfully referred to the commanding officer Company M, Twenty-fifth Infantry, for report on separate paper of the circumstances mentioned within as far as can be gathered from records of company or testimony of enlisted men.

By order of Colonel Bowman.

J. D. LEITCH, Captain, Adjutant Twenty-fifth Infantry.

[Sixth Indorsement.]

COMPANY M, TWENTY-FIFTH INFANTRY, Fort Niobrara, Nebr., May 26, 1903.

Respectfully returned to the adjutant Twenty-fifth Infantry; report herewith inclosed.

J. P. O'NEIL, Captain, Twenty-fifth Infantry, Commanding Company M.

[Seventh indorsement.]

Headquarters Twenty-fifth United States Infantry, Fort Niobrara, Nebr., May 26, 1903. Respectfully referred to Capt. S. P. Lyon, Twenty-fifth Infantry, for

By order of Colonel Bowman.

J. D. LEITCH, Captain, Adjutant Twenty-fifth Infantry.

[Eighth indorsement.]

FORT NIOBRARA, NEBR., June 16, 1903.
Respectfully returned to the adjutant, Fort Niobrara, Nebr., report inclosed.

Captain, Twenty-fifth Infantry.

[Ninth indorsement.]

[Ninth indorsement.]

Headquarters Twenty-fifth United States Infantry,
Fort Niobrara, Nobr., June 21, 1993.

Respectfully forwarded to the Adjutant-General United States Army (through military channels) inviting attention to fourth, sixth, and eighth indorsements hereon, and the three inclosures to these indorsements, being letters from Captains O'Neil, Shattuck, and Lyon, Twenty-fifth Infantry. The records of this regiment show that a board of officers, consisting of Capts. H. A. Leonhauser, W. J. Pardee, and F. H. Albright and First Lieut. C. F. Bates, Twenty-fifth Infantry, was convened on October 14, 1899, to consider evidence in this case and decide what amount of damage should be assessed to companies L and M. Twenty-fifth Infantry, but there is no record of the report of the board ever having been sent through these headquarters.

First Lieut. C. F. Bates, Twenty-fifth Infantry, who is now serving at this post, was recorder of the board in question, and states that on account of the officers composing the board being scattered widely in Luzon it was impracticable to make up the proceedings, so that no report was ever made.

A. H. BOWMAN, Colonel Twenty-fifth Infantry, Commanding.

[Tenth indorsement.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI, Omaha, Nebr., June 24, 1903.

Respectfully returned to the Adjutant-General of the Army, inviting attention to the ninth indorsement.

W. M. WRICHT,

Captain, Second Infantry, A. D. C.,

Acting Adjutant-General, in absence of Department Commander.

[Eleventh indorsement.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, Washington, June 29, 1903.

Respectfully referred to the Quartermaster-General for remark. By order of the Secretary of War.

E. R. Hills, Major, Artillery Corps, Acting Assistant Adjutant-General.

[Twelfth indorsement.]

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE, Washington, July 11, 1903.

Respectfully returned to the Secretary of War.

The records of this office fail to show the receipt of any claim for destruction of property and wounding of Christopher Wilhelm Deiss in "Berte" Klucny's saloon, at Winnemucca, Nev.

There is no appropriation applicable to the payment for damages. The only relief for such claimants is in the action of Congress.

C. F. HUMPHREY,

Quartermaster-General U. S. Army.

[Thirteenth indorsement.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, Washington, July 16, 1903.

Respectfully referred to the Judge-Advocate-General for remark. By order of the Secretary of War:

E. R. Hills, Major, Artillery Corps, Acting Assistant Adjutant-General.

[Fourteenth indorsement.]

WAR DEPARTMENT,
JUDGE-ADVOCATE-GENERAL'S OFFICE,
Washington, D. C., July 23, 1903.

[Fourteenth indorsement.]

Respectfully returned to the Adjutant-General.

Washington, D. C., July 23, 1932.

Respectfully returned to the Adjutant-General.

Respectfully returned to the Adjutant-General.

Respectfully returned to the Adjutant-General.

Ton June 29, 1930, a troop train carrying portions of the Twenty-found of the Twenty-found of the Comparison of the Philippines, stopped at Wilmenmeet, Nev. Soldiers from this train are alleged to have entered the saloon of one Bert Kincry, to have helped themselves to the contents of the place, to an attendant of the saloon.

A letter from Hon. Frankoris G, Nevalnos, United States Senate, Incloses two letters from Mr. Bert Kincry, in which the latter speaks of the content of the place of the saloon and its contents of the case that if these claims were made it must have been with the idea that the United States Government was responsible. For the tortious acts of its soldiers the Government was responsible. For the tortious acts of its soldiers the Government was responsible. For the tortious acts of its soldiers the Government was responsible. For the tortious acts of its soldiers the Government was responsible. For the tortious acts of its soldiers the Government was responsible. For the tortious acts of its soldiers the Government can be soldiers to the power signer to certain officers under the fifty-fourth article of war.

So far as measure of damages to the saloon and its contents to the saloon and its contents of the saloon and the saloon and the contents of the saloon and the saloon and the saloon and the contents of the saloon and the saloon and the saloon and the saloon

GEO. B. DAVIS, Judge-Advocate-General.

[Fifteenth indorsement.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE, Washington, July 27, 1903.

Respectfully returned to the Secretary of War with report as directed on the first fold of this paper.

W. P. HALL, Acting Adjutant-General.

FORT NIOBRARA, NEBR., April 30, 1903.

The Adjutant Twenty-fifth Infantry.

The Adjutant Twenty-fifth Infantry.

Sir: In compliance with instructions from your office, I have the honor to submit the following report relative to the affair at Winnemucca, Nev. The train bearing Companies L and M, Twenty-fifth Infantry, and K, Twenty-fourth Infantry, arrived at this town about dark June 29, 1899. The majority of the officers, myself included, proceeded to the nearest eating house for supper. During the meal a citizen entered the room and reported that the soldiers had wrecked a saloon and shot a man.

All the officers immediately left the room, and I proceeded at once to the cars occupied by Company L, Twenty-fifth Infantry, which company I commanded.

The men were in or about the cars, quiet and orderly; the street was filled with citizens, and more or less excitement prevailed. In a few minutes the commanding officer ordered me to form my company. It was formed outside the car, roll called, all were present, and the mewere then carefully inspected by several of the citizens, who claimed them, questioned the men, and gave all possible assistance to locate the guilty parties. Sergeant Smith, an old soldier with an excellent record, was recognized as having been in the saloon. He admitted it; stated that he went there immediately upon the arrival of the train, sat at a table, had some beer, paid for it, and returned to his car, and was in the car when the discharge of firearms took place, and that he had no knowledge of the affair. His statements were corroborated and he was believed. His revolver and ammunition were examined. The revolver had not been fired and his ammunition was as issued. A private named Porter was also recognized as having been in the saloon. It was proved that he sat at the table with Sergeant Smith and that the been had was paid for. He also claimed to have left the saloon before the trouble and shooting began. Neither man could give any information on the subject. Twice again the company was formed outside the car and carefully inspected by the sheriff and myself; n

been fired and all ammunition was as issued. Suddenly the search for the soldier who had fired the shot which had hit a citizen stopped and a new one begun for a soldier who was said to have stolen some four bottles of beer.

L said he was in the saloon at the time, had seen the man take the beer, and could recognize him. The company was again inspected by the sheriff, myself, and the said recruit. He could not identify the alleged thief. We were detained at Winnmucca some six hours. During the time men were quiet and orderly. I asked repeated questions of the various men, all disclaimed any knowledge or participation in the affair, and it was impossible to select any one as having been engaged in the same. I did not enter or go near the saloon in question and know nothing as to its condition at any time. As the commanding officer of Company L, Twenty-fifth Infanity, and being present at the time, it is only fair and just, both to myself and the men to reply to certain statements in the report of the judge-advocate, especially his "conclusions as to the ones," and myself were the men of the north and the report of the judge-advocate, especially his "conclusions as to the ones," and allowed to leave its coaches in a body, as might be inferred, page 4, said report. The companies were recruited to an unusual size, and it did not take may colored soldiers at about dark to give the impression that the streets of Winnemucca were crowded. Fewer still, that said saloon was crowded—a room 20 by 20, containing bar, table, and chairs. Company L was the first company to be inspected; when its inspection was over much surprise was evinced when it was learned that this was only one-third-of the soldiers in said saloon. When we reached Winnemucca the men had had their supper, the one should be added to the supper should not prevail that men of Company K, Twenty-fourth Infantry, were not allowed to leave the train at stations. I was present and civilians, that a sergent of this company was the only person found on the train wh

found, it would not have been the first time that such a law had been found to have been broken.

The bullet extracted from the said Deiss was shown to officers in the car. There could be no possible doubt. It was not Government ammunition, neither was it fired from a Government revolver. Christopher Deiss was shot with a small-caliber revolver while standing inside the saloon near the bar. Why soliders armed with a Government revolver, caliber .38, were so carefully inspected to find the party who had fired this shot I did not understand. It certainly would not have been unreasonable to have inspected the bar and others connected therewith in the attempt to locate party who had fired the shot.

In conclusion, I have never believed that soldiers did the shoting. They had no motive. I have no doubt the bar was overtaxed, that the men were not being served fast enough and began helping themselves, and that then measures were taken to clear the saloon. I think it well understood that barrooms are, as a rule, supplied with firearms, within easy reach for cases of emergency. If any inspection was made of sald saloon, I did not hear of it.

The suddenness with which the attempt to locate the party who had fired the shot which might have killed the said Deiss was dropped, not to be again taken up, and a search begun for a soldier who was said to have stolen some four bottles of beer only tended to confirm my impressions and to infer that some of the citizens at least had their own doubts on the subject.

Very respectfully,

A. B. Shattuck,

A. B. SHATTUCK, Captain and Quartermaster, Twenty-fifth Infantry.

FORT NIOBRARA, NEBR., May 25, 1903.

The Adjutant Twenty-Fifth Infantry, Fort Niobrara, Nebr

Sir: I have carefully investigated this case. There are only nineteen men in the company now who were in the company at that date; none of these were present at the disturbance, and their statements are all from hearsay. The first sergeant of the company, Wyatt Huffman, was then first sergeant of the company, and might be able to throw some light on the subject, but he is on furlough and will not return until after the middle of June.

I was not with the regiment at that time.

Very respectfully,

J. P. O'NEIL.

J. P. O'NEIL, Captain, Twenty-fifth Infantry, Commanding Company M.

FORT NIOBRARA, NEBR., June 16, 1903.

FORT NIOBRARA, NEBR., June 16, 1903.

The ADJUTANT, TWENTY-FIFTH INFANTRY.

SIR: In compliance with seventh indorsement, I have the honor to submit the following statement regarding the disturbance at Winnemucca, Nev., June 29, 1899.

This affair happened so long ago that my memory is clear only as to certain prominent points, which are as follows:

About dark on the evening of June 29 the train with Companies I, and M, Twenty-fifth Infantry, en route to San Francisco, reached Winnemucca. I was at that time adjutant of the Second Battalion, Twenty-fifth Infantry. Shortly after the train stopped most, or may be all, of the officers went to a hotel a short distance from the station for supper. While we were eating a civilian came in and said that a soldier had shot a civilian in a saloon near the station. The officers at once left the hotel and went to the train; when we reached there all the enlisted men who had left the train had returned, and all was quiet.

I did not enter or examine the saloon, or see the man who had been shot.

shot.

The district attorney, with other officials of the town, came to the train, and every assistance was given them to identify, if possible, the soldier or soldiers who, they claimed, were involved in the shooting. The troops were turned out three or four times for their inspection, every soldier being present. Although several civilians claimed to be able to recognize the soldiers who were guilty, they were unable to do so.

The bullet extracted from the man who, it was claimed, was shot by a soldier proved on examination not to be a 28 caliber service bullet.

The revolvers in the possession of the men, upon inspection, showed no evidence of having been fired recently.

My opinion at the time was that, while there had been some sort of disturbance in the saloon, it was not proven that the shooting was done by a soldier, nor did the evidence we could gather and an examination of the bullet even indicate strongly that such was the case. This opinion I have had no reason to change.

To the best of my recollection the matter of guards and permitting men to leave cars at the stations was turned over to the company commanders and managed by them, subject to the approval of the battalion commander.

Very respectfully,

Samuel P. Lyon,
Captain, Twenty-fifth Infantry.

SAMUEL P. LYON, Captain, Twenty-fifth Infantry.

Washington, August 19, 1993.

My Dear Sir: The Department duly received your letter of April 6 last, inclosing two communications from Mr. Bert Klucny relative to claims of himself and Chris. Delss for damages alleged to have been sustained at the hands of United States colored troops while passing through the town of Winnemucca, Nev., en route to the Philippines, and asking if the said claims have ever been filed in the War Department; and if so, what disposition has been made of them.

Replying thereto, I beg to inform you that no such claims are on file in the Department, and, after considering the data available in the case, it is not thought that anything can now be done by the Department toward granting compensation either to Mr. Klucny or to Mr. Delss for what damage they may have suffered.

The inclosures above referred to are returned herewith, as requested.

Very respectfully,

W. SANGER, Assistant Secretary of War.

Hon. FRANCIS G. NEWLANDS, United States Senate.

Mr. FORAKER. I call attention to the report by George B. Davis, Judge-Advocate-General, on this subject; also a report by Capt. A. B. Shattuck, quartermaster of the Twenty-fifth Infantry at the time, and also a report of Capt. Samuel P. Lyon, captain of one of the companies. I want to read some of this. All this was omitted, Mr. President, for some reason, when we were given an account of the shooting at Winnemucca. were given an account which showed that colored soldiers had done the shooting. Now, what does this say? Captain Shattuck in making a report on the subject, dated at Fort Niebrara, Nebr., April 30, 1903, says what I shall read. The regiment had gone to the Philippines and had returned when he was called upon for this report.

had gone to the Philippines and had returned when he was called upon for this report.

FORT NIOBRABA, NEBR., April 39, 1903.

Sir: In compliance with instructions from your office I have the honor to submit the following report relative to the affair at Winnemucca, Nev. The train bearing Companies L and M. Twenty-fifth Infantry, and K. Twenty-forth Infantry, arrived at this town about dark June 29, 1899. The majority of the officers, myself included, proceeded to the nearest eating house for supper. During the meal a citizen entered the room and reported that the soldiers had wrecked a saloon and shot a man.

All the officers immediately left the room, and I proceeded at once to the cars occupied by Company L. Twenty-fifth Infantry, which company is the commanding officer ordered me to form my company. It was formed outside the car, roll called, all were present, and the men were then carefully inspected by several of the citizens who claimed they could identify the men who had done the shooting. I accompanied them, questioned the men, and gave all possible assistance of the care was recognized as having been in the saloon. He admitted it, stated that he went there immediately upon the arrival of the train, sat at a table, had some beer, paid for it, and returned to his car, and was in the car when the discharge of firearms took place, and that he had no knowledge of the affair. His statements were corroborated, and he was believed. His revolver and ammunition was as issued. The revolver had not been fired and his ammunition was as issued. The revolver had not been fired and his ammunition was as issued. The revolver had not been fired and his ammunition was as issued. The revolver had not been fired and his ammunition was as issued. The revolver had not been fired and his ammunition was as issued. The revolver had not been fired and his ammunition was as issued. The revolver had not been fired and his ammunition was as a subject to the subject. Twice again the company was formed outside the car and carefully i

were not allowed to leave the train at station. I was present and saw them.

All soldiers, so far as I observed, conducted themselves well on such occasions. It was a matter of talk in the officers' car, between officers and civilians, that a sergeant of this company was the only person found on the train whose revolver had been discharged, evidently some time before, said to have been at prairie dogs after leaving Fort Assimilione, and which explanation was, I believe, satisfactory. If the statements of the noncommissioned officers of said company are to receive such weight (p. 4, J. A.'s report) the statements of noncommissioned of the other companies present should receive equal weight. At the time and place I heard no statements made by the civilians which relieved from suspicion one company more than another.

The coaches occupied by Company L, Twenty-fifth Infantry, were in rear and nearly opposite said saloon. When the shooting began, it would have been the most natural thing for those men off the train to get on at the nearest point and this is probably just what they did do, and then proceeded to their proper cars.

I have read all that with care, because it is all responsive to

I have read all that with care, because it is all responsive to the charges that are made against these men in the Judge-Advocate-General's report, which has been sent to us as though a correct and undisputed account of what occurred.

Now, passing over a sentence and coming to the point, he points out how the man who was wounded had the bullet extracted from him, and says:

The bullet extracted from the said Deiss was shown to officers in the car. There could be no possible doubt. It was not Government ammunition, neither was it fired from a Government revolver. Christopher

Deiss was shot with a small caliber revolver while standing inside the saloon near the bar.

So he goes on, Mr. President. I have read enough to show the nature of it. Captain Lyon sustains what Captain Shattuck says; every other officer who makes a report sustains him, and thus it is shown by this testimony that there is no reliance to be placed in the Judge-Advocate-General's report that was sent

Therefore, so far as Winnemucca is concerned, there was no shooting by any member of the Twenty-fifth Infantry, let alone by any member of either Company B, Company C, or Company D, neither of which companies was there. It is not for me to say why this important testimony was withheld when we were asking for the history of these shooting affrays. These helpless wards of the Nation were put in the attitude of having undertaken to murder a man on whose premises they had gone, without at the same time giving us this conclusive testimony to show they had not done any such thing. I make no comment; it is not necessary.

I have shown that at Fort Sturgis, twenty-seven years ago, some men from Company H did shoot and kill a man in a raiding party. I have shown that at San Carlos some men of Company C got into an affray of some kind, without guns or deadly weapons, and had a fight, in which the negroes got the better of some Indians. I have shown that at Winnemucca, where it was undertaken by the records sent us to establish that they did some shooting, they did not do any shooting. I do not have to comment on it. It is not necessary. It speaks for itself.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. Certainly. Mr. TILLMAN. I call the Senator's attention to the statement he made a little while ago as erroneous in regard to all the men having been engaged in these shooting scrapes having been punished. Nothing has ever been done with those who killed a negro woman at Fort Niobrara.

Mr. FORAKER. I am coming to that in a minute, to show you that they did not kill any negro woman at Fort Niobrara. Mr. TILLMAN. Then, in the name of common sense, what did the War Department mean by sending us all this stuff?

Mr. FORAKER. That is what I want to know. I will show you what it is. That is what I am here for. I will show you what was done at Fort Niobrara in a minute.

But next came a most deplorable shooting affray, that which occurred at Fort Bliss, at El Paso, Tex. There a member of Company A-not one of these three companies-a member of Company A of the Twenty-fifth Infantry was arrested and put in jail. His comrades wanted to bail him out. They would not accept bail. This is at page 352. His comrades went back to camp, 2 or 3 miles distant, and at midnight or later got away from the sergeant in charge of the gun racks the key, went to the gun racks and took out their guns, organized a raiding party of four or five men, marched back to the jail with axes and guns to liberate their comrade, and in the affray that resulted one of the soldiers was killed and one of the jailers was killed.

Now, that was a crime without any excuse at all in law. I am not here to extenuate it. But, Mr. President, General McKibben, known to most Senators as one of the most splendid officers in the Army, made a report upon that, in which he showed there was great provocation. I do not cite that for the purpose of extenuating the crime, but simply that justice may be done, and that these men, who for forty years have stood faithfully to the flag and the honor of their country, shall not, in addition to being denounced as guilty of this particular crime,

shown by the records that are sent here.

Now, I come to the last, Fort Niobrara; and what about Fort Niobrara? This regiment was stationed there. Company B was there along with some other companies of the regiment.
There was a place a mile and a half distant from the reservation where a drinking place was kept. About midnight some men fired into that place, wounded two people, one of them a colored soldier belonging to Company B, who was sitting there simply a guest in the establishment. Nobody but colored men went there. The country was full of cowboys. There is no testimony to this day who did it. The officer of the day in that case, on duty at the time, hearing the firing and getting a report that there had been an alleged shooting, at once posted extra pickets to detect anybody who might be returning to the camp, and had check roll call, and the guns inspected, and every soldier was there, and every man was there except only one white soldier from Company K of the Eleventh and two men out of the band.

The place that was fired upon was a place that was frequented not by white people, but only by the soldiers of this command, and if it be an absurdity to think, as Senators have forcibly said it is, that the people of Brownsville could be charged with shooting up themselves, was it not also an absurdity to say that members of this colored regiment would go down and in a wanton way shoot up their comrades who were there at that place of entertainment?

Now, that is all there is of this record. This bloody history, of which we have heard so much, consists of two shooting affrays, and only two, in which anybody was killed, one at El Paso—utterly inexcusable; I do not pretend to extenuate itand the other at Fort Sturgis, twenty-seven years ago, and in no one of these did any member of Company B or Company C or Company D take any part. The record of these companies, covering forty years, is without a blemish.

Mr. President, that is not all. I have here an official congratulatory order issued to the Twenty-fifth Regiment at the close of the Spanish-American war. I will ask permission to put it in the Record in full. It is embodied in a newspaper article giving the history of the Twenty-fifth Regiment. It is about a column in length. I ask that the whole article be incorporated in my remarks, including this official congratulatory order. I want to cite it simply to show that the order com-mences with a statement that for the first time in twenty-eight years the whole regiment had been assembled when the Spanish-American war commenced. For twenty-eight years they had been scattered over the country doing duty, a company here and another yonder, or a battalion here and another yonder, per-These units of organization had been as separate and distinct as though they were so many separate and distinct When the war came the whole regiment was brought together for the first time in that long period, and the record shows that no regiment that went to Cuba won more honor on the field of battle than did the Twenty-fifth Infantry, and no companies in the American Army have a clearer record or a more gallant and heroic record than Companies B, C, and D of that regiment. Not a man of either one of these companies, according to these reports, that are spoken of as a condemna-tion of the regiment had anything to do with any shooting affray. No one of them had anything to do with any disturbance of any kind except the few men of Company C who got into an alter-cation with some Indians, where there was no shooting at all, a thing that might happen with any white company and has happened hundreds of times with white companies.

The VICE-PRESIDENT. Without objection, the paper will

be printed in the RECORD.

The matter referred to is as follows:

FACED BULLETS LIKE HEROES—OFFICIAL STORY OF THE TWENTY-PIFTH UNITED STATES INFANTRY AT EL CANEY—COLORED REGULARS PROVED THEIR VALOR UNDER A MURDEROUS FIRE—WAS IN THE NEAREST INTRENCHMENT TO SANTIAGO WHEN THE SURRENDER OF THE CITY WAS

All the Army made history during the short Cuban war; but the colored regulars in three days practically revolutionized the sentiment of the country in regard to the colored soldier, and as a result more than 100 Afro-Americans are bearing commissions in the United States

Army.

The entire colored contingent—the Ninth and Tenth Cavalry and the Twenty-fourth and Twenty-fifth Infantry—did well. It has been said by one who knows: "Not a colored soldier disgraced himself on Cuban soil." Indeed, the converse of this is practically true. Every colored soldier honored himself.

Without desiring to take away one leaf or sprig from the laurels won by the other colored regiments, and with a full recognition of the valor of the entire Army, I invite attention to the following official story of the action of the Twenty-fifth United States Infantry in the Cuban campaign:

campaign:

campaign:

I may summarize in advance by saying that the Twenty-fifth was the first regiment to leave its home station, the first to go into camp, was a part of the first expedition to Cuba, and the second to land, and had the honor of digging the intrenchments nearest to the enemy's line. In physique and discipline it was so nearly perfect that only one man from its ranks died on Cuban soil from climatic disease and only two from diseases of any sort. The men are mostly large, many of them being six-footers and weighing, when in good condition, 200 pounds and over, and the standard of intelligence among them and the language used are about up to what obtains in the Army generally. In marksmanship, drill, and general military knowledge and skill they have attained a high degree of efficiency, and, as a whole, are of excellent character and temper.

high degree of efficiency, and, as a whole, are of excellent character and temper.

The present regimental commander is Lieut. Col. A. S. Daggett, a highly accomplished officer, who rose to the rank of colonel in the civil war and was brevetted brigadier-general for gallant and meritorious services in the battle of the Wilderness. He came to the command of the regiment in Tampa but a few weeks before it embarked on the transports for Cuban shores.

The story that I am now to present to the readers of the Herald is woven almost entirely from the official reports and orders of Colonel Daggett, who commanded the regiment most successfully through the fierce fight before Santiago. Anyone who saw the regiment as it passed the camp of the Second Massachusetts on its way to the present camp would have witnessed an open and cordial tribute to its valor. As these worn and dusty—and dusky—veterans swung by the cultivated, well-bred amateur warriors of Massachusetts the young heroes gave them such cheers and applause as soldiers seldom give. "They have a good feeling for us," said a sergeant of the Twenty-fifth to me. "They think you are soldiers," I remarked. "They know we are soldiers," he replied.

The Twenty-fifth, with all the other colored regiments, is known as a band of fighters.

The history of the campaign of the Twenty-fifth is succinctly and graphically told in the following general orders published near Santlago, August 11, 1898:

"Gathered from three different stations, many of you strangers to each other, you assembled as a regiment for the first time in more than twenty-eight years on May 7, 1898, at Tampa, Fla. There you endeavored to solidify and prepare yourselves, as far as the oppressive weather would permit, for the work that appeared to be before you. But who could have foretold the severity of that work? You endured the severe hardships of a long sea voyage, which no one who has not experienced it can appreciate.

"You then disembarked amid dangerous surroundings, and on landing were for the first time on hostile ground. You marched under a tropical sun, carrying blanket roll, three days' rations, and 100 rounds of ammunition, through rain and mud, part of the time at night, sleeping on the wet ground without shelter, living part of the time on scant rations, even of bacon, hard bread, and coffee, until, on July 1, you arrived at El Caney. Here you took the battle formation and advanced to the stone fort more like veteran troops than troops who had never been under fire.

"You seain marched day and night, balting only to dig four lines."

rations, even of bacon, hard bread, and coffee, until, on July 1, you arrived at El Caney. Here you took the battle formation and advanced to the stone fort more like veteran troops than troops who had never been under fire.

"You again marched day and night, halting only to dig four lines of intrenchments, the last being the nearest point to the enemy reached by any organization, when, still holding your rifles, within these intrenchments, notice was received that Santiago and the Spanish army had surrendered.

"But commendable as the record may be, the brightest hours of your lives were on the afternoon of July I. Formed in battle array, you advanced to the stone fort against volleys therefrom, and rifle pits in front, and against a gailing fire from blockhouses, the church tower, and the village on your left. You continued to advance skillfully and bravely, directed by the officers in immediate command, halting and delivering such a cool and well-directed fire that the enemy was compelled to wave the white flag in token of surrender.

"Seldom have troops been called upon to face a severer fire, and never have they acquitted themselves better.

"The regimental reserve was called upon to fare a severer sine and never have they acquitted themselves better.

"The regimental reserve was called upon to try its nerve by lying quiet under a galling fire without returning it, where men were killed and wounded. This is a test of nerve which the firing line can not realize, and requires the highest quality of bravery and endurance. You may well return to the United States proud of your eccomplishments, and if any ask what you have done, point him to El Caney."

The history of that part of the battle performed by the Twenty-fifth is further detailed by the regimental commander in his official reports to his superiors. These reports and the orders just quoted from constitute the whole official literature on the subject, and hence the present story may be regarded as both authentic and exhaustive.

According to Colonel Da

The battalion in this formation continued to advance from cover to cover until it reached a point within 50 yards of the fort. Here these companies opened so cool, steady, and sure a fire that a Spaniard could not show himself but he was immediately hit, and fifteen or twenty minutes before any other troops came up the enemy put out the white

find the first and the first of the Twenty-fifth and the fort was so swept by the cross fire from the church and blockhouses on the left that it was impossible for one of our officers to cross to receive the surrender of the fort or for a Spanish officer to bring the

the left that it was impossible for one of our officers to cross to receive the surrender of the fort or for a Spanish officer to bring the flag to our lines.

At the end of about twenty minutes one company of the Twelfth Infantry, which had gotten round to a point where they were thoroughly screened from the fire of both the fort and the village, under protection of the fire of the Twenty-fifth, entered the fort and received the surrender, which the bullets of the Twenty-fifth had brought about. Two of our men—Butler, of H Company, and J. H. Jones, of I Company—entered the fort at the same time with the men of the Twelfth, and while an officer of that regiment received the white flag of surrender, these two men seized the Spanish standard. They were immediately ordered to give it up by an officer of the Twelfth and obeyed, but before doing so they each tore a piece from the flag. One of these pieces I have seen and examined, and the man who has it I have known for years, and I do not hesitate to accept his story. The fact, indeed, is so well attested that it is embodied in official reports.

The conduct of the regiment and the skill and courage of the commanding officer, as well as of the company officers, were such as to elicit highest praise. From the regiment four sergeants have been promoted to commissions, and Lieutenant-Colonel Daggett has received most flattering mention, the whole action of the regiment being regarded as especially brilliant.

T. G. STEWARD, Chaplain Twenty-fifth Infantry.

Mr. FORAKER. Now, Mr. President, one other thing. I said I was amazed at the spirit of ugliness toward these men

which has cropped out. The shooting affray was in August last.

Mr. NEWLANDS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield

to the Senator from Nevada?
Mr. FORAKER. Yes, sir.
Mr. NEWLANDS. Before the Senator goes to a new subject I should like to refer to the Winnemucca incident. I have

been absent from the Senate, and I am not familiar with this When the Senator alluded to the Winnemucca incident I sent for the record, and I find on page 340 a quotation from a newspaper article, to which the Senator referred, which may explain it. It is as follows:

It developed this morning that had an inspection been made of every man on the train and his belongings the right soldier who did the shooting would have been located. It is conclusive that a Government revolver was not used, but a pistol of .38 caliber that one of the colored soldiers had stolen from J. Isola's saloon at Carlin.

Mr. FORAKER. Mr. President, I went over that and said the newspaper article made statements which warranted the Judge-Advocate-General in making his report; but that it was an ex parte report, as to which the company had no representation at all; that the charges were not established in any manner, and the statements of Captain Lyon and Captain Shattuck and the other officers of this company show conclusively that no such thing as that occurred. The newspaper article the Senator refers to is, as I myself characterized it, bitterly hostile all the way through; it is sensational; it is a pretty good type of vellow journalism.

Mr. President, since this shooting there have appeared many charges—I spoke here one day and the next day telegrams were sent from El Reno about an attack being made on Captain Macklin, that he had been attacked by a discharged soldier of the Twenty-fifth Infantry. I saw in some quarters a statement to the effect that that was one of the first fruits of our undertaking to say a word in behalf of a hearing for these men. But that is of no consequence here. That is the story that went out. What is the truth about it? Everybody knows now that no discharged soldier of the Twenty-fifth Infantry had anything

to do with it.

Only a few days later, however, the newspapers were filled with sensational accounts of how a discharged soldier from the Twenty-fifth Infantry had crowded a Mrs. Clifford off the street with rudeness and with brutality, and went on to tell how ugly and vicious and mean these men were, all in keeping with the character which the Senator from South Carolina conceives from reading this record they had acquired, but now everybody knows that story has been exploded. The man who undertook knows that story has been exploded. to pass Mrs. Clifford while crossing the street was a porter on a Pullman car, who was rushing into a lunch house to get a sandwich, and had hurried out in order that he might get back before train time. No incivility whatever was intended, and there was no clashing except that which was accidental.

Then two or three days later there was a sensational account of how another discharged soldier of the Twenty-fifth Infantry had gone into a Chinese laundry, wantonly fired on the Chinaman who was in charge, and had shot him up. But in a few days after there came a refutation of that to the effect that it was not a soldier at all, but that it was somebody in the employment of the railroad company who had rushed in there and had

some kind of an altercation.

Mr. LODGE. Mr. President

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. FORAKER. Certainly.

Mr. LODGE. In regard to the shooting of Captain Macklin, thought the man who did it had been arrested.

Mr. FORAKER. A man has been arrested recently, but he is

not a discharged soldier of any of these companies.

Mr. LODGE. He was a soldier of Company A.

Mr. FORAKER. I understand he was, but he has not yet been tried, and I do not know whether or not he is guilty. He

says he is not guilty.

What I am talking about is the sensational account sent out. Everything that is done is attributed to these men, and at last we have a sensational account that there is a conspiracy among the discharged men to murder all the white officers of the Twenty-fifth Infantry because these soldiers had been dis-charged. Now, that has been exploded. Major Penrose says that there is no truth whatever in the statement that such testimony has been developed or that anybody has any such thought, so far as he is aware.

I mention all this, Mr. President, not for the purpose of engaging in a race controversy or discussing the race question, but only for the purpose of admonishing Senators that if we are to investigate this matter with a view to establishing the facts let us wait until the facts have been found. We are strong enough, and there is nobody concerned who is not brave enough, to have the truth known. If there is any class of people in this country to whom we should be just, to whose rights we should see to it that no injury is permitted, it is not only the soldier who is defending us, but it is especially the colored soldier, who is more helpless, possibly, before the law than anybody else.

The Senator from Wisconsin asked yesterday what else was the President to do but to discharge these men. could not, he said, try them, because there was no evidence. Mr. President, I have heard of that as a reason No evidence! many times for not trying men on charges of crime, but I never before heard of that as a reason why some other kind of punishment should be meted out to them. I read the other day from the language of the Supreme Court in the Milligan case, where the court say that to suspend or suppress or disregard the law upon the theory that there is some great exigency is always inexcusable and that it leads only to anarchy or despotism. That is the language of the Supreme Court.

I say, however, it is not the case, as I look at it, which the Senator presents. Assuming now, Mr. President, for the sake of argument, that the men of this battalion, to the number of sixteen or twenty, did do this shooting, does not every man know of necessity that the noncommissioned officers in charge of the quarters, that the noncommissioned officers in charge of the gun racks, that the sergeant on guard and the sentinel pacing up and down behind the wall would, of necessity, know who these men were? They would of necessity know, when the sixteen or twenty men marched out of quarters, whether they went out through the gate or jumped over the fence, and especially would they know whether these sixteen or twenty men commenced firing inside the fort, inside the walls, on the premises of the Government.

If it be conclusively established, as we are told it is, that from sixteen to twenty of those men did this shooting, then is it not of necessity also established that these men to whom I refer had guilty knowledge; that they were accessories before the fact, if they did not participate in it. In the nature of things it would be a human impossibility for those men to commence firing, some of them from the barracks, we are told, some of them outside the barracks from the premises inside the walls, and then jump over the wall, start down street, shoot up the town for ten or fifteen minutes, and then rush back and pass through the guard and everybody else without detection.

Mr. President, it appears that every man was in line when the roll was called; every man answered; and, not only that, but a line of guards was put behind the wall to intercept anybody who might come from the town, and all this in a very few

minutes.

But I am not going to discuss that. I am only now saying enough to show that if it was desired to establish the guilt of these men, it was an easy matter, if they were, in fact, guilty, to do it by simply ordering a trial, by simply following the directions of the law, and that is what at first the authorities started out to do. The civil authorities arrested thirteen of these men, twelve of them soldiers and one an ex-soldier who had been discharged but a few days before. The men arrested were the sergeant of the guard and the men who constituted the guard, the sentinels, the men who were in charge of the quarters, the men who held the keys to the gun racks, the men who, of necessity, would have knowledge. If before a tribunal such as the law authorized when it provided that men subject to such charges should be tried by court-martial witnesses had been called, if there was any shooting done at all by anybody connected with the battalion, those were the very men who would have had a prima facie case against them upon circumstantial evidence of a character so strong that the President held it to be conclusive, and who would have been convicted, and the men who committed this great crime, if they committed it, would have been brought to punishment and a punishment adequate would have been inflicted.

But beyond suggesting that there was evidence to warrant the trial-far more evidence than many times is laid before a prosecuting attorney and a grand jury when an indictment is found charging a man with crime—beyond showing that there was that predicate for a trial, and that they were not allowed a trial, but were denied it; that by Executive order they were indicted, tried, convicted, and discharged without any one of them having a chance to be heard—I do not care to speak. That was, to my mind, under all the circumstances, without authority of law, or, if by authority of law, then a disgrace to the American people.

During the delivery of Mr. Foraker's speech, The VICE-PRESIDENT. The Senator from Ohio will suspend a moment while the Chair lays before the Senate the un-

finished business, which will be stated.

The Secretary. A bill (S. 7709) to revise, codify, and amend the penal laws of the United States.

Mr. FULITON. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Oregon asks

unanimous consent that the unfinished business may be laid

aside temporarily. Without objection, it is so ordered. The Senator from Ohio will proceed.

After the conclusion of Mr. Foraker's speech,

Mr. LODGE obtained the floor.

Mr. CARMACK. Will the Senator from Massachusetts yield to me?

Mr. LODGE. Certainly.

Mr. CARMACK. I gave notice some time ago that I would to-day present resolutions commemorative of the life and character of my late colleague, Senator BATE. If agreeable to the Senator from Massachusetts, I should like to present them now.

Mr. LODGE. Of course, I yield the floor to the Senator for

that purpose.

Mr. ALDRICH. Will the Senator permit me to make a motion?

Mr. CARMACK. Certainly.
Mr. FORAKER. I should like to get a vote on the resolution unless somebody wants to speak.

BLACKBURN. Mr. President, it will be remembered

The VICE-PRESIDENT. The Senator from Rhode Island [Mr. Aldrich] has the floor.

Mr. ALDRICH. I move that when the Senate adjourns to-

day it be to meet on Monday next.

The VICE-PRESIDENT. The question is on the motion of the Senator from Rhode Island, that when the Senate adjourns

to-day it be to meet on Monday next.

Mr. BACON. Mr. President, I think it is due to the Senator from Maryland [Mr. Whyte] that I should state what possibly he is himself reluctant to state, that he has given notice of a desire to address the Senate to-morrow.

Mr. ALDRICH. Would it not be equally convenient for the

Senator from Maryland to speak on Monday next?

Mr. WHYTE. Mr. President, I prefer to go on to-morrow if I shall not thereby interfere with any arrangements of the Senate.

The VICE-PRESIDENT. The Senator from Rhode Island moves that when the Senate adjourns to-day it be to meet on Monday next

Mr. ALDRICH. I did not hear the reply of the Senator from Maryland [Mr. WHYTE],

Mr. TILLMAN. The Senator from Maryland stated that he would prefer to speak to-morrow

Mr. ALDRICH. Then I withdraw the motion.
The VICE-PRESIDENT. The motion is withdrawn.

MEMORIAL ADDRESSES ON THE LATE SENATOR WILLIAM B. BATE.

Mr. CARMACK. Mr. President, some time ago I gave notice that to-day I should ask the Senate to consider resolutions commemorative of the life and character of my late colleague, Hon. WILLIAM B. BATE. I send the resolutions to the desk, and ask that they may be read.

The VICE-PRESIDENT. The Secretary will read the resolu-

tions submitted by the senior Senator from Tennessee.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. WILLIAM B. BATE, late a Senator from the State of Ten-

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The VICE-PRESIDENT. The question is on agreeing to the resolutions submitted by the Senator from Tennessee.

The resolutions were unanimously agreed to.

Mr. CARMACK. Mr. President, it is with a feeling of peculiar tenderness and reverence that I approach the sad duty of I was born within a mile of General Bate's homestead, lived among his friends and neighbors, listened with rapt attention to stories of camp and conflict as they fell from the lips of the heroic veterans who were his followers and comrades in battle, and from my early boyhood was deeply imbued with the spirit of personal devotion to him that prevailed among the people of his native county. In later years circumstances brought us much together, and I became his personal friend and supporter in all his political contests. My personal knowledge of the man revealed inborn qualities which strengthened my love for him and held it to the last; and the affectionate relations that have existed and do exist between our families are among the most precious blessings of life.

Mr. President, if in youth one could be permitted to shape the end of his life he could not wish for it a happier termination than that which closed the mortal career of WILLIAM B. BATE.

Full of years, full of fame, and full of honors he closed a life crowned with domestic peace and happiness, the esteem and confidence of his people, and that conscientiousness of duty faithfully done, which more than all things else gives sweetness to life and takes bitterness from death. By the sternest code of honor he lived a life of rectitude. It is no exaggeration to say that neither to the right nor to the left, under whatever tempta-tion, throughout a long life, full of action, full of excitement, full of strivings and honorable ambitions, did he ever swerve by the breadth of a hair from the path of honor. In addition to all this, and higher and better than all this, the Christian's faith and hope were his; so that his peaceful death, met with a calm and quiet resignation, was a fitting close to such a life, a happy realization of the prophet's prayer, "Let me die the death of the righteous, and let my last end be like his." He died as one who knew that the gates of death were but the portals of immortal life.

WILLIAM B. BATE was born in the old blue-grass county of Sumner, a county still famed for the sterling character of its citizenship and the generous hospitality of its people. The world can not produce a nobler type of men and women than may there be found. They are worthy of the ancestry from whom they sprang. General Bate was the son of a Revolutionary soldier and came from the old pioneer stock who in the early history of the State invaded this region with ax and rifle to hew through the primeval forests a pathway for civilization. They were men of heroic heart and simple A faith in God that knew no doubts or questionings gave them the fortitude to dare the terrors of the wilderness. On the frontiers of civilization, struggling with wild beasts and with yet wilder men, they acquired the fundamental qualities that go to make the manners and the character of a gentlemanrespect for one's self and for others. General Bate was born near Old Bledsoes Lick and within sight of the old fort where the early settlers found protection while yet the white man had to make good his title to the land against his savage foe. Here he spent the years of his boyhood until-a fatherless lad-he determined to go forth alone to match himself against the world. He went first to Nashville and secured a place as clerk on a steamboat which plied between Nashville and New Orleans. The war with Mexico coming on, he enlisted in the latter city, joining a company of Louisianians, and went to Mexico. He served out his term of enlistment with the Louisiana troops and then joined a company from his own State which had arrived upon the scene of hostilities and was made first lieutenant. In this capacity he served to the end of the war.

After his return from Mexico he soon entered upon the study of law, graduating from the Cumberland Law School, at Leba-Tenn. He did not have to wait for clients, but at once achieved marked success in his profession, being elected prosecuting attorney for the district including the city of Nashville in the year 1854, just two years after he had been licensed as a practicing attorney. In 1856 he married Miss Julia Peete at Huntsville, Ala., the loving and faithful partner of his long and checkered life, who still survives him. It so happens that this day upon which we commemorate his life and services is the

anniversary of the day of their happy union.

General Bate early developed a taste for politics, and as a member of the legislature and Presidential elector on the Breckinridge-Lane ticket he began his political career, a career which had already given promise of greatness when interrupted by the outbreak of the war of secession.

Tennessee left the Union reluctantly and with sorrow. She had voted down the first proposal to leave the Union by an immense majority. But when the secession movement grew to such strength that war became inevitable, and she had to decide between the alternative of uniting her forces with or against her sister States of the South, she chose to abide the fortunes of the Southern Confederacy. Looking calmly back from this peaceful time to that stormy period, I am proud that she dared and suffered with the South.

The martial, the military instinct in General Bate was strong, and his whole heart and soul was in the cause of the Neither then nor afterwards, to his dying day, did he ever question the justice of her cause or permit any man to do so in his presence without stern and emphatic rebuke. cause had in him a friend who was faithful unto death and beyond the grave.

He enlisted as a private in a company then forming at Gallatin, was made its captain, and later was elected colonel of the regiment. In his eagerness to give his services on the field he promptly took his regiment to Virginia and commanded it in the battle of Bull Run. As its term of enlistment was about to expire, so thoroughly had the rank and file become imbued with the spirit of their commander, when the proposal was made to them to enlist for the war the entire regiment stepped forward as one man. There was not one laggard in this regiment of

Sumner County heroes.

There was another conspicuous illustration of the spirit that prevailed in this regiment. Because of the promptitude with which they had gone to the front, Colonel Bate had been permitted to select the army in which his regiment should serve, and he naturally selected the army of Tennessee. Upon the transfer being made, all the members of the regiment were given a sixty days' furlough. Before this furlough had expired Albert Sidney Johnston made the movement which brought on the battle of Shiloh, and at the call of their colonel the members of this regiment voluntarily abandoned the ease and comfort of home, tore up their unexpired furloughs, and hastened to report for duty. For many of them it meant death or mutilating wounds, for this regiment was early in the battle and in the "focal and foremost fire." In a desperate charge Colonel BATE rode in the very front of his regiment and cheered them toward the foe. While doing so he received a wound which shattered his leg, but he continued to lead his regiment onward until faintness from loss of blood caused the bridle reins to drop from his hands and until his horse was shot from under him. In that battle his brother and brother-in-law and a cousin were killed and another cousin severely wounded—five members of one family in one regiment weltering in their blood upon one battlefield.

Colonel Bate lay for a long time in peril of death from his terrible wound. His surgeons decided that amputation was necessary, but it was characteristic of the man that he overruled the opinion of the surgeons and decided to take the chance of recovery without the loss of his limb. His decision meant that he would take all the chances of death rather than become unserviceable to his country in its hour of peril. He slowly recovered from his wound and was indeed badly crippled throughout the war. He returned to his command on crutches

as a brigadier-general.

He was so badly crippled that it was not believed that he would again be fit for duty in the field, and a movement sprang up to make him governor of the State to succeed Isham G. Harris, whose term was soon to expire. There is no doubt whatever that he could have been elected; but he promptly declared that he would accept no civil office, but would share all the perils of battle with his comrades unto the bitter end. He was afterwards twice wounded while yet so badly crippled from his former wound that he had to be lifted to his horse as he rode at the head of his command. He had three horses killed under him at Chickamauga, and everywhere and under all circumstances he exhibited that same spirit that won the name bestowed upon him in the official report of his division commander, General Stewart, at Chickamauga—"The indomitable." I shall not dwell upon the details of his military career. I need not do so-there are volumes of eulogy in the simple statement that he entered the army as a private soldier and left it as a major-general. From the hopeful beginning to the end of the sad but glorious chapter, when he surrendered the ragged, famished, battle-torn, heroic remnant of his command, it was the same story of a devotion that knew no weakness and a valor that knew no fear. Upon his tombstone, and upon that of every Tennessean who followed him, may be written without flattery the characterization of Bayard—"a knight without fear and without reproach."

When the war was over he returned to the practice of law, removing to the capital city of Nashville, and soon commanded an immense practice. He was especially successful in jury trials, and at the time when he became governor in 1882 his firm

probably had the largest practice in the State.

He was elected governor at a time when the refunding of the State debt followed as a result of the settlement which was an issue in this campaign. An incident in connection with this shows the extreme punctiliousness of his sense of duty. The law required that the new bonds issued should be signed by the governor. When it was proposed to prepare a stamp by which the facsimile of his signature might be placed upon the bonds he insisted upon an exact compliance with the letter of the law and of undergoing the immense physical labor and writing the signature upon each with his own hand. In all his career this same nice and self-exacting sense of duty governed his public and his private conduct.

After his second term as governor came his election to the Senate. It was a battle of the Titans in which he then prevalled. Intellectual giants like ex-Governor Marks and ex-Congressman John F. House contended with him in friendly and chivalrous rivalry, and yielded him the palm without bitterness

as to a victor worthy of their steel.

In politics he lived and died a Democrat—not simply in the sense that he supported the nominees of his party, but because he was a thorough believer in its great fundamental principles. Like the late Isham G. Harris he clung with tenacity to his party's earliest creed and felt a sense of resentment for every deviation from the Jeffersonian principle of a strict construction of the Constitution.

In his service here he was faithful, industrious, diligent, a close student of the business of the Senate, having a clear understanding of the questions of the day, and when he chose to do so he presented his views with great ability, learning, and power. A speech on the tariff question in the early years of his service showed him to be a profound student of national taxation, and his speech upon what, in our part of the country, was usually denominated the "force bill" was liberally quoted from one end of the land to the other.

But above all other qualities, he bore among his associates here a reputation for honor and integrity that was without a stain. No suspicion of an unworthy motive was ever imputed to any act of his. No man here or elsewhere ever felt one moment's doubt as to the absolute rectitude of his intentions.

It is a fact significant of the happy passing of old issues, of old passions and prejudices, that among the most devoted friends he had in this Chamber were those who wore the blue when he wore the gray, who fought under the Stars and Stripes when he fought under the stars and bars; with whom he contended for life and death in the awful shock of battle. There are no truer friends than those who have been honorable foes, and the handclasp that is made above the grave of kindred dead is never broken. Even as he loved and honored those who fought by his side he loved and honored those who confronted them. And while old associations, the memory of common sorrows and of common sufferings, bound him as with hooks of steel to his comrades in arms, the story of that great war was to him a lesson of American prowess and American valor, which, united under a common flag, could withstand the world in arms.

His intense devotion to the memory of the cause for which he had fought, and of the comrades who had died for that cause, might seem to the superficial inconsistent with heartfelt devotion to the Union; but you in this Chamber who fought on the other side, none of you ever questioned for one moment the loyalty to the Union of this battle-scarred old hero of the Confederacy. You loved and honored him for his very fidelity to those hallowed memories and hallowed graves. You, who like him, but on the opposing side, have passed through the furnace of war know that he who can lightly forget what was once the cause of his country, the cause for which its women prayed, and for which its sons had died, could not be loyal to any country or faithful to any flag. You knew that he brought to the service of the whole country as faithful a devotion to duty as when fighting for the cause of the Confederacy on the red edge of battle. The Confederacy had no braver knight than WILLIAM B. BATE when war was flagrant in the land; the Union has had no truer friend since the war clouds were lifted and the waiting sunlight came down to bless the land, which is the common hope, as it is the common heritage, of us all. His love for the Confederacy was but the faithfulness of memory to the noble dead-that lingering with uncovered head by the tomb of old

comrades and fallen hopes which purifies and exalts the soul.

Mr. President, it is true that "peace hath her victories no less renowned than war." William B. Bate was one of those who came back from the war, surveyed the scene of red ruin and blank desolation that overspread his country, and then with hearts resolute and undismayed faced the awful problems of that awful time. All the heroism displayed through four blazing years of war pales into insignificance by the side of that story of patience, constancy, and fortitude which enabled a weaponless and uncaptained army of disfranchised citizens to

win victory even from defeat.

In private life General Bate was simple, plain, devoid of artifice or ostentation. Unusually blessed in his domestic relations, he found his happiest hours around the family hearthstone and in the company of congenial friends; but in all the walks of life the same high courage and noble qualities which won him honor and fame in field, in forum, and in Senate were his. And when he came to meet the inevitable hour these qualities rose supreme and he blenched not when he stood face to face with the king of terrors. Over him the grave could win no victory and for him death had no sting. As in the ardor of his youthful prime he had faced death without a tremor, with all the courage of a soldier, so at the last he met death with all the fortitude of a Christian. At peace with his fellow-man, with his conscience, and his God, "he gave his honors to the world again, his blessed part to Heaven, and slept in peace."

Mr. DANIEL. Mr. President, we have halted on the forced march that is made necessary by the short and congested session of Congress, and we have called a truce to all dissension that we may pay tribute to the memory of one of our number whose name the Ruler of the Universe has stricken forever from the Senate roll and from the roll of life. The shadow of death marks the boundaries of man's common country. By the reconciling grave we are one.

WILLIAM BRIMAGE BATE was a soldler of his country before he became a man. He had just entered his fourth term of service in this body when he departed from us. Throughout his long and useful life he was an earnest and honest soldier

of the common good.

At the close of his service he left behind him a clean, white record, which bears witness that through his life's ceaseless struggle he was always "present for duty," and that as God gave him to see that duty so he did it, whatever might befall.

He had passed considerably beyond the period of threescore years and ten before he died—indeed, he was in his eightieth year—but his strength had remained equal to his tasks; and it is consoling to reflect that it was not in the valley of helplessness that he left us nor by the process of slow decay.

No matter when death comes, so mighty is the change it is

startling and sudden.

No matter what the premonitions may be, and no matter howsoever we steel our hearts to meet the inevitable, the blow that shivers the life of one beloved and honored must lacerate the sensibilities and pall upon the affections.

Although the shadow upon the dial marked the evening of his days, Senator Bate was here and took the oath of office for a

new term on the 4th of March, 1905.

I had stood by his side when he entered the Senate in 1887, and again was with him when he was sworn in the last time.

Together we joined in the line of Senators that proceeded from this hall to witness the inauguration of President Roosevelt from the east front of the Capitol. As we passed out of the Chamber I said to him, "General, I have seen you sworn into the Senate for four times, and I hope that you may long live and that I may have the pleasure of seeing you sworn in again;" but it was not so written.

As we reached the throng pressing forward through the halls of the Capitol we became detached from each other and I never saw him more. A severe cold, contracted by the exposure to the piercing atmosphere of the inaugural occasion, brought on pneumonia, and soon the sad intelligence came that WILLIAM

BRIMAGE BATE was no more.

He was born in the blue-grass region of Tennessee, in Sumner County, as his colleague has recounted, in the midst of the scenes of the old Indian wars, near Bledsoes Lick, which is now known as Castalian Springs, in a section that abounds with incidents of the encounters between the hardy pioneers and the stubborn tribes of Indians who stood in their pathway. He sprung from that yeoman stock which loves the land and fights for it, and, plastic of mind and heart, he was full of the traditions and legends which inspire manhood to high emprise. "Old Hickory" said, and he was of that region, that "the man who was born and reared among these people deserved but little credit for being a gentleman or a soldier, for he could not help it."

The blood of the pioneers of Virginia and North Carolina mingled in his veins. Tillage of the soil, the earliest and purest of avocations, was theirs. They held the simple faith of the Baptists, and they looked on life as a real earnest and solemn

matter, to be met by the best that was in them,

When yet in his teens young BATE, with that spirit of adventure and desire to see the world which is apt to characterize the youth of our race, set out for New Orleans, having become a clerk on the steamer Saladin, plying between Nashville and that city.

The expansion of our race has never come from congestion at home. They have gone forth into all lands from that spirit of enterprise and love of romance and adventure which the Creator has implanted in their ambitious, strong, and aspiring blood.

The Mexican war was on, and, joining a Louisiana command, the boy Bate, as a private soldier, with his musket on his shoulder, marched with it to the relief of Zachary Taylor on the border of Mexico. This service ended, he became first lieutenant of Company I, Third Tennessee Volunteers, was selected as its adjutant, and with it served until the conclusion of the Mexican war.

From second clerk on a steamer and private in the ranks he rose by steady gradations to the foremost places in both peace and war. To glance at the positions in which he was placed by the confidence and trust of the people is as if to let

the eye range over the rungs of the ascending ladder by which he climbed to eminence and renown. Private and lieutenant in the Mexican war, editor of the Tenth Legion, a Democratic journal, after the return to peace, and a member of the legislature, and then came his settling down to the study of the legal profession in 1850, when he entered a law school in Lebanon, Tenn., graduating in 1852.

Soon again he climbs upward. He became attorney-general for the judicial district which was composed of Sumner, Davidson, and Williamson counties, which include the city of Nashville, for six years. While holding this office he was nominated for Congress, but declined. In 1860 he was elector upon the Breckinridge ticket for the Presidency, but Tennessee stood slow and patient, as did my own State, upon the edge of war, and each of them gave their electoral vote to John Bell.

In 1861, the lightnings of war flashed from the cloud of long dissension. It was the rear guard fight about an institution which perplexed the nations of the earth for countless ages past. Again he took his place at the bottom of the ladder, enlisting as a private of volunteers. He was elected captain of the company which became Company I, of the Second Tennessee, and later was elected colonel of the regiment. Brigadier-general in 1862, major-general in 1863, corps commander of the remnant of a great command at the surrender, BATE made a name as a soldier, based upon facts which can never be confused or belittled, which places him in the front rank of just renown.

In the conflicts of 1862–1864 he was wounded, first at Shiloh, in 1862, then at Hoovers Gap, in 1863, and then again at Atlanta, in 1864; and as the rings in the bark of a tree mark the years of its growth, so the years of his service were marked with scars upon his person.

"Indomitable Bate" was the characterization of him by Gen. A. P. Stewart, after the bloody battle of Missionary Ridge,

in which three horses were killed under him.

No hero of all that bloody strife more possessed the confidence of the soldiers whom he commanded and of the su-

perior officers who commanded him.

The war records make enduring pedestal for the statue of his fame, and whether they were composed by a soldier upon one side or the other they are in the main the embodiment of the truth. If neither of the armies which opposed each other had other chroniclers and commentators than those who fought against them, their great heroic characters and their fame would be permanently enshrined.

Some day Tennessee will raise his own figure on that pedestal, and it will some time stand in bronze in his beloved Tennessee, where it will not only attest the valor and devotion of the past, but be an inspiration to the youth of the volunteer State, which

will "keep the soldier firm and the statesman true."

I heard one of his captains, who was himself wounded at Shiloh, say that over the roll of the musketry could be heard the voice of Bate cheering on his soldiers. Presently one of his men said to him, "Colonel Bate must be down, for I hear his voice no more." So in truth it was; and soon near Shiloh Church lay five of his family near each other, three killed and two wounded, his brother, Capt. Humphrey Bate, amongst the dead, himself amongst the stricken.

But enough of war. Apart from the nobleness of sacrifice and the greatness of soul which the trials of war stimulated and brought forth, and, apart from the removal of the cause of strife, the best thing about the great conflict is that it is over and that it will come no more; but the brave and true of each side will be cherished as a people's legacy, adding luster to the American name.

When surrender came at Bentonville in 1865 Bate rode to the remnant of his old division, which stood in line, dismounted, hobbled on his crutches to his old brigade and regiment, and, when the order to stack arms was given for the last time, he stood amongst those with whom he had been a private soldier and from them departed as a private citizen once more. Napoleon taught that the officer must take his place with his soldiers in surrender, as in the battle. It needed no Napoleon to tell that to Bate. It is the instinct of such brave and honest spirits as was his.

Now again he was at the bottom of the ladder, and again his ascent began. For seventeen years he sedulously practiced his profession, and rose to high rank and large practice. In 1875 he came within one vote of being elected a Senator of the United States, and by the change of a single vote Andrew Johnson was chosen.

In 1876 he was an elector at large on the Tilden ticket, and for a second time he bore the Democratic banner on the Federal field. In 1882 he became governor of Tennessee and was a sec-

ond time chosen. In 1887 he entered the United States Senate. His services here were diligent, constant, and unremitting. greater part of a Senator's work makes little noise and gets little notice. In the committee room and in council with col-leagues is worked out, for the most part, the legislation of the country. It is rare that a speech controls the action of this body. The wise suggestion at the proper time makes no record. The careful and precise study of details may become as potent as the underground wire that lights a city or that drives its engines and trains, but the eye gets no picture of it. But his services here were by no means confined to mere detail. He is regarded as practically the author of the Weather Bureau and the Signal Service in their present organization. He was the author of the bill which ended the supervision of elections by the Federal Government, and his hand was seen and his influence felt in many of the good works which emanated from the committees on which he served and have passed into legislation. Though not a frequent speaker, he possessed ability and eloquence which were exemplified on pertinent occasions.

Those who served with him for years in the Senate will never forget the great fight he made to prevent the removal of the Jackson statue from what is known as Lafayette square. His opposition to its removal was successful, although preparation had already been made and in part completed to take away the equestrian statue of Jackson and put it on the corner of the square, instead of letting it stay as the centerpiece. No corner for Jackson, but the chief place, said Bate. So on the center of the square in front of the White House Old Hickory still rides erect his prancing steed, and because he had a champion of the stuff whereof he—the hero of New Orleans—was made.

The combination of intelligence, sagacity, and courage, commingled with the many virtues that go to make up the gentleman, the soldier, and the good citizen, came together in force of character in William B. Bate and made him a foremost man. His heart was loyalty itself. He adhered to principles wherever they carried him. He would not compromise a creed nor give to expediency what belonged to conviction.

He respected the opinions of others and treated all with courtesy; and the courtesy which he freely bestowed he in turn

He seemed old fashioned in his strict adherence to the ideals of his teachings and his convictions, and the light and frivolous sometimes attributed to the stubbornness of his nature what was in truth only the clearness and tenacity of his faith.

He was a man of simplicity and devoid of ostentation. He never spoke just to be heard of men, but only to carry to them a message which went forth from his heart and mind. Many of his speeches were notable for their careful and well-considered views and for the clearness and power with which they were uttered

On festival and on memorial occasions, especially upon those that commemorated noble characters and great deeds, Senator Bate was frequently the welcome orator, and his addresses were marked by those truthful historical allusions, those worthy reflections, and those beauties of poesy and eloquence that gave instruction in the most attractive and pleasing garbs of expression.

I can not take my seat, Mr. President, without adverting to the happy domestic life of Senator Bate. Fifty-one years ago he married Miss Peete, of Huntsville, Ala. Their union was blessed with children—all daughters—two of whom survive. His home was not only his castle, it was his temple, and those nearest and dearest to him were his constant thought.

On one occasion, when on some public ceremonial a compliment was paid to Mrs. Bate, who had been his helpmate and companion for many years, the Senator recognized it and thus respected it:

I thank you-

He said to those who had paid this tribute to her he loved

I thank you for this compliment to my wife, and I challenge any man to have a better right to feel more kindly and lovingly to the beautiful and charming women of Alabama than I do. You will pardon the personality when I say that in the long ago—and it seems to me but yesterday—it was in the beautiful little city of Huntsville, Ala, nestling at the foot of Monte Sano, overlooking a valley that smiled with delight, that I was given, under a wreath of orange blossoms, one of the loveliest of all the sweet girl flowers that grew and bloomed in that refined and cultivated social garden. She has been for more than forty years my companion and comfort—through war and peace, through weal and woe, through good and evil fortune—and although she has gone into motherhood and grandmotherhood, still she is my cheerful companion and my faithful comforter. So I feel that I can challenge with impunity the right of any man who was not born under Alabama's segis and who does not live on Alabama soil to feel nearer and dearer to Alabama than I.

There is an ancient adage which says "every man is the child of his own works." So obviously was William Brimage Bate. He was a matter-of-fact man, and he built himself from the ground. He dreamed no dreams of frenzied fancy; he saw no visions; he owned no castles in Spain, and took no stock in Utopia. Nevertheless, the spirit of poesy and the charm of romance were in his heart, and there, too, was the fountain of that natural eloquence which flowed forth when the true spring was touched.

There was nothing dim and there was nothing doubtful about him. He stood foursquare to all the winds that blew. His people looked upon his works, and they saw that they were good. They felt the beat of his strong true heart and the warm grasp of his honest hand. They knew him, and their constancy was but the reflected image of his own constancy to them.

I had the honor to be among those who bore his body back to Nashville, and stood and saw it laid again in his native soil. The vast outpouring of the people was impressive. But nothing was more impressive than the gray line of his old Confederate comrades that followed his hearse and fired the last salute over his grave. Some of them were yet sturdy and strong, some wrinkled and haggard with life's accumulated burdens, some as gray haired as the coats they wore. But all of them were of one mind of approval and of one heart in the spirit of love for the dead hero who rode in their front in battle, and in their front at the last received the bolt of fate. There we laid him in the dust at the bottom of life's ladder. There he rests in the abiding honor and affection of the people of Tennessee. Nor will Tennessee alone remember him. He served the whole American people as a worthy Senator and as a patriotic citizen.

He who considers his history sees he not also another ladder rising in the vision of immortality, its foot resting on the earth, its summit disappearing from mortal ken in the heavens?

Mr. NELSON. Mr. President, while the thirteen colonies were struggling to secure their independence from Great Britain, there was a small band of determined and hardy frontiersmen of the Carolinas and Virginia who pressed westward over the spurs of the Allegheny Mountains into the valleys of the Cumberland, the Tennessee, and the Ohio, and wrested the same from the cruel, crafty, and indolent savages who roamed through the wilderness, a terror and a menace to the settlers on the These frontiersmen wrought their impress upon the revolutionary struggle, directly and at a most critical time, at King's Mountain, and indirectly by repressing to a large extent throughout the unequal struggle the bloody aggressions of the savage allies of Great Britain. But the greatest result of their task was this: That at the conclusion of the war they furnished the colonies the basis and ground for claiming and acquiring that fertile and vast expanse of country between the Alleghenies and the Mississippi River. And thus the heroic struggles of these brave men inured in the fullest sense to the great advantage and glory of the entire nation.

These men were preeminently, both intuitively and by training, a race of warriors and State builders. What they conquered and subdued with the rifle and the ax, they knew how to organize, maintain, and govern conformable to the principles of free government.

From the very loins of this race, as its best type and possessed of all the virile courage and vigor of it, came Senator Bate, our coworker and associate for many years in this body. He died in the seventy-ninth year of his age, at peace with all the world, after a most eventful and fruitful life such as falls to the lot of but few men. He was a veteran in the public service and had been a veteran in both war and peace. I can not enter into the details of his long life and varied career. Those who stand nearer to him than I are better qualified for this task. I can only give my impression of him as I saw him, heard him, and knew him.

He was one of the bravest men that ever lived. This he attested on many a bloody field of battle and in many a civic strife and controversy, but his bravery was of the higher order, a moral and intellectual bravery, based on principle and conviction, and not of the grosser kind, the mere bravery of the bully. He was always brave in the performance and execution of what he conceived to be his duty, of what he deemed right and just, never evading or shirking a burden or responsibility, never faltering, however great the odds. But he was a gladiator of the noblest type, scorning to take a mean or underhanded advantage of his adversaries, manly and forbearing at all times and under all circumstances. He had no patience for shams or mere glamor of any kind; he could always distinguish, in man or measure, the counterfeit, however much embellished, from the real and substantial. He had no tolerance for the former,

but was always ready and swift to embrace the latter. Like all brave men of the higher type, he was gentle, kind, and sympathetic in all spheres and walks of life and in all the varied and trying affairs of life. That air of arrogant loftiness and supreme self-sufficiency, which tokens the vain, the blood or the purse proud man, was utterly foreign to his nature and make-up. He gauged men at their real measure and worth, and on that level he was always ready to meet them. never was a more modest man than he in military or civic life. What he wrought on the bloody fields of battle or in the realm of the civil service of his State and country he left others to tell and extol. He preferred to be measured by his deeds rather than by his words. Men of action are, as a rule, brief and modest in speech, and are content with results rather than

As a member of this body he was one of its most useful members, faithful in attendance, both in session and in committee. He never shirked, but was always ready to bear his full share of the drudgery of legislation—that drudgery so essential but often little noted by the public at large. He did not belong to that school of legislators who are content and feel that they have done their whole duty if they deliver one or two set speeches during the session. While he was not a prolific despeeches during the session. While he was not a prolific de-bater, yet he never abstained from discussing a measure of importance that he felt called upon to support or oppose, and his discussion was always instructive, clear, and to the merits. He never spoke for the mere sake of speaking-for mere oratorical display. He was always in earnest, and when he spoke he spoke to pass or defeat a measure. He never supported or opposed a measure for the mere purpose of courting popularity. His attitude was governed by what he conceived to be right and just in the premises. In other words, it was always a matter

of principle with him.

His environment and training had been such that on all constitutional questions he belonged to the so-called "school of strict constructionists"-strict in measuring the rights of the Federal Government, but liberal in measuring the rights of the States. And in this he was the child of his age, his State, and his surroundings. Our system of government is such that from the very beginning it bred and evoked two schools of constitutional construction, the one tending to fortify the Federal and the other to fortify the State power. And whatever else may be said on the subject, all fair-minded men, I think, will concede that the one school is a valuable check and restraint upon the exuberance of the other, and that between the contentions of the two the people, who have given their power of attorney to the Federal Government for national and Federal purposes and to the State government for local and State purposes, will ultimately secure and maintain that equilibrium of double power and double purpose which is the mainspring and the glory of our wonderful Federal system.

Senator BATE died faithful and loyal to our flag and to the best interests of our country. Its welfare was foremost and uppermost in his love and affection. He was one of its brave, faithful, and trusty legislative sentinels, on duty when he passed away. His countersign in his last moments was "the Union now and forever." Tennessee never had a more honest, more faithful, and more zealous representative in the United States Senate, and we, his colleagues, had in him a Senator who was always on duty, always at the laboring oar. His task and his mission on earth is ended. He did not live in vain; he wrought much for the good of our country and for the cause of our common humanity. He was a Senator of the United States in the fullest sense of the term, and the recording angel will enter him as a brave, upright, and faithful man, and as a public servant who bore the burdens of life fearlessly and heroically

Mr. McENERY. Mr. President, WILLIAM BRIMAGE BATE'S career was eventful. His strong personality gave evidence of conflict and victories. It was stamped in every lineament of his face and expressed itself in his every motion. He was not born to remain an idle spectator amidst stirring events nor to participate in them merely content with duties simply per-formed, but to be the controlling spirit and leader. As a boy he was on the Mississippi River, and caught inspiration from that mighty stream. The rough experience of life on that river has educated hardy, strong men, with strong intellects, indomitable will and courage, making a perfect type of true and vigorous manhood. Leaving this river, with its strong impressions upon him, he became the boy hero of the Mexican war. This experience carried him to the Tennessee legislature in young manhood, where he was distinguished. Hardly stopping for rest or recreation, he entered upon the practice of the law,

mastered this intricate science, and soon became eminent, and was elected attorney-general of the Nashville district, in which office he served six years. During his incumbency of this office he was nominated for Congress, but declined this high honor. His entry into politics was brilliant, but was stopped for the moment by the civil war. But his activity did not cease.

With his experience in war and civil life and the high position he occupied, he would have been justified in demanding high military rank, but, having self-confidence and measuring his ability, he knew that opportunity alone was wanting for advancement. Therefore he entered the Confederate army as a private, but rapidly ascended to captain, colonel, brigadier and major general. He literally fought his way to supremacy. He was always to the front and three times dangerously wounded while in the lead. What a record for a soldier! nation would not be proud of such and crown him with all the

honors it could bestow!

Here he could have rested, having achieved all the fame and glory to satisfy the most ambitious. But his ambition was associated with duty to his unfortunate countrymen. He still fought for their deliverance from an infamous, hell-born despotism and again became active in political life. His people appreciated his unselfish patriotism and the sacrifice made in their behalf, and twice placed him in the executive office of his State. He made a great governor, ranking among the best, and his efforts were untiring to reduce taxation and to give the people a clean and economical administration. He succeeded and was rewarded by a seat in this honorable body. His history here is well known, and laws enacted during his several terms in the Senate bear the impress of his genius. Those who served with him know his ability, the grandeur of his character, and the services he rendered to the nation.

Worst to be endured than all that he had yet encountered was the tyranny and fetters fastened upon him and his people after the cessation of hostilities between the States, the being buried while yet alive, to the sad condition of his people. fought and battled for right while thus fettered and buried. He used every energy of his being to cast aside the trammels and to burst from the cerements of that tomb and take his place in the van of his countrymen, struggling for liberty-aye, for life itself. He carried them on in accelerated progress, in improvement in government, and in material things, which prostrated to the dust the puny obstacles of legislative, judicial, and

executive tyranny.

It can safely be asserted that no conditions such as followed the close of the civil war can ever be renewed in this country. Bad men, vicious men, can no longer obtain sway over a people ignorant and easily led by interested advisers acting for their own selfish ends. That terrible departure from justice which marked the period of reconstruction has taught a lesson that it is unsafe to depart from the sacred rule of civil polity not to bestow power where there is no effective and individual re-

sponsibility.

His great energy and ability when thus freed strove to defeat the cunning and sordid plots of monopolists. When he thus entered political life he was free, no longer the slave of a fanatical party, no longer at the mercy of designing and intriguing politicians who planned and plotted for the disfranchisement of honest and brave men of the South. He had attained that position, and on this vantage ground, after his entrance into the Senate, he struggled for honest government, a government not of promises, but of actual accomplishments. He rejoiced in the prospect of good government, in the progress of trade, of private and political virtue, and the attainment of national prosperity in the restoration of the people's rights. In peace he won laurels more imperishable than those which crowned him in His achievements here and his fame belong to the nation. He did well and nobly his appointed task in life, and he now rests from his labors and sleeps under the simple, but not inglorious epitaph commemorating "One in whom mankind lost a friend and no man got rid of an enemy.'

He had no irritability of temper and was not impatient of contradiction, but on subjects he had mastered and on which he held strong opinions he was tenacious. He comprehended all subjects of legislation and had the rare faculty of mastering all details and combining them with general views of the whole subject-matter, thus availing himself of all that speculation presents and experience affords to correct the results of

general reasoning.

His orations were clear and logical, eloquent and classical: The first creditor of every people is the plow, and upon the furrows which it turns reposes the great mass of national wealth." Such sentences of classical inspiration are frequently met in his addresses. His physique was strong and vigorous,

enabling him to endure the severest strains of mental labor. His faculties were strong and coordinate, enabling him to concentrate them with force and vigor to accomplish his purposes. With such physical, moral, and intellectual force he readily achieved the highest distinction as jurist, soldier, and states-To follow him in all his efforts in acquiring the highest honors would be to review the jurisprudence of his State and the history of the battles of two wars and the conflict for political mastery in Tennessee. In all this conflict and endeavor his was the master mind. He pressed forward to success and victory with character unsullied and not a voice raised in detrac-His achievements were in a State which in every crisis of her history developed great men, whether in the forum or in To meet and to successfully compete with such men great qualities in manhood and intellect were required.

His character was a grand one in its integrity, its honesty, and its purity. He had a lofty disdain for all that was low and mean. There was no shadow of fanaticism to cloud his character or to disturb his judgment. He was in public and in private life a person of the purest morals, and his indignation was aroused by profligacy or groveling baseness. His nature was kind and affectionate and true, and there was never a more

steady or sincerer friend.

He had approached the evening of life. For him the sun was sinking beneath the horizon, and the shadows were gathering fast around him. They enveloped him in final embrace, it may be said, in this Chamber, and when the light went out it was amid the scenes of his labors and in the last discharge of duty.

Mr. CLARK of Montana. Mr. President, to have been requested by the near friends of the late Senator Bate to say a few words on this occasion is a privilege and honor which I

deeply appreciate.

It was my good fortune for several years before his demise to be seated next to him in this Chamber and to exchange with him the glad morning greetings which his kindly heart always We had frequent conversations and discussed freely the various pending questions of importance with which the occupied from time to time; and oftentimes, Senate was although not inclined to be communicative as to himself, I drew from him many very interesting reminiscences of his eventful life.

No member of this body was more punctual in attendance than he. Nothing but the most serious illness of himself or family prevented his presence here, and uniformly in time for the prayers of the Chaplain, for which he manifested the greatest reverence and respect. I am glad to acknowledge my deep sense of obligation and gratitude to him for wise counsel and advice always cheerfully given, and above all, for his kindly acts and

words, which so deeply endeared me toward him.

The fatal illness which carried him away so suddenly was contracted on the platform at the east front of the Capitol, where he participated in the inaugural ceremonies of the President. violent was the attack that ended this noble life that outside of his family and intimate friends few people were aware of his illness until the sad news of his death was announced. I recall the sad incident where at my own home, at a formal dinner party at which he was to have been the guest of honor, while waiting for his arrival the first tidings of his serious illness came unexpectedly to all present and cast a gloom upon the festivities of the occasion.

We all recollect the sad and impressive funeral ceremonies which took place in this Chamber. The universal expressions of sorrow from all present denoted the confidence, respect, and love which dwelt in the minds and hearts of all who knew him. He was so unostentations that it required an intimate knowledge of the man to know and appreciate his noble impulses and sterling qualities. To him anything suggestive of insincerity, duplicity, or mendacity was abominable. Purity of thought and speech was characteristic of his daily intercourse with his He led the life of a Christian, in all respects cor fellow-men. rect and consistent, and in his social life he was most genial, companionable, and hospitable. He was never so happy as when surrounded by his family and intimate friends; he and his charming wife, whom all who know her respect and love, dispensed so royally the well-known hospitality of their home.

In the committees on which he served he was distinguished for prompt attendance and diligent study of all the questions presented for consideration and intelligent discussion of the His fearless defense and advocacy of what he conceived to be right, his unflinching integrity of purpose and action, were known to all with whom he came in contact. In his advocacy of any question and presentation of argument he was always clear and forceful. As minority leader in opposition to the bill pending for the joint statehood of Arizona and New Mexico he

made a remarkable record, which clearly established his ability to cope with the most adroit masters of parliamentary practice. His speech in that memorable contest was a masterful effort. and its peroration, brilliant and patriotic, was accorded the highest acclamation and praise. The defeat of the measure, largely due to his able efforts, was one of the greatest triumphs

in his political life.

In review of the wonderful achievements of the great character whose memory we revere and honor to-day we are carried back to the events embracing a period of nearly half a century, when he took an active part in the thrilling events of the civil war. This was not his first military experience. only a boy, acting as a clerk on a steamboat, he enlisted in a Louisiana company and served with distinction in the war with Mexico, where, for gallant service, he was promoted to a lieutenancy. Upon the close of the war he returned to Tennessee and embarked first in the field of journalism, then studied law and entered the political arena, and the day following the firing on Fort Sumter found him enlisting as a private in Company I, Second Tennessee Infantry. I leave to others more familiar with his life and more capable of eloquently describing his military career that interesting and delightful theme. His rapid rise and promotion for gallantry and bravery from a private to a major-generalship; the story of his almost constant engagement in battle throughout the entire period of the war; his frequent wounds and narrow escapes, having had three horses killed under him in one battle; his persistence in fighting when physically disabled; his reluctance to yield at last when the cause so dear to his heart was absolutely hopeless—all comprise a record of Spartan valor and heroism that is unsurpassed, if not unparalleled, in the world's most famous contests, and can not fail to elicit the most profound admiration of all who will read it.

The people of his State recognized his ability, his patriotism and devotion to their interests, and honored him twice with an election as chief executive of the State, and four times they honored him with election to the United States Senate. All these honors were richly deserved, and the State of Tennessee proudly and gratefully bestowed them in recognition of the splendid achievements and valorous service of her noble son; VILLIAM BRIMAGE BATE, the loyal citizen, the brilliant soldier,

the honored statesman.

Mr. SPOONER. Mr. President, I dread to mar, as I know I shall by unstudied speech, the uniform beauty and appropriateness of the addresses which have been delivered here in tribute to the memory of Senator Bate. But I dread more, Mr. President, the inference which might be drawn from my silence that I am indifferent to the memory of one for whom I had profound respect and sincere friendship.

I served long with Senator Bate. I came to know him well and to greatly esteem him as the possessor of all the essential qualities of genuine manhood. I have heard more in detail today of his career than I had known. Nothing which has been day of his career than I had known as all all antry on fields of said here of his surpassing devotion and gallantry on fields of battle has surprised me. From my knowledge of him he could be the bare been better called by any other name than "The not have been better called by any other name than

Indomitable BATE."

I never knew a man, Mr. President, with a finer sense of fealty to the demands of duty, great and small, than characterized Senator Bate. He was not only of exceptional physical courage, but of exceptional intrepidity of soul. Brusque sometimes, sturdy, strong fibered, educated in a school of life which develops strength of character and manhood, he pos-sessed with all his strength and firmness and bluntness not only courtesy—the courtesy of the gentleman of the old school, to use a phrase which means much, for there is no finer gentleman in the world than the gentleman of the old school—but he was withal a man of great tenderness, as are all manly men.

The bravest are the tenderest, The loving are the daring.

His sympathies were easily aroused, and no man resented more instantly and with greater spirit the perpetration of a wrong upon man, woman, or child than did he.

If I were to name the element in him which more than all things else impressed me, it was an ever-present sense of duty. It is impossible to conceive of the slightest conscious failure in the performance of any duty, public, private, or social,

in Senator Bate's life.

Mr. President, he loved with inexpressible strength the Commonwealth of Tennessee and her people. He had been brought up in a school of thought and in an environment entirely different in many ways from that in which my youth and early manhood were cast. Not unnaturally he belonged to a school which construed the Constitution so as to enlarge the rights of the States and to minimize what I thought were the powers and rights of the General Government. He was not to be criticised by me for that, nor would he criticise me for that, for I never met a man more tolerant of honest differences of opinion, tolerant of weakness in friend and in foe, but tolerant never of meanness and littleness in anyone. He offered his life—and that is the most that any man can offer—many times for a cause in which he believed and in which I did not believe.

But, Mr. President, with all his strength of comradeship and of associations, with his firmness of conviction, apologizing for nothing, repenting of nothing, when he, standing at that desk, took the oath of a Senator, no man who ever has taken it and no man who ever will take it can take it with a stronger, holier purpose to serve in every way to his uttermost the Government

of the United States than did he.

He was utterly indifferent to his own comfort, sometimes indifferent to his own health and safety, in the discharge of Senatorial duties relatively trifling, because they were duties, and he regarded no duty as trifling. He did not look, with all his splendid career behind him, upon the National Government from any standpoint of restriction in power other than that which he found and which many of us find in the Constitution,

which he had sworn to support.

Mr. President, he stood for the rights of the States; he stood for the rights of the National Government. He stood for larger powers in the National Government than he would have done thirty years ago, as I now stand stronger for the rights of the States than I would have done thirty years ago. He knew that the National Government was created by the States; that every power which it possesses was surrendered by the States; that it possesses none except those which expressly or by implication were surrendered by the States, and that all the powers which the States did not surrender the States withheld and still possess.

He could not, without being a great man, Mr. President, have carved out for himself the career which he did in professional, in military, and in public life—a career which won him the love and admiration of his State and of the South and the unfeigned respect and regard of the people of the North. I have never allowed this aisle—nor do any of us in the discharge of public duty or in judgment of each other—to exist; and I heard the news of the illness and death of Senator BATE with

the keenest sorrow.

Mr. President, this may be said of him, that when he breathed his last—and happily, he was spared a lingering illness—there followed him to his home in Tennessee the respect and affectionate regard of every member of the Senate, and the respect which all thoughtful people everywhere cherish for an honest, sincere, manly man, who had discharged to the full his duty in every relation of life.

Mr. PERKINS. Mr. President, in the Senate of the United States the true value of a man is soon ascertained. Not only is a member revealed to his associates, but often, I have no doubt, to himself. Many a Senator, I am sure, has here found that he possessed abilities and powers that he had only half recognized, and perhaps some of those qualities on which he had prided himself were found to be but weak tools for the work that had to be done here. Whatever there is in a man is here called into play, and he is judged through what he is shown to be, not through what his partial admirers may think he is. The character which is attributed to a Senator who has served a term, or nearly a term, represents the man himself as far as it is possible for associates to truthfully portray the character of those whom they know best.

Senator Bate was one who lost nothing by reason of the involuntary scrutiny to which all of us and all of our acts are here subjected. The noble qualities of mind and heart which were here shown compelled the most sincere respect; and the confidence which was reposed in his absolute honesty and unselfishness was strengthened as the years of his service increased in number. By his colleagues on both sides of this Chamber he was recognized as representing the very highest type of

public man.

Senator Bate came from that part of our country where loyalty and personal honor are deservedly emphasized as the two highest virtues of man, public or private. Whatever views he might hold, whatever cause he might espouse, it was recognized that his position was taken as the result of impartial consideration and unselfish thought, and though others might not at all times agree with him, no one could raise a question as to his honesty, his conscientiousness, or his integrity of purpose.

His entire career is evidence of the simplicity and truth of his noble character. In two wars he exposed his life from the sense of highest duty to his people; and his many wounds received on the battlefield proved his energy and unshrinking courage in following the path to which that duty pointed.

Brave men in all parts of our country recognize and honor bravery wherever found, and to no one should such honor be

more sincerely given than to Senator BATE.

Senator Bate was of that sturdy stock which carried the Revolutionary war to a victorious issue. There was inbred in him that quality of indomitable courage, that spirit of freedom, that determination to maintain at any cost whatever he believed to be right, which was the strength of the armies which fought under Washington and which won for us political liberty. It was this stock which gave to the people west of the Cumberland Mountains the characteristic virtues which they possess to-day. Senator Bate possessed them all in a marked degree; and they compelled him early to attain and in all his later life to maintain a leading position in the State which he made his home, whose people had so honored him again and again by electing him as their representative in the highest legislative body in the land.

His public spirit forced him into politics while he was yet young, and until his death he was more or less in public life. Fortunate is he who in so long and active a career can create such a record for unselfish devotion to the public welfare. For many years one of the most prominent and most trusted leaders of his party in Tennessee, he at last became governor, which office he administered for two terms to the lasting benefit of his State and with honor and credit to himself. From the governor's chair he came to the United States Senate, and here he found the opportunity to round out a most useful and honorable life. His honesty, courage, and ability were at once recognized, and he became one of the members of this body who had to be reckoned with on all important occasions. Vigilant and active, no matter of moment escaped him.

As chairman of the great Committee on Military Affairs he evinced a breadth of view and grasp of detail that showed him to be one of the most efficient of legislators. And on other important committees of which he was a member, his influence was felt as a force. In all public questions it was the greatest good to the greatest number at which he aimed, and to him we owe some of our most useful legislation. The Department of Agriculture, as at present constituted, is due principally to his efforts, and it was through him that the Weather Bureau was transferred from the War Department to the Department of Agriculture and divorced from the Signal Service, which has enabled its development to be effected until it has attained its present high state of efficiency. It was through his efforts that the so-called "force bill" was defeated, and in the debates on that measure, against which the whole strength of his manhood protested, Senator Bate delivered some of the strongest and most eloquent speeches ever heard in this Chamber. It was through him, also, that all laws providing for Federal supervision of elections were repealed, thus restoring to the people he loved so well the status from lack of which they had so long suffered. This great work was of incalculable benefit to our entire country, for through its means sectionalism was destroyed and the United States became at last and in fact one and indivisible. No service could be greater than

On an occasion similar to this Senator BATE said here, in reference to a deceased colleague:

In our civil war citizens of the same Commonwealth were impelled by that first and supreme necessity that is not chosen, but chooses; which is paramount to all deliberation and admits of no discussion and demands no evidence. They were forced into conflict by the operation of principles they did not originate and by circumstances over which they had no control. And now, since both sides, from their respective standpoints, believed they were in the right, let us on occasions like this, in this national forum, common in representation of all sections and all parties, bring wreaths to the "bivouac of the dead" without stopping to discuss the resolutions of '98 or the conditions which they created, or the wisdom or folly which inspired on the other side the spirit of fanaticism. Be our polities what they may, let us all honor the brave and heroic sons of all the States as models and exemplars of American character; and, since "grim-visaged war has smoothed his wrinkled front," let us honor those who were heroes in the strife with true American patriotism and pride.

We and the entire country can not only honor him who was a "hero in the strife" for his manliness, devotion, and heroism, but we can and do honor him with true American pride for the devotion and patriotism he has shown in this Chamber and for the example he has here set for all who love their country.

I was honored, Mr. President, by his personal friendship and received great benefit from his wise counsel. I owe him a debt of gratitude that can never be repaid. So, in this tribute to his

memory, I may well say that he has left us a splendid legacy, and if we profit by his example we shall all be better men and

better citizens of this now happy and united country.

Throughout his long life Senator Bate demonstrated that his ambition was the highest that can actuate man-an ambition to do his full duty as he understood it, not only to those immediately surrounding him, but to all mankind. In this no thought of self appeared, and personal advantage, position, or the acquisition of wealth had no place in his scheme of life. When he died he left no great fortune to his bereaved widow and his children, but he did leave them what is of far greater value-an untarnished reputation; and I am sure that the members of his family in Tennessee and California-for some of them reside there—will guard and cherish this priceless legacy. In his case it is most clearly shown that a good name is better than great riches; and that can be bequeathed to his descendants by every man who will accept the precepts and follow the example of General Bate, the soldier and the statesman. As has been so well said of another who died upon the field of duty, we can say in memory of our departed colleague and friend:

When a star is quenched on high,
For ages will its light
Still travel downward from the sky,
Shine on our mortal sight.
So when a good man dies,
For years beyond our ken
The light he leaves behind him lies
Upon the path of men.

Mr. FRAZIER. Mr. President, the Senate of the United States has paused to-day in the discharge of its high and responsible duties to the people of this great nation to pay fitting and deserved tribute to the memory and character of a distinguished son of Tennessee.

Mr. President, in this mercenary age, when the minds of men seem to be so deeply absorbed in the problem of how money may be gotten and riches acquired, it is a relief and a solace to be able to study the character and honor the memory of one who devoted a long life of unceasing labor and unwavering fidelity to the service of the people.

WILLIAM B. BATE, late a Senator of the United States, representing in this Chamber the State of Tennessee, was born October 7, 1826, in Sumner County of that State. He died in the city of Washington on March 9, 1905, thus lacking only a few months of baying reached the rine old are of fourseons years.

months of having reached the ripe old age of fourscore years. For more than half a century the name of William B. Bate has been familiar to every household in Tennessee, and in all his long and eventful career his influence has been potent for good. Few of the sons of Tennessee—and the State has been fruitful and rich in great men—have so universally commanded the respect and confidence of all the people as Senator Bate. Even his political enemies accorded him the just meed of praise due to the highest integrity, honesty of purpose, and purity of life. The people of Tennessee honored him as they have honored few of its citizens. He served the State long and faithfully. Once a member of the legislature, once attorney-general of his district, a soldier in the Mexican war, and again for four years a soldier in the civil war, twice Presidential elector, twice governor, and four times in succession elected to the Senate of the United States.

Every honor which the people of Tennessee had to bestow they freely gave to him, and his fidelity to each and every trust

but proved that their confidence was not misplaced.

He died at his post of duty just as he was entering upon his fourth term in the Senate. Others may have served the State longer in some particular place; others may have made greater impress in certain fields of endeavor, but few have served the State in more ways and none with greater fidelity than Senator WILLIAM B. BATE.

He sprang from the body of the common people. Like so many others in the American Republic who have achieved fame and won renown, he had no noble ancestry to boast of, but he had that which in this land of equality of opportunity was far better—he had a sound body, robust intellect, the highest courage, rugged honesty, and a worthy ambition to serve his fellowmen

His birthplace was in the rich, beautiful, and fertile basin of middle Tennessee, and in sight of the old fort overlooking "Bledsoes Lick," famous in the early settlement of the State as the scene of many fierce and bloody encounters between the red men and the daring pioneers, who braved the dangers of an unexplored wilderness and the savage foe to carry the vanguard of civilization across the Cumberland Mountains on its westward course and plant it on the tributaries of the Mississippi River.

Senator Bate sprang from that sturdy stock of virtuous and liberty-loving people, whose restless and adventurous spirit led them to seek a home in the wilderness.

They came armed with the rifle, the ax, and the Bible, sustained by a brave and self-reliant manhood. They came to clear the forest, to plant the field, to build homes, and lay the foundations of orderly government. They came determined to carve out of the wilderness, by the strength of their own right arms and brave hearts, an abiding place and to erect for themselves and their posterity a commonwealth, in which there should be guaranteed to all, to high and low alike, freedom of the person, freedom of religion, freedom of speech, and freedom of the press.

They were brave, hardy, and adventurous, but they believed in individual freedom. They believed in themselves and they believed in God. They had the American genius for state making. They were prominent as commonwealth builders.

From such an ancestry Senator Bate inherited and early imbibed that toughness of moral fiber and strength of character which, through a long life of public service, no temptation could ever weaken or impair. He was not born with a silver spoon. He had the good fortune of having inherited honest poverty and of being forced, in his youth, to undergo those hardships and privations which are so conducive to the formation of a strong and manly character.

He had the further blessing of having been born and raised on a farm, that fruitful nursery of great men, and to its hardships and struggles can be attributed in no small degree that physical endurance, moral strength, and intellectual force which

marked his after life.

For an American boy to have been born and reared on the farm, where, in field and forest and by river, he can study and commune with nature and have stimulated within him a profound reverence for the grandeur of the universe and the divinity of God, is a blessing. To be denied it is a distinct and positive loss.

From the farm, that cradle from which has come so many of the nation's strong and forceful men, he was early forced out into the great world to meet and compete with his fellow-

His father died when he was a youth of 15 years of age, and he was left without the help and guidance of his parental care.

His early training was thus left to his widowed mother, and so strong was the imprint of this noble Christian woman impressed upon him that when in after years he decided to openly attach himself to the church, with a sentiment that was as tender as it was beautiful he went back to the old home, sought out and joined the church in which his mother had lived and died, and was baptized in the same crystal stream in which, more than three-quarters of a century before, she had been baptized.

For a few years he continued to work on the farm and at intervals to attend the old field school, with its house built of logs, whose curriculum, though circumscribed by the limited learning of its stern preceptor, was generally enough to sow the seed of knowledge and virtue that in the fullness of time would ripen into strong and vigorous manhood and character.

But the ambitious spirit of this farmer boy chafed under its narrow limitations, and he longed for a wider field of enterprise and endeavor. His first employment after he left the farm and home to go out into the world to meet his fellows in the fierce struggles and competitions of life, in which he was destined to win success and honor and fame, was as a clerk on a steamboat then plying between Nashville and New Orleans. He was in the latter city when war broke out between the United States and Mexico over the young and struggling Republic of Texas. His chivalric soul was fired with the story of that self-exiled Tennessean, Gen. Sam Houston, who had so mysteriously resigned the high office of governor of Tennessee and left his native State to win immortal fame at San Jacinto and found a new republic in the far-distant southwest, and at the heroic devotion and unparalleled courage of another Tennessean, Davy Crockett, whose sacrificial blood at the Alamo was to water the patriotic seed that should grow and ripen into the Lone Star State of Texas.

Burning with a martial spirit, young Bate promptly enlisted in a Louisiana regiment, and was thus the first Tennessean to reach the seat of war on the Mexican border

to reach the seat of war on the Mexican border.

He afterwards joined a Tennessee regiment and was made a lieutenant and participated with gallantry and distinction in most of the great battles of that war. He won merited distinction in war before he attained his majority.

At the close of the Mexican war he returned to his home in Sumner County, Tenn., and again began work upon the farm. He soon thereafter established a weekly paper at Gallatin, with the martial title of "The Tenth Legion." That paper was Democratic in politics, and was well and ably edited by its

youthful proprietor.

Soon after attaining the age of 21 he became a candidate for the legislature from his native county, and after a spirited contest with older and better-known men he was elected and served the term with credit. In 1850 he determined to adopt the law as his profession. He thereupon sold his paper and entered the law school at Lebanon, Tenn., an institution widely known in the South, and from which many great lawyers of great ability and distinction and many statesmen of renown have graduated. He graduated in 1852, and at once began the prac-tice of law at Gallatin, in his native county. His success was rapid and marked.

In 1854 he was elected attorney-general of the judicial district in which Nashville, the capital of the State, was situated. He held that office for a full term of six years and declined a reelection which was offered him. He discharged the onerous and trying duties of the office with such marked ability and zeal that his reputation as a sound lawyer and vigorous advocate extended beyond his district and were recognized

throughout the State.

In 1860 he was placed upon the Breckinridge and Lane electoral ticket and canvassed his district. By the ability and eloquence displayed in that canvass he came to be recognized by the Democratic party of the State as one of its most zealous and able advocates. With the election of Mr. Lincoln to the Presidency the clouds of civil war began to gather.

By education and training and environment Senator Bate was a strict constructionist of the Constitution. He was a firm believer in the doctrine that a sovereign State which had voluntarily entered into the Union had a right, when in its judgment the constitutional compact was broken, to peace-

fully withdraw from the Union.

To him the civil conflict came as the only means of settling what he regarded as a great and fundamental constitutional He had no doubts, no misgivings as to the correctness of his position. He believed in the sovereignty of the State and in its necessary resultant, the right of secession, with all his heart, and acting on that belief, and actuated by the purest motives, and moved by the highest and most unselfish devotion to duty and to country as he saw that duty, the day after the first gun of the great fratricidal struggle was fired at Sumter he enlisted as a private in the Confederate service.

He was rapidly promoted to captain and to colonel, and in May, 1861, marched at the head of his regiment to the seat of war in Virginia. He, with his regiment, participated in the battle of Bull Run, where he and his gallant men received their baptism of fire. In that first great battle of the civil war he displayed that dash and courage that marked his whole military career. In February, 1862, the time of enlistment of himself and his men having expired, he appealed with such fervor to their pride and patriotism and manhood that his entire regiment recallisted "for the war." His was the first regiment to display such devotion to the cause, and its example was in-

spiring to the whole army.

So much was this conduct of Colonel Bate and his regiment appreciated by the Confederate authorities at Richmond that they were given a sixty days' furlough, and Colonel Bate was allowed to choose the army with which he would thereafter serve. He selected the army of Tennessee, then in command of the gallant and gifted Gen. Albert Sidney Johnston. In the history of warfare there has seldom been exhibited a more unselfish and heroic devotion to a cause than was displayed by Colonel Bate and his regiment of gallant Tennesseans, when just preceding the great battle of Shiloh, at the call of their colonel, with unexpired furloughs still in their pockets, they met at the appointed place, re-formed, and moved forward to join the army in front on the eve of that noted battle, and were among the first to receive the fire of General Grant's legions at the opening of the battle of Shiloh.

On that memorable field of blood and carnage Colonel Bate had his horse killed under him and was himself severely wounded. In that fearful carnage his brother and two others of his kindred were killed, and still another wounded. So that out of one family there lay upon that bloody field near the old Shiloh Church five members, three dead and two wounded, a scene scarcely paralleled in the annals of warfare.

For gallantry at the battle of Shiloh Colonel Bate was commissioned by President Jefferson Davis brigadier-general.

From Shiloh to Murfreesboro, Chickamauga, Missionary

Ridge, north Georgia, around Atlanta, at Franklin and Nashville, in the many great battles fought by the Army of the Tennessee, General Bate was a conspicuous and distinguished figure, at his post of duty even when his unhealed wounds forced him to use his crutches. Always dashing, gallant, and courageous, he won from General Stewart the soubriquet of The Indomitable BATE.

Through all those four years of suffering and hardships, of dangers and defeats, General Bate never once faltered or wavered; never once lost faith in himself, the courage and fidelity of his men, nor the justness of his cause. He surrendered the shattered remnant of his division at

Bentonville, N. C., only after it was known to all that the cause for which he had so gallantly fought and suffered was lost and further fighting was not only folly, but criminal mad-When the end came, and the Stars and Bars, which he had followed in victory and defeat with such unselfish devotion, was furled for the last time, with a spirit of frank and maily patriotism he accepted as final and conclusive every fair and legitimate result of the war. The issue had been submitted to the stern arbitrament of the sword; the decision had been against him. He accepted the result as a brave soldier and a true patriot should. He made no apologies for the past. cherished no animosities for the future.

Like hundreds and thousands of others who had worn the gray in that terrible conflict, he said, "Let the dead past bury Not forgetting the glories and the sacrifices of the past, they turned their faces to the future and laying hold of the new and difficult problems that were pressed upon them they have helped to build here a greater, a richer, and a freer republic in one than could have lived upon this continent if

divided into two.

General Bate returned to his home poor, wounded, and limping. He found his State devastated, homes destroyed, industries paralyzed, the labor system on which the South's wealth had depended not only disorganized, but, as a system, utterly destroyed. The slave had been freed, but the black man remained, and with him a problem unparalleled in its difficulties. To reorganize his State and bring it again into harmony with the other States of the Union, to revive old industries and construct new ones, to build up the waste places, to readjust society, and to reorganize labor and adapt it to the new and changed conditions which had come as the war's inevitable consequence were problems which demanded the highest statesmanship and most patient conservatism.

General Bate saw and accepted the situation-the inevitable-and with the truest patriotism addressed himself to the just and peaceful solution of these large and difficult problems. He did his full duty as a citizen to bring peace and order out of chaos. He advised his comrades in arms to turn their faces to the future and to devote their energies to rebuilding their

shattered fortunes.

After the surrender in 1865 General Bate resumed the practice of law at Nashville and continued in active and successful practice till 1882, when he was nominated and elected governor of Tennessee. He was again elected in 1884, and served his State in that high office for two full terms with marked distinction and ability. In 1887 he was elected to the United States Senate, where he continued to represent his State by successive elections till the day of his death. He had just entered upon his fourth term when he died. Of his services here I need not speak, as others who served with him and knew and appreciated his honesty and fidelity to duty have done so.

Senator Bate was no ordinary man. When we see him a poor, fatherless plowboy at 15, with meager educational advan-tages and no extraneous influences to aid him, by dint of his own laborious efforts and solid worth rise step by step until he became a major-general in the greatest war of modern times, the chief executive of his State, and an honored and respected member in the highest legislative council of the greatest nation of the world, we must confess that there was somewhere in the man some uplifting force that made him great and strong. Where lies the hidden spring, the secret power?

From long and, I confess, a not impartial study of Senator BATE as a man, citizen, soldier, and public official my firm belief is that the key to his character, the mainspring of his success

in life, are to be found in his honesty and fidelity

Senator Bate was an absolutely honest man. He never owed any man a debt that he did not pay. He never took from any man a dollar that he did not believe was justly his. He was not only honest in the narrow commercial sense of fidelity to every financial obligation, but in the higher and broader rela-tions of life. In dealing with his fellow-men, in business, in politics, in every relation of life, he was always frank, straightforward, and honest.

His word was as good as his bond, with security. Direct, resolute, sometimes stern even to abruptness, he created enmities and was often maligned, but no man ever successfully maintained the charge that he failed to meet an obligation or to keep faith with any one of his fellow-men.

Careful, cautious, even slow to make up his mind and incur an obligation or to espouse a cause, when Senator Bate's word was once given he to whom it was given might go his way in peace, with absolute faith that that word would be made good at any sacrifice. Senator Bate's fidelity to duty was not less

marked than his honesty in dealing and in purpose.

In every walk of life, from musket bearer to division commander, from steamboat clerk to governor's chair and Senator's seat, his fidelity to every trust was stern, unyielding, Spartan. From the path of duty as he saw it, from fidelity to those who trusted him, no threat or danger could drive him, no temptation could allure him. He stood always firm and uncompromising for the right, as his faith and his conscience pointed the way.

Faith in himself and the justness and purity of his motives and fidelity to obligations and to duty made him strong and forceful in the accomplishment of his purposes. He was as faithful to principle as to personal obligation. He deserted no cause which he had espoused. He compromised no principle in which he believed. Convinced that the States had a right, under the Constitution, to secede and that they had sufficient cause to justify the act, he unhesitatingly bared his bosom and risked his life and was ready to sacrifice his all for the maintenance of that principle. A Democrat and a strict constructionist of the Constitution on principle, no question of personal gain or popularity or of party exigency ever caused him to waver in his fidelity to that principle. He believed his construc-tion of the Constitution was right, and from it he never swerved. He never wavered in his fidelity to truth as he saw it, to duty as it was given to him to understand it, to the Constitution as he interpreted it.

He had faith in and a deep-seated love for our form of government. He had faith in the people and never doubted their capacity for self-government. He trusted the people. The people trusted him. There were others to whose brilliancy of speech or boldness of achievement the people may have corded a higher admiration, but there was none in whose fidelity to duty and honesty of purpose the masses of the people reposed a sublimer faith. Senator BATE was faithful to every No son of Tennessee ever bowed his head in shame because he was unfaithful to obligation or to duty.

While he was their servant the people went quietly to their fields, to their shops, to their several avocations, knowing that he who bore their high commission in the council of the nation was as faithful to duty as the needle to the pole, as pure in life as the translucent waters that flow through the verdant valleys, and as firm in character as the everlasting mountains of his native State. My father's friend, I can not remember the time when I did not know Senator BATE. I was taught to honor and respect him; his friendship and fidelity made me love him. I sought his counsel. I was guided by his wisdom. His last official act was to dictate and sign a letter to me on the day before his death. It was the last time he ever signed his name, and so firmly was his hand held in the grip of death his name, and so firmly was his hand field in the grip of death that the name is scarcely legible. It related to the disposition of the Confederate flags, ordered returned to the States by a resolution of Congress, about which, as governor, I had asked his advice—the old, tattered banners, only representing a lost cause, a sentiment, if you please; but to him, even in his hour of dissolution, it was the Cross of St. Andrew, under whose stainless folds he had charged to victory and to glory.

Mr. President, the upright citizen, the pure patriot, Senator William B. Barr whose long and eventful life was devoted to

WILLIAM B. BATE, whose long and eventful life was devoted to his country's welfare, was faithful to the end. He died at his He sleeps beneath the blue-grass sod of his native post of duty. State, which he served so long and loved so well. Peace be to his ashes and honor to his memory.

At the close of his address, Mr. FRAZIER said:

Mr. PRESIDENT: I ask for the adoption of the resolution I send to the desk.

The VICE-PRESIDENT. The Senator from Tennessee proposes a resolution, which will be read by the Secretary.

The Secretary read the resolution, as follows:

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

The resolution was unanimously agreed to; and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 18, 1907, at 12 o'clock meridian.

# HOUSE OF REPRESENTATIVES.

THURSDAY, January 17, 1907.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D. The Journal of yesterday's proceedings was read.

MEMORIAL ADDRESSES ON THE LATE HON. RUFUS E. LESTER.

Mr. OVERSTREET of Georgia. Mr. Speaker, I ask unanimous consent for the present consideration of the following order.

The Clerk read as follows:

Ordered, That Sunday, February 10, 1907, at the conclusion of the addresses on the life etc., of Hon. ROCKWOOD HOAR, shall be set apart for memorial addresses on the life, character, and public services of Hon. RUFUS E. LESTER, late a Representative from the First Congressional district of Georgia.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

The question was taken, and the order was agreed to.

#### SUBPORT AT BELLINGHAM, WASH.

Mr. NEEDHAM, by direction of the Committee on Ways and Means, reported as a privileged report the bill (H. R. 23114) extending to the subport of Bellingham, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

Mr. MANN. Mr. Speaker, I desire to reserve the point of order as to whether this report is privileged or not. I am not at all certain that it is.

The SPEAKER. Does the bill make any charge upon the Treasury?

Mr. NEEDHAM. I think not.

The SPEAKER. Then it would go to the House Calendar. Mr. NEEDHAM. It has been the custom to present similar bills as privileged reports.

The bill was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

#### NEAL O'DONNEL PARKS.

The SPEAKER laid before the House the bill (H. R. 16169) granting a pension to Neal O'Donnel Parks. with a Senate amendment, which was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

## ELIZABETH MOORE MORGAN.

The SPEAKER also laid before the House the bill (H. R. 19035) granting a pension to Elizabeth Moore Morgan, with Senate amendments, which were read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House

concur in the Senate amendments.

The motion was agreed to.

## EMILY FOX.

The SPEAKER also laid before the House the bill (H. R. 19462) granting an increase of pension to Emily Fox, with a Senate amendment, which was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

## ELIZABETH MADDOX.

The SPEAKER also laid before the House the bill (H. R. 19528) granting an increase of pension to Elizabeth Maddox, with a Senate amendment, which was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House

concur in the Senate amendment.

The motion was agreed to.

## MICHAEL V. HENNESSY.

The SPEAKER also laid before the House the bill (S. 822) granting a pension to Michael Hennessy, with House amendment

nonconcurred in by the Senate.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House insist upon its amendment, and agree to the request of the Senate for a conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. Loudensla-GER, Mr. DRAPER, and Mr. RICHARDSON of Alabama as conferees on the part of the House.

## WILLIAM H. KIMBALL,

The SPEAKER also laid before the House the bill (S. 4908), with a House amendment nonconcurred in by the Senate. Mr. LOUDENSLAGER. Mr. Speaker, I move that the House further insist upon its amendment and agree to the request for

The motion was agreed to.

The SPEAKER announced the appointment of Mr. Loudensla-GER, Mr. DRAPER, and Mr. RICHARDSON of Alabama as conferees on the part of the House.

### GEORGE A. TUCKER.

The SPEAKER also laid before the House the bill (S. 5041) granting an increase of pension to George A. Tucker, with a House amendment thereto disagreed to by the Senate, and a conference requested.

Mr. LOUDENSLAGER. I move that the House further insist on its amendment and agree to the conference requested by

the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. Loudenslager, Mr. Draper, and Mr. RICHARDSON of Alabama.

### BETTIE MAY VOSE.

The SPEAKER also laid before the House the bill (S. 6833) granting an increase of pension to Bettie May Vose, with a House amendment thereto disagreed to by the Senate, and a conference requested.

Mr. LOUDENSLAGER. I move that the House further insist on its amendment and agree to the conference requested by

the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Messrs. Loudenslager, Draper, and RICHARDSON of Alabama.

### JAMES M. DARLING.

The SPEAKER also laid before the House the bill (H. R. 8631) for the relief of James M. Darling with a Senate amendment thereto.

Mr. HUMPHREY of Washington. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

## BRIDGES ACROSS TUG FORK OF BIG SANDY RIVER.

Mr. HUGHES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24109) to authorize the Norfolk and Western Railway Company to construct sundry bridges across the Tug Fork of the Big Sandy River.

The SPEAKER. The gentleman from West Virginia asks unanimous consent for the present consideration of the follow-

ing bill, which the Clerk will report. The bill was read, as follows:

Be it enacted, etc.. That the Norfolk and Western Railway Company, a corporation organized under the laws of the State of Virginia, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate bridges and approaches thereto across the Tug Fork of Big Sandy River at such points where the same forms the boundary line between the States of West Virginia and Kentucky or the boundary line between the States of West Virginia and Virginia, as the said company may deem suitable for the passage of its road over the said Tug Fork of the Big Sandy River in the States of West Virginia and Kentucky and in the States of West Virginia and Virginia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal, this act is beauty

Sec. 2. That the right to alter, amend, or repeal this act is hereby

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, I should like to ask the gentleman if these are the same bills that we had up here two or three years ago?
Mr. HUGHES. Bills of the same nature.

Mr. CLARK of Missouri. Is this unanimously reported from the committee?

Mr. HUGHES. It is unanimously reported from the Committee on Interstate and Foreign Commerce.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. Hughes, a motion to reconsider the last

vote was laid on the table.

# DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GILLETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24103—the District of Columbia appropriation bill—with Mr. Mann in the chair.

Mr. GILLETT. Mr. Chairman, I yield one hour to the gentleman from Pennsylvania [Mr. Olmsted].

Mr. CLARK of Missouri. Mr. Chairman, before the gentleman begins, I should like to ask the gentleman from Massachusetts, for the information of several of us who have something else to do, about how long he thinks this general debate will run?

Mr. GILLETT. I have no further requests, after the gentleman from Pennsylvania [Mr. Olmsted] concludes. I understand the gentleman from Texas [Mr. Burleson] has promised half an hour.

Mr. BURLESON. Thirty-five minutes.
Mr. CLARK of Missouri. That will be all the general debate?
Mr. GILLETT. Beyond that I know of no further general debate.

Mr. OLMSTED. Mr. Chairman, I do not intend to occupy so much time as has been allotted to me, as my voice is hardly in condition to say all that I wish to say. I may desire to insert some statistics or other matter that I shall not take time to read, and will therefore ask unanimous consent at this point to revise and extend my remarks.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. OLMSTED. Mr. Chairman, I ask attention for a brief period this morning to a matter in which a great many good people all over this land are interested, namely, the welfare of those wards of the nation, the American Indians.

In the Indian appropriation bill as it passed this House at this session there was this paragraph:

For support and education at Indian school at Carlisle, Pa., for transportation of pupils to and from said school, and for general repairs and improvements, \$163,000; for additional salary for superintendent in charge, \$1,000; for employees' quarters, \$5,000; in all, \$169,000.

Now, it is known that in another body an attempt will be made either to strike out this appropriation entirely or to so amend the bill as to cut off, at a stated period, this Carlisle Indian As there may not be an opportunity when the bill comes back to this House for much discussion, I ask your patience for a few minutes this morning while I explain the origin, purpose, progress, and usefulness of the United States training school for Indians at Carlisle, Pa.

Away back in 1777, mostly by the labor of Hessians captured by Washington at the celebrated battle of Trenton, there were erected extensive barracks at Carlisle. By 1846 they had reached such proportions that they were capable of housing 2,000 men and caring for their horses. At that time the buildings were splendidly fitted up by Capt. E. V. Sumner, in command of the post, and largely devoted to the uses of a United States cavalry school until the civil war, when the troops at that point were drawn into active service.

At about the close of the civil war these barracks were used for the housing of Indian captives, in charge of Capt. R. H. Late in the seventies or early in the eighties there was conceived and carried into effect the idea of establishing and maintaining at that point a school for the industrial training of Indian boys and girls.

Captain Pratt (afterwards colonel and now retired as brigadier-general) was placed in command and proved himself the right man for the place. He was eminently successful. Upon his retirement he was succeeded, some two or three years ago, by Maj. W. A. Mercer, the present superintendent, with whom I am not personally so well acquainted, but who seems to maintain the high standard of the institution.

The progress of this Indian industrial school at Carlisle has been remarkable. It has become, and now is, the largest, the most celebrated, the most useful, and, proportionately, the least expensive of all our Indian schools. Those persons throughout the entire country most interested, and who have given the most studious thought and care to the welfare of the Indian. have watched with increasing pride and satisfaction the growth, progress, and increasingly useful career of this institution.

Separated from their tribal relations the Indian pupils have taken a greater interest in acquiring useful knowledge and have gained greater proficiency. The discipline of the institution is perfect, and the training there given them is of a plain and practical character, fitting them not only to be independent and make their own living, but to be useful to the communities in which they may ultimately find employment and make their homes.

The location of this school is ideal. The Government owns several hundred acres of land in the beautiful, fertile, and farfamed Cumberland Valley. The buildings are near, indeed within, the corporate limits of the peaceful, orderly, and attractive borough of Carlisle, and in the heart of as fine an agricultural region as there is in the country. The farmers thereabouts are sober, industrious, and thrifty people, setting good examples for the young Indians, many of whom are employed

by them during the summer months, earning good wages in every variety of farm work. Although in the early days of the country the Indian depredations and outrages in that vicinity were almost without number, it has come to pass that the in-habitants look with extreme kindness upon these Indian boys and girls, and the sentiment toward them is of the very best.

The Government buildings are adequate for the care of 1,200 or 1,500 pupils. The sanitary conditions of the location and of the grounds and buildings are excellent. Within the past year a new auditorium has been completed, with a seating capacity of 1,200. It is plain in character, with a large stage equipped with the necessary fittings, electric lights, etc. There is also a new library and spacious, comfortable, well-lighted reading rooms in connection therewith. The Government has in late years spent very considerable sums in enlarging and putting all these buildings in the very best condition. There is a fine greenhouse and a large orchard and gardens. The pupils are practically trained in the culture of fruit and berries, plant propagation, the raising of vegetables, the care of all kinds of fruit trees, flowers, shrubbery, and decorative and foliage plants. The grounds are beautifully kept by the Indians themselves and are the subject of the pleased comment of thousands of people who visit them annually.

The greatest objection that I have ever heard urged to this school was that the "higher education" does not in the end prove beneficial to Indians. That objection I think comes from people who have not carefully considered the character of the training and education which is bestowed upon them at Carlisle. Perhaps I can not more concisely set forth the character of the education given to these pupils than is done in the reports of its superintendent made to the Bureau of Indian Affairs. I wish to illustrate by the reading of this report the character of the "higher education" which is here given to the Indians. The superintendent says:

Industrial work along fourteen lines, under the immediate direction of Superintendent of Industries Thompson, was pursued regularly and energetically, with satisfactory results, considering the condition: but there was lacking equipment in some of the shops necessary to the atainment of desired results. However, the deficiencies are provided for, and another year the courses in carpentry, blacksmithing, and wagon making will be much improved, and additional work given in construction.

Class work and individual instruction was a superior of the construction.

making will be much improved, and additional work given in construction.

Class work and individual instruction were given in sewing, cooking, and laundry. The plan of assigning a number of girls to special duty in the kitchen for individual instruction was pursued with great success. Each girl was assigned a table which she was obliged to take care of, and for which she prepared and cooked food for ten, discretion being allowed somewhat as to variety and method of preparation, which induced friendly rivalry. Credit is reflected upon the girls' work by the fact that their tables were so much desired that it was found necessary to assign new tables weekly, to the end that all could in turn have the benefit of them.

In the sewing room and laundry older and well-instructed girls were put in charge of classes, thus giving responsibility, which increased and confirmed their knowledge.

The two large farms were conducted as in the past, and while good results were obtained, there is much room for improvement in methods of instruction and resulting products, in both of which better success is expected the coming year.

And again as follows:

## And again as follows:

And again as follows:

Much attention was given to systematic physical exercises for both boys and girls, the good results of which are noticeable in the finely set-up appearance of both, the increased average good health, and apparent expressions of content and happiness. In athletics our track team won noted victories over large colleges and made excellent records; in baseball we did well, and our football eleven was most successful. As the students engaged in athletics, even the members of our teams, are required to keep up the schoolroom and industrial work, there are no bad results, but much that is of benefit to the individual and to the school in the pleasant diversion it lends to the regular work and most desirable and beneficial break in the monotony of school life which it provides, and all at no expense to the Government. In fact, the money received from two or three of the important games of football has maintained the athletics of the school, prepared field, built training cages, bought equipment, paid coaches, provided funds for the special instruction at summer schools and for the higher education of individuals which would otherwise have been impossible, and made it possible to meet without serious handicap in fests of strength, skill, and endurance their white brethren of the colleges with great credit and much benefit to themselves. For the first time Haskell and Carlisle met on the gridiron and in a most interesting game at the St. Louis Exposition. Carlisle was decidedly victorious.

The outing system as carried on for a number of years past was continued successfully. It is productive of the very best results and is one of the most valuable aids to the practical education and general upilifting of the Indian youth, and is made possible to the great extent in which it is conducted here only by the splendid Christian and industrial environment of the school.

Now I call your attention to this paragraph in his report for

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The industrial work has been more thoroughly organized and more closely supervised, especially as to the several trades, with correspondingly increased results. Several new woodworking machines propelled by electric motors were installed in the carpenter shop nearly a year ago. Since that time all of the millwork for our new buildings, for our many improvements, and for our numerous repairs has been turned out from that shop; also the cases, in hard wood, for our new library, and a large amount of cabinetwork, besides tables, stands, chairs, etc. During the year about eighty-five sets of double harness and a number of wagonettes, wagons, buggles, and surreys have been

made for western schools and agencies. That they were satisfactory was evidenced by several duplications of orders. The training in the several trades is thorough and practical. They include, for the boys, carpentry, blacksmithing, wagon making, painting, tinsmithing (especially roofing work), harness and shoe making, printing, baking, steam and pipe fitting, tailoring, plastering, masonry, and cement work, the last three named having been added during the past year; for the girls, sewing, laundry work, and practical housekeeping are thoroughly and systematically taught. All the uniform dresses and much of the other clothing, shirts for large and waists for small boys, as well as table and bed linen, towels, etc., for the school, are made in the girls sewing department. The tailor shop makes nearly all the uniform suits for the boys.

In all our industrial work special stress is placed on having our instructors instruct and make the pupils do the work, so that we are able to say our manufactured products are in fact the work of our boys and girls. Further than this, the plan is adopted whenever opportunity offers to place our most advanced and capable boys and girls in charge of classes. Thus individual power is developed beyond the point of mere training, so that many of our students are equipped for positions in the Indian Service or for the direction of hired labor on their own account.

Our two school farms, with a total area of about 300 acres, nearly all of which can be cultivated, have produced good crops and, with the exception of some potatoes for the mess and a small quantity of forage for the stock which had to be bought, have supplied an abundance of vegetables for the pupils and the subsistence required for our horses and our large dairy herd. The soil is, however, very much impover the fertility of the farms as speedily as possible, but to raise all the forage required at the school, even for an increased dairy herd which now comprise eighty-six head. The farms are conveniently located with refere

At this school, however, our outing system provides the most practical training possible for our boys in the conduct of a farm, the care of stock, etc., and for our girls in housekeeping and domestic economy. Under the system all our students spend two winters and at least two and in many cases three summers in one of the best rural homes in eastern Pennsylvania or New Jersey. During the past year the outing work has been carried on with the usual satisfactory results. The total number of students "out" during the year was 693, of whom 372 were boys and 321 girls.

To illustrate still further the practical ruters of the first the still first the still further the still first the still further the still further the still further the still first the still fi

To illustrate still further the practical nature of the "higher education" complained of, I read from the commencement address of the superintendent in 1906, as follows:

dress of the superintendent in 1906, as follows:

The industries taught are carpentry, blacksmithing, printing, tailoring, wagon making, carriage and house painting, calcimining, upholstering, tinsmithing, shoemaking, harness making, steam fitting, plumbing, farming, dairying, stock and boultry raising. The industrial department has been improved by adding bricklaying, stone masonry, cement work, lath and plastering, photography, and increased in possible efficiency, obtained by extending the work in nearly every branch, by adding machinery, and generally better systematizing the course in many industries. In photography splendid work is being done, and it is exceedingly interesting to many of the youth with artistic talent, besides being inordinately patronized, whereas a few years ago there was almost universal objection among the Indians, amounting in most cases to superstition, to having their photographs taken. I recall an event of but six years ago wherein I had much difficulty in saving a friend from being shot by an angry Indian whose pappoose he had snapped with a kodak. The incident would have been most laughable if it had not embodied such serious possibilities.

I will not consume time by further readings. I have suffi-

I will not consume time by further readings. ciently shown the branches in which young Indians are educated and made proficient at Carlisle. Now, Mr. Chairman, is it "higher education" or is it too high education to teach these young boys to make harness, to make horseshoes, to build wagons, to lay bricks, to become stone masons, to make tables and stands and chairs, to become tinners, carpenters, steam fitters, pipe fitters, and the like? Is it a useless and unnecessary sort of education to teach young Indians to shoe horses, to milk cows, to plow a straight furrow, to sow wheat, to mow, to reap, to husk corn, and perform all the other industries known to farm life? Is it undesirable that these Indian girls shall be taught to bake, to do laundry work, to do housework of all kinds, to make their own dresses, to make shirts for the boys, and generally to be qualified to make their own honest living?

It seems to me that this is the very best kind of "higher education" that could be bestowed upon these pupils-the best for them and best for the country-because it makes them self-sustaining, useful, and independent citizens.

Another objection urged is that it would be better to educate them upon the reservations among their own people. I doubt it. I do not believe it. I have high authority to the contrary. In a letter addressed to the National Educational Convention at Ocean Grove, N. J., in August, 1883, the then Secretary of the Interior, Hon. HENRY M. TELLER, said:

The agency schools are not regularly attended, and the children derive but little benefit therefrom.

That was a good while ago, and I doubt not that conditions are very much improved at the agency schools since then.

am making no attack upon them; I believe they are doing much good. But I do not believe they are doing as much good as the I have in my possession a letter from at Carlisle. a gentleman who has lived ten or fifteen years upon, or in the vicinity of, an Indian reservation, upon which there is a school. He tells me that he was never able to find an Indian who could do housework nor one who could do baking until he found one who had returned from the Carlisle School. says he has never known a pupil of an Indian reservation school who could bake. Is it detrimental higher education that an Indian girl or boy should know how to bake? At the Carlisle School a little Indian, rejoicing in the somewhat inappropriate name of Goliath Big Jim, bakes every day, or superintends the baking of, five barrels of flour into very good bread. All of the girls and many of the boys who graduate at Carlisle are proficient in that art.

Mr. STEPHENS of Texas. Will the gentleman permit a

question?

Mr. OLMSTED. Yes.

Mr. STEPHENS of Texas. I desire to ask the gentleman whether or not he does not think it an unnecessary expense to send Indians from one to two thousand miles, to a different climate, where it is much colder than the climate to which they are accustomed, and where they are more susceptible to fatal diseases, especially consumption and kindred diseases, together with the additional trouble of carrying them so far away from their homes, away from their people and their kindred? Does not the gentleman think it would be much better to have these schools near the reservations, whether they are on the reserva-tions or not, and should it not be the desire and intention of the Government to locate those schools in the neighborhood of the State or Territory where the Indians are situated, instead of expending so much money and sending them so many hundred miles away, as they do now, to a different part of the country, where they can not have the sympathy of their home

people and of their families?

Mr. OLMSTED. Mr. Chairman, those are perfectly proper and relevant questions, natural questions perhaps, and I am very glad to answer them. As to the matter of expense, experience and statistics show that, even including the transportation, they are cared for at less cost per capita at Carlisle than at any other Indian school in the United States. That is partly owing, perhaps, to the fact that there is a greater number there and partly to the fact that the Government owns in connection with the school a large and fertile farm, worked by the Indians, which furnishes a very considerable proportion of the provi-sions for their support. Now, experience also teaches, I think, that they do better at this school than they do at or near the reservations. Separated from their tribal relations they seem to take a greater interest in acquiring education and achieve greater proficiency. That they do have the sympathy of their home people and families is well known. It is also shown by the innumerable applications from Indian parents for the ad-

mission of other children.

Mr. BURKE of South Dakota. Will the gentleman permit an inquiry on that point?

Mr. OLMSTED. Certainly. Mr. BURKE of South Dakota. I would like to ask the gentleman if it is true that after the Indian leaves the school and returns to his natural environment, namely, the reservation, whether or not he is as well fitted to go again amongst his brethren as he would be if he was educated in his environment;

that is, at home or near home?

Mr. OLMSTED. That also is a perfectly proper and relevant question, Mr. Chairman, and I think can be readily answered. In the first place, a great many of these Indians never do go back to the reservations. One argument which has been used against this school is that they will go back to the blanket. It may be that a few of them do, just as it is true that some pupils in our great universities fail to avail themselves to the Zullest extent of their opportunities and go back to idle, indolent, useless lives. But it is true only to a small degree of the pupils of the Carlisle school. Colonel Pratt, who was in charge of this school for many years, said two or three years ago in a speech at Wilmington, Del., that within 80 miles of that town there were over 200 Indian graduates, some of them domestics in white families, others doing carpentering, blacksmithing, and other work, and it is so to-day. There are graduates of that school working as telegraph operators and at innumerable trades and occupations. Thirty-four Carlisle Indians served in the Spanish-American war and made excellent soldiers. At least seven of them enlisted in the Navy. A few of them, after leaving the Indian school, have graduated at Dickinson Col-I am advised that at least one United States Senator has

living with his family in Washington as cook or house worker at least one girl from Carlisle, and he has found two or three of them useful in his own home. He has reported that his family is well pleased with their proficiency and with their services.

The Carlisle pupils are employed in families and upon farms in Pennsylvania, New Jersey, Maryland, and Delaware. majority of them never do go back to the reservations. those who do go back are even better qualified to work among their relatives and friends and bring them up to the standard of independent living, which after all is what we ought most to desire in the education of the Indian.

Mr. BURKE of South Dakota. I would like to ask the gentleman if he knows what the average period of time is for pupils

at the Carlisle school?

Mr. OLMSTED. The full course is about five years.
Mr. BURKE of South Dakota. And is it not true that as a rule pupils who go to Carlisle do not return to their homes until

such time as they have graduated or left the school?

Mr. OLMSTED. Well, they do not all graduate. I am unable to say about the extent to which they visit their homes during their school course. I know that very often their parents visit them. I know their parents are very much interested in this school, and it is a singular and pertinent fact about this school, Mr. Chairman, that it does not have to send out agents to secure pupils, but applications are made by the parents of the Indians to an extent beyond the capacity of the school. There are always applications for more pupils than the school can accommodate, showing that the Indians themselves take a

great interest in this school.

Mr. BURKE of South Dakota. I want to say to the gentleman from Pennsylvania that I have always supported the appropriations for the support of the Carlisle school, and I have done that because I believe in the education of the Indian up to a certain extent. I have some misgiving about the advisability of continuing indefinitely a school for Indians at Carlisle, away from their homes and the States where they reside, unless there is going to be some way to find employment for the pupils and graduates of that institution in the locality of the school rather than that they go back to the reservation. Now, everything that is taught at Carlisle that the genleman has enumerated is taught in every well regulated Government Indian school. We have in the West many schools that are known as nonreservation schools, yet they are adjacent or close to the reservation and practically are the same as the schools on the reservation, and everything that the gentleman has mentioned, I think, is taught in most of those schools, and they are taught along the industrial lines and the other lines that the gentleman has suggested. But I doubt, as I said, whether it is advisable to continue educating Indians at Carlisle unless it is with the intention that after they leave the school they will remain in the environment of their education rather than to return to the reservation.

Mr. OLMSTED. Mr. Chairman, there is not the slightest difficulty in finding employment for every graduate of the Carlisle Indian School within a hundred miles of the school itself. There is, indeed, a great demand for these pupils—greater than the school can supply-and if any one of them does go back to the West it is because of his own choice or the choice of his parents. Some of them do go back and enter the Indian Service of the Government.

Mr. STEPHENS of Texas. Will the gentleman permit an in-

terruption there?

Mr. OLMSTED. Certainly. Mr. STEPHENS of Texas. In order to give some light on the proposition which the gentleman has just stated, that there is a great demand in these various schools for Indian children, I will state that in the El Paso district, in my State, which I recently represented, they were so anxious to get children for these various Indian schools in the United States that they sent down there and took a lot of Mexican children. It is true that these Mexicans have some Indian blood in them, because it is a mongrel race. They procured thirty or forty of those students, prepared them for different schools in Oklahoma and Indian Territory, and they became dissatisfied. After they had been up there for a while, they applied to the Secretary of the Interior and to the school authorities to be relieved, so that they could go back home.

They refused them, and they then filed some kind of legal proceedings, setting up the fact that they were citizens of Texas and that we had free schools there and free school facilities, probably the best in the United States, and that these were not Indian children, and on the facts shown they were compelled to turn loose our Mexican citizens and send them back home. I want to suggest to the gentleman that it is a fact that these

schools are now seeking students all over the United States, anyone with Indian blood in them, whether they are citizens of the United States or the State or Territory in which they are located, and counting them in the schools for the purpose of getting \$167 a head per annum, to which these children are entitled. I think as soon as the parents of an Indian child become citizens of the United States that this Government should no longer be charged with educating that child, but that the States or Territories should have that child. The lands belonging to the Indians are being allotted to them very fast, and the decisions of the court and the law is that as soon as the lands are allotted to the Indians they become citizens of the United States; hence a citizen of the State or Territory in which they reside. Their children then are entitled to enter the public schools of that State or Territory, and they should be taken off of the United States. If that is done, in ten years or less time there will be no Indian children competent to send to Carlisle or to any of these large schools. I believe we are spending

an immense amount of money now uselessly.

Mr. OLMSTED. Well, Mr. Chairman, the observations of
my friend are hardly applicable to the case in hand or to the Carlisle School. There has never been any occasion for this school to send out agents to drum up pupils whose entrance would be of doubtful propriety; nor, indeed, to solicit pupils at all. It is unable to care for all the applicants it has, although the average attendance is about 1,000. The cost of keeping the pupils in this school, board and clothing, is only about \$143 per capita, exclusive of transportation, which is much less than they

are kept for in any other school.

When the time comes that there are no pupils who can be properly kept in school, then we may have to consider the abolition of all the schools. But that time has not come and is not even near at hand. We now have about ninety reservation Indian schools, boarding schools, and twenty-five nonreservation Indian boarding schools, not far removed from the reservation. The only one far distant is that at Carlisle. It was an experiment, but it has proved a wonderfully successful one, and it would be the height of folly to cut it down in the midst

of its usefulness.

We have also, supported at Government expense, 146 day schools, and there are in course of construction nineteen new buildings to be used as day schools upon the reservations. In the ninety reservation schools there were in 1906 11,007 pupils In the twenty-five nonreservation schools there were 9,279 pupils enrolled, of which 1,025 were at Carlisle. In the day schools there were 4,476 pupils enrolled. All of these schools are, I have no doubt, doing good work. I do not desire to be understood as making any attack upon or criticism of any of them; but it is easily demonstrable that the school at Carlisle is doing more good and accomplishing a better and higher purpose than any of the others. It ought to be the last, instead of the first, to be abolished. We have also at Hampton a school where some Indians are educated, partly or wholly at Government expense. Then, at Philadelphia, we have the Lincoln Institution, where Indians are educated at the private expense of charitable and philanthropic persons who are interested generally in the Indian cause.

There are also upon or near the reservations some forty-five mission schools, maintained by Christian churches of various denominations, for the education and training of Indians. The Catholics have been and are particularly interested in such schools, and other churches are doing something in the same

Now, another branch of education taught at Carlisle is illustrated in the fact that these Indians have a band of sixty pieces. Is it detrimental or in any way objectionable higher education to teach an Indian to blow his own horn? That he certainly does blow it successfully was apparent when that band marched down Pennsylvania avenue in the grand procession incident to the inauguration of Theodore Roosevelt at the head of 400 Car-

Is it an objectionable higher education that these youths are taught discipline, soldierly bearing, and orderly conduct? Those cadets had no occasion to be humiliated in the presence of the military cadets of West Point or the naval cadets from Annapolis. The Indian boys suffered nothing by comparison. Their appearance elicited this favorable comment in a letter written to their commander by Hon. F. E. Leupp, the Commissioner of Indian Affairs. He said:

I wish you would say to the boys who took part in the inaugural parade that I was more than gratified—I was positively astonished—at their fine marching and soldierly appearance. Wherever I have gone in Washington since that day people have been talking about the Carlisle cadets, and I have been very proud of having them under my jurisdiction. I hope to be able to say something of this face to face when we meet at commencement.

The Secretary of the Interior was also so gratified that he wrote the commander, saying:

Wrote the commander, saying:

It gives me very great pleasure to congratulate you and through you the Carlisle boys, whose fine appearance, soldierly bearing, and excelent performance while participating in the inaugural procession here on Saturday last elicited great applause, especially from the President, the members of the Cabinet, and others who had the pleasure of witnessing them as they passed by the President's stand, and, I am informed also, all along the route of the procession that day.

Please thank your boys for me for this demonstration of their appreciation in part of the efforts the Government is making in behalf of their education.

I am sure, Mr. Chairman, that no organization participating in that day's procession received more plaudits than did the Indian cadets of the Carlisle School. The regiment was accompanied by six noted chiefs—Geronimo, American Horse, Hollow Horn Bear, Quanah Parker, Little Plume, and Buckskin Charley—who acted as aids to the commander, showing the interest that these noted chiefs and all Indians take in this school as well as the whites who watch its progress so closely.

Mr. Chairman, I have heard it stated, and believe it to be true, that no pupil of the Carlisle School, and no father of a pupil of the Carlisle School, has ever taken arms against the Government. It is a great agency of peace in more ways than

one.

And now another branch of this higher education-and let me say here in reference to the suggestion of the gentleman who just interrupted me-in it they obtain a greater proficiency than is acquired by pupils in the reservation schools. While it is true that many of those branches are taught in the reservation schools and nonreservation schools near the reservations, the pupils have obtained greater proficiency at Carlisle for two reasons: First, they are farther separated from their families and friends, just as we send white boys away from home in order that they may better learn, giving their whole attention to study without the distractions of home surroundings, and may also learn independence; second, the course is five years, as against three years on the reservation schools.

Another branch of the higher education in which they are taught is football, baseball, and other athletics. It has come to pass in these latter days that the standing of a college or university is judged largely by the success of its football team. Measured by that test the Carlisle School not only excels all other Indian schools, but compares favorably with many of our large colleges and universities, and stands in a class with Harvard, which was able to score only six points against the

Indian team in the past year's contest.

Mr. PAYNE. Would the gentleman advocate the creation of a school for the purpose of teaching football to these Indians?

Mr. OLMSTED. Why, no, Mr. Chairman; I would not advocate a Government school simply for the teaching of football to Indians; neither would I advocate the establishment or mainte-nance of great universities for the teaching of football to white boys. But I have never heard that it injured an Indian boy any more than a white boy to become athletic; and I will say to the gentleman from New York that these athletics do not cost the Government a cent. They are not paid for out of Government funds nor by private subscriptions. The Indian football team and the Indian baseball team are so proficient, so celebrated, and so popular throughout the country, and constitute such great attractions that wherever either team plays the admissions are large, and their share of the gate moneys a great deal more than pays the expense of the entire athletic system and training of the school.

Mr. PAYNE. Of course I asked the gentleman the question in pleasantry, and I supposed that when the gentleman spoke of their being taught football and baseball that he was also using

pleasantry with reference to these boys.

Mr. OLMSTED. Oh, yes; I so understood my friend from New York. It is a good thing, and I took occasion to speak of it as showing how desirable as well as pleasant it is for these Indian boys and girls in the school to be trained in athletics, whereby they not only gain pleasant recreation, but are increased and preserved in health. I will add that the conduct of these young Indians at these great public gatherings for games is most exemplary, and may well excite the envy of many institutions for the education of white pupils.

Mr. STEPHENS of Texas. Will the gentleman allow me to

ask him a question?

Mr. OLMSTED. Certainly. Mr. STEPHENS of Texas. The gentleman is regarded, very justly, as an excellent lawyer, and I would like to have his legal opinion upon the question as to whether or not there is any legal obligation resting upon the Government to sustain schools for the Indians, or people who have Indian blood in their veins, after the parents of those children have become citizens of the United States?

Mr. OLMSTED. Well, Mr. Chairman, that question has no application in this discussion. It is not alleged that it applies to the pupils in the Cariisle School, and that legal question would have no more application to this school than to any other school, either reservation or nonreservation. Indeed, it seems to have no application at all to Carlisle.

I do not suppose there is any legal obligation upon the Government to do anything for these Indians. There is not, so far as I am aware, any legal or constitutional obligation resting upon Congress to appropriate for the maintenance of any of these schools. It is rather in the nature of a moral obligation. There are no other people toward whom this Government stands in quite the relation that it stands toward the Indians, who once possessed and owned and occupied this entire land. Moreover, it is now a question not more as to the welfare of the Indians than as to the greatest good to the country in dealing with them.

Mr. STEPHENS of Texas. If the gentleman will permit me to suggest, I am satisfied that four-fifths of the children in the Carlisle School are children of parents who are citizens of the United States, who have had their lands allotted to them, and who, hence, are citizens of the State or Territory where they reside, and should be in the State schools, and the State should provide for them, and not the General Government. What does

the gentleman think about that?

Mr. OLMSTED. Mr. Chairman, that is a question which, it seems to me, is profitless to discuss at this point. I am unable to follow up the financial or other status of the parents of these children. I do not know what ones have had lands allotted to them. I have never heard the allegation made before that any of their parents were citizens of the United States. I am satisfied the gentleman from Texas is entirely mistaken as to Carlisle. But if it were true of that school I am sure it is true of all the other schools, and therefore there is no argument arising from that fact to justify the striking down of this school and the maintenance of the others.

and the maintenance of the others.

Mr. STEPHENS of Texas. What I desired to direct the gentleman's attention to was the question whether he would be in favor of taking numbers of Indian children whose parents were citizens of the United States and of the States where they lived and putting them in the Carlisle School or any other

school?

Mr. OLMSTED. When we take up the question of abolishing all these schools, that is a question which we may have to meet and discuss. But we shall first have to ascertain and determine whether any of the parents are citizens of any State.

Now, as to the coeducation of Indians and whites in the public schools. That has been tried to a certain extent near the reservations, with results thus set forth by the Commissioner of Indian Affairs. In his report for 1906 he says:

In many neighborhoods the whites object to the Indian pupils on the ground of their dirty habits, their diseases, and their morals.

He says the whites object to coeducation with the Indian pupils in the public schools because of their health, their habits, and their morals; that they are dirty, diseased, and immoral. That is the objection to their education in the public schools in the vicinity of the reservations. Now that is not true at Carlisle. The pupils there are kept clean and healthy, neat, tidy, and orderly. No complaint has ever come up from the citizens in the vicinity of the Carlisle School against these pupils on any one of the three grounds named. The Commissioner in the same report also shows that on and near the reservations there is race prejudice against the Indians, and mentions that it is "particularly obvious at Fort Totten, Hayward, Pala, San Jacinto, Seger, and Tulalip." There is no race prejudice against them in Pennsylvania.

Although in the early days of this country there were as many Indian depredations committed in and about Carlisle as in any other part of the country, it is now the fact that there is a most kindly and friendly and admiring sentiment among the industrious, intelligent, and thrifty farmers and all other people in that beautiful valley toward these wards of the nation.

Mr. BURKE of South Dakota. Has the gentleman any statistics as to the number of pupils in the Carlisle school who have been obliged to leave the school on account of tuberculosis?

Mr. OLMSTED. I have no statistics upon that point. Tuberculosis, as is well known, is a disease to which Indians are more or less subject, no matter where they may be—North or South,

East or West.

Mr. STEPHENS of Texas. The gentleman mentioned Quanah Parker, who is chief of the Comanche tribe of Indians in Oklahoma. I will state to the gentleman that a son of Quanah Parker died in New Mexico, at Fort Stanton Reservation, about a year ago. His father brought him down where I lived, and I assisted in getting him transportation to that point. He was in

the last stages of consumption, and he had just the year before that graduated at Carlisle.

Mr. OLMSTED. That is very likely. I know of two graduates from Yale who died of tuberculosis within sixty days.

Mr. STEPHENS of Texas. The gentleman did not wait until I completed my statement. I know myself of numerous Indians in that reservation who had been sent to Hampton and Carlisle, in the North here, away from the plains country, where the climate is much more healthful than it is in the East for people of that kind, who have been accustomed to outdoor life, and many of them—I will not say a majority of them, but a great many of them—fall victims to tuberculosis. They are much more subject to it—take it more easily than white people do.

Mr. OLMSTED. I believe that to be true, but I deny that they are peculiarly subject to it or exposed to it at Carlisle, for that is not a part of the country in which that disease particularly abounds. It has a particularly healthy climate; fully as much so as the country in which the reservations are, for

the most part, located.

Mr. STEPHENS of Texas. It may be all right for Pennsyl-

vanians, but not for Indians.

Mr. BURKE of South Dakota. If the gentleman will pardon me, I would like to state that last year I took up with the agent of each of the Indian reservations in my State, and there were several, to know something about the number of pupils that had gone from these reservations to the Carlisle School and to know something about how they had turned out. I found in one reservation that the larger part of them had died as a result of tuberculosis a short time after returning from school. I found also that a good many that had left were absolutely worthless, but, on the whole, I think there was a greater number that were thrifty than there were that were worthless. In one or two reservations, with few exceptions, they were all maintaining a living and taking care of themselves, and some of them were employed about the agency. One agency where I was, the issue clerk was a Carlisle graduate, and he was as bright and probably as efficient a clerk as any white man could have been. I simply state this in justice to the Carlisle School. I could have given statistics if I had known that this debate was coming up. If I have them in the city, I will give them to the gentleman from Pennsylvania. I think, on the whole, it was in favor of the education that they received at Carlisle.

Mr. OLMSTED. Mr. Chairman, I am glad to have such tes-

timony from so reliable a source.

Mr. KEIFER. If the gentleman from Pennsylvania will pardon me, I would like to ask a question of the gentleman from South Dakota.

Mr. OLMSTED. Certainly.

Mr. KEIFER. I would like to know whether the Indians on the reservation, which the gentleman referred to, are not dying off from year to year, young Indians as well as the old, of tuberculosis?

Mr. BURKE of South Dakota. Tuberculosis is prevalent to a great extent among the Sioux Indians on some reservations. I think on some reservations as high as 70 or 75 per cent are affected with tuberculosis. It is a subject that has attracted a good deal of attention of late, and the Commissioner of Indian Affairs, in the Indian appropriation bill that we passed last year, was authorized to examine into the subject and make a report to Congress, which he has not yet done. I understand that he expects before the adjournment of Congress to make a report with certain suggestions and recommendations. I do not know that the tubercular feature is a subject that enters into this question of the Carlisle school, except the fact that the confining of an Indian, who might be subject to tubercular trouble, would tend perhaps to develop the disease; but that would be true anywhere, although I think the climate where the Indians are generally located, especially in the Northwest, is more conducive to the health of the people who have tubercular affection than perhaps the State of Pennsylvania.

Mr. OLMSTED. It is unfortunately true, Mr. Chairman, that the Indians are, more than the white race, subject to the ravages of tuberculosis. I believe it is also true of the colored people in the South as well as in the North. But it is a mistake to suppose that the Indians at the Carlisle School are more subject to that disease than the Indians at any other school. I believe if the exact facts and real statistics could be elicited upon that point it would be found that there is less of that disease among the pupils at Carlisle than in any other school. The utmost care is taken in the admission of pupils not to receive any that are so afflicted, and their health is cared for scrupulously there. That is one advantage of the athletic training that they receive, the girls as well as the boys, and they are kept out of doors as much as possible. Many of them work out of doors all summer.

Mr. FITZGERALD. Will the gentleman pardon me for a question?

Mr. OLMSTED. Certainly.

Mr. FITZGERALD. Before the gentleman passes away from the athletic feature I would like to ask him if he is able to state whether any Indians are retained in the school merely for the purpose of continuing them as members of various ath-

Mr. OLMSTED. I think I may safely say that they are not,

except, perhaps, as instructors.

Mr. FITZGERALD. I mean retained as pupils some time after they would naturally finish at the school, because of their peculiar fitness for the different athletic games.

Mr. OLMSTED. I think not, Mr. Chairman. would not be permitted to play with a college or university team if there was any charge of that kind sustainable against

Mr. FITZGERALD. Perhaps it is fair for me to say that the reason which prompts the question is this: Two years ago I spent some time at a place where the Carlisle Indian band was Seneca Indian who had been eight years at Carlisle. I asked him when he expected to finish, and he did not know. Apparently that young Indian from the State of New York was at the school merely to—

Mr. OLMSTED. Blow his horn?

Mr. FITZGERALD. No: to add to the efficiency of the band. My belief is that the school has done good work in Indian education. I desire to know whether the gentleman has any information that would enable him to state whether this, perhaps, would be an exceptional case or whether the school has not been made too attractive in some respects, so as to keep Indians there for purposes not most beneficial to them, but merely to add to the renown of the school with the people of the country.

Mr. OLMSTED. Oh, Mr. Chairman, I hardly think that that can be true. If it were true to any extent, I should certainly have heard of it. I think the case mentioned by the gentleman is an isolated case. It is possible that that particular Seneca Indian was retained as a sort of instructor in the band. I do not know the particulars of that case.

Mr. FITZGERALD. No; he was not an instructor. He was an ordinary musician. I forget the particular instrument that he played, but not one that required any great proficiency or

expertness.

Mr. DALE. Does the gentleman from New York know whether the school got an appropriation for that Indian? If it did not, then the gentleman's argument would have no force-

if he was not counted in the number.

Mr. FITZGERALD. I had some discussion about that, but I am unable to state definitely whether he was an Indian for whom the nation paid or whether he was there paying his own way; on that I am unable to state.

Mr. BURKE of South Dakota. I wish the gentleman from Pennsylvania would state to the House, if he has not already done so, how much is annually appropriated for the Carlisle School by the Government and how many Indians they have

there in annual attendance?

Mr. OLMSTED. The intent is to maintain as nearly as pos-Sometimes it is a little over that number, and sometimes a little under, but the average is about 1,000. total enrollment in 1906 was 1,025. The appropriation in this bill for their maintenance, including transportation, is \$163,000. It is less per capita than at the other schools. On the point suggested by the gentleman from New York [Mr. FITZGERALD], of course it is a very attractive feature of this school that it has this magnificent band and maintains this magnificent regiment of cadets. It is attractive to the Indians themselves, and probably in part accounts for the many applications for admission, mostly from full-blooded Indians. I believe the proportion of full bloods is greater at this school than at any other. But these features are also attractive to all white people who interested in the Indians. I noticed that the President of the United States eyed them with great pride and pleasure as they passed before him in review at the dedication of Pennsylvania's magnificent capitol building on the 4th of October They were on that occasion a most attractive feature of the parade in honor of the dedication of the handsomest State capitol in the United States.

There is another feature to which I wish to call the attention of the House. In the summer months these Indians are permitted to hire themselves out to farmers and others. They not only get healthful occupation on the farms and acquire in that way practical and valuable experience in farming, but they breathe in health with the pure air and drink it in with the pure water of that far-famed valley. They are taught also

habits of frugality. I am told that one of the hardest things to teach an Indian is to save money. The Indian is always generous with his money and property. There is no such thing as a stingy Indian. But here they are taught to improve in that That they do improve and learn is manifest from the direction. fact that during the past summer-1906-the Indians at that school earned over \$30,000 and have saved over \$12,000, which they now have in banks and savings institutions.

The pupils at Carlisle use neither liquor nor tobacco. pline in this, as in other details, is very strict. The institution is, of course, nonsectarian. The ministers of the churches at Carlisle of all denominations are quite willing to take turns Their moral as well as their physical health preaching to them.

is carefully looked after.

It is not my desire to longer consume the time of the House. I merely wish to say that the people of this entire country have watched with interest, and I think with pride, the growth, the wonderful progress, and the increasing usefulness of this Carlisle Indian School. I trust that I may rely upon the support of this House, if need be, to prevent it from being singled out and stricken down at the height of its usefulness. [Applause.]

### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Campbell of Kansas having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 7034. An act to incorporate the International Sunday

School Association of America.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

Mr. BURLESON. I yield thirty minutes to the gentleman

from Pennsylvania [Mr. KLINE].

Mr. KLINE. Mr. Chairman, contemplated legislation for the government of the District of Columbia has frequently, in one form or another, caused heated discussions on the floor of this Many pieces of this character of legislation are looked upon with suspicion when presented here. The District of Columbia government is peculiar and exceptional to itself. is no municipality or municipal district in the country that has adopted and maintained the form of government which now prevails in the District under the authority of Congress. In other municipalities throughout the country the lawmaking power is in councils or boards of aldermen elected by the people, and the executive powers are vested in the mayor of the city, also elected by the people.

All laws and legislation regulating the government of the city of Washington and the District of Columbia are enacted by Congress, and the government is administered by a board of three Commissioners appointed by the President of the United

States.

Since the present form of government was established by Congressional action the city and District have made phenomenal progress and advancement. The boundaries of the city have been extended beyond the wildest anticipations, its public buildings and private edifices are of a character and magnitude of which any city must feel proud, and its beauty, its cosmopolitan characteristics, and attractiveness are constantly attracting the people from all parts of the United States-yea, of the whole

Another has said: Sixty years ago the city of Washington was the very modest capital of an inspiring Republic. To-day she is the fair capital of a great Republic; and sixty years from now the city of Washington will be the most ornate and the most beautiful capital of the greatest and most powerful nation of the world; it has a good start toward becoming the Paris of America.

The city is already metropolitan. Every citizen in this vast country claims it as his own, and, therefore, however distant we may be removed from her boundaries, however humble our station in life may be, and however much we may be devoted to the interest of our homes and constituencies, we all are attached and interested in the advancement, thrift, splendor, and greatness of this most beautiful capital of a nation to become the greatest and most powerful nation in the world.

Its wealth, importance, progress, and greatness may be exemplified by a few statistics. The total assessed valuation of Washington City on July 1, 1906, was fixed at \$189,728,863, and of Washington County on said date, outside of the city limits, was fixed at \$49,733,122; and the total assessed valuation of real estate in the District of Columbia for the fiscal year of

1906 is \$239,461,985. The total real estate taxes for the year 1906 are \$3,591,929.78.

The assessed value of personal property in the District of Co-

lumbia for taxation purposes in 1877 was \$15,429,873, and in 1906 it was estimated to be \$27,000,000. In 1871 the valuation of real estate in the District for taxation purposes was \$79,997, 454, and in 1906 it was assessed, as before stated, at \$239,461,985.

Although it is the smallest political subdivision in the Union, the District of Columbia outranks twenty-five States and Territories in point of wealth. The wealth of the District in 1904 was \$1,040,383,173, compared with \$928,739,773 in 1900, an increase in four years of over \$111,000,000, or a little over 12 per

The wealth of the District exceeds that of the following States and Territories: Maine, New Hampshire, Vermont, Rhode Island, Delaware, West Virginia, North Carolina, South Carolina, Florida, North Dakota, South Dakota, Alabama, Mississippi, Louisiana, Arkansas, Indian Territory, Oklahoma, Montana, Idaho, Wyoming, New Mexico, Arizona, Utah, Nevada, and Oregon.

It is nearly five times as great as the wealth of Nevada; three times the wealth of Wyoming, each of which has two Senators and one Representative; it is three times the wealth of Vermont or Idaho, twice that of New Hampshire or South Carolina, and two and one-half times as great as Florida or Utah. And the wealth of Georgia, Vermont, Tennessee, Colorado, Washington, and Louisiana are all in the same class.

In 1880 the population of the city of Washington was 177,624, and in 1890 it had increased to 230,382. In 1900 it had a population of 278,718, and to-day it is estimated to exceed 310,000 people. The aggregate of taxes, interest, and penalties collected for the year ending June 30, 1906, were \$6,124,593.74, and, strange to say, in the administration of this Government in the District of Columbia, rich and populous and with diversified interests, the citizens and the inhabitants of the District have no voice, power, or authority in legislative matters

Has it ever occurred to you that it was of the highest importance that the people of the District of Columbia should have a Delegate or Delegates on the floor of this House to protect the interests of the District of Columbia and to advise and deliberate on District affairs with the Members of the House of Representatives, representing constituencies in the country at large?

With this in mind, that the people of the District of Columbia for a proper protection of their interests ought to have a Representative in Congress, I introduced during the early session of this Congress a bill (H. R. 20529) providing for the election of two Delegates in the District of Columbia, to represent the District in Congress, with power to debate, and vote on all questions and legislation affecting the District of Columbia, and that they be made members of the House District of Columbia

Mr. GOULDEN. Will the gentleman permit an interruption?

Mr. KLINE. Certainly.

Mr. GOULDEN. I should like to ask the gentleman why he recommends in his bill two Delegates from the District, when in fact it is the same as the Territories and much less in proportion than many of the districts of the country. My own district has over 400,000 people in it, and they have but one Representative in Congress.

Mr. KLINE. The reason is because the population or the approximate population of the District of Columbia is almost equivalent to two ratios. That is the reason why I selected two, but I will be satisfied with one if this bill can be passed.

Mr. GOULDEN. I wondered what your reasons were.
Mr. KLINE. It should have, at least, the same character of

representation in the Federal Congress that is and has been for many years accorded to our Territories, and which the possessions of Porto Rico, Hawaii, and Alaska are now enjoying.

The Constitution of the United States confers upon Congress the exclusive legislative control in all cases whatsoever over the District of Columbia, but does not allow the inhabitants any vote for Presidential electors and other officers

Mr. GOULDEN. Will the gentleman permit another interruption? Do I understand you would give that Delegate, or Delegates, a full measure of representation, with a vote and voice upon the floor, or simply that of a Delegate representing

Mr. KLINE. The bill itself provides that such Delegates shall only have the right to vote and debate on questions in which the District of Columbia is interested, and have no right

to debate or vote upon other questions of legislation.

Mr. KEIFER. You could not give this Delegate the right to participate as a Representative under the Constitution, could

Mr. KLINE. I think Congress could grant that power. Mr. GOULDEN. I am afraid not. I think it would be a violation of the Constitution.

Mr. KLINE. I am not prepared at this time to answer this

constitutional question. Upon reflection it may be that the gentlemen are correct in their contention.

By an act of Congress approved February 21, 1871, all the territory included within the limits of the District was erected into a government by the name of the District of Columbia, which became constituted by said act a body corporate, with the usual powers for municipal purposes. Said act abolished the old and established a new form of government for the District, and provided for a Territorial form of government, with governor, legislature, and a Delegate to Congress.

Previous to the act of 1871 the legislative power had been exercised directly by Congress, in which, however, the people had no representation, but upon the establishment of a torial form of government by that act, the right of electing a Delegate to Congress with the same privileges as Delegates of

other Territories was granted.

Early in June, 1874, Congress passed an act abolishing the form of government intended to be established by the act of 1871, and to replace the old order, temporarily providing a government by three Commissioners, and made provision for the preparation of a permanent form of government; and in June, 1878, an act was passed which lodged the affairs of the District in the hands of a board of three Commissioners—two civilians appointed by the President and confirmed by the Senate and an engineer officer detailed from the Army. All the numerous sub-ordinates are appointed by the Commissioners. The affairs of the District are now managed and governed, and for twenty-seven years have been managed and governed, by the provisions and directions of the act of 1878.

Congress, under said act, pays half the taxes and the sal-aries of all officers appointed by the President, and all others

are paid by the District of Columbia.

It is or may be generally admitted that for the District of Columbia (if self and popular government is to be denied them) the present form of government is as good and satisfactory as can be secured by human minds; but, on the contrary, I also believe that there are many good citizens who likewise believe and contend that for apparent reasons and for the benefit of the District it should have representation in the House of Representatives.

Representation as contemplated by said bill would certainly be conducive to a great amount of good, as well as aid to the District of Columbia Committee in the House, and Members of the House of Representatives, when District legislation is under con-

sideration.

Mr. GOULDEN. Will the gentleman from Pennsylvania permit another interruption?

Mr. KLINE. Certainly.
Mr. GOULDEN. What has your observation taught you as to the conduct of the government of the District of Columbia since this reorganization as compared with that when they had direct representation and had the right to vote and the right to govern themselves?

Mr. KLINE. I find that the progress of the District has been phenomenal, and it has and had a good government, but I believe that the people of the District of Columbia, like the States

and the Territories, should have representation.

Mr. GOULDEN. I agree with you in the main on that propo-

Mr. OLCOTT. I would like to ask the gentleman whether he found in the investigation of this subject any particular desire on the part of the citizens of the city of Washington themselves to have this representation that the gentleman's bill calls

Mr. KLINE. I have. I am in receipt of numerous letters, memorials, and communications, and I am told the citizens have held meetings in the city of Washington indorsing this measure and the provisions of this bill. My judgment is that the subject should be referred to a vote of the people of the District of Columbia for adjustment, whether or not they desire representation in Congress and self-government.

Before preparing this bill I did not consult with anyone interested in the administration of the affairs of the District of Columbia; I did not obtain the advice or encouragement of any Member of Congress, nor did I then have in mind many of the potent and cogent reasons why such legislation should be enacted which have since been brought to my mind and attention. It was simply my own conviction, actuated by personal experience acquired during my brief membership as a member of the District Committee.

I may have no adherents in this thought and may be unable to convince anyone of the soundness and propriety of such legislation and proposed invasion of existing conditions and methods of procedure. I know, however, that there are some Members on the floor of the House who have advocated and would support proper measures that would give the District a system of self-government, and I also have become cognizant that many good, reputable, and influential citizens in the District are seriously and earnestly in favor of legislation such as I have proposed, or on lines of a similar import. I have, therefore, without any pretense of eloquence, rhetoric, or felicity of diction, but in a plain and simple manner, attempted to give my individual reasons for the introduction of said bill and why it should be enacted into law.

It seems to me that such a proposition is clearly just and proper and reasonable and that argument should not be necessary to convince the legislator of the propriety of such legislation. We all recognize that those vested with power and authority are jealous of their rights and jurisdiction and frequently resent and discourage a disturbance of the same, and therefore it may be that those in authority may not even permit a fair and unbiased consideration of the subject. The District Commissioners, who are vitally and materially interested in such legislation, have reported against the bill. I am not actuated by any selfish motives. It is not a sectional question with those who may be called upon to solve and determine the same; it is only a subject which intends to be fair and just to a people who assist in bearing the burdens of the Government, who now and hitherto have had no voice or representation in the conduct and management of their own municipal and local affairs.

Mr. GOULDEN. Will the gentleman permit another question? The gentleman from Pennsylvania says that the Com-

missioners have reported adversely to the bill.

Mr. KLINE. They have.

Mr. GOULDEN. May I be allowed to ask if there have been hearings upon the matter and a full discussion had before the committee?

Mr. KLINE. The subject has not been formally presented to The committee had other business, which enthe committee. gaged its attention in the past, and it has had no time to investigate and consider this bill, except the matter was referred to the District Commissioners, and they reported against it.

Mr. GOULDEN. Without a hearing?

Mr. KLINE. Yes.

Mr. GOULDEN. Do you consider it fair that the Commissioners should have decided so important a matter to the people of the District without giving them an opportunity to be heard on the subject?

Mr. KLINE. No; I do not.

Our national independence was achieved on the issue of "no taxation without representation;" and if it be true that this Government is a "government of the people, by the people, and for the people," it is difficult to understand why the 350,000 citizens now living in the District, or that may hereafter establish their residence here, and its increased population, should be deprived of all voice and representation in their Government. If they were not taxed and in other respects not required to support and defend the Government, then I could see some reason why they should not be represented; but such is not the As citizens, the people of the District of Columbia are subjected to the same burdens as other citizens, and they have performed their whole duty as fully, freely, and patriotically as those of any other part of the country.

The people of the District have from the foundation of the Government contributed their full proportion for its support, both in peace and war. In the war with Spain the District furnished twice as many volunteers, in proportion to population, as any State in the Union. It contributes by taxation one-half of the cost of its local government. It contributes to the payment of internal-revenue tax an enormous item in aid of the payment of the expenses of our Government, and I am told that in 1891 the District paid over four times per capita as much as fifteen States and five Territories, including Alaska, and paid in nearly that proportion ever since. With all these burdens and contributions it is denied representation. It is the only place in these United States where citizens have no voice in the selection of the men designated to rule them or in the disposition of the taxes they are compelled to pay.

By making a search into our early history it is made ap-parent that it was never contemplated by the founders of our Government that the citizens of the District should become or be made political nonentities. It was never their intention that the inhabitants of the District of Columbia should be deprived of all voice in their own government.

Before the adoption of the Constitution Madison made the statement in the Federalist that "a municipal legislature for local purposes, derived from their own suffrages, will of course be allowed them." It was apparently the idea and expecta-tion of the legislators in early years that the people of the District should have representation, as is shown by the follow-

ing from the debates in Congress in 1803. Mr. Hughes, of South Carolina, speaking of the District, said: "He looked forward to the period when the inhabitants, from their number and riches, would be entitled to a representative on this floor. And with respect to their local concerns, when they grow more numerous and wealthy there would be no difficulty in giving them a Territorial legislature." And Mr. Randolph, speaking on this subject, said: "Domestic slavery is of all others the most oppressive, and political slavery, which has been well defined to be that state in which any community is divested of the power of self-government and regulated by law to which its assent is not required and may not be given. This species government is an experiment how far freemen can be reconciled to live without rights, an experiment dangerous to the liberties of these States."

In the Forty-first Congress, page 645, Hon. Samuel J. Randall, from Pennsylvania, an honored member of this body for more than a score of years and one of its illustrious Speakers, said: "I am inclined to believe, judging from the rules of common sense, that this is correct, especially in view of the citation from Judge Story, which clearly establishes the right of Congress to delegate the legislative power in reference to this District. \* \* \* Nothing can be feared, in my judgment, from delegating this power to the people."

I think I am correct in saying that every national capital of

Europe has its own local government, and London has half as many members in Parliament as it has in its council.

Abraham Lincoln said: "Allow all the governed an equal voice in the government; that, and that only, is self-government;" and Representative Cox, of Ohio, once said: "The citizens of Washington have an inalienable right to the freest, the most popular form of municipal government. to give them less will be to be false to the most fundamental principles of American liberty.'

If the proposed bill should be passed the exclusive jurisdiction of Congress over the District would remain exactly the same as it is now. The only effect would be to give the citizens of the District of Columbia a voice in the District government, the same as other citizens, through their respective Representatives. Ought not the people in the District have the same privi-

lege? If not, why not?

Years ago, when the population was small and its interests were limited and not much diversified, the importance and necessity for representation was not so apparent. But to-day, with its wealth, interests, and population exceeding and surpassing many of the States of the Union, I see many obvious reasons why her people should have representation in Congress. population of the District is within a small fraction sufficient to entitle them to two Representatives in the House. It is greater than a dozen of our States, and the amount of taxes paid is larger than is raised by some of the States for State purposes, and yet those States have two Senators and a Representative, and several two Representatives.

Whilst every member of the House District of Columbia Committee is and has been performing the duty assigned to him with fidelity and ability, with the information at hand of the importance and necessity of the character of legislation presented, yet no one will pretend that any member of the committee is as efficient and as well equipped to engage in this work as if he were a resident of the District. We are all acquainted or expect to be acquainted with the legislation needed by our immediate constituencies; we have a personal interest in such legislation, and we make every reasonable effort to secure that in which our several constituencies are interested. If we did not there would soon be a rebellion at home, and the home papers would be filled with columns of censure, reprimand, and criticism, with an invitation to retire from public life and make

room for a more worthy successor.

Living hundreds and thousands of miles away from the District and seat to which legislation enacted is to apply, it is not human or reasonable to think that as much attention, study, and consideration would be given to such legislation as to that which affects our several constituencies or the entire country.

The District Committee is composed of eighteen members, none of whom resides more contiguously to the District than the Philadelphia member, who lives distant 140 miles, and all the other members live in remote communities in all parts of the country, east of the Missouri River. It can not be said that any of said members are as intimately acquainted with the topography, highways, business interests, trade, inhabitants, and the needs of the District as those who live in the District, and fitted to be or become a Delegate in the House of Representatives from the District of Columbia. We are all interested in making Washington the most beautiful, most attractive, and best-governed capital city in the world.

We all must acknowledge that subjects have been under consideration in committee and this House when there was an absence of proper information, and no one present to furnish the

requisite facts in order to legislate intelligently.

True, the privilege is granted to receive information from the District Commissioners, or call witnesses or parties interested, but by such facilities the knowledge is not obtained that could be acquired by and from Delegates representing the District of Columbia, who would, by the bill introduced, secure membership in the District of Columbia Committee and the right of debate on the floor of this House, and thereby enlighten its membership on subjects wherewith they may have no fa-

This bill provides simple election machinery for the election

of Delegates

My judgment is that this bill, or one of similar import, should pass, and if enacted into law it would be beneficial to the progressive and healthy interests of the District and its inhabitants, as well as a great aid to secure prompt, intelligent, and needed legislation for the government of the District of Columbia. [Applause, ]

Mr. Chairman, I ask unanimous consent to extend my remarks

in the RECORD. [Applause.]

The CHAIRMAN pro tempore (Mr. Moore of Pennsylvania). The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the Record. Is there objection? [After The Chair hears none.

Mr. BURLESON. I yield time to the gentleman from New

York [Mr. GOULDEN].

Mr. HUNT. Have I permission to interrogate the gentleman for a moment?

Mr. GOULDEN. I yield to the gentleman from Missouri the time he desires.

Mr. HUNT. I would like to know if in the course of your remarks you referred to the fact there was at one time a form of self-government conferred upon the District?

Mr. KLINE. I did

Mr. HUNT. To what circumstances do you attribute its discontinuance or the present mode of government in the District? Mr. KLINE. I referred to it in my remarks. When the form of government was changed-

Mr. HUNT. And the reason for it?
Mr. KLINE. I do not think I assigned any reasons for it, but as a fact the government was changed in 1871 and thus continued until 1874, and in 1878 a bill was passed by which the government of the District was vested in the hands of three Commissioners appointed by the President. [Applause.]

Mr. BURLESON. Mr. Chairman, I yield to the gentleman from New York [Mr. GOULDEN].

Mr. GOULDEN. Mr. Chairman, I desire to say a word in reference to a matter of considerable importance to my district, the Eighteenth New York, but before doing so I wish to state that I am in sympathy with the gentleman from Pennsylvania [Mr. KLINE] regarding local self-government of the District of Columbia. I heartily indorse what he has so ably and so eloquently said upon that subject, and I hope that the District Committee may find time at an early date to take up this Mr. GOULDEN. Mr. Chairman, I desire to say a word in so eloquently said upon that subject, and I nope that the District Committee may find time at an early date to take up this important question and give to the people of the District of Columbia that to which, in my judgment, they are entitled, namely, self-government. [Applause.]

The bill under discussion appropriating so large a sum for the District of Columbia is of importance to the nation. The

difficulty seems to be to make the revenues of the Government equal the demands made on Congress by the people. It requires the greatest care on the part of the various committees of this House and of the Senate to accomplish this desirable and neces-

sary result, to save the credit of the country

In the last session a bill was brought in from the Committee Public Buildings and Grounds appropriating some sixteen millions for the use of post-offices, courts, and other necessary Government buildings throughout the country.

The Borough of the Bronx, with its population of 350,000, all in my district, needs a public building, especially for the proper handling of its mails. While the borough is a part of the old city of New York, it lies from 10 to 15 miles from the general post-office of that city. Its growth has been phenomenal. In 1890 the population was 85,000; in 1900 the population (United States census) was 200,507; in 1905 the population (State census) was 272,000; in 1907 the population (police census) was 350,000; estimated in 1910 the population will be 500,000.

Mr. HUNT. Mr. Chairman, will the gentleman from New

York permit an interruption?

Mr. GOULDEN. Certainly. Mr. HUNT. To what influences is this great increase due,

and what was the population of the whole district in 1900, at

the time of the apportionment?

Mr. GOULDEN. Answering the last part of the gentleman's query first, I would say that the population in 1900, in round figures, was 240,000. The rapid increase since then is due to the improved transit facilities, the opening, regulating, grading, and paving of many miles of streets, the building of sewers, beautifying the 4,000 acres of magnificent public parks, the healthfulness and beauty of this section; to the fact, largely, that we have had a splendid local government, presided over by that able and distinguished citizen, the Hon. Louis F. Haffen, the borough president; and last, but not least, that the people are a public-spirited body of citizens, second to none in the country. Applause.]

I desire to say that this does not include all of the Eighteenth district. We have a population of 50,000 south of the Harlem River on the island of Manhattan and in the borough of the same name, which belongs to and is a part of my district.

Mr. SHEPPARD. Have you a branch office there now?
Mr. GOULDEN. We have no branch office—simply substations. Mr. Chairman, I shall later ask unanimous consent to include a letter from the postmaster of New York City, with the full statistics accompanying it, regarding this particular section of the great and growing city of New York.

Now, Mr. Chairman

Mr. SHEPPARD. May I ask the gentleman just one more question?

Mr. GOULDEN. Certainly. Mr. SHEPPARD. I want to say, as a member of the Public Buildings and Grounds Committee, that the gentleman from New York has been most tireless in presenting the claims of the Bronx post-office building to the committee, as well as to its individual members.

Mr. GOULDEN. I thank the gentleman from Texas, who, as a member of the Committee on Public Buildings and Grounds, knows whereof he speaks, and I hope I will always have his active support in that committee in this needed appropriation

for the Borough of the Bronx.

Mr. SHEPPARD. The gentleman certainly did have my sup-

port, and he shall continue to have it in the future.

Mr. GOULDEN. I heartily thank the gentleman from Texas in behalf of my district.

It is now the eleventh city in the Union. Its assessed valuation of real estate for taxable purposes is over \$400,000,000. The new buildings erected in 1906 approximated \$30,000,000.

This great and growing borough, one of the five great subdivisions of the city of New York, demands a public building, espe-

cially for its growing postal needs.

commission consisting of the Postmaster-General, the chairman of the Committee on Public Buildings and Grounds of the Senate, Senator Scott, and of the House of Representatives Congressman Bartholdt, were named at the close of the last session of Congress as a commission to investigate the postal facilities of Manhattan and the Bronx, with the view of recommending the necessary action to give the required relief.

This committee are expected to visit the boroughs named and investigate the whole subject and report to the Sixtieth Cou-

gress in December next.

I desire permission to include in my remarks on this subject a letter and statistics from Postmaster William R. Willcox, of New York City, one of the ablest and most efficient officials in the Government service, given at my request last month.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is

there objection?

There was no objection.

The letter and data referred to are as follows:

Office of the Postmaster, New York, N. Y., December 29, 1906.

OFFICE OF THE POSTMASTER,
New York, N. Y., December 29, 1996.

Hon. J. A. Goulden,
180 Broadway, New York.

My Dear Congressman: I am in receipt of your letter of December 27, in which you express to me the conclusion that the Bronx Borough has outgrown its postal facilities, and that you are desirous of ascertaining what recommendations have been made and what our views are concerning the service in that particular part of the city.

The matter of postal facilities for the Bronx has been carefully studied by me since I have been in office, and I have from time to time made various recommendations concerning increased accommodations for that part of the city, many of which are still before the Department, not having been acted upon. It is true that the Department during the past year has, at my solicitation, provided two additional postal stations in this section and furnished an additional force of carriers for duty there, all of which has helped matters considerably; but nevertheless there is still much room for further improvement, and I have no hesitation in saying that the demands for better service are within reason and entirely just, considering the enormous interests involved. A very large portion of the Bronx has reached a point when it must be considered as equally important in every way as that part of the city locally known

as Manhattan Island, and the problem must be reckoned with accordingly. A review of certain thoroughly reliable statistics will prove the correctness of the above assertion and show you that this office fully appreciates the marvelous growth of the Bronx in population, in buildings, and in assessed valuation:

Total areaacr	es	27.	000
Population:			
1890			085
1900		200,	
1904		295,	
1905		335,	000
1906		360,	000
Assessed valuation:			
1890	\$44,		
1900	146.	508.	491
1904	275,		
1905	291.	533.	218
1906	405,	497.	493

1905 291, 533, 218

1906 494 buildings, at a cost of \$6,503,979.

In 1904, 944 buildings, at a cost of \$16,172,200, and in 1905, 2,214 buildings, at a cost of \$37,500,445. The new buildings erected in 1906 will represent a value of at least \$40,000,000, chiefly for homes for that great class of the population who find the cost of living in Manhattan Borough too burdensome to carry. Thousands of this class are flocking into the city from all over the country, and the closest possible estimate shows an annual increase in population of 35,000 in the Bronx. It may be interesting to note that the total assessed valuation in that borough within the past ten years is greater than the combined valuation of the populous counties of Broome, Chenango, and Dutchess, in this State. The average cost of a building in the Bronx is \$15,000, as compared with \$6,500 in Brooklyn and \$4,000 in Queens. The Bronx has a population of between 350,000 and 400,000, and as a separate municipality it would rank about the eighth largest city in the United States.

My object in referring to the foregoing is not for the purpose of giving you information regarding the growth of your own borough, but more to assure you that this particular district, which is served from this office, has been made the subject of careful study. A further reason is that I wish you to thoroughly appreciate the difficulties experienced here in endeavoring to satisfy the constant and unquestionably reasonable demands for better postal service which are being made upon us. It needs no extensive argument to show that unless the postal service shall keep apace with the tremendous forward movement, it will require a vast expenditure at no distant date to place the service on an equal footing with other residential sections of the city.

I am sending you annexed to this letter a statement of the exact service now performed at the various stations throughout the city, and also a statement showing to what extent. I believe the service should be immediately improved. The cal

STATION X.

Twenty-six carriers, fourteen clerks, one superintendent, two assistant superintendents, and one janitor are assigned to the station. Five deliveries daily are made on all parts of the district. Twelve collections daily are made west of St. Anns avenue and five collections daily are made east of St. Anns avenue, including Port Morris section. Morris section.

Morris section.

DELIVERIES ON ALL PARTS OF THE DISTRICT.

Carriers report, first trip, 6 a. m.; second trip, 10 a. m.; third trip, 12.40 p. m.; fourth trip, 3 p. m.; fifth trip, 5.40 p. m.

Carriers leave, first trip, 7 a. m.; second trip, 10.15 a. m.; third trip, 1 p. m.; fourth trip, 3.20 p. m.; fifth trip, 6 p. m.

Carriers return, first trip, 8.55 a. m.; second trip, 12.15 p. m.; third trip, 3 p. m.; fourth trip, 5.20 p. m.; fifth trip, 8 p. m.

Carriers end, first trip, 9.05 a. m.; second trip, 12.25 p. m.; third trip, 3.10 p. m.; fourth trip, 5.25 p. m.; fifth trip, 8.10 p. m.

COLLECTIONS-CENTRAL SECTION.

COLLECTIONS—CENTRAL SECTION.

Begin at 5 a. m., due at X 6 a. m.

Begin at 9.30 a. m., due at X 10.30 a. m.

Begin at 10.45 a. m., due at X 11.45 a. m.

Begin at 1.2 m., due at X 11.45 a. m.

Begin at 1.2 m., due at X 11.45 a. m.

Begin at 1.2 m., due at X 1 p. m.

Begin at 1.3 p. m., due at X 2.15 p. m.

Begin at 2.30 p. m., due at X 3.30 p. m.

Begin at 3.45 p. m., due at X 4.45 p. m.

Begin at 3.45 p. m., due at X 4.55 p. m.

Begin at 3.55 p. m., due at X 4.55 p. m.

Begin at 7.20 p. m., due at X 9.40 p. m.

Begin at 8.40 p. m., due at X 9.40 p. m.

Begin at 10.30 p. m., due at X 11.30 p. m.

Sundays leave at 10.45 a. m., 3, 6.30, and 8.40 p. m.

COLLECTIONS.

COLLECTIONS.

East of St. Anns avenue, including the Port Morris section, carriers deliver and collect mail at the same time. There is no early-morning or late-evening collection. The first collection begins when carriers leave the station on the first delivery trip at 7 a. m., and are due to return at 8.55 a. m. The last collection begins at 6 p. m., when carriers leave the station on the last delivery trip, and are due to return to the station at 8 p. m.

Begin at 7 a. m., due at X 8.55 a. m.

Begin at 10.15 a. m., due at X 12.15 p. m.

Begin at 10.15 a. m., due at X 5.20 p. m.

Begin at 3.20 p. m., due at X 8 p. m.

Begin at 6 p. m., due at X 8 p. m.

Two additional carriers wanted for collection service. All the territory east of St. Anns avenue to Long Island Sound has but five collections daily. Carriers delivery and collect at the same time. Letters deposited in boxes after last delivery trip begins at 6 p. m., due at Station X at 8.10 p. m., remain in boxes until the following morning, when they reach the station at 8.55 a. m. on completion of first delivery. During the past year 107 flat and apartment houses have been erected and occupied by 2,247 families. Also 6 factories have been erected during the same period, and by January 1 next there will be completed and ready for occupancy 13 apartment houses accommodating 273 families. It can be readly seen from above that the full twelve collections should be extended to all parts of the district.

Additional street letter boxes should be placed at the following important points:

One hundred and thirty-eighth street, between St. Anns and Cypress avenues '(St. Luke's Church).

One hundred and thirty-eighth street and Cypress avenue.

One hundred and forty-first street and Beekman avenue.

One hundred and forty-first street and Walnut avenue.

One hundred and forty-first street and Locust avenue.

One hundred and thirty-first street and Locust avenue.

One hundred and thirty-fourth street and Locust avenue.

One hundred and thirty-fifth street and Willow avenue.

One hundred and thirty-fourth street and South boulevard.

One hundred and thirty-sixth street and South boulevard.

One hundred and thirty-eighth street and South boulevard, making a total of twenty street letter boxes in use between St. Anns avenue and Long Island Sound.

STATION R.

Twenty-five carriers, fourteen clerks, one superintendent, two assistant superintendents, and one janitor are assigned to the station. Five deliveries daily on all parts of the district.

Twelve collections daily on all parts of the district.

DELIVERIES.

Carriers report, first trip, 6 a. m.; second trip, 9.45 a. m.; third trip, 12.40 p. m.; fourth trip, 3 p. m.; fifth trip, 5.45 p. m. Carriers leave, first trip, 7 a. m.; second trip, 10 a. m.; third trip, 1 p. m.; fourth trip, 3.20 p. m.; fifth trip, 6 p. m. Carriers return, first trip, 9 a. m.; second trip, 11.45 a. m.; third trip, 3 p. m.; fourth trip, 5.20 p. m.; fifth trip, 7.45 p. m. Carriers end, first trip, 9.15 a. m.; second trip, 12 m.; third trip, 3.10 p. m.; fourth trip, 5.30 p. m.; fifth trip, 8 p. m.

COLLECTIONS. COLLECTIONS.

Begin at 5 a. m., due at R 6 a. m.
Begin at 8.05 a. m., due at R 9.05 a. m.
Begin at 9.30 a. m., due at R 10.30 a. m.
Begin at 10.45 a. m., due at R 11.45 a. m.
Begin at 12 m., due at R 11.45 a. m.
Begin at 1.25 p. m., due at R 2.15 p. m.
Begin at 1.25 p. m., due at R 2.15 p. m.
Begin at 2.30 p. m., due at R 3.30 p. m.
Begin at 3.45 p. m., due at R 4.45 p. m.
Begin at 5.55 p. m., due at R 6.55 p. m.
Begin at 5.55 p. m., due at R 8.20 p. m.
Begin at 8.40 p. m., due at R 9.40 p. m.
Begin at 10.30 p. m., due at R 11.30 p. m.
Sundays, leave 10.45 a. m., 3, 6.30, and 8.40 p. m.
The service should not be increased.

STATION T.

STATION T.

Thirty-four carriers, fifteen clerks, one superintendent, and one janitor are assigned to the station.

Five deliveries daily are made on central section.

Four deliveries daily are made on west section.

Twelve collections daily are made on central section.

Four collections daily are made on west section.

BOUNDARY OF THE WEST SECTION.

All that territory from One hundred and fifty-third street to One hundred and seventy-first street, between Grant avenue and Jerome avenue, inclusive, served by two carriers.

DELIVERIES ON THE CENTRAL SECTION.

Carriers report, first trip, 6.15 a. m.; second trip, 10.40 a. m.; third trip, 12.50 p. m.; fourth trip, 3.40 p. m.; fifth trip, 5.50 p. m. Carriers leave, first trip, 7 a. m.; second trip, 11 a. m.; third trip, 1.10 p. m.; fourth trip, 4 p. m.; fifth trip, 6.10 p. m. Carriers return, first trip, 9.10 a. m.; second trip, 12.50 p. m.; third trip, 3.35 p. m.; fourth trip, 5.50 p. m.; fifth trip, 8.30 p. m. Carriers end, first trip, 9.15 a. m.; second trip, 12.50 p. m.; third trip, 3.40 p. m.; fourth trip, 5.50 p. m.; fifth trip, 8.40 p. m.; third trip, 3.40 p. m.; fourth trip, 5.50 p. m.; fifth trip, 8.40 p. m.

Carriers report, first trip, 6.15 a. m.; second trip, 10.40 a. m.; third trip, 12.50 p. m.; fourth trip, 5.50 p. m.

Carriers leave, first trip, 7 a. m.; second trip, 11 a. m.; third trip, 1.10 p. m.; fourth trip, 6.10 p. m.

Carriers return, first trip, 9.10 a. m.; second trip, 12.50 p. m.; third trip, 3.35 p. m.; fourth trip, 8.30 p. m.

Carriers end, 9.15 a. m.; second trip, 12.50 p. m.; third trip, 8.40 p. m.; fourth trip, 8.40 p. m.

CENTRAL SECTION-COLLECTIONS.

CENTRAL SECTION—COLLECTIONS.

Begin at 4.55 a. m., due at T 6.05 a. m.
Begin at 6.45 a. m., due at T 7.55 a. m.
Begin at 8 a. m., due at T 9.10 a. m.
Begin at 9.20 a. m., due at T 10.30 a. m.
Begin at 9.20 a. m., due at T 12.50 p. m.
Begin at 11.40 a. m., due at T 12.50 p. m.
Begin at 1 p. m., due at T 12.50 p. m.
Begin at 2.15 p. m., due at T 3.25 p. m.
Begin at 2.15 p. m., due at T 3.25 p. m.
Begin at 3.30 p. m., due at T 4.40 p. m.
Begin at 4.45 p. m., due at T 7.15 p. m.
Begin at 4.60 p. m., due at T 7.15 p. m.
Begin at 9.55 p. m., due at T 11.05 p. m.
Sundays, leave 10.45 a. m., 2.30, 6.30, and 8.30 p. m.

WEST SECTION—COLLECTIONS.

Carriers deliver and collect mail at the same time; the

WEST SECTION—COLLECTIONS.

Carriers deliver and collect mail at the same time; there is no early morning or late evening collection. The first collection begins when carriers leave the station on the first delivery trip at 7 a. m. The last collection begins when carriers leave the station on the last delivery trip at 6.10 p. m.

Begin at 7 a. m., due at T 9.10 a. m.

Begin at 11 a. m., due at T 12.50 p. m.

Begin at 1.10 p. m., due at T 3.35 p. m.

Begin at 6.10 p. m., due at T 8.30 p. m.

Sundays, leave 4 p. m.

One additional carrier is needed for collection service. At the present time all that territory between One hundred and fifty-third and One hundred and seventy-first streets, from Grant to Jerome avenues, has but four collections daily. Letters deposited in boxes after carrier begins his last delivery at 6.10 p. m., due to return to station at 8.30 p. m., do not reach the station until the carrier returns from his first delivery trip on the following morning at 9.10 o'clock. With one additional carrier the number of collections could be in-

creased from four to six daily, beginning at 5 a.m., and the last at 8 p.m. Ten additional boxes could then be added to the above

FOX STREET STATION.

Eleven carriers, six clerks, one superintendent, one assistant super-intendent, and one janitor are assigned to the station. Five deliveries on the central section. Six collections on the central section. Three deliveries on the Hunts Point section. Three collections on the Hunts Point section.

DELIVERIES ON THE CENTRAL SECTION.

Carriers report, first trip, 6. 15 a. m.; second trip, 10.40 a. m.; third trip, 12.50 p. m.; fourth trip, 3.40 p. m.; fifth trip, 5.50 p. m. Carriers leave, first trip, 7 a. m.; second trip, 11 a. m.; third trip, 1.10 p. m.; fourth trip, 4 p. m.; fifth trip, 6.10 p. m. Carriers return, first trip, 9 a. m.; second trip, 12.50 p. m.; third trip, 3.25 p. m.; fourth trip, 5.50 p. m.; fifth trip, 8.25 p. m. Carriers end, first trip, 9.15 a. m.; second trip, 12.50 p. m.; third trip, 3.40 p. m.; fourth trip, 5.50 p. m.; fifth trip, 8.40 p. m.; collections on central section.

COLLECTIONS ON CENTRAL SECTION.

Begin at 5.35 a. m., due at station 6.15 a. m.

Begin at 7 a. m., due at station 9 a. m.

Begin at 11 a. m., due at station 12.50 p. m.

Begin at 1.10 p. m., due at station 3.25 p. m.

Begin at 4 p. m., due at station 5.50 p. m.

Begin at 4 p. m., due at station 5.50 p. m.

Begin at 6.10 p. m., due at station 8.25 p. m.

Budays, leave 3.30 and 8.30 p. m.

Deliveries on hunts point section.

Boundary, One hundred and forty-ninth street and Long Island Sound to Southern boulevard, to Longwood avenue, to Kelly street, to Westchester avenue, to Jennings street, to Bronx River, to Long Island

MOUNTED BOUTE-ONE (1) CARRIER.

Carrier reports, first trip, 6.30 a. m.; second trip, 11.20 a. m.; third trip, 4.10 p. m.

Carrier leaves, first trip, 7 a. m.; second trip, 11.30 a. m.; third trip, 4.20 p. m.

Carrier returns, first trip, 10 a. m.; second trip, 12.50 p. m.; third trip, 6.20 p. m.

Carrier ends, first trip, 10.20 a. m.; second trip, 1 p. m.; third trip, 6.40 p. m.

Carrier returns, first trip, 10 a. m.; second trip, 12.50 p. m.; third trip, 6.20 p. m.
Carrier ends, first trip, 10.20 a. m.; second trip, 1 p. m.; third trip, 6.40 p. m.
Collections are made from the two street letter boxes located on the Hunts Point section.
Begin at 7 a. m., due at station 10 a. m.
Begin at 11.30 a. m., due at station 12.50 p. m.
Begin at 4.20 p. m., due at station 6.20 p. m.
Sundays, leave 3.30 p. m.
Three additional carriers for delivery and collection service on the regular Fox street district, where the last collection begins at 6.10 p. m., and letters mailed after that trip begins (6.10), due at Fox street station at 8.25 p. m., remain in boxes until the following morning, when they reach the station at 6.15 on the early collection made on the district. It will be noticed from the collection schedule that under present conditions letters deposited in certain boxes shortly after 7 a. m. do not reach the station until 12.50 p. m., and letters deposited in certain boxes shortly after 6.10 p. m. do not reach the station until 12.50 p. m., and the station until 6.15 the following morning.

The collections should be increased to eight daily, except on the Hunts Point section.

The advisability of transferring that portion of Tremont district, locally known as "West Farms," to the Fox street station is apparent. That section is now served by two carriers from the Tremont station, who should be transferred to Fox street station. It includes all that territory on the north side of Wilkins avenue to Crotona Park east to Southern boulevard, to One hundred and eighty-second street, to the Bronx River, to Long Island Sound.

The West Farms section receives three deliveries daily, beginning at 7.15 a.m., 11 a. m., and 3.30 p. m. An additional fourth delivery trip should be made, beginning about 5.15 p. m., and the other deliveries should be begin at 3.30 p. m. An additional fourth delivery trip should be made, beginning about 5.15 p. m., and the other deliveries should be beared to obegin at 3.30 p.

TREMONT STATION.

Thirty-four carriers, twelve clerks, one superintendent, one assistant superintendent, and one janitor are assigned to the station.

Four deliveries are made on the Tremont district, except the West Farms section, which has three deliveries. Said section is bounded as follows: From One hundred and seventy-first street and Bronx River, through One hundred and seventy-first street to Crotona Park east, to Daly avenue, to One hundred and eighty-second street, through One hundred and Eighty-second street to Bronx River.

Eight collections are made on the Tremont district, except from five boxes located in the southern portion of the West Farms section, Southern boulevard, Boston road, West Farms road, and One hundred and seventy-eighth street.

DELIVERIES-CENTRAL SECTION.

Carriers report, first trip, 6.15 a. m.; second trip, 10.45 a. m.; third trip, 3 p. m.; fourth trip, 5 p. m.
Carriers leave, first trip, 7.15 a. m.; second trip, 11 a. m.; third trip, 3.30 p. m.; fourth trip, 5.15 p. m.
Carriers return, first trip, 9.15 a. m.; second trip, 1 p. m.; third trip, 5 p. m.; fourth trip, 7.30 p. m.
Carriers end, first trip, 9.30 a. m.; second trip, 1.15 p. m.; third trip, 5.15 p. m.; fourth trip, 7.45 p. m.

DELIVERIES-BELMONT SECTION.

Carriers report, first trip, 6.15 a.m.; second trip, 10.45 a.m.; third trip, 3 p.m.; fourth trip, 5 p.m.
Carriers leave, first trip, 7.15 a.m.; second trip, 11 a.m.; third trip, 3.30 p.m.; fourth trip, 5.15 p.m.

Carriers return, first trip, 9.30 a.m.; second trip, 1 p. m.; third trip, 4.50 p.m.; fourth trip, 7.15 p.m.
Carriers end, first trip, 9.45 a.m.; second trip, 1.15 p.m.; third trip, 5 p.m.; fourth trip, 7.30 p.m.

DELIVERIES-WEST FARMS SECTION.

Carriers report, first trip, 6.15 a. m.; second trip, 10.45 a. m.; third trip, 3 p. m. Carriers leave, first trip, 7.15 a. m.; second trip, 11 a. m.; third trip,

Carriers leave, first trip, 11.0 a. m.; second trip, 2 p. m.; third trip, 6.30 p. m.

Carriers return, first trip, 10.15 a. m.; second trip, 2 p. m.; third trip, 6.30 p. m.

Carriers end, first trip, 10.30 a. m.; second trip, 2 p. m.; third trip,

COLLECTIONS-CENTRAL SECTION.

Begin at 5 a. m., due at Tremont 6.50 a. m.
Begin at 8 a. m., due at Tremont 9.50 a. m.
Begin at 10 a. m., due at Tremont 11.50 a. m.
Begin at 12 m., due at Tremont 11.50 p. m.
Begin at 1.10 p. m., due at Tremont 3 p. m.
Begin at 3.05 p. m., due at Tremont 4.55 p. m.
Begin at 5.30 p. m., due at Tremont 7.20 p. m.
Begin at 8.30 p. m., due at Tremont 10.20 p. m.
Begin at 8.30 p. m., due at Tremont 10.20 p. m.
Sundays, leave 2, 4.15, and 8.15 p. m.

COLLECTIONS-WEST FARMS SECTION.

Begin at 8.30 p. m., due at Tremont 10.20 p. m.

Sundays, leave 2, 4.15, and 8.15 p. m.

COLLECTIONS—WEST FARMS SECTION.

There are eleven boxes located in the West Farms section. Eight collections daily are made from six of these boxes and four collections from the remaining five boxes.

Location of the six boxes having eight collections daily: Vyse avenue and One hundred and seventy-seventh street.

Boston road and One hundred and seventy-seventh street.

West Farms road and One hundred and seventy-seventh street.

No. 2007 Boston road, Station No. 44.

Boston road and One hundred and seventy-ninth street.

Vyse avenue and One hundred and seventy-ninth street.

Begin at 5 a. m., due at Tremont 6.50 a. m.

Begin at 5 a. m., due at Tremont 11.50 a. m.

Begin at 10 a. m., due at Tremont 11.50 a. m.

Begin at 110 p. m., due at Tremont 12.0 p. m.

Begin at 1.0 p. m., due at Tremont 1.20 p. m.

Begin at 3.30 p. m., due at Tremont 10.20 p. m.

Sundays, leave 2, 4.15, and 8.15 p. m.

Collections from the remaining five boxes in the West Farms section:

Begin at 5.45 a. m., due at Tremont 10.15 a. m.

Begin at 3.30 p. m., due at Tremont 6.15 a. m.

Begin at 3.30 p. m., due at Tremont 6.30 p. m.

Begin at 3.30 p. m., due at Tremont 6.50 p. m.

One additional carrier and an allowance for one horse, wagon, and driver to establish a package-box wagon route from the Tremont it is proposed to extend this collection service on Station X district to St. Anns avenue on the east and Mott avenue on the west, adding four package boxes, one at Mott avenue and One hundred and forty-fourth street, Ryder avenue and One hundred and thirty-eighth street, St. Anns avenue and One hundred and forty-first street.

One at Trinity avenue and One hundred and forty-ninth street, One at Dawson and Leggett avenues on the east and Mott avenue and One hundred and forty-ninth street.

One at Tremont and One hundred and forty-ninth street.

One at Tremont and One hundred and forty-ninth street.

One at Tremont and One hundred and forty-ninth street.

station).

On the district of Station T, to extend the service to Union avenue on the east and Webster avenue on the west, adding eight more package boxes at the following points:

One at Fleetwood avenue and One hundred and sixty-second street.
One at Park avenue and One hundred and sixty-eighth street.
One at Webster avenue and One hundred and seventieth street.
One at Jackson avenue and One hundred and sixty-sixth street.
One at Caldwell avenue and One hundred and sixty-fifth street.
One at Tinton avenue and One hundred and sixty-fifth street.
One at Tinton avenue and One hundred and sixty-fifth street.
Package boxes could also be placed at important points on the Tremont and the southern portion of the Fordham districts.

FORDHAM STATION.

## FORDHAM STATION.

Nine carriers, four clerks, and one superintendent.
Four deliveries daily are made on the Fordham section.
Five collections daily are made on the Fordham section.
Three deliveries daily are made on the Bedford Park section.
Four collections daily are made on the Bedford Park section.
Boundary of the Fordham section: From Broux River to One hundred and eighty-seventh street to Marion avenue to One hundred and eighty-ninth street to Fordham road to Jerome avenue to One hundred and ninety-sixth street to Marion avenue to One hundred and ninety-fifth street to Broux River street to Bronx River.

DELIVERIES.

Carriers report, first trip, 6.30 a. m.; second trip, 10.45 a. m.; third trip, 3 p. m.; fourth trip, 5 p. m.

Carriers leave, first trip, 7.30 a. m.; second trip, 11 a. m.; third trip, 3.15 p. m.; fourth trip, 5.15 p. m.

Carriers return, first trip, 9.15 a. m.; second trip, 1 p. m.; third trip, 4.50 p. m.; fourth trip, 7.30 p. m.

Carriers end, first trip, 9.30 a. m.; second trip, 1.15 p. m.; third trip, 5 p. m.; fourth trip, 7.45 p. m.

Delivery on the Fordham section (one-man route), bounded by Webster avenue and One hundred and ninety-fourth street to Jerome avenue to One hundred and ninety-sixth street.

Carriers reports, first trip, 6.30 a. m.; second trip, 10.45 a. m.; third trip, 3 p. m.; fourth trip, 5 p. m.

Carrier leaves, first trip, 7.30 a.m.; second trip, 11 a.m.; third trip, 3.15 p.m.; fourth trip, 5.15 p.m.
Carrier returns, first trip, 9.15 a.m.; second trip, 12.10 p.m.; third trip, 4.15 p.m.; fourth trip, 6.25 p.m.
Carrier ends, first trip, 9.30 a.m.; second trip, 12.15 p.m.; third trip, 4.30 p.m.; fourth trip, 6.30 p.m.

CÓLLECTIONS-FORDHAM SECTION.

CÓLLECTIONS—FORDHAM SECTION,

Begin at 6 a. m., due at Fordham 6.30 a. m.

Begin at 7.30 a. m., due at Fordham 9.15 a. m.

Begin at 11 a. m., due at Fordham 1 p. m.

Begin at 3.15 p. m., due at Fordham 4.50 p. m.

Begin at 3.15 p. m., due at Fordham 7.30 p. m.

Begin at 5.15 p. m., due at Fordham 7.30 p. m.

Sundays, leave 2.30 and 5.30 p. m.

Collection on that part of Fordham section (one-man route), bounded by Webster avenue and One hundred and ninety-sixth street to Decatur avenue to One hundred and ninety-seventh street to Marion avenue to One hundred and ninety-seventh street to Marion avenue to One hundred and ninety-seventh street to Marion avenue to One hundred and ninety-seventh street to Marion avenue to One hundred and an total street.

Begin at 6 a. m., due at Fordham 6.30 a. m.

Begin at 7.30 a. m., due at Fordham 12.10 p. m.

Begin at 11 a. m., due at Fordham 12.10 p. m.

Begin at 5.15 p. m., due at Fordham 6.25 p. m.

Sundays, leave 2.30 and 5.30 p. m.

BEDFORD PARK SECTION.

BEDFORD PARK SECTION.

Three deliveries daily. Four collections daily.

Boundary of the Bedford Park section: Bronx River and One hundred and ninety-fifth street, through Jacob street to Marion avenue to Sherwood street to One hundred and ninety-sixth street to Jerome avenue to Van Courtlandt avenue to Woodlawn road to Two hundred and seventh street to Bronx River.

DELIVERIES.

Carriers report, first trip, 6.30 a.m.; second trip, 1.15 p.m.; third trip, 4.15 p.m.
Carriers leave, first trip, 7.30 a.m.; second trip, 1.30 p.m.; third trip, 4.30 p.m.
Carriers return, first trip, 9.50 a.m.; second trip, 3 p.m.; third trip, 6.05 p.m.
Carriers end, first trip, 10 a.m.; second trip, 3.15 p.m.; third trip, 6.15 p.m. Carriers report, first trip, 6.30 a. m.; second trip, 1.15 p. m.; third

Begin at 6 a. m., due at Fordham 6.30 a. m.
Begin at 7.30 a. m., due at Fordham 9.50 a. m.
Begin at 1.30 p. m., due at Fordham 3 p. m.
Begin at 1.30 p. m., due at Fordham 6.05 p. m.
Begin at 4.30 p. m., due at Fordham 6.05 p. m.
Begin at 4.30 p. m., due at Fordham 6.05 p. m.
Sundays, leave 4 p. m.
Five additional carriers. "Fordham" proper now enjoys four deliveries dr.lly, whereas that portion of the district known as "Bedford Park" has but three deliveries. The service in the latter section should be increased to the same standard as Fordham. The first delivery of mail on the Bedford Park section is not completed at the present time until 9.50 a. m., which results in frequent complaints and protests from residents. It is proposed to complete the first trip by 9.15. It is also recommended that an independent collection service be established on the entire Fordham district, with eight collections daily, the first beginning at 6 a. m. and the last at 8 p. m. Under present conditions letters deposited in certain boxes in the Bedford Park section shortly after 7.30 a. m. do not reach the station until 3 p. m., and they can not therefore be delivered in the lower part of the city until the first regular delivery on the following morning. Again, if the letters are deposited in certain boxes after 4.30 p. m., they can not reach the station until 6.30 a. m. following morning. During the past six months eighty-two two and three family houses have been erected and occupied, and at the present time eighty-seven two-family houses are in course of construction; six three-family houses and two apartment houses—one eight and the other sixteen families. At least twelve additional street letter boxes should also be erected at prominent points in that section.

It is further recommended that mails to and from the Fordham station be carried on the elevated railroad instead of on the New York Central and Hudson River Railroad—Harlem division—as at present, with an hourly interchange of mails from Tremont station, T. Fox street, R

Thirteen carriers, three clerks, one superintendent, and one janitor are assigned to the station.

Three deliveries daily are made in Westchester village.

Two deliveries daily are made outside of Westchester village.

Four collections daily are made in Westchester village.

Three collections are made in Unionport, Van Nest, Bronxdale, and

Three collections are made in Unionport, Van Nest, Bronxdale, and Morris Park.
Two collections daily are made in Classon Point, Throggs Neck, and Fort Schuyler.

DELIVERIES-WESTCHESTER VILLAGE.

Carriers report, first trip, 7 a. m.; second trip, 1.30 p. m.; third trip, 3.45 p. m.
Carriers leave, first trip, 7.35 a. m.; second trip, 1.45 p. m.; third trip, 4 p. m.
Carriers return, first trip, 10.35 a. m.; second trip, 3.30 p. m.; third

trip, 5.05 p. m. Carriers end, first trip, 10.40 a. m.; second trip, 3.40 p. m.; third trip, 5.15 p. m.

UNIONPORT, VAN NEST, BRONXDALE, AND MORRIS PARK. Carriers report, first trip, 7 a.m.; second trip, 2.30 p. m.
Carriers leave, first trip, 7.35 a. m.; second trip, 2.45 p. m.
Carriers return, first trip, 10.55 a. m.; second trip, 5.45 p. m.
Carriers end, first trip, 11.10 a. m.; second trip, 5.40 p. m.
DELIVERIES—CLASSON POINT, THROGGS NECK, AND FORT SCHUYLER. DELIVERIES—CLASSON POINT, THROGGS ARCK, AND FORE SCHOOL CARRIERS report, first trip, 7 a. m.; second trip, 2.30 p. m. Carriers leave, first trip, 7.35 a. m.; second trip, 2.45 p. m. Carriers return, first trip, 11.15 a. m.; second trip, 5.45 p. m. Carriers end, first trip, 11.30 a. m.; second trip, 6 p. m. COLLECTIONS-WESTCHESTER VILLAGE.

Begin at 6.20 a. m.; due at station at 7 a. m. Begin at 7.35 a. m.; due at station at 10.35 a. m.

Begin at 1.45 p. m.; due at station at 3.30 p. m. Begin at 4 p. m.; due at station at 5.05 p. m. Sundays, leave 3.30 p. m.

COLLECTIONS-UNIONPORT, VAN NEST, BRONXDALE, AND MORRIS PARK.

Begin at 6.20 a. m.; due at station at 7 a. m. Begin at 7.35 a. m.; due at station at 10.55 a. m. Begin at 2.45 p. m.; due at station at 5.25 p. m. Sundays, leave 3.30 p. m.

COLLECTIONS-CLASSON POINT, THROGGS NECK, AND FORT SCHUYLER.

Sundays, leave 3.30 p. m.

COLLECTIONS—CLASSON POINT, THROGGS NECK, AND FORT SCHUYLER.

Begin at 7.35 a. m., due at station 11.15 a. m.

Begin at 2.45 p. m., due at station 5.45 p. m.

Sundays: Leave 3.30 p. m.

Four additional carriers for collection and deliveries.

The first delivery now made in the village of Westchester is not completed until 10.35 a. m. It is proposed to complete the trip at 10 o'clock. The last delivery begins at 4 p. m. and is completed at 5.05 p. m. It is proposed to make this trip at a later hour, 4.45 p. m. At present a very important mail arrives from Station L at 4.28, and, of course, can not be sent out until the following morning. By changing the hour of departure of last trip to 4.45 p. m., as suggested, it would assure delivery on same night of the mail received at 4.28.

Unionport, Van Nest, Bronxdale, and Morris Park sections have but two deliveries daily, one beginning at 7.35 a. m. and the other at 2.45 p. m. An additional trip should be made at 1.45 p. m. and the present 2.45 trip should be changed to 4.45. The advantages of this proposed change are that residents of the above-named sections would receive their first delivery is not completed until 10.55. The mails now reaching Westchester at 3.15 and 4.28 p. m. could both be delivered in these sections on the same night by carriers leaving station at 4.45 p. m. This would also permit of a later collection service over the same territories. At present carrier begins collecting on his last delivery trip at 2.45 p. m., whereas under the proposed schedule collections would begin at 4.45, when carriers would start out on their last delivery.

There have been thirty-five two-family houses erected and occupied in Westchester village during the past year, and ten similar structures will be ready for occupancy on or about January 1 next. In the Unionport, Van Nest, Bronxdale, and Morris Park sections a total of 341 two-family houses have been erected and occupied since January 1, 1906, and 65 similar structures will be ready by Ja

WILLIAMS BRIDGE STATION.

Nine carriers, two clerks, one superintendent, and one janitor are assigned to the station.

Three deliveries daily are made on the Williams Bridge, Laconia Park, Wakefield, Bronxwood Park, Lester Park, and Bronx Park (part)

Park, Wakened, Broadwood Park, Wakened, Broadwood Park, Wakened, Broadwood Park, Lester Park, and Broad Park (part) Park, Wakefield, Bronxwood Park, Lester Park, and Bronx Park (part) sections.

Two collections daily are made on the Eastchester, Arden, and Edenwald sections.

DELIVERIES--WILLIAMS BRIDGE AND LACONIA PARK SECTIONS.

Carriers leave, first trip, 7.15 a. m.; second trip, 1.10 p. m.; third trip, 4.25 p. m.

Carriers leave, first trip, 7.45 a. m.; second trip, 1.25 p. m.; third trip, 4.35 p. m.

Carriers return, first trip, 10.15 a. m.; second trip, 3.35 p. m.; third trip, 6.25 p. m.

Carriers end, first trip, 10.20 a. m.; second trip, 3.40 p. m.; third trip, 6.30 p. m.

trip, 6.30 p. m. DELIVERIES-UPPER WAKEFIELD SECTION.

Carriers report, first trip, 7.15 a. m.; second trip, 1.10 p. m.; third trip, 4.25 p. m.

Carriers leave, first trip, 7.45 a. m.; second trip, 1.25 p. m.; third trip, 4.35 p. m.

Carriers return, first trip, 10.35 a. m.; second trip, 3.35 p. m.; third trip, 6.25 p. m.

Carriers end, first trip, 10.40 a. m.; second trip, 3.40 p. m.; third trip, 6.30 p. m.

trip 6.30 p. m. DELIVERIES-LOWER WAKEFIELD SECTION.

Carriers report, first trip, 7.15 a. m.; second trip, 1.10 p. m.; third trip, 4.25 p. m.
Carriers leave, first trip, 7.45 a. m.; second trip, 1.25 p. m.; third trip, 4.35 p. m.
Carriers return, first trip, 10.20 a. m.; second trip, 3.30 p. m.; third trip, 6.25 p. m.
Carriers end, first trip, 10.25 a. m.; second trip, 3.35 p. m.; third trip, 6.30 p. m.

DELIVERIES—BRONXWOOD PARK, LESTER PARK, AND BRONX PARK (PART) SECTIONS. Carriers report, first trip, 7.15 a.m.; second trip, 1.10 p.m.; third

Carriers report, first trip, 7.15 a. m.; second trip, 1.10 p. m.; third trip, 4.25 p. m.

Carriers leave, first trip, 7.45 a. m.; second trip, 1.25 p. m.; third trip, 4.35 p. m.

Carriers return, first trip, 10.55 a. m.; second trip, 2.55 p. m.; third trip, 6.25 p. m.

Carriers end, first trip, 11 a. m.; second trip, 3 p. m.; third trip,

6.30 p. m. DELIVERIES-EASTCHESTER AND ARDEN SECTIONS.

Carriers report, first trip, 7.15 a.m.; second trip, 4.25 p.m. Carriers leave, first trip, 7.45 a.m.; second trip, 4.35 p.m. Carriers return, first trip, 11.55 a.m.; second trip, 7.30 p.m. Carriers end, first trip, 12 m.; second trip, 7.40 p.m. DELIVERIES-EDENWALD SECTION.

DELIVERIES—EDENWALD SECTION.

Carriers report, first trip, 7.15 a. m.; second trip, 4.25 p. m.

Carriers leave, first trip, 7.45 a. m.; second trip, 4.35 p. m.

Carriers return, first trip, 11.45 a. m.; second trip, 7.10 p. m.

Carriers end, first trip, 11.50 a. m.; second trip, 7.20 p. m.

COLLECTIONS—WILLIAMSBRIDGE AND LACONIA PARK SECTIONS.

Begin at 6.45 a. m., due at station 7.15 a. m.

Begin at 7.45 a. m., due at station 10.15 a. m.

Begin at 1.25 p. m., due at station 3.35 p. m.

Begin at 4.35 p. m., due at station 6.25 p. m.

Sundays leave 4 p. m.

#### COLLECTIONS-UPPER WAKEFIELD SECTION.

Begin at 6.50 a. m., due at station 7.15 a. m. Begin at 7.45 a. m., due at station 10.35 a. m. Begin at 1.25 p. m., due at station 3.35 p. m. Begin at 4.35 p. m., due at station 6.25 p. m. Sundays leave 4 p. m.

#### COLLECTIONS-LOWER WAKEFIELD SECTION.

Begin at 6.55 a. m., due at station 7.15 a. m. Begin at 7.45 a. m., due at station 10.20 a. m. Begin at 1.25 p. m., due at station 3.30 p. m. Begin at 4.35 p. m., due at station 6.25 p. m., Sundays leave 4 p. m.

COLLECTIONS—BRONXWOOD PARK, LESTER PARK, AND BRONX PARK (PART) SECTIONS.

Begin at 6.55 a. m., due at station 7.15 a. m. Begin at 7.45 a. m., due at station 10.55 a. m. Begin at 1.35 p. m., due at station 2.55 p. m. Begin at 4.35 p. m., due at station 6.25 a. m. Sundays leave 4 p. m.

COLLECTIONS-EASTCHESTER AND ARDEN SECTIONS.

Begin at 7.45 a. m., due at station 11.55 a. m. Begin at 4.35 p. m., due at station 7.30 p. m. Sundays leave 4 p. m.

COLLECTIONS-EDENWALD SECTION.

Begin at 7.45 a. m., due at station 11.45 a. m. Begin at 4.35 p. m., due at station 7.30 p. m. Sundays, leave at 4 p. m. The service should not be increased at this time, CITY ISLAND STATION.

Three carriers, one clerk, and one superintendent are assigned to the

Three carriers, one can be station.

Four deliveries daily are made on the island.

Four collections daily are made in Pelham Bay Park.

Two collections daily are made in Pelham Bay Park.

DELIVERIES ON THE ISLAND.

Carriers report, first trip, 6.45 a. m.; second trip, 10.50 a. m.; third trip, 1.45 p. m.; fourth trip, 4.45 p. m.

Carriers leave, first trip, 7.15 a. m.; second trip, 11 a. m.; third trip, 2 p. m.; fourth trip, 5 p. m.

Carriers return, first trip, 9.25 a. m.; second trip, 12.15 p. m.; third trip, 3.30 p. m.; fourth trip, 6.10 p. m.

Carriers end, first trip, 9.45 a. m.; second trip, 12.20 p. m.; third trip, 3.45 p. m.; fourth trip, 6.15 p. m.

COLLECTIONS ON THE ISLAND.

Begin at 7.15 a. m, due at station 9.25 a. m.

Begin at 11 a. m., due at station 12.15 p. m.

Begin at 2 p. m., due at station 3.30 p. m.

Begin at 5 p. m., due at station 6.10 p. m.

Sundays, leave at 5.30 p. m.

DELIVERIES IN PELHAM BAY PARK. Carriers report, first trip, 6.45 a. m.; second trip, 1.45 p. m. Carriers leave, first trip, 7.15 a. m.; second trip, 2 p. m. Carriers return, first trip, 7.15 a. m.; second trip, 4.50 p. m. Carriers end, first trip, 11.30 a. m.; second trip, 5 p. m.

COLLECTIONS IN PELHAM, BAY PARK.

Begin at 7.15 a. m., due at station 11.25 a. m. Begin at 2 p. m., due at station 4.50 p. m. Sundays, leave at 4 p. m. The service should not be increased.

HIGH BRIDGE STATION.

Four carriers, one clerk, and one superintendent are assigned to the station.

ation.

Four deliveries daily are made on all parts of the district.

Six collections daily are made on all parts of the district.

DELIVERIES.

Carriers report, first trip, 7.15 a. m.; second trip, 9.50 a. m.; third trip, 2.45 p. m.; fourth trip, 4.50 p. m.

Carriers leave, first trip, 7.45 a. m.; second trip, 10 a. m.; third trip, 3 p. m.; fourth trip, 5 p. m.

Carriers return, first trip, 9.45 a. m.; second trip, 11.20 a. m.; third trip, 4.45 p. m.; fourth trip, 6.20 p. m.

Carriers end, first trip, 9.50 a. m.; second trip, 11.30 a. m.; third trip, 4.50 p. m.; fourth trip, 6.30 p. m.

COLLECTIONS.

Begin at 5.45 a. m., due at station 7.10 a. m.
Begin at 7.45 a. m., due at station 9.45 a. m.
Begin at 10 a. m., due at station 11.20 a. m.
Begin at 12.45 p. m., due at station 2 p. m.
Begin at 12.45 p. m., due at station 2 p. m.
Begin at 3 p. m., due at station 4.45 p. m.
Begin at 5 p. m., due at station 6.20 p. m.
Sundays, leave 4.30 p. m.
One additional carrier for delivery and collection service. Since the last increase in carriers' force at this station 73 one, two, and three family houses have been erected and occupied by 280 families. There are at present in course of construction 7 apartment houses, which will accommodate 110 families, and 10 one, two, and three family houses, the greater part of which are about completed. All will be ready for occupancy in a short time. The last collection of mail on this district now begins at 5 p. m., when carrier starts out on his last delivery trip. It is proposed to make a later collection of mail on all parts of the district.

University Heights Station.

UNIVERSITY HEIGHTS STATION.

Four carriers, one clerk, and one superintendent are assigned to the station.

Four deliveries daily are made on all parts of the district.

Five collections daily are made on all parts of the district.

DELIVERIES. Carriers report, first trip, 7.15 a.m.; second trip, 10 a.m.; third trip, 3 p.m.; fourth trip, 5 p.m.
Carriers leave, first trip, 7.45 a.m.; second trip, 10.15 a.m.; third trip, 3.15 p.m.; fourth trip, 5.15 p.m.
Carriers return, first trip, 9.45 a.m.; second trip, 11.20 a.m.; third trip, 4.50 p.m.; fourth trip, 6.30 p.m. Carriers end, first trip, 10 a. m.; second trip, 11.30 a. m.; third trip, 5 p. m.; fourth trip, 6.45. COLLECTIONS.

Begin at 5.30 a. m., due at station 7 a. m.
Begin at 7.45 a. m., due at station 9.45 a. m.
Begin at 10.15 a. m., due at station 11.20 a. m.
Begin at 3.15 p. m., due at station 4.50 p. m.
Begin at 5.15 p. m., due at station 6.30 p. m.
Begin at 5.15 p. m., due at station 6.30 p. m.
The service should not be increased at this time.

KINGSBRIDGE STATION.

Thirteen carriers, two clerks, one superintendent, and one janitor are assigned to the station.

Four deliveries daily are made on all parts of the district.

Five collections daily are made on the Central, Marble Hill, and Epuyten Duyyll sections.

Four collections daily are made on the Riverdale, Van Courtlandt, Hudson Park, and Woodlawn sections.

DELIVERIES-RIVERDALE, VAN COURTLANDT, HUDSON PARK, AND WOODLAWN. DELIVERIES—RIVERDALE, VAN COURTLANDT, HUDSON PARK, AND WOODLAWN.

Carriers report, first trip, 6.45 a. m.; second trip, 10 a. m.; third trip,
1.45 p. m.; fourth trip, 4.45 p. m.

Carriers leave, first trip, 7.15 a. m.; second trip, 10.15 a. m.; third
trip, 2 p. m.; fourth trip, 5 p. m.

Carriers return, first trip, 9.15 a. m.; second trip, 12 m.; third trip,
4 p. m.; fourth trip, 7 p. m.

Carriers end, first trip, 9.30 a. m.; second trip, 12.15 p. m.; third
trip, 4.15 p. m.; fourth trip, 7.15 p. m.

Carriers report, first trip, 6.45 a.m.; second trip, 10.15 a.m.; third trip, 1.45 p.m.; fourth trip, 4.45 p.m.

Carriers leave, first trip, 5.45 a.m.; second trip, 10 a.m.; third trip, 1.45 p.m.; fourth trip, 7.15 a.m.; second trip, 10.15 a.m.; third trip, 2 p.m.; fourth trip, 5 p.m.

Carriers return, first trip, 9.30 a.m.; second trip, 12.15 p.m.; third trip, 4 p.m.; fourth trip, 7 p.m.

Carriers end, first trip, 9.45 a.m.; second trip, 12.30 p.m.; third trip, 4.15 p.m.; fourth trip, 7.15 p.m.

COLLECTIONS—CENTRAL, MARBLE HILL, AND SPUYTEN DUYVIL SECTIONS.

Begin at 6.15 a. m., due at station 6.45 a. m.

Begin at 7.15 a. m., due at station 9.15 a. m.

Begin at 10.15 a. m., due at station 12 m.

Begin at 2 p. m., due at station 4 p. m.

Begin at 5 p. m., due at station 7 p. m.

Sundays, leave 3 p. m.

COLLECTIONS—RIVERDALE, VAN COURTLANDT, HUDSON PARK, AND WOOD-LAWN SECTIONS.

Begin at 7.15 a. m., due at station 9.30 a. m.
Begin at 10.15 a. m., due at station 12.15 p. m.
Begin at 2 p. m., due at station 4 p. m.
Begin at 5 p. m., due at station 7 p. m.
Begin at 5 p. m., due at station 7 p. m.
Sundays, leave 3 p. m.
At the present time there is an early morning collection of mail in the Central, Marble Hill, and Spuyten Duyvil sections, beginning at 6.15 and reaching the station at 6.45, but it is not deemed advisable at this time to extend this collection to the Riverdale, Van Courtlandt, Hudson Park, and Woodlawn sections, all of which are within 2 and 3 miles of the station and are covered by mounted routes.

RECAPITULATION.

Station X
Station T
Fox Street Station
Fordham Station
Westchester Station
High Bridge Station
Tremont Station

Total

Also an additional allowance for horse hire, wagon, and driver to establish a package-box route on the Tremont section.

Mr. GOULDEN. Now, Mr. Chairman, in conclusion, a perusal of the figures clearly establish the urgent necessity for immediate action on the part of the Post-Office Department and of Congress.

The complaints of inadequate and unsatisfactory service are

The complaints of inadequate and unsatisfactory service are very numerous and exceedingly embarrassing to Postmaster Willcox and to the Representative in Congress from that district. A new, centrally located building, with largely increased carrier and clerical force, is urgently demanded by the people. These facts are respectfully commended to the Postmaster-General and to the Committee on Public Buildings and Grounds of the Country of Public Public Buildings and Grounds

of the Senate and House. [Applause.]

Mr. BURLESON. Mr. Chairman, in connection with the remarks submitted by me on yesterday, I desire the privilege of extending them in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GILLETT. If there is no further time for general debate requested, I will ask that the Clerk read.

The Clerk read as follows:

The Clerk read as follows:

For assessor's office: For assessor, \$3,500, and \$500 additional as chairman of the excise and personal tax boards; two assistant assessors, at \$2,000 each; two clerks, at \$1,400 each; clerk, arrears division, \$1,400; four clerks, at \$1,200 each; draftsman, \$1,200; four clerks, at \$1,000; two clerks, at \$900 each; license clerk, \$1,200; two clerks, at \$1,000 each; inspector of licenses, \$1,200; assistant inspector of licenses, \$1,200; assistant inspector of licenses, \$1,000; messenger, \$600; three assistant assessors, at \$3,000 each; clerk to board of assistant assessors, \$1,500; messenger and driver, for board of assistant assessors, \$600; temporary clerk hire, \$500; in all, \$43,500.

Mr. JOHNSON. Mr. Chairman, I move to strike out the last word. I want to find out if there has been any reduction in the

force of the assessor's office in this bill as compared with the

Mr. GILLETT. No; there has not.

Mr. JOHNSON. Has there been any increase?

Mr. GILLETT. No; it is exactly the same.

Mr. JOHNSON. Can the gentleman tell me how many taxpayers there are in the District of Columbia?

Mr. GILLETT. No; I can not say that offhand. Mr. JOHNSON. I have made a calculation here I have made a calculation here, and I find they have employed about eighty-odd men to assess the property and collect the taxes in the District of Columbia. And, with the gentleman's permission, I want to state now what I stated when a similar bill was last year before Congress, namely, that in the county in which I live there are 18,000 taxpayers, and one man assesses the property for all those taxpayers and makes up the books and turns them over to the county treas-Now, I wanted to find out, if it was possible, what these forty-odd men in the assessor's office were doing.

Well, Mr. Chairman, I remember the gen-Mr. GILLETT. tleman's inquiry of last year. I went personally and inquired as to the necessity of it. It has so happened that the person who was chief assessor last year has resigned meanwhile, and is a person whom I know personally and have great confidence I inquired if there was not an opportunity for a reduction of force without the Government service suffering, and he said that there was not, and he thought it was a hard-worked force and was essential for the proper performance of the duties of

the office.

The CHAIRMAN. The typographical error on page 4, line 22—the word "assessor"—will be corrected by the Clerk to read "assessors." Is there objection?

There was no objection.

Mr. JOHNSON. I would like to say to the gentleman that I have been very much impressed with the zealous efforts of this subcommittee in making up not only this bill, but the bill that preceded it, but it seems to me that we ought to have some information here about how many taxpayers there are and why it takes forty men to assess the property.

Mr. GILLETT. Mr. Chairman, I can give the gentleman the exact duties which were performed by these different men. They were required to be reported to us, and they are here in the report of the hearings of this year, which the gentleman

may possibly have found.

Mr. JOHNSON. No; I have not.

Mr. GILLETT. They are on page 288 of the hearings.

I am sorry I overlooked it, because that is Mr. JOHNSON. some information I wanted to obtain.

It is the exact information the gentleman re-Mr. GILLETT. ferred to and was incited by his suggestion of last year.

Mr. JOHNSON. I withdraw the amendment. I just wanted to know what these people were doing.

The Clerk read as follows:

Excise board: For chief clerk, \$2,000; clerk, \$1,200; clerk, \$1,000; messenger, \$600; in all, \$4,800.

Mr. JOHNSON. Mr. Chairman, I move to strike out the last I want to find out from the gentleman in charge of this bill what the excise board does. Are they the people who grant the licenses to sell whisky and intoxicating liquors in the Dis-

Mr. GILLETT. Yes; they are to grant all kinds of licenses that are granted in the District.

Mr. JOHNSON. How many licenses are granted in the city of Washington each year?

Mr. GILLETT. Well, I can not carry these figures in my head, and the gentleman would hardly expect me to do that. But we have them in the hearings of last year.

Mr. JOHNSON. I see that you have an excise board, a chief license clerk, and an assistant license clerk, etc.

Mr. GILLETT. No; there is one chief clerk and two other clerks.

Mr. JOHNSON. Not in that paragraph, but in another paragraph I find chief license clerk and assistant license clerk and all these other clerks. I withdraw the amendment. asked for information. That is what I am trying to get. I only

The Clerk read as follows:

For engineer's office: Record division: For chief clerk, \$1,900; clerk, \$1,800; clerk, \$1,600; clerk, \$1,400; three clerks, at \$1,200 each; clerk, \$840; two messengers, at \$540 each; engineer of highways, \$3,000; assistant engineer, \$1,600; two assistant engineers, at \$1,500 each; three rodmen, at \$780 each; three chainmen, at \$650 each; draftsman, \$1,200; three inspectors of streets, at \$1,200 each; superintendent of streets, \$2,000; superintendent of county roads, \$1,500, and \$500 additional as assistant engineer in Rock Creek Park; superintendent of parking, \$1,300; assistant superintendent of parking, \$1,000; clerk, \$900; inspector of asphalt and cements, \$2,400; Provided, That the inspector of asphalt and cements shall not receive or accept compensation of any kind from or perform any work or render any services of a character required of him officially by the District

of Columbia to any person, firm, corporation, or municipality, other than the District of Columbia; inspector of gas and meters, \$2,000; assistant inspector of gas and meters, \$1,000; assistant inspector of gas and meters, \$1,000; inspector of sewers, \$1,200; superintendent of sewers, \$3,000; general inspector of sewers, \$1,200; superintendent of sewers, \$3,000; general inspector of sewers, \$1,300; two assistant engineers, at \$1,500 each; draftsman, \$1,200; three rodmen, at \$780 each; three chainmen, at \$650 each; clerk, \$1,400; two clerks, at \$1,000 each; two inspectors of property, at \$936 each; permit clerk, \$1,500; assistant permit clerk, \$000; index clerk and type-writer, \$720; clerk, \$1,500; two clerks, at \$1,350 each; inspector of material, \$1,200; two property-yard keepers, at \$1,000 each; engineer of bridges, \$2,100; two assistant engineers, at \$1,800 each; assistant engineer, \$1,200; each; transitman, \$1,050; three rodmen, at \$900 each; three chainmen, at \$650 each; draftsman, \$1,350; clerk, \$1,500; clerk, \$1,200; clerk, \$600; three messengers, at \$540 each; inspector, \$1,200; inspector, \$1,200; bridge inspector, \$1,200; eight foremen, at \$1,200 each; three bridge keepers, at \$600 each; foreman, Rock Creek Park, \$1,200; foreman, \$1,050; four foremen, at \$900 each; clerk, \$750; three bridge keepers, at \$600 each; foreman, Rock Creek Park, \$1,200; assistant engineer, \$1,800; rodman, \$900; chainman, \$650; assistant inspector of asphalts and cements, \$1,500; two inspectors, at \$600 each; inspector, \$2,000; assistant engineer, \$1,500; inspector, \$1,500; inspector, \$1,500; two rodmen, at \$780 each; two chainmen, at \$600 each; six foremen, at \$780 each; four foremen, at \$1,200 each; six of two messengers, at \$540 each; four foremen, at \$1,200 each; six of three assistant steam engineer, \$1,500; clerk, \$1,500; clerk, \$1,500; clerk, \$1,500; clerk, \$1,500; clerk, \$1,500; clerk, \$1,500; draftsman, \$1,500; assistant engineer, \$1,500; clerk, \$1,500; clerk, \$1,500; clerk, \$1,500; clerk, \$1,500; clerk, \$1,500; clerk

Mr. JONES of Virginia. Mr. Chairman, I desire to offer an amendment on page 9, lines 23 and 24, by striking out the words "seven hundred and twenty" and inserting in lieu thereof "nine hundred;" so as to make the paragraph read: "index clerk and typewriter, \$900."

The CHAIRMAN. The gentleman from Virginia offers an

amendment, which the Clerk will report.

The Clerk read as follows:

Page 9, lines 23 and 24, strike out the words "seven hundred and enty" and insert in lieu thereof "nine hundred."

Mr. JONES of Virginia. Mr. Chairman, this proposed increase, as I understand, was recommended by the District Commissioners, or at least by the superior officer of this index clerk. I am informed that it was made because in the judgment of those making it the amount of the work performed, as well as the excellent manner in which it has been performed, fully justify the small increase asked. There are those employed in this same building whose duties are no more onerous who are to-day drawing larger salaries. I also understand that there are a number of clerks in the District building who have entered the office long since this clerk did, and at less salaries, who are now drawing \$1,000 a year. I happen to know, Mr. Chairman, that the lady who occupies this position, who has for years discharged its duties most faithfully and most conscientiously, and whose superiors believe is entitled to a promotion and increase of salary because of the amount and character of the work she performs, is the great-granddaughter of Francis Scott Key, the author of the Star-Spangled Banner. That fact should appeal to this House, I think. I ask, how-ever, that this increase be made, because in the first place it has been recommended by the department, recommended by the official who best knows what the duties of the position are and how well they are performed. It is a fact, I believe, Mr. Chairman, that the work of this position has increased at least 40 per cent during the five years that this lady has occupied it, and yet she has never been given any promotion or increase of salary notwithstanding that the department has recommended it. The increase asked is very small-only \$180 a year-and I trust that the gentleman in charge of this bill will not, under the circumstances, oppose so just and moderate a request. The case is, in my opinion, an exceptionally meritori-

Mr. GILLETT. Mr. Chairman, it is one of the unpleasant functions of the chairman of one of these subcommittees to be obliged to deny many requests he would be glad to grant. Of course many of us would like to give more money to the granddaughter of her grandfather; but, after all, that is hardly a ground upon which a Committee on Appropriations would be expected by the House to act. If we did, there is no knowing where this appropriation bill would end. We looked at this case upon its merits. There was, as stated, a recommendation for an increase by her superior, but there are many clerks in this bill whose salaries would be increased if we granted the recommendation of their superiors. We did not think from investigation that her duties entitled her to a raise of salary; and although a number of Members spoke to us on the sentimental side of it, we did not think it our Cuty to yield to that; and, therefore, acting as we supposed the House would expect and wish us to, we declined to increase the amount. I trust the amendment will

not succeed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. JONES of Virginia. Division, Mr. Chairman.

The committee divided; and there were—ayes 8, noes 18.

So the amendment was rejected.

Mr. NORRIS. Mr. Chairman, I would like to ask the gentleman in charge of the bill regarding some things which appear in this quite lengthy paragraph and which have been read several times. In quite a number of instances there are repetitions of the same thing. To call the gentleman's attention specifically to one item only, as an illustration of a good many others, I see that rodmen, for instance, are repeated a great many times in the paragraph and in different places of the bill. I should like to know why it is that these different employees are not included together in one bunch instead of being divided up into divisions and repeated so many times in the bill.

Mr. GILLETT. Mr. Chairman, the same inquiry suggested itself to me when I first had to do with the bill, and there are two reasons for it. One is that there are different branches of the service which employ rodmen, and those are kept distinct. Another reason is that we are anxious to keep track, as far as possible, of additions that are made from year to year, so that we can compare the growth of the service. For that reason, instead of adding them, or instead of saying five rodmen instead of four, we put the additional man on at the foot of the section, in order to show that it was an addition to the previous year. These two reasons actuated the committee and always have, and although I will admit that it makes a clumsy and bungling section, yet for the advantage of the service and ease of reference to its growth, it has been thought better to keep them in that way.

Mr. NORRIS. Now, I should like to ask the gentleman if he does not think it would be easier to keep track of these increases if they were all put in one paragraph or one line, or one bunch, if you want to call it that, instead of putting them

in different places in the same paragraph?

It seems to me it would be much easier to know whether there had been changes included in the bill more than in preceding bills, if we simply increased the number. It would be easier to compare with former legislation, than it would be by doing it as it is done here, putting it on another page. seems to me also that the committee ought to state in their bill where they are classified, as the gentleman says they are, on account of different departments, just what departments the particular men are engaged or employed in.

Mr. GILLETT. I think myself that would be wise.

Mr. FITZGERALD. I think that appears from reading the

paragraph.

Mr. GILLETT. I think if the gentleman will study the bill (it does require some study) he will see that, for instance, on page 8

Mr. NORRIS. What line?

Mr. GILLETT. In line 14 there is an engineer of highways. Then under that come the rodmen who are employed in his

Mr. NORRIS. Are we to understand that the rodmen that come in with the engineer of highways as rodmen are in fact under the engineer of highways?

Mr. GILLETT. Certainly. Now, for instance, on page 9 there is a superintendent of sewers.

Mr. NORRIS. In what line? Mr. GILLETT. Line 13. Then below that there are three Those are in the sewer department. In fact, I think that explains all the repetitions in this paragraph. I think what I said about keeping track of additions does not apply to this paragraph. I think the reason they are repeated here is because there are different branches of the engineer's office highways, sewers, bridges—all of whom employ rodmen.
Mr. FITZGERALD. And streets.

Mr. NORRIS. If I am not mistaken, the words "inspector of sewers," or at least "assistant inspector of sewers," appear several times in this paragraph, do they not?

Mr. GILLETT. I do not think so.
Mr. NORRIS. I was thinking I saw the words "inspector of sewers" on different pages.

Mr. GILLETT. I do not think so. Now, on page 11 you will see some more rodmen.

Mr. NORRIS. Take the phrase "inspector of asphalt," on page 11, line 2.

Mr. GILLETT. Yes. Mr. NORRIS. Does not that appear several times?

Mr. GILLETT. I think not

Mr. FITZGERALD. There is an inspector and an assistant inspector. The inspector is on page 9 and the assistant inspector on page 11.

That is where the difference comes in. The Mr. NORRIS. inspector is provided for on page 9 and the assistant inspector

is not provided for until you get to page 11.

Mr. GILLETT. No. Mr. NORRIS. In between those provisions are a great many other things that have nothing to do with that subject. seems to me that the assistant inspector ought to follow the inspector if you expect us to understand that a rodman must always follow the chief who precedes him.

GILLETT. I think that is a fair suggestion, but of course it has grown up by the assistant inspector being added some years after the inspector. I do not see any reason why he should not have followed directly the inspector.

The Clerk read as follows:

Special assessment office: For special assessment clerk, \$1,700; yen clerks, at \$1,200 each; two clerks, at \$900 each; and one clerk, seven clerks, at \$1,20 \$750; in all, \$12,650.

Mr. JOHNSON. Mr. Speaker, I move to strike out the last word. I have read what the gentleman called my attention to relative to duties of the assessor's office. I had not had an opportunity to read all the evidence before the bill came up, but am glad the gentleman called this particular evidence to my attention. I want to say that I think the work ought to be definitely known. The excuse given for so many people being in this office is that they have many duties outside of that of assessing property. I think that in order that Congress may know what it is doing in appropriating this money the duties of this officer and his force should be more carefully designated.

That brings me to another question. We have here an as-sessor's office, we have an excise board, and we have a personal tax board. In addition to that the sundry civil bill carries appropriation for about eleven men who are engaged in some one of these departments. Now, on page 12 we come to another assessing board, the "special assessment board." I want to

find out what they do.

Mr. GILLETT. They have no connection, although the title would indicate that they have, with the assessor's office which the gentleman is speaking of. The special assessment board is for assessment of damages; when a man wants a sidewalk, for instance, changed the expense is assessed and the expense of changing the sidewalk or the cutting down of a street or improvements of that kind is assessed upon all the property benefited. This does not relate to taxes at all, and I think is not at all connected with the assessor's office.

Mr. JOHNSON. I am asking the gentleman for information. Do I understand that these clerks who are in the office—seven clerks at \$1,200 each, two clerks at \$900 each, and one clerk at

\$750—assess damages?

Mr. FITZGERALD. They compute the assessment levied on property for sewers, curbing, pavement, and the like.
Mr. JOHNSON. But who makes the assessment—who does

the assessing? Evidently the clerks do not do it.

Mr. FITZGERALD. Yes; they do do it. Where property owners petition for a new paving, or where there are to be sewers laid, the cost of that is estimated by the engineer's office, and that cost is distributed over a certain area. These clerks, according to fixed rules, estimate the amount of each particular piece of property within that area, and it is assessed for that portion of the cost of the work.

Mr. JOHNSON. The engineer does the work in the field?

Mr. FITZGERALD. This is all office work.

Mr. JOHNSON. I want to know who goes out and does the work?

Mr. FITZGERALD. The trouble is not with the committee that reports this bill. This committee merely reports appropriation for service of men who are provided for in the general laws and the title to these offices are fixed in the bills passed as general legislation.

Mr. JOHNSON. I understand that. I am not complaining about this committee; I am trying to find out what these people

Mr. FITZGERALD. I think that is as accurate a statement as can be made; that they compute the proportionate share of the assessment of work of that character-paving, sewers, curbing, and the like-on each piece of property within a particular area.

Mr. JOHNSON. The property only contributes a part of the expenses, does it?

Mr. FITZGERALD. In some instances, and in some instances

Mr. JOHNSON. These calculations are made by the engineer,

and what you call in this bill the "special board" does the

Mr. FITZGERALD. The engineer's office estimates the cost of the work, and this office distributes that cost in the form of assessment on the different pieces of property included in that

The Clerk read as follows:

For surveyor's office: For surveyor, \$3,000; assistant surveyor, \$1,800; clerk, \$1,500; two assistant engineers, at \$1,500 each; computer, \$1,200; record clerk, \$1,050; inspector, \$975; draftsman, \$975; clerk, \$975; draftsman, \$900; assistant computer, \$25; two rodmen, at \$25 each; three chainmen, at \$700 each; two chainmen, at \$650 each; clerk, \$675; charwoman, \$104; in all, \$22,029.

Mr. CRUMPACKER. Mr. Chairman, I move to strike out the last word. I was impressed somewhat by some of the criticisms made by the gentleman from Nebraska [Mr. Norris] and the gentleman from South Carolina [Mr. Johnson] in relation to the apparent distribution of officials provided for in a sort of promiscuous manner through this bill. It would seem to me now that the surveyor's office could properly and economically be combined with the engineer's office. Without knowing the reasons for it, I am impressed with the notion that we have too many offices. Each officer, the head of each municipal subdivision, must be supplied with his staff of clerks and his Each officer, the head of each municipal messengers and his charwomen. The engineer's office is provided with clerks, chief clerks, draftsmen, rodmen, and chainmen, and the surveyor's office is provided with its messengers and its draftsmen and its rodmen and its chainmen, and the probability is that these chainmen and rodmen and draftsmen may not be engaged all the time. If there be not work enough in the engineer's office for the force there, they will probably be idle, and if there be not work enough in this surveyor's office for the force provided for that office, they may be idle part of the time. It has seemed to me that the draftsmen could do the work for both offices indiscriminately, and the rodmen and the chainmen and the messengers might do the same thing, and they might logically be included in the same office, under the same general control. It occurs to me that expense might be saved by doing it. It may be that I do not understand the situation." It may be that they are all included in the same office and under the same general control and management now. If they are, the surveyor's work or the en-gineering work may be done by the detailing of rodmen or chainmen from the general force promiscuously under the engineer or the surveyor, as the case may be. The service of the chainmen or the rodmen, whether working for the engineer or the surveyor, in the popular understanding of this term, is just the same; there is no difference; but I have wondered why these officers are provided for in this separate manner. I would ask the gentleman from Massachusetts who has charge of the bill if it is practicable to combine them and possibly save something, or if they are already combined?

Mr. GILLETT. Mr. Chairman, I thoroughly agree with the principle which the gentleman enunciates, but of course the gentleman will understand that it is beyond the power of this committee to make the change he suggests, and therefore we have never considered it, because this surveyor's office is a statutory office and we can not change it. Perhaps I should stop there, inasmuch as we have no jurisdiction. But there is also this distinction: Whatever general principle would apply in this particular case I do not know, because, as I say, it is not our function or province, and we have not therefore considered it; but there is this distinction between the engineer's and the surveyor's office, that in the surveyor's office all the work is paid by fees and reverts back into the Treasury, because private parties are the ones for whom the work is done, whereas, of course, in the engineer's office it does not. That makes quite a distinction between the two offices, but whether that is sufficient to justify it I do not know. It is a special statutory office and we can not therefore combine them.

Mr. CRUMPACKER. If, therefore, there should not be revenue enough from the fees to pay the officers in the surveyor's office, of course they would have to be paid out of the public

Certainly; we pay them first.

Mr. CRUMPACKER. That is a resource of the city, and the Government appropriates and pays absolutely these assistants.

Mr. GILLETT. Certainly.

Mr. CRUMPACKER. I wondered if a provision could not be incorporated in the bill to appropriate for the rodmen for the engineer's office alone, enough to do the work for the two, and draftsmen and chainmen, and provide that they shall also be subject to detail to do work in the surveyor's office as well as the engineer's office whenever it may be necessary. It seems to me that it is very unbusinesslike to cut up the work in this fashion.

Mr. FITZGERALD. Will the gentleman yield for a question? Mr. CRUMPACKER. Yes.
Mr. FITZGERALD. Does the gentleman believe that it

would be possible to provide for a certain number of messengers and have them detailed in the House and in the Senate as the service would require?

Mr. CRUMPACKER. My judgment is that these two offices should be combined into one and occupy the same quarters and have the same general messengers that may be detailed for any division or for service in any division in the general office, and the chainmen and the rodmen and the draftsmen subject to the same kind of service and detail; but if there are independent establishments, if they are separated—and that is the criticism that I make, that it is unnecessarily expensive to have the business conducted in that way, that it would be much more economical and businesslike for the two offices to be combined into one, so that one set of messengers, with perhaps a few additions, and one set of draftsmen, with probably one or two more than one office has now, and one set of chainmen, and one set of rodmen might do the work for both branches.

Mr. FITZGERALD. The fact is that chainmen and rodmen in all of these offices have all of the work they can possibly These divisions into these different offices are simply for the purpose of facilitating the work and of keeping better track of it. It would be utterly impossible for one man to supervise all of this work, and it is divided according to its nature into separate bureaus.

Mr. CRUMPACKER. Bureaus of engineering work.

Mr. GILLETT. There is one other suggestion I would make to the gentleman. This is not our province, but belongs to the District of Columbia Committee, but I will say this: This surveyor is a bonded officer, and he is responsible for any mistakes of the subordinates. He recently had to pay quite a large sum for one, and therefore he would claim that he would want his own subordinates and absolute control over them if he is responsible for their mistakes. It seems to me, in this particular case, it would be a good answer, although we can not do it anyway.

Mr. CRUMPACKER. I do not see any reason why the surveyor should be responsible for the mistakes of his subalterns

and the engineer not.

Mr. GILLETT. That is the way the law makes it.

Mr. CRUMPACKER. The difficulty doubtless is in the law, but I do not believe any business man charged with conducting the affairs of a city on business principles would have the work segregated or divided up in any such fashion as this.

Mr. FITZGERALD. I think the gentleman is mistaken about that. I think this work naturally must be divided into those different divisions. For instance, the sewer department requires an engineering force, which is constantly engaged in planning sewers and fixing grades for sewers. Another force is continually employed on the streets; another force in connection with bridges; and these forces do their work much more efficiently by being confined continuously to the particular character of work than if they were continuously shifted from one branch to another.

Mr. CRUMPACKER. I agree with the gentleman in that respect, but in my opinion it would be better to put this whole business into the engineering department, and where messengers, draftsmen, chainmen, and rodmen are provided for they may do work under either branch of the service, but they may be provided for generally for the department, but the department may have its divisions and have men who are peculiarly suited or adapted to the work along particular lines, just the same as Departments of the Government have one general control, and save in expenses in the line of messengers, draftsmen, chainmen, rodmen, etc.
Mr. FITZGERALD. The gentleman would not save any-

thing. For instance, the engineer office has a great many divi-It has a sewer department, it has a bridge department, it has a street department, it has a county-road department, all under a commissioner.

Mr. CRUMPACKER. Now, ought not the surveyor's work to be a department in the engineer's division?

Mr. FITZGERALD. Not necessarily.
Mr. CRUMPACKER. It is a branch of engineering and it involves a good deal of the same kind of work the engineer has do in other branches of municipal activity. is that the surveyor's office ought to be a department in the engineer bureau of municipal administration.

Mr. FITZGERALD. That question should be determined in

the framing of the organic act of the District.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

Free public library: For librarian, \$3,000; assistant librarian, \$1,200; children's librarian, \$1,000; reference librarian, \$1,000; assistant, \$900; four assistants, at \$720 each; four assistants, at \$600 each; three assistants, at \$540 each; copyist, \$480; cataloguer, \$900; cataloguer, \$720; cataloguer, \$600; three temporary cataloguers, \$480; each stendants, at \$480 each; colyenter, \$720; one assistant, \$480; five attendants, at \$360 each; collator, \$360; two messengers, at \$360 each; ten pages, at \$360 each; collator, \$360; two messengers, at \$360 each; ten pages, at \$360 each; two janitors, at \$480 each, one of whom shall act as a night watchman; engineer, \$900; fireman, \$720; workman, \$480; two cloakroom attendants, at \$360 each; six charwomen, at \$180 each; in all, \$33,280.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word for the purpose of inquiring of the gentleman in charge of the bill in reference to this appropriation for the purchase of books. It seems to me that for the purchase of books for the public library of the city of Washington an appropriation of \$7,500 is very small. Here is a library the expense of which is forty or fifty thousand dollars a year.

Mr. GILLETT. The gentleman will recognize this is an increase over the appropriations which have been made for a number of years. The appropriation was \$5,000, and last year we raised it to \$7,500, and we have continued the same this

Mr PERKINS. The entire expense of running the library is

\$50,000, is it not?

Mr. GILLETT. I can not tell you exactly. Oh, no; it is about \$30,000.

Mr. PERKINS. I think not. The first appropriation is \$33,000; then there is \$1,700, and then there is a lot of other expenses, amounting altogether very close to \$50,000, apart from books.

Mr. GILLETT. Oh, yes; down below.
Mr. PERKINS. The entire appropriation is about \$50,000, and 15 per cent for books seems a pretty small amount.

You mean including this? Mr. GILLETT.

Mr. PERKINS. Yes.

The gentleman means the amount for books, Mr. GILLETT. in proportion to amount for running the library, is small?

Mr. PERKINS. Seven thousand five hundred dollars of an

entire expense of \$55,000 seems small.

Mr. GILLETT. They have got, of course, a large amount of Mr. GILLETT. They have got, of course, a large amount of books on hand. The running expenses, of course, should be compared with that and not with what we buy each year.

Mr. PERKINS. That is true. Is this sum regarded as sat-

isfactory by the people in charge of the library?

Mr. GILLETT. No; I think the library would like very much more, and of course we should all like a great deal more. You have got to draw the line somewhere, however, and the question is where you will draw it. We drew it at \$7,500.

Mr. PERKINS. Does not the gentleman think that in a very rich city of 300,000 people, where the entire budget is-what is the entire budget for the city?

Mr. GILLETT. Ten millions of dollars. Mr. PERKINS. Ten millions of dollars. Ten millions of dollars. Does not the gentleman think that \$7,500 for books is a very small amount?

Mr. GILLETT. I am inclined to think it is rather small, but, as I say, we have got to draw the line somewhere, and I think that is a reasonable amount. It is more than we gave for a number of years. The library is pretty well supplied with books, and it is very useful.

Mr. PERKINS. But out of this they have to buy the current magazines and papers, do they not?

Mr. GILLETT.

Yes.

That must take a very large part of it. Mr. PERKINS.

Mr. FERKINS.

Mr. GILLETT.

Mr. PERKINS.

Do they have all of the magazines?

Mr. GILLETT.

I do not know whether or not they buy all of the magazines.

But certainly it is a very small portion of it.

Mr. GARDNER of Michigan. I will suggest, Mr. Chairman, that we have, in addition to this, the Congressional Library, to

which the public has access.

Mr. PERKINS. That is not a circulating library.

Mr. GARDNER of Michigan. Then we have, in addition to this, circulating libraries in the high schools, where the magazines can be obtained, or large numbers of them. We have, in addition to this, libraries in many of the Departments. when the gentleman limits it to \$7,500 to a city of 300,000 it is hardly a fair statement.

Mr. PERKINS. But the libraries in the Departments are of

no value to the public.

Mr. GARDNER of Michigan. Only as those who read them

are a part of the public.

Mr. PERKINS. Yes; but those are special libraries. It does seem to me that a proper supply of books is quite as valuable as a proper supply of gas or electricity or other articles, and the amount allowed is a small sum on a very large budget.

Mr. FITZGERALD. How much does the gentleman believe should be spent a year for books?

Mr. PERKINS. I am not familiar with the library, but I know enough to know that \$7,500 does not go very far in buy-

ing books and magazines.

Mr. FITZGERALD. Well, they spent about \$14,000 for that purpose last year. This appropriation is augmented by the use of what is known as "fine" money that has accumulated by charging for withholding books beyond a certain length of time, and this year there will be available, instead of \$7,500, ten or twelve thousand dollars.

Mr. PERKINS. If the appropriation is \$17,000 instead of

\$7,500, that is very much better.

Mr. FITZGERALD. It is not really that, but there is each year a sum in addition to the appropriation available for this use.

Mr. PERKINS. I think that an allowance for a great city like this of \$15,000 for the purchase of books is certainly moderate. If from another source enough money is obtained to moderate. make it \$15,000, that makes the appropriation better than it appears on the face of it. While I commend economy, I do not think the committee should be too economical in reference to furnishing profitable literature for the use of the citizens of the city.

Mr. FITZGERALD. I take it that the gentleman would be inclined to criticise the committee if it merely accepted the recommendations of those who have charge of the public library

and appropriated all they asked.

Mr. PERKINS. That depends entirely upon whether the committee thought their recommendations were right. The

recommendation may be a just one.

Mr. FITZGERALD. Well, speaking for myself and the other members of the committee, the committee appropriated all that they thought advisable to appropriate under the particular circumstances at this particular time.

The Clerk read as follows:

Toward the construction of fountains, lamp-posts, and other structures on the plaza in front of the new union railroad station, in accordance with plans to be approved by the Commissioners of the District of Columbia, \$50,000, said sum to be expended under the provisions of existing law regarding the elimination of grade crossings and appropriations made therefor: Provided, That the total cost to the United States and the District of Columbia shall not exceed \$100,000: And provided further, That the Washington Terminal Company, its successors or assigns, shall defray the cost of so much of these constructions as lie within the limits of its present property north of Massachusetts avenue.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of the bill, who certainly exercised commendable prudence in reference to the purchase of books, how this \$150,000 is to be expended. I see a large part of it is for fountains and lamp-posts. That sounds high on the face of it.

Mr. GILLETT. It is for the decoration of the new plaza to the Union Station. One hundred and fifty thousand dollars is to be expended in all, part of it for putting up fountains, etc. It is a very large tract of land, consisting of a number of acres.

Mr. PERKINS. How is that \$150,000 to be spent? What

work is to be done?

Mr. GILLETT. We were shown the projected plans, although they have not yet been finally determined upon by the architects of the Union Station.

Mr. PERKINS. How much of it for fountains?

Mr. GILLETT. I do not know.

How much for lamp-posts? Mr. PERKINS.

I can not tell—a small proportion. Of course Mr. GILLETT. the gentleman understands the plaza is a very large expanse of ground, and it has to be made ornamental and in keeping with the Union Station. We were told that \$150,000 was necessary to put it in proper shape.

Mr. PERKINS. Does not the gentleman think that is a pretty

large expenditure for ornamenting the ground about a railroad

station?

Mr. GILLETT. It did not strike us so.
Mr. PERKINS. I do not think I am quite educated up to the

gentleman's views on that point,

Mr. GILLETT. It is part of a general plan. That is not new, but is part of the general project that has been in progress for years to complete a union station at the junction of the rail-

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

The Clerk read as follows:

Opening alleys and minor streets: For opening, widening, and extending alleys and minor streets in the District of Columbia, under the provisions of the Code of Law for the District of Columbia, \$50,000, to be paid wholly from the revenues of the District of Columbia, and this sum, together with any balance of appropriations heretofore made

for said purpose, shall be available for use in opening, widening, extending, and straightening alleys and minor streets under the provisions of the Code of Law for the District of Columbia; said appropriation to be reimbursed by payment of assessments for benefits to be made under the provisions of said Code; and the Commissioners of said District are hereby authorized to employ, for such time as may be necessary, an assistant to the corporation counsel, at a compensation of \$150 per month, payable from said appropriation, whose duty it shall be to institute and conduct proceedings for the condemnations necessary to be taken in opening, widening, extending, and straightening alleys and minor streets; and the clause contained in the District of Columbia appropriation act, approved June 27, 1906, requiring that the compensation of an assistant to the corporation counsel, provided for in the appropriation for opening alleys and minor streets, shall be included in the costs and expenses of the proceedings instituted for the condemnations necessary to be taken for the opening, widening, extending, and straightening alleys and minor streets and shall be assessed against lands benefited by reason of such opening, extension, widening, and straightening, as provided in section 1608 of said Code of Law, is hereby repealed.

Mr. JOHNSON. Mr. Chairman, I reserve the point of order

Mr. JOHNSON. Mr. Chairman, I reserve the point of order against this paragraph, which is new legislation. I do not know whether it ought to be made or not, but will ask the gentleman for an explanation of it.

Mr. GILLETT. I recognize that it is subject to the point of

The CHAIRMAN. Does the gentleman reserve the point of order or make the point of order?

Mr. JOHNSON. I reserve the point of order. Mr. GILLETT. I think the gentleman on an explanation will withdraw his point or order, because this committee have not intended to put anything in the bill subject to a point of order which we did not think would meet the entire concurrence of the House. Besides this clause there are some minor matters, but they are all of too slight importance for a special bill and are for the advantage of good administration. This was put in for this reason. The law at present provides that the expenses of the assistant to the corporation counsel shall be assessed against the improvement. When the assessment is made his expenses go in as a part of the assessment. Then there is very apt to be an appeal from the decisions. If that is so there can be no further assessment for his expenses, and so there is nobody left to try the case. He would not get any compensation for trying it, for the assessment has already been made and can not be changed. Of course somebody ought to try it who knows about the facts, and there is nobody else whose function it is to do so; and the result is another person has to study the case up in the corporation counsel's office and argue the case on appeal. We did not see any method to obviate that if we still kept the law that the assistant should be paid out of the assessment. We concluded that the salary of \$150 a month for work on opening streets and alleys, etc., really a public purpose, one that the city might very well be called upon to pay for its own advantage; and we concluded inasmuch as this difficulty had arisen out of the method in which the assistant corporation counsel was paid the best way was to repeal the law, and instead of assessing it, pay him \$150 a month out of the city treasury.

Mr. JOHNSON. I withdraw the point of order. The CHAIRMAN. The point of order is withdrawn. The Clerk read as follows:

In all, \$121,400.

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman in charge of the bill upon what basis or theory these authorizations of im-

Mr. GILLETT. The recommendations were made to us by the Commissioners, of certain streets which needed improve-We personally went and inspected each street, and we made the appropriations according to what we thought were the relative merits of the different streets.

Mr. HEPBURN. Has it not been the custom heretofore to authorize the Commissioners to make a report as to these streets that, in their judgment, ought to be improved, and appropriations were then made, authorizing them to select those that

they regarded as most essential from that list?

Mr. GILLETT. I think the gentleman is confusing the streets in the city, as it is called, that is within Florida avenue, and what are called the county roads. There used to be that distinction, although now there is no reason for it, because the territory beyond Florida avenue is just as much a part of the city in many directions as that inside. The old habit still continues, although the reason has ceased, of making a recommendation for the streets in the city in the way the gentleman suggests, by schedule, and making recommendations for those streets which we are now considering, the county roads, by name; and this committee, as I say, visited all the streets and passed upon them according to their merits.

amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

Repairs streets, avenues, and alleys: For current work of repairs of streets, avenues, and alleys, including resurfacing and repairs to concrete pavements with the same or other not inferior material, \$300,000; and this appropriation shall be available for repairing the pavements of street railways when necessary; the amounts thus expended shall be collected from such railroad company as provided by section 5 of "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878, and shall be deposited to the credit of the appropriation for the fiscal year in which they are collected.

Mr. HEPBRIEN Mr. Chairman I move to amound time 15 on

Mr. HEPBURN. Mr. Chairman, I move to amend line 15, on page 27, by striking out "three" and inserting "five."

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Line 15, page 27, strike out "three" and insert "five;" so that it will read "five hundred thousand dollars."

Mr. HEPBURN. Mr. Chairman, I do not believe that there is any provision in this bill that affects more the comfort and convenience of the people of this city than this provision. There is no good reason that I know of why the streets of this city should not be in perfect condition, or as nearly perfect as it is possible for streets to be. Yet I think there is no one who will insist for a moment that they are in that condition. Very many of them are in a deplorable condition. It ought not to be so, and would not be so if appropriations were ample and if they were properly expended. You can scarcely find in this whole city, with its more than a hundred miles of paved streets, a continuous half mile that furnishes a proper and comfortable roadbed for a drive. The streets are out of repair. I do not know of one in the city, and I am familiar with a good many of them, that any competent judge would say was in a proper condition of repair. Whether it comes from the unduly rapid deterioration of the streets, growing out of the fact of improper material being used and improper inspection, the fact remains that the streets are not as they should be. Somebody is re-sponsible for it. This responsibility either rests upon those who should make ample appropriations, or it rests upon those who ought properly to use the appropriations that are made. One of the two must be the truth, because the proof of the condition of the streets is presented to the observation of every man who They ought to be better. rides over them.

Now, I am told by the gentleman who has this bill in charge that the committee have recommended the full estimate. that is true, then the responsibility rests upon the Commissioners of this city, and they are the ones who ought to be held up to public reprobation for the condition of the streets. one want to record my reprobation now against the condition of the streets. You can not find, even upon Pennsylvania avenue, the street that ought to be the most beautiful and perfect highway in the United States, or the world, a half dozen rods over which you can ride without dodging the chuck holes that are in it and ought not to be in it. What I say about that street is equally true with reference to almost every other street in this city. I would be glad if this House in some way or other would express its ideas upon this condition, and bring these gentlemen who are responsible to a realizing sense of the inefficient manner in which they discharge grave public duties.

Mr. Chairman, this condition can not exist from a want of funds. It may be that we do not collect enough, but there is within the limits of this city, subject to appraisement and taxa-tion, an ample aggregate of wealth to furnish abundant means to carry on every one of these improvements. That suggests, perhaps, the thought that in some way or other this possibility of raising ample funds is not properly utilized. I have heard I have heard complaints many and many a time of the undervaluation of the property of the people of the town for taxable purposes. property of the United States (if we may say that in the contribution of 50 per cent we are paying taxes on it) certainly pays its full share. But not so with the great bulk of property of private ownership. Some days ago I saw in one of the newspapers of this city a statement of recent sales of property. In some of them the sums for which the property was sold were given. I recognize the fact that probably that is not the most reliable way to ascertain values.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. BENNET of New York. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended ten minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Iowa be Is there objection? extended ten minutes.

There was no objection.

Mr. HEPBURN. I say, Mr. Chairman, that that is not the The CHAIRMAN. If there be no objection, the pro formal most reliable possible source, perhaps, for information. I can conceive it possible that a real-estate man might somewhat exaggerate that which he had done in the line of his business. Real-estate men often have peculiar qualities. I am not sure but that there must be a marked departure from the equipment of the ordinary man in order to fit one for the higher ranks in this particular vocation. I have sometimes thought that the real-estate man must have an exuberant fancy, a robust imagination, and he must have his moral nature somewhat depleted of those qualities that would rank higher in church estimation. [Laughter.] He must have great activity, he must vocabulary of remarkable character, and must have great adjectival speech. He must also have a wonderful capacity for inexactitude in his statements. But, notwithstanding that, I have thought this matter of sufficient importance to make a list of those sales in which the price was given, and send that paper to the assessing force of this city and ask them to set opposite to each tract the assessments of that particular tract.

The assessor was exceedingly courteous to me. He has complied with my request, and I have here some statements. I do not care to name the salesmen; I do not care to name the persons that are named in this paper. But I find in what I have here as item No. 1 a particular piece of property said by those salesmen to have been sold for \$315,000. The assessment on that property for 1905 and 1906 was \$103,439, less than one-

third of its alleged value.

Another piece said to have been sold for \$350,000 was assessed at \$94,000 and a fraction. Another piece said to have been sold at \$190,000 was assessed at \$67,000. said to have been sold at \$275,000 was assessed at \$75,000 and a fraction. Another, sold at \$300,000, was assessed at \$92,000. One, sold at \$50,000, was assessed at \$19,000. One sold at \$45,000 was assessed at \$26,000. Another, sold at \$100,000, was assessed at nearly \$30,000. And so the list goes on until you reach the less valuable property. I find one said to have been sold at \$10,000 assessed at \$11,846. Another, sold at \$6,250, was assessed at \$4,140. One sold at \$6,375 was assessed at \$4,270. One sold at \$6,000 was assessed at \$5,589. One sold at \$10,000 was assessed at \$5,589, and so on, showing that in the more valuable property, that which runs up into the hundred thousands, or approaching one hundred thousand, a wonderful discrepancy in the valuation at which it is said this property was sold and that fixed by the assessors of this District.

Now, it is right that I should say here that the assessor who has been so courteous to me says in many instances he believes the statement of sale is an exaggeration; that as matter of fact the property has not been sold for these sums. That is a question of veracity between these gentlemen, and, as I am not the arbiter, I have nothing to say about it.

I am using these statements on the supposition that reputable men, engaged in a reputable business in this city, would not in the mere attempt at braggadocio, or in the advertisement of their capacity to do business, mislead or make misstatements to the public in a newspaper in regard to the valuation that they must know would be contradicted by a superior knowledge, or an equal knowledge, that is possessed by a great many

And it is further right that I should say here, in justice to the assessors, that in the statement they make to me they show that in assessments that are now in process of making for the future there is a great increase in value; that in some instances the valuation that they have used, or are about to use, exceed by nearly 100 per cent that that was made by them for the years

1905 and 1906.

Where there are these great discrepancies, discrepancies between the statement of sales and the assessments as given to us for the years last passed, there is room for doubt as to whether we have the best system here, and where there is such wonderful discrepancy between the assessments of last year and those of next year or this year there is further food for reflection.

Mr. Chairman, I want again to get back to the subject about which I began to speak. I do hope that this House will do something in the way of ameliorating the condition that we find existing here relative to these streets. It is not because we have not the money; certainly it is not because we might not have the money if proper assessments are made. Therefore I ask the House to vote this amendment, and to put into the hands of the proper authorities such a sum that they can not in future hide behind the claim of parsimony upon the part of Congress. Give them such sums as will enable them beyond all peradventure to do their duty. I ought to have said in my criticism that I have made with regard to these gentlemen that perhaps it is possible for them to say that they would have done better if they could, that the streets would have been repaired if they had the means, and that the comfort of the people of this city who have to use these streets might have been conserved

if it had not been for an unwholesome desire on the part of the Committee on Appropriations to make an extraordinary record.

Mr. GILLETT. Mr. Chairman, with the greater part of what the gentleman from Iowa [Mr. Hepburn] has said I have no controversy. I agree with him heartily that we ought to have a larger income from our taxes. I would go further than he. think we not only fail to get by assessment what we ought to have, but that our system of taxation is inadequate, and that real estate, at least, is not taxed nearly as much as it should be, compared with taxation in other cities. But that, of course, something that is not within the jurisdiction of this committee, and therefore is not anything with which we can deal

Coming to the point which the gentleman makes of increasing this appropriation from \$300,000 to \$500,000 for streets, I will not undertake to defend the streets of Washington or the expenditures in that line of the Commissioners, who have charge of them; but I think there can be no question that the gentleman has very much exaggerated their condition. He says there is

not half a mile of good continuous pavement in the city.

I took occasion last spring, when I was first appointed on this committee, to go over nearly all the streets of the city, and there is many a stretch of half a mile of beautiful, practically perfect pavement. But I will agree with him that there are a great many stretches of wretched pavement which ought to be completed; and, by the way, Pennsylvania avenue, to which he refers, is to be half of it completed under the appropriation of this year and half of it under the appropriation of next year. So that is already provided for without any increase. Last year when this committee took up this question of streets we recognized the danger and the defects which the gentleman speaks of. Up to that time the largest sum which had ever been appropriated for streets was \$200,000. We gave them last year \$300,000, the full amount of their estimate, and this year again we have given them the full sum of \$300,000, again the full sum for which they have asked.

Mr. HEPBURN. Will the gentleman permit a question?
Mr. GILLETT. Yes.
Mr. HEPBURN. Does the gentleman, when he makes reference to the estimate of the Commission, believe that that was the sum they ought to have had, in their judgment, or that that was the sum that they thought could possibly be corkscrewed from the committee?

Mr. GILLETT. Well, that is a matter of speculation. The gentleman can guess the intent of the Commissioners as well as I can. I can not speak as to that, but we did last year give them half as much again as they had ever been given by Con-gress before that, and we have given them this year the same full amount of \$300,000. I believe that the amount of \$300,000, which has been given this year, and \$300,000, which we are giving next year, will go very far toward putting the streets in as good condition as we could reasonably demand; that that is an ample annual amount to keep them up; that if we had had in the past that sum they would not now be subject to the just criticism that has been made of them. We thought we were giving them an ample sum when we gave half as much more as ever had been given before, and it seems to me it is sufficient and proper, and I hope the amendment of the gentleman will not be adopted. Whether the Commissioners can economically spend as much as that I do not know. They have never suggested that they could use a larger sum than we appropriated last year and than they asked for this year.

Mr. GROSVENOR. Mr. Chairman, I can scarcely understand how it has been possible for the condition of things that has existed in this city to have been maintained under an economic and intelligent expenditure of so large a sum of money upon the streets of Washington. Year after year this complaint has been made, possibly not with the same emphasis that has been used by the gentleman from Iowa [Mr. Herburn]. Year after year we are assured that money enough is now being appropriated for the purpose of putting the streets in some sort of respectable condition, and yet year after year we find exactly the same condition of things, and, indeed, this year growing worse than last

year.

Where the money goes to I am sure I do not know. That it is liberally appropriated the gentleman from Massachusetts says, and I have no doubt he is right about that, but what becomes of it? Where does it go? Now, you may start from the southeast front of the Capitol and pursue your way to Fourteenth street by any one of the streets, and you find exactly the same condition everywhere that is described by the gentleman from Iowa. How is this money expended? Does the Committee on District Expenditures here understand how that money is expended? Inspecting the streets is not going to do any good. I take it these Commissioners inspect the streets, but nothing

comes of their inspection except the sad condition we have here now in the great streets of this city. The street upon which every visitor from our own country and every visitor from foreign countries travels and looks about him is a disgrace. common villages of the country-a village with five, six, eight, or ten thousand people-have better streets and sounder streets and safer streets than has the city of Washington.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentle-

man permit a question?
The CHAIRMAN. Does the the gentleman from Wisconsin? Does the gentleman from Ohio yield to

Mr. GROSVENOR. Certainly.

Mr. COOPER of Wisconsin. The gentleman from Ohio is familiar with District matters, and I would like to ask the gentleman this question: Is there any committee of Congress in either House or any officer of the Government which audits any account of the District Commissioners or makes a specific re-

Mr. GROSVENOR. Mr. Chairman, I can not answer that question. I never have served on the District Committee of the I do not know of any place where any such reports

Mr. COOPER of Wisconsin. Is it the gentleman's understanding of the situation that Congress makes appropriations of millions of dollars toward the government of this District, and that money is expended, and this expenditure is not audited by any committee of Congress or examined into or reported about to Congress's

Mr. GROSVENOR. I think I can safely say it is not audited by any committee of Congress. I imagine, as a matter of course, the subcommittee of the great Committee on Appropriations looks into the expenditures made by the District Commissioners, but to what extent they audit the accounts in the true meaning

of that term I can not say.

Mr. COOPER of Wisconsin. Does not the gentleman think, as a public man of wide experience, that there ought to be the closest and most critical examination by somebody of the accounts?

Mr. GROSVENOR. Most certainly there ought to be; and if it is done at some other bureau of the Government, if it is done by the Auditor of the Treasury, then this committee certainly ought to have the benefit of the action of the Auditor of the At any rate I think there ought to be some better system of the expenditure of this money, because I do not believe it goes to the right direction economically. I do not intimate that there is anything wrong about it except inefficiency and incompetency, but I should like to see the Commission of the District of Columbia made up of thorough business men, men of experience in the expenditure of money. We have what is called an Engineer Commissioner. Well, we all know that you may have an engineer trained to the details of his profession, and he may have not the slightest knowledge of business transactions whatever. I do not say that the present member is such. A man may be a splendid newspaper or magazine writer and be an admirable citizen of the country, and yet be totally incapable of administering the affairs of a District like this; and then a man may be a genial, pleasant, speech-making gentleman, enter-taining the people of the country, and not know how to build and maintain an alleyway between two houses, and I would like to see some system of these expenditures that would show on the streets. [Applause.]

Mr. FITZGERALD. Mr. Chairman, much that has been said about the conditions of the streets of this city is true, but there is one thing that should be stated in connection with the criticism that goes far to explain the wretched condition in which some of the pavements have fallen. In the lists of streets which were to be repaired, submitted by the Commissioners, it appeared that out of fourteen streets the pavements of five were laid between 1872 and 1880, six between 1880 and 1890, and three between 1890 and 1895. In another list of streets of sixty-seven the pavements in twenty-two of those streets were laid between 1870 and 1880; the pavements in thirty-eight were laid between 1880 and 1890, and the pavements in seven between 1890 and 1895. No pavement has been laid for a shorter period than eleven years. From my knowledge of the paving of streets gained from my own locality, I know that at one time in laying asphalt pavement it was customary for the contract-

ors to give a guaranty of ten years.

Of recent years the streets have been laid with a guaranty of five years. The fact is, that in the city of Washington a great number of pavements have been laid at least fifteen years, and many of them as long as thirty years. The result is that to-day the pavements deteriorate very rapidly. As the chairman of the committee has stated, both in this bill and in the bill for the current year the committee gave all that the Commissioners asked for this purpose. My recollection is that the Engineer Commissioner stated that they could use more than the \$300,000, but they asked \$300,000 because that was a sum that could be economically and advantageously used during the year; and they did not ask more for this purpose, perhaps, because they desired large appropriations for some other purposes. The streets of the city will continue in somewhat of a deplorable condition unless, for many years to come at least, equally large appropriations are made as are made in this bill. As these pavements get older they require more repairs. Last year it was suggested that the money that was being expended in patching Pennsylvania avenue was not economically expended, and as a result of that suggestion the entire avenue is to be resurfaced at a cost of \$115,000.

I am inclined to sympathize with the position of the gentleman from Iowa [Mr. Hepburn]. I believe that the streets of this city should be kept in as good condition as possible. tlemen will recollect that in the last session there was before the House a bill to compel the use of larger tires upon some of the heavy vehicles in the District. That bill was not enacted into law, but it was pressed upon the request of the Commissioners because they said that by reason of the excessive heat in the District at certain times of the year the pavements became so soft that the narrow tires used by the vehicles carrying excessive weights badly cut the pavements. I am not in favor of an extravagant administration in the District, but I do believe that sufficient money should be given to economically administer the government, and at the same time to make this city the most attractive city in the entire country. I feel as does my colleague on the committee, that the committee has done everything that it could by making a searching inquiry of the Commissioners regarding the condition of the streets and giving every

dollar they ask for that purpose both this year and the last.

The CHAIRMAN. The time of the gentleman from New York

[Mr. Fitzgerald] has expired.

Mr. CAMPBELL of Kansas. Mr. Chairman, I note that on pages 25 and 26 of the bill, in providing for the paying of certain streets, the width of the street is fixed. I would like to ask the chairman in charge of the bill whether the widths fixed in these several clauses is the established widths of the streets, or whether or not the widths that are stated in this bill refix the widths of the streets.

Mr. GILLETT. I would like to have the gentleman repeat the question.

Mr. CAMPBELL of Kansas. I just asked whether or not the widths fixed in the several sections, on pages 25 and 26 of the bill, are widths as fixed some time heretofore, or whether or not these widths are fixed by this bill, establishing new widths of the streets?

Mr. GILLETT. Does not the gentleman think that it would be well first to dispose of the amendment before the House, when I will be pleased to answer the question?

Mr. CAMPBELL of Kansas. I took it up because we were on the question of street discussions generally, and did not know

the nature of the amendment, not having been in my seat at the

time the amendment was made.

Mr. GILLETT. If the gentleman will wait until the amendment is disposed of, then I will be glad to answer his question. The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. Hepburn].

Mr. GARDNER of Michigan. Mr. Chairman, there is much of truth in what the gentleman from Iowa [Mr. Hepburn] says in regard to the condition of the streets, and yet I hope that the amendment offered by him will not prevail. The condition in which the streets are found at this time has been well explained by the gentleman from New York [Mr. FITZGERALD], but that is not all. The committee has allowed all the money, unless you revise the bill at other points, which the revenues will allow this year.

The gentleman asks why the streets are in their present condition with so much revenue, and what has been done with the money. It is known by gentlemen of the House that during these recent years there has been built the Connecticut Avenue Bridge, involving an expenditure of a million of dollars in round numbers; that there has been laid a very expensive and complete system of sewers and a sewage-disposal plant, involving a very large outlay; that there has been put in an expensive filtra-tion plant of very great value to all the residents of the city. These are some of what may be termed "extraordinary ex-They have eaten up a large part of the current revenues of the city, and for the time being the streets have, in part at least, been neglected. But as the projects named have been completed, or are approaching completion, you will observe that the appropriation for the improvement of the streets has been increased 100 per cent over that given in previous years.

There is no reason why that per cent of improvement, so far as past appropriations are concerned, should not be continued and

possibly advanced upon.

But I would ask the gentleman from Iowa to take note of this: Under a law enacted by Congress the city has to pay between now and the 1st of July, five years hence, \$3,100,000 of debt already incurred. The money was borrowed from the Government, and under a law of Congress it must be returned to the Government out of the current revenues on or before July 1, 1912. Now, if we appropriate this \$200,000 and go on at that rate in this bill, not only will we not be able the ensuing year to pay one dollar of that \$3,000,000, but we will leave the District with an additional debt for current expenses. this reason, not that the streets do not need it, but that the revenues will not allow this great additional expenditure, do I hope the amendment will not prevail.

The gentleman from Iowa is right, as it seems to me, in this, that the revenues derived from this city of 300,000 people are not in proportion to the wealth, real and personal, of the city. There lies the difficulty. The Government is doing its part. No one questions that. It is a question as to whether or not the city is doing its full duty. But that does not need the condition in the instance that the gentleman from Iowa has in mind. That waits another year; but in the meantime-and I want to state it again-we have given twice as much as we have given for some years and all that the Commissioners asked for the improvement of the streets the coming year.

Mr. HEPBURN. Mr. Chairman, if the committee will indulge me a moment, there are two objections raised by members of the committee to the adoption of the amendment that I have offered. One is that the Commissioners do not ask for more. Why the Commissioners did not ask for more I do not know, for I am satisfied that the Commissioners must have known of the conditions that exist, and the gentleman from New York told us that the one who speaks authoritatively upon questions of this kind said that they could use economically and properly a larger

sum than that which they had asked for.

Now, Mr. Chairman, I think that is the basis of measurement that the committee ought to have adopted in fixing the minimum of this appropriation. That is what they should have had. I do not know what their experiences have been heretofore when they asked for an increase. I do not know what discouragements they have met when they have asked for more money. I do not know what fears they may have had of rebuff and of criticism on the part of members of the committee that might deter them, perhaps, from asking for that sum that they could judiciously use in remedying an evil that they must see, must know, must recognize—that is, the horrid condition of the

Now, Mr. Chairman, it does not seem to me that that is an argument against the propriety—yea, necessity—of making this proper appropriation. If the evil exists—and no man doubts it if it can be remedied, if the Engineer Commissioner says that he could properly expend the sum, then why not furnish them the means with which they can restore the streets to such a condition that they will not be a byword and a sneer and a reproach to the decent appearance of the city.

Mr. GARDNER of Michigan. Mr. Chairman, may I interrupt

the gentleman?

Mr. HEPBURN.

Mr. HEPBURN. I yield.
Mr. GARDNER of Michigan. Under the gentleman's line of argument you could run this bill up to \$15,000,000 precisely. You could have a million dollars for public school buildings, if you granted—simply to illustrate—all that was asked or all that they said they could properly use.

Mr. HEPBURN. I believed I was yielding to the gentleman

for a question.

Mr. GARDNER of Michigan. Well, I beg your pardon. I wanted to make myself clear to you.

Mr. HEPBURN. You always do; but I would rather you

would do it in your own time.

Mr. Chairman, I think that disposes of one objection-that they have not asked for more. The other objection is that if this appropriation should be increased the debt due to the Government of the United States in five years will not be paid. To my mind, Mr. Chairman, that is a consideration scarcely worthy of attention. What difference does it make to the United States whether the sums advanced are returned to the Treasury of the United States in 1912 or 1920. Not a whit; nothing in comparison with the reproach that is brought upon the Congress of the United States where it is held responsible for the condition of the streets of this city.

Mr. GARDNER of Michigan. Mr. Chairman-Mr. HEPBURN. I yield for a question.

Mr. GARDNER of Michigan. Do you not think that the District ought to keep faith with the Government?

Mr. HEPRURN. The District ought to keep faith with the Government, but there is no difficulty in our enlarging this time for payment, so that the District in 1920 can pay this debt and still keep faith. And it is suggested to me that probit might be wise policy for us to do this and a broader justice to the District, because the increased value ascertained by the assessors will more than pay this sum in the time that have suggested.

So, Mr. Chairman, I do not think that is an argument of such cogency as ought to influence the committee, and I hope that the members of the committee, out of pride in the work that they have done-this is undoubtedly a magnificent bill in its general scope; they have put great labor upon it; they have brought a measure here that meets with but very little criticism-I hope that in their pride of authorship or creation they will not stand against this wholesome expenditure of money. There is nothing that we can do that will give the visitor to this city a better and greater appreciation of what it is than this very appropriation.

[The time of Mr. Hepburn having expired, by unanimous consent, at his request, it was extended five minutes.]

Mr. HEPBURN. We are talking about and are looking forward to a time when this will be the most beautiful capital in I am one of those who are perfectly willing to make the world the needful appropriations to bring about the realization of this I want this city to be the most beautiful of all I believe that the people whom I represent have that desire. I have never had one of them come to this city who has not been pleased to know that he had an interest in the city, which is so beautiful, even with the defects that still exist; but I do think that while we have this dream of beauty, while we are looking forward in the anticipation that our children at least will see it all, we who live in this day ought to have some of the comforts that ought to be given to us, and, while these expectations in architecture and in landscape gardening may be realized, that we, in the everyday affair of decent streets, may have what this generation are entitled to.

Gentlemen have spoken about the rapidity with which streets

deteriorate and have told us about the age of the pavement in some of the streets. I think that if the surfacing of the streets of this city had been properly done it would serve its purpose for much longer periods. I think there is something radically wrong about the inspection that is being had at times when streets are being built and repaired. There is a little stretch of asphalt pavement in this city, right west of the Treasury Department, which is subjected to as great and severe use, perhaps, as that of any street in this city. It is the favorite passageway for heavily loaded teams. My recollection is that that pavemen was laid in 1889, yet it is in better condition to-day than any other street that I know of. It was well built, while the surfacing of Pennsylvania avenue, that occurred late in the fall of 1892, has for ten years been a disgrace to the city. It was not well built, notwithstanding the army of inspectors that we have. And right here I should like to ask the gentleman in charge of this bill how large the inspecting force is. It seems to be so scattered through the bill that I have not been able to ascertain the number.

I remember a few years ago the inspectors were grouped together, and then it was possible for us to see what an army of observers there were, and what a multitude of men there were in the city who must know of the infamous condition of these streets. I wondered then and I wonder now, if their number has been retained at that great maximum of a few years ago, how it is that the Commissioners can sleep comfortably in their beds when the people over whom they rule are suffering the discomforts that they do, the inconvenience that they do, the outrage that they do whenever they ride over half a mile of any of the streets of this city.

Mr. GILLETT. Mr. Chairman, there is an important matter which the chairman of the Committee on Appropriations desires to bring before the House for immediate action, and there-

fore I move that the committee do now rise.

Mr. HEPBURN. Mr. Chairman, I hope that the gentleman will let us have a vote on this. It will only take a moment to

Mr. GILLETT. I want to say a word before we vote. The matter to which I refer is a bill that we want to get over to the Senate at once.

The CHAIRMAN. The gentleman from Massachusetts moves that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having re-

sumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24103—the District appropriation bill-and had come to no resolution thereon.

RELIEF OF CITIZENS OF THE ISLAND OF JAMAICA.

Mr. TAWNEY. Mr. Speaker, I offer the following bill which I send to the Clerk's desk, and ask unanimous consent for its present consideration.

The Clerk read the bill, as follows:

A bill (H. R. 24478) for the relief of citizens of the island of Jamaica. A bill (H. R. 244/8) for the relief of citizens of the island of Jamaica. Be it enacted, etc., That the President of the United States is au-thorized to use and distribute among the suffering and destitute peo-ple of the island of Jamaica such provisions, clothing, medicines, and other necessary articles belonging to the subsistence and other stores of the naval establishment as may be necessary for the purpose of suc-coring the people who are in peril and threatened with starvation on said island in consequence of the recent earthquake and attending con-flagration.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. TAWNEY. Mr. Speaker, I will say that I have just been advised by the Secretary of the Navy that the conditions at Kingston, Jamaica, are far worse than reported. The Department has a wireless message to that effect from one of the battle ships that arrived there this morning. The supply ship Celtic is at Guantanamo, only a short distance from Kingston. the intention of the President to direct that that ship go to Kingston for the purpose of distributing the supplies it has on board among the suffering people, and it is for the purpose of giving authority to do that that this bill is offered.

Mr. FITZGERALD. I desire to ask the gentleman what is the limitation on the power of the President to use these supplies?

Mr. TAWNEY. So much as is deemed to be necessary for the immediate relief of the people of that island. I will say that there was a similar resolution or bill passed at the time of the terrible catastrophe at Martinique. In that case there was no limitation at all. I inserted in this resolution "so much as may be necessary for temporary immediate relief of the people of the island."

Mr. FITZGERALD. I do not recall the language of the other resolutions. My recollection is that some of them designated a specific amount which should be at the disposal of the

President

Mr. TAWNEY. In that case there was a specific amount of In this case it is proposed now to use only the supplies on the supply ship Celtic, which is at Guantanamo, about 125 miles distant from Kingston. It is only to furnish those supplies that this authority is asked.

Mr. MANN. I would like to ask the gentleman if it is the purpose of the resolution to simply allow the supplies on that

ship to be distributed?

Mr. TAWNEY. That is the purpose.

Mr. MANN. It is not expected that the Department will go

beyond that?

Mr. TAWNEY. It is not, and the Department does not ask for authority to do any more than to use the supplies on the supply ship Celtic, which will go to Kingston as soon as it can get there for the purpose of relieving the temporary distress that prevails there at this time. I am informed that the Government of Great Britain does not even know the extent of the suffering or the conditions that prevail there at this ime.

Mr. FITZGERALD. I wish to say that I have no objection to affording this relief, but it seemed to me that there should be some limitation on the power to use the resources of the Government for this purpose. I understand the gentleman from Minnesota to say that it is distinctly understood that only the specific supplies mentioned by him will be utilized for this pur-

Mr. TAWNEY. The amount they propose to use is covered

by the amount of supplies that is on this one ship.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Tawney, a motion to reconsider the vote whereby the bill was passed was laid on the table.

JAMES B. MULFORD.

The SPEAKER laid before the House the bill (H. R. 3357) granting an honorable discharge to James B. Mulford, with a Senate amendment.

The Senate amendment was read.

Mr. DAWSON. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

TRANSPORTATION OF DUTIABLE GOODS.

Mr. BRANTLEY. Mr. Speaker, I desire to call up a privileged bill, H. R. 21197, to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, by extending the provisions of the first section thereof to the port of Brunswick, Ga.

The bill was read, as follows:

Be it enacted, etc., That the privileges of the first section of the act approved June 10, A. D. 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the port of Brunswick, Ga.

The bill was ordered to be engrossed and read a third time: was read the third time, and passed.

On motion of Mr. Brantley, a motion to reconsider the last vote was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GILLETT. Mr. Speaker, I move that the House now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the District appropriation bill.

The motion was agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MANN in the chair.

Mr. GILLETT. Mr. Chairman, I wish to say one word more upon this question of the amendment of the gentleman from Iowa [Mr. Hepburn]. The gentleman suggests that the District Commissioners might not have asked for more because they were afraid they would not get it. If there is one thing which you can anticipate of them, it is that they will not be afraid to ask whatever they want, and I do not think the fear that they would not get it can have restrained them. There are about a million and a half dollars of projects that they have asked for which they have not received in this bill, but this is the one clause where I certainly did not think we should be asked by amendment to give more than we have. This is one provision where we gave all that was asked and all that we thought could be wisely and judiciously expended, compared with other appropriations in the bill, to make the bill come up to the needs of the District. The streets of Washington, I think, to-day compare favorably with the streets of any other city, although they could, of course, be very much improved, and we are improving them; yet they are kept up now much better than in most cities. We do not expect streets are going to be perfect all the time. It is impossible that every year we are going to have every street in this whole city a smooth and perfect pavement.

This year under the appropriations already made Pennsylvinia which is the propriation of the property of the prop

vania avenue, which is the main subject of criticism, which advertises more than any other the bad condition of the streets, is going to be repayed. That will be done on the two present appropriations, and all that it is necessary to do, it seems to That will be done on the two present me, is to keep improving the other streets with our enlarged appropriation. As I said before, this committee last year allowed an appropriation half as much again as large as had ever been allowed before. This year again we gave \$300,000, half as much again as had ever been done before, and when once such a pace is set the committee keeps on. So if we should suddenly jump up to \$500,000, which the gentleman asks, \$200,000 over the \$300,000 that we now have, that would set the pace for the future. It is going to be hard to cut it down again. We gave the same this year as we did last year, and I believe that with the \$300,000 a year the city will soon be in excellent condition, quite as good as it ought to be, compared with the other pressing expenses that come upon us. The streets are not used by all the people. Probably only 10 per cent drive and ride on the streets. There are other large and crying needs which ought to be met. We have to meet the needs of the city—all its different needs—in such proportion as the committee can. We can not have any department perfect, and it seems to me that \$300,000 which we have given, more than ever before until last year, and as much as is asked, is ample to keep the city in a fair condition-better condition than any other city—and is as much proportionately to other deserving projects as we ought to give to those who ride in carriages and automobiles, and is all that this House ought now to grant.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. Hepburn) there were—ayes 50, noes 35.

Mr. GILLETT. Mr. Chairman, I demand tellers. Tellers were ordered.

Mr. GILLETT and Mr. HEPBURN were appointed tellers.

The House again divided; and the tellers reported—ayes 46,

So the amendment was rejected.

The Clerk read as follows:

Operation of the Anacostia River bridge: For salaries of employees, lighting, miscellaneous supplies, and expenses of every kind necessary to the operation and maintenance of the bridge: Provided, That the time within which said bridge shall be reconstructed is extended to July 1, 1908, \$2,800.

Mr. GILLETT. Mr. Chairman, I move to strike out the clause on page 28, beginning with the word "Provided," on lines 19, 20, and 21.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Beginning on line 19, page 28, with the word "Provided," strike out the remainder of said line, and also strike out lines 20 and 21.

Mr. GILLETT. That has already passed the House. The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

For the parking commission: For contingent expenses, including laborers, cart hire, trees, tree boxes, tree stakes, tree straps, planting and care of trees on city and suburban streets, whitewashing, care of tree spaces, parks, and miscellaneous items, \$30,000.

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman in charge of the bill what service is intended in the words "care of tree spaces? In other words, I want to know if it is the purpose of this appropriation to secure the sodding and other proper care of the spaces around the trees, the spaces in the pavements.

Mr. GILLETT. That, I understand, is the purpose of it.

Mr. HEPBURN. Does the gentleman understand that has

ever been done?

Mr. GILLETT. I think this is the exact language we had

Mr. HEPBURN. I mean that the duty has ever been performed for which the appropriation is made.

Mr. GILLETT. I suppose so. Yes; I am very sure it is. I can not say every tree has, but they enrich the trees from time to time, dig up the ground around about them, etc.

Mr. HEPBURN. I never had seen anything of that kind. The CHAIRMAN. Without objection, the pro forma ame Without objection, the pro forma amendment is withdrawn.

The Clerk read as follows:

For the purchase of playgrounds sites, to be immediately available, \$75,000.

Mr. JOHNSON. Mr. Chairman— Mr. CLARK of Missouri. Mr. Chairman, I raise the point of order that the paragraph is new legislation on an appropriation bill, which is against the rule.

The CHAIRMAN. Does the gentleman make the point of

order or reserve it?

Mr. CLARK of Missouri. I will make it; then if the Chair overrules me, I will make another motion.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. CLARK of Missouri. Well, I reserve it if any gentleman wants to express his opinion about it, and if nobody does I will express my own.

Mr. TAWNEY. That is more interesting, perhaps.

Mr. CLARK of Missouri. I am perfectly willing to do anything that is reasonable to help make what we all claim this capital is destined to be, the finest capital city in the world, and the events in connection with the public schools in this city in the last few years in this House have certainly demonstrated that I am a good friend to the public schools and the children.

When I first heard about this item I supposed the money was

to be appropriated to enlarge the playgrounds in connection with certain schools, but I was informed to-day by a man who knows all about it that this \$75,000 appropriation is for playgrounds in no way connected with existing public school buildings in this city, and that it is simply a beginning on the part of Congress to establish a multiplicity of large playgrounds in the various sections of Washington, including Georgetown, which have no particular connection with any school, and that they are not to be located in proximity to any of the public schools. also informed by a gentleman who I think has a pretty good head that this was merely a beginning, an entering wedge, of a scheme that would ultimately cost in all human probability a million dollars. What good will these general playgrounds established at various places all over the city do the school children? I am not at all certain that anybody would be willing for his small children to go to one of them. Surely he would not be willing for them to go to them unless they had supervision, particularly with reference to these things. had police upshot of the matter is, unless my information is absolutely incorrect, the \$75,000 is the beginning of the establishing simply of a new set of parks in this city. If that is the case, I am

opposed to it, and if this point of order is overruled, and if I can get the eye of the Chairman-

Mr. WILLIAMS. If the gentleman will permit, why can not we simply provide that the children can play in the parks we

Mr. CLARK of Missouri. That is what I would have said if I had thought of it, and I am obliged to the gentleman for the suggestion. There are plenty of parks for them to play in now, and I do not intend to be put in the attitude in raising the point of order and moving to strike out this paragraph, of being unfriendly to the schools or the school children or the children generally of the city of Washington.

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard on the point of order?

Mr. GILLETT. I understood the Chair to ask the gentleman from Missouri. May I ask the gentleman from Missouri the ground upon which he bases his point of order?

Mr. CLARK of Missouri. My point of order is based upon the ground that it is new legislation and engrafted on an appropriation bill, and I do not think it needs any argument. It

is not authorized by law.

Mr. GILLETT. Mr. Chairman, what is in order on the District appropriation bill, it seems to me ought to be decided upon somewhat different grounds, or at least there ought to be a different leaning on the part of the Chair, from other appropriation bills, because there is here a municipal government for the continued operation of which this bill provides, and it may be if the same rules are applied that are applied to other appropriation bills a great deal that is in the regular District appropriation bill, and which everyone would agree ought to be there, might be stricken out.

Therefore, it seems to me that the Chair should consider that a District appropriation bill appropriates for a work in progress—namely, the municipal government—and all those phases of municipal government which are necessarily appropriated for are in order on a District appropriation bill. Among those is the school. It has been the custom on every District appropriation bill to appropriate for new sites for school buildings and for new school buildings. The education of the children is one of the necessary elements of a municipal government. law of Congress provides that we shall provide schools, and I suppose that it is on that general ground that it is held that these appropriations for the purchase of sites and for the erection of new school buildings are in order. Just as in Annapolis. It has been held with the school at Annapolis that it was in order to buy new ground and erect a new building there. seems to me it is in order to buy new land and erect new buildings for our school system.

Now, these playgrounds are, of course, part of our educa-onal system. It is meant to be a part of the moral and tional system. physical and intellectual improvement of the children of the I do not think the question of whether it is contiguous to a schoolhouse or not is of importance. If it should be, it might be ruled that one of these grounds was in order and the other two were out of order, because one of them is next to a schoolhouse and the other two are not.

Mr. CLARK of Missouri. I would like to ask the gentle-

man a question.

Mr. GILLETT.

Mr. GILLETT. Certainly. Mr. CLARK of Missouri. Is it not a fact that the principal use to which these playgrounds would be put would be during the summer, when the schools are not in session at all?

Mr. GILLETT. Not the principal use. It would undoubtedly be a large use, but at the same time that is part of the school system. The fact that the schools are not in session does not prevent it from being part of the educational system of the District

Mr. CLARK of Missouri. Now, another question. If these places are not located with particular reference to proximity to the school buildings, then how can the gentleman claim with a straight face that this proposition is any part of the public

school system at all? Mr. GILLETT. I do not see how anybody could claim that it is not a part of the school system. It is a part of the education of the children. It is the part of providing healthful exercise, just as our school playgrounds are for the children of the District, and it seems to me it is a part of the educational system of the District.

Mr. CLARK of Missouri. Another question. What is the reason the children of this District can not play in these numerous parks that we have, just as well as in this new system of parks that is contemplated?

Mr. GILLETT. Because there are not nearly enough of them. Mr. CLARK of Missouri. The truth is they warn them off the grass in these parks now, and instead of making them playgrounds for the children, as they ought to be, they are a kind of fashionable resort for the people of the District of Columbia.

Mr. GILLETT. Now, the gentleman is mistaken in that, because in two of the places where these playgrounds are to be located there are not any parks, namely, the northeast section and the Georgetown section, and in the southwest section there is a small park which is now being used for a playground. But that does not affect the point of order as to whether it is in order or not on this bill.

Mr. CRUMPACKER. The parks belong to the Federal Gov-

ernment, do they not?

Mr. GILLETT. They do.

Mr. CRUMPACKER. They are not the property of the city. I would suggest the purchase and procurement of sites and the erection of playgrounds is as much a part of the school system as a gymnasium for school children is a part of the educational system.

Mr. GILLETT. This is practically gymnasium work. It is contemplated to have gymnastic apparatus upon them.

Mr. CLARK of Missouri. Does not the law provide now that although these parks belong to the United States Government they may be used by the children as public playgrounds?

Mr. CRUMPACKER. I do not understand that they do.

The law provides that they shall not be used by children for public playgrounds.

Mr. GILLETT. I understand that there is a provision in law that the officer in charge shall set aside suitable provision

for children in the public parks.

Mr. WILLIAMS. If the gentleman will pardon me, I have some practical information, because I am the father of many children. I do not know how it is regulated or who regulates it, but in some of the parks they permit the children to play and in some of them they do not. Now, in the Judiciary Square they can play and here in the Capitol park children 12 years of age can play, but in some of them nobody is allowed to go on the grass under any circumstances. I would like to know who regulates it or makes the distinction. I suppose it is done by the Commissioners, or the custodian of public grounds of the District of Columbia.

Mr. GILLETT. Mr. Chairman, I am not intentionally diverting from the point of order, but—

Mr. CLARK of Missouri. I would like to ask the gentleman one more question. This plan involves ultimately the expenditure in the neighborhood of a million dollars if it is carried out according to the wishes of the people who are favoring it, does it not?

Mr. GILLETT. Oh, yes, Mr. Chairman; it will according to the purpose of the persons who propound it, but it will not according to my purpose, and it will not get any sympathy

from me.

Mr. CLARK of Missouri. The trouble about that is that you and I and the rest of us are here by a feeble tenure and can not stay for long, at best; but these people who want these things, they and their successors, are going to be here eternally.

Mr. GILLETT. But it does not follow that our successors are going to be any more friendly to such a proposition than we.

Mr. CLARK of Missouri. If I knew that the gentleman from Massachusetts were going to stay here forever I would be perfectly willing to leave it to him to keep it from reaching a million dollars; but he is subject to the ordinary laws of human life and the laws of American politics like the rest of us.

Mr. SIMS. I would like to ask the gentleman a question.

Mr. GILLETT. Certainly.
Mr. SIMS. Is there not a tendency upon the part of the people of this city to have large amounts of land purchased by the Government, if it does not withdraw such land from taxation, thereby constantly reducing the taxable property of the District, and is that not used as an argument to found the claim that the Government should pay one-half of the expenses of the District?

Mr. GILLETT. With that I have not much sympathy; but I will answer that when we come to an argument of the amendment on its merits. I do not like to appear to be discussing a point of order and really be drawn into a discussion of the merits. But my position on the point of order is that this is analogous to other propositions which from year to year are in the District of Columbia appropriation bill for the purchase of sites and the erection of schoolhouses; that it is absolutely necessary for the conduct of the municipal business that they should have schools, and that the education of the children is a work in progress which is specifically provided for by law and is compulsory on the District, and this is in furtherance of that project.

Mr. GARDNER of Michigan. Mr. Chairman, just one word

upon the point of order and in support of the contention that this movement is part of the public educational system of the city, and is therefore in order. The Committee on Appropriations for a number of years has made provisions, not in a large sum, but what was deemed sufficient from year to year to aid in the development and maintenance of public playgrounds for the children of the city. Further than that, the teachers of the public schools have been paid out of that fund to supervise the care and education and protection of the children on these playgrounds. Further than that, the janitors for the public schools have been employed and paid out of these funds for the care of these public playgrounds. They are, in a sense, to be educa-tional institutions for the children rather than mere recreation grounds, and they are for the development of the physical as the school proper is for the development of the mental side of the children, and therefore in order because it is a continuance of the present educational system.

Mr. REEDER. I would like to ask the gentleman a question before he takes his seat.

Mr. GARDNER of Michigan. Certainly.

Mr. REEDER. Can the gentleman state how far these proposed parks are to be from the nearest school building?

Mr. GARDNER of Michigan. I can not tell you exactly how far they are to be from the schools; but in reasonably close proximity

Mr. GILLETT. One of them joins.
Mr. REEDER. I mean the other.
Mr. GILLETT. One of them joins the school building, and the other is quite a distance.

Mr. REEDER. Is it within a block?

Mr. GILLETT. One is near to the school building. I do not think the second is within a block.

Mr. GARDNER of Michigan. But let me say that the testimony shows that they are within reach of 4,000 children.

Mr. CLARK of Missouri. I want to ask the gentleman from Michigan a question or two.

Mr. REEDER. I want to get an answer on this point: If they are away from the children as much as a block, and are to be used by the children, they can not be used by the children from the school unless you dismiss the school so that they can go to the playgrounds. They can not go there and come back in time for the school session.

Mr. GARDNER of Michigan. In answer to the gentleman, I will state this: Going out on another mission in the city a few weeks ago with a gentleman who is present, we went by one of these playgrounds—private property—where there were scores of children from 8 to 16 years of age playing.

Mr. CLARK of Missouri. I will ask the gentleman if he does not think it would be a wiser expenditure of money to buy sufficient playgrounds in the immediate neighborhood of the public school buildings that are already erected in this town?

Mr. GARDNER of Michigan. If that could be done; but many of the buildings are so located that you can not enlarge

the open area about them.

Mr. CLARK of Missouri. I know that. Take the Franklin School, for instance-it could not be done in that case for it would cost too much; but in many cases you could buy a block of ground, as the gentleman from Kansas seems to intimate, within a reasonable distance from the playgrounds, and make them available to the children. Now, another question: Do not the proponents of this plan intend that social clubs shall be established on these playgrounds, as they are called, and so on to the end of the chapter?

Mr. GARDNER of Michigan. Now, if that is relevant to the

point of order, I shall be glad to speak of it.

Mr. CLARK of Missouri. We are talking about the whole thing. I reserved the point of order.

Mr. GARDNER of Michigan. I should like to wait until the

matter is properly up for discussion.

Mr. CLARK of Missouri. One more question and then I will stop. Is it not in the contemplation of the proponents of this measure that this thing shall ultimately cost as much as a million dollars

Mr. GARDNER of Michigan. I have heard that stated on

what I thought was good authority.

The CHAIRMAN. The geatleman from Missouri [Mr. CLARK] makes the point of order upon the paragraph of the bill provid-ing for the purchase of playground sites, to be immediately available.

The gentlemen who contend that the matter is not subject to the point of order seem to rely principally upon the proposition that this is a part of the public school system in some way. It seems to the Chair that if the gentlemen had thought at the time of the preparation of the bill that the playgrounds were a part of the public school system the item would have been in-

serted at some point among the twenty pages of the bill under the heading of public schools. It scarcely seems to the Chair that the purchase of playgrounds apart from the public schools can be called a part of the public school system; and it has been held by the Chair that even a provision in the bill providing for the erection of a new public school was subject to the point of order in this bill if not previously authorized.

As the Chair understands, there is no direct legislation authorizing the purchase of the playgrounds. If a bill were introduced in the House for that purpose it would be referred to the Committee on the District of Columbia, which would have jurisdiction to consider and report it. If a bill reported from that committee were passed upon the subject, then the Committee on Appropriations would acquire jurisdiction. In the opinion of the present occupant of the chair, contrary to his personal inclinations as to playgrounds, the item is new legislation and is subject to the point of order; and the Chair themselves. and is subject to the point of order; and the Chair therefore sustains the point of order.

Mr. NORRIS. Mr. Chairman, I desire to offer an amendment right there, after the word "dollars," in line 22, page 32:

For the purchase of playground sites for school children, to be immediately available, \$75,000.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after line 22, page 32, the following: "For the purchase of playground sites for school children, to be immediately available, \$75,000."

Mr. SHACKLEFORD. I make the point of order against that amendment.

The CHAIRMAN. The gentleman from Missouri makes the point of order, and the Chair sustains the point of order.

The Clerk read as follows:

The Clerk read as follows:

Lighting: For illuminating material, lighting, extinguishing, repairing, and cleaning public lamps on avenues, streets, roads, and alleys; purchasing and expeuse of erecting and maintaining new lamp-posts, street designations, lanterns, and fixtures; moving lamp-posts, painting lamp-posts and lanterns; replacing and repairing lamp-posts and lanterns designations, lanterns, and fixtures; moving lamp-posts and lanterns damaged or unfit for service; for rent of storeroom, cartage of material, livery, and other necessary items, \$250,000: Provided, That no more than \$18 per annum shall be paid for each gas lamp equipped with a self-regulating flat-flame burner so adjusted as to secure under all ordinary variations of pressure and density a consumption of 5 cubic feet of gas per hour, nor more than \$20.85 per annum for each gas or oil lamp equipped with an incandescent mantle burner of not less than 60 candlepower. And during the fiscal year 1908 the price prescribed by Congress for lighting each street lamp in the District of Columbia with gas or oil shall be construed to include the cost of the illuminating material used, lighting and extinguishing lamps, repairing, painting, cleaning, purchasing, and expense of erecting and maintaining lamp-posts, street designations, lanterns, and fixtures: Provided, That all of said lamps shall burn every night, on the average, from fifteen minutes after sunset to forty-five minutes before sunrise: And provided further, That the Commissioners of the District of Columbia may purchase, erect, light, and maintain such posts, lanterns, signs, and fixtures for street designation purposes, in addition to those mentioned above, as in their judgment may be necessary, which lamps shall not be subject to the restrictions of this paragraph except as to the time of burning.

Mr. GILLETT. Mr. Chairman, I offer an amendment to that

Mr. GILLETT. Mr. Chairman, I offer an amendment to that

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 25, in line 22, strike out the word "or" and insert in lieu thereof the words "and \$22.80 per annum for each."

Mr. GILLETT. That is merely to correct an oversight in the printing of the bill. There is a difference in the price of gas and oil lamps, and this is to make that perfectly clear.

The amendment was agreed to.

The Clerk read as follows:

For care, including salaries of all necessary employees, maintenance, do operation of the Washington Aqueduct, District of Columbia, tration plant, and for each and every purpose connected therewith,

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. Mann, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24103the District of Columbia appropriation bill—and had come to no resolution thereon.

INTERNATIONAL SUNDAY SCHOOL ASSOCIATION OF AMERICA.

Mr. KEIFER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 7034, to incorporate the International Sunday School Association of America.

The SPEAKER. The gentleman from Ohio asks unanimous

consent to take from the Speaker's table the bill of which the Clerk will report the title.

The Clerk read as follows:

8, 7034. To incorporate the International Sunday School Association

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Ohio the reason of this.

Mr. WILLIAMS. Is this a District company?
Mr. KEIFER. This is a corporation that has no business relations except those connected with Sabbath schools and the Sabbath School Association of America. This bill was introduced into the Senate of the United States by Senator Mc-CREARY, of Kentucky, at the instance of the International Sabbath School Association of America. It was referred in the Senate to the Judiciary Committee, there considered and reported to the Senate, and passed the Senate unanimously. The only thing that the Judiciary Committee of the Senate had any doubt about as to the bill as it was originally drawn was whether or not it should require the principal office to be held exclusively in the city of Washington, D. C. It was proposed in the original bill that the principal office should be here, but that an office might be kept at another place, provided a majority of the incorporators so desired. Senator Bacon, of Georgia, and others thought it ought to be limited, as I am informed, to a place wholly within the jurisdiction of the United States, and the bill was amended in that respect, requiring the office of the association to be in Washington City. Then, as some of the incorporators are citizens of the United States and others are citizens of Canada, the bill was amended finally so as to provide that in all the future the majority of the incorporators should be citizens of the United States. This amendporators should be citizens of the United States. ment was made on yesterday, just before the bill passed the Senate, on the motion of Senator Heyburn, of Idaho, as yesterday's proceedings in the Senate show.

Briefly, the object of the incorporation is to give this Inter-

national Sabbath School Association, which has been going on with special organization a long time, with one office at Chicago and one at Toledo, and sometimes doing business in Philadel-phia and perhaps in Canada, wherever it was believed the best work could be done, a place where they can concentrate their work. The work covers the United States and Canada; perhaps other countries. It has been most successful. The principal thing is to give them organization where they may have their donations centered, and largely an incorporation is wanted and needed so that donations and bequests and devises, etc., can be accepted, which the unincorporated association has

not been able so far to do.

Mr. WILLIAMS. Why could they not receive a charter from a State?

Mr. KEIFER. Because it is international; it covers all the States and more. There might be an incorporation in Kentucky and an office at Louisville, but down there they could not incorporate and extend corporate authority farther than Kentucky, the charter not being for general business that through State comity are allowed to do business in States where not chartered.

Mr. WILLIAMS. Oh, yes. Corporations incorporated under the laws of New Jersey do work all over the Union. Mr. KEIFER. Those are business corporations.

Mr. WILLIAMS. Why could they not do just as much with State incorporation as with a national incorporation?

Mr. KEIFER. I am not prepared to say. Of course they might have crippled along without an incorporation.

Mr. WILLIAMS. Is not the object to give them the prestige of a national charter?

Mr. KEIFER. Probably so; that may be one of the reasons for having a national charter. I am satisfied that the business of the organization will be better accomplished by a national incorporation, and, if it was fully understood, I think there would be no objection.

Mr. FITZGERALD. Has the bill been to any committee of the House's

Mr. KEIFER. It has never been before a committee of the House; it has been in the Senate.

Mr. FITZGERALD. Does not the gentleman think that the House ought to have the benefit of an investigation of the matter by one of its committees?

Mr. KEIFER. The reason that I called it up is because it is understood that there are pressing reasons in connection with donations. It has been before the Judiciary Committee of the Senate, and in charge of Senator Bacon, of Georgia, where it was fully considered.

Mr. MANN. Has a similar bill been introduced in the House? Mr. KEIFER. No, Mr. Speaker; I think not. I was asked

to introduce such a bill, but finding that the matter had been taken up by Senator McCreary, I did not introduce it, but waited until it might come regularly from the Senate.

Mr. MANN. There is no criticism upon the gentleman's action in waiting, but here is an organization that has been in exist-

ence for many years.

Mr. KEIFER. The work of the International Sabbath School Association has been going on for a quarter of a century or

Mr. MANN. Does not the gentleman think that if the organization has been in existence for years, and after it has been in the Senate for a considerable length of time, that he ought not to ask the House to pass the bill without giving it a few days' reference to a committee?

Mr. KEIFER. Well, I thought that it had sufficient consideration in the Senate. It involves nothing to the United States; there is no possible business involved in it-nothing in it for

Mr. MANN. Well, Mr. Speaker, the difficulty is to make an invidious distinction. If this bill is permitted to go through without such a reference, it being nothing unusual to make such a request, the next bill may have something in it that we do not discover.

Where it is of a business character, that is Mr. KEIFER. right. If the gentleman will allow me, I will hand to the Clerk to have read a letter written to me-a personal letter-from Mr. Marion Lawrence, which I will send to the desk.

The Clerk read as follows:

INTERNATIONAL SUNDAY SCHOOL ASSOCIATION,
OFFICE OF THE GENERAL SECRETARY,
Toledo, Ohio, December 28, 1996.

Gen. J. WARREN KEIFER, Washington, D. C.

Gen. J. Warren Keifer,

Washington, D. C.

My Dear Sir: I have your autograph letter from Springfield, dated Recember 24. The copy of the bill you sent me came all right, and I have looked it over with much interest. Now, in regard to the benefits to be derived would say they are principally two.

First, crystallization of our work. We are branching out a great deal, and already have three or four offices—one in Toledo, one in Chicago, one in Newark, N. J., etc. Others are likely to follow unless we centralize and crystallize. We have 13 secretaries under my direction—this does not include the office force in these various offices. The work is growing rapidly, and we are spending about \$30,000 a year. We thought incorporation would make it easier for us, for we would move all of our offices to one place, probably Chicago, after suitable action has been taken with that in view. Of course that action can not be taken until after we are incorporated, with the chief office in the District of Columbia. We are likely to add quite a number more secretaries and departments to our work within the next few years. Our organization has always been too loose. We never have had even a constitution or by-laws. Everything has been done by precedent and impulse. We want to tie things together a little.

We admit, however, that the chief benefit sought for is financial. We desire to put ourselves into a position so that our friends can remember us in their wills. We have many friends, I believe, who would be willing to do this; and if we were incorporated in such a way that they would know their wishes would be carried out during the years to come they would feel more free to remember us in this way. We have no source of income whatever except through the generosity of churches and Sunday schools and individuals. There is no business feature in the association whatever. There is not a single thing we sell (and our sales are confined wholly to our reports and leaflets) upon which we do not lose money. The report of our last conve Yours MARION LAWRENCE.

Mr. KEIFER. I hope the gentleman will withdraw any objection he may have.

Mr. MANN. Mr. Speaker, this bill not only occupies an exceptional place in the House, but it is a District bill and should be referred to the District Committee.

Mr. KEIFER. No; it is not a District bill. Mr. MANN. Well, if it is not a District bill, then I object, and if it is a District bill, I object. I certainly object.

The SPEAKER. The gentleman from Illinois objects. The bill is referred to the Committee on the District of Columbia, and ordered printed.

## WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. Smith of Kentucky to withdraw from the files of the House, without leaving copies, the papers in the case of J. A. Kemp, H. R. 9839, Fifty-eighth Congres, no adverse report having been made thereon.

#### SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below

S. 7034. An act to incorporate the International Sunday School Association of America-to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:
H. R. 2822. An act granting an increase of pension to Levi

H. R. 2909. An act granting an increase of pension to Jacob

H. R. 3194. An act granting an increase of pension to Samuel

H. R. 3195. An act granting an increase of pension to Milton S. Collins

H. R. 3228. An act granting an increase of pension to Michael Doyle;

H. R. 3234. An act granting an increase of pension to Rush Deskines

H. R. 3297. An act granting an increase of pension to Thomas Lonergan;

H. R. 3355. An act granting an increase of pension to James L. Allen ;

H. R. 3494. An act granting an increase of pension to Albert A. Talham

H. R. 3496. An act granting an increase of pension to Edward Walton ;

H. R. 3733. An act granting an increase of pension to Simeon D. Chelf;

H. R. 4386. An act granting an increase of pension to Zelinda E. Odenbaugh;

H. R. 4648. An act granting an increase of pension to Sarah A. Dedrick :

H. R. 4656. An act granting an increase of pension to Thomas Snell;

H. R. 4663. An act granting an increase of pension to Horace B. Tanner;

H. R. 4834. An act granting an increase of pension to Silas V. White:

H. R. 6911. An act granting an increase of pension to William J. Turner

H. R. 7476. An act granting an increase of pension to George

C. Dean; H. R. 7488. An act granting an increase of pension to Jacob L. Hatton

H. R. 8563. An act granting an increase of pension to William H. Havs

H. R. 8789. An act granting an increase of pension to Levi Chapman;

H. R. 10364. An act granting an increase of pension to John P. Patterson H. R. 10531. An act granting an increase of pension to William

G. Binkley

H. R. 10751. An act granting an increase of pension to George W. Harris

H. R. 10755. An act granting an increase of pension to Anna H. R. 10804. An act granting an increase of pension to John

H. Worley H. R. 10958. An act granting an increase of pension to Levi

Dodson; H. R. 12911. An act granting an increase of pension to Am-

brose S. Delaware: H. R. 13241. An act granting an increase of pension to Francis

H. R. 13455. An act granting an increase of pension to Josiah P. Higgins

H. R. 13887. An act granting an increase of pension to Joseph T. Eagler

H. R. 14298. An act granting an increase of pension to John Remick

H. R. 14543. An act granting an increase of pension to Charles Barnell, alias Richard North;

H. R. 15471. An act granting an increase of pension to Eli Stover

H. R. 15763. An act granting an increase of pension to Gainford N. Upton:

H. R. 18454. An act granting an increase of pension to Barlow Davis

H. R. 19296. An act granting an increase of pension to Assov Harelson

H. R. 18742. An act granting an increase of pension to Martin V. Barney

H. R. 19390. An act granting an increase of pension to William R. Sears

H. R. 19482. An act granting an increase of pension to Sarah E. Cannell;

H. R. 19725. An act granting an increase of pension to Howard Bennett:

H. R. 19970. An act granting an increase of pension to Eugene Demers;

H. R. 20559. An act granting an increase of pension to John Bradley:

H. R. 20617. An act granting an increase of pension to Isaac N. S. Will;

H. R. 20623. An act granting an increase of pension to James B. O. Horbach;

H. R. 20714. An act granting an increase of pension to Robert Turley;

H. R. 20891. An act granting an increase of pension to Hugh Blair:

H. R. 20968. An act granting an increase of pension to Waitman T. Mathers;

H. R. 21578. An act granting an increase of pension to Andrew J. Gaskey;

H. R. 19754. An act to provide for the distribution of public documents to the library of the Philippine government at Manila P. L.:

H. R. 20069. An act for the opening of Macomb street NW., District of Columbia;

H. R. 19523. An act to authorize Thomas J. Ewing and George B. Patton, of Catlettsburg, Ky.; Otto Burger, of Cincinnati, Ohio; Herbert Haynard, of Kenova, W. Va., and Charles Miller, of Huntington, W. Va., to construct a bridge across the Tug Fork of the Big Sandy River;

H. R. 13675. An act to ratify and confirm the acts of the legislative assembly of the Territory of Oklahoma, passed in the year 1905, relating to an insane asylum for the Territory of Oklahoma, and providing for the establishment and maintenance of an insane asylum for the Territory of Oklahoma at Fort Supply, in Woodward County, Okla., and making appropriations therefor;

H. R. 1249. An act granting a pension to William R. Fulk;

H. R. 1372. An act granting a pension to Josephine I. Richmond;

H. R. 1500. An act granting a pension to Emily J. Sherman;

H. R. 1800. An act granting a pension to Eliza J. Ingle; H. R. 4705. An act granting a pension to Harriet E. Palmer;

H. R. 10789. An act granting a pension to David Wilborn; H. R. 18677. An act granting a pension to Martin Alphons Luther;

H. R. 522. An act granting an increase of pension to Frederick Roschdiantzky;

H. R. 562. An act granting an increase of pension to John F. Mohn:

H. R. 600. An act granting an increase of pension to Oliver N. McLain;

H. R. 747. An act granting an increase of pension to Robert Smith;
 H. R. 1026. An act granting an increase of pension to Thomas

M. Wilcox; H. R. 1060. An act granting an increase of pension to Marga-

ret E. Lounsbury;
H. R. 1067. An act granting an increase of pension to Jacob

H. R. 1067. An act granting an increase of pension to Jacob Bender;
 H. R. 1068. An act granting an increase of pension to William

S. Quigley;H. R. 1169. An act granting an increase of pension to Oliver

H. R. 1169. An act granting an increase of pension to Oliver P. Pierce; H. R. 1673. An act granting an increase of pension to Jennie

E. Edson; H. R. 1687. An act granting an increase of pension to James

C. Daly; H. R. 1706. An act granting an increase of pension to George

H. Washburn; H. R. 1709. An act granting an increase of pension to Brice P.

Munns;
H. R. 1891. An act granting an increase of pension to Simeon

York; H. R. 1904. An act granting an increase of pension to Nelson

R. Satterlee;
H. R. 1938. An act granting an increase of pension to Thomas
B. Foutty:

H. R. 2290. An act granting an increase of pension to Peter

Reedy; H. R. 2422. An act granting an increase of pension to Earl K.

Childs; H. R. 2761. An act granting an increase of pension to Michael

H. R. 15004. An act granting an increase of pension to William J. McAtee.

The Speaker announced his signature to enrolled bill of the following title:

S. 6578. An act to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, and to amend an act amendatory thereof approved June 20, 1906.

#### ADJOURNMENT.

Then, on motion of Mr. GILLETT (at 4 o'clock and 57 minutes p. m.), the House adjourned.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for light keeper's dwelling, Menominee Harbor, Michigan—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting an estimate of reappropriation for contingent expenses, United States consulates—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting an estimate of appropriations for consular offices in China, Japan, and India—to the Committee on Foreign Affairs, and ordered to be printed, with illustrations.

A letter from the Secretary of the Interior, submitting a statement of weight and postage value of mail matter deposited, from the Interior Department, in the Washington post-office under the penalty provisions, from July 1 to December 31, 1906—to the Committee on the Post-Office and Post-Róads, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of a letter from the Commissioner of Indian Affairs in relation to the purchase of additional lands for the use of the Sac and Fox Indians of the Mississippi, in Iowa—to the Committee on Indian Affairs, and ordered to be printed, with illustrations.

A letter from the Postmaster-General, submitting a reply to the inquiry of the House as to employment of clerks and carriers in the Chicago post-office—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

# REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. NEEDHAM, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 23114) extending to the subport of Bellingham, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, reported the same without amendment, accompanied by a report (No. 6415); which said bill and report were referred to the House Calendar.

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 23927) excepting certain lands in Pennington County, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves," reported the same without amendment, accompanied by a report (No. 6421); which said bill and report were referred to the House Calendar.

Mr. LILLEY of Pennsylvania, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the Senate (S. 2878) to establish an assay office at Salt Lake City, State of Utah, reported the same without amendment, accompanied by a report (No. 6422); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BEALL of Texas, from the Committee on Claims, to

which was referred the bill of the House (H. R. 20169) for the relief of Margaret Neutze, of Leon Springs, Tex., reported the same without amendment, accompanied by a report (No. 6410); which said bill and report were referred to the Private Ca!endar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20168) for the relief of F. Krant, of Leon Springs, Tex., reported the same with amendment, accompanied by a report (No. 6411); which said bill and report were referred to the Private Calendar.

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the Senate (S. 6166) for the relief of Edwin S. Hall, reported the same without amendment, accompanied by a report (No. 6412); which said bill and report were referred to the Private Calendar.

Mr. WELBORN, from the Committee on Claims, to which was referred the bill of the Senate (S. 5446) for the relief of John Hudgins, reported the same with amendment, accompanied by a report (No. 6413); which said bill and report were referred to the Private Calendar.

Mr. BEALL of Texas, from the Committee on Claims, to which was referred the bill of the Senate (S. 4926) for the relief of Etienne De P. Bujac, reported the same without amendment, accompanied by a report (No. 6414); which said bill and

report were referred to the Private Calendar.

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House H. R. 4930, reported in lieu thereof a resolution (H. Res. 770) referring to the Court of Claims the papers in the case of Chester Bethel, accompanied by a report (No. 6417); which said resolution and report were referred to the Private Calendar.

Mr. GRAHAM, from the Committee on Claims, to which was referred the bill of the Senate (S. 505) for the relief of Jacob Livingston & Co., reported the same without amendment, accompanied by a report (No. 6418); which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the Senate (S. 3739) for the relief of A. A. Noon, reported the same without amendment, accompanied by a report (No. 6420); which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the Senate (S. 190) for the relief of L. K. Scott, reported the same without amendment, accompanied by a report (No. 6423); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1648) for the relief of the Hoffman Engineering and Contracting Company, reported the same without amendment, accompanied by a report (No. 6424); which said

bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2073) for the relief of Jeanie R. Bartlett, widow of the late Rear-Admiral John Russell Bartlett, United States Navy, reported the same with amendment, accompanied by a report (No. 6425); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16085) for the relief of Gordon, Ironsides & Fares Company (Limited), reported the same without amendment, accompanied by a report (No. 6426); which said bill and report were referred to the Private Calendar.

#### ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered

to the Clerk, and laid on the table, as follows:
Mr. MAHON, from the Committee on War Claims, to which
was referred the bill of the House (H. R. 23903) for the relief of Evan Knecht, reported the same adversely, accompanied by a report (No. 6416); which said bill and report were laid on the table.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the Senate (S. 1430) for the relief of George Stoll and the heirs of Charles P. Regan, Marshall Turley, Edward Lanigan, James Manley, and John Hunter, reported the same adversely, accompanied by a report (No. 6419); which said bill and report were laid on the table.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BONYNGE: A bill (H. R. 24465) providing that mail matter relative to naturalization shall be transported free by registered mail-to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Texas: A bill (H. R. 24466) to annul certain titles to land acquired by judicial proceedings in the courts of the United States in Texas, and for other purposes to the Committee on the Judiciary.

By Mr. YOUNG: A bill (H. R. 24467) for the establishment of a light-house and fog-signal station at White Shoals, in the Straits of Mackinac, State of Michigan—to the Committee on

Interstate and Foreign Commerce.

Also, a bill (H. R. 24468) to construct and place a light-ship at the easterly end of the Southeast Shoal, near North Manitou Island, Lake Michigan-to the Committee on Interstate and Foreign Commerce.

By Mr. DE ARMOND: A bill (H. R. 24469) to declare and limit the jurisdiction of courts as to the question of the constitutionality of acts of the Congress-to the Committee on the

Judiciary.

By Mr. LILLEY of Connecticut: A bill (H. R. 24470) to provide for the erection of a public building at Winsted, Conn.to the Committee on Public Buildings and Grounds.

By Mr. MARTIN: A bill (H. R. 24471) to amend the laws relating to the public coal lands of the United States-to the Committee on the Public Lands.

By Mr. BROWN: A bill (H. R. 24472) for the establishment of a light-house and fog-signal station at the easterly end of Gull Island, Apostle Group, westerly end of Lake Superior, Wis-

consin—to the Committee on Interstate and Foreign Commerce. By Mr. MARSHALL: A bill (H. R. 24473) to define the status of certain patents and pending entries, selections, and filings on lands formerly within the Fort Berthold Indian Reservation in North Dakota—to the Committee on the Public Lands.

By Mr. MUDD: A bill (H. R. 24474) to regulate the hours of service and compensation of attendants and nurses at the Government Hospital for the Insane in the District of Columbiato the Committee on the District of Columbia.

By Mr. BRUMM: A bill (H. R. 24475) to prohibit the employment of children in mines or factories without the owners thereof having a license therefor, providing an annual tax for the employment of all such children, and a tax upon the products of such labor-to the Committee on Labor.

By Mr. SMITH of Texas: A bill (H. R. 24476) to require railroad companies engaged in interstate commerce to promptly furnish cars and other transportation facilities, and to empower the Interstate Commerce Commission to make rules and regulations with respect thereto, and to further regulate commerce among the several States-to the Committee on Interstate and Foreign

Commerce.

By Mr. SIMS: A bill (H. R. 24477) to amend an act to fix and regulate salaries of teachers, school officers, and other employees of the board of education of the District of Columbiato the Committee on the District of Columbia.

By Mr. HASKINS, from the Committee on War Claims: A resolution (H. Res. 770) referring to the Court of Claims the bill H. R. 4930—to the Private Calendar.

By Mr. WILEY of New Jersey: A resolution (H. Res. 771) concerning rates charged for telephone service in the District of Columbia, etc.—to the Committee on Rules.

By Mr. DALZELL: A joint resolution (H. J. Res. 221) to fill a vacancy in the Board of Regents of the Smithsonian Insti-

tution-to the Committee on the Library.

By Mr. COOPER of Pennsylvania: A joint resolution (H. J. Res. 222) providing for a survey of Youghiogheny River—to the Committee on Rivers and Harbors.

## PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as

By Mr. ADAMSON: A bill (H. R. 24479) granting a pension to Simeon D. Pope—to the Committee on Pensions.
By Mr. BONYNGE: A bill (H. R. 24480) granting an increase

of pension to William S. Dillon-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24481) granting an increase of pension to

George W. Custer—to the Committee on Invalid Pensions, Also, a bill (H. R. 24482) granting an increase of pension to Godfrey S. Eggerman—to the Committee on Invalid Pensions. Also, a bill (H. R. 24483) granting a pension to Clarence W.

Thomas—to the Committee on Pensions.

By Mr. BROOKS of Colorado: A bill (H. R. 24484) granting an increase of pension to George H. Teagarden-to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 24485) granting an increase of pension to John Kiplinger-to the Committee on Pensions.

By Mr. DE ARMOND: A bill (H. R. 24486) granting an increase of pension to George W. Wade-to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 24487) granting an increase of pension to Stephen A. Johnson-to the Committee on Invalid Pensions,

Also, a bill (H. R. 24488) granting an increase of pension to

ugust Petit—to the Committee on Invalid Pensions. Also, a bill (H. R. 24489) granting an increase of pension to

John A. Schmahl—to the Committee on Invalid Pensions. Also, a bill (H. R. 24490) granting an increase of pension to

William Fulks-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24491) granting a pension to Maud Jourdan-to the Committee on Pensions.

By Mr. DRISCOLL: A bill (H. R. 24492) to remove the charge of desertion from the military record of James Ryan to the Committee on Military Affairs.

By Mr. DUNWELL: A bill (H. R. 24493) granting an in-

crease of pension to Theodric Gage-to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 24494) granting an increase of pension to Nathaniel Perkins-to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 24495) granting a pension to Samuel A. Frear, alias James Ferry-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24496) granting an increase of pension to Dewitt C. Gardner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24497) granting an increase of pension to Clark B. Baker, alias Henry Reed-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24498) granting an increase of pension to Justin H. Wixom-to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 24499) to correct the war record of Samuel Braden—to the Committee on Military Affairs.

Also, a bill (H. R. 24500) to remove the charge of desertion standing against William A. Morgan—to the Committee on Military Affairs.

By Mr. HILL of Mississippi: A bill (H. R. 24501) granting a pension to Hugo Hengel—to the Committee on Invalid Pen-

By Mr. JAMES: A bill (H. R. 24502) granting an increase of pension to A. Judson Conant—to the Committee on Invalid Pensions.

By Mr. JOHNSON: A bill (H. R. 24503) granting a pension to William Pollard-to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 24504) granting an increase of pension to John Leiter-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24505) granting an increase of pension to

Richard Smith-to the Committee on Pensions.

By Mr. KLINE: A bill (H. R. 24506) granting an increase of pension to John Dotterey-to the Committee on Invalid Pen-

By Mr. KNAPP: A bill (H. R. 24507) granting an increase of pension to Ira G. Haven-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24508) granting an increase of pension to

Thomas Murray—to the Committee on Pensions.

By Mr. LILLEY of Connecticut: A bill (H. R. 24509) granting an increase of pension to Mariette Carswell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24510) granting a pension to Henry M.

Prindle—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 24511) granting an increase of pension to Aaron Marden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24512) granting an increase of pension to Edward K. Chapman-to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 24513) granting an increase of pension to Bowman H. Buck-to the Committee

By Mr. LOWDEN: A bill (H. R. 24514) granting an increase of pension to Benjamin B. Brininger—to the Committee on Invalid Pensions

By Mr. McCREARY of Pennsylvania: A bill (H. R. 24515) for relief of Julius A. Kaiser-to the Committee on Naval

By Mr. NELSON: A bill (H. R. 24516) granting an increase of pension to Edwin H. Chase—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24517) granting an increase of pension to George W. Morton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24518) granting an increase of pension to Reuben Nye—to the Committee on Invalid Pensions.

By Mr. PATTERSON of South Carolina: A bill (H. R. 24519) granting a pension to Dora Dee Walker—to the Committee on Pensions.

By Mr. REYNOLDS: A bill (H. R. 24520) granting an increase of pension to John B. Tobias-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24521) granting an increase of pension to Alexander Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24522) granting an increase of pension to David R. Donnelly—to the Committee on Invalid Pensions. Also, a bill (H. R. 24523) granting an increase of pension to Thomas S. Empfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24524) granting a pension to Jacob R. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24525) granting an increase of pension to William H. McClellan-to the Committee on Invalid Pensions. Also, a bill (H. R. 24526) granting an increase of pension to R. C. Weir-to the Committee on Invalid Pensions.

By Mr. SCHNEEBELI: A bill (H. R. 24527) granting an increase of pension to William E. Sigler—to the Committee on

Also, a bill (H. R. 24528) granting an increase of pension to Levi Frauenfelder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24529) granting an increase of pension to John Ogden-to the Committee on Invalid Pensions.

By Mr. SHARTEL: A bill (H. R. 24530) granting a pension to David Miller-to the Committee on Pensions.

By Mr. SOUTHARD: A bill (H. R. 24531) granting an increase of pension to David E. Jefferson—to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 24532) granting an increase of pension to Absalom R. Shacklett—to the Committee on Pensions. By Mr. SULLOWAY: A bill (H. R. 24533) granting an increase of pension to Joseph G. Johnson—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 24534) granting an increase of pension to Sophie Garies-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24535) granting an increase of pension to George W. Almondy-to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 24536) granting an increase of pension to Bridget Mahoney-to the Committee on Pensions.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 22964) granting an increase of pension to Eudocia Arnett-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23695) granting a pension to John Hearnmittee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARCHFELD: Petition of citizens of York, Me,; Montcalm, Mich.; Marion, W. Va.; Isabella, Mich.; Pontiac, Mich.; Waupaca, Wis.; Bibb, Ala.; Concord, N. H.; New Orleans, La.; Adams, Ill.; Carlinville, Ill.; Perry, Ala.; Washington, Ark., and Dickinson, Kans., against S. 5221, regulating practice of osteopathy in the District of Columbia-to the Committee on the District of Columbia.

Also, petition of citizens of New Mexico, Massachusetts, Tennessee, Nebraska, Kentucky, Arizona, New York City, Kansas, West Virginia, Arkansas, Michigan, Indiana, Illinois, District of Columbia, Mississippi, Vermont, and Louisiana, against Senate bill 5221, regulating practice of osteopathy in the District of Columbia-to the Committee on the District of Columbia.

By Mr. BATES: Petition of George Diebert, secretary Fruit Growers' Association, Bedford, Pa., for legislation to further the admission of American fruit to German markets under minimum duties-to the Committee on Ways and Means.

By Mr. BRUMM: Petition of civil war veterans and Spanish war veterans, Shenandoah, Pa., for restoration of Army canteen—to the Committee on Military Affairs.

By Mr. BUTLER of Pennsylvania: Paper to accompany bill for relief of Rosanna Kaogan (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Ohio: Paper to accompany bill for relief of John Albright, Metcalf A. Bell, and Philip Silver—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: Paper to accompany bill for relief of Francis M. Starn and Ellen A. Mealia-to the Committee on Invalid Pensions.

By Mr. FLACK: Petition of H. T. Martyn Post, Grand Army of the Republic, Canton, N. Y., for increase of pension of veterans of civil war—to the Committee on Invalid Pensions.

By Mr. FLOYD: Paper to accompany bill for relief of John Bogenshutz (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. FRENCH: Petition of Idaho Hardware and Implement Dealers' Association, against parcel post—to the Committee on the Post-Office and Post-Roads.

By Mr. FULKERSON: Paper to accompany bill for relief of George Hopkins—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Archibald H. Grimke and 17 other citizens of Boston and vicinity, protesting against the discharge of three companies of the Twenty-fifth Infantry-to the Committee on Military Affairs.

Also, petition of the Daily Post, of Lasalle, Ill., for an amendment to the railway rate law permitting interchange of advertising for transportation—to the Committee on Interstate and Foreign Commerce.

Also, petition of I. N. R. Beatty, Morris, Ill., for the proposed deep waterway from the Lakes to the Gulf-to the Committee on Rivers and Harbors.

Also, petition of San Francisco Labor Council, against utterances of the President on the Japanese question relative to public schools of that city—to the Committee on Foreign Affairs.

By Mr. GOULDEN: Petitions of Coastwise Transportation Company and 10 others, managers, owners, and motor pilots of steam vessels in the East River; also J. W. Miller and 41 others; United States Transport Company and 10 others; F. M. Dembaugh and 10 others, and Fred B. Dalzell and 86 others, for improvement of channel between North Brothers Island and South Brothers Island—to the Committee on Rivers and Harbors.

Also, petition of D. Oremtz, 1061 Morris avenue, Bronx, N. Y., speaking for hundreds of others, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. GRAFF: Petition of Brotherhood of Railway Trainmen, Springfield, Ill., indorsing S. 5133, to promote safety of railway employees, and House bill 9328, to regulate restraining orders in certain cases—to the Committee on the Judiciary.

By Mr. GROSVENOR: Paper to accompany bill for relief of George W. Myers—to the Committee on Invalid Pensions. By Mr. GUDGER: Petition of Cliffside Lodge, No. 139, favor-

ing restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Hackney & Moale Company, Asheville, N. C., against tariff on linotype machines-to the Committee on Ways and Means.

By Mr. HENRY of Texas: Petition of citizens of Texas, for legislation against buying of futures in agricultural products to the Committee on Agriculture.

By Mr. HIGGINS: Petition of Norwich (Conn.) Independent League, I. O. B. A., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. HILL of Connecticut: Paper to accompany bill for relief of Henry M. Prindle—to the Committee on Invalid Pensions. By Mr. HOPKINS: Paper to accompany bill for relief of H. D.

Combs (previously referred to Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. JAMES: Paper to accompany bill for relief of heirs of Josiah Parker-to the Committee on War Claims.

Also, petition of citizens of Graves, Ky., against S. 5221, regulating practice of osteopathy in the District of Columbia—to the Committee on the District of Columbia.

By Mr. JOHNSON: Paper to accompany bill for relief of William Pollard and Elizabeth Balew—to the Committee on Invalid Pensions.

By Mr. KINKAID: Paper to accompany bill for relief of Isaiah Graham—to the Committee on Pensions.

By Mr. KNAPP: Paper to accompany bill for relief of Ira G. Havens—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of A. Parlett Lloyd, submitting a paper relative to Senate bill 976, passed January 11, 1907, relative to law governing obtaining of pensions, legal assistance, etc.—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of San Louis Obispo Chamber of

Commerce, for selection of the Henry ranch, California, for military reservation to be established on the Pacific coast—to the Committee on Military Affairs.

By Mr. NORRIS: Petition of National Business League, for the conservation of public domain—to the Committee on the Public Lands.

By Mr. PATTERSON of South Carolina: Paper to accompany bill for relief of estate of Stephen A. Kittles-to the Committee on War Claims.

Also, paper to accompany bill for relief of Rebecca Blackwell—to the Committee on Pensions.

By Mr. REYNOLDS: Paper to accompany bill for relief of

J. B. Stalb and John Flugle-to the Committee on Invalid Pen-

Also, paper to accompany bill for relief of Alexander Johnson, Jacob R. Miller, David R. Donnelly, Thomas R. Empfield, Andrew J. Foor, William S. Suter, Alphonsus J. Bingham, Adam Leonard, and William H. Tracy—to the Committee on Invalid Pensions.

By Mr. RHODES: Paper to accompany bill for relief of David H. Gregg (previously referred to the Committee on Pensions) to the Committee on Invalid Pensions.

By Mr. SPERRY: Paper to accompany bill for relief of Robert Brown and Andrew C. Swenson-to the Committee on Invalid Pensions.

By Mr. STANLEY: Paper to accompany bill for relief of Absalom R. Shacklett—to the Committee on Invalid Pensions. By Mr. WACHTER: Petition of Brotherhood of St. Paul of the First Methodist Church, for investigation of affairs in Kongo Free State--to the Committee on Foreign Affairs.

By Mr. WILLIAMS: Petition of the Vicksburg Herald, and the American, Vicksburg, Miss., against tariff on linotype machines-to the Committee on Ways and Means.

## SENATE.

## Friday, January 18, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Lodge, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

#### PROPOSED ADJOURNMENT TO MONDAY.

Mr. LODGE. I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

Mr. BURROWS. Mr. President, I am exceedingly anxious to proceed with the consideration of the resolution in relation to the right of the senior Senator from Utah [Mr. Smoot] to a seat in the Senate, and I am advised that the junior Senator from Utah [Mr. Sutherland] desires to address the Senate today on that question, and if he can not get the opportunity to do so to-day I am sure he will be glad to address the Senate to-He is not in the Chamber at this time, and if the morrow. Senator from Massachusetts will withhold his motion I shall be obliged to him.

I will withhold the motion, but I will state Mr. LODGE. that I spoke to the Senator from Utah, and I understood he did not desire to go on with his remarks on Saturday.

Mr. BURROWS. I should like an opportunity to confer with

Mr. LODGE. Very well. I will withdraw the motion for the present.

The VICE-PRESIDENT. The motion is withdrawn.

#### SAC AND FOX INDIAN LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs in relation to the purchase of additional land-for the use of the Sac and Fox Indians of the Mississippi in Iowa; which, with the accompanying papers and map, was referred to the Committee on Indian Affairs, and ordered to be printed.

#### FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Georgia E. Morrison, administratrix of George Smith, deceased, v. The United States;

In the cause of the Trustees of Winyah Lodge, No. 40, Ancient Free and Accepted Masons, of Georgetown, S. C., v. The United States:

In the cause of Thomas Mason v. The United States;

In the cause of the Vestry of the Lambs Creek Protestant Episcopal Church, of King George County, Va., v. The United

In the cause of Rosa M. Wyatt v. The United States. The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

#### SUNDAY OPENING OF POST-OFFICES.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of the 9th instant, certain information relative to the authority requiring post-offices to be kept open on Sunday, together with the regulations of Sunday opening, the amount of business transacted, etc.; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 3357. An act granting an honorable discharge to James

B. Mulford; and

H. R. 8631. An act for the relief of James M. Darling.

The message also announced that the House insists upon its amendment to the bill (S. 5041) granting an increase of pension to George A. Tucker, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Loudenslager, Mr. Draper, and Mr. Richardson of Alabama managers at the conference on the part of the House.

The message further announced that the House insists upon its amendment to the bill (S. 6833) granting an increase of pension to Bettie May Vose, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Loudenslager, Mr. Draper, and Mr. Richardson of Alabama managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the

Senate:

H. R. 21197. An act to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, by extending the provisions of the first section thereof to the port of Brunswick, Ga.;

H. R. 24109. An act to authorize the Norfolk and Western Railway Company to construct sundry bridges across the Tug

Fork of the Big Sandy River; and

H. R. 24478. An act for the relief of citizens of the island of Jamaica.

The message further announced that the House had agreed to the concurrent resolution of the Senate providing for the printing of 3,000 copies of the testimony taken in the investigation pursuant to Senate resolution of June 25, 1906, directing the Interstate Commerce Commission to make a thorough investigation of the elevator and grain buying and forwarding business of the country.

The message also announced that the House had agreed to the amendment of the Senate numbered 222, to the bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending. June 30, 1908, and for other purposes, with an amendment, in which it requested the concurrence of the Senate; disagrees to the residue of the amendments of the bill; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Bingham, Mr. Littauer, and Mr. Livingston managers at the conference on the part of the House.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution: and they were thereupon signed by the Vice-President:

tion; and they were thereupon signed by the Vice-President: S. 6578. An act to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes." approved March 2, 1895, and to amend an act amendatory thereof approved June 20, 1906;

H. R. 522. An act granting an increase of pension to Frederick

Roschdiantzky:

H. R. 562. An act granting an increase of pension to John F. Mohn;

H. R. 600. An act granting an increase of pension to Oliver N. McLain;

H. R. 747. An act granting an increase of pension to Robert Smith;
H. R. 1026. An act granting an increase of pension to Thomas

M. Wilcox; H. R. 1060. An act granting an increase of pension to Margaret E. Lounsbury;

H. R. 1067. An act granting an increase of pension to Jacob Bender;

H. R. 1068. An act granting an increase of pension to William S. Quigley:

H. R. 1169. An act granting an increase of pension to Oliver P. Pierce:

Pierce;
H. R. 1249. An act granting a pension to William R. Fulk;

H. R. 1372. An act granting a pension to Josephine I. Richmond;

H. R. 1500. An act granting a pension to Emily J. Sherman; H. R. 1673. An act granting an increase of pension to Jennie E. Edson:

H. R. 1687. An act granting an increase of pension to James C. Daly:

H. R. 1706. An act granting an increase of pension to George H. Washburn;

H. R. 1709. An act granting an increase of pension to Brice P. Munns:

H. R. 1800. An act granting a pension to Eliza J. Ingle;

H. R. 1891. An act granting an increase of pension to Simeon York;

H. R. 1904. An act granting an increase of pension to Nelson R. Satterlee;

H. R. 1938. An act granting an increase of pension to Thomas B. Foutty;

H. R. 2290. An act granting an increase of pension to Peter Reedy;
 H. R. 2422. An act granting an increase of pension to Earl K.

Childs; H. R. 2761. An act granting an increase of pension to Michael

Mahoney; H. R. 2822. An act granting an increase of pension to Levi

Gates;
H. R. 2909. An act granting an increase of pension to Jacob T.

Wise; H. R. 3194. An act granting an increase of pension to Samuel

Harvey; H. R. 3195. An act granting an increase of pension to Milton S. Collins;

S. Comms, Comms,

H. R. 3234. An act granting an increase of pension to Rush Deskines;

H. R. 3297. An act granting an increase of pension to Thomas Lonergan;

H. R. 3355. An act granting an increase of pension to James L. Allen:

H. R. 3357. An act granting an honorable discharge to James B. Mulford;

H. R. 3494. An act granting an increase of pension to Albert A. Talham;

H. R. 3733. An act granting an increase of pension to Simeon D. Chelf:

H. R. 4386. An act granting an increase of pension to Zelinda
 E. Odenbaugh;
 H. R. 4648. An act granting an increase of pension to Sarah A.

Dedrick;
H. R. 4656. An act granting an increase of pension to Thomas

Snell;
H. R. 4663. An act granting an increase of pension to Horace

B. Tanner; H. R. 4705. An act granting a pension to Harriet E. Palmer;

H. R. 4834. An act granting an increase of pension to Silas V. White;

H. R. 6911. An act granting an increase of pension to William
 J. Turner;
 H. R. 7476. An act granting an increase of pension to George

C. Dean; H. R. 7488. An act granting an increase of pension to Jacob L.

Hatton; H. R. 8563. An act granting an increase of pension to William

H. Hays; H. R. 8631. An act for the relief of James M. Darling;

H. R. 8789. An act granting an increase of pension to Levi

Chapman; H. R. 10364. An act granting an increase of pension to John P.

Patterson;
H. R. 10531. An act granting an increase of pension to John P.
H. R. 10531. An act granting an increase of pension to William

G. Binkley; H. R. 10751. An act granting an increase of pension to George

W. Harris;

H. R. 10755. An act granting an increase of pension to Anna Flynn;

H. R. 10789. An act granting a pension to David Wilborn; H. R. 10804. An act granting an increase of pension to John II. Worley: · H. R. 10958. An act granting an increase of pension to Levi Dodson:

H. R. 12911. An act granting an increase of pension to Ambrose S. Delaware;

H. R. 13241. An act granting an increase of pension to Francis

Haner;
H. R. 13455. An act granting an increase of pension to Josiah

P. Higgins:

H. R. 13675. An act to ratify and confirm the acts of the legislative assembly of the Territory of Oklahoma, passed in the year 1905, relating to an insane asylum for the Territory of Oklahoma, and providing for the establishment and maintenance of an insane asylum for the Territory of Oklahoma at Fort Supply, in Woodward County, Oklahoma Territory, and making appropriations therefor;

H. R. 13887. An act granting an increase of pension to Joseph

T. Eagler

H. R. 14298. An act granting an increase of pension to John Remick:

H. R. 14543. An act granting an increase of pension to Charles

Barnell, alias Richard North;

H. R. 15004. An act granting an increase of pension to William
 J. McAtee;
 H. R. 15471. An act granting an increase of pension to Eli

Stover;

H. R. 15763. An act granting an increase of pension to Gainford N. Upton;

H. R. 16169. An act granting a pension to Neal O'Donnel

H. R. 18454. An act granting an increase of pension to Barlow

Davis; H. R. 18677. An act granting a pension to Martin Alphons Luther;

H. R. 18742. An act granting an increase of pension to Martin V. Barney:

H. R. 19035. An act granting an increase of pension to Elizabeth Moore Morgan:

beth Moore Morgan; H. R. 19296. An act granting an increase of pension to Assov

Harelson;
H. R. 19390. An act granting an increase of pension to William R. Sears;

H.R. 19462. An act granting an increase of pension to Emily Fox:

H. R. 19482. An act granting an increase of pension to Sarah E. Cannell:

H. R. 19523. An act to authorize Thomas J. Ewing and George B. Patton, of Catlettsburg, Ky.; Otto Burger, of Cincinnati, Ohio; Herbert Haynard, of Kenova, W. Va., and Charles Miller, of Huntington, W. Va., to construct a bridge across the Tug Fork of the Big Sandy River;

H. R. 19528. An act granting an increase of pension to Eliza-

beth Maddox;

H. R. 19725. An act granting an increase of pension to Howard Sennett:

H. R. 19754. An act to provide for the distribution of public documents to the library of the Philippine government at Manila, P. I.:

H. R. 19970. An act granting an increase of pension to Eugene Demers;

H. R. 20069. An act for the opening of Macomb street NW., District of Columbia;

H. R. 20559. An act granting an increase of pension to John

H.R. 20617. An act granting an increase of pension to Isaac N. S. Will;

H. R. 20623. An act granting an increase of pension to James B. O. Horbach:

H. R. 20714. An act granting an increase of pension to Robert

H. R. 20891. An act granting an increase of pension to Hugh Blair:

H. R. 20968. An act granting an increase of pension to Waitman T. Mathers;

H. R. 21578. An act granting an increase of pension to Andrew J. Gaskey;

H. R. 24478. An act for the relief of citizens of the island of Jamaica; and

S. R. SO. Joint resolution authorizing the Secretary of War to furnish two 3-inch wrought-iron muzzle-loading cannon, with their carriages, limbers, and accessories, to the State of South

RELIEF FOR CITIZENS OF JAMAICA.

Mr. ALLISON. I ask that the bill just received from the House for relief of the citizens of Jamaica be now considered by the Senate.

The VICE-PRESIDENT. The Chair lays the bill before the Senate.

The bill (H. R. 24478) for the relief of citizens of the island of Jamaica was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the President of the United States is authorized to use and distribute among the suffering and destitute people of the island of Jamaica such provisions, clothing, medicines, and other necessary articles belonging to the subsistence and other stores of the naval establishment as may be necessary for the purpose of succoring the people who are in peril and threatened with starvation on said island in consequence of the recent earthquake and attending conflagration.

By unanimous consent, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented the petition of James L. Malley, of Illinois, and the petition of Holman G. Purinton, of Illinois, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine volunteers; which were referred to the Committee on Claims.

which were referred to the Committee on Claims.

He also presented the memorial of Felix Raymond, of Effingham, Ill., remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyrights; which

was referred to the Committee on Patents.

Mr. PLATT presented petitions of the Woman's Christian Temperance Unions of Lockport, Otisville, Yonkers, and Clifton Springs, and of sundry citizens of Andover, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the publishers of sundry newspapers of Columbia County, N. Y., praying for the enactment of legislation granting the right to newspapers and railroads to contract for the exchange of their respective commodities; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Joseph Bailey, Lodge No. 186, Brotherhood of Railroad Trainmen, of Hornell, N. Y., praying for the passage of the so-called "anti-injunction bill;" which

was referred to the Committee on the Judiciary.

Mr. DEPEW presented a petition of the Woman's Christian Temperance Union of New Haven, N. Y., and a petition of the Woman's Christian Temperance Union of Schenectady, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of sundry citizens of Saco and Biddeford, Me., praying for the passage of the so-called "Crumpacker bill," providing for a judicial review of orders excluding persons from the use of United States mail facilities; which was referred to the Committee on the Judiciary.

Mr. KNOX presented a petition of Typographical Union No. 86, American Federation of Labor, of Reading, Pa., praying that an appropriation be made for a scientific investigation into the industrial condition of women and children in the United States; which was referred to the Committee on Education and Labor.

He also presented a petition of the Board of Trade of Tarentum, Pa., praying for the enactment of legislation providing for a reclassification and increase in the salaries of postal clerks in all first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Tribune-Press Publishing Company, of Greensburg, Pa., and a petition of the publisher of the Chronicle, of Coraopolis, Pa., praying for the enactment of legislation providing for a modification of the Interstate Commerce Commission's ruling denying newspapers the right to exchange advertising for railroad transportation; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Philadelphia Association of Union ex-Prisoners of War, of Philadelphia, Pa., and a petition of the Beaver County Association of Union ex-Prisoners of War, of Beaver Falls, Pa., praying for the enactment of legislation providing pensions to all soldiers and sailors who were confined in so-called "Confederate prisons;" which were referred to the Committee on Pensions.

He also presented petitions of I. H. O'Harra, of Philadelphia; of Robert F. Gordon, of Philadelphia, in the State of Pennsylvania, and of the Foreign Missions Boards of the United States and the Dominion of Canada, praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented a petition of the general assembly of the Presbyterian Church of Pittsburg, Pa., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on

I present a memorial of the Eastern Cherokee Mr. LONG. Indians, relative to their claim against the United States under what is known as the "Slade and Bender accounting and settle-I move that the memorial and accompanying papers be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. NIXON presented a petition of the Board of Trade of Tonopah, Nev., praying for the enactment of legislation providing for the reclassification and increase of salaries of postal clerks in all first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Luis, Cal., praying for the enactment of legisla-tion providing for the selection of the so-called "Henry ranch," in Obispo County, in that State, as a brigade post and maneuvering ground: which was referred to the Committee on Military

He also presented memorials of sundry citizens of San Diego, Mountain View, Los Angeles, and Glendale, all in the State of California, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee

on the District of Columbia. Mr. BLACKBURN presented a paper to accompany the bill (S. 5313) for the relief of A. Portwood; which was referred to

the Committee on Claims.

He also presented a paper to accompany the bill (S. 5314) for the relief of Van Foreman; which was referred to the Committee on Claims.

He also presented a paper to accompany the bill (S. 5315) for the relief of J. W. Allen, administrator de bonis mon of B. N. C. Allen, deceased; which was referred to the Committee on Claims.

Mr. HEMENWAY presented a petition of the Central Labor Union of Lafayette, Ind., praying that an appropriation be made for a scientific investigation into the industrial conditions of women and children in the United States; which was referred to the Committee on Education and Labor.

He also presented a petition of the Central Labor Union of Lafayette, Ind., praying for the enactment of legislation to extend the provisions of the Chinese-exclusion law so as to include Japanese and Koreans; which was referred to the Committee on Immigration.

He also presented a petition of the Mary F. Thomas Woman's Christian Temperance Union, of Richmond, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. TELLER presented a paper to accompany an amendment submitted by himself on the 16th instant, proposing to appropriate \$600,000 for the balance and final payment due the loyal Creek Indians on the award made February 16, 1903, etc., intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES. Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 24047) to authorize Chapter No. 376 of the Daughters of the American Revolution to erect a fountain on the property of the United States at Paducah, Ky., asked to be discharged from its further consideration, and that it be referred to the Committee on the Library; which was agreed to.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (H. R. 23219) to authorize Majestic Collieries Company, of Eckman, W. Va., to construct a bridge across Tug Fork of Big Sandy River about  $2\frac{1}{2}$  miles west of Devon, W. Va., a station on the Norfolk and Western Railway, reported it without amendment.

BURKETT, from the Committee on the District of Columbia, to whom was referred the bill (8, 5610) relative to the conveyance of certain land in the District of Columbia, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5063) granting an increase of pension to William G. Miller;

A bill (H. R. 5172) granting an increase of pension to Milton

A bill (H. R. 5200) granting an increase of pension to John F. McBride;

A bill (H. R. 5209) granting an increase of pension to Edward R. Dunbar :

A bill (H. R. 5648) granting an increase of pension to William Hand:

A bill (H. R. 5803) granting an increase of pension to Edwin L. Roberts

A bill (H. R. 6145) granting an increase of pension to Par-

ris J. Latham;
A bill (H. R. 6189) granting an increase of pension to Arthur Tibbitts:

A bill (H. R. 6705) granting an increase of pension to William H. Zachery

A bill (H. R. 7211) granting a pension to James C. South-

A bill (H. R. 6920) granting an increase of pension to Simon Millison;

A bill (H. R. 7247) granting an increase of pension to Lorenzo Sink A bill (H. R. 8915) granting an increase of pension to Susan

A bill (H. R. 7411) granting an increase of pension to Tobias A bill (H. R. 7417) granting an increase of pension to Gibson

Helms: A bill (H. R. 7544) granting an increase of pension to Gus-

tavus F. E. Raschig;
A bill (H. R. 7834) granting an increase of pension to Joseph

A bill (H. R. 8136) granting an increase of pension to Joseph

A. Scroggs;
A bill (H. R. 8159) granting an increase of pension to Charles Leathers

A bill (H. R. 8312) granting an increase of pension to Abram Sours

A bill (H. R. 8335) granting an increase of pension to John T. Harvey

A bill (H. R. 8338) granting an increase of pension to Isaac S. Doan

A bill (H. R. 8373) granting an increase of pension to Patrick Weir:

A bill (H. R. 8668) granting an increase of pension to Stephen H. Rogers

A bill (H. R. 8683) granting an increase of pension to William D. Voris; and

A bill (H. R. 8732) granting a pension to Ellen S. Gifford. Mr. TALIAFERRO, from the Committee on Pensions, to

whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11564) granting an increase of pension to James Morrow:

A bill (H. R. 11636) granting an increase of pension to Lawrence Hagan

A bill (H. R. 11701) granting an increase of pension to Marvin

A bill (H. R. 12106) granting an increase of pension to George

A bill (H. R. 12152) granting an increase of pension to Leonidas E. Mills; A bill (H. R. 12370) granting an increase of pension to Mary

E. Randolph; A bill (H. R. 12554) granting an increase of pension to Wil-

liam Larraby A bill (H. R. 12557) granting an increase of pension to John

C. Berry A bill (H. R. 12574) granting an increase of pension to Jacob

R. Burkhardt: A bill (H. R. 12676) granting an increase of pension to Fran-

cis M. Morrison; A bill (H. R. 13053) granting an increase of pension to Eli

Bunting A bill (H. R. 13054) granting an increase of pension to James

M. Brown A bill (H. R. 13813) granting an increase of pension to Samuel

Brown; A bill (H. R. 13815) granting an increase of pension to Christian M. Good;

A bill (H. R. 14238) granting an increase of pension to William H. Van Tassell;

A bill (H. R. 14263) granting a pension to Fidelia Sellers; A bill (H. R. 14673) granting an increase of pension to David

A bill (H. R. 7912) granting an increase of pension to James M. Lawder.

Mr. PETTUS, from the Joint Select Committee on Disposition

of Useless Papers in the Executive Departments, submitted a report, which was ordered to lie on the table.

Mr. McCUMBER (for Mr. PILES), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports

A bill (H. R. 8925) granting an increase of pension to Chester

A bill (H. R. 8958) granting an increase of pension to David Bowen

A bill (H. R. 9090) granting an increase of pension to Amasa B. Saxton

A bill (H. R. 9100) granting a pension to Nancy C. Paine;

A bill (H. R. 9113) granting a pension to Elizabeth Cleaver; A bill (H. R. 9218) granting an increase of pension to William T. Blanchard :

A bill (H. R. 9250) granting an increase of pension to Obediah B. Nations

A bill (H. R. 9402) granting an increase of pension to Adam S. Van Vorst

A bill (H. R. 11169) granting an increase of pension to Robert

A bill (H. R. 11232) granting an increase of pension to Aaron L. Packer

A bill (H. R. 11322) granting an increase of pension to Luther H. Starkey

A bill (H. R. 11562) granting an increase of pension to Adam

A bill (H. R. 10240) granting an increase of pension to John

H. Curnutt : A bill (H. R. 10400) granting an increase of pension to

Thomas Harrison; A bill (H. R. 9403) granting an increase of pension to Kate E. Hanna

A bill (H. R. 9816) granting an increase of pension to Charles

A. Spanogle, alias Andrew C. Spanogle; A bill (H. R. 10032) granting an increase of pension to Octavo

A bill (H. R. 10403) granting an increase of pension to James

H. Odell; A bill (H. R. 10760) granting a pension to Libbie A. Merrill;

A bill (H. R. 10773) granting an increase of pension to George C. Rathbun;

A bill (H. R. 19907) granting an increase of pension to James

A bill (H. R. 18410) granting an increase of pension to An-

drew J. Cushing; and A bill (H. R. 20955) granting an increase of pension to Ed-

ward L. Carpenter.
Mr. WHYTE, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 23556) prohibiting the purchase or procurement, sale, gift, or disposition of intoxicating liquors to minors by unlicensed persons, reported it with amendment, and submited a report thereon.

He also, from the same committee, to whom was referred the bill (S. 7423) prohibiting the purchase or procurement, sale, gift, or disposition of intoxicating liquors to minors by unlicensed persons, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

## BILLS INTRODUCED.

Mr. DU PONT introduced a bill (S. 7923) granting an increase of pension to William H. Brady; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KNOX introduced a bill (S. 7924) granting an increase of pension to Lissie D. Allen; which was read twice by its title,

and referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 7925) for the relief of the estate of Daniel Y. Grayson, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CULLOM introduced the following bills; which were sev-

erally read twice by their titles, and referred to the Committee

on Pensions:

A bill (S. 7926) granting an increase of pension to John

Ampey; and
A bill (S. 7927) granting a pension to Mary A. Kendall.
Mr. FRYE introduced a bill (S. 7928) for the relief of Watson,
Frye & Co.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. DILLINGHAM introduced a bill (S. 7929) to provide a temporary home for ex-Union soldiers and sailors in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. McCUMBER introduced a bill (S. 7930) granting an increase of pension to Joseph Hare; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7931) to provide an American register for the bark Baunen; which was read twice by its title,

and referred to the Committee on Commerce. Mr. PLATT introduced the following bills; which were sev-

erally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7932) granting a pension to Charles E. Norcross; A bill (S. 7933) granting a pension to Fayette J. Sheldon; and A bill (S. 7934) granting a pension to Delia Rood.

Mr. GALLINGER introduced a bill (S. 7935) to regulate the inspection and sale of flour within the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 7936) granting an increase of pension to Liberty W. Foskett; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 7937) granting an increase of pension to George H. Sowle; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. ALLEE introduced a bill (S. 7938) granting an increase of pension to John W. Messick; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7939) granting a pension to Jane Gamble; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 7940) to carry out the findings of the Court of Claims in the case of E. M. Allison, administrator of Francis Allison, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 7941) granting an increase of pension to William Nichols; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 7942) for the relief of T. M. Davidson, administrator of Margaret Davidson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. HEMENWAY introduced a bill (S. 7943) to remove the charge of desertion from the military record of John C. Part-low; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. KEAN introduced a bill (S. 7944) to aid in the erection of the memorial monument to Pocahontas, at Jamestown, Va.; which was read twice by its title, and referred to the Committee on the Library.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. LONG (for Mr. CLAPP) submitted an amendment proposing to appropriate \$1,200 for lowering and grading Brent-wood road, between South Dakota avenue and Central avenue NE., intended to be proposed by Mr. Clarr to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also (for Mr. Clapp) submitted an amendment conferring jurisdiction upon the Court of Claims to hear and report findings of fact to Congress in all cases where a claim is made upon the United States based upon a treaty between the United States and an Indian tribe, etc., intended to be proposed by Mr. CLAPP to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. LONG submitted an amendment relative to the removal of restrictions upon the alienation, leasing, or encumbering of lands, except homesteads, of Indian allottees of the Five Civilized Tribes of Indians, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Africa and ordered to be projected. mittee on Indian Affairs, and ordered to be printed.

He also submitted an amendment granting to the executive committee of the Eastern Cherokees the right to intervene on behalf of the Eastern Cherokees in the Court of Claims in the consolidated cases of the Cherokee Nation, the Eastern Cherokees, and the Eastern and Emigrant Cherokees against The United States, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. CLARK of Wyoming submitted an amendment relative to an appraisement of the segregated coal and asphalt lands of the Choctaw and Chickasaw nations, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

#### MARY G. BRIGHT-WITHDRAWAL OF PAPERS.

On motion of Mr. FRYE, it was

Ordered, That the papers accompanying Senate bill No. 21, Fifty-ninth Congress, first session, granting a pension to Mary G. Bright, may be withdrawn from the files of the Senate, there having been no adverse report on said bill.

ADDITIONAL COPIES OF SERVICE-PENSION BILL.

Mr. McCUMBER. I ask for an order to print, for the use of the Senate, 5,000 additional copies of Senate bill 976, the pension bill recently passed. There is great demand for it and the supply is exhausted.

There being no objection, the order was agreed to, as follows: Ordered, That 5,000 additional copies of S. 976, granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico, be printed for the use of the Senate.

HEARINGS BEFORE COMMITTEE ON INTERSTATE COMMERCE.

Mr. KEAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Interstate Commerce be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the hearings and bills printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

ORDINANCE OF PORTO RICO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Commit-tee on Pacific Islands and Porto Bico, and ordered to be printed: To the Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico and approved by the President of the United States.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 18, 1907.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles,

and referred to the Committee on Commerce:
H. R. 21197. An act to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, by extending the provisions of the first section thereof to the port of Brunswick, Ga.; and

H. R. 24109. An act to authorize the Norfolk and Western Railway Company to construct sundry bridges across the Tug Fork of the Big Sandy River.

CONSIDERATION OF DISTRICT OF COLUMBIA BILLS.

Mr. GALLINGER. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the Senator from Maryland [Mr. Whyte] one-half hour be given for the consideration of unobjected bills on the Calendar reported by the Committee on the District of Columbia.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that at the conclusion of the remarks of the Senator from Maryland one-half hour be devoted to the consideration of unobjected bills reported from the Committee on the District of Columbia. Is there objection? The Chair hears none. It is so ordered.

## ADJOURNMENT TO MONDAY.

Mr. LODGE. I find that the Senator from Utah [Mr. SUTH-ERLAND] does not care to go on until Tuesday, for which day he has given notice. I therefore renew my motion that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

#### CHILD LABOR IN THE DISTRICT OF COLUMBIA.

Mr. BEVERIDGE. Mr. President, I gave notice that on Monday I would submit some remarks on an amendment intended to be proposed by me to the bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia. As the Brownsville incident will take up all of that day, I wish to change the notice to Wednesday, January 23.

DISMISSAL OF THREE COMPANIES OF THE TWENTY-FIFTH INFANTRY.

Mr. KEAN. Is the morning business closed? The VICE-PRESIDENT. Are there further concurrent or other resolutions? If not, the morning business is closed.

Mr. KEAN. May I ask the Chair what has become of the resolution of the Senator from Ohio [Mr. FORAKER]?

The VICE-PRESIDENT. The resolution is upon the table. Mr. KEAN. Then I ask that it may go over until Monday, to be taken up immediately after the routine morning business on Monday

The VICE-PRESIDENT. Without objection, it is so ordered.

EXTENSION OF FEDERAL POWERS.

Mr. WHYTE. Mr. President, I ask that Senate resolution No. 200 be taken from the table and read by the Secretary.

The VICE-PRESIDENT. At the request of the Senator from Maryland, the Chair lays before the Senate the following resolution, which will be read.

The Secretary read the resolution submitted by Mr. Whyte December 17, 1906, as follows:

December 17, 1906, as follows:

Resolved, That the people of the several States, acting in their highest sovereign capacity as free and independent States, adopted the Federal Constitution and established a form of government in the nature of a confederated republic, and for the purpose of carrying into effect the objects for which it was formed delegated to that Government certain rights enumerated in said Constitution, but reserved to the States, respectively, or to the people thereof, all the residuary powers not delegated to the United States by the Constitution nor prohibited by it to the States.

Resolved further. That the extension of the Federal powers beyond these enumerated in the Constitution can only be rightfully accomplished in the manner provided by that instrument and not by a strained construction of the Constitution which shall obliterate all State rights and vest the coveted, but not granted, power where it will be exercised by the General Government.

Mr. WHYTE. Mr. President, as the Senator from North Carolina [Mr. Overman] said the other day, there are times in our political as well as individual life when we should take our bearings, and I may add, see what is the chart lying before us, and from whom we are to take our sailing orders.

The resolution under consideration states the form of our dual system of government, and the limitations of the powers delegated to the United States and those reserved by the States. It is impossible to discuss them without reference to the past history of the country and that, I trust, I shall do with laudable brevity.

The thirteen British colonies were separate and distinct communities; they had no political relation to each other.

They each had a government of its own. Three of the colonies as far back as 1643, united in a Federal Republic. Its existence was short-lived and its action was purely tentative. For a considerable period the efforts of the colonies were manifested in various devices to bring them together for purposes of safety and for the regulation of commerce. The first Continental Congress met to secure the rights of the colonies. The relations, however, of that Congress with the colonies did not constitute a government. They had not at that time renounced their al-legiance to the mother country and declared their independence.

In 1776 the people of the respective thirteen colonies declared. in instructions to their Congressional Delegates, that they were 'States independent and united." They were, by tradition and education, hostile to the establishment of an overruling central force, and they abhorred the idea of parting with the vital principle of freedom and self-direction in all their domestic concerns. In every way and form they sturdily resisted the encroachments of the Crown.

On the 10th June, 1776, a committee of Congress, consisting of five Members, was appointed to prepare a declaration "that these United Colonies are and of right ought to be free and independent States." Such declaration was made on the 4th July, 1776, and received the vote of every Colony.

The purpose of the then revolutionary government was to rescue the several communities or States from the Government

of the British Crown.

The form of that Government was not changed by the Declaration of Independence, but from that time forth it made the Colonies, "free and independent States."

Prior to the Declaration of Independence the dominant idea of the people of the Colonies was for home government for each Colony, no matter what might be the General Government of the Colonies.

The revolutionary heroes waged war against Great Britain in behalf of their own people because the Government of that Kingdom was "one, outside of themselves." Indeed the war of the Revolution was largely based on an assault upon the right of Home Rule and had its start in the resistance to the enforcement of an act of the British Parliament by the people of Massachusetts, and thus the Colonies were aroused to the protection of their domestic Governments against the encroachments of imperial power. As distinct communities, nevertheless, they could not, then, form a practical union; but by reason of the successful revolution they were enabled to exercise the right of confederation.
On the 1st of March, 1781, the Articles of Confederation were

subscribed and their ratification by all the States was announced to the whole country. The central authority was now in the Confederacy in the place of the Crown, and the same limited power only was granted to it.

In the treaty of peace of September 3, 1783, the States were distinctly recognized by name, as appears from Article 1. His

Britannic Majesty acknowledges the said United States, viz, New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent States, and he treats with them as such.

As late as 1803, in the treaty with France for the cession of Louisiana, the third article provided "that the inhabitants of the ceded territory shall be incorporated in the *Union* of the United States and admitted as soon as possible, according to the principles of the *Federal* Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States."

Into the Union of the United States, not "into the United States" under the Federal Constitution, but into the Union of the States, with the rights, etc., of citizens of the United States. And there is a like clause in the Treaty with Spain in 1819 in the resign of the Elevides.

the cession of the Floridas.

"The alliance of the States," as Washington then expressed it, is now complete. This alliance was a "Confederate Republic," as declared by Randolph, Ellsworth, and Varnum, a committee of Congress appointed to prepare an exposition of the confederation, to devise a plan for its complete execution, and to present supplemental articles.

Conceiving the defects in the Articles of Confederation, upon the disbanding of the army, Washington addressed a circular to the governor of every State, in which he used the following language: "It is indispensable to the happiness of the individual States that there should be lodged somewhere a supreme power to regulate and govern the general affairs of the confederated republic, without which the Union can not be of long duration, and everything must very rapidly tend to anarchy and confusion."

The Federation of the United States had no prototype which had equaled it. It had no parallel in history which can compare with it, even it it was not adequate to the then condition of the States.

It was a matter of no disputation at that early date that the chief defect of the Confederation under its articles was, that it acted upon political bodies, while the present Constitution operates upon natural persons. The Congress of the Confederation represented the States, not the people of the States, so that their enactments were merely requests for enforcement by the States. Under the present Constitution the people are represented in the House.

The Articles of Confederation had provided that-

Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States in Congress assembled.

The changes subsequently made in the Constitution were not changes in the foundation of the Union, but in the superstructure of the system of government. They are now, as they have been from the beginning, united confederated States, and the union entered into by them is in the nature of a confederated republic. The parties to the Articles of Confederated free, sovereign, and independent political communitiesernment over its own citizens which any political society can possess," "By this instrument these society is the control of th possessing within itself all the powers of legislation and gov-"By this instrument these several States became united for certain purposes." It style was "Articles of Confederation and Perpetual Union between the States," and its name was "The United States of America." As I said before, article 2 provided that each State retains its sovereignty, free dom, and independence, and every power, jurisdiction, and right which is not by this Confederacy expressly delegated to the United States in Congress assembled." In the title of the articles the names of the States were distinctly set forth. In the concrete, it was a league for mutual defense. As early as December, 1779, Virginia, alarmed at some unwise legislation of Congress, resolved, in its legislature, that these enactments would establish a "dangerous precedent against the authority of the legislature and the sovereignty of the separate States.

The time had arrived for the establishment of a vigorous Federal Government for thirteen distinct communities; "a Government that should not destroy the political sovereignty of the States and should yet introduce a new sovereignty formed by means of powers whose surrender by the States, instead of weakening their present strength, would rather develop and increase it."

In 1787 Congress resolved that a convention be held for "the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall, when agreed to by Congress and confirmed by the States, render the Federal Government adequate to the exigencies of government and the pres-

ervation of the Union." It was never contemplated to change the confederate system.

With this view, the convention to revise and amend the Articles of Confederation and to establish a firmer General Government, met in Philadelphia on the 14th of May, 1787. That convention has been styled as "the wisest in the world." Its letter of attorney, from the constituent elements which the delegates represented, was clear and concise in its character.

"The government of every State was to be preserved, and so far as its original powers were to be transferred to the General Government its authority over its own citizens and within its own territory must, from the nature of political sovereignty, be supreme." Two supreme powers in the same country, operating upon the same individuals and both possessing the general attributes of sovereignty, but each operating upon different objects.

In the language of Mr. Mason in the convention, "the State Legislatures ought to have some means of defending themselves against the encroachment of the National Government. And what better means can we provide than to make them a constituent part of the National Government." In this way the States, as States, have their place in the new Constitution.

The greater reason now for the existence of the States is found in our vast expanse of country. Every attempt to change the federative character of the Republic met the most strenuous resistance. To a remark of Randolph, that the States ought to be one nation, Paterson of New Jersey replied:

The idea of a National Government, as contradistinguished from a Federal one, never entered into the mind of any of the States. If the States are, as States, still to continue in union they must be considered as equals. Thirteen sovereign and independent States can never constitute one nation and at the same time be States.

"If we are to be formed into a nation, the States, as States, must be abolished," as Ellsworth said.

Without the existence and cooperation of the States, a republican Government can not be supported over so great an extent of country. We know that the people of the States are strongly attached to their own constitutions. If you hold up a system of general government, destructive of their constitutional rights, they will oppose it. The only chance we have to support a general government is to graft it on the State governments.

State governments.

The word "national" was excluded from the Constitution because it might seem to present the idea of the union of the people without bringing into view that the one Republic was formed out of many States. "E Pluribus Unum" is a motto which speaks for itself. Toward foreign powers we may be classed as a nation. being one of the "family of nations," in regard to all matters of international law, treaty making, and the like. The Constitution spoke for the States, and on the question of agreeing to the engrossed Constitution, all the States answered "aye," and Alexander Hamilton, in a bold, plain hand, successively inserted on the great sheet of parchment, the name of each State, as the delegations one after another, came forward, in geographical order and signed the Constitution.

The seventh article provided that the ratifications of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same. Done in convention by the unanimous consent of the States present, etc.

Again, the very fact that the framers of the Constitution by the adoption of the principle of an equal State representation in the Senate furnished conclusive evidence of their recognition of the nature of the Government as of a Confederate Republic. Nothing is plainer as to the determination of the States to retain the power of distinct, equal, separate sovereignties in all matters not surrendered to the General Government than in their insistence, in reference to the treaty-making power, that the consent of two-thirds of the Senators present should be necessary to the ratification of a treaty. A bare majority was not to make a treaty the supreme law of the land. In the preamble to the Constitution it begins, "We, the people of the United States," and has been used as an argument in favor of a National Government that the mission of the separate States by name, as in the articles of confederation, denoted a change in the constituent elements of the two instruments; but it would not have done to have named the States in the Constitution, as it was not known by the convention what States would constitute the nine necessary to make the Constitution effective by subsequent ratification.

Mr. Madison, in answer to Patrick Henry, in explanation of those words said, that the people referred to was not the people, as composing one great society, but the people composing thirteen sovereignties. A majority of the people could not establish it; but it was to be binding only on the people of a State by their own separate consent. The Government of the Union is a government of these people in their several States; it emanates from them; its powers are granted by them and

are to be exercised for their benefit. And so, the people are recognized by representation in the House, and the States by the

Bancroft, in his History of the Constitution of the United States, declared it to be "a complete outline of a Federal Republic." The Government of the United States. public." The Government of the United States is the representative of the people of the States, with its powers specially enumerated in the Constitution, and delegated to that Government. But beyond this the States, severally, have their own separate governments, which are the organs, as to all other powers of government not otherwise delegated, and these, without enumeration, are the reserved or residuary powers inherent in the States or in the people thereof. It is not essential to catalogue them in this presence. They are as simple as the The question seems to have been taken out of the realm of disputation by the amendments to the Constitution proposed by Congress, and ratified by the legislatures of the several States, in pursuance of the fifth article of the original Constitution, which amendments are contained in twelve articles, and the tenth declared in no ambiguous terms that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people-that is, the same people who adopted the Constitution, namely the people of the States.

In my judgment the Government is one in the nature of a confederated republic, established by the States, by the people of the States, and not by the aggregated people of the United

States.

It differs from the confederacy only in providing a stronger federal power, in that it established a government in place of a congress, which had no power to enforce its acts; in abandoning a reliance upon the constituent States to furnish voluntarily the means to execute the resolves of the Congress, and instead substituting powers to operate upon individuals in the several States by machinery essential to the life of a republic.

It has been asserted, whether true or false I know not, that

Gladstone, speaking of our Constitution, remarked:

As the British constitution is the most subtle organism which proceeded from progressive history, so the American Constitution is the most wonderful work ever struck off at a given time by the brain and purpose of man.

Nor was it a far-fetched compliment. In the language of another may I say:

For the first time in history an elaborate written constitution was applied to a federation. The details were so skilfully arranged that the instrument framed for thirteen little agricultural communities works well in forty-five large, populous States.

In the language of Mr. Jefferson, it is our duty to—

support the State governments in all their rights, as the most competent administration of our domestic concerns and the surest bulwarks against antirepublican tendencies: the preservation of the General Government in its whole constitutional vigor, as the sheet anchor of our peace at home and safety abroad.

From these sources of information in my early manhood I concluded that the structure of our Federal Government was in the nature of a confederated republic, and with all the light of subsequent discussion I have not wandered from that conviction one hair's breadth. Complex in its form, I admit, but its complexity is not so inscrutable that the mind of ordinary intelligence can not grasp what relates to the General Government and what belongs to the respective constituent States or the

people.

A great and honored lawyer, holding high place in the affairs of this country, in a recent address upon the thesis of "What is to be the future of the States of the Union under our dual system of constitutional government" has given utterance to sentiments so plainly at war with the provisions of the Constitution in regard to the powers of the General Government and the reserved rights of the States that I felt it my duty, representing in part on this floor one of the original thirteen States forming the Union, to call the attention of the Senate and the counto the dangerous tendency of such views, coming from so exalted a source. In reading that address one would suppose that the centralizing and aristocratic scheme of Alexander Hamilton had been adopted by the "great convention," instead Hamilton had been adopted by the "great convention," instead of the Constitution of the United States, with its democratic form of a republic. His speech revives the painful recollection of a discredited and rejected plan of government of a statesman whose ideas were of monarchial tendencies. The beautiful description of our beloved country, the advance in science and art, invention and trade, rapid transit and telephone communication, was worthy of the erudite word painter and the ripe scholar, but in the political changes of sentiment, which he

depicted as existing now, he drew largely on poetic license.

It is error to suppose that in the States the devotion to home rule or the opposition to Federal usurpation has abated one jot or tittle from its intensity as in the days of our fathers. I chal-

lenge the proof that "we are urging forward in a development of business and social life, which tends more and more to the obliteration of State lines and the decrease of State power." wish, I fear, is father to the thought. No doubt, there are disciples of the school of Hamilton, who would invade the region of the reserved rights of the States in controlling insurance, divorces, child labor, and the like, which belong exclusively to the cognizance of the several States. But let us consider this statement:

It may be that such control could better be exercised in particular instances by the governments of the States, but the people will have the control they need either from the States or from the National Government, and if the States fall to furnish it in due measure, sooner or later, constructions of the Constitution will be found to vest the power where it will be exercised—in the National Government.

No suggested change here in the constitutional fabric of our governmental organization by the process of amendments or a constitutional convention, such as framed the present Constitution, but by a construction of the Constitution in its original form the power coveted will be vested "in the National Government." Read in the light of another address delivered in October last, by one higher in authority than the distinguished orator just referred to, and for whom in his official character I entertain a high regard and from whose well-earned wreath of laurel I would not pluck a leaf, it is not difficult to see where the apt construction, if at all, is to be found:

In some cases this governmental action must be exercised by the several States individually. In yet others it has become increasingly evident that no efficient State action is possible, and that we need through Executive action, through legislation, and through judicial interpretation and construction of law to increase the power of the Federal Government.

Speaking of the lamented Lincoln he said:

He developed even before Marshall the doctrine (absolutely essential, not merely to the efficiency, but to the existence of this nation) that an inherent power rested in the nation, outside of the enumerated powers conferred upon it by the Constitution, in all cases where the object involved was beyond the power of the several States.

I can not yield allegiance to the soundness of any such doctrine. Even Daniel Webster, in his reply to Hayne of South Carolina, in the famous debate between those parliamentary gladiators, admitted that the General Government possesses those powers only which it can be shown were conferred by the terms of the Constitution and no more. All the rest belong to the State governments of the people themselves. The Federal Government exercises strictly delegated powers and can have no right to intrench on the reserved powers of the States. Its powers, being limited, are to be strictly construed. Again, from the same address:

the same address:

It is the narrow construction of the powers of the National Government which in our democracy has proved the chief means of limiting the natural power to cut out abuses. \* \* Many legislative actions and many judicial decisions, which I am confident time will show to have been erroneous and a damage to the country would have been avoided if our legislators and jurists had approched the matter of enacting and construing the laws of the land in the spirit of your great Pennsylvanian, Justice Wilson—in the spirit of Marshall and Washington. Such decisions put us at a great disadvantage in the battle for industrial order as against, at present, industrial chaos.

The legislative or judicial actions and decisions of which I complain, be it remembered, do not really leave to the States power to dear with corporate wealth in business.

Can the "construction" which is to allow the Federal Government to invade the province of the State be looked for in the judiciary, where few men can be found to bend the knee that thrift may follow fawning? Does it fall within the compass of belief that it can be found in that noble band of judges who are inspired by the dignity of their high office, and whose power in the judicial department is described by John Hay Brown, justice of the supreme court of Pennsylvania, in these ringing words:

How transcendent is its authority to mark the limits of executive and legislative power; to administer the laws and give commands, not only to individuals, but to President and Congress; to sit in judgment on the proceedings and privileges of the sovereign States, and to give final form and effect to the great charter of the Union, on which the rights, the peace, the harmony, the prosperity, safety, and honor of the whole country depend.

Oh, no; it must not and can not be! So, to quote that fearless justice once again:

When, under delegated powers committed to the General Government, Congress attempts to do, even with the approval of the President, what the people will not permit it to do, but one power on earth can save the country from the consequence of legislative wandering beyond constitutional limits—the Federal judiciary.

No proposition is more hostile to the wishes of the great masses of the people than that of extension of the powers of the General Government and for consolidation or accumulation in the Federal Government of the powers properly belonging to the States. No suggestion, in my judgment, could be more odious, as it was in the past, nor is it now less hateful in the present condition of the country. It has not even the charm of novelty. During the contests between the Federalists and the Republicans, in 1800, the leaders of the then schools of political thought were Marshall and Hamilton on the one side and on the other the State's rights men, Jefferson and Madison, and the key to the triumph of either was then mooted to be in the Supreme Court.

One idea was to have adopted an amendment to the Constitution changing the tenure of the judges for life to four or six years; the other was to accomplish, by the appointment of enough judges to outvote Marshall and his Federalist companions, or by the alteration of the judiciary acts to impair seriously the activity of the Supreme Court. Such were the frantic cries of the frenzied partisans of that heated period; but to the honor of the Republicans of that day, Jefferson would have none of it, but trampled under foot such revolutionary suggestions.

I feel confident that the wise distribution of powers between the General and State Governments are amply sufficient to protect us from the supposed dangerous tendencies of the times, if the sovereign people of the States, upon whom both governments rest for safety, will take warning in time and resist with reason the errors of such political thought.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

Mr. GALLINGER rose.
Mr. CULBERSON. Will the Senator from New Hampshire yield to me for a few minutes?
Mr. GALLINGER. With great pleasure.

Mr. CULBERSON. I desire to ask leave to have printed in the Record certain papers which I will mention presently. They relate to the resolution which is pending, introduced by the Senator from Ohio [Mr. FORAKER], but I do not intend at this time to discuss that resolution further. Nor is it my purpose to discuss now the amendment to that resolution proposed yesterday by the Senator from Kentucky [Mr. Black-BURN], not only proposed, but written entirely by that distinguished Senator.

Mr. BEVERIDGE. Mr. President—
The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Indiana?

Mr. CULBERSON. Certainly. Mr. BEVERIDGE. It is merely with reference to the Senator's request that certain documents be printed in the Record.

Personally I have no objection, but I call the attention of the Senator to the fact that that is not in accordance with the customary procedure of the Senate. I suggest to the Senator that he suspend the request in any event until the Senator from Ohio is present. I am not personally concerned about it, but I have heard several Senators object heretofore when similar requests have been made.

Mr. CULBERSON. I do not think-of course my experience

here is limited-

Mr. BEVERIDGE. The same as mine; exactly.
Mr. CULBERSON. I do not think that my request runs

counter to any rule or custom of the Senate in this regard. The papers to which I refer are included in documents already printed by order of the Senate, and I simply desire to print certain of them in the RECORD in order that the people of the country may have the benefit of what they contain.

Mr. GALLINGER. That is all right.
Mr. BEVERIDGE. I suggest to the Senator from Texasand I am not going to press any objection at all, because I am not concerned about it—the propriety at least of suspending his request until the Senator from Ohio is here.

Mr. CULBERSON. I do not know whether I will have another opportunity to-day, and there is nothing, as I conceive, which could possibly work any discourtesy to the Senator from

Ohio in this respect.

Mr. GALLINGER. As I understand, they are simply extracts or excerpts from documents already printed by the Senate. Mr. CULBERSON. From documents already printed by the

Senate. Mr. GALLINGER. I should think there could be no objection.
Mr. CULBERSON. I will state them in order that what they are may appear in my statement. The first refers to what action was taken by the War Department and the Department of Justice to secure to the accused soldiers of the Twenty-fifth Infantry full protection under the law. The second is the testimony of witnesses, which was taken under the supervision of the Assistant Attorney-General recently at Brownsville, and includes the testimony of the following witnesses: Sanborn, Schrieber, Mrs. Cowen, Gertrude Cowen, Mrs. Leahy, Mrs. Parks, Mr. Odin and his wife, and all the testimony on the subject of the rifles, bullets, etc., given by the experts of the Ordnance Department of the Army. Those constitute the matters I desire to have printed in the Record, so that the people of the country, as well as the Senators here, may have the benefit of the testimony in reference to this subject,

The VICE-PRESIDENT. Without objection, permission is granted.

The papers referred to are as follows:

[Telegram.]

CAMP MABRY, Austin, Tex., August 23, 1906.

MILITARY SECRETARY, War Department, Washington, D. C.:

Following telegrams received from Brownsville this date:

ADJUTANT-GENERAL, CAMP MABRY, Austin, Tex.:

Austin, Tex.:

Have placed three sergeants, three corporals, and six privates in confinement in guardhouse here on warrants issued by Judge Wells, of charge of murder, conspiring to murder, etc., to be kept in confinement until required by judge. I do not believe these men will have unbiased trial here. An effort, in my opinion, should be made to have them tried elsewhere. I also fear for their safety if turned over to civil authorities, in case of mob violence, although authorities assure absolute protection. Feeling here still very bitter. Request opinion on my action.

PENROSE, Commanding.

BROWNSVILLE, TEX., August 23.

CHIEF OF STAFF, CAMP MABEY, Austin, Tex.:

Austin, Tex.:

Battalion Twenty-fifth will probably get away to-night. Warrants have been issued for murder, conspiracy to murder, etc., against three sergeants, three corporals, six privates, and one ex-soldier. They will be turned over to post commander. Captain Preston, Twenty-sixth Infantry, for safe-keeping, and placed in post guardhouse until required by district judge. Don't know when this will be; probably early part of next month; possibly earlier. Authorities pledge themselves able to keep prisoners from violence. Feeling here high.

BLOCKSOM, Major.

In view of the excited state of feeling among citizens at Brownsville, I recommend that the Department of Justice be asked to take immediate steps for proper defense of these men, and that a change of venue be secured to some locality not affected by local excitement. I do not believe that the lives of these men will be safe if they are turned over to the civil authorities at Brownsville, nor will their witnesses be safe if sent back to that place. In view of present feeling, action looking to the immediate transfer of these men to another place of confinement pending trial is urged.

McCaskey, Brigadicr-General, Commanding.

[Telegram.]

THE MILITARY SECRETARY'S OFFICE, Washington, August 24, 1906.

COMMANDING OFFICER, Fort Brown, Tex .:

Confidential. Retain in military custody, under proper guard, accused soldiers. Before complying with any demand upon you by the civil authorities for their surrender forward the demand for action of the Secretary of War. Send it with such assurances as civil authorities can give of protection and fair trial for accused. Have you any doubt of your ability to protect accused soldiers adequately while they are held in military custody at Fort Brown, or to escort them safely to some other point should that course be ordered?

By order Acting Secretary War:

AINSWORTH,
The Military Secretary.

[Telegram.]

THE MILITARY SECRETARY'S OFFICE, Washington, August 24, 1906.

Commanding General, Department of Texas,
Camp Madry, Austin, Tex.:

Confidential. Reference your telegram of yesterday, following telegram just sent to commanding officer, Fort Brown, Tex.:

"If companies Twenty-fifth Infantry have not left Brown, delay them until further orders. Answer immediately.

"By order Acting Secretary of War:

"Alxeworm."

"AINSWORTH, "The Military Secretary."

Department of Justice has telegraphed United States district attorney to go to Brownsville and confer with military and civil authorities regarding prisoners. Do you think if colored troops are removed that company of Twenty-sixth Infantry now at Fort Brown is sufficient to protect prisoners from violence there, or to remove them safely from there if it should be decided to remove them immediately?

By order Acting Secretary W.

By order Acting Secretary War:

The Military Secretary.

[Telegram.]

The Military Secretary's Office, Washington, August 24, 1906.

WILLIAM LOEB, Jr., Secretary to the President, Oyster Bay, N. Y.:

Scoretary to the President, Oyster Bay, N. Y.:

Commanding general, Department of Texas, reports warrants issued by civil authorities at Brownsville for twelve enlisted men in connection with disturbance there. Accised men now under guard at post, to be held until wanted by civil authorities. Commanding general recommends they be transferred and held elsewhere. Reports from Texas indicate that civil authorities can not now protect accused men from mob violence. Have consulted with Acting Attorney-General Robb. Acting Judge-Advocate-General Crowder, and General Bell. We all agree that accused men should be sent immediately to San Antonio and held there until Government can have reasonable assurance that they will receive protection and fair trial at hands of civil authorities. We think it unsafe to leave accused at Fort Brown, with only one white company of forty-eight men to protect them.

We also fear that turning them over to civil authorities at Browns ville now or in immediate future would be disastrous to them. Train is now waiting at Brown to take battalion Twenty-fifth Infantry to Fort Reno. Okla. We strongly recommend that battalion take accused men with it to San Antonio and turn them over to military authorities there, to be confined and guarded until they can be turned over to

civil authorities safely. Battalion to proceed to Fort Reno immediately upon delivering prisoners at San Antonio. Please get President's decision at earliest possible moment and rush answer to this, as train is waiting at Fort Brown and battalion ready to embark. In present excited state of feeling in Brownsville further delay in movement may make trouble.

AINSWORTH, The Military Secretary.

[Telegram.]

EXECUTIVE OFFICE, Oyster Bay, N. Y., August 24, 1906.

AINSWORTH:

Because of facts enumerated in your telegram of August 24, I entirely approve of the action you propose to take. Let the battalion take the accused men with it to San Antonio and turn them over to the military authorities there, to be confined and guarded until further direction from me. Meanwhile the battalion will proceed to Fort Reno immediately on delivering prisoners at San Antonio. Act immediately

THEODORE ROOSEVELT.

[Telegram.]

THE MILITARY SECRETARY'S OFFICE, Washington, August 24, 1906.

COMMANDING OFFICER, Fort Brown, Tex.:

Commanding Officer, Fort Brown, Tex.:

Confidential. All men of Twenty-fifth Infantry who are now in custody of military authorities, including those for whom warrants have been issued by civil authorities, will be sent immediately with battalion to Fort Sam Houston and delivered to military authorities there. They will be held there until they can be turned over safely to civil authorities. Battalion will remain at Fort Sam Houston until sufficient white troops reach there to guard and protect prisoners. Battalion will then proceed immediately to Fort Reno. This movement of accused men should not be announced in advance, and should be made so as to avoid attracting attention or bringing on conflict with civil authorities. There is no intention of taking these men beyond jurisdiction of State of Texas or of withholding them from civil authorities a moment beyond time when they can be turned over safely. It is not believed safe to leave them at Fort Brown, as the one company to be left there is insufficient to do work of shipping property and supplies and at same time guard prisoners so as to prevent their escape or protect them if need be. You can make this explanation if it becomes necessary. The President himself directs the action herein ordered. You are authorized to make all necessary arrangements with rallroad companies without referring matter to higher authority, and to arrange for holding train at San Antonio for reembarkation of battalion. Make movement quietly and discreetly. By all means avoid conflict if possible, but see that accused men and battalion are protected from violence during movement. Instructions have been whred to department commander, if possible, to have troops meet your train at San Antonio and relieve you of accused men, so that you can proceed direct to Fort Reno. Communicate with department commander at Camp Mabry, if possible. Start your movement at earliest possible moment.

By order Acting Secretary War: possible moment

By order Acting Secretary War:

AINSWORTH, The Military Secretary.

[Inelosure.]

OFFICE OF UNITED STATES ATTORNEY, SOUTHERN DISTRICT OF TEXAS, Laredo, Tex., September 6,

Southern District of Texas,

Laredo, Tex., September 6, 1906.

Hon. WM. H. Moody,

Attorney-General, Washington, D. C.

Sir: I beg leave to submit the following report covering my investigations in the matter of the negro soldiers at Brownsville, Tex.:

August 28, ultimo, I received a telegram from United States Attorney McLemore requesting me to go at once to Brownsville, Tex., "consult with military and civil authorities and report in detail situation and facts whether in your opinion accused soldiers can now get fair trial at Brownsville and be afforded protection by civil authorities against mob violence; if not, whether civil authorities will consent to change of venue, \* \* \* report to Attorney-General." I immediately started for Brownsville via Monterey and Matamoras, Mexico, being the quickest route. I was fortunate on my journey to encounter several prominent persons who had been in Brownsville, it began a series of questions with them as well as others I met who could give me information on these points. After arrival in Brownsville, I began a series of questions with them as well as others I met who could give me information on these points. After arrival in Brownsville I interrogated and consulted the military officer making an inspection for the War Department, Major Blastock [Blocksom], county judge, mayor of Brownsville, chairman of the citizens' protection committee, ex-district judge, collector of customs, inspector of customs, and citizens generally, poor, rich, and indifferent races, endeavoring, as nearly as possible, to feel the pulse of the entire body corporate, and judge of the sentiment existing.

I found the officials, and with very few exceptions all the citizens most frank and courteous in expressing their views and opinions on the matter, and I had no difficulty in determining that such a prejudice existed against the accused negro soldiers that a fair trial or any trial could not be obtained in Cameron County. In fact, some of the best citizens expressed the wish that the soldiers m

Were the accused to be taken back to Brownsville for trial, should indictments be found, and such trial result in an acquittal, I fear, unless the accused were well guarded, there might be trouble before they could reach a place of safety. The city of Brownsville, without doubt, has suffered a terrible and unreasonable attack by soldiers, who should have acted just the opposite in affording them protection, and they are righteously indignant. As my instructions did not include a finding of the facts concerning the attack and the crime committed, I presume it is not desired. If, however, details of the attack and facts connected are desired, it can readily be had from the War Department from Inspector-General, as Major Blastock [Blocksom] and I know that he was very careful in gathering an unbiased mass of information and facts.

The chances are that unless the soldiers clean up their own quarters, or turn State's evidence, no conviction can ever be had of the guilty who have caused the disturbance and trouble.

I trust that I have fully covered the information desired in this report and have the honor of being,

Your obedient servant,

Assistant United States Attorney.

A. C. HAMILTON, Assistant United States Attorney.

TESTIMONY.

1. Testimony with reference to the assembling of the soldiers, the shooting from the barracks behind the garrison wall, the climbing over the garrison wall, and the shooting into houses on the Garrison road.

Mr. F. A. H. Sanborn was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. Mr. Sanborn, do you reside in the city of Brownsville?—A. Yes,

Mr. F. A. H. Sanborn was nist duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. Mr. Sanborn, do you reside in the city of Brownsville?—A. Yes, sir.

Q. How long have you lived here?—A. I can not give you the exact date now, but for more than thirty years.

Q. What is your business?—A. I am manager of the Western Union telegraph office.

Q. And where in this city is your office located?—A. At the extreme lower end of Elizabeth street, just facing the garrison wall.

Q. Right opposite the gate to the barracks?—A. Yes; it is the last building on Elizabeth street, opposite the gate through the wall.

Q. Were you at your home on the night of the 13th of August of this year?—A. Yes, sir.

Q. Did you hear the firing during that night?—A. Yes.

Q. About what time?—A. Shortly before 12 o'clock, I should say. I don't know that I thought to look at the time when I got up. I was already in bed and sound asleep and was awakened.

Q. Where did the firing seem to be?—A. It seemed to me, from the sound and the nearness of it, that it was right in front of the garrison gate, outside the wall—right near my window—near the small entrance gate to the garrison.

Q. When you were aroused from your sleep at that time what did you do?—A. I was so confused, and the firing was so near me and so heavy, that I could not form any idea of what was going on, and I could not find a match with which to light my lamp, and it was four or five minutes before I could realize what was happening.

Q. Did you make a light?—A. I did not until some time after that.

Q. What did you do then, after you got up and made a search for a light?—A. I went back, before I lighted the lamp, and opened the bilinds—the window was opened and the blinds closed—and looked through them, and then I saw one colored soldier, who came up right by the wall and went through the small garrison gate.

Q. What did you do see him after he passed through the gate?—A. He came from the direction of the alley, where I afterwards hear

O. Do you know from your soldiers about his size stationed here at that time reasonable soldiers about his size stationed here at that time reasonable soldiers about his size stationed here at that time reasonable soldiers about how many minutes elapsed?—A. I should not suppose that it was more than five minutes.

Spring during that time?—A. Well, by the time about ceased in front of

and the time you saw this soldier enter the gate, about now many minutes elapsed?—A. I should not suppose that it was more than five minutes.

Q. What about the firing during that time?—A. Well, by the time that I looked through the blinds the firing had about ceased in front of me and I heard them firing back of me, up the alley. The first firing was so near me that it seemed as if I could almost feel the concussion.

Q. Then it receded and you heard it in the alley?—A. Yes, sir.

Q. How many shots would you judge, approximately, that you heard fired there from the beginning to the end?—A. I do not know: it would have to be a rough guess; but I think in the first firing right near me there must have been five or six, and afterwards I was some distance away from it and I did not try to keep count of them; however, I know there were a good many fired.

Q. Was there anyone in the upper part of that building in which you were located at that time?—A. Yes; the proprietor of the building and his wife—Mr. and Mrs. Rendall.

Q. Now, after you looked out of the window and saw this soldier going through the gate, what did you do then?—A. I came out into the office—I had communicating doors between the office and my room—and opened the end door, toward the garrison, and looked out; and a few minutes later, or, rather, before I opened the door, I heard the alarm.

Q. The call to arms?—A. Yes, sir. Then I opened my door and stood in it.

Q. Were you alone at that time?—A. Yes, sir.

Q. What did you see then?—A. I saw the officers coming over across the parade to the barracks, went into the quarters, heard them arouse the men, and afterwards I heard the roll call. I don't know where the company was formed, but from my hearing everything so plainly they must have been formed in the rear of the barracks or on the walks between the barracks.

Q. Where did you first observe the officers with lanterns?—A. I saw them come across the parade.

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Q. Could you see them when they left their residences on the other side of the parade ground?—A. No; I did not see them until they got over near the soldiers' barracks.

Q. They went into the barracks?—A. Yes, sir.

Q. And then the soldiers came out?—A. Yes.

Q. And then officers formed in line, I presume?—A. Yes.

Q. The firing had ceased at that time?—A. Yes.

Q. After you came out on the porch did you hear any firing up in the town?—A. No; I think it had ceased.

Q. You don't recall any shots?—A. No, sir; I do not recall any.

Q. At the time you were there on your porch watching the roll call did you know or had you any idea of what had taken place in the town that evening?—A. No; it was a perfect surprise to me, and that was why I was so much confused, and when I first saw this colored soldier with his gun it made no impression on me, and finally I concluded that there must have been some trouble between the police and the soldiers.

Q. You formed that impression there at the time from what you saw?—A. Yes, sir.

Q. But you did not know that anyone had been assassinated or that any houses had been fired into?—A No; not until the next morning.

Q. About how long did you stay out on the porch there?—A. I stayed there until they called the roll and things had quieted down, and then I went back to bed.

Q. During that time did you see any citizens upon the streets?—A. No. I looked up Main street, but I saw no excitement.

Q. Did you see any colored soldiers, other than the one you have designated, go back into the fort?—A. No, sir.

Q. Could you, from where you were, see the entire length of the wall?—A. No; not so as to be able to distinguish anyone, although it was not a very dark night.

Q. Did it occur to you to look to see whether any soldiers were coming back?—A. No.

Q. Then, as I understand you, the soldiers might have returned down the alley back of your residence and gotten over the wall without your having seen them?—A. Yes, sir.

Q. Then, as I understand in Butler's expedition in New Orleans I was d

and—

Q. You have been here, then, since the civil war?—A. Yes, sir. I served all through the war as a telegrapher and in the telegraph corps, although I was a member of the Army. I was the only one of several that were detailed that served in the Army; kept my name on the roll. We had had the choice to be discharged and be borne on the rolls without pay.

Q. Now, Mr. Sanborn, is there anything that you think of which occurred that night (the 13th of August, 1906) here in Brownsville, concerning which I have not interrogated you, with reference to which you care to make a statement?—A No, sir; I don't think there is.

Q. Have you stated all that you know about that occurrence here?—A. Yes, sir; all that came to my personal knowledge.

Q. Was the house in which you were living that night fired into?—A. There was one shot through the upper story. I was told by Mr. Rendall that it went through the mosquito bar.

Q. Have you seen the mark of the shot since that time?—A. No; I have not examined it. I saw it from a distance.

Q. I call your attention, Mr. Sanborn, to "Exhibit A," which is a fire-insurance plat of that portion of the city of Brownsville adjacent to the fort, and ask you whether this building located at the corner of Elizabeth street and the road is the building in which you were on that evening?—A. That is exactly the location of the building; that plat may have been made before the house you refer to was built, but that is the location exactly. [Indicated by figure 1.]

Q. Calling your attention to this building marked "1" on the plat, your bedroom is in what portion of that building?—A. The rear portion of that building marked "1", toward the fort.

Q. And where was the place that you sat while you watched the soldlers assemble?—A. The door, midway in the front portion of the building.

Q. Facing toward the barracks?—A. Yes, sir.

building

lidding.
Q. Facing toward the barracks?—A. Yes, sir.
Q. Both of those are located on the first floor?—A. Yes, sir.
F. A. H. SANBORN.

THE STATE OF TEXAS, County of Cameron, ss:

F. A. H. Sanborn, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

F. A. H. SANBORN Subscribed and sworn to before me this 27th day of December, 1906.

[SEAL]

Clerk District Court, Cameron County, Tex.

Herman Schrieber was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:
Q. What is your full name?—A. Herman Schrieber.
Q. Do you live in the town of Brownsville?—A. Yes, sir.
Q. How old are you?—A. I am 20 now.
Q. What is your occupation?—A. I just get work here any place; have no set trade.
Q. You live with your mother, Mrs. Wallace, at the corner of Fifteenth and Washington streets?—A. Yes, sir.
Q. And were living there on the 13th of August, 1906?—A. Yes, sir.
Q. In what room were you sleeping on that night?—A. I was sleeping in the southwest corner room, toward the garrison.
Q. Were you asleep at the time?—A. Yes, sir.
Q. Were you in bed at the time?—A. Yes, sir.
Q. Now, you may state what you heard there that night.—A. Just about ten minutes of 12, when the first shots were fired, I got out of bed and walked out on the corner of the sidewalk; I could see them firing toward the river into the town.
Q. Where were the men that were doing the firing standing?—A. Inside the garrison wall; between the barracks and the garrison wall, inside.

Q. Where were you standing at that time?—A. I was standing right outside the house, about 15 feet from the gate of the house where I was

Staying.

Q. About how many shots did you see fired at that time?—A. Couple of volleys.

Q. What did you do then?—A. While I was standing out there I heard two bullets buzzing by; I heard it hit something, and as I thought it was right by me I went back into the house.

Q. That was the first time you supposed that the people who were doing the firing were firing ball cartridges?—A. Yes, sir.

Q. Before that what did you think it meant?—A. I did not know what it meant or what it was about.

Q. But when you heard this bullet come into the vicinity of your house you then went back into your house?—A. Yes, sir.

Q. Did you hear firing after that?—A. Yes, sir.

Q. From what direction?—A. Like it was coming up toward town.

Q. Can you locate more particularly, from the sound of the shooting, that it was coming up toward town?—A. It seemed to be right about that alley between Washington and Elizabeth streets.

Q. You went back into the house then and stayed there all night?—A. Yes, sir.

Q. You went back into the house then and stayed there all night?—
A. Yes, sir.
Q. With your mother?—A. Yes, sir.
Q. I presume that she was quite frightened also?—A. She was.
Q. Why did you not go out on the street after that to see what had happened?—A. My mother would not let me.
Q. In other words, from what you and she had seen that night, you concluded that there was something unusual happening in town?—A. Yes, sir. Q. In other words, from what you and she had seen that night, you concluded that there was something unusual happening in town?—A. Yes, sir.

Q. And she felt that it was not safe for you to be out?—A. Yes, sir. Q. Now, did you hear any noises other than the firing over at the garrison on that night?—A. Yes, sir.

Q. Describe that noise.—A. They were saying something about "Where is that damn stuff," or, "Get it agoing."

Q. Where were you when you heard them say that?—A. I was walking in the house.

Q. That was after you had been out on the sidewalk listening to the firing?—A. Yes, sir.

Q. Could you tell where the persons were who said, "Get that damn stuff," or something similar to that?—A. It sounded to me as if it was in the second quarters from the river.

Q. You did not know what they meant?—A. No, sir.

Q. Could you tell whether or not there were soldiers out upon the porches of the barracks at that time?—A. No, sir; I never noticed; it was a little dark at the time.

Q. Did you hear anything that would indicate that there were soldiers?—A. Yes; I heard walking on the porches.

Q. You say you heard running up and down on the porches?—A. Yes, sir.

Q. And then you went inside?—A. Yes, sir.

Q. And then you went inside?—A. Yes, sir.

Q. About how long after the first firing that you heard—and that was while you were in the house—did the bugle sound?—A. It came right after the shots.

HERMAN SCHRIEBER.

HERMAN SCHRIEBER. THE STATE OF TEXAS, County of Cameron, 88:

Herman Schrieber, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

HERMAN SCHRIEBER.

Subscribed and sworn to before me this 30th day of December, 1906.

[SEAL.]

Clerk District Court, Cameron County, Tex.

Clerk District Court, Cameron County, Tex.

Testimony with reference to the course of the raiders from the Garrison road, up the alley to Fourteenth street, where they shot into the Coven house, the Garza house, and the rear of the Leahy Hotel.

Mrs. Anna Adrienne Cowen was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. What is your full name?—A. Anna Adrienne Cowen.

Q. Mrs. Cowen, you live in the city of Brownsville?—A. Yes, sir.

Q. And you live with your husband and your family in your dwelling house on Fourteenth street next to the alley?—A. Yes; for nearly twenty years.

twenty years.
Q. You were in your house on the night of August 13, 1906?—A. Yes,

Q. You were in your house on the hight of August 19, sir.
Q. I believe that a party was taking place in your house during the early part of that evening and until late?—A. Yes, sir.
Q. A party of young people?—A. Yes, sir.
Q. About what time did the children leave your home on that evening?—A. After taps; they wanted to stay until 12, but one or two that lived farther away had to leave earlier; they went after 11 o'clock.
Q. You remember the shooting that occurred in the vicinity of your home on that evening?—A. Perfectly.
Q. When the firing first commenced, where were you in your house?—A. I was sitting right here at the end of the dinner table where I am sitting now.

Q. When the firing first commenced, where were you in your house?—A. I was sitting right here at the end of the dinner table where I am sitting now.

Q. That is, in the middle room in the rear of your house?—A. Yes.

Q. Where were your children at that time?—A. I had three lying in that room [indicating], west of the dining room.

Q. Where were the rest of the children?—A. My boy was in his room, the one east of the dining room nearest the alley, and the baby was sitting in his chair in my bedroom, the northwest room.

Q. Now, Mrs. Cowen, where was the shooting located?—A. Undeniably in the post. I knew from the start that it was the negroes and that it was a riot, I thought, between the Mexican police and the soldiers, and that they had had a clash.

Q. Now, with reference to your home, in which direction did the firing appear to be?—A. The firing seemed to be from the direction of the post—did not seem, I knew it.

Q. About how many shots did you hear before they came near you?—A. Ten or more.

Q. Did you still remain in your dining room?—A. Yes; until the shooting came right to us in the alley.

Q. You did not see the soldiers?—A. No, sir.

Q. Did you hear them?—A. No, sir.

Q. Did you hear them?—A. No, sir.

Q. Did you hear them?—A. A. Just as soon as the firing came right on us so that I could not be mistaken that they were shooting at our house, I gathered up the children and hurried them under the bed in my room, the northwest room. We had had the windows open and my servant girl kept trying to close them during the firing. She saw the soldiers and she heard them talk, and she was at the door lindicating], not 3 feet—

Q. Where were you when the lamp on the table was shot out?—A. In my bedroom.

Q. Was this dining-room light the only light in this room?—A. Yes.

Q. In what other rooms were there lights?—A. In the hall there was a large Rochester hanging lamp.

Q. Was there a light in your boy's room?—A. No.

Q. Was there a light in your bront room?—A. No.

Q. Was there a light in your front room?—A. No.

Q. And you were in there when the shooting was going on in the ley?—A. Yes; when they were firing directly on us—in there with alley?—A. Y

alley?—A. Ies; when they were arms that the last shot was over?—A. Yes. Q. You remained in there until after the last shot was over?—A. Yes. Q. Could you tell where the shots were going?—A. We could hear the bullets whizzing; we could smell the powder, and were almost suffocated by it, and it seemed as if the walls themselves shook.

Q. Where did the firing seem to be after it had ceased in the alley?—

A. I concluded that they ran uptown.

Q. And you did not hear any firing uptown, then, after the firing ceased here?—A. I could not tell you of any more than what happened in my house.

in my house.

Q. When did you make an examination of the bullet holes in your house?—A. When this lamp was blown out the girl crawled to my bedroom and said nothing about the lamp, but she did remark to me, "They have broken the wardrobe glass," and when the firing stopped she got up, went to the front door and looked out, and I heard voices across the street, and I called out, "Oh, Katie, is that you?" and I said, "We have nearly been killed over here," and I thought then that the wardrobe had been the only thing struck. We had not gotten up at all.

said, "We have nearly been killed over here," and I thought then that the wardrobe had been the only thing struck. We had not gotten up at all.

Q. Did you and the children then go over to the Leahy Hotel?—A. Yes; and stayed there all night.

Q. When did you come over and make an examination?—A. That same night, about 1 o'clock or so in the morning.

Q. Now, Mrs. Cowen, will you state where the bullet holes are located in your dining room and in your boy's bedroom?—A. There are about ten in my boy's room, about 4 or 5 feet from the ground. Five shots are within 2 or 3 inches of each other.

Q. That is, in the east window of your boy's room?—A. Yes, sir.

Q. With respect to the dining room, where are they?—A. There is one the same height, about 4 feet. It came through the window and broke the glass and then broke the lamp on the dining-room table. That came from the alley. These shots, when they came into these rooms, traveled from one room to the other.

Q. And they went through the various partitions of the house?—A. Yes. There are ten bullet holes in the children's room (southwest corner of the house), four over their bed, about 6 feet above the floor.

Q. Now, these bullet holes that we see in the children's bedroom were evidentily made by the same bullets that entered the house through your boy's bedroom?—A. Yes; I suppose so.

Q. And about how many bullets entered these three rooms of your house?—A. We counted ten in all. Then we have several in the fence outside.

O. Now, the next morning, did you find any bullets in the house?—

O. And about how many bullets entered these three rooms of your house?—A. We counted ten in all. Then we have several in the fence outside.

Q. Now, the next morning, did you find any bullets in the house?—A. Yes; several. I found these [exhibiting several battered bullets] in the different rooms.

Q. Now, Mrs. Cowen, you do not know, of your own knowledge, as to who did this shooting?—A. No; I know it was soldiers, but do not know which ones.

Q. You make that statement from the fact that you heard the firing over at the barracks?—A. Oh, undenlably.

Q. And they came up the alley?—A. Yes, sir.

Q. And you got into that further room as soon as you realized what was happening?—A. Yes, sir.

Q. You had no idea, until the glass was broken in the door of the wardrobe in your room, that they were firing on your house?—A. Oh, yes; we heard the bullets whizzing around, and the smell of powder was fierce. I knew that the bullets were coming in. I just felt like the next one was going to strike us, and I knew that the bullets were going inside of the house.

Q. Have you any idea why the soldiers fired into your house on that evening?—A. Simply because we happened to be the best target, was more accessible to the post, and our doors were open, and from the street they could see everything that was going on in our house.

Q. Neither you nor your husband nor any of the children had had any trouble with them?—A. No; never. The soldiers would often give my children bait when they would go fishing, and were very friendly. They never molested us and we saw very little of them; it was simply that we afforded them a good target that they shot at our house. We had just been home twelve days from San Antonio.

Q. Have you stated all that you know, of your own knowledge, with reference to what took place here in your house on the evening of the 13th of August. 1906?—A. Yes, sir. I was in my full senses and knew just what happened.

Mrs. Anna Adrience Cowen.

Mrs. Anna Adrienne Cowen.

Mrs. Anna Adrienne Cowen.

Mrs. Anna Adrienne Cowen, being first duly sworn, deposes and says that she has read the foregoing testimony by her subscribed, and that the same is true of her own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters she believes them to be true. Mrs. Anna Adrienne Cowen.

Subscribed and sworn to before me this 29th day of December, 1906.
[SEAL.] LOUIS KOWALSKI,
Clerk District Court, Cameron County, Tex.

Gertrude Cowen (daughter of Mr. and Mrs. Cowen) was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:
Q. Your name is Gertrude Cowen?—A. Yes, sir.
Q. How old are you?—A. Seventeen.
Q. You were at your home on the night of the 13th of August, 1906?—A. Yes, sir.
Q. Now, will you go on and state, in your own words, all that you know about the shooting that took place here in the vicinity of your home on that night?—A. I was sitting in the dining room when the firing began.

know about the shooting that took place here in the vicinity of your home on that night?—A. I was sitting in the dining room when the firing began.

Q. Where was the firing located?—A. It sounded like it was inside the garrison; it was very fast. The servant girl closed the diningroom door and we ran around in the house, and the firing still sounded like it was in the alley; and then mamma told us to get under the bed and to pray to God to save us.

Q. So all you children got under the bed?—A. Yes, sir.

Q. Now, you heard shooting in the alley here to the east of your house?—A. Yes, sir.

Q. An unmber of shots?—A. Yes, sir. We could not count them, there were so many.

Q. And you did not attempt to count them, of course?—A. No, sir.

Q. Gertrude, did you see the glass taken out of the wardrobe door this morning in the northwest room?—A. Yes, sir.

Q. What was found in back of the glass—between the glass and the wood?—A. That bullet that you have in your hand, marked with a star on the rear end of it.

Q. Who else was present at the time this bullet was found?—A. Eva, Major Blocksom, and papa. GERTRUDE COWEN.

THE STATE OF TEXAS, County of Cameron, 88:

Gertrude Cowen, being first duly sworn, deposes and says that she has read the foregoing testimony by her subscribed, and that the same is true of her own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters she believes them to be freeze. them to be true.

GERTRUDE COWEN

Subscribed and sworn to before me this 29th day of December, 1906.
[SEAL.] LOUIS KOWALSKI,
Clerk District Court, Cameron County, Tex.

Louis Harold Cowen (son of Mr. and Mrs. Cowen) was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:
Q. What is your name?—A. Louis Harold Cowen.
Q. You are the son of Mr. and Mrs. Cowen?—A. Yes, sir.
Q. How old are you, Harold?—A. Eighteen.
Q. You were at your home on the night of the 13th of August?—A. Ses sir.

Yes, sir.

Q. And you were just recovering from an attack of typhoid fever at that time?—A. Yes, sir.

Q. You had been at the party that evening?—A. Yes, sir.

Q. Did you hear any shooting that night?—A. Yes, sir.

Q. Where were you when the shooting first commenced?—A. In my room, which is the southeast room in the house.

Q. From which direction was the shooting?—A. It seemed to me like it was by the alley over toward the barracks.

Q. About how many shots did you hear fired?—A. I did not count them; there were a good many. They were shooting one right after the other in rapid succession.

Q. What were you doing at the time?—A. I was sitting down undressing when I first heard the shooting.

Q. What did you do then?—A. I went to the dining-room window and started to look out, but mama said for me not to and I didn't. When I heard that the shooting was coming nearer I came to the dining-room door.

room door.

Q. When the shooting kept coming nearer you went into the front

Q. When the shooting kept coming nearer you went into the front room?—A. Yes, sir.
Q. And from there to the northwest room, your mother's room, and laid on the floor?—A. Yes, sir.
Q. Where was the shooting going on about that time?—A. They were shooting by Mr. Yturria's house in the alley, at the rear of our house, and each shot seemed to come nearer.
Q. And you were afraid that they might shoot into your house?—A. Yes, sir.
Q. Did you hear any shooting after the parties got up to the east of your house, in the alley?—A. Yes, sir.
Q. About how many shoot did you hear from them?—A. I don't know, exactly: I guess about thirty.
Q. Did you know that your house was being shot into then?—A. No; I didn't have much idea what was being shot into.
Q. Where did the shooting appear to proceed to from there?—A. It seemed to me like I could hear one or two shots in front of our house, at the corner. The one that came from the corner was the one that went into mama's bedroom and broke the glass in the wardrobe door, I think.

went into mama's bedroom and broke the glass in the wardrooe door, I think.

Q. Then, after the shooting was over, where did you go?—A. Over to Mrs. Leahy's hotel, partly undressed—all of us went over—and stayed all night.

Q. Now, you have examined the bullet holes through these rear rooms, can you state, approximately, how many bullets entered the house?—A. About ten, that I could count.

Q. And those bullets have apparently gone through every room except the parlor?—A. Yes, sir.

Q. How many rooms in the house were shot into?—A. Five.

Q. About what distance (height) from the floor did these bullets apparently go?—A. They were from about 3 feet to 5 feet high.

Q. How many persons were in the house when this shooting occurred?—A. Six of the family and the servant girl.

Q. You have stated all that you know, Harold, with reference to what took place on that night?—A. Yes.

Q. You, of course, were all very much frightened at the time the shooting started; and was your father away at the time?—A. Yes; uptown.

LOUIS H. COWEN. THE STATE OF TEXAS, County of Cameron, 88:

Louis Harold Cowen, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

Subscribed and sworn to before me this 29th day of December, 1906.
[SEAL.] LOUIS KOWALSKI,
Clerk District Court, Cameron County, Tex.

Mrs. Katie Emma Leahy was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:
Q. What is your full name?—A. Katie Emma Leahy.
Q. And you reside in the city of Brownsville?—A. Yes, sir.
Q. How long have you lived here?—A. I have lived here since Janu-

1870.
When were you married?—A. I was married in 1886.
Who was your husband?—A. Michael Leahy.
Was he a soldier?—A. Yes, sir.
What regiment?—A. I believe it was the Eighth United States

Q. What regiment?—A. I believe it was the Eighth United States Cavalry.
Q. Was your husband in business here after he left the Army?—A. Yes; he ran a saloon.
Q. You have charge of a hotel here, do you not?—A. Yes, sir; I have been in that business about a year and nine months.
Q. Your hotel is located at the corner of Elizabeth and Fourteenth streets?—A. Yes, sir.
Q. And the rear of your hotel abuts on the alley between Elizabeth and Washington streets?—A. Yes, sir.
Q. And is directly opposite Mr. Cowen's house on Fourteenth street?—A. Yes.
Q. Were you in Brownsville on the night of the 13th of August, 1906?—A. Yes, sir.
Q. Do you remember the shooting that occurred in this city on that night?—A. Yes, sir; it is something never to be forgotten.

Where were you at the time the shooting first began?-A. In my

Q. Where were you at the time the shooting first began?—A. In my bedroom.

Q. And where is that located?—A. In the rear of my hotel, not very far from the alley, but facing on the yard.

Q. Do you know what time it was when you first heard the firing on that night?—A. Yes; it was five minutes of 12 by my clock.

Q. You had retired at that time?—A. No; I had just wound my clock when the shooting began, and I left my room and ran up to that window [indicating; the house referred to was just across the street from where testimony was being taken], and saw four of the shots as they were fired. They shot nine—I counted them—and then thirteen, and then a volley, and I went downstairs again and told my sister not to let the children get out of bed, and then walked out on the front street to see where the firing was. I knew the negroes were shooting bullets—I walked out on Elizabeth street and they flew around me. I went back upstairs and stayed in that window [indicating] and saw them shoot.

Q. That was the window of the room where Judge Park was?—A. No; this was a separate room. When I went upstairs, he had not

Q. That was the window of the room where Judge Park was?—
A. No; this was a separate room. When I went upstairs, he had not gotten up. I went back upstairs and hollered to him that the negroes were shooting up the town. Then he got up and went to his window, and so did Mr. Elkins. There were three windows facing on Fourteenth street.

Q. In whose more than the room of the roo

Q. In whose room was the window in your hotel nearest the alley, facing on Fourteenth street?—A. Mr. Elkins's.

Q. The second window from the alley was in whose room?—A. Judge

Q. The second window from the alley was in a vacant room?—A. Yes.
Q. And the third window from the alley was in a vacant room?—A. Yes.
Q. That is the window you went to and looked out in the first instance?—A. Yes.
Q. And the second time you went back upstairs did you go to the same window?—A. Yes; to the same window, and saw the soldiers shooting from the galleries of the barracks. I had a clear view from the window of two-thirds of the quarters—the second barracks. I don't know what company was in there. I stood there watching them for some minutes shooting, and saw them move back and forth; saw the flash of the guns from the barrels, and heard two distinct voices, which I believe was the voice of officers. One said: "Cease firing;" the other, "Stop shooting."
Q. How long was this after the first firing you heard when you were in your bedroom?—A. Ten minutes afterwards, at least; it could not have been less.
Q. Did you hear any firing up the alley near the rear of your hotel?—A. I saw them firing at the Cowen house; that is, at the corner of Fourteenth street and the alley, but I did not know they were shooting at the Cowen house; I could only see the flash of the guns. I could not see the men then; all I could see was the flashes of the guns.

Q. Did you see any men come out of the alley?—A. I saw them

were shooting at the Cowen house; I could only see the hash of the guns. I could not see them; this is the alley east of Mr. Cowen's house. I could not see the men then; all I could see was the flashes of the guns.

Q. Did you see any men come out of the alley?—A. I saw them stop at that tree [indicating] and fire one volley, and then stopped in the middle of the street and fire another, and then another—three volleys in the middle of the alley. There was a mudhole there and they went around it.

Q. When the men crossed from the entrance of the alley by Mr. Cowen's house, across Fourteenth street, could you see them at that time?—A. Yes.

Q. How were they dressed?—A. In khaki uniforms; some with blue shirts on and the others had the whole yellow uniforms. I counted six and then ten; there was a distance of about 6 feet from the six to the ten. I could see the blue barrels of the guns, and they looked about 2½ feet long. I could see distinctly that they were negro men dressed in the uniform of soldiers.

Q. Now, after the shooting took place there in the alley by Mr. Cowen's house and in front of his house, did you hear any firing up the alley toward town?—A. They held up and stopped in the middle of the street; one mumbled and the other spoke out very clear and distinct and said: "Keep ahead and shoot to the front."

Q. Who was at the window there at that time?—A. Mr. Elkins, Judge Park and myself. Judge Park could not recognize them because he did not have his glasses on.

Q. Judge Park has since died, has he not?—A. Yes, sir; died about two weeks after this occurred.

Q. After they left your side there in front of Mr. Cowen's house and to the rear of your hotel, did you hear any firing then up the alley?—A. When I ran over for Mr. Cowen's family the men were shooting up the alley; not as far up, though, as the Miller Hotel.

Q. You came down after you saw them go into the alley and went across to Mr. Cowen's house and brought Mrs. Cowen and her family over to your hotel?—A. Yes, sir.

Q. During this time was

the barracks?—A. Not after the men left the barracks, no; not that I could hear.

Q. How many of the men did you see come back?—A. Six.

Q. Where did you see them?—A. Running down the same alley in the direction of the barracks.

Q. And they were dressed in the same way?—A. I could not see them then.

Q. Then you could only see them in the first instance by the flash of their guns?—A. Yes, sir; there were three volleys of shot, which gave me a very clear and distinct view of them. Otherwise I could not have recognized them.

Q. From your position in the window when they came back, as

not have recognized them.

Q. From your position in the window when they came back, as there was no shooting then, you could not tell whether they were soldiers, but you imagined they were the same parties?—A. Yes; after those men went back, those six that I could see ran; when they were going they were in a half-stooping position.

Q. You could see their position?—A. Yes, sir. When they came back they were standing straight and running very fast, but going down they were not running very fast, or could only see the objects, but could not tell whether or not they had on khaki uniforms?—A. No; but I could see that they had something across their shoulders. It was dark.

Q. Now, Mrs. Leahy, did any police officers come down to your house that evening?—A. Yes; two police came by and asked where the fire was. I said: "It is not a fire; the negroes are shooting up the town." I asked them to jump inside the gate, and I put them in a room.

Q. Where were you?—A. I was in the window.
Q. Where were the policemen when 'they asked where the fire was?—A. On the Fourteenth street sidewalk.

Q. At that time the soldiers had not come into view by the alley from the Cowen house?—A. No; not then.
Q. And you were watching from the window in the direction of the barracks?—A. Yes, sir.
Q. The fire, then, was over in the barracks?—A. No; it was over the wall; that's why I put the police in my house.
Q. Did you call to the police to come inside of your house?—A.

Yes.

Q. Who were these two officers?—A. I could not give you their names. My sister knows them. I don't know any except—
Q. How long did they remain in your house that night?—A. Oh, about two hours—well, so long that I forgot all about them being there. Mr. Park said afterwards that two policemen were missing and they thought they must have been killed as they could not be found.

there. Mr. Park said afterwards that two policemen were missing and they thought they must have been killed as they could not be found.

Q. After you called to these policemen to come into your house did you go downstairs?—A. Yes; I went down and put them into a room and then went back up to the window.

Q. And that is the time you saw the shooting toward the Cowen house?—A. Yes, sir.

Q. Now, after the firing had all ceased, do you remember the incident of the squad of soldiers coming out from the fort and going up town?—A. Yes; I was out there [indicating]; I did not see them when they went out after the shooting. I went downstairs and walked out to the side gate and said: "There's the squad of soldiers coming back." There was an officer with them, but I did not recognize him. I saw Dr. Joe and Fred Combe, but as they passed me they looked at me very savagely and remarked: "We will wipe out of the town every white man before we are through with it." I was standing at the gate, and they came right between the tree there [indicating] and me.

Q. Do you know whether they could see you at the time?—A. Yes; certainly. I had a lantern, and they could see me just as plainly as you see me now.

Q. Was the squad at that time halted in front of your house?—A.

as you see me now.

Q. Was the squad at that time halted in front of your house?—A.

No; they were going by. I saw no officers, but was told afterwards that there was an officer with them.

Q. You have stated, in substance, all that you saw or heard there on that night, have you? And you can't think of anything else that would be material or would throw any light on this difficulty?—A. No; that is what I saw the night of the shooting. It lasted twenty-five minutes, to my knowledge, and if there was one shot there were five hundred. My house was shot into, but I think by stray bullets.

Q. In what portion?—A. In the back part of the kitchen

stray bullets.
Q. In what portion?—A. In the back part of the kitchen.
Q. Lower or upper?—A. About midway.
Q. You had never had any difficulty of any kind with the troops that were stationed here?—A. No, sir; I never had.
Q. Did you hear the bugle call?—A. Yes; but I did not know what

is was.
Q. Then you do not know when it was, with reference to the firing?—A. Yes; it was quite a little while after I heard the men cease

ing?—A. Yes; it was quite a factor firing.

Q. The bugle call was before these men went up the alley?—A. Yes; before or just about the time the men went up the alley I heard the bugle call.

Q. That was over in the barracks?—A. Yes; it sounded like it was facing the parade ground. After that I could hear the men and see them running up and down the porches—the galleries of the barracks.

Q. There were lights in the windows of the barracks?—A. Yes, sir,

KATIE E. LEAHY.

THE STATE OF TEXAS, County of Cameron, ss:

Mrs. Katie Emma Leahy, being first duly sworn, deposes and says that she has read the foregoing testimony by her subscribed, and that the same is true of her own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters she believes them to be true.

Subscribed and sworn to before me this 28th day of December, 1906.

[SEAL.]

Clerk District Court, Cameron County, Tex.

Mrs. Eleanor Parks, was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. What is your full name?—A. Mrs. Eleanor Parks,

Q. Mrs. Parks, you live in the city of San Antonio?—A. Yes, sir.

Q. And your husband was Judge Parks, of Brownsville?—A. Yes, sir.

Q. Hew long is it since you, your husband, and family lived in Brownsville?—A. It has been four years last August.

Q. How long did you live in Brownsville before coming to San Antonio?—A. Six years.

Q. What was your husband's business?—A. A lawyer and attorney.

Q. And where did he practice law?—A. He practiced law, I might say, all over the State of Texas.

Q. And was engaged in the practice of law how long?—A. About twenty-five years.

Q. And was engaged in the practice of law how long?—A. About twenty-five years.
Q. Was your husband. Judge Parks, in Brownsville on the night of the 13th of August, 1906?—A. Yes, sir.
Q. I presume he was there on professional business?—A. Yes, sir. He had just returned to Brownsville from San Antonio.
Q. Did you, Mrs. Parks, shortly after the shooting affray in Brownsville on the night of the 13th of August, 1906, receive a letter from your husband relative to that shooting?—A. Yes, sir.
Q. Is that the letter which you have just shown to me?—A. Yes, sir. The letter is as follows:

[Office of W.

N. Parks, attorney at law, federal equity practice a spe-lty. Practice in all courts, State and Federal.] cialty. BROWNSVILLE, TEX., August 15, 1906.

BROWNSVILLE, TEX., August 15, 1906.

DEAR MAMA: I did not write you yesterday, because that was no time to do so. The entire city is up in arms. I suppose you have seen in the papers what the negro soldiers did. Night before last, between 11 p. m. and 12, the negroes came out of the garrison in great force and began a bombardment of the town. It was a terrible affair. They fired several hundred shots along the streets near the garrison line into the houses and everywhere else, utterly regardless of the families in the houses; then they came on up the alley between Mrs. Louis Cowan's house and the Yturria place where we lived; between these two houses they halted and shot about a dozen or more shots through Louis Cowan's house, shattering the large mirror in her wardrobe, and also shot a chiffonier all to pieces in another room, and still in another room shot another wardrobe or piece of furniture to pieces, and even shot the lamp chimney off the lamp and put the lamp out, and many other shots were fired through the house. It was a miracle

that the children and Mrs. Cowan were not killed; but while they were shooting near the garrison and coming up the alley, Mrs. Cowan hid the children under the beds, having them lay flat down, and she also crouched flat down on the floor; this is all that saved them.

I was in my room at the Leahy Hotel—the first room on the left as you go up the stairway—and from the window saw the whole thing, but could not tell they were shooting in the house, and I had no arms whatever to do anything with, and if I had done anything they would have stormed the hotel and killed everyone in it. They then marched on up the alley, shooting at everything in sight, until they got to the Miller Hotel, which they proceeded to bombard in great shape, shooting at every window where a light was visible. But I forgot to say that before they left the corner of Mrs. Cowen's place, they fired a couple of shots into the Leahy Hotel, but they did not go through the brick walls. At the bombardment of the Miller Hotel the police attempted to attack them, but the brave and valiant (?) Brownsville police were put to flight in a very few seconds, and the lieutenant of police Joseph Dominguez, the same man who was shot by Baker, the soldier I defended and cleared a couple of years ago, had his horse killed under him and his right hand shot all to pieces, and which necessitated amputation of the hand and part of the arm; then they went on up the alley, and in the old Jagou place, where a saloon is kept, they fired in from the alley and killed the barkeeper, a very good young man named Frank Natus; they proceeded around on Elizabeth street and shot up all the houses; in another part of the arm; then they went on up the alley, and in the old Jagou place, where a saloon is kept, they fired in from the alley and killed the barkeeper, a very good young man named Frank Natus; they proceeded around on Elizabeth street and shot up all the houses; in another part of the town, around near old lady Sauder's store, in one of her neat cottages, where Fred. Sta

Q. Mrs. Parks, did you receive this letter a few days after the date which it bears, viz. the 15th of August?—A. Yes, sir; I think I have the envelope with the postmark.

Q. And you were here at your home in San Antonio at that time?—A. Yes, sir.

Yes, sir.

Q. Your husband is not living at the present time?—A. No, sir.
Q. How long after the 13th of August did he die?—A. He died on the 30th of August.
Q. Here in San Antonio?—A. No, sir; in Brownsville.
Q. Did you receive any other letters from your husband, Judge Parks, giving an account of what took place on that night?—A. Yes, sir; I received three very lengthy letters.
Q. What has become of those letters?—A. I destroyed them as I read them.
Q. And this is the only letter which you have from him since this occurrence at Brownsville on the 13th of August in which he gave you an account of what took place on that night?—A. Yes, sir.
Q. I notice that this letter is signed "Papa." Will you state whether or not that is the writing of your husband, Judge Parks?—A. Yes, sir.

whether or not that is the writing of your nusband, Judge Parks?—
A. Yes, sir.
Q. I presume, Mrs. Parks, that this being the last letter which you have from your husband you would like to have it returned to you at No. 101 Woodlawn avenue, San Antonio, Tex., when the Government has no longer any use for it?—A. Yes, sir.

THE STATE OF TEXAS, County of Bexar:

Mrs. Eleanor Parks, being first duly sworn, deposes and says that she
has read the foregoing testimony by her subscribed, and that the same
is true of her own knowledge, except as to those matters therein stated
upon information and belief, and that as to those matters she believes
them to be correct.

Mrs. ELEANOR PARKS.

Mrs. ELEANOR PARKS.

Subscribed and sworn to before me this 6th day of January, 1907.

[SEAL.]

D. H. HART,

Clerk United States District Court Western District of Texas.

By A. I. CAMPBELL,

Departs

Deputu.

Mr. Hale Odin was first duly sworn by Mr. Purdy, and, upon being afterwards examined by him, testified as follows:
Q. Mr. Odin, what is your business?—A. Land and immigration.
Q. And how long have you been in that business?—A. Thirty-one

Ars.
Q. What is your age?—A. Fifty-four.
Q. To what parts of the United States does your business call you?—
To all parts.
Q. What place do you regard as your home?—A. San Antonio, Tex.
Q. How long have you lived here in this vicinity?—A. About twenty

Q. How long have you have account of the control of

class of '72.

Q. You are a married man?—A. Yes, sir.
Q. What family have you?—A. A wife and five children.
Q. They live with you, do they?—A. Yes, sir; all except one.
Q. Were you in Brownsville, Tex., on the night of August 13, 1906?—
A. Yes, sir.
Q. How long had you been there on that visit?—A. Six weeks.
Q. What members of your family accompanied you to Brownsville?—
A. My wife and five children.
Q. I presume your business required you before that time to make frequent visits to Brownsville?—A. Yes, sir.
Q. Are you well acquainted with the people in Brownsville generally?—A. Yes, sir; very well.
Q. When you visited Brownsville on that occasion where did you stop?—A. At the Miller Hotel.
Q. Mr. Odin, I will show you this plat (Exhibit A), and ask you to locate your room in the Miller Hotel (which is No. 5 on the plat).—A. It was the room cornering on the alley and Thirteenth street, second floor.

Q. How large is that room?—A. About 20 feet square.
Q. What windows has it in it?—A. Two windows opening on the alley and two opening on Thirteenth street.
Q. Were you in that room with your wife on the 13th of August, 1906?—A. Yes, sir.
Q. And what other members of your family were with you?—A. My five children.
Q. Were they all in that room?—A. Yes, sir.
Q. Now, Mr. Odin, will you proceed to state, in your own words, just what you know about the shooting which occurred on that night in the city of Brownsville?—A. At 11.55 p. m. on the night of the 13th of August, 1906, I was sitting in the alley window of our room in the Miller Hotel, on the second floor, when I heard shots in the direction of the alley toward the fort. I noted the time—it was 5 minutes of 12, and I counted about 60 shots before they arrived at our windows. During this time I called my wife, and immediately after she and my little boy came to the window we heard persons upon the run coming toward us in the alley from the direction of Fort Brown, and when they passed our windows, I counted six negro soldiers, three abreast in two columns, with one soldier running alongside, who stopped, crossed the alley opposite our windows, and one large negro soldiers gave the order. "Halt!" and said "There he goes; shoot!" and they lired a volley. Immediately one other negro soldier joined them from the same direction from widders are represented to the same direction from widders are represented to the same direction from widders are represented to the same direction from widders and supposed that it was a mad dog shat they were chasing and shooting at. Then a second order was given to fire and they fired again to the left or toward the river. Then one large negro soldier stepped back to the center of the alley, slightly in the rear of the other eleven, and raised his gun, and at this time another volley was fired. Immediately following this report the large negro soldiers and myself in the window. The ball from his rifle passed through the lower window s

Q. Where were you and your wife standing at that time?—A. I was standing at the window looking out on Thirteenth street.

Q. You had left the window facing on the alley?—A. Yes, sir; had just stepped across the room.

Q. Who, if anyone, was with you at the window?—A. Mrs. Odin.

Q. And where did you see these men at that time—where were they standing?—A. They were nearly to the alley on Thirteenth street—on the north side of Thirteenth street.

Q. About how many men did you see there?—A. Twelve men.

Q. Did you at that time stop to count them or was your estimation just made from the general appearance?—A. I saw them all pass over and I counted them and said to my wife, "There are just twelve of them."

and I counted them and said to my wife, "There are just twelve of them."

Q. Now, you may go on and state what happened then.—A. After firing at the Miller Hotel they passed northward up the alley—a part of them at least.

Q. Did you see any go east on Thirteenth street?—A. No, sir; but of course some may have gone east on Thirteenth street without my having seen them.

Q. Where did you hear firing then?—A. In about two minutes after they passed northward up the alley I counted five more shots, and in about two minutes thereafter twelve negroes—negro soldiers—appeared again going toward Fort Brown, and crossed Thirteenth street and entered the alley at the rear of the Miller Hotel.

Q. Going in what direction?—A. Going toward Fort Brown on double-quick and passed out of sight.

Q. Did you hear any more shooting after that?—A. I did not.

Q. So the last shooting you heard was up the alley, on the north side of Thirteenth street?—A. Yes, sir.

Q. Now, when these soldiers were in Thirteenth street at the mouth of the alley, at the time they were doing the shooting into the Miller Hotel, could you see how they were dessed?—A. Yes, sir; they were dressed in brown uniforms and a broad-brimmed soft hat, such as the soldiers wear.

Q. Now, Mr. Odin, at the time they were in Thirteenth street them.

Hotel, could you see how they were dressed?—A. Its, such as the soldiers wear.

Q. Now, Mr. Odin, at the time they were in Thirteenth street there, could you distinguish the kind of dress that they had on at any time other than when they were firing?—A. I could when they were in Thirteenth street, but I could not when they got into the alley.

Q. Then when they were in the alley, either to the north or to the south of Thirteenth street, you could not distinguish the way in which they were dressed, except by the flashes of their guns?—A. We could tell them when they were at the rear of the Miller Hotel when they were not firing.

Q. But when they were across the street, to the north of Thirteenth street, you could not tell them except for the flashes of their guns, or how they were dressed?—A. No, sir.

Q. Will you describe as nearly as you can the light, if any, that seemed to be upon these men during the firing that night in Thirteenth street, out of the alley?—A. The lights from the street lamps from Elizabeth and Washington streets gave us plenty of light to distinguish them plainly, and their dress, and to tell distinctly that they were negroes.

Q. Did you have any difficulty at the time, Mr. Odin, in seeing the

faces of these men?—A. No, sir; for they were at times looking up directly toward the window.

Q. And you state positively that they were negroes?—A. Yes, sir.
Q. And grossed in the uniform of United States soldiers such as were stationed at Fort Brown at that time?—A. Yes, sir.
Q. Now, Mr. Odin, will you state as to the character of the voices of these men who spoke during the shooting?—A. They spoke in the manner and vernacular of the negroes. If I had not seen them by the flashes from their guns, I would have known by their voices that they were negroes by the manner of their speech and accent.
Q. Now, you state that you were sitting in one of the windows facing on the alley in the rear of the Miller Hotel, on the second floor, when you first heard shots that night?—A. Yes, sir.
Q. In what direction were those first shots that you heard?—A. Down the alley, toward Fort Brown.
Q. And from the time you heard those first shots until the time you heard the last shots to the north of Thirteenth street, in the alley, about how many minutes elapsed?—A. About twelve minutes.
Q. Did you, Mr. Odin, see the lieuteant of police, Dominguez, on that night?—A. No, sir.
Q. Did you hear a horse going by on Thirteenth street in the direction of Elizabeth street?—A. Yes, sir.
Q. Did you was that before you heard firing or saw them firing in the alley at the rear of the Miller Hotel?—A. About a half minute.
Q. Did you see any person on Thirteenth street during the time of this firing other than these colored soldlers?—A. No, sir.
Q. Mr. Tillman has stated that he passed along Thirteenth street, going toward Washington street from Elizabeth, a short time before the firing occurred in the vicinity of the Miller Hotel. Did you see or hear him?—A. I heard some one person pass up Thirteenth street.
Q. But you did not see him?—A. No, sir.
Q. I will ask you, Mr. Odin, whether you know where Mr. Starck's house is located that was fired into that night?—A. No, sir.
Q. I will show you this plat (Exhibit A) and point out to you the locatio

did not.

Q. After these men passed across Thirteenth street, going north in the alley, you heard some firing in the direction in which they had gone, did you not?—A. Yes, sir.

Q. About how many shots?—A. Five.
Q. Where were you at that time?—A. I was standing at my window facing on Thirteenth street.

Q. Did you remain at your windows during all this time or did you at times go back into the room with your wife and children and then return to the window again?—A. I only left the window one during the time the shooting was going on, and that was during the time they were shooting north of us up the alley and while the soldiers were out of my sight.

were shooting north of us up the alley and while the soldiers were out of my sight.

Q. When your little boy fell back into the room, what did you do then?—A. My wife said, "They have shot Lee," and I said, "I reckon not; see if there is any blood on him;" and he said, "Mamma, I am not shot, but they came pretty near me." I was standing at the north window at the time.

Q. Where were your other children during this time, Mr. Odin?—A. They were in bed, except our little girl, who was standing by our side.

side.

Q. Was she with you while the firing was going on in the alley at the rear of the hotel?—A. Yes; standing behind us.

Q. How old is she?—A. Three years old.

Q. Your other children were in bed, were they?—A. Yes, sir.

Q. Do you know whether they were asleep or not?—A. They were all awake, except the older one.

Q. How old is he?—A. Eleven years.

Q. He did not awaken during all the firing?—A. No, sir.

Q. Mr. Odin, as you sat at the window on the night of the 13th of August about 12 o'clock and heard the shooting down in the vicinity of Fort Brown and farther down the alley in the direction of the fort, did you anticipate at that time that there was any trouble or that the soldiers were shooting into the houses in the city of Brownsville?—A. No, sir.

A. No, sir.

Q. After the soldiers reached the rear of the Miller Hotel did you anticipate that there was any trouble of any kind?—A. No, sir; not until they shot at the policeman.

Q. And then, for the first time, you appreciated the fact that there was serious trouble?—A. Yes, sir.

Q. How long after that was it that the shot was fired into your room facing on the alley?—A. Immediately after that.

Q. From the time when you heard the first shots until you heard the last ones that night was there anyone in your room other than the members of your family?—A. Yes; Mr. Davis, the hotel clerk.

Q. About what time did he come into your room during that shooting?—A. He came into our room during the time that the soldiers were up the alley at the rear of Tillman's saloon.

Q. Was he the only one in your room during the shooting?—A. Yes, sir.

Q. Was he the only one in your room during the shooting?—A. Yes, sir.
Q. So during the time that the soldiers disappeared up the alley going north nobody had been in your room except the members of your family?—A. No, sir.
Q. And during that whole shooting did you or Mrs. Odin or any of your children leave your room?—A. No, sir.
Q. What light was there in your room that night when the shooting commenced?—A. A small oil lamp, turned partly down.
Q. Was the light turned down before any shooting commenced at all?—A. Yes, sir.
Q. During the progress of the shooting was the light interfered with in any way by either you or your wife?—A. No, sir.
Q. It was left in the same condition as when the shooting began?—A. When they left the alley going north my wife blew out the light.
Q. Mr. Odin, from the time that the men appeared there at the rear of the alley until they disappeared in the alley across the street, and during the whole of that shooting, both into your room and at the officer going down the street, and the different volleys that you have spoken about, about how long a period of time elapsed, in your judgment?—A. About one and one-half minutes, more or less, I should judge.
Q. I will ask you, from the direction of that shot which entered ment?—A. About one and one-nair inflates, more of less, I should judge.
Q. I will ask you, from the direction of that shot which entered your room, where it must have been fired from?—A. From about the center of the alley at the rear of the Miller Hotel.
Q. Did you go into the room on the third floor immediately over your room that next morning?—A. No, sir.

the

Q. You don't know, then, what became of that shot that went into le ceiling of your room?—A. No, sir.
Q. How long after this occurred, on the night of the 13th of August, as it before you and your wife and family left Brownsville?—A. We ft on the following morning, the 14th of August.
Q. Where did you go from there?—A. To Corpus Christi and Sam ntonio.

left on the following morning, the 14th of August.

Q. Where did you go from there?—A. To Corpus Christi and Sam Antonio.

Q. Have you been back to Brownsville since that time?—A. No, sir. Q. Will you describe more particularly the condition of the window sash, the window out of which you were looking at the time the shot was fired on that night apparently at you and your wife?—A. The lower sash of the window was raised to the height of our heads, and we were looking out with the top of our heads underneath the sash, and there was a wire screen in the lower half of the window. I was at the left side of the window, Mrs. Odin next to me on the right with her head close to mine, and our little boy at her side, with his face against the window screen. The ball entered the screen, then went through the sash, passed through it diagonally, and then went into the ceiling at about 4 feet from the rear of the room. Just before this shot was fired, the little boy raised up and said, "Mamma, what is going on?" I said, "They are shooting the mad dog," and then the shot was fired into our window.

Q. At the time this was fired into your window, will you state more particularly what you saw and heard in the alley?—A. Immediately before this shot was fired at us raised his gun and shot into our window and the flash from the other soldiers' guns revealed his face plainly, looking up and shooting at us, and he exclaimed, "We got another white bastard."

Q. Now, Mr. Odin, I will ask you about the distance from your window to the man who fired the shot at you?—A. I should say from the end of his gun to our faces it was about 12 feet.

Q. Do you recall anything else that happened there that night, concerning which I have not interrogated you, and about which you care to make a further statement?—A. No, sir.

Q. Were you before the grand jury or the citizens' committee that investigated this affair?—A. No, sir.

Q. Have you made any written or sworn statement to anyone other than the statement you make here to-day?—A. No, sir: I hav

least.

Q. You stated in the former part of your testimony that there were twelve negro soldiers in the rear of the Miller Hotel, and that you saw them and counted them. Will you explain how you happened to count them there that night?—A. Because the first six came up three abreast in two columns, with another negro at their side, making seven. They stopped at the mouth of the alley and then one by himself followed behind on the run as the other ones ahead, and directly four more came up two abreast on double-quick or on the run; that made twelve.

Q. So, Mr. Odin, from the arrangement in which these men came up the alley you were at once enabled to make a calculation as to how many men there were there?—A. Yes, sir.

Q. So, Mr. Odin, from the arrangement in which these men came up the alley you were at once enabled to make a calculation as to how many men there were there?—A. Yes, sir.

Q. They were not all huddled together in a bunch or crowd?—A. No, sir.

Q. Now you have stated that when the men came back after the firing had ceased up in the rear of Tillman's saloon that there were twelve of them, and that you saw them out of your window which opens ont onto Thirteenth street. I will ask you how you made that estimate as to the number?—A. Because they came three abreast in three columns and two abreast following behind, and one nearly at the front as to the number?—A. Because they came three abreast in three columns and two abreast following behind, and one nearly at the front at the side. The three in front stopped about 10 or 12 feet from the mouth of the alley or in the street, by an order to halt. The next three were close behind them, also the next three, and also the remaining two, and the single one was nearly at the front of the first row of three. Then the second row filed up in line with the first, and the remaining six separated about 10 feet from them to the west, and they stopped in the same order, and they came down the alley. Then some order was given (I could not hear that distinctly), and they formed a line of six about 10 feet apart, and remained about six or eight seconds, apparently looking up and down Thirteenth street. Then they formed in columns of three again, and an order of march was given, and they passed toward the fort, across the street and down the alley on the opposite side from our window, and disappeared.

Q. How were they marching—running or walking?—A. They were on the double-quick; they started on the double-quick. But about the time they entered the alley they were running very fast.

Q. Could you tell whether or not at that time they broke their formation?—A. Yes, ir.

Q. Could you tell whether or mot at that time they broke their formation?—A. Yes, sir; and I heard them running aft

to be the same.

Q. Were you at home at the time that your wife made this statement

1907.

A. No, sir; I was in Nevada, Mo.

Q. Do you think of anything else with reference to which you care to make a statement?—A. I would like to explain that the reason I was so certain about the shooting and the identity of the persons who did it, and about the number of shots fired, is because I have all my life been in a country where there has been a great many town "shootups" (that is what they call them), and been accustomed to hearing shooting in the frontier towns, and on several occasions I have been in towns where there was a good deal of shooting done, that it became almost a habit that I kept pretty correct account of what happened. I was not alarmed or seared. In fact, I did not believe that there was anything serious happening until we heard the policeman's horse fall and immediately saw the negro raise his gun and shoot into our window. Then for the first time I realized it was a town "shoot-up."

THE STATE OF TEXAS, County of Bexar, 88:

Hale Odin, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

is true of the sown knowledge, except as to those matters therein stated upon information and belief, and that as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

HALK ODIN.

Subscribed and sworn to before me this 4th duy of January, 1907.

[SEAL]

Clerk United States Court., Western District of Texas.

By A. I. CAMPBELL, Deputy.

Mrs. Ethel M. Odin was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. Your name is Ethel M. Odin?—A. Yes, sir.

Q. And you were with your husband and manly stopping at the Mr. Odin and the city of Brownsville on the 13th of August, 1906?—A. Yes, sir.

Q. Now, Mrs. Odin, I will ask you to go on and state, in your own words, just what you saw and heard there on that night.—A. About 12 o'clock that night, the Jand he was sick. I was giving him some medicale at the time, when Mr. Odin was standing in the window facing the alley. The shooting commenced down toward the fort, and Mr. Odin called to me to come to the window, and when I went I heard the meroes coming the come up, and they commenced fring, and one negroe said, "There he goes," First, though, they said, "Halt," then, "There he goes, shoot," and they commenced fring, and one negroe said, with the cone up, and they commenced fring, and one negroe said, which were the street in front of the Miller Hotel. They were firing all this time, and one of then exclaimed, "We've got that—of a ~ "." start then our little boy, sleeping in a bed!" the did him to keep still, and just then our little boy, sleeping in a bed!" to do him to keep still, and just then our little boy was standing on the foot of the bed, which made him almost then our little boy was standing on the foot of the bed, which made him almost as high as I was a story as a story of the sale of their gas I cause the window facing on the alley. By the flash of their gas I cause the window facing on the alley. By the flash of their gas I cause the wind

at me, I should judge, and he shot right through the screen and through the window sash and through the shade and curtain—a dark-green curtain—and the bullet just passed through my hair, and my face smarted a little bit. I did not light any lamp that night, but looked at myself in the glass the next morning, and my face was powder burned and I used vaseline on it for about a week afterwards. I stood just in the middle of the window and it passed right through the edge of my hair.

Q. Did you see that night or the next morning any marks of that bullet which you said went through your hair?—A. About daylight I got up and went to the window and looked out and saw the hole in the window, through the screen and shade, and looked up at the celling and saw a piece of plastering was torn off, just directly over the dresser. The jacket fell back into the room, and I picked up the jacket and gave it to my husband, and I understand he sent it to the Secretary of War.

Q. Did you hear any of these men talking in the alley at the time they were doing this shooting?—A. Yes, sir; they kept saying "There he goes, shoot," and we supposed at the time he was shooting at a dog.

Q. That was about the first conversation you hear?—A. Yes, sir.

Q. After that, what other conversation did you hear?—A. Nothing, except when they spoke about—when they said "We've got that son of a bitch," and immediately after that, "We've got another white bastard."

Q. Could you tell from that talk whether they were colored people or white people who did the shooting in the alley?—A. Yes, sir; they had

Q. Could you tell from that talk whether they were colored people or white people who did the shooting in the alley?—A. Yes, sir; they had the accent of the negro.

Q. At what place were these men standing when you had the best view of them?—A. Right at the mouth of the alley.

Q. On which side of Thirteenth street?—A. The side toward the Miller Hotel.

ler Hotel.

Q. Was there anybody in your room other than the members of your family on that night?—A. No, sir; there was no one in the room, except after it was all over Mr. Davis, the night clerk, came up and asked us if they had shot into our room, and he was the only one that was in our room during that night.

Q. Did you or your husband, or any member of your family, leave your room that night?—A. No, sir; except once when I stepped out into the court and went to Mrs. Moore's room and knocked on the door and asked how Mrs. Moore was. Mr. Moore said she was very sick in bed from the shock, and I returned to my room.

Q. I presume that you were awake the greater part of the night?—A. We never closed our eyes again until morning. We were afraid they would come back. Our little girl could not sleep for two weeks afterwards. It made her nearly have nervous prostration, and we left the next morning on the first train.

Q. Have you ever been back to Brownsville since that time?—A. No. sir.

Q. Have you ever been back to Brownsville since that time?—A. No. sir.
Q. Will you state how these men were dressed and the color of their clothing?—A. They were dressed in the uniform that the soldiers wear—brown, and soft brown hats, and looked just as they always did when marching up the street, except four of them, who were in their shirts. The shirts that these men had on seemed to be a little lighter than their uniform.

Q. Were were your hyphend standing in the room as nearly as you.

smirts. The shirts that these men had on seemed to be a little lighter than their uniform.

Q. Where was your husband standing in the room, as nearly as you can remember, during the time this shooting was going on?—A. First he was standing in the alley window farthest away from Thirteenth street, and he remained there until they had gone out on Thirteenth street, and the remained there until they had gone out on Thirteenth street and until that window was shot into, and then he steped to the other window facing on the alley nearest Thirteenth street, and remained there until they went by the alley. Then after they came back he stepped to the window facing the alley and stood there and saw them go back in the direction of the fort.

Q. Have you heretofore made any statement concerning what you saw of this shooting from your room in the Miller Hotel on that night?—A. Yes, sir; I made a short statement.

Q. When and to whom?—A. About five weeks ago, to Mr. Stevens, and the county clerk, or deputy county clerk, Mr. Wilkens.

Q. Where did you make that statement?—A. In my home, at 2320 West Commerce street, in the city of San Antonio.

Q. I will show you this paper which I hold in my hand, marked "Exhibit C," and ask you to look at the signature and state whether you signed that statement?—A. Yes, sir.

The statement is as follows:

Statement of Mrs. E. M. Odin.

#### Statement of Mrs. E. M. Odin.

"I was at Brownsville, Tex., with my husband and family the night of the shooting. I was in my room at the hotel, in the second story, facing the alley, and heard some one running in the alley. I went to the raised window and looked out and saw a number of negro soldiers, about twelve in number. They all had guns, and I noticed two of them had guns and also revolvers. Some of them were shooting at the time I reached the window and others were hollowing "Shoot him; there he goes." Their shots were directed at a man on a horse whom I recognized as a policeman. His horse was killed in front of the hotel, near the window of my room. I had a dim light burning in my room at the time, and the attention of the soldiers was directed to our window, and when they saw my husband and myself they immediately open fire on us. One of the bullets struck the window sash about an inch from my head and passed through my hair and lodged in the wall; two other bullets came into room and lodged in the wall. About thirty shots were fired into the hotel. Next morning when I got up I found my face was powder burnt. When the soldiers came back they were running toward barracks and were firing all the time. Some of them were in their blouses and bareheaded. All this took place between 11 p. m. and 12 m. on that night. It was a very bright moonlight night. I am almost positive that I could identify some of the men. I have one or two bullets that I took out of the walls of my room. One of the bullets I gave to Chas. F. Stevens.

"Witnesses: "Mrs. E. M. ODIN.

"Witnesses:
"J. ED WILKENS.
"CHAS. F. STEVENS."

Q. I will ask you to state under what circumstances you signed this paper marked "Exhibit C," and how it was taken down, just as nearly as you can remember?—A. Mr. Stevens and Mr. Wilkens one day at noon came out to our house, 2320 West Commerce, and told me that they had been sent out there to get a statement from me in regard to this affair. I hesitated to give it to them at first, and they said it was all right and went on and explained that you or some Government official was going to be at Brownsville and would be here in a short time, and as I was intending to go away for a short time I gave them a short statement. They said they wanted to use it.

Q. As you made the statement to them at that time, was it taken

down in writing?—A. Yes, sir; it was taken down in writing, Mr. Wilkens wrote it down, and he asked me if it was a bright moonlight night, and I told him I thought there was some moon; I could not say whether it was a bright moonlight or not. He wrote it down there Ipointing to the statement] that it was a bright moonlight night; but there was enough light from both street lamps that I could see these people plain in their uniforms, and their faces also.

Q. After this statement was written down by Mr. Wilkens at that time, did you read it over, or did he read it over to you, before you signed it?—A. No. sir; he did not read it over, nor did I read it over, and he asked me if I would sign, and I said "Yes." I was in quite a hurry at the time, as our little girl was sick and I could not leave her but a few minutes. I told him I could not give him but a few minutes.

minutes.

leave her but a few minutes. I told him I could not give him but a few minutes.

Q. So you signed it without having read it through?—A. Yes, sir.

Q. Did you at that time, during your conversation with Mr. Stevens and Mr. Wilkens, state that it was a very bright moonlight night?—A. No. sir; I did not.

Q. What, if anything, did you say about it being moonlight?—A. I said there was a little moon; that it was light there in the street.

Q. Is there anything more that you care to state with reference to the circumstances under which this statement marked "Exhibit C" was made by you at that time?—A. When Mr. Stevens came out to my house I told him that I didn't have the time to give him, as our little girl was very sick, and he said it would not take more than five minutes; if I could give him that much time they would appreciate it very much. So I invited them into the parlor (they were in the hall then), and the clerk sat down, and I gave him just a short statement, but when I saw it come out in the paper the next day I noticed that there were some things I never had said. Mr. Stevens asked me if I could identify those negroes. I told him that was a pretty hard thing to do, to identify them among so many of them, but that I believed that if I could see that speckled-face negro I could identify him. I did not tell Mr. Stevens that I could identify any of the rest of them. And in regard to the bullets, nothing was ever said about them only that I had one of the jackets which came off from the bullet and fell back in the room and which I picked up from the floor. I did not say anything about picking any bullets out of the wall, and he asked me if I would willingly give him the jacket, so he could forward it to Washington, and I said "Certainly," and went and got it for him. I see by this statement that it is claimed that I said I recognized a policeman. I did not say anything of the kind, and did not know it was a policeman that was shot until the next morning. I see it is stated here that two other bullets came int made that statement.

made that statement.
Q. At the time you made this statement marked "Exhibit C" you state that your little girl was very ill. Did she recover from that sickness?—A. No, sir; she died.
Q. How long after that did she die?—A. She died at 3 o'clock Sunday morning, and they were at my house on Friday noon. If it had been any other time I would have taken this statement and read it over, but I just could not do it then.
Q. I presume you had supposed that they had correctly stated what you had said to them?—A. Yes, sir; but the statement is incorrect with respect to the points that I have pointed out. As to the other things it is substantially correct.

Ethel M. Oddy.

ETHEL M. ODIN.

THE STATE OF TEXAS, County of Bexar, 88:

Mrs. Ethel M. Odin, being first duly sworn, deposes and says that she has read the foregoing testimony by her subscribed, and that the same is true of her own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters she believes them to be true.

ETHEL M. ODIN.

Subscribed and sworn to before me this 4th day of January, 1907.

[SEAL.]

O. H. HART,

Clerk United States Court for the Western District of Texas,

By A. I. CAMPBELL, Deputy.

12. Expert evidence as to bullets, rifles, etc.

By A. I. CAMPBELL, Deputy.

12. Expert evidence as to bullets, rifles, etc.

Capt. Hanson E. Ely was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. What is your full name?—A. Hanson E. Ely.

Q. You are a captain in the United States Army?—A. Yes, sir; captain, Twenty-sixth Infantry, United States Army?—A. Yes, sir; capten years and six months.

Q. How long have you been connected with the Army?—A. Nineteen years and six months.

Q. Captain, are you familiar with the rifle used by the United States Army at the present time and during the past year?—A. Yes, sir.

Q. What is that rifle called?—A. The new Springfield rifle.

Q. And what is its caliber?—A. Thirty hundredths.

Q. Will you describe in a general way the ammunition which is fired from that rifle?—A. The ammunition which is ordinarily used is that made by the Ordnance Department or the United States Cartridge Company. It is a cartridge about 33 inches in length, has what is called a "bottle-neck shell," and a bullet about 1½ inches in length, steel jacketed throughout. The shells have on their but the mark of the Ordnance Department or that of the United States Cartridge Company. These cartridges are carried in brass clips holding five each, similar to this (witness showed one of the clips turned over by the mayor of Brownsville to Mr. Purdy).

Q. Now, Captain Ely, will you state what experience you have had in the use of this new Springfield rifle?—A. I have had more experience with the old "Krag" rifle, though I have had some with the new Springfield, but the bullet fired and the effects of the bullet are the same in the two, being made practically identical, the new Springfield bullet being a little more pointed, however.

Q. About how long has the new Springfield rifle been in use in the Army?—A. About six to ten months.

Q. Will you state now, Captain, in a general way, the description of the new Springfield, how it is fired, and the number of "lands" in the bore?—A. The new Springfield rifl

the rear. This permits the cartridge to feed up from the magazine, and by pushing the bolt forward and turning the handle to the right, the bolt is locked, the plece cocked, and ready for discharge. After being discharged the operation is repeated and the shell ejected by means of an ejector spring, which throws it to the right and rear a distance of from 3 to 6 feet, depending on the rapidity of the operation.

Q. Now, Captain Ely, I will show you the empty cartridges (thirty-two in number) and ball cartridges (six in number) and three clins which were turned over to me by the mayor of the city of Brownsville and the sheriff of Cameron County at the time of my investigation there last week in connection with the testimony of the mayor and other witnesses to the effect that they were picked up in the streets in the city of Brownsville a short time after the shooting affray there on the 13th of August, and will ask you whether you have examined those empty shells and ball cartridges?—A. Yes, sir; I have.

Q. Can you state whether they are similar to the ammunition such as is used in the new Springfield rifle in use in the United States Army?—A. Yes, sir; they are. In fact, there is no ammunition made for any other guns in this section like this, and I could practically swear that that ammunition was made for that rifle—the new Springfield.

O. Now, will you on and state the difference between this ammunity of the section is a surface.

Army — A. 1es, sir; they are. In fact, there is no ammunition made for any other guns in this section like this, and I could practically swear that that ammunition was made for that rifle—the new Spring-field.

Q. Now, will you go on and state the difference between this ammunition, if any exists, and the ammunition which is used by other rifles in use in this section of the country outside of the Army?—A. I have hunted in this country, and am acquainted with a number of local hunters, and have shot with them. The only sporting rifles in use in this country to any extent whatever are the Marlin, the Remlington, and the Winchester. These rifles I am somewhat familiar with. They could not use the Government ammunition such as you have shown me, because the powder charge is greater, the shell longer, and the projectile longer in the Government rifle than in rifles above mentioned; and while I am familiar with a number of those three makes, those I have seen could not possibly use this ammunition, their chamber being too short for it; and from what I know of rifles that I have not seen—from catalogues and studying the same—I am convinced that there are none made by these companies that will shoot the ammunition, but I have never heard of one in this country. The New York National Guard at one time used the Savage rifle.

Q. Now, Captain Ely, I will ask you what knowledge you have with respect to the bullets of this Government ammunition and the bullets used by the rifles which you have heretofore mentioned?—A. I have hunted with both rifles and the different ammunition used in the different sporting rifles and the Government rifle. It is invariably the case with hunters to use what is called the "soft-nose" bullet, such as is in this cartridge. [Witness marks the cartridge with an "E" with his knife on the side of the case.] When this cartridge is fired—that is, the soft-nose bullet—and the projectile strikes deer or other objects, the lead which is on the side of the steel case "mushrooms," as it is technically ca

jacket of the projectile, after peng lifed, with always show the lands" of the bore of the rifle firing it. These "lands" cut into the steel and give the bullet the necessary rotation to keep it from tumbling.

Q. Now, Captain Ely, I will show you a bullet which Maj. A. P. Blocksom picked out of the dining-room door in the house of Mr. Yurria in the city of Brownsville, Tex., on the 1st day of January of this year, and will ask you to examine it and state, in your judgment, what kind of a bullet it is and all about it.—A. That is a new Springfield bullet, or bullet fired from the new Springfield Government service ammunition, caliber 30. This I can tell by the jacket of the bullet, its length, the shape of its nose, the mark of the four "lands" of any rifles used in this vicinity; and also the rifles used in this vicinity, other than the Government rifles, have a larger number of "lands" of the rifle on the bullet, which is deeper than that of the "lands" of any rifles used in this vicinity; and also the rifles used in this vicinity, other than the Government rifles, have a larger number of "lands" in them, and the "lands" are shallower than in the new Springfield.

Q. Now, Captain Ely, I will ask you whether you know of any rifle made which has as small a number of "lands," to wit, four, as those of the new Springfield rifle?—A. I do not, except probably the Krag. I am familiar with the Marlin, the Remington, and the Winchester rifles, practically the only rifles used in this country, or the rifles most generally used, and all of these rifles have either six or seven "lands."

Q. Will you explain what "lands" are, and what is their function?—A. The "lands" are projections from the interior of the bore of a rifle which runs spirally from the breech to the muzzle, forming helices. The twist of these "lands" in the Government rifle are four in number, and they are more prominent, or have greater helpht, than in other rifles, the ordinary sporting rifles.

The projected from the piece. This rotary motion keeps the

it marks of "lands" similar to the marks upon this bullet which I have shown you?—A. I know of no such rifle, except the Krag, nor have I heard of any during my entire experience with rifles and rifle shooting. I will state in this connection that \*the cup won from the English rifle team by the United States rifle team, after having been taken to this country, was returned to the English rifle team on their protest that the rifles used by the American team were not accurately the military rifle in use by the United States Army, because these barrels used by the American competing team had been especially made with a larger number of "lands" in them, and these "lands" were shallower than in the regular military rifle, the terms of the competition requiring that the military rifle should be used, and the cup was returned.

Q. Now, Captain, I will show you this bullet, indented at the side of the nose, and which Mr. Garza states in his affidavit that he picked out of the top of the wooden cover of the well-at the house of Mr. Yturria, in Brownsville, on the 14th day of August, 1906, and will ask you to examine this bullet, which I now show you, and state whether or not it was fired from a new Springfield rifle; and if so, your reasons for so stating.—A. This bullet was fired from a new Springfield rifle, the reasons being the same as above: The marks of four "lands" of the new Springfield rifle are shown distinctly on the bullet, with their greater depth than that of any other rifle used commonly in this vicinity, or used anywhere, so far as I know, and the caliber also is the same as that of the Government rifle.

Q. Captain Ely, I will next show you a bullet which was given to me, and marked with a star on the flat surface at the base of the bullet, in connection with the testimony of Miss Gertrude Cowen, and which is alleged to have been found in a wardrobe in the house of Mr. Louis Cowen, in the city of Brownsville, lodged between the plate-glass mirror and the wooden back of the mirror, on the day on which Mi

opinion this bullet was fired from a new Springfield rifle, it having the steel jacket covering the nose, is .30 caliber, has the four grooves made by the four "lands" of the Springfield rifle, having the depth which those "lands" make.

Q. From the examination which you have made of this bullet, which was found in the wardrobe in the Cowen house back of the broken glass, can you state as to whether that bullet could have been fired through two or three wooden partitions before striking the mirror in the wardrobe and still the nose of the bullet be in the condition in which you see it?—A. I can. The velocity of bullets from the new Springfield rifle (about 2,100 feet per second) is so great, and the nose of the bullet being covered with an extremely hard substance, which is a composition, but is ordinarily called "steel jacket," it will penetrate about 50 inches of soft wood. I have seen bullets from the Government rifle penetrate a large number of pine boards without having the nose perceptibly defaced in any manner. At the same time I have known bullets to be deflected simply by knots in pine timber.

Q. Now, I will ask you, Captain, if you can account, taking into consideration the place where the bullet is alleged to have been found, back of the glass mirror, for the flattened condition of the base of the bullet, and also taking into consideration the further fact that the bullet was fired through two or more partitions of the Cowen house?—A. From much observation of bruised and mutilated bullets of this character, and the knowledge of the cause of the deflection of the same. I am of the opinion that this bullet was probably deflected from its course by some knot in the wood through which it passed, especially as I saw at one time a soldier wounded in a marker's pit by a bullet deflected by a knot in a pine 2 by 4 which constituted part of the shelter over his head. If this bullet had been so deflected, it probably tumbled—that is, going end over end, in which case it might have struck the thick plate glass

end over end, in which case it might have struck the thick plate glass with its butt, breaking the glass and falling into the place you have described.

Q. Captain Ely, I have asked you several questions with reference to this bullet [handing same to Captain Ely] alleged to have been found in the wardrobe in the Cowen house. Are you able to state, from the bruised condition of the butt of this bullet, whether or not it passed through some object before coming in contact with the obstacle which produced the deformation?—A. Yes; it must have passed through some such obstacle, or the nose of the bullet would have struck first. Some obstacle must have caused a deviation of the direction of the bullet which caused it to tumble, which is the only explanation I can see for causing the deformation at the butt of the bullet.

Q. In this connection, Captain Ely, I will show you the two pieces of metal, which I hold in my hand, resembling bent tin, and which were claimed by Mrs. Cowen to have been found in the drawer of a dresser through which one of the bullets which were fired into the Cowen house on the night of the 13th of August. I will ask you to examine these pieces of metal [hands them to Captain Ely] and to state whether in your opinion they are portions of a bullet or bullets fired from the Springfield rifle?—A. I am fully convinced that these pieces are parts of the cupro-nickel casing or steel jacket of the projectile of the new Springfield ammunition. I have had considerable experience on the rifle range and have examined a very great number of broken-up projectiles, broken by the iron-target frame or stones in the earth, and these are without doubt parts of such a projectile. The hardness and constitution of the metal show it to be the peculiar composition used in this jacket, and not to be tin or any such ordinary substance.

Q. Captain Ely, I will ask you whether it is possible for the jacket of a ball fired from a new Springfield rifle into a frame dwelling house, after having passed through one or more p

and the drawer would readily retain them while the lead portion passed on through.

Q. Now, Captain Ely, I will show you these three portions of metal which were given to Major Blocksom by Mr. Garza, and which he testified were found in his house on the morning of the 14th day of August, on the dining-room floor, near a bullet hole in the bottom of the dresser, and will ask you to examine those pieces of metal and state whether in your opinion they are portions of the steel jacket or covering of a bullet fired from the new Springfield rifle?—A. Yes; these are undoubtedly portions of the jacket of such a projectile,

especially as one piece distinctly shows the base of the jacket, though somewhat deformed. I will say in this connection that to one not accustomed to the peculiar deformations on the jacketed bullet the parts of the jacket might seem like pieces of the or other substance. Therefore, this morning I dug from the rifle butts at Fort Sam Houstin these projectiles and ragged pieces of projectile jackets [hands them over to Mr. Purdy] to show the similarity of the pieces in evidence and these which I know are parts of projectiles coming from the new Springfield rifle; and also the unbroken bullets would show the marking of the "lands" described in my testimony, to be exactly similar to such markings on the projectiles of the exactly similar to such markings on the projectiles of the same material, the number of "lands" the same, and their depth the same. Q. Now, Captain Ely, I want to ask you a question about another matter. From your experience as an Army officer in charge of enlisted men, are you able to state whether it is possible for a private to secure and retain in his possession a dozen or more rounds of cartridges without it appearing upon the records of the ammunition that are kept, and without the knowledge of his commanding officer that the private has such ammunition in his possession?—A. Yes. It is possible, in spite of all possible checks. Only yesterday afternoon there was on trial at Fort Sam Houston the case of a man in my own company who had a certain amount of ammunition unauthorizedly in his possession, and had fired the same at night, and in my company I take more than ordinary precaution not generally taken. With the target season shooting, with an allowance of 400 rounds of ammunition mendiately after inspection, and to issue it to them immediately before inspection—a precaution not generally taken. With the target season shooting, and the post competitions, there is a splendid opportunity for men who desire to steal ammunition to so. It is customary in many companies to permit the men to ret

HANSON E. ELY, Captain, Twenty-sixth Infantry, United States Army.

THE STATE OF TEXAS, County of Bexar:

Hanson E. Ely, being first duly sworn, deposes and says that he has read the foregoing testimony subscribed by him, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

HANSON E. ELY, Captain, Twenty-sixth Infantry.

Subscribed and sworn to before me this 6th day of January, 1907.

[SEAL.]

Clerk United States Court for the Western District of Texas,
By A. I. CAMPBELL,
Deputy.

Capt. David J. Baker was first duly sworn by Maj. A. P. Blocksof and, upon being examined by Mr. Purdy, testified as follows:

Q. What is your full name?—A. David J. Baker, captain, Twent; sixth Infantry.

Q. Captain Baker, how long have you been in the United States Army?—A. About twenty-four and one-half years.

Q. You are stationed here at Fort Sam Houston at the present time?—A. Yes, sir; in command of a company of the Twenty-sixth Infantry.

Q. You are stationed here at Fort Sam Houston at the present time?—A. Yes, sir; in command of a company of the Twenty-sixth Infantry.

Q. What experience have you had, Captain Baker, in the use of rifles used by the United States troops and with Government ammunition used in such rifles?—A. I have been familiar with the weapons and with the ammunition used in such rifles ever since I have been in the service. An officer comes into intimate contact with the weapons and ammunition used by them, especially on the target range and in active service. I have not had much experience of that kind with the new Springfield rifle, but I have taken pains to learn the weapon thoroughly, and the ammunition is in all leading characteristics the same as that used in the Krag rifle, which the new Springfield rifle superseded in the Army, and with which I am very thoroughly acquainted.

Q. Captain Eaker, I should like to show you certain shells and ball cartridges and three clips which were turned over to me by the mayor of Brownsyille. Tex., and the sheriff of Cameron County, during my investigation there last week, and ask you whether or not you can tell from those empty shells and ball cartridges as to what kind of ammunition it is?—A. The ammunition and the clips were manufactured for use in the new Springfield rifle, and are such as are used by the troops at the present time. They are manufactured in all cases either by the Government itself or the Union Metallic Cartridge Company, now called the United States Cartridge Company, and, as far as I know, only by such plants; and they are only used by and sold to the Government.

Q. Captain, I will ask you whether ammunition of the character of

ment.

Q. Captain, I will ask you whether ammunition of the character of that which I have shown you—that is, such as was in these empty shells—is commonly bought and sold in the market for general use and for hunting purposes?—A. No, sir. When you first asked me that question, I answered it offhand, as above, but since then, and in order to satisfy myself, I have made inquiry of the principal gun dealers of San Antonio, all of whom are distributors of weapons and

ammunition, not only in this vicinity, but throughout Texas, and they confirm the answer that I have already given.

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duce the proper number at all times. The ten rounds, at least, are always in the personal possession of the enlisted man, the only requirement being that he produce them on inspection. In addition to the ten rounds, target practice, field service, and possibly the generosity of the quartermaster-sergeant or first sergeant give them an opportunity to accumulate more without specific knowledge on the part of their officers. After twenty years' experience as an officer, and having been many times during that period a company commander and in close contact with enlisted men, both in garrison and in the field, I believe that most enlisted men of any organization in service in any post really have in their possession at all times more ammunition than that which may have been issued to them and which they are required to produce on inspection, namely, ten rounds.

Q. Then, in your opinion, Captain Baker, it would not only be possible, but it is a very common thing, for the enlisted men to have in their possession a dozen or so rounds of cartridges each without it appearing from the records of the ammunition kept that he has in his possession such additional rounds?—A. The chances for getting this ammunition are so many that even with the greatest care on the part of the company officers it is impossible to break up the practice. It is as hard a thing to deal with as to prevent the feeding of other people by the cook in your kitchen. It is almost a similar case.

Q. Captain Baker, in conclusion, I want to call your attention particularly to the three clips that were turned over to me by the mayor of the city of Brownsville and by the sheriff of Cameron County as having been found in the streets of Brownsville on the morning after the shooting on the 13th of August, and ask you whether those clips are similar to the clips used in the new Springfield rifle?—A. I have in the new Springfield rifle. The three shown me by you I have compared with this. They are in every respect the same. I know of no such clip in use in this

DAVID J. BAKER,

Captain, Twenty-sixth Infantry, United States Army.

THE STATE OF TEXAS, County of Bexar, ss:

Capt. David J. Baker, being first dark

Capt. David J. Baker, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

DAVID J. BAKER, Captain, Twenty-sixth Infantry, United States Army. Subscribed and sworn to before me this 6th day of January, 1907.

[SEAL.]

Clerk United States Court Western District of Texas,
By A. I. CAMPBELL, Deputy.

Col. Frank Baker was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:
Q. What is your full name, Colonel Baker?—A. Frank Baker.
Q. And you are a lieutenant-colonel of the Ordnance Department of the United States Army, stationed at the San Antonio Arsenal?—A.

the United States Army, stationed at the San Antonio Arsenal?—A. Yes, sir.

Q. How long, Colonel, have you been connected with the Ordnance Department of the Army?—A. Twenty-seven years.

Q. Are you acquainted with the ride now in use in the United States Army, commonly known as the "new Springfield rifle?"—A. Yes, sir; though this rifle is officially designated as United States magazine rifle, caliber 30, model 1903.

Q. Will you state, Colonel, where this Springfield rifle is manufactured.—A. At the Springfield Armory, Springfield, Mass., and at the Rock Island Arsenal, Rock Island, Ill., which are manufacturing establishments under the direction of the Ordnance Department of the Army.

Q. Then, as I understand you, Colonel, this rifle is manufactured by the Government for the use of the United States Army?—A. Yes, sir.

Q. Now, Colonel Baker, I will ask you to state as to whether this new Springfield rifle can be purchased or obtained by anyone except the officers and men connected with the United States Army.—A. The only case of which I am aware where it can be so obtained is by an inventor purchasing it by the authority of the Chief of Ordnance, or in case a soldier should desert and carry away his rifle and later dispose of the same.

purchasing it by the authority of the Chief of Ordinance, of the same.

Q. In other words, it is manufactured for the exclusive use of the United States Army, and not for sale?—A. It is.

Q. Colonel Baker, I will show you these thirty-two empty shells, six ball cartridges, and three clips, which were turned over to me during the progress of my investigation of the Brownsville affray by the mayor of Brownsville and the sheriff of Cameron County. These cartridges and clips are alleged to have been picked up in the streets of the city of Brownsville on the morning of the 14th day of August, 1906, and turned over to the mayor of that city. I will ask you to examine the six ball cartridges and to give your opinion as to what kind of ammunition they are? [Hands the six ball cartridges to Colonel Baker.]—A. One of these cartridges was made at the Frankford Arsenal, and is for the United States magazine rifle, caliber 30, model 1903; the remaining five were made my the Union Metallic Cartridge Company, of Bridgeport, Conn., and are identical with the ammunition used in the United States magazine rifle, caliber 30, model 1903; and there is no question in my mind but that they were made for the United States Government and issued to troops for use with the rifle named.

Q. Now, Colonel Baker, I will ask you as to whether that ammunition which you have just examined—the six ball cartridges—can be fired from the Krag-Jörgensen rifle?—A. It can not.

Q. I will ask you, Colonel, whether you have attempted to insert one of those cartridges in a Krag-Jörgensen rifle?—A. It can not.

Q. With what success?—A. It is impossible to seat the cartridge in the chamber by at least one-half inch.

Q. Now, Colonel Baker, I will call your attention to these thirty-two empty shells which were picked up in the streets in the city of Brownsville on the morning of the 14th of August, and ask you whether in your opinion those shells were fired from the new Springfield rifle? [Hands the empty shells which were picked up in the streets in the ci

Were.

Q. Have you made a demonstration with these shells in the new springfield rifle, for the purpose of ascertaining whether they fit that gun?—A. I have.

Q. And you have no doubt but that they were fired from such rifle?—A. I have not the least doubt in the world.

Q. Now, Colonel Baker, I will call your attention to three clips which were alleged to have been picked up in the streets of Brownsville the day after the shooting there last August, and ask you whether in your opinion those clips were such as were used by the troops in connection with the new Springfield rifle?—A. They are.

Q. Will you state, Colonel Baker, where this ammunition is manufactured which is specially designed for use in the new Springfield rifle?—A. In general, it is manufactured at the Frankford Arsenal, Philadelphia, which is a manufacturing establishment which is owned, controlled, and operated by the United States Government. The Government has also purchased ammunition for the magazine rifle, caliber .30, model 1903, from the following-named private manufacturers: The United States Cartridge Company, of Lowell, Mass.; the Winchester Repeating Arms Company, of New Haven, Conn.

Q. I will ask you, Colonel Baker, if you know of any rifle, other than the new Springfield rifle, which will shoot the ammunition such as I have exhibited to you?—A. I do not. There may be, but I am not cognizant of it.

Frank Baker.

Frank Baker.
Lieutenant-Colonel, Ordnance Department, United States Army. THE STATE OF TEXAS, County of Bexar:

Frank Baker, being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

Frank Baker,
Lieutenant-Colonel, Ordnance Department, United States Army. Subscribed and sworn to before me this 6th day of January, 1907.

[SEAL.]

Clerk United States Court for the Western District of Texas.

By A. I. Campella.

Deputy.

WAR DEPARTMENT. OFFICE OF THE SECRETARY, January 6, 1907.

MEMORANDUM FOR THE CHIEF OF ORDNANCE.

MEMORANDUM FOR THE CHIEF OF ORDNANCE.

Will you please send a competent officer to the factories where the ammunition for the Springfield rifle of the model of 1903 has been manufactured and obtain from the persons who know how much, if any, of that ammunition has been sold to anybody but the Government, and who the persons were to whom it was sold?

Second. Whether the rifle itself, of the model of 1903, has been made and sold to anybody but the Government by third persons.

Third. Whether, within the knowledge of the experts of the firms manufacturing the ammunition, any gun is known, except the United States rifle of the model of 1903, which will take this ammunition, either by single cartridges or in a clip.

Fourth. What has been the destination of any United States rifles of the model of 1903 which have found their way into the possession of any other persons than the troops of the Regular Army of the United States.

WM. H. Taff,

WM. H. TAFT, Secretary of War.

[Indorsement.]

OFFICE OF THE CHIEF OF ORDNANCE, Washington, January 10, 1907.

OFFICE OF THE CHIEF OF ORDNANCE,

Washington, January 10, 1907.

1. Respectfully returned to the honorable the Secretary of War, together with report of Capt. J. H. Rice, Ordnance Department, upon the first three of the items mentioned in the within memorandum.

2. It appears from Captain Rice's report that ammunition similar to that for the Springfield rifle, model of 1903, has been manufactured and sold to private parties by two establishments. This ammunition is, however, somewhat different from that manufactured by or for the Government, in that the ammunition manufactured by the Winchester Repeating Arms Company used different priming compositions and different anvil, and all but 25,000 rounds had different marking on the base of the cartridge case, while that manufactured by the Union Metallic Cartridge Company, while using the same anvil. had different priming composition and different marking on the base of the cartridge case. Therefore it should be possible to distinguish any of the ammunition or fire cartridge cases thus manufactured and sold to private parties from that manufactured by or for the Government.

3. Some 438 rifles designed to fire the ammunition mentioned above as sold to private parties have been manufactured and mostly sold to dealers and to individuals by the Winchester Repeating Arms Company, and two such rifles have been manufactured by the M. Hartley Company, one of which is still in its possession. It is not believed, however, that any of these rifles would ordinarily fire the Government ammunition, because of their light blow by the firing pin, which is the reason for the difference of primer and anvil mentioned above.

4. There is also inclosed a list of the names and addresses of all parties to whom United States Government ammunition for the rifle of the model of 1903 had been furnished prior to August 13, 1906, under the various laws and regulations permitting the disposition of such ammunition to others than United States troops.

5. Referring to the fourth point in the wit

WILLIAM CROZIER, Brigadier-General, Chief of Ordnance.

[Inclosure No. 1.]

WAR DEPARTMENT.

OFFICE OF THE CHIEF OF ORDNANCE,
Washington, January 10, 1907.

SIR: 1. Referring to letter from The Military Secretary, dated January
7, 1907, O. O. 32753-93, directing me to proceed to Lowell, Mass., and
New Haven and Bridgeport, Conn., and your verbal instructions in connection therewith, I have the honor to report as follows:

I left this city at 5.35 p. m. on January 6, arriving at Lowell, Mass.,
the next morning. I visited the works of the United States Cartridge
Company at that place and had a talk with Mr. Butler and Mr. Hoxle,
of the company. Mr. Butler stated that no ammunition, model of
1903, had been sold by them, as there was practically no market for the
product

2 I then proceeded to the works of the Winchester Repeating Arms Company at New Haven, Conn., arriving at 4.22 p. m., January 7. I called upon Mr. W. Bennett, second vice-president of that company, who informed me that their model of 1895 Winchester rifle had been chambered for the model of 1903 cartridge and that 438 had been shipped from the factory; 152,920 model of 1903 cartridges had also been manufactured and shipped to dealers and others. Of these, 25,000 used cartridge cases, marked in accordance with the Government system, that had been left over from their last contract with the Ordanace Department. This marking was "W. R. A. Co., 5-06." All the remaining cartridges sold by them were marked "W. R. A. Co., 30 G. 93." All the Winchester cartridges sold to others than the United States had fulminate primers of Winchester manufacture instead of the non-fulminate primers used by the Ordanace Department. The Winchester primer has an anvil shaped approximately thus: , , while the Government primer has an anvil shaped thus:

had fulminate primers used by the Ordnance Department. The Winchester primer has an anvil shaped approximately thus:

, while the Government primer has an anvil shaped thus:

, the Winchester also being of thinner material. It is necessary for the company to use fulminate primers, since the nonfulminate are too insensitive for the stroke of the firing pin in their arm.

All the fulminate primers manufactured by them will be discharged by a 2-ounce weight dropped 23 inches, while the Ordnance Department primer requires the same weight dropped 30 inches. Consequently it would be but rarely that a Government cartridge with nonfulminate primer would be discharged in a Winchester riffe. Mr. Bennett stated that he knew of no other company in the United States that had sold any arms chambered for the 1903 cartridge. He very kindly furnished me with lists showing where all their arms so chambered had been sent from the factory, and a similar list in reference to the ammunition. I also later obtained a list showing where the arms and ammunition of this class had been sent when sold by their New York retail store. The former lists were not completed until 6 p. m. on January 8, and the latter required the greater part of January 9 for their preparation. Of the arms shown shipped to San Francisco, fifteen were destroyed in the earthquake and fire at that place. While the Winchester company was preparing the lists referred to above I proceeded to Bridgeport, Conn., and interviewed the officials of the Union Metallic Cartridge Company at that place. I found that they had sold 15,860 rounds of animunition, model of 1903, which they said was marked on the base, "U. M. C. 30 S." and not "U. M. C. Co.," followed by the date, as is done in the case of Government contracts. I was unable to obtain a list showing where this ammunition had been sent, but was informed that it could probably be obtained at their New York office. The cartridges old by this company are supplied with fulminate primers in which the anvil is practically the

as to make this possible. These two companies appeared to be under the same management.

4. Although ciligent inquiry was made, I was unable to hear of any company in the United States that manufactures the regular model of 1903 rifle, nor did any of the men with whom I talked know of any company manufacturing any rifle chambered for the 1903 ammunition other than those enumerated above. The Winchester rifle does not use a clip, nor would the one Lee rifle sold by M. Hartley Company use the service clip.

5. About 90 per cent of the 1903 ammunition sold by the Winchester Company had soft-nose bullets, the remainder having the ordinary jacketed bullet. Their records did not show the exact proportion. The list furnished by the Union Metallic Cartridge Company indicates which were soft-nosed and which were jacketed.

6. The last two lists were completed late on the afternoon of January 9. The lists referred to above are hereto appended, marked as follows:

follows:
List of arms shipped from the factory of the Winchester Repeating Arms Company, marked "A."
List of model of 1903 cartridges shipped from the Winchester factory, marked "B."
List of rifles sold by the New York retail store of the Winchester Repeating Arms Company, marked "C."
List of ammunition sold by the New York retail store of the Winchester Repeating Arms Company, marked "D."
List of ammunition sold by the Union Metallic Cartridge Company, marked "E."
Very respectfully,
Captain, Ordnance Department, U. S. Army.
The Chief of Ordnance.

The CHIEF OF ORDNANCE.

Quantity.	Date.	To whom shipped.				
1 1 2 1 1 1 1 5 1	1904. Aug. 6 Aug. 17 Aug. 18 Aug. 25 Aug. 23 Aug. 29 Aug. 30 Aug. 11 Oct. 7	W. S. Brown, Pittsburg, Pa.  New York department, Winchester Repeating Arms Co. Do. Jno. W. Garrett, Colorado Springs, Colo. Soo Hardware Co., Sault Ste. Marie, Mich. T. B. Davis Arms Co., Portland, Me. Ad. Topperwein, St. Louis, Mo. San Francisco department. Newton Lumber Co., Colorado Springs, Colo.				

		nodel '95, .30 Government rimless rifles—Continued.	Shipment of model '95, .30 Government rimless rifles—Cor				
antity.	Date.	To whom shipped.	Quantity.	Date.	To whom shipped.		
2	1904. Oct. 11	New York department, Winchester Repeating Arms Co.	1	1906. June 1	The Fair Chicago III		
1	Oct. 14 Oct. 22	Do. Do.	1	June 4 June 12	The Fair, Chicago, Ill. Korff, Honsberg & Co., City of Mexico, Mexico.		
1	do	Cartridge shop shooting gallery, Winchester Repeating Arms	1	June 18	Joint Bros., Sabona, N. Y.		
2	Oct. 27	Co. Frank A. Ellis & Son, Denver, Colo.	2 1	June 27 June 29	Holley-Mason Hardware Co., Spokane, Wash, Jetton-Deckle Lumber Co., Brandon, Fla.		
3	Nov. 1	New York department, Winchester Repeating Arms Co.	1	June 30	Salem G. Le Valley Co., Buffalo, N. Y. Winter & Co., Moncton, New Brunswick, Canada.		
1	Nov. 2	J. A. Johnston, Pittsburg, Pa. Carl Engel, Butte, Mont.	2	July 2	Missonia Mercantile Co. Missonia Mont		
1	Nov. 19 Dec. 19	Norvell-Shapleigh Hardware Co., St. Louis, Mo. J. A. Johnston, Pittsburg, Pa.	1	July 29do	J. A. Johnston, Pittsburg, Pa. New York Department, Winchester Repeating Arms C Marshall-Wells Hardware Co., Portland, Oreg.		
		( ) A C C C C C C C C C C C C C C C C C C	10	July 7	Marshall-Wells Hardware Co., Portland, Oreg.		
1	1905. Jan. 17	Ralph Skidmore, Marinette, Wis.	1 2 5	July 11	Farwell, Ozmun, Kirk & Co., St. Paul, Minn. Sorenson & Thykeson, Albert Lea, Minn,		
1	Jan. 20 Jan. 26	New York department, Winchester Repeating Arms Co. Bering-Cortes Hardware Co., Houston, Tex.	5 1	July 12do	Chas. E. Tisdall, Vancouver, British Columbia, Canada Iver Johnson Sporting Goods Co., Boston, Mass.		
1	Jan. 20 Jan. 11	New York department, Winchester Repeating Arms Co.	2 1	July 14	Sorenson & Thykeson, Albert Lea, Minn. T. B. Davis Arms Co., Portland, Me.		
5 3	Feb. 24	San Francisco department, Winchester Repeating Arms Co. New York department, Winchester Repeating Arms Co.	1	July 24 July 26	1. E. Swift Co., Houghton, Mich.		
1	Apr. 24 do	John Meunier Gun Co., Milwaukee, Wis. R. A. Kane, Menominee, Mich.	1	July 30	Farwell, Ozmun, Kirk & Co., St. Paul, Minn, W. H. Hoegee & Co., Los Angeles, Cal.		
2 2	Mar. 14	Carl Engel Butte Mont	5	July 31	Wyeth Hardware and Manufacturing Co., St. Joseph.		
1	Mar. 28 May 4	New York department, Winchester Repeating Arms Co. Velocity department, Winchester Repeating Arms Co.	1	do Aug. 1	Bronson & Townsend Co., New Haven, Conn. Bullard & Gormely Co., Chicago, Ill.		
1	May 8 May 10	San Francisco department, Winchester Repeating Arms Co. W. S. Brown, Pittsburg, Pa.	1	do Aug. 2	Lyman Gun Sight Corporation, Middlefield, Conn. John O'Brien Lumber Co., Somers, Mont.		
1	May 13	J. A. Johnston, Pittsburg, Pa.	2	Aug. 3	Frank A. Ellis & Son, Denver, Colo.		
2 2	May 19 May 22	Frank A. Ellis & Son, Denver, Colo. Velocity department, Winchester Repeating Arms Co.	2 2	do Aug. 3	Strevell-Paterson Hardware Co., Salt Lake City. Honeyman Hardware Co., Portland, Oreg.		
1	June 20 June 24	Missoula Mercantile Co., Missoula, Mont. Iver Johnson Sporting Goods Co., Boston, Mass.	20	do	Marshall-Wells Hardware Co, Portland, Oreg. Golcher Bros., San Francisco, Cal.		
5	June 20	San Francisco department, Winchester Repeating Arms Co	2	do	Jensen-King-Byrd Co., Spokane, Wash,		
10	July 26 Aug. 16	Do. J. A. Johnston, Pittsburg, Pa.	2	Aug. 4	Tuft-Lyons Arms Co., Los Angeles, Cal. Do.		
1	Aug. 7	New York department (export), Winchester Repeating Arms Co.	1	Aug. 2 Aug. 9	W. F. Sheard, Tacoma, Wash. Krakauer-Zork & Moye, El Paso, Tex.		
3	Aug. 10	Do.	3 5	do	Schwabacher Hardware Co., Seattle, Wash.		
5	Aug. 18 Aug. 22	Do. Carl Engel, Butte, Mont.	2 2	Aug. 19 Aug. 10	Kennedy Bros., Minneapolis, Minn. Murphy-Maclay Hardware Co., Great Falls, Mont.		
1 1 1	Sept. 20	New York department, Winchester Repeating Arms Co. Emmons & Mundy, Auburn, N. Y.	1	Aug. 16 Aug. 17	Stauffer, Eshleman & Co., New Orleans, La. W. K. Ephlin, Methuen, Mass.		
1	Sept. 8 Oct. 6	San Francisco department, Winchester Repeating Arms Co.	1	Aug. 18	A. D. McAusiand, Miles City, Mont.		
1 3	Oct. 7		1	Aug. 20 Aug. 21	Dr. W. R. Prather, Calistoga, Cal. Iver Johnson Sporting Goods Co., Boston, Mass.		
1	Oct. 20	Carl Engel, Butte, Mont.	2 2	Aug. 22 Aug. 23	Missoula Mercantile Co., Kalispell, Mont.		
1	Oct. 27 Nov. 11	W. S. Brown, Pittsburg, Pa. R. W. Allen, Kenosha, Wis.	1	do	Missoula Mercantile Co., Missoula, Mont. Lyman Gun Sight Corporation, Middlefield, Conn.		
1 2	Nov. 21 Dec. 8	F. S. Rowe & Co., Fort Pierre, S. Dak. Frank A. Ellis & Son, Denver, Colo.	1	Aug. 24	Strevell-Paterson Hardware Co., Salt Lake City, Seattle Hardware Co., Seattle, Wash.		
1	Dec. 11	Soo Hardware Co., Sault Ste. Marie, Mich.	2 3	Aug. 25	Pacific Hardware and Steel Co., San Francisco.		
1	Dec. 20	G. Pitards's Sons, New Orleans, La.	1	do	Von Lengerke & Antoine, Chicago, Ill. W. H. Holliday Co., Laramie, Wyo.		
1	1906. Jan. 10	Rice & Miller, Bangor, Me.	1	Aug. 27 Aug. 29	A. M. Holter Hardware Co., Helena, Mont. J. F. Schmelzer & Sons Arms Co., Kansas City,		
1	Jan. 12	Von Lengerke & Antoine, Chicago, Ill.	1	Aug. 30	Sumner & Co., Moneton, New Brunswick, Canada,		
10	Jan. 17 Jan. 18	Thomas Van Auken & Co., Beaumont, Tex. San Francisco department.	1 2	do	Hibbard, Spencer, Bartlett & Co., Chicago. Carl Engel, Butte, Mont.		
1	Jan. 23 Feb. 20	Mosling & Anderson, Lakewood, Wis. W. Bingham Co., Cleveland, Ohio.	1	do Aug. 2	A. Deutz & Bro., Laredo, Tex. New York department, Winchester Repeating Arms C		
2	Feb. 12 Feb. 6	Von Lengerke & Antoine, Chicago, Ill. J. A. Firebaugh, Fairview, Okla.	1	Aug. 15 Aug. 17	Do. Do,		
1	Feb. 10	Lyman Gun Sight Corporation, Middlefield, Conn.	1	Aug. 18	Do.		
1 2	Feb. 12	Lyman Gun Sight Corporation, Middlefield, Conn. Foster, Stevens & Co., Grand Rapids, Mich. Von Lengerke & Antoine, Chicago, Ill.	1	Aug. 2 Sept. 11	J. A. Rickard & Co., Schenectady, N. Y. Golcher Bros., San Francisco, Cal.		
1	Feb. 17 Feb. 20	Carbon Coal Co., Decota, W. Va.	1 1	Sept. 20 Sept. 26	Montgomery Ward & Co., Chicago, Ill. Foster-Mead Hardware Co., Huntington, W. Va.		
î	Feb. 21	Iver Johnson Sporting Goods Co., Boston, Mass.	1	Sept. 29	F. H. Chandler, Shelburne Falls, Mass.		
1	Feb. 27	Carl Engel, Butte, Mont. Proto Bros., Nogales, Ariz.	3 1	Sept. 10 Sept. 5	Korff, Honsberg & Co., City of Mexico, Mexico, Fuller-Cook Hardware Co., Houston, Tex.		
1	Feb. 28 Mar. 3	W. K. Coleman, Bartow, Fla.	3 3	Sept. 10 Sept. 6	Horff, Honsberg & Co., City of Mexico, Mexico. Hibbard, Spencer, Bartlett & Co., Chicago.		
i	do	H. A. McLean, Jamaica, Vt.	. 2	Sept. 11	Northrup Hardware Co., Boise, Idaho.  Janney, Semple, Hill & Co., Minneapolis, Minn.		
1	Mar. 8	W. S. Dundar, Alpine, Tex. T. B. Davis Arms Co., Portland, Me.	20	Sept. 12	J. B. Lowe, Prentice, Wis.		
3		W.H. Read & Solis, Boston, Mass. H. A. McLean, Jamaica, Vt. W. S. Dunbar, Alpine, Tex. T. B. Davis Arms Co., Portland, Me. Salt Lake Hardware Co., Salt Lake City, Utah. Jno. M. Killin Co., Pueblo, Colo. Sheffield-Huntington Co., Americus, Ga. New York department, Winchester Repeating Arms Co.	1 1	Sept. 14 Sept. 15 Sept. 18	J. B. Lowe, Prentice, Wis. F. P. Hall Co., Columbus, Ohio. Walter G. Clark Co., Omaha, Nebr.		
1	do	Sheffield-Huntington Co., Americus, Ga.	1	Sept. 18	Wyeth Hardware and Manufacturing Co., St. Joseph.		
10	Mar. 14 Mar. 16	New York department, Winchester Repeating Arms Co.	1	Sept. 19 Sept. 4	New York department, Winchester Repeating Arms C Rev. J. W. Fobes, Peacedale, R. I.		
1	Mar. 16 Mar. 28 Mar. 28	Iver Johnson Sporting Goods Co., Boston, Mass. Strevell-Paterson Hardware Co., Salt Lake City, Utah.	1 2 1 3	Sept. 4 Sept. 13	Browning Bros. Co., Ogden, Utah. Jerry Coleman, Galion, Ohio.		
î	Apr. 16	Montgomery Ward & Co., Chicago, Ill. Frank A. Ellis & Son, Denver, Colo.	3	Sept. 15	Honeyman Hardware Co., Portland, Oreg.		
7	Apr. 17 Apr. 20	Ino. E. Davis, Butte, Mont.	1 8	Sept. 17 Sept. 19	Arp & Hammond, Cheyenne, Wyo. Holley-Mason Hardware Co., Spokane, Wash.		
1 2	Apr. 21	Jas. Dodds, Dayton, Ohio. Carl Engel, Butte, Mont.	1	do Sept. 20	Andrus & Naedele Co., Hartford, Conn. W. H. Hoegee Co., Los Angeles, Cal.		
5	Apr. 25	Wyeth Hardware and Manufacturing Co., St. Joseph, Mo.	5	Sept. 25	Wyeth Hardware and Manufacturing Co., St. Joseph,		
5	Apr. 25	Montgomery Ward & Co., Chicago, Ill. Marshall-Wells Hardware Co., Portland, Oreg. J. Stevens Arms and Tool Co., Chicopee Falls, Mass.	3 1	Sept. 26 Sept. 28	McLennon-McFeely & Co., Vancouver, British Colum Lyman Gun Sight Corporation, Middlefield, Conn.		
1	Apr. 30	J. Stevens Arms and Tool Co., Chicopee Falls, Mass. J. E. Wells, Mitchell, S. Dak.	1 1	Oct. 2 Oct. 4	F. B. Crumley, Rock Springs, Wyo. John E. Bassett, New Haven, Conn.		
1	May 2	G. H. Garrison & Co., Olympia, Wash.	1	Oct. 5	A. F. Debrowsky, Redding, Cal.		
1 2	May 4 May 10	Farwell, Ozmun, Kirk & Co., St. Paul, Minn. Tuft-Lyons Arms Co., Los Angeles, Cal.	1	Oct. 10	F. L. Kilmer, Oconto Falls, Wis. T. B. Davis Arms Co., Portland, Me.		
1	May 11	United States Cartridge Co., Lowell, Mass.	1 1	Oct. 13 Oct. 16	Kennedy Bros., Minneapolis, Minn. Portage Lake Hardware Co., Houghton, Mich.		
1	May 29 May 28	Tuft-Lyons Arms Co., Los Angeles, Cal. United States Cartridge Co., Lowell, Mass. W. S. Brown, Pittsburg, Pa. F. S. Rowe & Co., Fort Pierre, S. Dak.	1 2	Oct. 19	Cambria Trading Co., Cambria, Wyo.		
1	May 29	Montana Hardware Co., Butte, Mont. Iver Johnson Sporting Goods Co., Boston, Mass. W. S. Brown, Pittsburg, Pa.	1 1	Oct. 22 Oct. 23	W. M. Payne, Springfield, Ill. Kennedy Bros., Minneapolis, Minn.		
î	May 31	W. S. Brown, Pittsburg, Pa.	1	Oct. 26	W. G. Clark Co., Omaha, Nebr.		
1	May 8	Von Lengerke & Antolne, Chicago, Ill. New York Department, Winchester Repeating Arms Co. W. S. Brown, Pittsburg, Pa.	1	Oct. 29	T. B. Davis Arms Co., Portland, Me. Stauffer, Eshleman & Co., New Orleans, La.		
1	May 29 Apr. 10	Von Lengerke & Antoine, Chicago, III.	1 1	Oct. 29 do Oct. 30	Marshall-Wells Hardware Co., Portland, Oreg. O. A. Bremer-Lewis Co., San Francisco, Cal.		
2	Apr. 12	J. A. Johnston, Pittsburg, Pa.	2	do	O. A. Bremer-Lewis Co., San Francisco, Cal. Iver Johnson Sporting Goods Co., Boston, Mass. C. E. Norton, Diamondale, Mich.		
	21 DL 24	Do. New York Department, Winchester Repeating Arms Co.	1	Oct. 31	Shelton-Payne Arms Co., El Paso, Tex.		

Quantity.

Date.

uantity.	Date.	To whom shipped.					
1111111111111	1906. Oct. 24 Oct. 23 Nov. 1 Nov. 6 Nov. 7 Nov. 13 Nov. 15 Nov. 19 Nov. 20 Nov. 27	Golcher Bros., San Francisco, Cal. A. D. McAusland, Miles City, Mont. Robt. C. Harvey, Deadwood, S. Dak, Lewis Bros. & Co., Montreal, Canada. Seattle Hardware Co., Seattle, Wash. Bronson & Townsend Co., New Haven, Conn. J. G. Birney, Boston, Ga. Topky & Brebner, Conneaut, Ohio. Shelton-Payne Arms Co., El Paso, Tex. Carl Engel, Butte, Mont. Oscar Nason, Oxbow, Me. F. H. Mark, Bellows Falls, Vt. John M. Smyth Co., Chicago, Ill. Do.					
1 1 2 1 1 1 1	Nov. 30 Dec. 1 do Dec. 4 Dec. 8 Dec. 10 Dec. 14 Dec. 20 do	Missoula Merchandise Co., Missoula, Mont. Ambold Co., Waco, Tex. A. Deutz & Bro., Laredo, Tex. C. L. Pettingill & Son, Island Falls, Me. J. F. Schmelzer & Sons Arms Co., Kansas City, Mo. Harris Goodwin, Penacook, N. H. Frank A. Ellis & Son, Denver, Colo. Farwell, Ozmun, Kirk & Co., St. Paul, Minn. J. O. Bardill, Herculaneum, Mo.					
1	Dec. 26 1905. June 7	J. A. Johnson Pittsburg, Pa.					
2 1 5	1906. Jan. 9 Apr. 5 Apr. 25 July 2	New York department, Winchester Repeating Arms Co. Von Lengerke & Antoine, Chicago, Ill. Marshall-Wells Hardware Co., Portland, Oreg. Carl Engel, Butte, Mont.					
	1905. July 29	New York department, Winchester Repeating Arms Co.					
438	3						

Shipment of .30 Government rimless cartridges.

Quantity.	Date.	To whom shipped.					
	1906.						
1,000	June 25	New York department, Winchester Repeating Arms Co.					
100	Aug. 2	J. A. Rickard & Co., Schenectady, N. Y.					
500	Aug. 6	W. S. Brown, Pittsburg, Pa.					
2,000	Aug. 12	San Francisco department, Winchester Repeating Arms Co.					
1,000	Aug. 24	Do.					
300	Aug. 23	Soo Hardware Co., Sault Ste. Marie, Mich.					
240	Aug. 25	John W. Garrett, Colorado Springs, Colo.					
500	do	W. S. Brown, Pittsburg, Pa.					
100	Aug. 29	T. B. Davis Arms Co., Portland, Me.					
500	Sept. 2	W. S. Brown, Pittsburg, Pa.					
1,000	do	San Francisco department, Winchester Repeating Arms Co.					
20	Sept. 17	London Armoury Co., London, England.					
240	Oct. 26	Norvell-Shapleigh Hardware Co., St. Louis.					
100	Oct. 18	Newton Lumber Co., Colorado Springs, Colo.					
400	Oct. 27	Frank A. Ellis & Sons, Denver, Colo.					
160	Oct. 13	J. A. Johnston, Pittsburg, Pa.					
300	Nov. 2 Nov. 3	Carl Engel, Butte, Mont.					
200	Nov. 3	Walter Tips, Austin, Tex.					
300	Nov. 10	J. A. Johnston, Pittsburg, Pa.					
500	Nov. 28	New York department, Winchester Repeating Arms Co.					
40	Nov. 29	Berg Bros., Davenport, Iowa.					
100	Dec. 2	Bering-Cortes Hardware Co., Houston, Tex.					
40	Oct. 12	Norvell-Shapleigh Hardware Co., St. Louis.					
100	June 9	United States Cartridge Co., Lowell, Mass.					
	1905.						
300	Jan. 16	Frank A. Ellis & Son, Denver, Colo.					
200	May 24	Carl Engel, Butte, Mont.					
500	May 27	Iver Johnson Sporting Goods Co., Boston.					
100	June 17	Ralph Skidmore, Marinette, Wis.					
1,000	June 2	New York department, Winchester Repeating Arms Co.					
1,000	June 20	Do.					
40	July 6	P. R. Brooks, Rowayton, Conn.					
500	July 11	Chas. E. Tisdall, Vancouver, British Columbia.					
60	July 17	P. R. Brooks, Great Neck, Long Island.					
500	Aug. 1	Frank A. Ellis & Son, Denver, Colo.					
1,000	Aug. 2	Chas. E. Tisdall, Vancouver, British Columbia.					
40	Aug. 16	London Armoury Co., London, England.					
300	Aug. 17	A. B. Temple, El Paso, Tex.					
1,000	Sept. 21	T. R. Brooks, Great Neck, Long Island.					
1,000	Sept. 14	New York department, Winchester Repeating Arms Co.					
1,000	Sept. 21	San Francisco department, Winchester Repeating Arms Co.					
1,000	Sept. 18	Missoula Mercantile Co., Missoula, Mont.					
2,000	Sept. 21	San Francisco dapartment, Winchester Repeating Arms Co.					
300	Sept. 27	Carl Engel, Butte, Mont.					
2,000	Sept. 28	San Francisco department, Winchester Repeating Arms Co.					
300	Oct. 6	Emil Linck, Hamburg, Germany.					
200	Oct. 7	Sportsmen's Supply Co., Pittsburg, Pa.					
3,000	Oct. 10	San Francisco department, Winchester Repeating Arms Co.					
500	Oct. 14	Powell & Clement Co., Cincinnati, Ohio.					
100	Oct. 24	Walter Tips, Austin, Tex.					
40	Oct. 28	Lyman Gun Sight Corporation, Middlefield, Conn.					
300	Oct. 30	W. S. Brown, Pittsburg, Pa.					
200	Oct. 31	Walter Tips, Austin, Tex.					
500	June 20	Walter Tips, Austin, Tex. Missoula Mercantile Co., Missoula, Mont. New York department, Winchester Repeating Arms Co.					
1,000	Nov. 3	New York department, Winchester Repeating Arms Co.					
500	NOV. II	R. W. Allen, Kenosha, Wis.					

	1905.	
200	Nov. 21 Dec. 11	F. S. Rowe & Co., Fort Pierre, S. Dak. Soo Hardware Co., Sault Ste. Marie, Mich.
200 200	do	Marshall-Weils Hardware Co., Duluth, Minn. G. E. Martinelli, Notre Dame, Ind.
20 100	Dec. 12 Dec. 15	G. E. Martinelli, Notre Dame, Ind. Montgomery Ward & Co., Chicago.
100	Dec. 20	G. Petards Sons, New Orleans, La.
	1000	
500	1906. Jan. 2	Powell & Clement Co., Cincinnati, Ohio.
100	Jan. 12	Von Lengerke & Antoine, Chicago.
100 500	Jan. 23 Feb. 1	Jno. Pritzlaff Hardware Co., Milwaukee, Wis. Emil Lincke, Hamburg, Germany.
200	Feb. 20	Wilson & Matthews, Mount Gilead, Ohio.
1,000	Feb. 7 Feb. 6	Hackett-Walter-Gates Hardware Co., St. Paul. I. A. Firebaugh, Fairview, Okla.
200	Feb. 10	Lyman Gun Sight Corporation, Middlefield, Conn.
1,200 200	Feb. 12 Feb. 17	Von Lengerke & Antoine, Chicago. Carbon Coal Co., Decota, W. Va.
1,000	Feb. 27	Proto Bros., Nogales, Ariz.
500 300	Feb. 28	Shelton-Payne Arms Co., El Paso, Tex. W. K. Coleman, Barto, Fla.
200	Mar. 2	W. K. Coleman, Barto, Fla. London Armoury Co., London, England.
120 100	Mar. 3 Mar. 9	H. A. McLean, Jamaica, Vt. T. B. Davis Arms Co., Portland, Me.
100	Mar. 12	Jno. M. Killim & Co., Pueblo, Colo.
100 100	Mar. 8 Mar. 9	W. S. Dunbar, Alpena, Tex. Iver Johnson Sporting Goods Co., Boston.
2,000	Mar. 10	Sait Lake City Hardware Co., Sait Lake City.
100 140	Mar. 12	Jno. Pritzlaff Hardware Co., Milwaukee.
500	Mar. 15	Sheilield-Huntington Co., Americus, Ga. Jno. Pritzlaff Hardware Co., Milwaukee. Foster-Stevens & Co., Grand Rapids, Mich.
80 200	Mar. 26 Mar. 28	Jho, S. Neill, Fredericion, New Brunswick.
7,000	Mar. 31	Strevell-Patterson Hardware Co., Salt Lake City, Utah, San Francisco Department Winderster Repeating Arms Co
100 200	Apr. 10	Montgomery Ward & Co., Chicago, Ill. Do.
500	Apr. 12	Iver Johnson Sporting Goods Co., Boston, Mass.
1,000	Apr. 18 Apr. 26	Wyeth Hardware Co., St. Joseph, Mo. J. E. Wells, Mitchell, S. Dak.
1,000	Apr. 12	New York Department Winchester Repeating Arms Co.
2,500	Apr. 16 Apr. 21	Montana Hardware Co., Butte, Mont. Jas. Dodds. Dayton, Ohio.
100	Apr. 23	Jas. Dodds, Dayton, Ohio. Carl Engel, Butte, Mont.
3,000	Apr. 26	San Francisco Department Winchester Repeating Arms Co Montgomery Ward & Co., Chicago.
7,000	Apr. 20	Marshall-Wells Hardware Co., Portland, Oreg.
3,000	Apr. 30do	Marshall-Wells Hardware Co., Portland, Oreg. J. Stevens Arms and Tool Co., Chicopee Falls, Mass. San Francisco Department Winchester Repeating Arms Co
2,000	May 11	Missonia Mercantile Co. Missonia Mont
300	May 2 May 5	W. S. Brown, Pittsburg, Pa. W. K. Coleman, Homeland, Fla.
100	May 9	W. S. Brown, Pittsburg, Pa. W. K. Coleman, Homeland, Fla. C. A. Shroyer & Co., Dayton, Ohio.
1,000	do	C. A. Shroyer & Co., Dayton, Ohio. Frank A. Ellis & Son, Denver, Colo. Tuft-Lyons Arms Co., Los Angeles, Cal. F. S. Rowe & Co., Fort Pierre, S. Dak. G. H. Garrison & Co., Olympia, Wash. Marshall-Wells Hardware Co., Portland, Oreg. Korff-Honsberg & Co., City of Mexico. Browning Bros Co., Ogden, Utah. Joint Bros., Savona, N. Y. New York Department Winchester Repeating Arms Co. W. S. Brown Pittsburg, Pa.
140	May 10 May 28	F. S. Rowe & Co., Fort Pierre, S. Dak.
7,000	May 21 May 25	Marshall-Wells Hardware Co., Portland, Oreg.
1,000	June 4	Korff-Honsberg & Co., City of Mexico.
500 200	June 15 June 18	Joint Bros., Savona, N. Y.
1,000	June 19	New York Department Winchester Repeating Arms Co.
1,000	June 7 June 9	W. S. Brown, Pittsburg, Pa. Honeyman Hardware Co., Portland, Oreg. C. & W. McClean & Co., St. Louis, Mo. Browning Bros. Co., Ogden, Utah. New York Department Winchester Repeating Arms Co.
120	June 12 June 15	C. & W. McClean & Co., St. Louis, Mo.
500 500	June 19	New York Department Winchester Repeating Arms Co.
200	do	Salem G. LeValley, Buffalo, N. Y. Edwards & Walker, Portland, Me.
100 300	June 21 June 29	Jetton-Dekle Lumber Co., Brandon, Fla.
500	June 27 June 25	Jetton-Dekle Lumber Co., Brandon, Fla. Holley-Mason Hardware Co, Spokane, Wash. Bullard & Gormley Co. Chicago, Ill
1,000	June 27	Bullard & Gormley Co., Chicago, Ill. Jensen-King-Byrd Co., Spokane, Wash.
3,000	do	
1,000	June 29 July 11	W. F. Sheard, Tacoma, Wash. Sorensen & Thykson, Albert Lea, Minn. Murphy-Maclay Hardware Co., Great Falls, Mont. T. B. Davis Aim; Co., Portland, Me.
400 100	July 14 July 24	T. B. Davis Arms Co., Portland, Me.
300	July 2	Winter & Co., Mor cton, New Brunswick, Missoula Mercantile Co., Missoula, Mont.
2,000	July 3	W. K. Coleman, Carrabelle, Fla.
100	July 5	W. K. Coleman, Carrabelle, Fla. J. A. Rickard, Schenectady, N. Y. Tuits-Lyons Arms Co., Los Angelos, Cal.
300 60	July 6 July 7	Tuits-Lyons Arms Co., Los Angelos, Cal. Fuller-Cook Hardware Co., Houston, Tex.
100	July 26	Farwell, Ozmun, Kirk & Co., St. Paul, Minn. Wyeth Hardware and Manufacturing Co., St. Joseph, Mo.
1,000	July 31	Bronson & Townsend Co., New Haven, Conn.
500	July 27	Tufts-Lyons Arms Co., Los Angeles, Cal. Missoula Mercantile Co., Kalispell, Mont.
600 100	July 31 Aug. 7	Russell Bros, Manufacturing Co., Middletown, Conn.
2,000	Aug. 9 Aug. 14	Russell Bros. Manufacturing Co., Middletown, Conn. Krakauer-Zork & Move, El Paso, Tex.
500 1,000	Aug. 14 Aug. 28	Wm. H. Hoegee Co., Los Angeles, Cal. Seattle Sporting Goods Co., Seattle, Wash.
1,000	Aug. 28 Aug. 11	Seattle Sporting Goods Co., Seattle, Wash. Janney-Semple-Hill & Co., Minneapolis, Minn.
1,000	Aug. 18 Aug. 27	A. D. McAusland Miles City, Mont. Northrup Hardware Co., Boise, Idaho.
100	Aug. 22	Iver Johnson Sporting Goods Co., Boston, Mass.
300 200	Aug. 25 Aug. 27	W. H. Holliday, Laramie, Wyo. Olney Hardware Co., Stafford, Ariz. J. M. K. Southwick, Newport, R. I.
500	Aug. 27	J. M. K. Southwick, Newport, R. I.
1,000	Aug. 30 Aug. 25	Sumner Co., Moncton, New Brunswick, Canada. G. M. Cole, State Arsenal, Hartford, Conn.
100	Aug. 28	Kirkwood Bros., Boston, Mass.
200 100	Aug. 30 Aug. 2	Hibbard, Spencer, Bartlett & Co., Chicago, Ill. Russell Bros. Manufacturing Co., Middletown, Conn.
40	do	J. O'Brien Lumber Co., Sommers, Mont.
2,000	Aug. 3	Golcher Bros., San Francisco, Cal. New York Department Winchester Repeating Arms Co.

Shipment of .30 Government rimless cartridges-Continued.

To whom shipped.

Quantity.

Date.

Shipment of .30 Government rimless cartridges-Continued. Von Lengerke & Antoine, Chicago, Ill.
Stauffer Eshleman & Co., New Orleans, La.
Dunham-Carrigan & Hayden Co., San Francisco, Cal.
J. F. Schmelzer & Sons Arms Co., Kansas City, Mo.
Kennedy Bros., Minneapolis, Minn.
A. M. Holter Hardware Co., Helena, Mont.
Shelton-Payne Arms Co., El Paso, Tex.
Golcher Bros., San Francisco, Cal.
Seattle Hardware Co., Seattle, Wash.
Wm. R. Burkhard. St. Paul, Minn.
Proven J. Andrew Co., Burkham.
Wm. R. Burkhard. St. Paul, Minn.
Proven J. Andrew Co., Chity of Mexico.
Smith Bros., Columbus, Ohio.
Walter G. Clark Co., City of Mexico.
Smith Bros., Columbus, Ohio.
Walter G. Clark Co., Omaha, Nebr.
Marshall-Wells Hardware Co., Duluth, Minn.
New York Department Winchester Repeating Arms Co.
J. F. Schmelzer & Sons Arms Co., Kansas City, Mo.
Von Lengerke & Antoine, Chicago.
Rev. J. W. Fowler, Peacedale, R. I.
Jerry Coleman, Gallon, Ohio.
Jary & Hammond Hardware Co., Cheyenne, Wyo.
Sunner Co., Moncton, New Brunswick.
Andrus & Naedele & Co., Hartford, Conn.
Montgomery Ward & Co., Cheyenne, Go., San Francisco, Cal.
Andrus & Naedele & Co., Hartford, Conn.
Montgomery Ward & Co., Chicago, Ill.
Wyeth Hardware & Manufacturing Co., St. Joseph, Mo.
Tuffis-Lyons Arms Co., Los Angeles, Cal.
McLennan, McFeely & Co., Vancouver, British Columbia.
Dunham, Carrigan & Hayden Co., San Francisco, Cal.
A. Deutz & Bro., Laredo, Tex.
T. B. Davis Arms Co., Fortland, Me.
Stauffer, Eshleman & Co., Orleans.
Marshall-Wells Hardware Co., Corolland, Oreg.
Linden, Marting Co., San Francisco, Cal.
A. Deutz & Bro., Laredo, Tex.
T. B. Davis Arms Co., Corolland, Me.
Stauffer, Eshleman & Co., Orleans,
Marshall-Wells Hardware Co., Fortland, Me.
Stauffer, Eshleman & Co., Orleans,
Marshall-Wells Hardware Co., Fortland, Oreg.
Linden Bros., San Francisco, Cal.
Rennedy Bros., Minneapolis, Minn.
J. B. Davis Arms Co., Can Dria, Wyo.
Golcher Bros., San Francisco, Cal.
Kennedy Bros., Minneapolis, Minn.
Walter Glark Co., Omban, Nebr.
F. H. Chandler, Shelbourne Falls, Mss.
Simmons Hardware Co., Chicago.
Juno E. Burky, Andrew Co., Houghto Quantity. Date. To whom shipped. 1906. Aug. 16
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Oct. 1,000 100 500 100 300 200 1,000 60 200 2,600 100 60 1,000 1,000 400 300 200 500 100 200 80 6,000 2,000 100 2,000 152,920 Shipment of model 1895 .30 Government rimless rifles from New York department. Date. To whom shipped. Quantity. 1904. Aug. 17 Aug. 18 Aug. 11 ....do ... Aug. 18 Aug. 14 Abercrombie & Fitch Co., New York City. Cash sale. Abercrombie & Fitch Co., New York City. M. Hartley Co., New York City. Abercrombie & Fitch Co., New York City. Do.

1	1904. Oct. 22	Abercrombie & Fitch Co., New York City.
1	Nov. 1	Do. Cash sale.
	do	Abercrombie & Fitch Co., New York City.
	1905.	Cash sala
1	Jan. 20do	Cash sale, Do.
1	Feb. 24	J. G. Drew, Pablo Beach, Fla. Von Lengerke & Detmold, New York City.
1	do	Abercrombie & Fitch Co., New York City.
1	Mar. 28do	Returned to New Haven, Cash sale.
1 3	Aug. 7 Aug. 10	Carr Bros., El Paso, Tex. Returned to New Haven.
3	Aug. 18	Cash sale.
1	do	I. C. Keefe, Herkimer, N. Y. F. Winter Hardware Co., Lancaster, Pa.
1	Sept. 20 Oct. 7	No record. Cash sale.
1	do	Returned to New Haven.
î	July 29	Schoverling, Daly & Gales, New York City, Von Lengerke & Detmold, New York City.
	1906.	
1	Mar. 14 Mar. 16	Cash sale. Returned to New Haven.
1	May 8	Schoverling, Daly & Gales, New York City.
1	June 12 do	Do. Cash sale.
1	do July 29	In stock. Von Lengerke & Detmold, New York City.
1	Aug. 2 Aug. 15	In stock.
1	Aug. 18 Aug. 17	Do. Do.
1 4	Aug. 17 Sept. 19	H. & D. Folsom Arms Co., New York City, In stock.
2	Jan. 9	H. & D. Folsom Arms Co., New York City.
		D.
Shipme	ent of .30	Government cartridges from New York department.
antity.	Date.	To whom shipped.
-	1007	
100	1905. Jan. 16	M. Hartley Co., New York City. Abercrombie & Fitch Co., New York City.
100 200	Jan. 16 Jan. 19 Feb. 23 Feb. 24	Abercrombie & Fitch Co., New York City. Cash sale.
500 60	Feb. 24 Feb. 27	Abercrombie & Fitch Co., New York City.
60	May 10	Cash sale.
20 200	May 26 May 29	Do. Do.
40 20	June 1 June 21	Do. Do.
200	Termo 10	Cash sale, J. A. Johnston, Pittsburg, Pa.
20 20	July 12 July 17 July 25	Abercrombie & Fitch Co., New York City. Cash sale.
40 40	July 25 Aug. 3	Do. Do.
300	Aug. 9	Abercrombie & Fitch Co., New York City.
300	Aug. 11 Aug. 17 Aug. 24	Carr Bros., for Texas.   Von Lengerke & Detmold, New York City.
100 180	Aug. 24 Sept. 7	Abercrombie & Fitch Co., New York City. Do.
60	Sept. 9 Sept. 13	H. & D. Folsom Arms Co. Cash sale.
20 60	Sept. 23 Sept. 25	Schoverling, Daly & Gales, New York City.
20 200	Sept. 25 Sept. 29	Do. Abercrombie & Fitch Co New York City,
500	Oct. 2	Do.
100 160	Oct. 21 Nov. 3	Cash sale. Do.
20 40	Nov. 8 Nov. 20	Do. Do.
200	Nov. 16	J. A. Johnston, Pittsburg, Pa.
	1906.	W. S. D. Perleam Army Co. Nam W. J. Cit.
40 20	Jan. 4	H. & D. Folsom Arms Co., New York City.
40 200	Jan. 10 Jan. 16	Do. W. A. Abel & Co., Syracuse, N. Y.
400	Jan. 25	Von Lengerke & Detmold, New York City.
100 260	do Feb. 3	Do. D. S. Spaulding, Mexico.
40 60	Feb. 26 Feb. 28	Cash sale. Albany Hardware and Iron Co., Albany, N. Y.
40	Mar. 3	Cash sale.
100 200	Mar. 6 Mar. 15	H. H. Valentine, Albany, N. Y.
20 500	Mar. 22	J. Stevens Arms and Tool Co., Chicopee Falls, Mass. J. A. Johnston, Pittsburg, Pa.
40	do	Cash sale.
100 100	Apr. 12 May 23	Von Lengerke & Detmold, New York City. Cash sale.
300 100	May 24 May 25	Do, Do.
40	June 4	W. A. Abel & Co., Syracuse, N. Y. E. K. Tryon Co., Philadelphia, Pa.
1,000	June 12 June 20	Arkell & Douglas (for Australia).
500 120	June 23 June 30	Carr Bros. (for Mexico). Cash sale.
300	Aug. 2	Schoverling, Daly & Gales, New York City.
100	1 A 110 99	Do.

Shipment of model 1895 .30 Government rimless rifles, etc.—Continued.

To whom shipped.

	Shipment	of .30 Go	vernment car	rtridges	, etc.—Continu	ied.	List of mode	l of 1903	rifles issue	d, svld,	etc.—Continued.
Quantity	Date.		То	whom s	hipped.			Date of issue.	Model of 1903 rifles, both styles.	Car- tridges.	Authority of Chief of Ord- nance, United States Army.
20 200 100 40	1906. Aug. 31 July 5 July 13 Sept. 4	Bluefield Cash sale Do.		., Bluefi			Union Metallic Car- tridge Co., Bridge- port, Conn.	1904. Jan. 21	Number. 516		1934; O. O., 34088-9.
140 140 40	Sept. 10 E. G. Koenig, Newark, N. J. Sept. 17 Cash sale. Sept. 21 Do.					Laflin & Rand Powder Co. Governor of Washing-	Mar. 4 Mar. 15	11321		Letter, Dec. 4, 1903; O. O., 34032-49. Third indersement, Feb.	
300 160	Sept. 21 Sept. 22 Sept. 25	H. & D. Folsom Arms Co., New York City. Abercrombie & Fitch Co., New York City.					ton. Governor of West Vir-	Mar. 22	11553		16, 1904; O. O., 30621-118. Third indorsement, Mar.
- 500 40	Sept. 26 Oct. 4		nston, Pittsbu		Total City.		ginia.		9730	1	11, 1904; O. O., 31081-119. (Sixth indorsement, Mar.
80 200	Oct. 8 Oct. 9	Schoverl	ing, Daly & Ga Folsom Arms C	les, New	York City. York City,		Governor of New Jer- sey.	Apr. 7	11433 10887		24, 1934; O. O., 31133 394. Fifth indorsement, Mar.
100 200	Nov. 19 Nov. 27	Cash sale Schoverl	ing, Daly & Ga	les.			Remington Arms Co	May 5	11356 19939	}	26, 1901; O. O., 31133-392. First indorsement, Apr. 26.
100 40	Oct. 19	Stichter !	ris Arms Co., I Hardware Co.,				Governor of New Jer-	May 6		3,000	1904; O. O., 37825-34. Third indersement, Apr.
20 80 80	Oct. 24 Oct. 26	W. A. Ab	el & Co., Syra gerke & Detmo	cuse, N.	Y.		Mr. J. H. Brown, Read-	May 14	10971		23, 1904; O. O., 31133-409. First indorsement, Apr. 27,
80	Oct. 29		ing, Daly & Ga				ing, Pa. Winchester Arms Co	May 25	11186		1904; O. O., 37830-8. Letter, Dec. 28, 1903; O. O., 37831-155.
100	Oct. 30 Oct. 31	Albany I	Iardware and ing, Daly & Ga	Iron Co.	, Albany, N. Y.		Julius King Optical Co.		11547		Fourth indorsement, Jan. 20, 1904; O. O., 84355-51.
200	do	Cash sale					United States Cartridge Co.	May 28	{ 444 664	}	First indorsement, Feb. 2, 1904; O. O., 31550-11.
			E.				Mr. S. N. McClean, Cleveland, Ohio.	June 2	11383		First indorsement, May 28, 1904; O. O., 22396-89.
-	To be i	nclosed 1	vith letter to	Capt.	John H. Rice.		Governor of New Jer-	June 7	-		1904; O. O., 31133-424.
Date.	Quan	ity.		Addres	is.	Order No.	Governor of Texas	June 17	11161		1904: O. O., 31316-167.
1904.	TEMP!	MARKE.				E=WALLE	Mr. J. T. Brayton, 126 State street, Chicago, Ill.	do	11360		Letter. Mar. 9, 1904; O. O., 34355-58.
Apr. 14	1,000 metal	case	to Russia.		M. Hartley Co.,	X 58995	Governor of Maine	do	11979		First indorsement, June 6, 1904; O. O., 28880-126.
May 13 Do	200 metal ca 20 metal ca	se	S. G. Le Vall Weed & Co.,	ey, Buffa Buffalo,	alo, N. Y N. Y	X 7609 X 6964	Anson Mills Woven Cartridge Belt Co.	June 18	10870		First indorsement, June 10, 1904; O. O., 38544-17.
			Co., New Y	ork.	ass and Copper	X 1509	S. National Museum	Aug. 15	{ 6 7	}	Third indorsement, Aug. 19, 1904; O. O., 34926-29.
Do	50 metal ca 20 metal ca		Schoverling,	Daly o	& Gales, New	X 2177A X 1066	Quartermaster, U. S. Marine Corps.	Aug. 19	11375		Third indorsement, Aug. 13, 1904; O. O., 31628-371.
July 30	100 metal o 20 soft poin	ase	U. S. C. Co., I	Lowell, I	Mass & Gales, New	X 9689 X 1066	Governor of Pennsyl- vania.	Sept. 2	28241		Letter, Aug. 12, 1904; O.O., 30436-311.
Aug. 4	2,000 metal		York City.		allao	X 1227X	Peters Cartridge Co	Oct. 5	{ 49062 49212	}	First indorsement, Sept. 23, 1904; O. O., 38544-32.
Sept. 1 Sept. 15	500 soft poi 60 soft poir	nt	Elihu Root, C E. O. Goff, V	Clinton, Vaterbu	N. Yry, Conn. (Sco-	X 17348C X 19149	Governor of Texas	Oct. 7	{ 40576 41102 40194	}	First indorsement, Sept. 22,   1904; O. O., 31133-458.   First indorsement, Sept. 9,
Sept. 28	200 metal o	ase	field Manu	tacturin	g Co.). ncisco agency	ALCOHOLD STREET	Pratt & Whitney Co	Oct. 18	41005		1904; O. O., 31316-178.
Oct. 22 Do	2,000 soft po 1,000 metal	case	U. M. C. Co.,	San Fra	ncisco agency  I. Hartley Co	X 23543 X 23543		Oct. 31	40098		1904; O. O., 29601-883. First indorsement, Oct. 25,
Dec. 2 1905.	boo metar c	ase	w.J. Bruii, c	are or M	Harney Co	X 27877	E. I. Du Pont Co	Nov. 4	41003		1904; O. O., 31133–465. First indorsement, Sept.17,
Jan. 14	20 soft poir	t	Schoverling, York City.	Daly a	& Gales, New	X 623	Mr. E. B. Meyrowitz, No. 104 E. Twenty-	do	39314		1904; O. O., 33843-30. First indorsement, Oct. 31, 1904; O. O., 38544-40.
Jan. 16 Jan. 16	200 metal o 200 soft poi	nt	M. Hartley C	o., stock	rd Arsenal	X 734 X 734	third st., New York City.		THE SELECTION		1901, O. O., 60014-10.
Apr. 26	300 metal c	ase	Com. officer, M. Hartley C	Frankfo o., stock	rd Arsenal A., Mass	X 734 X 13960 X 6124A	Governor of Connecti-	Dec. 7	39396		First indorsement, Dec. 2, 1904; O. O., 28553-145.
June 28 Aug. 23	100 metal c 300 soft po	ase	Von Lengerk	e & Deti	nold, New York	X 9873 X 21440	Governor of New Jersey	1905. Jan. 27	\$ 38708	1	(First indorsement, Jan. 19.
1906. Feb. 6	1,000 soft p	oint	City.	ther Gat	es, St. Paul	X 1369	Quartermaster, U. S.		38941	Ş	1905; O. O., 31133-475. Third indorsement, Jan. 24,
Mar. 19 Mar. 22	400 metal c	ase	R. A. Co., Ilie	on, N. Y	ourg, Pa	X 4509 X 4550	Marine Corps. Harrington & Rich-	dó	35974		1905; O. O., 31628-418. Third indorsement, Feb. 8,
Do Apr. 7	200 soft poi 100 soft poi	nt	Schoverling,	Daly & G	ales, New York	X 4550 X 5509	ardson Arms Co. Mr. F. K. Young, New York City,	Feb. 15	40050	12	1905; O. O., 38544-54. First indorsement, Feb. 4, 1905; O. O., 38351-26.
May 16	200 metal c	ase	Von Lengerk	e & Ant	oine, Chicago	X 7757	Governor of Oregon	Mar. 1	67484		First indorsement, Feb. 1, 1905; O. O., 25984-80.
June 26 June 27	40 metal ca 1,000 soft po	int	Farwell, Ozm	un, Kirl	& Co., St. Paul Laredo, Tex & Co., St. Paul	X 9615	Ideal Manufacturing Co., New Haven,	Mar. 13	88955		First indorsement, Mar. 7, 1905; O. O., 38544-59.
Aug. 3 Aug. 13 Do	1,000 metal	case	do		& Co., St. Paul	X 14869	Conn. Governor of New Jer-	Mar. 16	£ 26230	1	Third indorsement, Mar. 1,
Aug. 17 Aug. 21	400 soft poi 500 soft poi	nt	M. Hartley C	o., stock	B Co., St. Paul	X 16948	Mr. John Adrianson,	Mar. 20	1 40125 89936	40	1905; O. O., 31133-483. Second indorsement, Mar.
Aug. 23	100 metal c	ase	Lyman Guns	ight Co	rporation, Mid-	X 17675A	Chicago, Ill. Mr. W. D. Condit, Phil- adelphia, Pa.	Mar. 25		100	14, 1905; O. O., 38544-62, Letter, Oct. 20, 1904; O. O., 38544-38.
Aug. 24 Nov. 8	400 soft met	tal	M. Hartley C	o., stock	E Co., St. Louis	X 17946 X 30151	Mr. F. K. Young, New York City.	Mar. 27		24	First indorsement, Mar. 13.
Do Dec. 11	60 metal ca 140 metal c	se ase	Stauffer-Eshl	eman&(	Co., New Orleans.	X 30151 X 34407N	Mr. H. C. Wilson, New York City.	Apr. 7	40838		1905; O. O., 38351-30. Letter, Mar. 16, 1905; O. O., 38544-64.
Metal cas	9					7 860	United States Cart- ridge Co., Lowell,	June 1	39475		First indorsement, May 13, 1905; O. O., 31550-22.
							Mass. Mr. W. P. Shattuck,	June 26	91		First indorsement, June 14,
Tota	d					15, 860	Minneapolis, Minn. Governor of Wyoming.	Aug. 17	32		1905; O. O., 38897-1. First indorsement, July 8,
Tiet of mo	del of 1000 m	Ass dooned	[Inclosure No		and administrator day	aud 10 1000	Union Metallic Cart- ridge Co., Bridge-	Aug. 30	136221		1905; O. O., 38490-48. Third indorsement, Aug. 26, 1905; O. O., 34088-25.
	1303 TI	L	l Model of	1	sed of prior to Au		port, Conn.		( 182507		20, 1000, O. O., 51000-20,
		Date of issue	1002 viffor	Car- tridges.	Authority of Connance, United S		Winchester Repeating	lost 11	133773 133093		
-							Arms Co., New Ha- ven.	Oct. 14	134367 135831	ſ	1905; O. O., 38904-15.
Col. L. J. tawa, Ca	Pinault, O	Nov.		1,000			Mr. Chas. L. Cessna,	Oct. 30	136379 144419		First indorsement, Aug. 11,
	of Pennsyl	Dec.	11 934		19, 1903; O. O. First indorsem 1903; O. O., 3	ent, Dec. 4.	Mandan, N. Dak. E. I. Du Pont Co., Wil- mington, Del.	Nov. 10	132351		1905; O. O., 38544-93. Second indorsement, Oct. 2, 1905; O. O., 33843-113.
		100		6.	2.00, 0. 0., 0						2, 200, 0.0., 00020-110.

List of model of 1903 rifles issued, sold, etc.-Continued.

	Date of issue.	Model of 1903 rifles, both styles.	Car- tridges.	Authority of Chief of Ord- nance, United States Army.
UnitedStatesCartridge Co., Lowell, Mass. Winchester Repeating Arms Co., New Ha- ven, Conn.	1905. Nov. 16 Dec. 1	Number, 145662 150633 151139 152127 94671	}	Third and fifth indorse- ments, Nov. 6 and 9, 1905; O.O., 31550-24. Fifth indorsement, Nov.10, 1905; O.O., 35618-21.
U. M. Cartridge Co., Bridgeport, Conn.	Dec. 22	133302	}	Fifth indorsement, Dec. 13, 1905: O. O., 34088-34.
Governor of New Jer-	1906. Jan. 6	119		First indorsement, Dec. 19, 1905; O. O., 31133-547.
Mr. John Barlow, Au- burn, N. Y. Chinese commission-	Feb. 13	204461		38544-102. Letter, Feb. 6,1906; O. O.,
ers. Governor of New Jer- sey.	Feb. 24	217		35255-436. First indorsement, Feb. 3, 1906; O. O., 31133-553.
Smithsonian Institute.	Mar. 26	{ 199695 199693	}	Third indorsement, May 27, 1905; O. O., 34926-40.
Mr. Chas. M. Dally, New York City. E. I. Du Pont Co., Wil- mington, Del.	Apr. 2	125626 { 14 222	}	First indorsement, Mar. 17, 1906; O. O., 38544-114. Second indorsement, Mar. 7, 1906, O. O., 33843-131.
Governor of Ohio	do	127010 122360 213354	}	First indorsement, Mar. 17, 1906; O. O., 26061-460.
Julius King Optical Co., Cleveland, Ohio.	Apr. 4	118235		Second indorsement, Mar. 13, 1906; O. O., 34355-63.
Mr. J. M. Dickinson, Chicago, Ill. Governor of New York.	Apr. 6	120680 125494		First indorsement, Nov. 29, 1905; O. O., 37825–71.
Governor of New Jer-	Apr. 20 May 12	102320		Second indorsement, Feb. 15, 1906; O. O., 38490-63. First indorsement, Apr. 23.
sey. Mr. D. McNiven, Paw-	June 9	201349		1906; O. O., 31133-563. Letter, June 2, 1906; O. O.,
tucket, R. I. U. S. Cartridge Co., Lowell, Mass.	June 15	217358		38544-123. First indorsement, June 11, 1906: O. O., 31550-29.
Governor of Vermont	July 17	{ 104109 217851	}	Letter July 6, 1906; O. O. 27943-142.
Governor of Maine	Aug. 4	104367	}	First indorsement, July 24, 1906; O. O., 28880-147.
Sub Target Gun Co. Boston, Mass.	Aug. 10	220295		First indorsement, July 25, 1906; O. O., 38345-44.
Total, 69		90	- 9 F	

In addition to the above, one special rifle made for the President of the United

#### [Inclosure No. 3.]

Names and addresses of all parties, except officers of the Army, to whom model of 1903 rifle pattern ammunition has been issued, sold, or otherwise disposed of prior to August 13, 1906.

Date.	Name.	Address.	Number of rounds.	
Oct. 29, 1902	Vickers-Maxim Co	Washington, D. C	5,000	
Mar. 6,1903	Sir Charles Ross	Hartford, Conn	1,000	
Mar. 9,1903	Doctor Hudson	New York, N. Y	100	
June 27, 1903	J. J. Reifgraner	St. Louis, Mo	100	
July 28, 1903 Oct. 23, 1903	Vickers Sons Co Hopkins & Hopkins	London, England Washington, D. C	5,000	
Nov. 6, 1903	S. N. McClean	Cleveland, Ohio	10,000 2,000	
Feb. 11, 1904	President of the United States.	Washington, D. C	100	
Mar. 9, 1904	State of Washington	Olympia, Wash	1,000	
Apr. 26, 1904	V. P. De Knight	Cincinnati, Ohio	2,000	
May 4,1904	State of West Virginia	Charleston, W. Va	1,000	
June 10, 1904	State of Maine	Augusta, Me	1,000	
June 25, 1904	W. D. Condit	Philadelphia, Pa	1,000	
July 2,1904	J. H. Brown	Reading, Pa	100	
Aug. 16, 1904 Aug. 31, 1904	State of Pennsylvania Hon. Elihu Root	Harrisburg, Pa Washington, D. C	1,000	
Oct. 10, 1904	State of Texas	Austin, Tex	1,000	
Oct. 15, 1904	V. P. De Knight	Cincinnati Obio	2,000	
Jan. 17, 1905	C. F. A. Armstrong	Cincinnati, Ohio New York, N. Y	100	
Jan. 28, 1905	President of the United States.	Washington, D. C	100	
May 1,1905	W. D. Condit	Philadelphia, Pa	500	
May 31, 1905	Winchester Repeating Arms	New Haven, Conn	200	
June 12, 1905	Gen. Wm. B. Rochester	New York, N. Y	1,000	
July 5,1905	Winchester Repeating Arms Co.	New Haven, Conn	1,000	
Aug. 18, 1905	Hon. Otto Gramm	Laramie, Wyo	300	
Sept. 5, 1905	W. D. Condit	Philadelphia, Pa	500	
Jan. 22, 1906	V. P. De Knight	Cincinnati, Ohio	1,000	
Mar. 27, 1906	State of Ohio	Columbus, Ohio	3,000	
Apr. 14, 1906	D. M. Dickinson	Chicago, Ill	200	
May 2, 1906 Do	Rekylriffel Syndikat Deutsche Waffen und Muni-	Copenhagen, Denmark. Karlsruhe, Germany	3,000 1,000	
20	tions Fabriken.	Amisiane, Germany	1,000	
May 4,1906	Jno. Barlow	Auburn, N. Y	50	
July 10,1906	State of New Jersey	Trenton, N. J	1,000	

WAR DEPARTMENT, Washington, January 11, 1967.

MEMORANDUM FOR THE CHIEF OF ORDNANCE,

Please examine, and have Captain Rice examine, the shells and cartridges and the undischarged cartridges and the bullets which Mr. Purdy will show you, and state, first, whether you can tell by the marks on them whether the shells are those manufactured exclusively for the on them who

Government.

Secondly, whether, in your opinion, the three bullets shown to you could have come from the Springfield rifle, model of 1903, and whether they could have come from any other rifle which you know of.

Third, whether the bandoleer shown you by Mr. Purdy is the bandoleer in use in the service and manufactured for the Government, and what your information is as to the fact whether such bandoleers are manufactured for anybody but the Government.

WM. H. TAFT, Secretary of War.

[Indorsement.]

manufactured for anybody but the Government.

WM. H. TAFT, Secretary of War.

[Indorsement.]

OFFICE OF THE CHIEF OF ORDANCE.

Washington, January 12, 1907.

1. Respectfully returned to the honorable the Secretary of War, with the information that the empty shells, undischarged cartridges, and bullets referred to within, have been carefully examined. The empty cases are marked on the base as having been manufactured at the Frankford Arsenal, and by the Union Metallic Cartridge Company. The former place manufactures only for the Government, and the shells manufactured by the Union Metallic Cartridge Company are marked on the base with the date of manufacture, which indicates that they were furnished to the United States under contract, since the officials of that company have stated to Captain Rice that no similar cartridge cases among the small number they have sold to the trade were marked with the date. There is, therefore, no reasonable doubt of the fact that these cartridge cases were manufactured for and furnished to the Government.

2. The three bullets referred to within could have come from the model of 1903 rifle, commonly known as the "new Springfield," and they could also have come from the so-called "Krag rifle," the size of the bullet being identical for the two arms and the rifling being the same, thus leaving the same marks on the Jacket of the bullet. If taken in connection with the cartridge cases referred to above, however, the Krag rifle would be eliminated, since these cases can not be used in that arm, because it has a smaller chamber than the new Springfield and because it is arranged for the use of a cartridge case with a flanged head instead of one with a cannelured or rimless head, as is the case with the ammunition for the model of 1903 gun. The bullets could not have come from any arm of which I know except the two enumerated above, since the only rifle manufactured in this country, so far as investigation has disclosed, which has the same form of chamber as the model of 1903 ammuniti

WILLIAM CROZIER, Brigadier-General, Chief of Ordnance.

Brigadier-General, Chief of Ordnance.

John H. Rice was first duly sworn by Maj. A. P. Blocksom, and, upon being examined by Mr. Purdy, testified as follows:

Q. You are a captain in the United States Army?—A. Yes.
Q. How long have you been connected with the Army?—A. Since June 15, 1889.
Q. In what department of the Army are you employed at the present time?—A. Ordnance Department.
Q. How long have you been connected with the Ordnance Department of the United States Army?—A. Since November, 1898.
Q. During that time will you state, Captain, in a general way, what your duties have been in that Department?—A. I have been on duty at the gun factory at Watervliet Arsenal for about six months; at the Sandy Hook proving ground for about two years; at the Manila ordnance depot for something over two years; on inspection duty for a little more than two years, and since last April on duty in the office of the Chief of Ordnance in the city of Washington.
Q. I will ask you, Captain, if you are familiar with the rifle known as the "new Springfield rifle" and now in use in the United States Army?—A. I am.
Q. Will you state, Captain, about how long that rifle has been in use by the troops?—A. About eight months.
Q. What was the rifle used by the United States Army before the new Springfield rifle was adopted?—A. It is an arm commonly known as the "Krag rifle" adopted some little time before the Spanish war.
Q. Will you go on now, Captain, and describe the bore of these two rifles and any other characteristies which you think of that are pecular to these two guns?—A. The bores are practically identical as regards rifling, each having four lands, 0.06 inch wide, the depth of groove or height of land is 0.004. The Krag rifle barrel is longer than that of the new Springfield rifle and the chamber is different in size, being smaller in the Krag, so that the cartridge for the model of 1903 ammunition in the Krag rifle barrel is longer than that of the new Springfield rifle and the chamber is different not have been in the Krag ri

on the morning of the 14th of August, 1906, and ask you if you know what kind of ammunition they are?—A. The clips are for the model of 1903 ammunition manufactured either for or by the Government for use in its model 1903 rifle, and after considerable investigation of the subject I feel sure that they can not be used with any other arm to be found in this country. The cartridge cases are for model of 1903 Government ammunition; part of them were manufactured at the Frankford Arsenal and Gun Factory, which produced material only for the use of troops, and the remainder were manufactured by the Union Metallic Cartridge Company, evidently in accordance with a contract with the United States Government and for delivery to the Government. The cases are identified as for the 1903 rifle by their shape and size, as well as the fact that they are cannelured. Their place of manufacture is indicated by marking on the base of the shell. Those from the case is indicated by marking on the base of the shell. Those from the case manufactured by them for commercial use by the date being stamped in, which is not the case with their commercial material.

Q. I will now ask you, Captain Rice, whether this ammunition I have shown you, including the ball cartridges and empty shells, is capable of being used in the Krag-Jörgensen rifle?—A. It is not; because the cases are not the right size for the chamber, and they are cannelured and could not be used in a gun made to take a flanged case.

Q. Do you know of any rifle in which this ammunition which I have shown you can be used other than the new Springfield rifle?—A. It will fit the Winchester rifle, model of 1895, when specially chambered—only 438 have been thus changed—but could not be used satisfactorily in that arm, because the blow of the firing pin is not sufficiently strong to discharge the primer. There have also been manufactured two Lee rifles chambered for this ammunition, one of which is still in the hands of the manufacturer and the other is in the hands of an employee,

which you state, as I remember, will take this ammunition. I will ask you, Captain, how many lands are contained in the bore of the 1895 model Winchester rifle which will take this ammunition?—A. There are six of a width almost twice that of the lands of the model of 1903 rifle.

I will now show you, Captain Rice, a bullet offered in evidence in connection with the testimony of Miss Gertrude Cowen, who was ecently examined by me in the city of Brownsville, even, who was ecently examined by me in the city of Brownsville, who have been found between the plate-glass mirror and the backing thereto in the wardrobe of the Cowen house on the same day upon which Miss Cowen was examined. I will ask you to examine this builet and state what kind of a rifle, in your opinion, that builet was fried from, and the kind of ammunition of which it was a part?—A. There is no question in my mind but that it was fred from a model of the filling are such as are made as the Krag rifle, since the marks of the rifling are such as are made as the Krag rifle, since the marks of my belief made only by them.

Q. If this bullet is a part of one of the shells, or a similar shell, which I have shown you as having been picked up on the streets of the city of Brownsville on the day after the shooting affray, I will ask you whether it could have been fired from a Krag rifle?—A. It could not have been fired in the Krag gun from which It follows that it could not have been fired in the Krag gun.

Q. When, as I understand you, Captain, this bullet which I have shown you, in your opinion, could have been fired only from a Krag rifle, or from a new Springfield rifle, and if the bullet was originally contained in one of these shells which I have shown you, then, and in such case, the Krag rifle is eliminated, and in your judgment it was freed only from a Krag rifle, and if the bullet was originally contained in one of these shells which I have shown you, then, and in such case, the Krag rifle is eliminated, and in your judgment it was freed only from

contract for the Government. The markings indicate that this particular bandoleer was furnished by the Union Metallic Cartridge Company in January, 1906. The cartridge cases, in reference to which I have previously testified, were manufactured by that company, as shown by the markings, in December, 1905.

JOHN H. RICE.

UNITED STATES OF AMERICA, District of Columbia, 88:

UNITED STATES OF AMERICA, District of Common, ss.

John H. Rice personally appeared before me, and, on being first duly sworn, deposes and says that he has read the foregoing testimony by him subscribed, and the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and that as to those matters he believes them to be true.

John H. Rice.

Subscribed and sworn to before me this 11th day of January, A. D. 1907.

A. C. CAINE,

Notary Public, District of Columbia.

#### WESTERN JUDICIAL DISTRICT OF MISSOURI.

Mr. GALLINGER. Mr. President, I ask that the unanimous-

consent agreement be now entered upon.

The VICE-PRESIDENT. The Secretary will state the first

bill in order on the Calendar.

Mr. WARNER. Mr. President—

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Missouri?

Mr. GALLINGER. I yield to the Senator from Missouri.
Mr. WARNER. I ask unanimous consent for the present
consideration of the bill (S. 7214) respecting proceedings in the

courts of the United States in the western district of the State of Missouri. The VICE-PRESIDENT. The Senator from Missouri asks

unanimous consent for the present consideration of the bill indicated by him, which will be read for the information of the Senate.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### WASHINGTON MARKET COMPANY.

The VICE-PRESIDENT. The Secretary will state the first

bill in order under the unanimous-consent agreement.

The bill (S. 6470) in relation to the Washington Market Company was announced as the first bill in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, or-dered to be engrossed for a third reading, read the third time, and passed.

## SERVICE ON FOREIGN CORPORATIONS.

The bill (S. 7170) to amend an act relating to service on for-eign corporations, approved June 30, 1902, entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia,'" was considered as in Committee of the Whole. It proposes to amend the act so as to read as follows:

When a foreign corporation shall transact business in the District without having any place of business or resident agent therein, service upon any officer or agent or employee of such corporation in the District shall be effectual as to suits growing out of contracts entered into or to be performed, in whole or in part, in the District of Columbia or growing out of any tort heretofore or hereafter committed in the said District.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### EXTENSION OF KENYON STREET NW.

The bill (H. R. 10843) authorizing the extension of Kenyon street NW. was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### WATER SIDE DRIVE AND PARK ROAD.

The bill (H. R. 128) for the opening of a connecting highway between Water Side drive and Park road, District of Columbia, was considered as in Committee of the Whole. It directs the Commissioners of the District of Columbia to institute a proceeding in rem to condemn the land that may be necessary for connecting the north end of Water Side drive, in Kalorama Heights, just above Q street, with the south end of Park road, in Belair Heights, by a highway 60 feet wide, all in accordance with plans on file in the office of the Engineer Commissioner, District of Columbia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### EXTENSION OF SEVENTEENTH STREET NW.

The bill (H. R. 121) authorizing the extension of Seventeenth street NW. was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### OPENING OF FESSENDEN STREET NW.

The bill (H. R. 8435) for the opening of Fessenden street NW., District of Columbia, was considered as in Committee of the

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### EXTENSION OF HARVARD STREET.

The bill (H. R. 14815) for the extension of Harvard street, Columbia Heights, District of Columbia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### EXTENSION OF FOURTH STREET NE.

The bill (H. R. 14900) to extend Fourth street NE. was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### AMENDMENT OF DISTRICT CODE.

The bill (H. R. 16944) to amend section 878 of the Code of Law of the District of Columbia was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ALLIS-CHALMERS COMPANY.

The bill (S. 7028) for the relief of the Allis-Chalmers Company, of Milwaukee, Wis., was considered as in Committee of the Whole. It proposes to pay from the appropriation for the water department, District of Columbia, extension of the highservice system, to the Allis-Chalmers Company, of Milwaukee, Wis., \$8,870, deducted by the Commissioners of the District of Columbia as a penalty, under contract No. 3047, dated November

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### EXTENSION OF VERMONT AVENUE.

The bill (S. 2652) for the extension of Vermont avenue from Florida avenue to Howard University was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

enacting clause and insert:

That, under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within ninety days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Vermont avenue from Florida avenue to Brightwood avenue; thence, in an easterly direction to Sixth street, with a uniform width of 130 feet, the north line of said extension from Brightwood avenue to Sixth street being coincident with the north line of Howard place, in Howard University subdivision, and the name of said Howard place is hereby changed to Vermont avenue.

SEC. 2. That the sum of \$1,000, or so much thereof as may be necessary, is hereby appropriated out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### WASHINGTON AQUEDUCT AND THE FILTRATION PLANT.

The bill (S. 7042) to transfer jurisdiction of the Washington Aqueduct, the filtration plant, and appurtenances to the Com-missioners of the District of Columbia was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Dis-The bill had been reported from the Committee on the District of Columbia with an amendment, in section 1, page 1, line 10, after the word "Columbia," to insert "State of Virginia;" on page 2, line 13, after the word "all," to insert "existing;" on page 2, line 16, after the word "act," to insert "the cost of making said copies to be paid by said Commissioners;" and on page 3, after the word "act," to insert the following proviso:

\*Provided, however, That the supply of water to all buildings, parks, structures, lands, and so forth, owned or used by the United States shall be at all times free and unrestricted.

\*See at to walk the scotion read.\*

So as to make the section read:

Be it enacted, etc., That from and after July 1, 1907, the Commissioners of the District of Columbia shall have all the powers and be

subject to all the duties and limitations which under existing law are delegated to and imposed upon the Chief of Engineers of the United States Army in so far as the same relate to the jurisdiction and control over the Washington Aqueduct and its appurtenances in the District of Columbia, State of Virginia, and State of Maryland; and the said Commissioners are hereby given sole control over the Conduit road and the filtration plant, it being the intention of this act that the entire control over the Washington Aqueduct and all of its appurtenances, the filtration plant, Conduit road, all water mains, and the water-distribution system of the District of Columbia shall, on and after said date, be under the sole and exclusive jurisdiction and control of the said Commissioners of the District of Columbia, and that the Secretary of War and Chief of Engineers of the United States Army shall be relieved of all duty and responsibility in connection with all of such work; and the Secretary of War and Chief of Engineers shall, on request of the Commissioners of the District of Columbia, deliver to them all existing plans, surveys, and records, or duly certified copies thereof, deemed necessary or required by said Commissioners to enable them to discharge the duties imposed on them by this act, the cost of making said copies to be paid by said Commissioners; and all property connected with said works shall be delivered to said Commissioners; and all appropriations available for the Washington Aqueduct. District of Columbia, and its appurtenances, including the filtration plant, shall be expended under the direction and control of the Commissioners of assignment to such duties as may be deemed necessary to carry into effect the provisions of this act: Provided, however, That the supply of water to all buildings, parks, structures, lands, and so forth, owned or used by the United States shall be at all times free and unrestricted.

The amendment was agreed to. and unrestricted.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### SALE OF LIQUORS TO MINORS.

The bill (H. R. 23556) prohibiting the purchase or procurement, sale, gift, or disposition of intoxicating liquors to minors by unlicensed persons was considered as in Committee of the Whole

The bill had been reported from the Committee on the District of Columbia with amendments, on page 1, line 6, after the word "disposition," to strike out the word "to" and insert "for the use of;" in line 7, after the words "twenty-one years of age," to insert "knowing him or her to be such;" and in line 11, after the word "ninety-three," to insert "or any narcotic drugs;" so as to make the section read:

as to make the section read:

That it shall be unlawful for any person not having a license in any manner to purchase or procure for, sell, give, or dispose of to, or aid or assist in any manner in such purchase or procurement for, sale, gift, or disposition for the use of any person under the age of 21 years, knowing him or her to be such, any intoxicating liquor as the same is defined in the act of Congress entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, 1893, or any narcotic drugs, except for necessary use in the case of illness when furnished by a parent or guardian or duly licensed physician, or upon the prescription of a duly licensed physician.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill prohibiting the purchase or procurement, sale, gift, or disposition of intoxicating liquors to or for the use of minors by unlicensed persons."

Mr. GALLINGER. Mr. President, that concludes the District bills on the Calendar.

### LUMBER TRADE INVESTIGATION.

Mr. KITTREDGE. I ask that Senate resolution 189, Table Calendar 21, may be taken from the table and laid before the

The VICE-PRESIDENT. The Chair lays before the Senate the resolution indicated by the Senator from South Dakota. The resolution submitted by Mr. KITTREDGE December 6, 1906,

is as follows:

is as follows:

Resolved, That the Secretary of Commerce and Labor be, and he is hereby, authorized and instructed immediately to inquire, investigate, and report to Congress, or to the President when Congress is not in session, from time to time as the investigation proceeds, as to the lumber trade or business of the United States which is the subject of interstate or foreign commerce and make full inquiry into the cause or causes of the high prices of lumber in its various stages of manufacture from the log; and the said investigation and inquiry shall be conducted with the particular object of ascertaining whether or not there exists among any corporations, companies, or persons engaged in the manufacture or sale of lumber any combination, conspiracy, trust, agreement, or contract intended to operate in restraint of lawful trade or commerce in lumber or to increase the market price of lumber in any part of the United States.

To carry out and give effect to the provisions of this resolution the Secretary shall have power to issue subpensa, administer oaths, examine witnesses, require the production of books and papers, and receive depositions taken before any proper officer in any State in the United States.

That the Secretary of Commerce and Labor be required to make the said investigation at his earliest possible convenience and to furnish the information above required from time to time and as soon as it can be done consistent with the performance of his public duties.

Mr. KITTREDGE. I wish to modify the resolution by striking out lines 3, 4, 5, 6, and 7, on page 2 of the printed resolution. The reason for the request is that the act creating the Department of Commerce and Labor clothed the Commissioner of Corporations with the power proposed to be conferred by the provision which I wish to have eliminated, and I do not desire that the resolution shall in any manner interfere with the antiimmunity act which became a law last winter.

The VICE-PRESIDENT. The modification will be made as

requested by the Senator from South Dakota.

The Secretary. It is proposed to strike out of the resolution lines 3, 4, 5, 6, and 7, on page 2, in the following words:

To carry out and give effect to the provisions of this resolution the Secretary shall have power to issue subpenas, administer oaths, examine witnesses, require the production of books and papers, and receive depositions taken before any proper officer in any State in the United States.

Mr. KITTREDGE. Mr. President, there are few articles of commerce that bear more important relation to the welfare of the people of all classes, and particularly those of small means in farming communities, than lumber in its manufactured form. It is an absolute necessity to the development of those portions of the country adapted exclusively to agriculture, as much so as food, clothing, and all other articles necessary to human comfort and even existence. The prices of such an article affect in the most vital manner the prosperity of every community in the land, both rural and urban.

For more than twenty years I have lived in a section of the country requiring the importation of all lumber that has entered into the home building of a fertile but treeless prairie. State which I have the honor in part to represent has occupied its position in the sisterhood of States less than twenty years, but in that brief period her population has grown until it now

exceeds half a million people.

I have watched the development of that country by the unremitting toil of a sturdy yeomanry, schooled by habits of industry and frugality, paying tribute to what I believe to be the most gigantic, exacting, and soulless of the trusts that oppress

THE KING OF TRUSTS.

The lumber trust is the king of combinations in restraint of trade. In its far-reaching effects there is none to compare with it. It is remorseless in its grasp on the people, and the only change which it contemplates is to increase the price of its products at stated and frequent intervals without regard to cost. The consumer not only bears the burden of its aggressive policy of advancing prices, but also of the profits of intervening agencies. For him there is no escape from the avarice of this monopoly. To him the lumber trust is a tangible, living reality. When he sees these advancing prices without reference to increased cost of production, he needs no argument to convince him that the Government to which he contributes his support and renders true allegiance is derelict in its duty, unless it employs all the resources at its command to relieve him of these oppressions. The people demand this as a right and not as a favor. The trust has become so bold in its operations within the last year or two that it has eliminated in many localities all semblance of competition and from a central point controls both the wholesale and retail trade and fixes the price to the consumer.

I have in my possession uniform price lists ostensibly emanating from many different localities, but which are in fact printed from the same type, turned out by the same press, and issued from a common center. A further comparison of these lists with each other discloses the fact that prices are identically the same whether in Minnesota or Arkansas, Illinois or Texas, Indiana or Missouri, Louisiana or Ohio, or in any other portions of the coun-It matters not whether these price lists are issued by the Northwestern Lumbermen's Association, of Minnesota, or the Trinity River Lumber Company, of Texas. The prices quoted by each and every one of these companies are identical in every particular. I apprehend that the Department of Commerce and Labor, with information obtainable by it, will have little diffi-culty in establishing the fact that the lumber trust is a verity, whose fields of operation extend from ocean to ocean and may extend from the Tropics to and beyond the Canadian border.

This evidence is but a sample of what I have collected by personal effort during the past two years.

ENORMOUS PROFITS.

That the profits of this gigantic combination are exorbitant beyond all reason, is easily demonstrated. The value of stumpage-that is, the value per thousand feet board measure of standing yellow pine timber—based on the highest price at which the Government sold its stumpage last year was \$4 per thousand. The cutting and hauling of the logs to the mill is made at an average cost not to exceed \$3.50 per thousand; any well-equipped

sawmill can put the lumber on the yard for \$1 per thousand. Add incidental expenses, \$1.50 per thousand, thus making the cost of the manufactured article \$10 per thousand feet. lumber sold on the market during the past year at prices ranging from \$45 to \$48 per thousand feet. The difference between the cost of production and the retail price is thus found to be from \$35 to \$38 per thousand and represents the cost of transportation, the legitimate cost of doing the business, and what I conceive to be an exorbitant profit exacted by manipulation of the monopoly.

This statement is based upon the average of the outturn of a log, there being about as much superior as there is inferior to the grade taken as my basis. A log will yield about 20 per cent culls, 20 per cent first common, 20 per cent second common, 20

per cent firsts, and 20 per cent second firsts.

Another analysis of the data which I have obtained shows that it costs \$10 to manufacture the lumber at the mills and yields to the trust a profit of at least 200 per cent. According to the last census of the United States, the value of timber products in 1900 was \$566,600,000. From this the enormous profits accruing to the trust are patent.

#### METHODS OF THE COMBINATION.

The methods by which this trust has obtained control of the lumber business of this country are no longer necessarily a It not only arbitrarily advances the prices of lumber at stated intervals, but by various means attempts to discourage independent dealers from entering its field. Failing in that, it resorts to drastic and unscrupulous methods to crush them and ruin their business

Much of the information which I have obtained concerning this subject is of a confidential nature. For obvious reasons dealers, unwillingly in the grasp of the monopoly, are reluctant to divulge information relating to their dealings with it. All such information, however, will be easily accessible to the Department of Commerce and Labor operating under the authority and direction of Congress. The evidence already developed con-clusively shows that the whole country is subdivided into territories, each of which is dominated by an association maintaining a mere shadow of independence and in complete control of such territory, subject to the direction of the trust. The re-tail dealers within these respective subdivisions are not permitted to compete with each other either in the same town or within the allotted territory, and the minimum price which the retailer may charge is fixed by the association. If such retailer violates any of the directions of the association he is first subjected to a system of heavy fines and penalties, and if such violations are repeated the offender is then blacklisted and finally eliminated from doing business. Such is the discipline to which all retail dealers are subjected by the association to maintain the supremacy of the trust.

Oftentimes the retail dealers in a locality are united in an association, or combination, to maintain prices higher than the minimum fixed by the trust and they are always restricted to the territory prescribed by the dominant trust. As notice to the trade, the trust issues from time to time a "Directory of Regular Retail Lumber Dealers" authorized to engage in

business within a prescribed territory.

COMPETITION ELIMINATED. But the retail dealers are not alone in the clutches of the trust. The wholesaler is subject to its domination as well. If he sells to an unauthorized dealer he is subject to boycott and other

penalties.

The mill men are also subject to like domination and like discipline, although they have an association of their own subject to the parent association, which fixes prices, prescribes territory within which each member may operate and beyond which none can ship or solicit business, and are subject to penalties for violations of their agreements. Prior to this organization there was competition. Since it became effective there is none.

The latter association has an agreement with the trust by which the small mills are handicapped and eliminated from business as speedily as possible. All millwork must be purchased of the member of the association to which the particular territory is assigned. Often they compel the transaction of business through local dealers friendly to the interest of the trust, and in that event the local dealer obtains a percentage for handling it. If the transaction occurs in a locality where the retailers are in combination with each other and the purchase is made direct from the mill operating in that territory, a profit is added for the benefit of the local dealers and is divided among

"REGULAR" DEALERS PROTECTED.

If a contractor seeks to purchase millwork for use in a town not within the territory of the company with which he ordi-

narily deals, he can only purchase of the authorized or "regular" company. If the contractor or corrector products lar" company. If the contractor or carpenter undertakes to manufacture millwork even on a small scale, the price of the material which he must use is at once raised to such a point as to prohibit its profitable use, and thus competition, even on a small scale, is eliminated. The wholesaler protects the authorized retailer in every instance. If a contractor attempts to purchase direct from the wholesaler, a price will not be quoted until the wholesaler has communicated with the "regular" dealer at the contractor's home for the purpose of obtaining his prices. The contractor is asked by the wholesaler to "call later," perhaps the following day; meantime the desired information is obtained, the local price is quoted by the wholesaler, and the difference between the wholesale price to the authorized retail dealer and the price quoted to the contractor is credited to the local dealer, who thus obtains the profit the same as if he had handled the business.

#### LOCAL COMBINATIONS.

Where authorized local dealers have an organization, a bill of lumber is never sold by a member without first advising all the other members. In such case the local dealers are permitted to charge any price above the minimum fixed by the trust. It is noticeable that no objection is ever made by the trust to an advance of prices. The offense consists in a reduction only. The customer is required to wait until all the members of the association can be advised and the dealer who by arrangement is to receive the business is assisted by his sham competitors quoting higher prices. In this way the business is distributed and "equalized."

These methods, briefly indicated, preclude the possibility of

success by an independent dealer who has the temerity to embark in the lumber business without the sanction and authority of the lumber trust. He is hampered and harassed by all sorts of schemes and devices backed by the resources of an invisible, invincible power. At first the trust tries the power of persuasion to prevent him from entering the field. If he persists and embarks in business the tactics are changed and he is boldly informed that he will have a "fight on his hands." If, perchance, he is engaged in any other line of business, an attempt is made to intimidate him by threatening competition in such

THE INVISIBLE HAND WORKS DESTRUCTION.

The "irregular" dealer may be successful in purchasing the original stock of lumber and thus tie up his capital. Then his trouble's begin. The invisible and all-powerful hand begins to work his destruction. He finds it impossible to purchase lumber which he has contracted to sell. All sorts of subterfuges are adopted to deceive and harass him. His orders with the wholesalers are not at first rejected outright, but resort to dilatory practices is made to work his ruin. The trust in that locality reduces the retail prices of lumber without regard to cost, and thus renders it impossible for the independent dealer long to continue the struggle. Exasperating delays and deceptions make success impossible for the independent dealer and the outcome of his venture is certain: He is either financially ruined or surrenders to the trust on such terms as it sees fit to impose. One of the agencies that has wrought his destruction is illustrated by the following letter issued by the trust, in confidence, to the wholesalers:

### CONFIDENTIAL BLACKLIST.

CONFIDENTIAL BLACKLIST.

[Northwestern Lumbermen's Association: Ralph H. Burnside, president, Oskaloosa, Iowa; C. E. Greef, vice-president, Eldora, Iowa; Georgy P. Thompson, treasurer, Minneapolis, Minn.; W. G. Hollis, secretary, Minneapolis, Minn. Retail Lumbermen's Insurance Association: J. H. Queal, president, Minneapolis, Minn; S. H. Bowman, treasurer, Minneapolis, Minn.; W. G. Hollis, secretary, Minneapolis, Minn.; E. G. Fahnestock, assistant secretary, Minneapolis, Minn.]

Secretary's Office, 108 Lumber Exchange, Minneapolis, Minn. December 10, 1906.

To Shippers of Lumber to the Regular Trade.

Gentlemen: Please note the following for your information:

Minnesota Lumber and Manufacturing Company, Minneapolis, Minn.—Attention is called to the inclosed, which is a photographic copy of their "ad" in the November issue of the American Cooperative Journal. Their address is given as Lumber Exchange, but no office number given. Inquiry discloses the fact that their mail is delivered and accepted at the office of the Burkholder Lumber Company.

Hanny Neesen, Wellsburg, Jova.—Formerly of Neesen Brothers, lumber dealers, who sold out. He has no lumber yard at Wellsburg, according to latest reports.

Gardner Lumber Company, Gardner, Jova.—Have lately caused lumber to be shipped to Tama, lowa, where they have no yard.

Wilkinson Lumber Company, Minneapolis, Minn.—This concern consists of L. N. Wilkinson, who advertises to sell lumber to consumers in car lots. He says he expects to fill orders out of a stock of lumber owned by one I. J. Boyum, at Park Rapids, Minn.

A. J. Aaby, Huyfield, Minn.—Has on a number of occasions professed to be going into the lumber business at Hayfield, but so far as known has never gone further than to try to secdre wholesale lists and estimates.

Quammen Brothers, Britton, S. Dak.—Continue to call attention to

Quammen Brothers, Britton, S. Dak .- Continue to call attention to

their methods of business by their peculiar style of advertising in the Britton papers. A house bill bought from them a short time ago was shipped to Cogswell, N. Dak. They have no yard there.

Monks & McKinley, Mankato, Minn.—Have caused a shipment to be made to consumers at Grogan, Minn., where they have no yard.

Peet Brothers, Anamosa, Iowa.—At the time of our last communication, the indications were that they were developing into retail lumber dealers, but late reports from there indicate that they are not regularly maintaining a complete stock.

C. E. Ross, Chevalah, Wash.—Ordered shingles from the coast for shipment to Parkston, S. Dak. On arrival there they were turned over to one Titus Heisinger, who sells them out at about cost. He has no yard at Parkston. Previously, Heisinger received shingles through Leuer Brothers, of Chewalah, Wash. He apparently has some friend at Chewalah who induces these mill men to act for him in placing shingle orders.

at Chewalah who induces these mill men to act for him in placing shingle orders.

Charles Colburne, Irma, Iowa.—The following from a man recently on the ground: "When I passed through Irma, November 19, there was about 31,000 feet of lumber in stock, mostly dimension, no lath, and about 4,000 shingles. Mr. Colburne claims to be a stock, grain, coal, and lumber dealer. He owns a farm about 1 mile from the station and has been a successful stock buyer for some years. He has no lumber sheds, and only a small coal shed, which holds about one carload."

Yours, truly,

(Signed) W. G. Hollis, Secretary.

W. G. Hollis, Secretary. (Signed)

EFFECT OF THE BLACKLIST.

The effect of this confidential letter is illustrated by the following correspondence, from which for obvious reasons names and localities are omitted. The two letters were addressed to the same parties.

MINNEAPOLIS, MINN., January 6, 1906.

GENTLEMEN: We have your favor of January 5, inclosing order fcr one car of No. 1 hemlock, for which please accept our thanks.

We have just received this morning an inventory from the mill and find that in quite a number of items we are very very short. We can fill your order as follows:

100 2 x 4-10 No. 1 Hem. S1S & E.
100 " 16 "
400 " 12 "
400 " 14 "

100 100 400 " 14 200 2 x 6-10 200 " 12 200 " 14 " 11

Where we reduced the 2 x 4's 10 and 16 inch, and 2 x 6-16 to just one-half the quantity that you stated in your order, we were obliged to increase some of the other items in order to make a minimum carload and find that we can best spare 2 x 6's, 12 and 14 inch. Kindly advise us that this change is satisfactory and we will then give your order all dispatch possible.

Yours, very truly,

MINNEAPOLIS, MINN., January 9, 1906.

Gentlemen: We are obliged to return to you your order January 5, 1906, for one car hemlock. We sent this order to the mill, and they have returned it to us to-day with a letter stating that their business relations with another concern will not permit them to make shipment to you, or to us at \_\_\_\_\_\_\_\_ for delivery to you. They have no hesitancy in telling us that they have agreed with the \_\_\_\_\_\_\_ people not to ship to anyone else at \_\_\_\_\_\_\_ . We called them up by long-distance telephone and maintained that we had purchased this stock from them without any reservations, and that we demanded the right to ship it wherever we pleased. They tell us that they would not load the car, and that while we own the hemlock, yet if any car was loaded for shipment to \_\_\_\_\_\_ that we would be obliged to come over to the mill and load it ourselves. We have made the case very plain to you and see no way under the circumstances that we can make the shipment, as they think more of the \_\_\_\_\_\_\_ business apparently than they do of ours. We have no other stock that we can get onto the Chicago, Milwaukee and St. Paul road.

I submitted these letters, together with other information, to the Department of Commerce and Labor January 18, 1906, and received the following reply thereto:

DEPARTMENT OF COMMERCE AND LABOR,
BURBAU OF CORPORATIONS,
Washington, January 22, 1906.

Hon. A. B. KITTREDGE, United States Senate.

HERBERT KNOX SMITH, Acting Commissioner.

The VICE-PRESIDENT. Will the Senator from South Da-kota kindly suspend while the Chair lays before the Senate the unfinished business? Mr. KITTREDGE.

Certainly.

The VICE-PRESIDENT. It will be stated.
The Secretary. A bill (S. 7709) to revise, codify, and amend the penal laws of the United States.

Mr. FULTON. I ask unanimous consent that the unfinished

business may be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered.

The Senator from South Dakota will proceed.

Mr. KITTREDGE. Mr. President, when I first began to make inquiry into the conditions of the lumber trade in the Northwest, I found it difficult to obtain evidence respecting the operations of the trust. Since offering this resolution I have received a great mass of correspondence relating to the subject received a great mass of correspondence relating to the subject from all sections of the country. Many of the writers have related in detail their experience, both as dealers in and consumers of lumber. I have not the slightest doubt of the ability of the executive department to establish, by an abundance of competent evidence, the fact of the existence of a conspiracy, in contravention of law, affecting the lumber business.

Within the past five years the prices of lumber and timber products have been arbitrarily advanced from 100 to 500 per cent. Prices of dimension stuff have been advanced 50 per cent in the last four years. Ordinary flooring was advanced 334

in the last four years. Ordinary flooring was advanced 331 per cent during the past twelve months, and the price of oak flooring has been forced at intervals during the past two years from \$40 to \$100 per thousand feet, an advance of 150 per cent from a price which was already high. Of this latter price \$50, or upwards of 80 per cent of the net advance, is nothing better than robbery and is, in fact, the plunder of a commercial outlaw.

THE TARIFF ON LUMBER. In the early operations of the trust it was argued in explanation of advancing prices that the duty on lumber was the cause. Let us see what force there is in this argument. The Dingley tariff act of 1897 restored the lumber schedules of the McKinley Act of 1890, under which logs were admitted free, rough lumber was dutiable to the extent of \$1 per thousand feet board measure, and there was a duty of \$2 per thousand feet board measure, ure, on lumber planed on both sides. Between 1894 and 1897, under the Wilson Act, all of these articles were admitted free. From information which I have obtained I am convinced that the lumber trust has been in successful operation without interruption for more than twenty years, during which period it has been operating with ever-increasing boldness. Had the existence of the trust been known to the framers of the tariff act of either 1890 or 1897 it is not probable that it would have been thought necessary to foster the lumber industry by a protective duty. However that may be, and whatever may have been the argument in favor of such a cuty, there is no longer either necessity or excuse for its continuance. It is not the policy of this Gov-ernment to foster monopolies, and while it must be apparent that the present duties are not solely responsible for the exorbitant prices of lumber, yet I am unqualifiedly in favor of their CONSPIRACY TO EXACT TRIBUTE.

The results of my investigation during 1905 were laid before the proper Executive Department in that year. I was convinced at that time that the lumber trade in the Northwest was under the control, more or less absolute, of an illegal and oppressive combination, but I did not know then, as I believe that I have now demonstrated beyond a reasonable doubt, that the combination which holds the Northwest in its grasp is a gigantic conspiracy to exact tribute from American people, regardless of their geographical distribution. I did not know then as I now do know that the Northwestern Lumbermen's Association had its counterpart in every section of the country, each operating in territory with well defined and carefully prescribed metes and bounds, and each a counterpart of a monstrous monopoly which owns billions of acres of forest lands in fee simple, con-trols mills and factories, distributes their outputs, and fixes prices therefor without regard to the law of supply and demand, the cost of production, the welfare of communities or the rights of persons, and operates in flagrant defiance of the laws of Con-

This criminal combination is a menace to the whole country on which it preys. Of all the trusts perhaps this is the only one of which it may be truthfully said that it is literally with us from the cradle to the grave. The Federal Government alone has the legal authority and judicial power to punish and dissolve it.

The VICE-PRESIDENT. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

# EFFICIENCY OF THE ARTILLERY.

Mr. WARREN. I move to take up the bill (S. 3923) to re-organize and to increase the efficiency of the artillery of the United States Army.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amend-

The VICE-PRESIDENT. The amendments of the Committee

on Military Affairs will be stated in their order.

The first amendment of the Committee on Military Affairs was, in section 6, page 4, line 9, after the word "respectively," to strike out:

Provided further, That upon the outbreak of war, or when war is imminent, the President is authorized, by and with the advice and consent of the Senate, to appoint as an officer of the Volunteer Army one second lieutenant of Coast Artillery for each company of Coast Artillery, to be selected preferably from the noncommissioned officers of that arm; and to increase the strength of the Coast Artillery by an average of three sergeants, four corporals, and thirty-four privates for each company; but the total enlisted strength of the Coast Artillery, as provided under this act, shall not exceed 26,117, exclusive of master electricians, electrician-sergeants, first class, and electrician-sergeants, second class.

#### And to insert:

and that the total enlisted strength of the Coast Artillery, as provided under this act, shall not exceed 19,147, exclusive of master electricians, electrician-sergeants, first class, and electrician-sergeants, second class.

So as to make the section read:

Sec. 6. That each company of coast artillery shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, two cooks, two mechanics, two musicians, and such number of sergeants, corporals, and privates as may be fixed by the President in accordance with the requirements of the service to which it may be assigned: Provided, That the total number of sergeants and corporals in the coast artillery shall not exceed 1,360 and 2,040, respectively, and that the total enlisted strength of the coast artillery, as provided under this act, shall not exceed 19,147, exclusive of master electricians, electrician-sergeants, second class.

The amondment was accorded to

The amendment was agreed to.

The next amendment was, in section 9, page 6, line 13, after the word "coast," to insert "artillery;" so as to read:

That on and after the approval of this act the coast artillery and the field artillery shall be permanently separated, the separation to be effected as follows.

The amendment was agreed to.

The next amendment was, in section 9, page 6, after line 14, to strike out:

strike out:

All officers in the present Artillery Corps shall remain on one list as regards promotion until there shall have been filled, subject to the provisions of section 10 of this act, all vacancies to which promotion can be immediately made in the coast and field artillery combined. After such promotion they shall in each grade be assigned by the President to the coast or the field artillery according to the special aptitude for their respective services, such assignment to be permanent: Provided, That in making these assignments to the coast and to the field artillery the officers in each grade, taken in order of rank and beginning with the senior in that grade, shall be divided into a number of sections equal to the number of officers of that grade to be assigned to the field artillery, such sections to be in each grade as nearly equal numerically as possible; and there shall be assigned from each of these sections one officer to the field artillery and the remainder to the coast artillery. The number of officers composing a section in the grades not completely filled by promotion of the officers of the present Artillery Corps shall be determined by dividing the number of offices authorized herein for the grade in the coast and the field artillery combined by the number authorized for the grade in the field artillery: Provided further, That—

And to insert:

# And to insert:

All officers in the present Artillery Corps shall remain on one list as regards promotion until sufficient promotions shall have been made, as far as the present number of officers permit, to provide in each grade, together with the officers remaining therein, the total number of officers of the grade provided for in this act for the coast and field artillery combined. After such promotion they shall, in each grade, be assigned by the President to the coast artillery or to the field artillery, according to special aptitude and qualifications and agreeably to individual preference, so far as may be practicable and for the good of the service, such assignments to be permanent; and.

The amendment was agreed to

The amendment was agreed to.

The next amendment was, in section 9, page 7, line 25, after the word "coast" to insert "artillery;" so as to read:

and all officers promoted or appointed in the artillery thereafter shall be commissioned as officers of the coast artillery or the field artillery, as the case may be, and shall be promoted by seniority in their own branch, subject to the provisions of the laws governing promotion in the Army at large.

The amendment was agreed to.

The next amendment was, in section 10, page 8, line 4, after the words "Sec. 10," to strike out:

That all vacancies created or caused by this act shall be filled, except as hereinafter provided, by promotion according to seniority in the present Artillery Corps, subject to examination as now prescribed by law. Of the vacancies created or caused in the grades of captain and first and second lieutenant in each branch one-fifth shall be filled in each fiscal year until the total number of officers herein provided for shall have been attained. First and second lieutenants of cavalry and infantry of longer commissioned service at the date of approval of this act than officers of artillery of corresponding grades who would otherwise be promoted under this act shall be given the option of promotion to the next higher grade in the artillery, subject to examination to be prescribed by the President.

And to insert:

And to insert:

That all vacancies created or caused by this act which can be filled by promotion of officers now in the Artillery Corps shall be filled by pro-

motion according to seniority, subject to examination as now prescribed by law. Of the vacancies created or caused by this act which can not be filled by promotion of officers now in the Artillery Corps, one-fifth in each branch shall be filled in each fiscal year until the total number of officers herein provided for shall have been attained.

The amendment was agreed to.

The next amendment was, in section 10, page 9, line 7, after the word "law," to strike out the following proviso:

Provided, That the number of assignments to the cavalry, Field Artillery, Coast Artillery, and infantry made each year from the graduates of the United States Military Academy shall be as nearly as practicable in the ratio of the authorized total commissioned strength of each of these arms of the service to their authorized total commissioned strength combined.

The amendment was agreed to.

Mr. WARREN. On page 4, line 7, after the word "artillery," I move to insert the words "so fixed" with a comma.

The amendment was agreed to.

Mr. President, from the report of the committee I see that the increased cost under the bill is estimated for the first year at about \$2,000,000; that the annual increased cost will amount to about \$2,600,000 for the fifth year, and that \$5,500,000 will be expended for barracks, quarters, stables, gun sheds, etc., extending over the period of five years. I should like to have

some explanation of the bill from the Senator from Wyoming.

Mr. WARREN. The actual increase for the first year is one million six hundred thousand and some odd dollars. I speak in round numbers. To be exact, \$1,689,615 for total increased cost, pay of officers and men, and all supplies.

Mr. KEAN. Then the report is inaccurate.

Mr. WARREN. The bill, the Senator will observe, has been amended.

Mr. KEAN. But the report has not.

Mr. WARREN. I am speaking of the present bill with proposed amendments. The increased cost of the artillery, coast and field, will be when all the places are filled at the end of five years \$2,500,874 per annum over and above the present cost.

The matter of five million or five and one-half million dollars for barracks really has little reference to this increase of force, because that would be approximately the estimate for the

present posts and for the present force.

At the various places where there are emplacements and guns there must be barracks for the men and stables for the horses; whether men are there continually or not we must house our forces. So this increase of men does not necessarily make more places for barracks, and the barracks item can be eliminated so far as it applies strictly to this increase of men.

Mr. President, I do not wish to take a long time in presenting to the Senate what I have to say in support of the proposed increase in the Artillery Corps of the Army provided for in this bill. But we are drifting along in a way which I think is not well understood by the Congress and by the people of this country, and without oratory or undue persuasion I want, if I may, to present plain facts and conditions which are startling to me and I believe will be equally startling to the Senate.

We have been engaged for something over twenty years in the work of erecting and manning a comprehensive system of defenses for our coast lines, and in my judgment we are either running away with ourselves and spending needless amounts of money or else we are almost criminally negligent in not providing for the most essential factor in our work-the motive and governing force to utilize these expenditures along the lines for which they have been made; that is, we are not furnishing the brain and brawn, we are building emplacements and guns, but we are not providing for men to care for and handle them. until at this hour we find ourselves where we ought in justice and good faith to take an account of stock to find what we have, what we need, and what is our condition-whether we are solvent or otherwise.

AS TO OUR FORTIFICATIONS

AS TO OUR PORTURATIONS.		1
The Endicott Board estimated for something over-	\$126,000,000	1
Appropriations strictly under that estimate have amounted to nearly	73, 000, 000	12000
Leaving unexpended over	53, 000, 000	98/25
But, Mr. President, as a matter of fact, although we have reduced the original amount by		1
\$73,000,000, we have really expended	119, 000, 000	
If to this we should add the unex- pended balance of the estimate of		
the Endicott Board \$53,000,000		
And then to that the same percentage		
as the excess so far amounts to over 37,000,000		1
	90, 000, 000	
- Would be a total of	209, 000, 000	

But within the past two years the National Coast Defense Board—a new board instituted for the purpose of reviewing the original Endicott Board plans, and making changes which later inventions and the growth of the United States seemed to make necessary, reported last March,	
as an addition or alternative plan, to be expended in the United States, of about Then added to this is the estimate for proposed defenses at Cuba, Porto Rico, Panama, Alaska, Hawaiian Islands, Guam, and the Philippine	\$51,000,000
Islands, amounting to almost	25, 000, 000
And we have yet to expendAdd the amount absolutely expended	76, 000, 000 119, 000, 000
And we have in round figures	195, 000, 000
The following is a list of the members of the En	dicott Board:

Hon. William C. Endicott, Secretary of War, president of the Board. Brig. Gen. Stephen V. Benet, Chief of Ordnance. Brig. Gen. John Newton, Chief of Engineers. Lieut. Col. Henry L. Abbot, Corps of Engineers. Capt. Charles S. Smith, Ordnance Department. Commander W. T. Sampson, United States Navy. Commander Caspar F. Goodrich, United States Navy. Mr. Joseph Morgan, jr., of Pennsylvania. Mr. Erastus Cornling, of New York.

The above Board was appointed by Grover Cleveland, President.

On March 5, 1906, a new board, consisting of the following, were appointed by President Roosevelt, and termed the "National Coast Defense Board:

Hon. William H. Taft, Secretary of War, president of the board.
Lieut. Gen. Adna R. Chaffee, Chief of Staff.
Maj. Gen. George L. Gillespie, Assistant Chief of Staff.
Brig. Gen. Adolphus W. Greely, Chief Signal Officer.
Brig. Gen. William Crozler. Chief of Ordnance.
Brig. Gen. John P. Story, Chief of Artillery, General Staff.
Brig. Gen. Alexander Mackenzie, Chief of Engineers.
Capt. Charles M. Thomas, U. S. Navy.
Capt. Charles S. Sperry, U. S. Navy.
Maj. George W. Goethals, General Staff, will act as secretary of the sard.

Subsequent retirement of officers caused some changes.

Now, Mr. President, with nearly \$120,000,000 already expended and \$76,000,000 or more to expend as already estimated for, we have as yet made almost no preparation for caring for the objects of these expenditures or for their use should occasion arise. It is obvious that this expenditure is unnecessary, of no value, and foolish unless we are going to care for it, support it, and be in constant readiness to use it. It takes men to put in motion, keep in motion, and make available the guns and pro-

We would require, when these works are completed, for a full complement, for one shift of men only, inside and outside the United States

2,277. Enlisted men\_ 55,110. Total\_ 57,387. Officers\_ For fortifications located entirely within the United States

Officers\_1,985. Enlisted men\_47,709. Total\_49,694. We have not yet finished works which will require the maximum number, but we have arrived at a point in our construction where we require to handle guns already in place and under process of construction-

OfficersEnlisted men	
Total	43, 587

These figures are based upon the number required for one shift only, no allowance being made for sick, wounded, reserves,

When the Endicott Board reported, it was then known that we would require some 40,000 men for the defenses which they had recommended, while at that time (1885) we had in the artillery only the following:

OfficersEnlisted men	280 $2,770$
Total	3, 050
THE PRESENT ORGANIZED FORCE FOR COAST AND ARTILLERY IS-	-
OfficersEnlisted men	651 18, 290
Total	18,941

Of these, 14,278 men are coast and 4,012 are field.

I may say here that the submarine mines, torpedo defenses, etc., have lately been taken from the Engineer Corps and added to the Coast Artillery, but in making the change we made no provision for a force to handle them. Now, this bill proposes an increase of-

Officers Enlisted men: Coast Artillery\_ Field Artillery

An aggregate increase of 6,337 officers and men. And besides increasing the number of men it creates some special grades of experts in the Coast Artillery, with adequate pay.

THE MAXIMUM OF ARTILLERY UNDER THIS PROPOSED BILL WOULD BE FOR COAST AND FIELD—

Enlisted men \_\_\_\_\_ \_ 24, 331

Total\_\_ 25, 278 Under the present law the President could increase the Field

Artillery by adding enlisted men, 755. Under the proposed new law the President might increase the Field Artillery by-

Privates Noncommissioned officers, mechanics, and musicians\_\_\_\_

Any increase above this, even in the time of war, would require action by Congress.

Of course it is not expected that all of our defenses in all parts of the country would be under fire at once, and it is fair to presume that we could move men from the Atlantic to the Pacific coast or from the Pacific to the Atlantic coast should an attack be made from one side only, with sufficient notice beforehand. But this would take time and great risk, and we cer-

tainly ought to have a fair proportion of all our guns in place

and manned sufficiently to utilize them.

At the time the Endicott Board was ordered we were practically without any defenses. We had, in all, five regiments of artillery, this strength having been fixed at the close of the civil war, and, with the exception of twenty privates to each battery, this strength was maintained until 1898, when two regiments more were added. In 1899 another increase was made by adding two batteries to each regiment, and in 1901 the present Artillery Corps was organized—126 companies of Coast Artillery and 30 batteries of Field Artillery. Our present arthery and so batteries of Field Arthery. Our present condition is that, with 393 batteries now constructed, only 125 have troops assigned to them and are in commission and the balance, 268, are out of commission and in the hands of care takers—less than one-third the number of officers required and slightly over one-third the number of men. If we were drawn into battle to-morrow but one-third of our batteries could be put in action, and those put in action could fight with only from 50 to 75 per cent of their guns.

The increase asked for is to be gradual as to officers, extending over five years, one-fifth each year, the enlisted men being taken on at once, providing we are fortunate enough to secure

the enlistment of competent men. Mr. BACON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Georgia?

Mr. WARREN. I do. Mr. BACON. If the Senator from Wyoming will permit me in that connection, I will say that, as I recollect the act for the permanent military establishment, it limited the total military strength of the Army in all branches.

Mr. WARREN. Yes.

Mr. BACON. And, as I understand this bill, it provides that the total number of enlisted men shall not be increased.

Mr. WARREN. That the maximum of the Army shall not be increased.

Mr. BACON. Yes. So that the effect of this bill, so far as the enlisted men are concerned, is not to increase the numerical size of the present military establishment, but simply to provide that such number of them as is indicated in this bill shall be of

the artillery arm. Is not that correct?
Mr. WARREN. That is correct.

Mr. BACON. And the only increase is in the matter of officers and of other things essential for the proper maintenance, discipline, and sustenance of these particular men?

Mr. WARREN. That is right. I will give the exact number of the increase, if the Senator would like to know it. At the end of five years there will be in the artillery, field and coast,

296 increase in number of officers and 6.337 increase in number of enlisted men, including noncommissioned officers, etc.

Mr. KEAN. But does not that increase the Army?
Mr. BACON. As I understand the Senator from Wyoming it will not be an increase of the Army.

Mr. WARREN. It does not increase the maximum strength of

the Army as provided by law. It does not raise the maximum.

Mr. BACON. The last statement of the Senator that there would be an increase of over 6,000, then, is not what he intended?

Mr. WARREN. It increases the artillery branch of the Army; that proportion which under the law as at present is allowed to the artillery.

Mr. BACON. Exactly. Mr. WARREN. It increases the Coast Artillery and Field Artillery.

Mr. BACON. It does not include the Field Artillery in the matter of officers.

Mr. WARREN. In this connection I may say that we are short, at present, in the authorized force, nearly 25 per cent—

this because of insufficient pay, etc. Mr. President, I have in my hand a statement made, at my request, by a most competent artillery officer, covering, in some detail, figures as to past expenditures and future wants and conditions, which seems so thoroughly comprehensive, yet brief and to the point, that I shall ask permission to incorporate it in my remarks:

The present system of coast defense is founded primarily upon the report of the Endicott Board, organized by direction of Congress in 1885. That report gives the principles upon which any system of coast defense must be based and a scheme or system of defense for the various ports and harbors of the United States which the Board considered of sufficient importance to be defended.

The details of the system of defense have been modified and added to from time to time to keep pace with the advances in ordnance, electrical appliances, methods of construction, and with changes in design and armament of war vessels. The present system is, therefore, the result of a gradual development. In addition to the heavy or high-power guns and submarine mines proposed by the Endicott Board, defended ports are now equipped with rapid-fire guns, and to some extent with power plants, searchlights, and range-finding and fire-control systems, necessary adjuncts of an adequate defense to-day, though not considered to in 1886.

The estimates of the Endicott Board have, in effect, formed the basis

guits and submarine mines proposed by the Endicott Board, defended ports are now equipped with rapid-fire guins, and to some extent with power plants, searchlights, and range-finding and fire-control systems, necessary adjuncts of an adequate defense to-day, though not considered so 1886.

Search and the search of the Endicott Board have, in effect, formed the basis of all appropriations heretofore made by Congress for fortifications. Nearly two-thirds of the land armament recommended by the Endicott Board has been installed or provided for. But, since the date of the report so many conditions then existing have been materially modified, and the engines or implements of war have been so greatly improved, and others, untried or unknown, of undoubted value, developed, that, on January 31, 1905, the President organized a new board known as the National Coast Defense Board, to revise the plans of the Endicott Board and to recommend the armament fixed and floating, mobile torpedoes, submarine mines, and all other defensive appliances that may be necessary to complete the harbor defense with the most economical and advantageous expenditure of money.

The plans of the Endicott Board carried an estimate of \$126,377,800. The first appropriation made by Congress based upon these estimates was approved September 22, 1888, when \$1,350,000 was appropriated Appropriations have continued from year to year until \$72,750,583,98 have been expended for batteries with their guns, mortars, and carriages, for submarine union, more appropriate for fire-control installation, and the submarine mines, searchlights, and power plants have been provided at a cost of \$63,494,97. Submarine mines, searchlights, and power plants have been provided at a cost of \$53,719,100,200, under the plans of the Endicott Board report, is \$119,102,483,32. The inflications, and for cammunication, etc.

Under the plans of the Endicott Board 376 mortars, 337 heavy guns, and 587 rapid-fire guns, with their emplacements, have been provided at a cost of \$5,718,76

total required for the United States, constructed or projected, 1,985 officers, 47.709 men; required for the gefenses of the insular possessions and the isthmian canal, projected by the National Coast Defense Board, 292 officers, 7,401 men; grand total required for the United States, the insular possessions, and the isthmian canal, 2,277 officers,

Board, 292 officers, 7,401 men; grand total required for the United States, the insular possessions, and the isthmian canal, 2,277 officers, 55,110 men.

It should be borne in mind that these figures are based upon the actual number required for one shift, if the entire force could be mustered and marched, each man to his place. No allowance is made for sick or wounded, for reserves or supports; the figures given indicate the number of positions which will have to be filled when the defenses are manned.

In 1885, when the Endicott Board drew plans for the defenses of the United States, to man which requires 1,985 officers and 47,709 men, the artillery of the United States consisted of five regiments; in all 280 officers and some 2,770 men. This strength had been fixed in 1865 at the close of the civil war, and with the exception of the addition of 200 privates to each battery, this strength was maintained until 1898, at which time two regiments were added. In 1899 another increase was made by adding two field batteries to each regiment, and in 1901 the present Artillery corps was organized, consisting of 126 companies of Coast Artillery and 30 batteries of Field Artillery. Under this law, 514 officers and 14,153 men are now assigned to the Coast Artillery.

1901 the present Artillery Corps was organized, consisting of 126 companies of Coast Artillery and 30 batteries of Field Artillery. Under this law, 514 officers and 14,153 men are now assigned to the Coast Artillery.

These 514 officers and 14,153 men are assigned to coast defenses that require 1,774 officers and 41,833 men. What is the result? Of 393 batteries now constructed, 125 only have troops assigned to them, are in commission, and the rest, 268, are out of commission, in the hands of care takers. If we were drawn into a fight to-morrow, only one-third of our batteries could go into action, and, due to the shortage of men in the companies, many of these batteries could only fight from 50 to 75 per cent of their guns. The question naturally arises as to the wisdom of making any further appropriations for the provision of additional defenses until Congress has determined upon some means of providing men to fight the defenses already installed.

Let us consider a concrete case. For the defense of Puget Sound, the terminus of the Northern Pacific Railroad and the site of the only navy-yard on the Pacific coast that can accommodate a modern battle ship, there are now mounted 104 mortars and guns.

To operate these mortars and guns and the accompanying submarine mines, searchlights, power plants, etc., 149 officers and 3,626 men are required. There are actually on duty now in the forts on Puget Sound 27 officers and 902 men. The National Coast Defense Board says that the defenses of Puget Sound are inadequate; that the four 12-inch guns there are not powerful enough, and they propose to manufacture a new and greater caliber, a 14-inch gun, and to mount seven of these in Puget Sound, along with twenty-three others of smaller caliber. These additional defenses will require 50 additional officers and 1,168 additional men. The completed scheme would, therefore, require 199 officers and 4,794 men. There are available 27 officers and 902 men. What can possibly be the advisability of adding more guns when two-thirds

engineers

expensive devices, or whether we have simply taken our old stage-coach drivers and designated them to perform the duties of locomotive engineers.

In 1885 seacoast cannon were all muzzle-loaders and were nearly all smoothbores. They were mounted upon the crudest kind of carriages and were loaded with black powder. At that time a battery of Coast Artillery consisted of a captain, three lieutenants, a first sergeant, a certain number of sergeants, corporals, and privates, two musiclans, an artificer, and a wagoner. To-day the organization of a company of artillery is the same except that there has been added a company quartermaster-sergeant, and that the artificer and the wagoner, who drew the pay of corporals, are now called mechanics and get the pay of sergeants. The organization of a company of Coast Artillery to-day is essentially the same as it was before the civil war, when guns were mounted upon wooden carriages. Congress has spent more than \$5,700,000 for submarine mines, searchlights, and power plants to be used in connection therewith. How many skilled men have been provided for the operation of these mines and searchlights, how many engineers and firemen for the power plants? None; not one. Three million five hundred thousand dollars has been spent for the installation of the fire-control systems. Every company has assigned to it two fire-control stations, in each of which is mounted a \$1,500 range finder, the telescope alone being worth about \$500. How many observers, or skilled men, have been provided to operate and care for this delicate and expensive apparatus? Not one. The Coast Artillery to-day is not satisfied, as it was fifty years ago, with sergeants and corporals: what it needs is engineers, firemen, master gunners, observers, plotters, casemate electricians, gun pointers, searchlight and switchboard operators, and other expert grades to meet its particular requirements. Sergeants and corporals meet an infantry and cavalry requirement, but they do not meed more power plants, but engineers and

Mr. WARREN. I call particular attention to what is said about the shortage of men, especially as to experts. We can

not enlist up to our present allowance or maximum, because we do not pay enough. Here is the great Navy of the United States, which has always distinguished itself, but neither more nor less than the Army, in which enlisted men and noncommissioned officers are paid such compensation as the President of the United States may determine. As I understand it, the pay is fixed from time to time by the Secretary of the Navy, with the approval of the President, but in the Army we have and I am not apologizing for using the term—an obsolete, or it should be obsolete, pay-roll scale, made up many years ago, when we were using smooth-bore, muzzle-loading guns, requiring only main strength and very little practice to load them. Everything was done by main strength. Now, that has all passed away. The mechanism about the breech of one of the cannon of to-day requires a man able to almost construct and erect a complicated piece of machinery. The men who have to take care of the power plants in these batteries, which are electrical power plants, are required to be electricians and mathematicians in the firing control. Formerly your gun was in plain sight and you had to provide in front of it such shelter as you could get for your men. It is now different; it is operated by touching a spring, and the immense gun rises from behind an embankment, and somebody, located perhaps a quarter of a mile away, will telephone down to the man underneath how to sight the gun and fire it, bringing it back and loading and firing two or three times a minute, whereas formerly it was once in five minutes, and so on. Now, the men who are enlisted must be taught to be electricians and machinists, and hence mathematicians. It takes the entire time of one enlistment to teach them, and when they get to the end of the term of enlistment, instead of reenlisting for \$15 or \$18 a month, they step out and get \$50 or \$75 or \$100 a month, as the case may be, in some machine shop or electrical works.

This bill not only provides for more men, but it provides for larger pay for these experts, so that we may have inducement for them to reenlist, and so that we may have men competent to do the work. As it is now, we are nearly 25 per cent short of the authorized force in the Coast Artillery and are totally unable to fill up the number.

Mr. BACON. Mr. President The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Georgia?

Mr. WARREN. Certainly.

Mr. BACON. I understand, from the very lucid statement of the Senator from Wyoming, that the necessity for this legislation grows out of the fact that while infantry men and cavalry men may be improvised, as it were, to handle these guns, it requires a long and careful process of training, which can not be secured in the presence of an emergency.

Mr. WARREN. That is right. Furthermore, I wish to make this point clear: We are not raising the Coast Artillery now to anything like the number it would require if we wished to put all our artillery in operation. We are simply raising it to the point so as to have a sufficient nucleus around which we may rally men from the cavalry, from the infantry, from the State Militia, and from volunteers in case of war. But we are only But we are only attempting to care for this machinery and these guns, and to have, as I say, a nucleus around which to form an army. For instance, the estimate for the men and for the officers necessary, if we shall follow out the Endicott Board plan, or if we shall follow out the National Defense Board plan, which is a later one, would require, in order to have one relief, without anybody being sick or absent, something over 55,000 enlisted men. I think I have the correct number here. Yes; it will require of officers 2,297 and of enlisted men 56,110.

We have expended one hundred and nineteen and odd million dollars upon something that will require about \$75,000,000 more to complete; and when completed would require nearly 3,000 officers and more than 55,000 men to give one relief—not three reliefs or four reliefs, as we should have if we were really in action and in war.

Then for the fortifications which we have already got in place, Mr. President, it would require, if we were to undertake to put them into action, 41,833 enlisted men and 1,754 officers for one relief.

Of course we had when the Endicott Board made this estimate the same number that we had cut down to after the civil war. There were something less than 3,000 men—I think it was 2,770 men and 280 officers. That number has been increased from time to time until our maximum now is 14,278 enlisted men in the Coast Artillery and 4,012 in the field. The increase which we propose is for officers, 296—and it takes five years to complete that increase—and of enlisted men, 5,043 for the coast and 998 for the field, making a total of 6,337. When that is done, the maximum of artillery under the proposed law, Coast and Field Artillery together, would be 947 officers and 24,331 en-

Under the present law the President would only be permitted to add in time of war a few privates, amounting to 755, to be exact. Under proposed law the President would have the power of adding 1,620 privates and 360 noncommissioned officers.

of adding 1,620 privates and 360 noncommissioned officers. While the increase of men is important, the increase in pay for these experts is far more important. It might as well be understood now that we here stand and have heretofore acted like a farmer who has six horses and seven wagons, and not a harness; and when the fall crops come, he buys more horses and more wagons, but not a harness. We are engaged here in appropriating money year after year providing for guns and emplacements, the money for which is appropriated by bills which come before the Committee on Appropriations; and I happen to

be a member of the subcommittee having charge of that bill. In that we may appropriate five millions and over for more guns and more emplacements, and not a cent for the real motive power—men with which to handle them. As it is now, more than three-quarters of our guns are unused and more than two-thirds of them, I think I am safe in saying, are in charge of care takers, greased over and canvased, lying on the ground. We have in one case a gun that cost over half a million dollars, simply gummed over with grease and canvased, lying like a log of wood by the roadside.

Mr. President, I have some tables here of figures that I will ask to have inserted in my remarks.

The VICE-PRESIDENT. Without objection, permission is granted.

The tables referred to are as follows:

Table A.—Showing number of artillery officers and men of various grades necessary for one complete relief for the coast defenses of the United States now constructed or under construction.

[Italic figures=Mines, power, and light.] Eastern Eastern en-trance Long Island Charleston. Ports Ken-nebec River. trance New York Har-Hamp-Cape Fear River. Penob-Dela Potoland Harnouth Har-Sandy Hook. Rolti. Bed-ford. ton Roads. Boston ware River. mac River. scot River. gan-sett. more. rows. bor. bor. Sound. bor. Colonels ..... Lieutenant-colonels .... Captains ..... 5 32 53 46 32 Lieutenants..... Master electricians ..... Sergeants-major (senior First sergeants.....  $2\tilde{1}$ 1ô 4 27 9 2 11 Observers (first class) ... ıĩ 14 Observers (second class). Casemate electricians... Chief planters ...... Chief loaders ..... 23 181 Quartermaster sergeants. ıî 202 165 110 Sergeants ..... 214 61 306 251 226 231 129 136 158 Corporals ..... 20 140 44 27 82 10 41 Musicians..... 13 85 13 88 ıĩ ıĩ 113 52 Cooks \*..... Privates..... 2,011 1,129 93 97 105 3 45 Total officers..... 2, 407 1,611 1,401 Total enlisted ..... 1,079 Grand total: 2,720 63 63 729 18 18 Officers..... Enlisted..... 17 17 8 8 72 72 2,584 62 62 3, 245 95 95 1,571 1,054 2, 2,585 1,301 1,791 19 48 67 Gun commanders..... Gun pointers..... War Department, Office gun de-of Chief fenses. Head-quar-ters At Head-quar-ters Fort Ward Gal-Colum-Savan Mo-bile Puget Port Tampa San cola Bay. Fran nah sippi River. and Middle power, lantic Divi-sion. Bay. Diego. Sound Pacific River ton. River. and Bay. cisco. Divi-Point. tillery Colonels..... i Lieutenant-colonels... Majors ..... 48 Captains..... Sf Lieutenants .....  $\tilde{22}$ 

TABLE A .- Showing number of artillery officers and men of various grades necessary for one complete relief for the coast defenses, etc. - Continued.

	Port Royal.	Savan- nah River.	Key West.	Tampa Bay.	Pensa- cola Bay.	Mo- bile Bay.	Missis- sippi River.	Gal- ves- ton.	San Diego.	San Fran- cisco.	Columbia River.	Puget Sound.	Fort Ward and Middle Point.	Head- quar- ters At- lantic Divi- sion,	Head- quar- ters Pacific Divi- sion.	War Depart- ment, Office of Chief of Ar- tillery,	Total, gun de- fenses.	Total, mines, power, and light.
Master electricians		. 1	1		1	1	1	1		2	1	1						20
Sergeants-major (sen- ior grade)		1	1	1	1	1	1	1		5	1	- 4					44	
Sergeants-major(junior, grade)	1	1	2	. 2	3	3	2	3	1	11	4	- 8	1				87	
Electricians, sergeants (first class)	1	1	1	2	2	2	2	3	2	6	8	3	1					7.
Electricians, sergeants (second class)	1 3 3 5 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1 4 4 1 5 5	1 2 2 1 8	2 4 4 1 6	2 4 4 1 8 1	2 4 4 1 7 7	2 3 1 5	5 5 1 9	4 4 1 2	6 11 11 4 36	\$ 5 5 2 13 2 2	5 6 6	. 1 4 4 2 2				335	7, 15, 15, 4,
Plotters	1	4	6	5	6	5	5	6	1	34	12	27	1				316	5.
Observers (first class)	î	5	7	6	7	6	6	7	2	37 4	12	29	2				347	
Observers (second class) Casemate electricians Chief planters Chief loaders Quartermaster-sergeants	{ 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	5 1 1 1 1 1 5	6 1 1 1 1 1 8	6 2 1 1 1 6	7 1 1 1 1 8	6 1 1 1 1 7	5 1 1 1 1 5	6 1 1 1 1 1 9	1 1 1 1 1 2	25 4 4 4 4 36	13 2 2 2 2 2 2 13	32	2 2 2 2 2 2 2 2				273	
Sergeants	{ 5 15	7 42	12 67	5 48	67	61	50	70	24	18 316	13 101	252	10 22				2,939	32
Corporals	{ 9 15	9 54	18 82	77	11 86	9 84	9 64	93	32	35 393	18 131	329	20 32				3,778	50
Musicians	2 2	10	16	13	2 16	14	11	18	2 4	8 72	26	61	4				693	8
Cooks*	1 6	22	6 32	3 22	33	31	3 22	37	10	12 149	6 47	120	6 9				1,401	18
Mechanics	8 3	8	2 16	2 11	16	15	13	13	8	8 65	18	63	5				671	8
Privates	{ 57 135	58 394	193 592	56 436	71 605	61 528	54 423	64 622	59 213	219 2,721	101 876	2,152	99 198				25, 649	2,89
Total officers  Total enlisted  Grand total:	$   \left\{     \begin{array}{c}       g \\       8 \\       95 \\       182   \end{array}   \right. $	3 26 101 556	36 161 843	\$ 34 101 639	38 118 863	34 103 768	\$ 30 94 612	4 44 111 894	. 10 . 101 298	15 160 368 3,900	6 61 179 1,267	1 128 45 3,135	6 14 168 278	1	1	5	1,585 36,863	4,97
Officers  Officers Enlisted Gun commanders Gun pointers	10 277 4 4	29 657 18 18	1,004 30 30	37 740 22 22 22	981 28 28	37 871 25 25	33 706 12 12	1,005 27 27	13 399 4 4	175 4, 268 126 126	67 1,446 36 36	129 3,180 92 92	20 446 13 13	1	1	6	1,754 41,833 1,118 1,118	

Table B.—Showing the number of artillery officers and men of various grades necessary for one complete relief for the additional coast defenses of the United States recommended by the National Coast Defense Board.

[Italic figures=Mines, power, and light.]

	Port- land.	Ports-mouth.	Boston.	New- port.	East- ern en- trance to Long Island.	Sandy Hook.	Chesa- peake Bay.	Balti- more.	Mobile,	Pensa-cola.	New Or- leans.	San Fran- cisco.	Columbia River.	Puget Sound.	Total, gun de- fenses.	Total mines power and light
Colonels					1		1							1	3	times to
Lieutenant-colonels	{		·····i		3		3								7	
Majors	{	1	3		2		1 2	i	1				·····i	4	15	
Captains	{2	2	.7	1	8	1	18	2	2	2	····i	3	2	16	67	
Lieutenants	4	5	17	2	19	2	33	5	5	4	2	5	4	28	135	
Master electricians					3		1 2 3 2	·····i						1 2 4 3	4 7	
class. Engineers Firemen.		1 1	2 3 3		\$ \$ \$		\$ 5 5	1 1	1 1					5 5 5		
First sergeants	{2	2	7	1	8	1	13	2	2	2	· · · i	3	2	10	56	
Plotters	2	1	6	1	7	1	12	1	1	2	1	2	1	11	49	
Observers (first class)	2	1	6	1	7	i	14	····i	1	2	1	2	1	12	52	
Observers (second class)	11	2	8	1	9	1	14 3	2	2	2	1	2	2	12	60	
Chief planters							3 3									
Quartermaster-sergeants	{2	2	7	1	8	····i	13	2	2	2	1	3	2	10	56	
Sergeants	14	14	53	10	62	8	106	17	15	16	8	21	14	80 80	438	
Corporals	16	19	12 62	15	70	7	120	25	19	14	7	26	19	106	525	
dusicians	4	4	14	2	18	2	26	5	4	4	2	6	2	19	112	200000

Table B.—Showing the number of artillery officers and men of various grades necessary for one complete relief for the additional coast defenses of the United States recommended by the National Coast Defense Board—Continued.

	Port- land.	Ports- mouta.		New- port.	East- ern en- trance to Long Island.	Sandy Hook.	Chesa- peake Bay.	Balti- more.	Mobile.	Pensa- cola.	New Or- leans.	San Fran- cisco.	Columbia River.	Puget Sound.	Total gun de- fenses.	Total mines, power, and light.
Cooks*	{····i0	7	5 29	5	37	5	10 59	10	7	10	5	15	7	48	254	1/
Mechanics	{	2	10	4	12	2	. 25	3	2	4	2	6	2	20	98	
Privates	118	124	127 477	72	15 565	76	156 969	137	124	152	76	215	115	15 797	4,017	298
Total officers	{6	8 5 178	3 28 169	,3	33 27	3	11 57 237	8 9	8 3	6	3	8	7	1 49 37	227	48
Grand total: Officers EnlistedGun commanders	1 176 6 176	8 181	679 31 848 22	113 3 113	803 33 830 24	105 3 105 2	1,376 68 1,613 40	205 8 214 10 10	179 8 182 8	210 6 210	105 3 105 2	301 8 301 8	167 7 167 8 8	1, 131 50 1, 168 28	5,728 242 6,213 172	
Gun pointers	4	8	22	4	24	2	40	10	8	4	2	8	8	28	172	

<sup>\*</sup>Includes cooks' police.

Table C.—Showing the number of artillery officers and men of various grades necessary for one complete relief for the coast defenses of the United States, including those now constructed, those under construction, and the additional defenses recommended by the National Coast Defense Board.

 $[Italic\ figures = Mines,\ power,\ and\ light.]$ 

	Penobscot River.	Kennebec River.	Portland Harbor.	Portsmouth Harbor.	Boston.	New Bedford.	Narragansett.	Eastern entrance Long Island Sound.	Eastern entrance New York Harbor.	The Narrows.	Sandy Hook.	Delaware River.	Chesapeake Bay.	Baltimore.	Potomac River.	Hampton Roads.	Cape Fear River.	Charleston.
Colonels		{ } 1 1 1 1 1 5	2 2 7 5 33 5 59	1 2 1 9 5 24	2 1 5 1 11 5 38 11 90	1 1 2 1 8	3 4 1 7 3 27 6 67	3 1 3 1 8 6 40 10 72	1 1 1 5 1 21 5 36	2 1 5 3 35 35 46	1 1 3 1 20 3 3 31	1 1 5 1 17 5 32	1 1 3 1 2 6 18 4 33	2 4 1 19 5 37	1 4 1 14 2 26	1 1 1 1  5 2 21 3 41	1 2 1 9 1 14	1 1 4 1 14 2 24
Master electricians Sergeants-major (senior grade) Sergeants-major (junior grade) Electrician sergeants (first class) Engineers Friemen First sergeants Sergeants Plotters Observers (first class) Casemate electricians Chief loaders Quartermaster-sergeants Sergeants Corporals Musicians Cooks* Mechanics Privates	tational Coast Defense Board recommended no defens here.	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	2 3 5 4 4 9 9 9 5 5 25 5 4 4 29 9 4 14 5 5 5 5 25 23 23 26 46 46 66 46 66 170 1,713	1 1 1 2 2 2 5 6 6 6 6 1 1 7 7 1 1 1 1 1 1 1 1 8 8 5 9 9 1 1 5 4 1 1 5 5 4 9	2 2 2 5 5 111 119 119 14 4 331 4 4 4 333 3 4 4 4 299 5 5 4 4 300 35 368 8 6 5 20 1422 2 488	1 1 1 1 2 3 5 5 1 1 1 1 2 2 4 2 2 2 5 5 5 5 1 1 1 5 5 0 1 1 8 4	1 3 2 4 4 4 9 9 9 2 20 4 32 27 7 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	2 3 3 2 2 8 8 8 14 11 1 5 5 28 8 8 28 28 8 8 28 28 8 6 6 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5	1 1 1 3 8 2 5 5 4 4 4 4 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1 3 4 4 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	1 2 3 3 1 1 1 2 2 2 2 1 1 1 2 2 2 1 1 1 1	1 2 2 3 3 3 5 5 5 5 1 1 12 2 8 2 10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1 2 3 3 2 5 5 5 5 2 2 13 3 4 4 14 4 4 4 5 5 3 5 5 2 2 13 14 14 14 14 10 6 6 27 120 6 5 9 5 5 136 969	1 1 1 3 4 4 4 4 6 6 6 1 1 1 3 2 2 2 2 1 1 1 2 2 2 1 1 1 1 1 1	1 1 3 2 2 4 4 4 1 1 9 1 1 8 1 1 7 7 1 1 1 1 1 1 1 1 1 1 1 1 1	1 2 4 4 4 4 4 4 4 2 2 15 5 2 2 2 15 15 100 127 188 4 4 4 2 2 15 15 100 127 188 14 10 10 10 10 10 10 10 10 10 10 10 10 10	2 1 1 1 1 1 1 5 5 5 5 3 9 9 0 0 2 1 1 1 4 2 2 4 4 8 6 7 4 4 8	11 11 33 22 24 44 41 11 10 10 10 11 11 11 11 11 11 11 11 11
Total officers  Total enlisted  Grand total:  Officers  Enlisted  Gun commanders  Gun pointers		9	10 103 306 2,454 113 2,760 66 66	40	18 146 532 3,561 164 4,093 117 117	13	10 108 320 2, 483 118 2, 803 76 76			95	61	63	68	6 62 135 1,380 68 1,515 44 44	48	6 69 180 1,611 75 1,791 51 51	26 95 684 28 729 18 18	3 44 104 1,079 47 1,183 19 19

<sup>\*</sup>Includes cooks' police.

TABLE C.—Showing the number of artillery officers and men of various grades necessary for one complete relief for the coast defenses of the United States, etc.—Continued.

	Port Royal.	Savannah River.	Key West.	Tampa Bay.	Pensacola Bay.	Mobile Bay.	Mississippi River.	Galveston.	San Diego.	San Francisco.	Columbia River.	Puget Sound.	Fort Ward and Middle Point.	Headquarters Atlantic Division.	Headquarters Pacific Division.	War Department, Office of Chief of Artillery.	Total, gun defenses.	Total, mines, power, and light.
Colonels		{····i	i		i		i	<u>i</u>		2	1	3		1	1	1	33	4
Lieutenant-colonels		<b>}</b>		1				····i		1 5		2					33	ā
Majors		2	1 2	2	3	4	2	3		11								15
Captains.		1 8	13	1 9	1 13	1	1 9	1	1	5	8	15	8			;	128	56
Lieutenants		2 15	2	2	3	12	2	13	2 2 7	51 8	21	54	2 4			4	549	108
		_	20	22	27	25	21	26	7	99	40	103	11				1,061	
Master electricians Sergeants-major (senior grade) Sergeants-major (junior-grade) Electrician sergeants (first class) Electrician sergeants (second class) Engineers Friremen First sergeants Plotters Observers (first class) Observers (second class) Casemate electricians Chief planters Chief loaders Quartermaster-sergeants Sergeants Corporals Musicians Cooks* Mechanics Privates	oast Defense Bo nses at this point	1 1 1 1 1 1 1 4 4 4 1 5 1 4 4 1 5 5 1 1 1 1	1 2 2 1 1 1 2 2 2 2 1 8 8 2 2 6 6 1 1 1 1 1 1 8 8 2 2 6 6 7 7 18 8 2 2 2 6 6 3 2 2 2 6 1 0 3 5 9 2	1 2 2 2 2 4 4 4 4 1 1 6 6 2 5 5 2 6 6 2 2 6 6 2 2 1 1 1 1 6 6 5 4 8 9 9 77 7 3 3 3 3 2 2 2 2 2 2 1 1 5 6 6 4 3 6 4 3 6	1 1 1 3 3 2 2 4 4 4 4 1 1 1 1 1 1 1 1 1 1 1 1 1 1	11 22 25 55 19 16 17 18 11 11 11 95 76 99 103 28 18 18 18 18 18 18 18 18 18 18 18 18 18	1 1 1 2 2 2 2 2 3 3 3 3 1 6 6 6 1 1 7 7 1 6 6 5 5 5 8 9 9 7 1 2 2 1 3 3 2 7 2 2 2 5 6 4 4 9 9	1 1 1 3 3 5 5 5 5 5 1 9 9 1 1 6 6 1 1 1 1 1 1 1 1 1 1 1 1 1	1	25 5111 66 66 111 111 14 39 36 44 39 42 77 44 44 44 44 44 44 44 44 44 44 44 44	1 1 1 4 4 3 3 5 6 5 6 5 2 2 15 5 2 2 1 13 3 2 1 15 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	2 6 6 6 6 6 6 11 11 11 11 11 11 11 11 11	1 1 1 1 4 4 4 4 4 2 2 2 2 2 2 2 2 2 2 2				390 364 398 332 390 3,362 4,283 803 1,649 766 29,531	33: 33: 34: 36: 36: 36: 36: 36: 36: 36: 36: 36: 36
Total officers	{::::	3 26 101	36 161	34 101	42 118	\$ 42 106	33 94	44 111	3 10 101	15 168 368	6 68 179	2 177 82	6 14	1	1	1 5	1,804	
Total enlisted	{	556	843	639	1,073	917	717	894	298	4, 201		4, 266	168 278				42, 409	5,300
Officers Enlisted	:.		40 1,004	37 740 22	48 1, 191	45 1,053		48 1,005	13 399	183 4,569		179 4, 348	20 446	1	1	6	1,985 47,709	
Gun commanders		18 18	30	22	28 28	33 33	12 12	29 29	4	134 134	44	120 120	13 13				1,286 1,286	

TABLE D.—Showing the number of artillery officers and men of various grades necessary for one relief for the coast defenses of United States, insular possessions, and Isthmian Canal.

[Italic figures = Mines, power, and light.

	Guanta- namo.	Pearl Harbor and Hon- olulu.	Colon.	Panama.	Guam,	San Juan.	Kiska Island,	Subig Bay.	Manila Bay.	Total for gun de- fenses.	Total for mines, power, and light.	Total for United States (TableC)	Grand total for United States, in- sular pos- sessions, and Isth- mian Canal.
Colonels	. 1	1	1	1				1	1	6		37	. 43
Lieutenant-colonels	{;-	1	.1	1	1	1	1	1	1	8	g	38	47
Majors	2	4	3 5	2	1	1	. 1	2	3	19		141	162
Captains	111	13	12	8	3	3	4	12	18	84	18	605	707
Lieutenants	{ 2 17	20	17	12	9	6	8	17	26	132	22	1,164	1,318
Master electricians	1 2 2 2 2	1 1 3 2	1 1 1 1	1 1 1	1 1	i	1	1 1 2	2 2 3 3	8 13	6	28 48 92 83	34 56 106 96
class	1 .5 .5	2 2 2	2 2	1 2 2	1 1 1	1 1 1	1 1 1	3 3 3	2 5 5		14 20 20	86 166 166	100 186 186
First sergeants	$\begin{cases} 1 \\ 6 \end{cases}$	8	8	5	1 2	3	1 2	7	2 11	52	10	436	498
Plotters	$\left\{\begin{array}{cc} I \\ 6 \end{array}\right.$	8	6	1 4	3	1 2	3	7	13	52	11	424	487
Observers (first class)	$\begin{cases} 1\\ 7 \end{cases}$	2 9	7	5	3	3	3	. 8	2 14	59	- 11	458	528
Observers (second class)	1 7	10	1 8	1 6	1 4	3	1 5	1 8	2 15	66	11	392	469

TABLE D.—Showing the number of artillery officers and men of various grades necessary for one relief, etc.—Continued.

	Guanta- namo.	Pearl Harbor and Hon- olulu.	Colon.	Panama.	Guam.	San Juan.	Kiska Island,	Subig Bay.	Manila Bay.	Total for gun de- fenses.	Total for mines, power, and light.	Total for United States (TableC).	Grand total for United States, in- sular pos- sessions, and Isth- mian Canal.
Casemate electricians. Chief planters. Chief loaders. Quartermaster-sergeants. Sergeants Corporals Musicians Cooks* Mechanics Privates.	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	2 2 2 2 1 8 7 61 16 84 5 16 5 34 10 2 642 642	1 1 1 1 1 8 7 62 10 81 2 15 5 82 2 12 62 2 5	1 1 1 1 1 5 9 39 62 2 2 10 5 25 66 56 56 575	1 1 1 1 2 9 26 12 37 2 6 4 4 10 2 6 6 65 2 214	1 1 1 3 7 28 10 38 8 2 6 5- 15 2 6 5- 2 2	1 1 1 1 2 9 26 12 37 2 7 4 10 2 6 59 22 37 27 27 27 27 27 27 28 28 28 28 28 28 28 28 28 28 28 28 28	1 2 2 2 1 1 7 1 5 6 8 3 2 0 9 2 2 2 1 4 5 5 2 9 9 2 1 1 6 1 3 1 1 6 0 0 0	2 2 2 2 2 3 11 23 84 4 54 99 4 23 12 52 4 19 189 918	52 445 597 109 234 97 4,347	11 12 12 12 10 96 137 23 46 18 789	895 1,842 -858	59 58 58 498 4,245 5,552 1,027 2,122 973 37,772
Total officers.  Total enlisted.  Grand total:  Officers Enlisted Gun commanders Gun pointers.	\ \begin{cases} 6 & 31 & 119 & 777 & 37 & 896 & 19 & 19 & 19 & 19 & 19 & 19 & 19 &	6 89 158 898 45 1,056 26 26	34 104 831 38 935 26 26	24 95 544 26 639 18	3 14 106 814 17 420 12 12	15 428 12	3 14 100 815 17 415 12 12	6 33 196 853 39 1,049 23 23	9 49 299 1,264 58 1,563 28 28	249 6, 131 292 7, 401 176	1,270	47,709 1,280	

<sup>\*</sup>Includes cooks' police.

Table E.—Showing classification of enlisted men required for one relief for the coast defenses of the United States, the insular possessions, and the Isthmian Canal.

	State	es of es compl er constr	eted or	State	es of es project National nse Boar	ted by Coast	Grand total for	posse	ses of essions, i Cana ka,	Isth-	Grand total for United States, insular		ovided in lery bill.	
	Gun de- fense.	Mines, power, and light.	Total.a	Gun de- fense.	Mines, power, and light.	Total.	United States.	Guns.	Mines, power, and light.	Total.	posses- sions, and Isthmian Canal.	Gun de- fense.	Mines, power, and light.	Total.
EXPERTS, FIRST CLASS.		THE REAL PROPERTY.		-	- 9			HTES.					125	12
Master electricians Engineers Electrician sergeants Master gunners Firemen Casemate electricians Observers (first class) Plotters Chief planters Chief planters Gun commanders Gun pointers Observers (second class)	347 316 1,118 1,118	26 153 148 153 47 58 58 45 45	26 153 148 85 153 47 405 374 45 45 1,118 1,118	7 51 48 168 168 59	2 13 21 13 1 2 2 2 2 1 1	2 13 21 7 13 1 53 50 1 1 168 168 61	28 166 169 92 166 48 458 424 46 46 1,286 1,286	13 59 52 176 176 66	20 27 20 11 11 11 12 12	6 20 27 13 20 11 70 63 12 12 176 176 77	34 186 196 105 186 59 528 487 58 58 1,462 1,462	126 126 126 378 378 126	26 60 148 60 44 44 44 44 44 44	26 60 148 42 60 44 170 170 44 44 378 378 170
EXPERTS, SECOND CLASS.	3, 257	791	4,048	501	58	559	4,607	542	141	683	5, 290	1,176	558	1,734
Range section.  Readers Assistant plotters. Computers. Telephone and telegraph operators. Booth operators Range keepers B. C. telephone operators and observers Operators for searchlight controllers Tide and meteorological observers and switch- board operators.  Gun section.	1,254 414 1,254 188 471	116 232 147 69	736 1,486 414 1,401 188 471 665 275	110 192 62 192 44 67 84 22	8 16 16	118 208 62 208 44 67 84 26	854 1,694 476 1,609 232 538 749 301 174	125 208 52 208 52 208 52 43 50	22 44 44	147 252 52 52 252 52 63 82 43	1,001 1,946 528 1,861 284 601 831 344 224	352 504 168 504 144 183 352 52	116 232 147 69	468 736 168 651 144 183 352 121
Chiefs of detachments Ammunition sergeants. Ammunition corporals Electric-hoist operators Telephone and telautograph operators Chiefs of breach detail First sergeants Mechanics	306 648	44	1, 205 923 188 306 648 827 379 758	161 98 22 67 122 161 55 100	2	161 98 22 67 122 161 57 100	1,366 1,021 210 373 770 988 436 858	165 93 24 63 117 165 52 115	10	165 93 24 63 117 165 62 115	1,581 1,114 234 436 887 1,153 498 973	389 284 144 195 267 389 126 252	44	144
Power and light sections.  Searchlight operators  Power-plant operators		275 68	275 68		30 11	30 11	305 79		43 14	43 14	348 93		275 68	275 68
Mine section.								1		FARE		ME		
PlantersAssistant casemate electricians		358 45	358 45		16	16	374 47		96 12	96 12	470 59		358 45	258 45

a From the number of men required for new defenses projected has been subtracted the number included in the column marked (a) for Penobscot Bay and ort Royal, which, under the recommendation of the National Coast Defense Board, are not to be defended.

bThe numbers indicated under the various second-class expert grades in this column are based upon the probable assignment to duty of the troops provided for the bill. The bill does not establish these grades, nor does it provide extra pay for men performing these duties.

Table E.—Showing classification of enlisted men required for one relief for the coast defenses of the United States, etc.—Continued.

		es of s compl er constr		Defenses of United States projected by the National Coast Defense Board.			Grand total	Defenses of insular possessions, Isth- mian Canal, and Alaska.			Grand total for United States,	As provided in artillery bill.		
	Gun de- fense.	Mines, power, and light.	Total.	Gun de- fense.	Mines, power, and light.	Total.	for United States.	Guns.	Mines, power, and light.	Total.	insular posses- sions, and Isthmian Canal.		Mines, power, and light.	Total.
EXPERTS, SECOND CLASS—continued.  Mine section—Continued.  Launch men Loaders Men assigned to duties rated above as expert, first class		44 135	44 135		2 6	2 6	46 141		12 36	12 36	58 177		44 135 211	44 135 211
Total experts, second class	10, 426 3, 257 23, 180	1,533 791 2,646	11, 959 4, 048 25, 826	1,569 501 3,476	113 58 159	1,682 559 3,685	13, 641 4, 607 29, 461	1,677 542 3;912	333 141 796	2,010 683 4,708	15, 651 5, 290 34, 169	4, 405 1, 176 8, 770	1,744 558 2,668	6,149 1,734 11,488
Grand total	36, 863	4,970	41,833	5,546	330	5,876	47, 709	6, 131	1,270	7, 401	55, 110	14, 351	4,970	19,321

Nonexperts include privates in gun and mine sections, machinists' helpers, helpers around power plants and searchlights, blacksmiths, linemen, carpenters, etc. clerks, cooks, bakers, orderlies, musicians, messengers, laborers, and bandsmen.

Table F.-Showing armament and personnel for harbors of United States, insular possessions, and Isthmian Canal. Utalic figures mean projected 1

	Armament.										Personnel.							
Harbor.	M 16-inch.	q	il.	d	j.	5-inch.	4.7-inch.	3-inch.	14-inch.	Defense con- structed.		Projected.		Total.		Avai	lable.	
	M 16-	12-inch.	10-inch.	8-inch.	6-inch.					Offi- cers.	Men.	Offi- cers.	Men.	Offi- cers.	Men.	Offi- cers.	Men.	
Kennebec River					3			2		9	207			9	207			
Portland	{·····24	7	7	8	24			3		107	2,584	6	176	113	2,760	23	656	
Portsmouth	8	2	3	2	3			8		32	717	8	181	40	898	·····i	6	
Boston New Bedford	{ 16 32	6 7	14	2	13	4 2	4	22 4		133 13	3, 245 325	31	848	164 13	4, 093 325	26 3	73	
Newport	{·····24	7	8		19		2	10		115	2,690	3	113	118	2,803	17	49	
New London	16	6	6	4	17	7	····i	16	4	111	2,720	32	830	143	3,550	19	49	
New York	48	26 26	20	10	22	7	4	34		224	5,666	3	105	227	5,771	59	1,77	
Delaware River	16	8	3,	2	7	6	2	10	6	63	1,570			63	1,570	13	329	
Chesapeake Bay	1	4										68	1,613	68	1,613	None.		
Baltimore	{ 8 8	5		3 3	4 3	4 2	2 2	10 7		60 48	1,303 1,054	8	214	68	1,517	12	32	
Potomac	16 8 16	5	6 7 2 6	3 4	8 2 5	2 2 2	4	10 4 5		75 28 47	1,791 729 1,153			48 75 28 47	1,054 1,791 729 1,153	14 21 9 10	32 73 24 24	
Savannah Key West Tampa	8 8 8	2 2	4	4 2 2	2 4		3 2	10 8		29 40 37	657 1,004 740			29 40 37	657 1,004 740	9 10 6	24 24 16	
Pensacola	{- 8	2	4	2	2		2	8		42	981	6	210	48	1,191	15	41	
Mobile	8	2		4	3		2	6		37	871	8	182	45	1,053	6	16	
New Orleans	{	2	2 4	4 2	4		2 2	6 7		33 48	706 1,005	3	105	36 48	811	7	16	
Galveston	16	<u>k</u>	4	2		2		4 8		13	399			13	1,005 399	5	16	
San Francisco	.00	18	5	8	14	9		16		175	4,268	8	301	183	4,569	43	1,39	
Columbia	8 8		8 2	3	11 7			5 4	7	67	1,446	7	167	74	1,613	10	24	
Puget Sound	40	4	19	3	20	8		20		149	3,626	50	1,108	199	4,794	27	90	
TotalGuantanamoPearl Harbor	8 16	6 6			4			4		1,754	41,833	232	5,876	1, 985 37 45	47,709 896 1,056			
Colon	16 16 8 8	6 2			4 6			7 4 3						38 26 17 15	933 639 420 428			
Kiska Island Subig Bay Manila	8	4 2			6			12 12	8					17 39 58	415 1,049 1,563			
Total Grand total														292 2,277	7, 401 55, 110			

Mr. McCUMBER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from North Dakota?
Mr. WARREN. I do.
Mr. McCUMBER. I should like to ask the Senator, if we have so many guns that are not being used, if it would not be rather good economy to quit manufacturing more guns that we have a coast line of many thousand miles. We have al-

ways believed that we must in some manner protect that coast line. That fact became impressed upon Congress years ago until they took it up with great consideration. I have here the report of the Endicott Board. It fills two large volumes. It was a Board consisting of experts of the Army and Navy and from civil life, who took testimony all over this country and consulted with other experts in the same line in this country and abroad and decided upon a system of defenses for our coast. Congress, proceeding along the line of that report, has appropriated and expended more than \$119,000,000, and if the scheme is carried to its logical conclusion in this country and in the insular possessions it will require some \$75,000,000 more. But we have not really effective one-fourth, certainly not one-third, of the defenses, because there are no men to take care of the guns we now have.

I am not pleading, Mr. President, for more guns. is a very pertinent inquiry whether of not we shall make any more guns. I am ready to quit making guns; I am ready to quit putting up emplacements; I am ready to call a halt now in proceeding under the recommendations of the Endicott Board or upon those of the later board. Certainly we ought to call a halt long enough to catch up somewhere in order that proper care may be given to the great works in which we have in-

vested vast millions.

It only requires that a man should go to one of these batteries and see the machinery that we have planted there and how useful it is to convince him of the great need for men to care for them. I am asking here for only a small portion of what would be asked for if we were going to fully complete the manning of the various fortifications that we have now con-

structed and fully finished.

Mr. SCOTT. Mr. President, I feel sure that if Senators will stop to think of this bill there will not be a vote against it, either on this side or on the opposite side of the Chamber. am sure that our friends on the other side have as great a pride in safeguarding this country against any possible attack from a foreign foe as those of us on this side have. I do not believe it requires any argument to convince even my friend, the junior Senator from Alabama [Mr. Pettus], of the necessity for the bill.

As the Senator from Wyoming [Mr. WARREN] has said, we have guns that have cost this Government thousands and hundreds of thousands of dollars, and emplacements that we are going ahead and making every day, and yet we have not men, I might say, though it may possibly seem a little extravagant, even to cut the weeds around the emplacements that have been constructed for these great guns.

The Senator from Wyoming has ably presented the subject to the Senate. I agree with him when he says let us quit emplacements, let us quit appropriating money coast defenses and for the manufacture of guns unless we have men to care for the emplacements and guns and to man them in

case of emergency.

We do not ask for a number of men sufficient to man these guns in case of war, but we merely ask for a number sufficient so that they may be well drilled and equipped, able to care for the guns, and to educate the militia or the men who may be suddenly called into active service to take part in the defense

of our coast. Mr. President, there is no business man in the Senate Chamber who would go on expending thousands and hundreds of thousands of dollars in the manufacture of first-class guns and in preparing emplacements for them and then have nobody to care for them. As I once before said on this floor when the bill for coast defenses and for the manufacture of arms and equipment comes before the Senate, unless provision is made for men to care for these expensive guns and emplacements, I shall do everything in my power to prevent any appropriation for the extension of the emplacements and for the manufacture of additional guns.

Mr. President, this is an important question with which we must deal. It not a theory; it is a fact that we have not got the men. As I have heretofore stated, I have visited a number of our coast defenses during the past year, and I found lying absolutely in the brush and in the weeds, because there is nobody to care for them, guns that have cost this Government \$150,000 to build. Is that the part of wisdom? I ask my friends on the other side, if it be that they look at the bill as an offert to increase the American transfer of the side of the si effort to increase the Army, to lay aside their prejudice against that proposition and give us a sufficient number of men to care for this ordnance and for these fortifications.

This is one of the most important bills that will come before the Senate at the present session, and I do hope that it will be the pleasure of the Senate to pass it without a dissenting voice. Mr. WARREN. Mr. President, I desire to give one example.

Here is the great Puget Sound fortification. There are on the Puget Sound now, mounted, 104 mortars and guns. To operate those mortars and guns and submarine mines and searchlights and power plants, fire control, etc., requires 149 officers and 3.626 men. We only have available there 20 officers and 902

Mr. KEAN. Will the Senator allow me to interrupt him for

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from New Jersey?

Mr. WARREN. Certainly.

Mr. KEAN. Does not the Senator from Wyoming think that light-houses are more needed on that coast than artillery?

Mr. SCOTT. We need them both.

Mr. WARREN. There has been no definite call, I think, for light-houses which has not been responded to.

Mr. FRYE. We are supplying the light-houses as fast as they ask for them.

Mr. KEAN. They have not been given. Mr. FRYE.

They have by my committee.

In the sanother matter that I ought to men-Mr. WARREN. The artillery have had loaded on them, without their asking it, as I understand it, the entire submarine and torpedo planting business, etc., which formerly belonged to the engineers. It is a class of defenses that requires great care and skilled men. All that class of work has passed out from the control of the engineers over to the artillery, but we have not given the artillery the men or a dollar to take care of the additional burden. So that the increase we are now asking for is also to cover the submarine mines and torpedo defenses and all that goes with the coast defenses, as well as to provide for the Field Artillery, which is hereafter to be a part of the mobile Army.

The VICE-PRESIDENT. The bill is in the Senate and open to

amendment. If no amendment be proposed, the bill will be re-

ported to the Senate.

Mr. FRYE. Have the amendments been agreed to?

The VICE-PRESIDENT. The amendments have all been agreed to as in Committee of the Whole.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. KEAN. Now I ask the Senator from Wyoming if he will not let the bill go over to another time?

Mr. WARREN. Oh, no. Mr. SCOTT. I ask the Senator from New Jersey to permit

the bill to pass at this time.

Mr. WARREN. If I felt there was anyone absent who really wished to oppose the bill, and who has asked to have it passed over until present in person, or if I felt that the bill had not had the proper consideration, I certainly would not ask for a vote upon it because I seek no advantage. But I know of no Senator, either present or absent, who has requested further In fact, I gave due notice some weeks ago that I would call it up and press it the very first opportunity. ask that a vote may be taken on the passage of the bill.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

Mr. KEAN. Now I enter a motion to reconsider the vote by which the bill was passed.

The VICE-PRESIDENT. The motion to reconsider will be entered.

NORTH DAKOTA STATE HISTORICAL SOCIETY.

Mr. HANSBROUGH obtained the floor.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

VICE-PRESIDENT. The Senator from North Dakota The is entitled to the floor. Does he yield to the Senator from New

Mr. HANSBROUGH. I have a little bill here for which I should like to have present consideration.

Mr. KEAN. I yield to the Senator.

Mr. HANSBROUGH. I ask unanimous consent for the present consideration of Senate bill 6134.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (8, 6134) providing for the conveyance to the State of North Dakota of certain tracts of land for the use and benefit of the North Dakota State Historical Society.

Mr. CULBERSON. I should like to ask the Senator in charge of the bill from what committee it comes?

Mr. HANSBROUGH. It comes with a unanimous report from the Committee on Public Lands.

Mr. CULBERSON. I was going to ask if it was a unanimous report, but the Senator has answered me.

Mr. HANSBROUGH. It is a unanimous report.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

LIMIT OF COST OF CERTAIN LIGHT-HOUSE TENDERS.

Mr. FRYE obtained the floor.

Mr. PERKINS. Mr. President-

Mr. FRYE. I yield to the Senator from California, who is about to make the same request I would have made.

Mr. PERKINS. I ask unanimous consent to call up for present consideration the bill (H. R. 21689) to increase the limit of cost of five light-house tenders heretofore authorized.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### GALEN E. GREEN.

Mr. HEMENWAY. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 3393) granting an honorable discharge to Galen E. Green, to report it with an amendment; and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to insert at the end of the bill the following proviso:

Provided, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

Mr. BACON. I should like to inquire what were the circum-

stances under which this soldier left the service?

Mr. HEMENWAY. I will say that the soldier left the service under the finding of a court-martial, which was afterwards set aside by the President. The soldier was paid the full amount of the pay, and the evidence shows beyond question that an error was made in the original verdict. The bill has passed the House.

Mr. BACON. I am satisfied with the statement of the Senator from Indiana. I simply wanted to know whether our action now would throw any light on the various legal propositions which have been discussed here with so much eagerness during the past two weeks

Mr. HEMENWAY. I think not. Mr. TALIAFERRO. The Senator from Georgia asked under what circumstances this man became detached from the Army. If I remember the case—and the Senator from Indiana will correct me if I am at fault-he was tried by court-martial for refusing to obey the orders of his superior in the face of the enemy. He was ordered to go to the front on the staff of the commanding officer, and he positively refused to obey the order.

Mr. LODGE. The Senator from Florida will excuse me. That is the Darling case; not this one. This is a mere case of a

failure to issue a certificate; that is all.

Mr. TALIAFERRO. Oh! I beg pardon.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

### INFRINGEMENT OF UNITED STATES PATENTS.

Mr. KNOX. I ask unanimous consent for the present consideration of the bill (S. 7676) to amend section 4919 of the Revised Statutes of the United States, to provide additional protection for owners of patents of the United States, and for other

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that the section named be amended by adding thereto, after the words "together with the costs," the following:

And whenever an invention described in and covered by a patent of the United States shall be used by the United States, without license or authority of the owner thereof, such owner may recover reasonable compensation for such use by suit in the Court of Claims: Provided, however, That in any such suit the United States may avail itself of any and all defenses, general or special, which might be pleaded by a defendant in an action for infringement as set forth in Title LX of the Porrised Statutes Revised Statutes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 3 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, January 21, 1907, at 12 o'clock meridian.

#### NOMINATIONS.

Executive nominations received by the Senate January 18, 1907. SURVEYOR OF CUSTOMS.

Henry L. Hines, of Massachusetts, to be surveyor of customs for the port of Springfield, in the State of Massachusetts. (Reappointment.)

#### SECRETARY OF LEGATION.

William H. Buckler, of Maryland, to be secretary of the legation of the United States at La Paz, Bolivia, to fill an original vacancy.

#### PROMOTIONS IN THE NAVY.

Lieut. Jerome E. Morse, United States Navy, retired, to be a lieutenant-commander on the retired list of the Navy, from the 29th day of June, 1906, in accordance with a provision in the naval appropriation act approved on that date.

Assistant Engineer Henry E. Rhoades, United States Navy, retired, with the rank of lieutenant (junior grade), to be a passed assistant engineer on the retired list of the Navy, with the rank of lieutenant (junior grade), from the 29th day of June, 1906, in accordance with a provision contained in the naval appropriation act approved on that date.

Chaplain George A. Crawford, United States Navy, retired, with the rank of commander, to be a chaplain on the retired list of the Navy, with the rank of captain, from the 29th day of June, 1906, to correct his rank as confirmed on December 11,

#### COMMISSIONER OF THE GENERAL LAND OFFICE.

Richard A. Ballinger, of Seattle, Wash., to be Commissioner of the General Land Office, vice William A. Richards, resigned.

#### REGISTER OF LAND OFFICE.

Addison T. Smith, of Boise, Idaho, to be register of the land office at Boise, Idaho, vice Harry J. Syms, term expired.

#### COLLECTOR OF CUSTOMS.

Daniel H. Moody, of Maine, to be collector of customs for the district of Wiscasset, in the State of Maine. (Reappointment.)

APPOINTMENTS, BY TRANSFER, IN THE ARMY OF THE UNITED STATES.

## Artillery Corps.

Second Lieut. Harry L. Morse, Twenty-first Infantry, from the Infantry Arm to the Artillery Corps, with rank from June 9,

### Infantry Arm.

Second Lieut. John S. Davis, Artillery Corps, from the Artillery Corps to the Infantry Arm, with rank from June 9, 1904.

### POSTMASTERS.

### CALIFORNIA.

Sheridan G. Berger to be postmaster at Ontario, in the county of San Bernardino and State of California, in place of Sheridan Incumbent's commission expired December 10, 1906.

Nora Buchanan to be postmaster at Black Diamond, in the county of Contra Costa and State of California. Office became Presidential January 1, 1907.

Pierce J. Elliot to be postmaster at Sausalito, in the county of Marin and State of California, in place of Lilian W. Thomas. Incumbent's commission expired May 19, 1906.

Crispin C. Ortega to be postmaster at Sonora, in the county of Tuolumne and State of California, in place of Crispin C. Ortega. Incumbent's commission expired January 7, 1907.

# CONNECTICUT.

Thomas F. Higgins to be postmaster at Terryville, in the county of Litchfield and State of Connecticut, in place of Thomas F. Higgins. Incumbent's commission expires February 4, 1907.

### IDAHO.

Orville J. Butler to be postmaster at Harrison, in the county of Kootenai and State of Idaho, in place of Orville J. Butler. Incumbent's commission expired January 13, 1907.

Olof Olson to be postmaster at Troy, in the county of Latah and State of Idaho. Office became Presidential January 1, 1907.

# ILLINOIS.

Harry M. Martin to be postmaster at Shelbyville, in the county of Shelby and State of Illinois, in place of Harry M. Martin. Incumbent's commission expired December 20, 1906.

### INDIANA.

Walter Bradfute to be postmaster at Bloomington, in the county of Monroe and State of Indiana, in place of Lawrence V.

Buskirk, resigned.

John S. Glenn to be postmaster at Huntington, in the county of Huntington and State of Indiana, in place of William H. Hart. Incumbent's commission expired January 7, 1907.

Seward S. Watson to be postmaster at Winchester, in the county of Randolph and State of Indiana, in place of Clarkson L. Hutchens. Incumbent's commission expired June 25, 1906.

INDIAN TERRITORY

W. S. Browning to be postmaster at Weleetka, in District Thirteen, Ind. T. Office became Presidential January 1, 1907.

IOWA.

Samuel J. Robertson to be postmaster at Fort Dodge, in the county of Webster and State of Iowa, in place of Susan C. Carpenter. Incumbent's commission expired July 1, 1906.

KENTUCKY

Offa A. Stump to be postmaster at Pikeville, in the county of Pike and State of Kentucky, in place of John M. Bowling, resigned.

MINNESOTA

Charles E. Fuller to be postmaster at St. James, in the county of Watonwan and State of Minnesota, in place of Charles E. Fuller. Incumbent's commission expires January 23, 1907.

John L. Grady to be postmaster at Cass Lake, in the county of Cass and State of Minnesota, in place of Charles M. Johnson, resigned.

NEBRASKA.

Will A. Needham to be postmaster at Bloomfield, in the county of Knox and State of Nebraska, in place of Will A. Needham. Incumbent's commission expires January 22, 1907.

Daniel Swanson to be postmaster at Fremont, in the county of Dodge and State of Nebraska, in place of Daniel Swanson. Incumbent's commission expired December 15, 1906.

Ira E. Tash to be postmaster at Alliance, in the county of Box Butte and State of Nebraska, in place of Ira E. Tash. cumbent's commission expires January 22, 1907.

Lee Van Voorhis to be postmaster at Crawford, in the county of Dawes and State of Nebraska, in place of Lee Van Voorhis. Incumbent's commission expires February 11, 1907.

NEW YORK.

Warren B. Ashmead to be postmaster at Jamaica, in the county of Queens and State of New York, in place of Henry M.

Haviland. Incumbent's commission expires January 22, 1907. Hiram W. Vedder to be postmaster at Waterford, in the county of Saratoga and State of New York, in place of Hiram W. Vedder. Incumbent's commission expired January 7, 1907.

PENNSYLVANIA.

J. G. Lloyd to be postmaster at Ebensburg, in the county of Cambria and State of Pennsylvania, in place of Festus Lloyd. Incumbent's commission expired March 14, 1906.

John G. McCamant to be postmaster at Tyrone, in the county of Blair and State of Pennsylvania, in place of John G. Mc-Camant. Incumbent's commission expires January 29, 1907.

Samuel R. McMorran to be postmaster at Aspinwall, in the county of Allegheny and State of Pennsylvania, in place of Alvin A. Hazlett, resigned.

RHODE ISLAND.

Charles S. Robinson to be postmaster at Lonsdale, in the county of Providence and State of Rhode Island, in place of Charles S. Robinson. Incumbent's commission expired December 9, 1906.

Harry Libbey to be postmaster at Hampton, in the county of Elizabeth City and State of Virginia, in place of William H. Boyenton. Incumbent's commission expires February 4, 1907.

# CONFIRMATIONS.

Executive nominations confirmed by the Senate January 18, 1907. RECEIVER OF PUBLIC MONEYS.

John J. Lambert, of Colorado, to be receiver of public moneys at Pueblo, Colo,

PROMOTIONS IN THE NAVY.

Civil Engineer Frank O. Maxson to be a civil engineer in the Navy with the rank of captain from the 26th day of November, 1906.

Civil Engineer Richard C. Hollyday to be a civil engineer in the Navy with the rank of commander from the 26th day of November, 1906.

Civil Engineer Frank T. Chambers to be a civil engineer in the Navy with the rank of lieutenant-commander from the 26th day

of November, 1906.

Boatswain John S. Croghan to be a chief boatswain in the Navy, to rank with, but after, ensign, from the 10th day of May, 1904, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved March 3, 1809, as amended by the act of April 27, 1904.

Surg. John E. Page, who was promoted to fill a vacancy oc- county of Cortland and State of New York.

curring on April 20, 1904, to take rank as a surgeon from March 3, 1904, in accordance with an opinion of the Attorney-General dated April 24, 1906.

Surg. John M. Moore, who was promoted to fill a vacancy occurring on January 1, 1905, to take rank as a surgeon from March 3, 1904, in accordance with an opinion of the Attorney-

General dated April 24, 1906.

Naval Constructors Daniel C. Nutting, jr., and Holden A. Evans to be naval constructors in the Navy with the rank of lieutenant-commander from the 10th day of October, 1906, to correct the date from which they take rank as confirmed on December 11, 1906.

Second Lieut. Russell B. Putnam to be a first lieutenant in the

Marine Corps from the 1st day of July, 1906.

Second Lieut. Benjamin A. Lewis to be a first lieutenant in the Marine Corps from the 6th day of July, 1906. Second Lieut. Arthur Stokes to be a first lieutenant in the

Marine Corps from the 1st day of August, 1906.

Second Lieut, Benjamin S. Berry to be a first lieutenant in the Marine Corps from the 15th day of August, 1906, to correct the date of his promotion as confirmed on December 19, 1906, which is made necessary by the failure of Second Lieut, Tillman Bunch to qualify for promotion after being due therefor.

Lieut. Commander Harold P. Norton to be a commander in the Navy from the 10th day of October, 1906.

# POSTMASTERS.

ARIZONA.

Frederick W. Smith to be postmaster at Williams, in the county of Coconino and Territory of Arizona.

CALIFORNIA.

Matthew W. Grace to be postmaster at Lindsay, in the county of Tulare and State of California.

CÓNNECTICUT.

H. Guy Linsley to be postmaster at Branford, in the county of New Haven and State of Connecticut.

Charles D. Clark to be postmaster at Utica, in the county of Lasalle and State of Illinois.

Theodore Disosway to be postmaster at Henry, in the county

of Marshall and State of Illinois. Ulysses E. Smith to be postmaster at Metropolis, in the county

of Massac and State of Illinois.

Cyrus Thompson to be postmaster at Belleville, in the county of St. Clair and State of Illinois.

Gaither C. Walser to be postmaster at West Salem, in the county of Edwards and State of Illinois.

INDIANA.

L. A. Bachelor to be postmaster at Vanburen, in the county of Grant and State of Indiana.

Arthur A. Holmes to be postmaster at Sullivan, in the county of Sullivan and State of Indiana.

W. F. Moore to be postmaster at West Baden, in the county of Orange and State of Indiana.

MAINE.

Frank L. Averill to be postmaster at Oldtown, in the county of Penobscot and State of Maine.

John M. Jewell to be postmaster at Clinton, in the county of Kennebec and State of Maine.

John M. Oak to be postmaster at Bangor, in the county of Penobscot and State of Maine.

Frank B. Purinton to be postmaster at Fairfield, in the county of Somerset and State of Maine.

MASSACHUSETTS.

Lorenzo B. Crockett to be postmaster at North Easton, in the county of Bristol and State of Massachusetts.

David L. Small to be postmaster at Harwich, in the county of Barnstable and State of Massachusetts.

MISSISSIPPI.

Annie B. Wood to be postmaster at Louisville, in the county of Winston and State of Mississippi.

MISSOURL

John C. Lark to be postmaster at Steelville, in the county of Crawford and State of Missouri.

NEW JERSEY.

Caroline E. Condit to be postmaster at Millburn, in the county of Essex and State of New Jersey.

Marcus Mitchell to be postmaster at East Orange, in the

county of Essex and State of New Jersey.

NEW YORK.

George H. Kennedy to be postmaster at Cortland, in the

OREGON.

Louis A. Githens to be postmaster at Athena, in the county of Umatilla and State of Oregon.

Fletcher E. Wilcox to be postmaster at Milton, in the county of Umatilla and State of Oregon.

PENNSYLVANIA.

John N. Brosius to be postmaster at Middleburg, in the county of Snyder and State of Pennsylvania.

Alfred W. Christy to be postmaster at Slippery Rock, in the county of Butler and State of Pennsylvania.

Jesse Oren to be postmaster at New Cumberland, in the county of Cumberland and State of Pennsylvania. John H. Thomas to be postmaster at Carbondale, in the county

of Lackawanna and State of Pennsylvania.

TENNESSEE

Haynes O. Lee to be postmaster at Newport, in the county of Cocke and State of Tennessee.

William F. Millican to be postmaster at Rockwood, in the county of Roane and State of Tennessee.

Samuel L. Parker to be postmaster at Sparta, in the county of White and State of Tennessee.

Abraham L. Williams to be postmaster at Oliver Springs, in the county of Roane and State of Tennessee.

TEXAS.

Frank P. Varley to be postmaster at Collinsville, in the county of Grayson and State of Texas.

VIRGINIA.

Harry Libbey to be postmaster at Hampton, in the State of Virginia.

WASHINGTON.

Ernest L. Darr to be postmaster at Sumner, in the county of Pierce and State of Washington.

### BRIG. GEN. LEONARD WOOD.

The injunction of secrecy was removed January 18, 1907, from the proceedings and testimony, Fifty-eighth Congress, second session, connected with the confirmation of Brig. Gen. Leonard Wood to be a major-general.

# HOUSE OF REPRESENTATIVES.

Friday, January 18, 1907.

The House met at 12 o'clock m.

Prayer by the Chaplain, Hev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. LITTAUER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes, and to disagree to all of the amendments of the Senate except one, being Senate amendment No.

222, and to agree to that with an amendment.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the legislative, executive, and judicial appropriation bill and to disagree to all of the Senate amendments thereto save the one indicated.

there objection?

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I would ask the Chair to again state the request of the gentle-

The SPEAKER. The Chair will again state. The gentleman from New York asks unanimous consent to take Speaker's table the legislative, executive, and judicial appropriation bill, to disagree to all of the amendments of the Senate thereto except one, as indicated.

Mr. WILLIAMS. And which is that?

Amendment No. 222, being section 4, that Mr. LITTAUER. on and after March 4, 1907, the compensation of the Speaker of the House of Representatives, etc., and as to that I shall make a separate request, in which I shall move to concur in that amendment with an amendment.

Mr. WILLIAMS. Mr. Speaker, as I understand it the gentleman moves to disagree to all of the amendments except that, and later on proposes to offer an amendment to that amendment for the consideration of the House.

The SPEAKER. The Chair understands that to be the effect

Mr. WILLIAMS. As to that I have no objection.

Mr. DRISCOLL. Mr. Speaker, the gentleman referred to this

amendment and he used the word "etc." I would like to have him read just what the "etc." is.

Mr. TAWNEY. I will say to the gentleman from New York that his colleague, Mr. LITTAUER, submits two propositions in The House will have to act on the first, which is to nonconcur, and then he proposes to state his motion with respect to this amendment, which is not included in the first request.

Mr. DRISCOLL. But I want to know what all that is before I waive my right to object. I would like to have him read it.

Mr. LITTAUER. The amendment that is not objected to is amendment 222, being section 4, as follows:

On and after March 4, 1907, the compensation of the Speaker of the House of Representatives and the Vice-President of the United States shall be at the rate of \$12,000 per annum each.

That is the complete amendment.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears no objection. The Clerk will now report Senate amendment 222.

The Clerk read as follows:

Senate amendment 222: Strike out all of section 4.

Mr. LITTAUER. Mr. Speaker, I now move to concur in that amendment with an amendment thereto which I have sent to the desk and which I ask to have read.

The SPEAKER. The gentleman from New York moves to concur with the amendment of the Senate with an amendment thereto, which the Clerk will report.

The Clerk read as follows:

That the House agree to amendment of the Senate No. 222, with an amendment as follows:

Omit the matter stricken out by the said amendment and insert the

Omit the matter stricken out by the said amendment and his collowing:

"That on and after March 4, 1907, the compensation of the Speaker of the House of Representatives, the Vice-President of the United States, and the heads of Executive Departments, who are members of the President's Cabinet, shall be at the rate of \$12,000 per annum each, and the compensation of Senators, Representatives in Congress, Delegates from the Territories, and the Resident Commissioner from Porto Rico shall be at the rate of \$7,500 per annum each."

The SPEAKER. The question is on the amendment.

Mr. CRUMPACKER. Mr. Speaker, I would like to have a

minute or two.

Mr. LITTAUER. Mr. Speaker, I yield a minute to the gentleman from Indiana.

Mr. CRUMPACKER. Mr. Speaker, I rise to say that I am opposed to the proposition to increase the salaries of members of Congress in the manner provided in the amendment offered by the gentleman from New York, and I shall vote against it, Mr. LITTAUER. Mr. Speaker, I yield two minutes to the

gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Speaker, I would like to offer an amendment that the increase as regards the members of the Senate and House take effect from the 4th of March, 1709, instead [Laughter and applause.]

[Cries of "Too far back."]

Mr. GILLETT. Mr. Speaker, of course I mean 1909.

Mr. TAWNEY. Mr. Speaker, I reserve the point of order on the amendment offered by the gentleman from Massa-

The SPEAKER. But the gentleman from Massachusetts has not offered an amendment. The gentleman from Massachusetts has not the floor for the purpose. The gentleman from New York has the floor.

Mr. GILLETT. I asked the gentleman from New York if

he would yield to me for the purpose of offering such an amend-

Mr. LITTAUER. I yielded to him, but not for the purpose

of offering an amendment.

Mr. GILLETT. Then I simply wish to say, Mr. Speaker, I voted for the salary proposition which was recently before the House, and I should vote for this if my amendment should be adopted, which would leave it as it was then; but I do not feel like voting for a bill which directly affects my own salary, and I therefore shall vote against it.

Mr. LITTAUER. I now yield to my colleague from New York [Mr. Driscoll].

Mr. DRISCOLL. Mr. Speaker, I do not propose to discuss the merits of this proposed amendment increasing the salaries of Senators and Representatives. I voted against it on the former occasion and gave my reasons, and will vote against it I only wish to say now that this proposed amendment, increasing our salaries, concerns every man who is a Member of this body, and especially every man who was elected to the Sixtieth Congress.

This matter is not important because of an enormous increase of the appropriation. It will amount to only between \$1,200,000 and \$1,300,000 a year, which is a small item com-

pared with other appropriations made by the Congress. It is important because it concerns every man personally, and it seems to me it should not come up for consideration and determination in this House suddenly and without notice to the Members. A date should be fixed some day next week, so that every Member of this body may have notice of the time, and have an opportunity to be here and vote for or against it.

Again, there should be a roll call and a viva voce vote on this proposition. The question is whether we shall increase our own salaries. Some men on this floor believe in the increase, and on the former occasion spoke for it and voted for it, and went on record on a yea-and-nay vote in favor of it. If the action increasing those salaries commends itself to the sound judgment of the country, those men should have the credit due them. Other gentlemen on this floor spoke against the increase on the former occasion and voted against it on a They should have the privilege of going on record roll call. The country, our constituents, everybody, ought to know how each man votes on this proposition. Therefore every man should, in justice to himself and his fellow-Members, favor a roll call. If this is a meritorious measure, let us stand up without fear or favor and pass it in the open and go on record as supporting it. If it is not a meritorious measure let us not pass it by what is in effect a secret ballot.

The Members of this body can not be proud of their action if they increase their salaries and at the same time refuse to do it in the open, and refuse to let their fellow-Members who are so disposed go on record. Many Members are now absent, some possibly at home; some, perhaps, doing work in the Departments, others in committee rooms, and others engaged in other official duties. They should have an opportunity to vote on this matter, and therefore, in conclusion, I would request the gentleman in charge of this bill, my distinguished colleague from New York, to delay the vote until some day certain next week, so that every man may have notice and an opportunity to be present, and that he favor a viva voce vote, so that each man's record may be made.

Mr. LITTAUER. I now yield to the gentleman from Texas

[Mr. Burleson]

Mr. BURLESON. Mr. Speaker, for the reasons stated by me at the time this bill was under discussion a few days ago, I intend to vote against the amendment now offered by the gentleman from New York [Mr. LITTAUER]. When the amendment providing for an increase of the salary paid Members of Congress was first offered by the gentleman from New York [Mr. LITTAUER] it made the increase take place for the Sixty-first I voted for it because I believed there should be an increase of these salaries, but I stated then that I was unwilling to vote an increase of salary for an office to which I had already been elected. We were candidates for the office of Representative in the Sixtieth Congress, with a full knowledge of what the salary was, and I will not now vote to increase that salary

Mr. LITTAUER. I now yield to the gentleman from Illinois

[Mr. MANN] two minutes.

Mr. MANN. Mr. Speaker, when this matter was before the House the other day I voted for the proposition. I would now vote for the proposition to increase the salary of Members of Congress, commencing with the next Congress after the one which follows this. We have not yet reached the point where I believe that a Member of Congress can disinterestedly vote for a proposition affecting his own compensation, and while I believe that the salary ought to be increased for Members of Congress, I do not believe that a Member of Congress, with the natural bias in reference to his own compensation, has the right to vote to increase his own compensation, and I can see no difference between Members of this Congress who have been reelected to the next Congress voting to increase the salaries of Members of the next Congress and the Members of this Congress voting to increase the salaries of Members of this Congress.

Mr. TAWNEY. Mr. Speaker, I desire to ask the gentleman a

Mr. MANN. I yield.

Mr. TAWNEY. I desire to ask the gentleman from Illinois if it is not a fact that the logic of his position would prevent for all time to come any increase in compensation of Members of Congress?

Mr. MANN. I do not think so. Mr. TAWNEY. May I state this, then? This has first to be voted upon by the Senate before it can become a law. Twothirds of that vote would always have to vote to increase their own salaries, because they are not going out, or they will be in the next Congress. You would have to defer it six years at least, and that is the objection, I will say, to the proposition that was voted upon in the House before; that is the objection that every Member of Congress makes to the provision which

was first proposed in the House of Representative

Mr. MANN. The answer to the question, Mr. Speaker, is very simple and very plain. The Members of the House of Representatives are not the guardians of the conscience of the Senators of the United States. We are responsible to our own consciences, not to them, and if I were a Senator of the United States, which I am not likely to ever be, I would not vote to increase the salary for myself during my term of office, and if they needed my vote it would have to be postponed. But I take it that in the Senate there are always enough members able to vote—that is, two-thirds—in such a way that the salary could be increased without any long postponement.

Mr. TAWNEY. Six years.
Mr. MANN. Not six years. Six years would postpone it and give a complete vote of every Senator. Two-thirds of the Senate of the United States can vote for the proposition to make this apply to the Sixty-first Congress without coming within the prohibition which I referred to. All of the Senate could make it apply to the Sixty-second Congress.

Mr. LITTAUER. Mr. Speaker, I call for the previous ques-

The SPEAKER. The question is on concurring in the amendment from the Senate with the amendment offered by the gentleman from New York [Mr. LITTAUER].

The question was taken; and the Speaker announced that the

es seemed to have it.

Mr. GILLESPIE. Division, Mr. Speaker. The House divided; and there were—ayes 133, noes 92.

The House divided; and there were—ayes 133, noes 92.

Mr. GILLESPIE. Yeas and nays, Mr. Speaker.

Mr. DRISCOLL. Mr. Speaker, the yeas and nays.

Mr. MACON. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. All of those who are in favor of demanding the yeas and nays will rise and stand until counted. [After counting.] Thirty-four gentlemen have arisen; not a sufficient number, so the yeas and nays are refused.

So the amendment was agreed to.

Mr. LITTAUER. Mr. Speaker, I move that the House ask conference with the Senate.

The SPEAKER. The gentleman from New York [Mr. Lit-TAUER] asks for a conference with the Senate.

The question was taken; and the motion was agreed to.

The Speaker announced the following conferees: Messrs.

BINGHAM, LITTAUER, and LIVINGSTON.

Mr. LITTAUER. Mr. Speaker, I move to reconsider the vote and lay the motion on the table.

The motion was agreed to.

# MILITARY ACADEMY BILL.

Mr. HULL, chairman of the Committee on Military Affairs, reported the bill (H. R. 24537) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1908, and for other purposes, which was read a first and second time, and referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. WILLIAMS. I reserve all points of order on the bill.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. COUSINS, chairman of the Committee on Foreign Affairs, reported a bill (H. R. 24538) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1908; which was read a first and second time, and referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, was ordered to be printed.

Mr. WILLIAMS. Mr. Speaker, I reserve all points of order on the bill.

### URGENT DEFICIENCY APPROPRIATION BILL.

Mr. LITTAUER, from the Committee on Appropriations, reported a bill (H. R. 24541) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, was ordered to be printed.

Mr. FITZGERALD. Mr. Speaker, I reserve all points of

order.

LITTAUER. Mr. Speaker, I ask unanimous consent that this additional urgent deficiency bill be now considered in the House as in the Committee of the Whole House on the state of the Union, and pending that I will be pleased to make an explanation of its urgency.

Mr. WILLIAMS. I believe we have a rule that these things

should lay over for a stated time.

Mr. LITTAUER. If the gentleman will permit me, I will

make an explanation by which I think he will immediately see that there is necessity for its immediate consideration.

Mr. WILLIAMS. Reserving the right to object, I will hear an explanation by the gentleman.

The SPEAKER. The gentleman from New York asks unanimous consent for present consideration of the bill of which the title has just been read in the House as in Committee of the Whole, and the gentleman-

Mr. MANN. A parliamentary inquiry. The SPEAKER. The gentleman will state it.

Mr. MANN. The request of the gentleman from New York is for immediate consideration, and that it be considered in the

The SPEAKER. The gentleman asks immediate consideration, and consideration in the House as in Committee of the Whole House on the state of the Union.

Is this not a privileged bill?

The SPEAKER. Under the rules of the House the bill would go to the Committee of the Whole House on the state of the Union, and it is to avoid that rule, the Chair takes it, that the gentleman asks unanimous consent.

Mr. MANN. The parliamentary inquiry that I made was whether it would be in order for the gentleman from New York to immediately move to go into Committee of the Whole House on the state of the Union for the consideration of this bill?

The SPEAKER. Upon examination, the Chair finds that the bill covers several items, and can fairly be called, and is, in

fact, a general deficiency bill. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I reserved the right to object to listen to an explanation of the gentleman. I have had none. If he is going to make none, I will make the objection peremptorily now.

Mr. LITTAUER. I am going to make it.

The bill carries a total of \$329,650. The reason for its urgency to-day is that the legislature of New Mexico is called together January 21-next Monday; that under the law the legislature is only empowered to engage a certain number of clerical assistants to attend upon the legislature. Moreover, the legislative assembly of New Mexico is circumscribed as to the employment of any additional service unless it be the services of a translator and an interpreter, for the law of May 28, 1896, declares:

That no other officer of either house of said legislative assembly shall be elected or appointed or paid out of any moneys appropriated by the Congress of the United States or the legislative assembly of said Territory than such as may be provided for by the laws of the United States, except a translator or an interpreter.

Now, we understand the additional service has been had, so that the legislature could properly conduct its proceedings, in expenses for typewriters and others, who are always called "interpreters" and paid out of the Territorial treasury. The present governor declares that he will not permit that subterfuge to go on. Therefore there is submitted to us the necessity of the additional authorization of \$15,000. We have made this additional amount according to the bill submitted, to be paid out of the treasury of the Territory, for the additional \$15,000 in order that it can be expended for the additional clerical and other assistants, and they consist of stenographers, clerks to committees, messengers, and various other characters of clerks. Now, as that legislature goes into session next Monday, we deemed that this was urgent and immediate.

Mr. WILLIAMS. Now, suppose this took the usual course, and went over, say, twenty-four hours, which would be the time, who would be hurt and what would be hurt by that delay?

Mr. LITTAUER. The Secretary of the Interior urges that for the proper conduct of that work an immediate provision be made, so that the legislature may convene. Then we have got

Mr. WILLIAMS. They will be delayed just twenty-four hours, and twenty-four hours' delay is not sufficiently great to

make it urgent.

Mr. LITTAUER. But we have one other item here, and that is, \$250,000 is needed at once to pay for additional equipment in connection with the increase in the Navy.

Mr. WILLIAMS. I did not hear that.

Mr. LITTAUER. The Navy asks \$250,000 to pay for additional equipment necessary for the increase in the Navy, and for this reason: Two years ago a large appropriation was made for equipment in connection with the increase of the Navy.

Last year no estimate was submitted, despite the fact that the balance left over was not more than one-half of the usual requirement. All of that balance has now been expended, and they believe it will take \$250,000 to carry them through until next July. If this money is not to be had at this time a great battle ship will be held up for the want to ten or fifteen thousand dollars.

Mr. WILLIAMS. I understand the whole gist of the gentle-man's request is that the matter be considered in the House instead of being considered in the Committee of the Whole?

Mr. LITTAUER. Yes.

Mr. WILLIAMS. It seems to me that the House ought to have the opportunity in the Committee of the Whole—

Mr. LITTAUER. It has the same opportunity in the House,

has it not?

Mr. WILLIAMS. I understand—to have these matters fully elucidated and explained, and with the usual safeguards of consideration in the Committee of the Whole. Mr. Speaker, I think I ought to object.

Mr. LITTAUER. Does the gentleman object?

Mr. WILLIAMS. Yes.

Mr. LITTAUER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency bill.

Mr. WILLIAMS. I reserve all points of order on the bill.

The SPEAKER. The gentleman from Mississippi reserves all points of order on the bill, which is referred to the Committee of the Whole House on the state of the Union. The gentleman from New York [Mr. LITTAUER] moves that the House do resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the urgent deficiency bill, which has just been reported and referred to that committee.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the urgent deficiency bill, with Mr. Lawrence in the chair. Mr. CLARK of Misseuri. Mr. Chairman, inasmuch as the bill

has not been printed, I wish the Chair would have order established in the House, so that we can hear it read.

The CHAIRMAN. The gentleman from Missouri calls for order. The committee will please be in order. The Clerk will report the bill.

The Clerk read the bill at length.

The CHAIRMAN. The first reading of the bill has been completed.

Mr. LITTAUER. Mr. Chairman, the bill carries seven provisions. The first one is in connection with the International Water Boundary Commission, United States and Mexico.

Mr. LIVINGSTON. Before the gentleman begins to discuss the bill, we have no agreement here as to time or anything about

it. What does he propose to do?

Mr. LITTAUER. What suggestion has the gentleman to make in reference to it? I do not want to take up more than probably five minutes, or perhaps ten.

Mr. LIVINGSTON. Just let it run along, then, and see what

we can do.

Mr. LITTAUER. As I stated, the bill begins with a provision to enable the international water boundary commission to continue its work, and appropriates \$5,000. The necessity for the appropriation is that four gauging stations on the Rio Grande, which are necessary in the work of the commission, were washed away in the floods of last summer, with some other work that could not have been contemplated when the annual appropriation for this purpose was made.

The next provision is to provide for four additional rooms in the Munsey Building to accommodate the Auditor for the Navy

Department.

This provision has been made already in the legislative bill, and we provide for rent for five months, for four rooms, to carry an appropriation of \$1,150. Then comes a provision giving authority to pay out of the treasury of the Territory of New Mexico a sum not exceeding \$15,000 for additional employees, for contingent expenses of the legislature of that Territory. I have explained its necessity in the preliminary discussion.

There follows an appropriation of \$65,000 to complete the channel of approach to the piers at the Jamestown Exposition. To build these piers an appropriation was asked for larger than was granted by Congress. The length of the piers originally proposed was 2,200 feet, but the piers to be built under the appropriation will be 1,200 feet long. It now develops that in order that ships may reach these piers, where the basin must be dredged under the old appropriation to a depth of 10 feet, an amount must be appropriated in addition thereto, and we must have a small sum of money to dredge out a part of Bush Creek in connection with this exposition, where the life-saving station for the life-saving exhibit will be for the instruction of those who attend the exposition.

Mr. BARTLETT. As the gentleman from New York knows, the cost of building of these piers was thoroughly gone into and investigated by the Committee on Industrial Arts and Expo-

sitions, and that committee reported the bill at the last session providing an appropriation of \$400,000 for the building of these piers. It is true that the bill introduced asked for an appropriation of \$500,000, but after that estimate had been submitted to the proper officer of the Government-I do not remember who it was-it was deemed that \$400,000 was all that was

Mr. LITTAUER. Yes; and all that ought to have been spent. Mr. BARTLETT. I think it was more than ought to have

been spent. Mr. LITTAUER. We are up against this proposition: The House appropriated \$400,000 for building the piers and dredging the basin between the piers. The gentlemen who framed the legislation evidently did not have the foresight of providing in it that a channel as deep as the basin should be provided for and included within the appropriation of \$400,000. We now find that the piers are built and the basin will be dredged out of the appropriation to a depth of 10 feet, but that the boats can not reach the piers unless a channel is dredged.

Mr. BARTLETT. What boats are these?
Mr. LITTAUER. The auxiliary boats; all kinds of boats drawing up to 10 feet of water; the excursion boats; boats that will bring the people and troops and soldiers to land at that

I am advised that these piers have not yet been built and that the basin has not yet been dredged, but that the proposal has been issued and that the best we can now procure are piers only 1,200 feet long, and that would land us in water but 4 or 5 feet deep; that if money enough had been appropriated by Congress to extend the piers to 2,200 feet, we would have reached a depth of 10 or 12 feet of water. Now, while we feel the project should be continued and that the appropriation should be made, yet it would be possible, if the committee so insisted, that they should build inferior piers and spend the money for dredging a channel into the piers.

Mr. BARTLETT. The trouble about it is this: After the parties having in charge the Jamestown Exposition had gone into an examination of it and made estimates providing for the piers and the basin it was deemed that \$400,000 would be suffi-

cient, and Congress provided all that was asked for.
Mr. LITTAUER. If what the gentleman from Georgia states is true, then the estimates must have been different from the proposals.

Mr. BARTLETT. I am not speaking about the estimate, but we went into it-the Committee on Industrial Arts and Expositions went into the question as to what the piers could be built for and all necessary expenses. It only shows that when we get into aiding one of these expositions what happens-that there is no end to the demands. There is always an additional expense, and Congress is asked to pay it.

Mr. LITTAUER. It shows that when we enter upon an exposition it is like entering into a war, you can never tell what it will cost.

Mr. BARTLETT. I want to ask the gentleman, further, how about the life-saving exhibit. That appropriation was made in the bill by the committee that reported it, after submitting the proposition to the Light-House Board, the officers of the Government, and the amount that they estimated was provided for in the bill.

Mr. LITTAUER. Was dredging provided for in the estimate

for the life-saving exhibit?

Mr. BARTLETT. I am not able to say, but the committee thought that we had provided for everything that was necessary in order for the Government to make the necessary exhibit for the Life-Saving Service. I will not undertake to say that dredging was included in the estimate, but it looks to me that when the officers were called upon to make the necessary estimate and recommendations that they should have taken into consideration dredging, if that was necessary to the exhibit, as well as other necessary matters.

Mr. SULLIVAN. May I interrupt the gentleman? Mr. LITTAUER. I will yield to the gentleman from Massa-

Mr. SULLIVAN. I wish to supplement, Mr. Chairman, the gentleman's statement with this remark, that the dredging was provided for in the law last year. Those who were intrusted with the duty of carrying on the work knew the depth of these channels and fully appreciated the necessity of dredging, and on the statement they make themselves the proposition for \$65,000 is absolutely indefensible. They proceed on the theory that having got us into a hole we must provide the extra money in order to get out.

Mr. BARTLETT. Mr. Chairman, if the gentleman will permit me, I want to say that I do not think we have got into a hole,

because the committee that reported that bill undertook to give all that was necessary for the Government to make the exhibit for the various departments of the Government, and these appropriations were made upon the estimates furnished to the committee both as to the light-house service and the building of these piers.

Mr. TAWNEY. Will the gentleman from Georgia permit an

inquiry?

Mr. BARTLETT. I am speaking now in the time of the gentleman from Massachusetts [Mr. Sullivan].

Mr. TAWNEY. Is it not a fact that they estimated \$500,000 as the amount that the construction of these piers would cost?

Mr. BARTLETT. The estimate was made by the Jamestown exhibition architect, so to speak. I believe that is the proper title to give him.

Mr. TAWNEY. No; the engineers of the War Department and the Navy Department.

Mr. BARTLETT. I do not think so. Mr. TAWNEY. It was carried in the original bill at \$500,000, and reduced to \$400,000.

Mr. SULLIVAN. Mr. Chairman, although the estimate may have been \$500,000, and I think it was, the law provided for only \$400,000, and expressly stipulated that contracts to the extent of \$400,000 only were authorized. In other words, the law limited it to \$400,000, and the officers in carrying out this enterprise have simply concluded it would be well to have more money, and accordingly they planned the work on the basis of a larger appropriation, and now because we can not leave them there with insufficient money to complete the enterprise they take advantage of us and ask us to provide this \$65,000 extra.

Mr. LITTLEFIELD. I would like to inquire of the chairman of the committee whether this expenditure that is now being made for these excavations was originally contemplated in the appropriation reported by his committee, which passed this

House after a very close vote?

Mr. TAWNEY. I would say to the gentleman that none of the expenditures that are now provided for or contemplated under this appropriation were thought of when the law was enacted, for the reason that the estimate was to build a pier 2,200 feet long, and the estimate given us was \$500,000 for the construction of these two piers at that length. These two piers would have carried them out where they would have been in a stage of water to admit the approach of vessels as large as will be needed and as large as is contemplated, which will necessarily come to the piers during the exposition. When they came to construct the piers on the appropriation of \$400,000 they found that it was impossible to extend them to that length, so they built the piers twelve or fourteen hundred feet in length, and with the \$60,000 they will dredge up to the pier, and also do some dredging at other places which was not thought of or known, and which the Secretary of War now informs us will be of great value to commercial ships hereafter-a permanent improvement. Some part of this is for a permanent improvement in navigation at Hampton Roads, and the other is for making the necessary approaches to these piers in consequence of their not being able to build them far enough to admit of vessels approaching them as they originally contemplated.

Mr. LITTLEFIELD. I suppose, so far as this appropriation

relates to permanent improvements-

Mr. LITTAUER. Oh, that is a mere incident.
Mr. LITTLEFIELD. Yes; it is a mere incident. I want to put this further question. The bill I refer to as the original bill was the bill that came from the gentleman's own Committee on Industrial Expositions.

Mr. TAWNEY. No.

Mr. LITTLEFIELD. Well, I refer to that now. What was the appropriation carried for that?

Mr. TAWNEY. The authorization was for \$500,000, as I now recall it. That was the original estimate.

Mr. LITTLEFIELD. What was the appropriation passed by the House?

Mr. TAWNEY. The bill never passed the House-that is, the bill reported by the Committee on Industrial Arts and Ex-The Senate put the bill on in the form of an amendment to the sundry civil appropriation bill in the last session, and the conferees on the part of the House, after numerous conferences with the Senate, finally redrafted the amendment, eliminating a number of appropriations and eliminating a great deal of language that authorized work to be done and expenditures to be made without appropriations, for which we would have to hereafter make appropriations; so that we reduced the aggregate amount, as I now recall it, in the neighborhood of \$300,000, \$100,000 of which, if I am correct, was the reduction on this appropriation for the construction of these

Mr. LITTLEFIELD. What I want to inquire is this: There was a time, I take it, when the House passed initial legislation in connection with the Jamestown Exposition.

Mr. TAWNEY. Oh, when the House passed the initial legis-

lation it was for \$200,000.

Mr. BARTLETT. For a naval display.

Mr. LITTLEFIELD. Precisely. Was not the House then given to understand that that would be the extent of the appropriation that would be necessary on the part of the House for the purpose of completing this exposition; that Congress would not be called on for any more appropriations.

Mr. LITTAUER. Many of us had that idea.

Mr. TAWNEY. I do not know that any assurance of that kind was given to anybody, but the gentleman must bear in mind that that appropriation was made and that legislation was for the purpose of enabling the Government itself, independent of the exposition—the purpose of the Committee on Industrial Arts and Expositions-the minority of it, with which I actedwas to prevent the Federal Government being tied up with the Jamestown Exposition.

So at the very last moment the bill which a majority of the Committee on Industrial Arts and Expositions reported could not receive consideration, but it was finally agreed that the Government of the United States ought to celebrate this event in some way, and at the request of the present Speaker of the House I drafted a bill myself, without reference to the committee, but as a Member of the House, which provided for a celebration of this event by authorizing the President of the United States to invite the naval powers of the world to participate in a celebration, to erect a monument at Jamestown, and to improve the harbor at Jamestown, or where Jamestown used to be, and that bill, on the motion of the gentleman from Virginia [Mr. MAYNARD], was passed under suspension of the rules in the closing hours of the Fifty-eighth Congress.

Mr. LITTLEFIELD. When there was a good deal of hurry

Mr. LITTLEFIELD.

in legislation, I take it.

Mr. TAWNEY. Yes; but there was not anything said about coming back to Congress, because neither the bill itself nor the appropriation related to an exposition—simply to a celebration.

Mr. LITTAUER. Now, I would like to ask the gentleman whether, in his judgment, it was understood that when we passed the original \$250,000 for a naval display and the participation of the General Government in that exposition-

Mr. TAWNEY. No; there was no participation in the ex-

position provided for at all.

Mr. LITTLEFIELD. Was it not understood that was all the connection the General Government was to have with it?

Mr. TAWNEY. I so understood it, so far as I was individually concerned, but a subsequent Congress made an appropriation of, I think, \$1,200,000; I do not remember the exact amount.

Mr. LITTLEFIELD. I would like to know into how large a development the original egg of \$250,000 has grown. We started with \$250,000.

Mr. TAWNEY. I did not know the appropriation of \$250,000 was responsible in any way for the appropriation that was made in the last Congress.

Mr. LITTLEFIELD. Well, can the gentleman in charge of this urgent deficiency bill tell the House—

Mr. TAWNEY. The gentleman from New York [Mr. Lat-

TAUER] is in charge of the bill.

Mr. LITTLEFIELD. Well, the chairman of the Appropriations Committee, then. Can the Chairman of the Appropriations Committee tell the House, when we started with the participation either directly or indirectly following an expenditure of \$250,000, into how large an expenditure that has developed?

Mr. LITTAUER. Mr. Chairman—

Mr. TAWNEY. One moment. For the objects provided for

in the original bill there has been no increase in the appropriation and no additional appropriation.

Mr. LITTAUER. Yet during the last session other appropriations in other bills amounted to \$1,325,000.

Mr. LITTLEFIELD. Now, I would like to inquire, with the permission of the gentleman from New York.

Mr. LITTAUER. I yield. Mr. LITTLEFIELD. Here is an urgent deficiency bill for how much?

Mr. LITTAUER. Sixty-five thousand dollars.

Mr. LITTLEFIELD. Sixty-five thousand dollars for this purpose, and, as I understand, it is incidental to the Jamestown

Mr. TAWNEY. It is incidental to the authorization made by Congress at the last session in respect to the Jamestown Exposi-

Mr. LITTLEFIELD. Incidental to the Jamestown Exposition. And we started with this Jamestown Exposition, so far

as Federal aid is concerned, by appropriating two or three years ago \$250,000.

Mr. TAWNEY. I beg to differ with the gentleman. We did not start the exposition two or three years ago in that way

Mr. PAYNE. I think I can give the gentleman from Maine little information on the subject if I can get the floor.

Mr. LITTLEFIELD. Let me put it this way: We facilitated

Mr. TAWNEY. Oh, no; it was started long before this was

Mr. LITTLEFIELD. Well, we facilitated its start.

Mr. BOUTELL. Lubricated.

Mr. LITTLEFIELD. We lubricated the enterprise by an appropriation of \$250,000 which it was understood, as I understand now the gentleman from Minnesota, would be the full measure of the charge upon the Treasury of the United States on account of this exposition. Am I right about that?

Mr. TAWNEY. I would say to the gentleman that if he has ever read the original law, the word "exposition" was not referred to, and the Jamestown Exposition was not referred to; it was entirely an independent celebration provided, a Government celebration of the tercentennial of the settlement of this continent. Now, the nature of that celebration was defined in All expenditures were authorized. The nature of that celebration has been confined, and the authorization in the bill and appropriations have not been increased, and no increase is asked for to carry out the purpose of celebrating the event by the Government of the United States entirely separate from the Jamestown Exposition. Now, that is the initiation of the celebration of the event by the Government of the United States. Following that, in the next Congress, Congress was induced to join the Jamestown Exposition Company and appropriate \$250,000 direct aid, and then appropriate—

Mr. LITTLEFIELD. Direct?
Mr. TAWNEY. Direct aid to the exposition company, \$250,000, the remainder of the appropriation being for other purposes in connection with the Jamestown Exposition.

Mr. LITTLEFIELD. Do I understand that the appropriation was \$250,000, and that at the next session it was \$250,000 more? Mr. TAWNEY. The Jamestown Exposition did not get \$250,000 in the first authorization.

Mr. LITTLEFIELD. How much did it get?

Mr. TAWNEY. It got nothing. The Jamestown Exposition was not referred to in the first authorization.

Mr. LITTLEFIELD. Was the first authorization in any way connected with the Jamestown Exposition?

Mr. TAWNEY. It was not. It was independent.
Mr. LITTLEFIELD. Did it tend to promote the enterprise? Mr. TAWNEY. I do not think it did. The enterprise was far advanced then.

Mr. LITTLEFIED. I will ask this of the gentleman, as he was chairman of the committee that reported that particular bill, Did the gentleman intend to promote that enterprise?

Mr. TAWNEY. I did not.

Mr. LITTLEFIELD. And the legislation was—
Mr. TAWNEY. The legislation did not relate to it.

Mr. LITTLEFIELD. Did not have any connection with it? Mr. TAWNEY. No, sir.

Mr. LITTLEFIELD. Was not dependent upon it?

Mr. TAWNEY. No, sir.

Mr. LITTLEFIELD. Has it had any connection with it since? Has it merged with it since?

Mr. TAWNEY. No, sir; it has not; only so far as the last law has authorized the merger, with which I had nothing whatever to do.

Mr. LITTLEFIELD. Is not the last law practically the sequel of the first?

Mr. TAWNEY. It is not. I have answered that question half a dozen times.

Mr. LITTLEFIELD. I beg the gentleman's pardon for hav-

ing to emphasize that proposition.

Mr. Chairman, briefly, the Jamestown Exposi-Mr. PAYNE. tion was started by the citizens of Virginia largely, and after they had planned the exposition of course they came to Congress to get a bill through to have the Government pay the expenses of it. That bill came from the Committee on Industrial Arts and Expositions after a rough passage, as I remember it, but was not considered in the House: Then, pending that, my friend from Minnesota [Mr. TAWNEY] was overpersuaded into going into a naval show down there for Jamestown at the same time this exposition was held.

Mr. LITTLEFIELD. Contemporaneous with it?

Mr. PAYNE. Contemporaneous with it—during the same time the exposition was to be held. I want to say to the gentleman from Maine [Mr. LITTLEFIELD] when the bill was originally drawn it did refer to the exposition, but after a good deal of trouble I succeeded in eliminating all reference to the Jamestown Exposition. When it came into the House I opposed it on the ground that that was the inception of this grand enterprise that the Government would be appropriating for

Mr. LITTLEFIELD. That would be the first step? Mr. PAYNE. That is what I claim.

Mr. LITTLEFIELD. May I ask another question?
Mr. PAYNE. The answer to that was that the bill did not refer to the exposition, although they were contemporaneous in time. Now, after that, the President of the United States invited all of the nations of the earth to participate in this naval demonstration in accordance with the terms of that bill. That necessitated an appropriation to entertain these people who come here, and that was a little like an entering wedge. Then the proposition came in to spend \$250,000 for a Government exhibit at Jamestown.

Not in the original bill. Mr. TAWNEY. Mr. PAYNE. It came in afterwards, I say.

Mr. TAWNEY. It came in the next session of Congress. Mr. PAYNE. Two hundred and fifty thousand dollars for the Government exhibit, and at the same time to urge upon Congress that the honor of the nation was at stake, because we had invited all the nations of the world to come over in order to make this exposition a success, just as I had guessed would be done at the inception of this first bill.

Mr. LITTLEFIELD. Will the gentleman-Mr. PAYNE. Let me make this statement.

Mr. LITTLEFIELD. I want to make the inquiry right here. I would like to inquire of the gentleman from New York whether at this stage the indefinite scheme that had theretofore been adopted became merged in or connected with the James-

town Exposition?

Mr. PAYNE. I suppose that the President having invited the navies of the world to help celebrate this great event in that vicinity it was thought, and claimed, that the honor of the United States was at stake to make the show a success independent of the company.

Mr. LITTLEFIELD. It was still independent?

Mr. PAYNE. Oh, yes; but in another place an amendment was finally put on appropriating a million and a half. that first came over here it gave that for the show itself. In the end the appropriation was made for \$400,000 to build a dock. They did not even have an approach to this place where the exposition was to be held, and this money was to be expended on a dock for the purpose of allowing the ships to come up.

Mr. LITTLEFIELD. In connection with the exposition?

Mr. PAYNE. Oh, certainly. They did not have deep enough water to make the approach and they wanted additional dredgg. And now they ask us for a loan of \$50,000.

Mr. LITTAUER. I do not want gentlemen to understand that

it is to dredge out enough water to float that loan.

Mr. PAYNE. I am sure it will not require much dredging to I want to make that suggestion to the gentleman now. I would hope, and would vainly hope, that they might dredge out enough water to drown the loan; but that could not be done. I only wanted to show how sure it is that these little things grow of getting shows for a town where there really is no town, and how they become international and involve expenditures of millions of dollars.

Mr. STEPHENS of Texas. I see there is reference to rent of rooms in the Munsey Building. How many rooms are rented?

Mr. LITTAUER. Four rooms.
Mr. STEPHENS of Texas. What is the amount of the rent? Mr. LITTAUER. One thousand one hundred and fifty dollars for five months' rent of four rooms, and the rooms rented at the same rate that we are to rent them after the beginning of the next fiscal year, according to provisions made in the legislative bill.

Mr. STEPHENS of Texas. Let me ask the gentleman, as a member of the Committee on Appropriations, if it is not a fact that it would be good policy for this Government to adopt to build their own buildings instead of renting buildings?

Mr. LITTAUER. Oh, decidedly so; but this is necessary nder the exigency that has arisen. Last year we passed a under the exigency that has arisen. Last year we passed a public-building bill for the erection of a good many buildings. The Supervising Architect of the Treasury had to have more room in the Treasury, and consequently moved out the Auditor of the Navy Department, as the rooms that were provided were not sufficient.

Mr. STEPHENS of Texas. Now, there is the House of Representatives building and the Senate building now being erected. Those buildings, I understand, will cost from seven to ten million dollars before they are done. Would it not be good policy for the Government to build sufficient buildings in the city for

the use of the clerks, instead of Congress building palaces for ourselves?

Mr. LITTAUER. I do not believe my opinion will stop the completion of these buildings, which will probably be used by you and other gentlemen of the next Congress; but I do believe we ought to have a number of very necessary buildings in the District of Columbia to provide for the wants of the various Departments of the Government here. And particularly that of a Hall of Records, in order that great storage facilities might be had for the many records now taking up room in many of the Government buildings.

Mr. STEPHENS of Texas. Does not the gentleman believe that instead of raising our own salaries and building palaces for ourselves that we should rather provide buildings suitable for these offices and suitable wages for these employees of the Gov-

ernment?

Mr. LITTAUER. In my opinion a great and rich government can provide the necessary salaries for its Representatives in Congress and also such buildings as may be needed.

Mr. STEPHENS of Texas. Ought we not to be just before

we are generous, and begin at the bottom instead of at the top, as we have begun?

Mr. LITTAUER. The gentleman can answer his own question.

Mr. BARTLETT. May I ask a question about this particular work? As I understand it, this \$65,000 that is now to be appropriated as an urgent deficiency appropriation, has no relation whatever to aiding the United States Government or the vessels of the Government in making a naval display that is to take place at the Jamestown Exposition?

Mr. LITTAUER. I take it for granted that the naval display must be made in water of greater depth than 10 feet; but this

is simply to make the approach to the piers.

Mr. TAWNEY. You must also take it for granted that the officers and men on the ships that arrive here must have some place for their smaller craft to land.

Mr. LITTAUER. Yes; to get ashore and see the ladies, and

all that.

Mr. BARTLETT. Then the statements that have been made before the Committee on Industrial Arts and Expositions, by these people who had the matter in charge, and who insisted that these expensive piers should be constructed, more for ornament than anything else, as to the sums of money that would be required, were not accurate at all, were they?

Mr. LITTAUER. The sum appropriated was not sufficient to build a 2,200-foot pier or to get out to a depth of 10 feet of water. The sum of \$400,000 will simply complete the piers according to the present proposals, 1,200 feet, and if erected according to those proposals the water at the end of the piers will

not be more than 3 or 4 or 5 feet deep. [Laughter.]

Mr. BARTLETT. I want to say that such a statement of the conditions was not brought forward before the committee, and we knew nothing about it; and I think the gentlemen who were before the committee presented everything that could induce the committee to be extravagant in the expenditure of the public

Mr. LITTAUER. Mr. Chairman, I will now pass on to the item for the increase of the Navy, \$250,000, necessary for the completion of equipment of new vessels. I have already ex-

plained that.

Next we come to the appropriation of \$1,000 for additional expenses of depositing public moneys. The appropriation for the current year was reduced to \$2,000, despite the fact that \$2,718 was spent for this purpose last year and that the public money to be deposited has increased 25 per cent during the current year. Provision was made that this money should be carried in a more economical fashion, and consequently the reduced appropriation that I have referred to.

Then we come to expenses for hearings by order of the Commissioner of the General Land Office. The sum of \$9,000 was appropriated and \$8,900 have been already used. There is one particular set of hearings to be held at Great Falls, Mont., that will cost \$1,200, and the great number of hearings—nearly 500 since last July, as against 169 for the previous year, because of apparent frauds on the public domain—have made this increase

necessary

Mr. BURKE of South Dakota. I should like to ask the gentleman concerning the appropriations for the Interior Depart-I understand an order has been made by the Secretary of the Interior

Mr. LITTAUER. This has nothing to do with that. Mr. BURKE of South Dakota. Wait a moment.

stand this order has been made by direction of the President suspending from patent all the final proofs that have been made throughout the country and ordering that the patents be with-

held until such time as the lands have been examined by a representative of the Department. The Department state that they can give no idea as to the time it will require to make these examinations, because of a lack of force. Now, I want to know if the Committee on Appropriations are considering, or have yet considered, the question of providing an appropriation sufficient to give a force that will enable this work to be done speedily.

The subject has not been brought to our Mr. LITTAUER. consideration, and this provision has no connection therewith.

Mr. Chairman, there is an item for the police court building in this city. The sum of \$6,000 was appropriated last year, and it has become necessary to appropriate \$2,500 more to provide necessary furniture and equipment for that building.

I should like now to come to an agreement with the gentleman from Georgia [Mr. Livingston] as to the time for general debate.

Mr. LIVINGSTON. I suggest fifteen minutes on a side.
Mr. LITTAUER. Fifteen minutes will be acceptable to me.
Mr. Chairman, I ask unanimous consent that the general debate close in thirty minutes, one-half the time to be controlled by the gentleman from Georgia [Mr. LIVINGSTON] and the other half by

The CHAIRMAN. The gentleman from New York asks unanimous consent that general debate close in thirty minutes, fifteen minutes on a side; fifteen minutes to be controlled by himself and fifteen minutes by the gentleman from Georgia [Mr. Livings-TON]. Is there objection?

There was no objection.

Mr. LIVINGSTON. Mr. Chairman, I yield fifteen minutes to

the gentleman from New York [Mr. Fitzgerald].

Mr. FITZGERALD. Mr. Chairman, there are two items in the bill to which I think the committee should give some attention. One is the item that has been discussed at such length by the gentleman from New York [Mr. LITTAUER]; the other is the item in regard to the furnishing of the police court building in the District of Columbia. It was assumed by Members of the House that in the last session of Congress and in a previous session they had impressed upon the different officials in the various Departments in Washington that, regardless of what the opinion of those officials might be as to the advisability of spending money, Congress was the final arbiter and that it determines what should be expended for different projects.

The War Department has been notorious for its disregard of the limits placed by Congress upon its action in the expenditure of money. Members of the House will recollect the action of the Department a few years since regarding the erection of buildings at West Point. So far as this appropriation of \$65,000 is concerned, I desire to call the attention of the committee to the language of the act providing for the construction of these piers.

The act approved June 30, 1906, provided:

The act approved June 30, 1906, provided:

That to the end that free and ready communication between the ships and the shore may be had, and in order to furnish ample and safe harbor for the small craft necessary to convey the soldiers and exposition visitors from the grounds to the fleet, there shall be constructed from plans to be furnished by the Jamestown Exposition Company and approved by the Secretary of War two piers extending from the exposition grounds into the water of Hampton Roads, the ends of the piers to be surmounted with towers for exhibits, if practicable, of the Light-House Service and the wireless telegraph service; said piers shall be connected by an arch sufficiently high to permit small craft to enter under it into the basin or harbor, which shall be dredged to a sufficient depth to accommodate boats drawing not more than 10 feet of water at mean low tide.

Anybody reading that provision, Mr. Chairman, that had any common sense would have assumed that those piers were to terminate in water of a sufficient depth to accommodate the boats that were to pass under the arch into the basin.

Another part of the act provides that nothing "shall be contain or keep in repair such piers or basin or approaches thereto."

The original estimate for the construction of the piers was \$500,000. Congress determined that the piers and basin should be built at an expenditure of \$400,000. The same disregard to be built at an expenditure of \$400,000. this limitation that has been paid to others has been paid by the Department, but its action has been more ingenious. Instead of saying that they could not complete the piers for the original estimate, they say they have cut down the length of the piers, with the result that they would end in shallow water, so that this appropriation is necessary to give sufficient water to enable boats to approach the piers. It might be just as wise to give the additional \$100,000 and to have the piers extend out the original 2,200 feet.

Another item is for furnishings for police court built in the District of Columbia. Last year an estimate was submitted to the committee having charge of the District of Columbia appropriation bill asking \$5,000 to furnish and equip this building. One of the judges came before the committee and stated that that amount was entirely inadequate and submitted an es-

timate for \$15,000. The committee directed that an investigation be made by the property clerk connected with the Commissioners' office, and from the information furnished from that source the committee allowed \$6,000 for furnishing and equipping the building. At this session the Commissioners say that \$2,500 additional will be required in order to complete the furnishing of the building.

It seems to me that somebody sometime should be able to estimate accurately what the public service of the various departments of the Government will cost. Congress is entitled to know what the public service will cost. I am opposed to giving additional sums for any purpose when it is apparent that those at the head of the different branches of the Government have disregarded the action of Congress in fixing the limitation upon the cost of the various branches of the public service and have gone ahead and expended money upon the theory that eventually Congress will appropriate in accordance with the original esti-

We succeeded in placing some limitation upon the power of some officials, and there are now drastic provisions of law which make it impossible for officials to create deficiencies except under very exceptional circumstances without subjecting themselves to severe penalties.

It seems that it will be necessary for Congress to go further and to impose a penalty upon those officials who, disregarding the limitations fixed in the various appropriation acts, so plan their expenditures as to require more money than Congress contemplates shall be expended for some particular purpose. Mr. Chairman, I desire to emphasize my dissatisfaction with what has been done in these two instances. Personally I am inclined to believe that we should not make these appropriations, even if there should be some embarrassment to some official for some little time. I know of no other way to teach them that when Congress, upon the investigation that it makes and with the light that it has, determines that the public service in some particular department shall be conducted for a certain sum, that then the officials having charge of that branch of the service must so conform themselves and must so regulate the work to be done that they can do it within the appropriation made for that purpose. I should be glad to vote to strike out both of these appropriations, and I am inclined to believe that if this \$65,000 were not appropriated these ingenious officials would find some satisfactory manner of so building the piers that ves-sels could approach them without the dredging that they say is here necessary.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The time of the gentleman has expired. He has consumed the full ten minutes.

Mr. LIVINGSTON. I reserve the balance of my time.

Mr. LITTAUER. Mr. Chairman, I yield five minutes to the

gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Chairman, I was engaged otherwise so that I could not hear what the gentleman from New York [Mr. Fitzgerald] has just said about the appropriation for Jamestown in this bill. I presume he expressed my views, and doubtless expressed them better than I can myself, but at the risk of repetition I wish to say a word about that recommendation of the War Department. It seems to me the War Department justly deserves criticism for either stupidity or for sharp practice. Either they have not known what they ought to do or they have attempted willfully to evade and nullify the purpose of They asked for \$500,000 to build these piers and to Congress. dredge. Congress gave them \$400,000 and told them, therefore, in effect that they should only undertake what they could complete for \$400,000; but they have gone on and, instead of observing the spirit of the act of Congress to complete this whole improvement for \$400,000, they have expended that \$400,000 and have built piers so that they do not go to deep water, so that they are absolutely useless, and so that any vessel that wishes to use these piers could not go there unless this further dredging of In other words, instead of observing our \$65,000 is made. obvious intent that this improvement should be effected for \$400,000, they have built piers which are useless without the expense of \$65,000 more, and so undertook a \$465,000 project. We therefore are in the predicament of either leaving the piers useless or of appropriating this \$65,000, and this is the practice to which it seems to me the Departments are becoming too habituated. The matter is small; we can not impeach the official for such an action as that. I do not suppose the Secretary of War himself knew of it, but whatever officer or whatever branch of the Department was responsible for it ought to be criticised and ought to be punished, and if this is to continue Congress will have to limit in some way its appropriations.

At present we expect that the different departments will use the money we give them in good faith, but if when we give them

less than they ask, they are going to continue to expend that money in such a way that in order to make it useful we must give them the balance they originally asked, it will be neces sary for Congress in some way to tie the hands of the departments and to limit the appropriation so they can not make partial improvements in this manner. It seems to me this is a flagrant case where the War Department has expended the money we gave them not with the purpose with which we gave it, but in such a way that they knew we would have to give more and thus allow them to fulfill their original purpose. I think therefore the War Department is subject to the just and severe criticism of this House.

Mr. CAMPBELL of Kansas. Mr. Chairman, does the gentleman from Massachusetts know of any better way to prevent the continuance of this practice than by refusing to make ap-

propriations for alleged deficiency?

Mr. GILLETT. The trouble is that in doing that we do not punish the War Department. If we do not make the appropria-tion we punish the exposition, and the exposition was not at fault as far as I know. Therefore we are not punishing the right persons. It seems to me that we must contrive some way in which we can punish the people who are guilty.

Mr. POLLARD. Mr. Chairman, I would like to ask the gentleman whether the War Department has expended the entire

\$400,000 appropriated for those piers?

Mr. GILLETT. I understand it has.
Mr. POLLARD. That is all expended?
-Mr. GILLETT. It is all expended, and now they say the piers are useless unless we give them \$65,000 more.
Mr. FITZGERALD. I understand the meany has not yet.

Mr. FITZGERALD. I understand the money has not yet been expended, but it is contemplated to expend it in such a way that this amount will be needed.

Mr. GILLETT. I understood it had been expended.

Mr. LITTAUER. The \$400,000 has not yet been expended, and these piers have yet to be built; at least I am so advised

that they have not been built.

Mr. GILLETT. Then I do not see why it is necessary to appropriate the additional \$65,000, and I am opposed to it. I understood the \$400,000 had not only been allotted by the War Department on paper, but had actually been expended, so that it was beyond our power.

The CHAIRMAN. The time of the gentleman from New

York has expired.

Mr. POLLARD. May I ask the gentleman from New York a question?

Mr. LITTAUER. When we come to debate under the fiveminute rule, the gentleman can ask his question. Mr. Chairman, I move that we proceed with the reading of the bill under the five-minute rule.

The motion was agreed to. The Clerk read as follows:

WAR DEPARTMENT-JAMESTOWN EXPOSITION.

Piers, Hampton Roads, Jamestown Exposition: For dredging necessary to complete the channel of approach to said piers from deep water in Hampton Roads and for dredging Bush Creek to accommodate the needs of the life-saving exhibit, \$65,000.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the

paragraph.

Mr. GILLETT. Mr. Chairman, before that is done I wish to ask the gentleman from New York [Mr. LITTAUER] a question, for I was expecting to vote in favor of this paragraph on the theory that the \$400,000 had been expended and if we did not appropriate this \$65,000 the whole expenditure would be useless; but I understand him now, that it has not been expended, and therefore I should like to ask him why, if we refuse to appropriate this, they can not alter their plans and still complete the work on some different plan which will only cost the amount we originally intended?

Mr. LITTAUER. My information in connection with this matter is not positive, but I am informed by the clerk of our committee that the piers are not yet constructed. They may be in course of construction, but I am not fully advised whether they are contracted for; but the advice I did have was that the

money had not yet been expended.

Mr. GILLETT. Then let me ask the gentleman if he does not think it is an entirely improper course for the War Department

to take in this matter, to exceed their appropriation?

Mr. LITTAUER. I must say, with the information that has been brought forth here, in my own personal opinion we did not perhaps act with as much deliberation as we should have acted.

Mr. FITZGERALD. Mr. Chairman, I desire to say so long as the money has not been expended, so long as the work of construction has not been commenced, it seems to me that an effective way to check such action on the part of the Department is to refuse to give this appropriation and compel it to so modify

the plans that it can accomplish what was intended with the amount originally given. I feel much like other members of the committee that if these piers were there and the water was so shoal that it would be impossible for boats to reach the piers, we should, in order to use them, give the additional money; but if the piers have not been constructed, it is not too late, in my judgment, for the Department to so modify their plans as to enable the construction of the piers, the basin, and the approaches within the amount originally determined upon.

The CHAIRMAN. The question is on the motion of the gentleman from New York to strike out the section.

The question was taken; and the motion was agreed to. The Clerk resumed and concluded the reading of the bill.

Mr. LITTAUER. Mr. Chairman, I move the committee do now rise and report the bill as amended to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 24541) making appropriations for additional urgent deficiencies, and had instructed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

Mr. LITTAUER. Mr. Speaker, I move the previous question

on the bill.

The previous question was ordered.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed

On motion of Mr. Littauer, a motion to reconsider the last vote was laid on the table.

#### CLAIMS.

Mr. MILLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

The motion was agreed to.

Accordingly the committee resolved itself into the Committee of the Whole House on the state of the Union for the consideration of bills on the Private Calendar in order for to-day, Mr. CAMPBELL of Kansas in the chair.

Mr. MILLER. Before reporting the first bill I desire to ask unanimous consent that when the title of the bill is read and there is no objection to its consideration, it may be considered as laid aside with a favorable recommendation. If, however, there is an objection, then a brief statement of the bill may be made by the chairman of the committee or any other member of the committee, when, if objection is still adhered to, the bill may be laid aside without prejudice in order that we may present the unobjected bills.

Mr. GAINES of Tennessee. I understand the gentleman to say that the chairman will make a brief explanation of the bill when the title-is read, and then, if there is no objection, it will

be laid aside.

The CHAIRMAN. The chairman of the committee reserves the right to make an explanation after the bill is read

Mr. SOUTHARD. The proposition was this, as I understand, and I want to understand it now, that if no objection is made to the bill upon the reading of its title, then it is laid aside with a favorable recommendation. If objection is made, then a brief explanation is allowed, and then if no further objection is made, it is laid aside. But if further objection is made, then it is passed without prejudice.

The CHAIRMAN. That was the understanding of the Chair

in the unanimous consent asked for.

### HENRY PHILIPPS SEED AND IMPLEMENT COMPANY.

The first business was the bill (S. 1236) to authorize the payment to the Henry Philipps Seed and Implement Company for seeds furnished to and accepted by the Department of Agriculture during the fiscal year 1902.

Mr. MILLER. It may be well, Mr. Chairman, to have the bill read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to the Henry Philipps Seed and Implement Company, of Toledo, Ohio, for seeds furnished to the Department of Agriculture during the fiscal year 1902, accepted by the said Department, and distributed by order of the said Secretary of Agriculture, the sum of \$3,633.11, which sum is hereby appropriated from any money in the Treasury of the United States not otherwise appropriated.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to have somebody explain that. It is a rather unusual bill.

Mr. MILLER. Mr. Chairman, I simply desire to say in relation to that bill that the Philipps Seed and Implement Company had a contract with the Secretary of Agriculture for furnishing seed for the year mentioned in this report, and under that contract the seed had to be according to a recognized standard or weight. During that year the Secretary of Agriculture found it was impossible to secure sufficient seed for distribution of that degree or quality, and this company, before they furnished any seed under the contract, notified the Secretary that their seed did not measure up to the quality that was desired under the contract. The Secretary notified them that if they furnished the seed that he would waive that provision of law for a penalty to be attached, so that they might be paid for the seed as though it was up to the usual standard. The seed was furnished and

sent out, and the Secretary reports favorably upon the bill.

The CHAIRMAN. Without objection, the bill will be laid aside, to be reported to the House with a favorable recommenda-

tion.

#### BECKER BREWING AND MALTING COMPANY.

The next business was the bill (S. 1231) to reimburse the Becker Brewing and Malting Company, of Ogden, Utah, for loss resulting from robbery of the United States mails.

I object to that. I do not think that ought to go through without presentation to the House. I will object then

The CHAIRMAN. Is there objection to laying the bill aside?

Mr. PAYNE. I object.

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] objects. The bill will be passed without prejudice and under the unanimous consent, and the Clerk will report the next

#### L. BIERTEMPFEL.

The next business was the bill (H. R. 12840) for the relief of L. Biertempfel.

Mr. MANN. Mr. Chairman, I ask that that bill be laid over. The CHAIRMAN. The gentleman from Illinois [Mr. MANN] The gentleman from Illinois [Mr. MANN] objects. The bill will be laid aside without prejudice.

#### ROCK ISLAND ARSENAL.

The next business was the bill (H. R. 11676) for the relief of persons who sustained property damage caused by fire at the Rock Island Arsenal.

Mr. MANN. Mr. Chairman, I have no objection to the reading of the bill, but I will have to object to the consideration of it at this time.

Mr. DAWSON. Will the gentleman withhold his objection pending an explanation of the bill?

Mr. MANN. Mr. Chairman-

Mr. GARRETT. Mr. Chairman, I think I understand the bill,

Mr. MANN. Mr. Chairman, the gentleman asks if I would reserve the objection. As far as I am concerned I am perfectly willing; but if the committee desires to go through this Cal-endar and pass bills not objected to, it is very evident that purpose will not be accomplished and take up these bills for consideration. This particular bill will probably be reached for consideration.

Mr. DAWSON. Mr. Chairman, I withdraw the request. The CHAIRMAN. The bill will be laid aside without prej-

udice.

# JAMES A. CARROLL.

The next business on the Private Calendar was the bill (H. R. 8699) for the relief of James A. Carroll.

The bill was read, as follows:

A bill (H. R. 8699) for the relief of James A. Carroll.

A bill (H. R. 8699) for the relief of James A. Carroll.

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized and directed to cause the accounts of James A. Carroll, postmaster at Randall, State of Kansas, to be credited with the sum of \$99, and that he cause said credit to be certified to the Auditor of the Treasury for the Post-Office Department, being on account of the loss of \$99 in postal funds lost in transit, the mail pouch in which same was consigned being stolen from the Jamestown, Kans., post-office and the money abstracted therefrom, it appearing that said loss was without fault or negligence on the part of the postmaster; and the said sum of \$99 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay said claim.

The CHAIRMAN. Is there objection to laying the bill aside with a favorable recommendation? [After a pause.] The Chair hears none, and it is so ordered.

### W. S. HAMMAKER.

The next business on the Private Calendar was the bill (H. R. 13418) for the relief of W. S. Hammaker.

Mr. MANN. I shall object to this bill.

Mr. MILLER. I ask that the bill be laid aside without prej-

The bill was ordered to be laid aside without prejudice.

#### DAVID C. HAYNES.

The next business on the Private Calendar was the bill (H. R. 9298) for the relief of the estate of David C. Haynes,

Mr. PAYNE. I shall object to that bill. It is one of the old post-office cases

The CHAIRMAN: The bill will be laid aside without preju-

#### P. S. CORBETT.

The next business on the Private Calendar was the bill (S. 1894) for the relief of P. S. Corbett.

Mr. MANN. I ask that that bill be laid aside.

The bill was ordered to be laid aside without prejudice.

#### JOHN B. BROWN.

The next business on the Private Calendar was the bill (H. R. 15594) for the relief of John B. Brown.

Mr. PAYNE. Mr. Chairman, I shall object to that bill. It gives a man the privilege of citizenship.

Mr. MILLER. This bill comes from the Committee on the Judiciary, and I do not know anything about it.

Mr. MANN. Does the gentleman from New York object? I think he is making a mistake in this bill.

Mr. PAYNE. I do not think so. This same committee is reporting bills in favor of people because they are not citizens, and I do not know why we should give the privilege of citizenship to a man who is not.

Mr. MANN. Of this case I know nothing except that which I have learned from examination. I do not know anything about the parties. In this case the person would have the right to have his case adjusted if he was a citizen, and he claims that his citizenship papers were destroyed.

Mr. PAYNE. And when you go to where he says he was

made a citizen you find nothing on file.

Mr. MANN. I understand; but in view of the fact that he had acted as a citizen and held office-

Mr. WALDO. Mr. Chairman, as I understand, the unanimous

agreement was made that if objection was made, the bill should be laid aside. Mr. MANN. If the gentleman objects, why of course the bill

will be laid aside.

Mr. WALDO. He has objected. Let us lay it aside.

The bill was ordered to be laid aside without prejudice.

### CHARLES T. RADER.

The next business on the Private Calendar was the bill (S. 538) for the relief of Charles T. Rader.

The bill was read, as follows:

A bill (S. 538) for the relief of Charles T. Rader. A bill (S. 538) for the relief of Charles T. Rader.

Be it enacted, etc., That Charles T. Rader, of Fort Logan, Mont.,
be, and is hereby, authorized and empowered to select by contiguous
legal subdivisions, at such place or places as he may desire in the State
of Montana, 480 acres of unoccupied and unappropriated nonmineral
public lands, subject to entry under desert-land laws, and when such
selection shall be by him certified to the Secretary of the Interior
patent shall be issued to said Rader for the same.

The CHAIRMAN. Is there objection to laying the bill aside with a favorable recommendation? [After a pause.] The Chair hears none, and it is so ordered.

### J. TENNANT STEEB.

The next business on the Private Calendar was the bill (H. R. 1371) to refund to J. Tennant Steeb certain duties erroneously paid by him, without protest, on goods of domestic production shipped from the United States to Hawaii and thereafter returned.

The bill was read, as follows:

A bill (H. R. 1371) to refund to J. Tennant Steeb certain duties erroneously paid by him, without protest, on goods of domestic production shipped from the United States to Hawaii and thereafter returned.

shipped from the United States to Hawaii and thereafter returned. Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund and repay from the appropriation "To repay to importers the excess of deposits for unascertained duty or duties or other moneys paid under protest," made by section 6689 of the Revised Statutes, the sum of \$2,360.83, paid without protest by J. Tennant Steeb as duties upon certain scrap iron and pig lead, products of the industry of the United States, shipped to Hawaii and thereafter returned to the United States by the American schooner F. S. Redifield, and entered at the subport of Tacoma, State of Washington, on September 25, 1901, and subsequent to the passage of the act approved April 30, 1900, entitled "An act to provide a government for the Territory of Hawaii."

Mr. GARRETT. I would like to ask the gentleman from New

Mr. GARRETT. I would like to ask the gentleman from New York if this is the unanimous report of the committee on this particular bill? It is from the Committee on Ways and Means.

Mr. PAYNE. My recollection is that it was. The gentleman

from Ohio [Mr. GROSVENOR] reported the bill.

Mr. GROSVENOR. It was a unanimous report.

Mr. PAYNE. That is my recollection, and that it had been recommended by the Department on the facts stated by them.

The CHAIRMAN. Is there objection to laying the bill aside with a favorable recommendation? [After a pause.] The Chair hears none, and it is so ordered.

#### ARMY MANEUVERS AT WEST POINT, KY.

The next business on the Private Calendar was the bill (H. R. 6602) providing for the payment of certain claims growing out of the Army maneuvers at West Point, Ky., in 1903.

Mr. MILLER. I want to inquire if that is not a bill the item

for which is covered in the military appropriation bill?

Mr. MANN. Let it pass.

Mr. CRUMPACKER. I think this bill ought to lie on the table.

Mr. PAYNE. I ask unanimous consent that the bill be allowed to lie on the table.

Mr. BARTLETT. But the Senate might strike out the appropriation.

I do not think there is any danger of that. Mr. PAYNE. Mr. MILLER. I suggest that the bill be laid aside without prejudice

The bill was ordered to be laid aside without prejudice.

### POSTAL TELEGRAPH CABLE COMPANY.

The next business on the Private Calendar was the bill (H. R. 7028) for the relief of the Postal Telegraph Cable Company.

Mr. MANN. I ask that that bill be laid aside. The bill was ordered to be laid aside without prejudice.

PAY DIRECTOR E. B. ROGERS, UNITED STATES NAVY.

The next business was the bill (S. 2262) for the relief of Pay Director E. B. Rogers, United States Navy.

The bill was read.

Mr. DAWSON. Mr. Chairman, I ask that that bill be laid

aside without prejudice.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the bill be passed without prejudice. Under the rule it is so ordered.

#### DELIA B. STUART.

The next business was the bill (H. R. 14232) for the relief of Delia B. Stuart, widow of John Stuart.

The bill was read.

Mr. MANN. Mr. Chairman, I make the point of order that the Committee on Claims has no jurisdiction to report this bill.

Mr. LITTLEFIELD. Why not object to it, and let it go by without debate?

Mr. MANN. No; the question might as well be settled now as at any other time. This is a war claim and ought to go to

the Committee on War Claims.

Mr. MILLER. Mr. Chairman, this bill has been referred both to the Committee on War Claims and to the Committee on Claims, and the Committee on War Claims have already fa-vorably reported it to the House. The Committee on Claims have also favorably reported it.

Mr. MANN. That is what I am objecting to, letting a man have two days in court when he is only entitled to one.

Mr. MILLER. The gentleman from Illinois evidently does

not want him to have any day in court at all.

Mr. MANN. I do not propose to dispute with my very eminent and distinguished friend from Kansas.

The CHAIRMAN. Does the gentleman from Kansas concede that the bill arises out of a war claim?

Mr. MILLER. I am inclined to think that technically it does.
Mr. MANN. It could only arise out of a war claim. It is
for the repayment of bounties. Bounties have never been offered under the law, except in case of war.

Mr. MILLER. I think the gentleman is techincally correct, and if he insists on it he has the right to do so.

The CHAIRMAN. The gentleman from Illinois makes the point of order that the bill should be referred to the Committee on War Claims, and the Chair sustains the point of order. The bill will be reported to the House for reference to the Committee on War Claims.

### JOSEPH W. I. KEMPA.

The next business was the bill (H. R. 9212) for the relief of Joseph W. I. Kempa, executor of the last will and testament of William J. Grutza, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause all assessment of inheritance tax against J. W. I. Kempa, executor of the last will and testament of William J. Grutza, deceased, to be abated; and that the Secretary of the Treasury be, and he is hereby, authorized and directed to refund the inheritance tax so collected by reason of the assessment made by the Commissioner of Internal Revenue against the said estate, and that the said executor be relieved from the payment of any such tax which may

have attached to the said property by reason of the operation of the said law of June 13, 1898.

The CHAIRMAN. Is there objection to laying the bill aside with a favorable recommendation?

There was no objection.

Accordingly the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

#### CERTAIN TONNAGE DUTIES.

The next business was the bill (S. 1169) for the refund of certain tonnage duties.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund, out of any money in the Treasury not otherwise appropriated, additional tonnage taxes at the rate of \$1 per ton, amounting to \$908, levied before May 15, 1905, on the steamer Banes, under the flag of Panama.

The CHAIRMAN. Is there objection to laying aside the bill with a favorable recommendation?

There was no objection.

Accordingly the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

### HEIRS OF M. A. PHELPS ET AL.

The next business was the bill (H. R. 12009) for the relief of the heirs at law of M. A. Phelps and the heirs at law of John W. Renner.

The bill was read.

Mr. MANN. I shall object to that, Mr. MILLER. Let it be laid aside

Mr. MILLER. Let it be laid aside.
The CHAIRMAN. The gentleman from Illinois objects. Under the order the bill will be laid aside without prejudice.

#### FRANKLIN PATTERSON.

The next business was the bill (H. R. 3462) for the relief of Franklin Patterson.

The Clerk began the reading of the bill.

Mr. SHACKLEFORD. Mr. Chairman, in order to save time,
I will ask consent that I may be permitted to object now, and
that the bill be laid aside without prejudice.

The CHAIRMAN. The gentleman from Missouri objects.
The bill will be laid aside without prejudice.

### MATTHEW J. DAVIS.

The next business was the bill (H. R. 1563) for the relief of Matthew J. Davis.

The bill was read, as follows:

Be it enacted, etc., That the sum of \$1,588.24 be, and is hereby, appropriated to Matthew J. Davis, for damages to his schooner Lillie, caused by fire on the 21st day of January, 1902, while she was in charge of the United States quarantine officer at Ship Island, near Biloxi, Miss.

Mr. MANN. Mr. Chairman, I do not wish to object to the consideration of this bill.

The CHAIRMAN. Is there objection to laying the bill aside with a favorable recommendation?

Mr. MANN. I wish to ask the gentleman—
The CHAIRMAN. Does the gentleman from Kansas yield?
Mr. MILLER, Certainly.
Mr. MANN. This bill provides not only for the payment of damages caused by a fire which it is claimed the quarantine officers, through negligence or otherwise, permitted to be started on board a British ship, but also provides for the payment of a large sum for demurrage.

Does the gentleman think, in matters of this sort, the Government ought to pay the damages which have accrued and then pay the profits that might have accrued? That is what demurrage means. It seems to me like a dangerous proposition.

Mr. MILLER. I am inclined to think this is all right, and

the claim ought to be paid.

Mr. MANN. If it were not for the fact that the State Department was on edge about this bill and seemed to think it involves the good relations between this country and Great Britain, between Maine and Canada—

Mr. LITTLEFIELD. That it is an international proposition.

Mr. MANN. Yes. Mr. PAYNE. I h I hope the gentleman from Illinois will not object to this bill.

Mr. MANN. I am not going to; it is too late to object. The bill was laid aside to be reported to the House with a favorable recommendation.

# HARPSWELL STEAMBOAT COMPANY, OF PORTLAND, ME.

The next bill on the Private Calendar was the bill (H. R. 4233) to reimburse the Harpswell Steamboat Company, of Portland, Me., for expenses incurred and for repairing damages sustained by its steamer Sebascodegan in collision with the U. S. S. Woodbury.

The Clerk read the bill, as follows:

Be it cnacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Harpswell Steamboat Company, of Portland, Me., the sum of \$2,016.25 cents for expenses incurred and for repairing damages sustained by its steamer Sebascodegan in collision with the U. S. S. Woodbury, July 18, 1904, as ascertained and reported to the Secretary of the Treasury by a board of officers constituted to ascertain the same.

The Clerk read the amendments recommended by the committee, as follows:

In line 4, after the word "pay," insert the words "out of any money in the Treasury not otherwise appropriated."

In lines 10 and 11 strike out the words "a board of officers constituted to ascertain the same" and insert in lieu thereof the words "the chief of the Revenue-Cutter Service, the liability having been found by a board of officers constituted to ascertain the same."

Mr. MILLER. Mr. Chairman, I do not want any misunderstanding in the committee. I intended to ask unanimous con-sent in the beginning that when a bill was laid aside with a favorable recommendation that the amendments were also to be favorably recommended.

Mr. PAYNE. I think that ought to be done, because the

amendments are most always in the shape of limitations.

The CHAIRMAN. Without objection, the amendments will be agreed to.

The amendments were agreed to; and the bill was laid aside to be reported to the House, as amended, with a favorable recommendation.

W. B. SUTTER.

The next bill on the Private Calendar was the bill (H. R. 5169) for the relief of W. B. Sutter. The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized and directed to allow on the accounts of W. B. Sutter, postmaster at Lindsey, Pa., a credit of \$218.19, for postage stamps and money stolen from said post-office by burglars March 15-16, 1898.

The bill was laid aside to be reported to the House with a favorable recommendation.

#### L. L. ARRINGTON.

The next business on the Private Calendar was the bill (H. R.

The flext business of the Trivate Calculat was the bill (1.12).

The Clerk read the bill at length.

Mr. MANN. Mr. Chairman, I object to this unless the chairman of the committee can assure us that this claim has been referred to the Attorney-General of the United States.

Mr. MILLER. That, Mr. Chairman, I am not sure about, Mr. MANN. There is nothing in the report to indicate it. The CHAIRMAN. Without objection, the bill will be

Without objection, the bill will be laid aside without prejudice.

There was no objection.

### HOLTZER-CABOT ELECTRIC COMPANY.

The next business on the Private Calendar was the bill (H. R. 14381) authorizing and directing the Secretary of the Treasury to pay to the Holtzer-Cabot Electric Company the amount due said company from the Post-Office Department.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$4,656, together with such amount for interest as may be found to be due, to the Holtzer-Cabot Electric Company, of Brookline, Mass., the same being the balance due said company from the Post-Office Department for electric motors sold that Department between June 2, 1902, and March 24, 1903.

The Clerk read the amendments recommended by the committee, as follows:

In line 6, after the word "dollars," strike out the words "together with such amount."
In line 7 strike out the words "for interest as may be found to be due."

The amendments were agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

### M. D. WRIGHT AND ROBERT NEILL.

The next business on the Private Calendar was the bill (H. R. 5022) for the relief of M. D. Wright and Robert Neill.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby appropriated, and the Secretary of the Treasury is authorized to pay, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$60 to M. D. Wright and Robert Neill. This appropriation is made to reimburse M. D. Wright and Robert Neill for a like amount of money deposited May 26, 1903, in the Boise City National Bank to the credit of the United States to cover cost of survey of Waterloo and Victoria placer-mining claims, per certificate No. 537, which survey has been abandoned by the United States.

Mr. MANN. Mr. Chairman, may Lack the contlement from

Mr. MANN. Mr. Chairman, may I ask the gentleman from Kansas why he did not incorporate in this bill the amendment asked for by the Commissioner of Lands, and if there be any objection to putting that in now?

Mr. MILLER. I do not know; I have no objection at all.

Mr. MANN. It would be much better as a matter of bookkeeping. Mr. Chairman, I offer the following amendment:

Strike out the words, in line 4, "of any money" and insert in place thereof the words "out of the funds standing to the credit of the United States from deposits made by individuals for the survey of public land."

Mr. MILLER. There is no objection to the amendment.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

In line 4 strike out the words "of any money" and insert in place thereof the words "out of the fund standing to the credit of the United States from deposits made by individuals for the survey of public land."

The question was taken; and the amendment was agreed to. The bill as amended was ordered to be laid aside and reported to the House with a favorable recommendation.

#### M. A. JOHNSON.

The next business on the Private Calendar was the bill (H. R. 15850) for the relief of M. A. Johnson, of Stoughton, Dane County, Wis.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to M. A. Johnson, of Stoughton, Dane County, Wis., the sum of \$180, being the unused balance of a deposit made by the said M. A. Johnson and his associates with the surveyor-general of the State of Idaho for the survey of certain mining claims in the Halley, Idaho, land district, which sum of \$180 was carried into the Treasury of the United States.

With the following amendment:

In line 4, after the word "pay," insert the words "out of the fund standing to the credit of the United States from deposits made by individuals for the survey of public lands."

The CHAIRMAN. The question is on the amendment.

The question was taken; and the amendment was agreed to. The bill as amended was laid aside with a favorable recommendation.

#### JOHN SMITH.

The next business on the Private Calendar was the bill (H. R. 2926) for the relief of the heirs of John Smith.

Mr. MANN. Mr. Chairman, I object and ask that that bill go over.

The bill was ordered to be laid aside without prejudice.

### COPIAH COUNTY, MISS.

The next business on the Private Calendar was the bill (H. R. 3518) for the relief of Copiah County, Miss.

Mr. MANN. I make the same request as to that bill.

The bill was ordered to be laid aside without prejudice.

### AUGUSTUS TRABING.

The next business on the Private Calendar was the bill (S. 4348) for the relief of Augustus Trabing.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That Augustus Trabing, having served in the Quartermaster's Department of the United States Army, and on guard duty in the forts surrounding the city of Washington, and as black-smith and wagon repairer with Government trains at Springfield, Ill., and Leavenworth, Kans., in 1865 and 1886, be, and he is hereby, relieved from any disability under the laws of the United States and from any defect of naturalization, and that his case, No. 1432 on the Indian depredations docket of the Court of Claims, which was dismissed for want of such naturalization, may be reinstated, and said Angustus Trabing is authorized to prosecute his said case and to receive judgment thereon the same as if he had been naturalized under the laws of the United States at the date of the loss; and to that end that the Court of Claims be, and hereby is, vested with jurisdiction as if the case were on original trial.

The bill was ordered to be laid aside with a favorable recommendation.

# HARBISON-WALKER COMPANY.

The next business on the Private Calendar was the bill (H. R. 8) for the relief of the Harbison-Walker Company, of Pitts-

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury (notwithstanding any statutory bar of limitation, and notwithstanding the requirements of the statutes as to payment under protest) be, and he is hereby, authorized and directed to reopen and reconsider all claims of W. N. Reardon, of New York City, N. Y., or the Harbison-Walker Company, of Pittsburg, Pa., for the refunding to them or either of them, as their interest may appear, the sum of \$1,820, alleged to have been improperly or illegally collected in the year 1901 by the collector of the port of New York, as assessed by the appraiser of the port of New York, and paid without protest by one or both of the shove-named parties as duties upon five importations of magnesite, namely; Entry No. 35982, paid May 14, 1901, \$131.540; entry No. 45764, paid May 14, 1901, \$99; entry No. 45293, paid May 14, 1901, \$131.60; entry No. 67884, paid June 1, 1901, \$100; entry No. 83599, paid October 7, 1901, \$174; total, \$1,820; and the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such amounts, not exceeding in the aggregate \$1,820, as shall be shown to have been improperly or illegally collected as duties as aforesaid.

The hill was ordered to be laid aside with a favorable recom-

The bill was ordered to be laid aside with a favorable recommendation.

#### T. J. H. HARRIS.

The next business on the Private Calendar was the bill (H. R. 6417) for the relief of T. J. H. Harris.
Mr. CRUMPACKER. Mr. Speaker, I object to that, and ask

that it be put over without prejudice.

The bill was ordered to be laid aside without prejudice.

Mr. JOHNSON. Mr. Chairman, I ask unanimous consent that I may have two minutes to make a statement in regard to that bill.

Mr. PAYNE. I do not think the gentleman ought to break up this order in that way. We will return to most of these bills if we can get along without interruption.

The CHAIRMAN. The bill has been simply laid aside without prejudice and may be returned to. The Clerk will report the next bill.

#### CHARLES S. BLOOD.

The next business on the Private Calendar was the bill (H. R.

2702) for the relief of Charles S. Blood.

Mr. MANN. Mr. Chairman, I make the point of order that the Committee on Claims has no jurisdiction to report this bill, it being a war claim and properly referable to the Committee on War Claims. It shows on its face that it is a war

Mr. MILLER. I shall not take up the time of the committee

in discussing the matter, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois makes the point of order that the Committee on Claims has no jurisdiction of this particular bill, and the point of order is sustained. The bill will be referred back to the House to be referred to the Committee on War Claims.

#### JOHN HUDGINS.

The next business on the Private Calendar was the bill (H. R. 13357) for the relief of John Hudgins.

Mr. MANN. Mr. Chairman, I object to that. The CHAIRMAN. Objection is made, and the bill is ordered to be laid aside without prejudice.

#### JOHN WALLER.

The next business on the Private Calendar was the bill (H. R. 6104) to reimburse John Waller, late postmaster at Monticello, Y., for moneys expended in carrying the mails.

Mr. MANN. Mr. Chairman, I object to that and ask that it

go over.

The bill was ordered to be laid aside without prejudice.

### REFUNDING OF CERTAIN MONEY.

The next business on the Private Calendar was the bill (H. R. 5) to provide for the refunding of certain money, etc.

Mr. GARRETT. I would ask the number of the bill? The CHAIRMAN. The bill is H. R. 5.

Mr. GARRETT. In order to save time I will ask now that that bill go over.

The bill was ordered to be laid aside without prejudice.

### C. A. BERRY.

The next business on the Private Calendar was the bill (H. R.

8365) for the relief of C. A. Berry.
Mr. SHACKLEFORD. Mr. Chairman, I will ask that that

bill be laid aside without prejudice.

The bill was ordered to be laid aside without prejudice.

### GEORGE W. SCHROYER.

The next business on the Private Calendar was the bill (H. R.

16581) for the relief of George W. Schroyer.
Mr. SHACKLEFORD. Mr. Chairman, I make the same request in connection with that bill.

The bill was ordered to be laid aside without prejudice.

### POSTAL TELEGRAPH CABLE COMPANY.

The next bill on the Private Calendar was the bill (S. 2368) for the relief of the Postal Telegraph Cable Company.

Mr. SHACKLEFORD. Mr. Chairman, I ask that that bill

be laid aside without prejudice.

The bill was ordered to be laid aside without prejudice.

### ALICE M. STAFFORD.

The next business on the Private Calendar was the bill (S. 2578) for the relief of Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford.

Mr. SHACKLEFORD. Mr. Chairman, a parliamentary in-

quiry.

The CHAIRMAN. The gentleman will state it.
Mr. SHACKLEFORD. Would it be in order to object to all of the bills on the Private Calendar en bloc?

The CHAIRMAN. The Chair thinks not, under the unanimous consent agreed to.

Mr. SHACKLEFORD. Mr. Chairman, I desire to say this

to the gentleman from Kansas: There is a sifting process in operation here by which some discrimination may be worked. Let us put all on the contested calendar and have all on the

same footing.

Mr. BURLESON. Some Members have claims to which there is no objection. I have no objection to explaining mine.

RELIEF OF CERTAIN CUSTOMS INSPECTORS OF THE PORT OF NEW YORK.

The next bill on the Private Calendar was the bill (H. R. 17957) for the relief of certain customs inspectors of the port of New York. Mr. MANN.

Mr. Chairman, I shall object to that bill. The bill was ordered to be laid aside without prejudice.

#### J. W. BAUER AND OTHERS.

The next business on the Private Calendar was the bill (H. R. 2326) for the relief of J. W. Bauer and others.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to the following-named persons, citizens of Louisville, Ky., the respective sums following their names, to wit: J. W. Bauer, \$24; Frank Bleemer, \$24; C. J. Finnegan, \$24; Samuel Goldsmith, \$16; John Hopmeister, \$24; L. A. Kissel, \$24; M. J. Madden, \$6; W. J. Schieber, \$24; T. J. Wathen, \$24; Windhorst & Grimmer, \$24; I. Schafer, \$24; J. A. Hess, \$12; Daniel Scherer, \$24; Sebastian Weisbach, \$12; John Heinz & Co., \$24; Oscar E. Rehn, \$24; John W. Kleier, \$24; Mrs. G. Caudel, \$24; Frank E. Muth, \$24; Mrs. E. C. Jansen, \$24; G. H. Young, \$24; Charles Boeswald, \$24; Fred Keller, \$24; Frank Zeigler, \$24; Joseph Kaelin, \$24; G. Schlange, \$24; J. B. King, \$24; Woodford Blanton, \$24; C. W. Hall, \$6; C. A. Henson, \$24: John L. Gruber, \$12; C. A. Culver, \$8; Fred Gausmann, \$16.80; H. B. Kruse, \$10.50; J. S. Reynolds, \$18.90; Christ Keller, \$16, being the amount assessed against and paid by said parties to the United States Government as penalty for failure to make return for special tax as retail dealers of oleomargarine.

The bill was ordered to be laid aside with a favorable recommendation.

Mr. RUCKER. Mr. Chairman, a parliamentary inquiry.
The CHAIRMAN. The gentleman will state it.
Mr. RUCKER. I would like to know if under the unanimous consent to-day it is in order here for Members to sit and arbitrarily object to bills which are unobjectionable, or to make objection to bills which are objectionable?

The CHAIRMAN. That is a matter that rests with the dis-

cretion of the Member.

Mr. RUCKER. I do not desire to antagonize any legitimate bills, but if a bill of mine should be antagonized I would want to know some reason why it should be antagonized.

Mr. PERKINS. I will state I have examined some of these bills by request, and to those which seem plainly just I shall not

object.

Mr. RUCKER. I have a bill on this Calendar which if any gentleman thinks is unjust, if I am permitted to explain or even have it read to this committee, I know there will be no objection,

but I do object to this arbitrary proceeding.

The CHAIRMAN. The Chair will state to the gentleman from Missouri, under unanimous consent bills to which objection is not made will be passed with a favorable recommendation, those to which objection is made will be laid aside without prejudice, and taken up for discussion afterwards.

Mr. RUCKER. That means to be laid aside for some other

Congress, and that in the meantime my old constituent-80

years old—will have passed from this life.

The CHAIRMAN. The opinion of the Chair is that as soon as the unobjectionable bills have been disposed of those to which objection is made will be taken up as rapidly as possible.

Mr. RUCKER. Mr. Chairman, I ask unanimous consent to

return to Calendar No. 2829 for just one moment.

The CHAIRMAN. The gentleman from Missouri [Mr. RUCKER] asks unanimous consent to return to Calendar No. 2829.

Mr. PAYNE. Mr. Chairman, I want to say to the gentleman from Missouri that if he will wait until after we get through with the unobjected bills, I will not object; otherwise I will object now.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes to make a statement.

Mr. MILLER. May I ask the gentleman from Illinois if after the gentleman from Missouri [Mr. Rucker] has been heard for two minutes, the gentleman from Illinois-will object to the consideration of the bill?

Mr. MANN. I will.

Mr. MILLER. There is no objection to letting the gentleman be heard for two minutes, as his bill is a meritorious one and ought to pass, but I object to him taking the two minutes now.

Mr. RUCKER. Mr. Chairman, I do not want to trespass upon the committee. I supposed we had a right to vote. I do not suppose that the gentleman from Illinois [Mr. Mann] will be

arbitrary enough to defeat this Congress in doing what is right, and so far as I am concerned I would like to put the question to the House.

Mr. BURLESON. As I understand it, the gentleman will have an opportunity to put it to the House.

Mr. MILLER. Regular order, Mr. Chairman.

#### MATTHEW J. DAVIS.

The next business upon the Private Calendar was the bill (S. 5560) for the relief of Matthew J. Davis.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the sum of \$1,588.24 be, and is hereby, appropriated to Matthew J. Davis, for damages to his schooner Lillie, caused by fire on the 21st day of January, 1902, while she was in charge of the United States quarantine officer at Ship Island, near Biloxi,

Mr. CRUMPACKER. Mr. Chairman, the committee just passed a bill like that, or agreed to it, a few moments ago—a House bill. I suggest now that the Senate bill be agreed to, and that the action of the committee in agreeing to the House bill be reconsidered, and that the House bill do lie on the table.

Mr. MANN. That can be done by unanimous consent. unanimous consent to reconsider the action by which the House bill was agreed to. The House bill could be laid on the table

when in the House.

Mr. CRUMPACKER. The committee could move to lay it

aside, with recommendation.

Mr. PAYNE. Mr. Chairman, I want to suggest that if this bill is recommended favorably the rest of it could be done in the House. That is all we could do. Mr. CRUMPACKER. We have already laid it aside.

The bill was ordered to be laid aside and reported to the House with a favorable recommendation.

#### M. A. JOHNSON.

The next business upon the Private Calendar was the bill (S. 4819) for the relief of M. A. Johnson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to M. A. Johnson, of Stoughton, Dane County, Wis., the sum of \$180, being the unused balance of a deposit made by the said M. A. Johnson and his associates with the surveyor-general of the State of Idaho for the survey of certain mining claims in the Halley, Idaho, land district, which sum of \$180 was carried into the Treasury of the United States.

Also the following amendment:

In line 4, after the word "pay," insert the words "out of the fund standing to the credit of the United States from deposits made by individuals for the survey of public lands," striking out, in lines 4 and 5, the words "out of any money in the Treasury not otherwise appropriated."

Mr. COOPER of Wisconsin. Mr. Chairman, in order to save time, I would like to ask the gentleman in charge of the bill if that is not the same bill, this being a Senate bill for the relief

of M. A. Johnson?

Mr. MILLER. The House bill was favorably recommended, and now we are asking that the Senate bill be laid aside with a favorable recommendation, so that in the House we may move to substitute the House bill for the Senate bill.

The bill as amended was ordered to be laid aside and reported to the House with a favorable recommendation,

### ELI PETTIJOHN.

The next business was resolution (H. Res. 406) for the relief of Eli Pettijohn.

The Clerk reported the resolution, as follows:

The Clerk reported the resolution, as follows:

Resolved, That the bill (H. R. 10553) for the relief of Eli Pettijohn, now pending in the House of Representatives, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887; and the said court shall proceed with the same in accordance with the provisions of said act and report to the House of Representatives in accordance therewith their findings of fact and law, and especially the value of the property taken from the said Eli Pettijohn by the United States, and whether said Pettijohn's claim is or was properly against the United States or against one Franklin Steele or some other person or corporation.

Mr. MANN. Mr. Chairman, I make the point of order against the resolution on the ground that the Committee on Claims has no authority to report it. This is a matter that relates to the

no authority to report it. This is a matter that relates to the War Claims Committee, being for the payment of lands seized for a fort in 1861, during the war.

The section of the report in this bill would indicate Mr. WALDO. Mr. Chairman, I think we had better lay this bill aside and let it come up for discussion afterwards. I think

it was properly referred to the committee.

Mr. MANN. I am perfectly willing to let it take that course, provided that I do not lose the right to make the point of order.

The CHAIRMAN. The bill will be laid aside without preju-

#### GOTLOB GROEZINGER.

The next business on the Private Calendar was the bill (S. 1668) for the relief of the administrator of the estate of Gotlob Groezinger.

The bill was read, as follows:

A bill (S. 1668) for the relief of the administrator of the estate of Gotlob Groezinger.

Gotlob Groezinger.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund and pay back, out of any money in the Treasury not otherwise appropriated, to E. A. Groezinger, administrator of the estate of the late Gotlob Groezinger, the sum of \$1,047.60\$, taxes collected upon 1,164 gallons of grape brandy which had been destroyed by fire in the distillery of said Gotlob Groezinger. Provided, That it shall be made to appear to the satisfaction of the Secretary that said brandy had been accidently destroyed by fire in the distillery before the tax thereon had been paid, and without the fraud, collusion, or negligence of the owner thereof.

The CHAIRMAN. Without objection, the bill will be laid asside with a favorable recommendation.

aside with a favorable recommendation.

There was no objection.

#### REFUND OF CERTAIN MONEY.

Mr. GARRETT. Mr. Chairman, a few moments ago I objected to the consideration of the bill (H. R. 5) to provide for the refunding of certain money, and so forth. I have since looked at the report, and I shall not object now to the bill being considered.

The CHAIRMAN. The bill has been read, and if there is no objection it will be laid aside with a favorable recommedation.

There was no objection.

#### ORDER OF BUSINESS.

Mr. RUCKER. Mr. Chairman, I renew my request for unanimous consent to return to the claim, Calendar No. 2829. not want to obstruct this procedure.

The CHAIRMAN. The gentleman asks unanimous consent for the consideration of the bill H. R. 13357. Is there objection?

Mr. MANN. I have no objection, but-

Mr. RUCKER. Mr. Chairman, I will say that if there is any assurance that we can reach the bill during the day I will have no objection.

Mr. PAYNE. I suggest to the gentleman from Missouri that he wait until we get through the bills to which no objection is

offered, and then we can reach his bill.

Mr. RUCKER. Let me modify my request. Let me ask unanimous consent that after we shall have passed all the bills not objected to that we shall return to the bill to which I have referred.

Mr. MILLER. Mr. Chairman, I will make no objection to the request of the gentleman from Missouri, but in view of the fact that the gentleman from Illinois insisted upon his objection, I must object.

Mr. RUCKER. I do not think the gentleman heard my request.

quest.

Mr. MILLER. What is it?

Mr. RUCKER. My request is that after we have gone through the Calendar and disposed of all bills unobjected to that we return to Calendar No. 2829.

Mr. BUTLER of Pennsylvania. Is it not agreed by the committee that we should return to the beginning of the Calendar?

The CHAIRMAN. That is the unanimous consent.

Mr. BUTLER of Pennsylvania. Let the agreement of the committee be enforced.

Mr. JOHNSON. I want to ask unanimous consent— Mr. MILLER. I shall object to unanimous consent. I have no objection to the request of the gentleman from Missouri and would have none to that of the gentleman from South Carolina, but if we were to continue here making these requests we will not report any of these bills. I will not object when we come to the consideration of these bills, after we have gone through the Calendar, that those two claims may be taken up, but I object to doing it now.

Mr. BUTLER of Pennsylvania. Let the consideration of the

Calendar stand as it is.

Mr. WALDO. Regular order. Mr. JOHNSON. I would like to know what disposition was made of the request of the gentleman from Missouri [Mr.

The CHAIRMAN. The gentleman from Kansas announced his objection.

### UNIVERSITY OF OKLAHOMA.

The next business on the Private Calendar was the bill (H. R. 17431) granting to the regents of the University of Oklahoma section No. 36, in township No. 9 north of range No. 3 west of the Indian meridian, in Cleveland County, Okla.

Mr. BEALL of Texas. Mr. Chairman, how does that bill hap-

pen to be on the Calendar? That is from the Committee on Ter-

The CHAIRMAN. The rule provides that all private bills except bills reported from the Committee on Pensions and Invalid Pensions shall be in order for consideration at this time.

Mr. BEALL of Texas. I shall object to the consideration of

The bill was ordered to be laid aside without prejudice.

#### DONATING LANDS IN OKLAHOMA.

The next bill on the Private Calendar was the bill (H. R. 18850) donating lands in Oklahoma Territory for educational

Mr. BEALL of Texas. Mr. Chairman, I desire to object to the consideration of this bill at this time.

The bill was ordered to be laid aside without prejudice.

#### COMPAÑIA DE LOS FERROCARRILES DE PUERTO RICO.

The next bill on the Private Calendar was the bill (H. R. 18134) for the relief of the Compañia de los Ferrocarriles de Puerto Rico.

Mr. Chairman, I shall object to the consideration Mr. MANN. of this bill at this time.

The bill was ordered to be laid aside without prejudice.

#### THE SNARE & TRIEST COMPANY.

The next business on the Private Calendar was the bill (H. R. 18020) for the relief of Snare & Triest.

The bill was read as follows:

A bill (H. R. 18020) for the relief of Snare & Triest.

Be it enacted, etc., That the claim of Snare & Triest.

Be it enacted, etc., That the claim of Snare & Triest for reimbursement for loss and damage to barge, tools, and machinery, resulting from a collision with the U.S. S. Colorado on the night of April 9, 1905, at the League Island Navy-Yard, be, and the same is hereby, referred to the Court of Claims, with jurisdiction to hear and determine the same to judgment: Provided, That the petition is filed within six months from the passage of this act.

The amendments recommended by the committee were read,

In line 3, after the word "of," strike out the words "Snare & Triest" and Insert in lieu thereof "the Snare & Triest Company;" and amend the title so that it will read: "For the relief of the Snare & Triest Company."

In line 6 strike out "April" and insert "February."

Mr. MANN. Mr. Chairman, I do not wish to object to the

bill. I wish to know from the gentleman whether he thinks the bill will accomplish anything under the law? This does not seem to change the law as to torts. The Court of Claims can render no judgment or findings against the Government for a tort. This provides that the Court of Claims shall have jurisdiction to hear and determine the case to judgment. Does that change the law about the responsibility of the United States for torts? I do not think that the gentleman has considered it very well.

The amendments recommended by the committee were agreed to.

The bill was ordered to be laid aside with a favorable recommendation.

### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Benner of New York having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 16944. An act to amend section 878 of the Code of Law for the District of Columbia;

H. R. 14900. An act to extend Fourth street NE.;

H. R. 14815. An act for the extension of Harvard street, Columbia Heights, District of Columbia

H. R. 10843. An act authorizing the extension of Kenyon street NW.

H. R. 8435. An act for the opening of Fessenden street NW., District of Columbia;

H. R. 128. An act for the opening of a connecting highway between Waterside drive and Park road, District of Columbia;

H. R. 121. An act authorizing the extension of Seventeenth street NW.

The committee resumed its session.

# HENRY HIRSCHBERG.

The next business was the bill (H. R. 9386) for the relief of Henry Hirschberg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$410, to Henry Hirschberg, of St. Louis, Mo., the same being balance due him on salary as inspector of leather goods and hardware for the Indian Service.

The CHAIRMAN. If there be no objection, the bill will be laid aside to be reported to the House with a favorable recommendation.

There was no objection.

#### DAVISON CHEMICAL COMPANY.

The next business was the bill (H. R. 8670) for the relief of the Davison Chemical Company, of Baltimore, Md.

The bill was read.

Mr. MANN. Mr. Chairman, I object.

The CHAIRMAN. Objection is made. The bill will be laid aside without prejudice.

#### T. B. STACKHOUSE.

The next business was the bill (H. R. 6418) for the relief of T. B. Stackhouse, a deputy collector of internal revenue for the district of South Carolina during the fiscal year 1894 and 1895.

The bill was read, as follows:

The bill was read, as follows:

Whereas T. B. Stackhouse, a deputy collector of internal revenue for the district of South Carolina during the fiscal year 1894 and 1895, failed to receive balance due him on account of traveling expenses for that year, his claim for such having miscarried between the offices of the collector of internal revenue, Columbia, S. C., and the Commissioner of Internal Revenue, Washington, D. C., for which no blame could attach to him; and

Whereas, while said claim is justly due and owing said T. B. Stackhouse, it is now barred by the statute of limitations: Therefore,

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to T. B. Stackhouse the sum of \$72.32, being the balance due for necessary traveling expenses as deputy collector of internal revenue for the district of South Carolina for the fiscal year ended June 30, 1895.

The following committee amendment was read:

The following committee amendment was read:

Strike out the preamble.

The amendment was agreed to.

The CHAIRMAN. If there be no objection, the bill will be laid aside to be reported to the House with a favorable recommendation.

There was no objection.

#### JAMES W. KENNEY AND OTHERS.

The next business was the bill (H. R. 8727) for the relief of James W. Kenney and the Union Brewing Company.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay James W. Kenney, proprietor of the Park Brewery, the sum of \$337.50, with interest from September 28, 1897, and to James W. Kenney, treasurer of the Union Brewing Company, the sum of \$440.62, with interest from September 28, 1897, said sums having been paid by said James W. Kenney under an illegal assessment for short-tax beer.

The following amendments, recommended by the Committee on Claims, were read:

In line 6, after the word "cents," strike out the words "with interest from September 28, 1897."
In line 10 strike out the words "with interest from September 28, 1897."

The amendments were agreed to.

The CHAIRMAN. If there be no objection, the bill will be laid aside to be reported to the House with a favorable recommendation.

Mr. RUCKER. Mr. Chairman, was there any objection made to that bill?

The CHAIRMAN. No objection has been heard.

Mr. RUCKER. I merely want to express my surprise that that bill was not objected to.

The CHAIRMAN. There being no objection, the bill will be laid sside to be reported to the House with a favorable recommendation.

### BARCLAY H. WARBURTON.

The next business was the bill (H. R. 3577) for the relief of Barclay H. Warburton.

The bill was read.

Mr. MANN. Mr. Chairman, I make the point of order that the Committee on Claims has no jurisdiction to report this bill. It shows on its face that it grows out of the war with Spain.

Mr. GRAHAM. Will the gentleman permit me?
Mr. MANN. I will reserve the point of order if the gentle-

man desires.

Mr. GRAHAM. If you please. The CHAIRMAN. The gentleman from Illinois reserves the point of order.

Mr. RUCKER. Mr. Chairman, in order to save time, I will make the point.

The CHAIRMAN. The gentleman from Missouri makes the point of order.

Mr. MANN. Does the gentleman from Missouri make the point of order or object?

Mr. RUCKER. I want to do whatever is most effective in

disposing of the bill.

Mr. MANN. Making the point of order is most effective Mr. RUCKER. If I am forced to help the gentleman from

Illinois, I will do so.

Mr. MANN. I am delighted to have such able assistance. I was about to say that if the point of order will lie, that is most The objection would simply pass the bill without prejudice.

Mr. GRAHAM. I think the gentleman does not understand

the bill.

Mr. RUCKER. I am sure I know as much about it as some other gentlemen who have objected here.

Mr. GRAHAM. This is not a claim growing out of the civil

ar. It arises out of the Spanish war.

Mr. MANN. The gentleman from Missouri does not make the point of order.

Mr. GRAHAM. He reserves it.

Mr. MANN. I am afraid the gentleman from Missouri has gone back on me.

Mr. RUCKER. If the gentleman from Illinois has any doubt about it, I want to proclaim publicly that I have gone back on

The CHAIRMAN. The point of order has been made, as the Chair understands.

Mr. GRAHAM. The point of order was reserved.

Mr. MANN. I am perfectly willing to reserve the point of

order if the gentleman wishes to take time.

Mr. GRAHAM. I desire to call the attention of the House to the fact that this is not a civil-war claim. This grows out of the Spanish-American war, and all such claims have been referred to the Claims Committee and not the War Claims Committee

Mr. RUCKER. I want to ask by what right one gentleman is allowed to speak here in advocacy of a claim, while other

gentlemen are not?

I am only replying to the point of order. Mr. GRAHAM.

The CHAIRMAN. The Chair is ready to rule on the point of order. The rule makes no distinction, whether a claim arises out of the civil war or the war with Spain or any other war. The point of order is well taken.

Mr. BUTLER of Pennsylvania. Is it not too late to make the

point of order after the committee has acted on it?

Mr. MILLER. Regular order!

The CHAIRMAN. As the Chair understands it, the committee has not acted on it. The point of order was reserved. The Chair has ruled on the point of order. Under the ruling of the Chair the bill will be reported back to the House with the recommendation that it be referred to the Committee on War Claims.

### JOHN EFFINGER.

The next business on the Private Calendar was the bill (H. R. 10305) to provide for the repayment of certain customs dues.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of \$111.70 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the repayment of the customs duties wrongfully collected at the port of Honolula, in the Territory of Hawaii, on entries Nos. 185, 357, 480, 896, 1154, and 2705, in the months of February, April, July, August, September, and October, of the year 1901, made by John Effinger.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask the gentleman if these taxes were paid under protest?

Mr. MILLER. The bill is favorably reported by the committee.

Mr. GAINES of Tennessee. That does not answer my question.

Mr. MILLER. These were paid under protest.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

### WILEY CORBETT.

The next business on the Private Calendar was the bill (H. R. 14464) for the relief of Wiley Corbett.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Treasurer of the United States is hereby authorized and directed to pay, out of any funds in the United States Treasury not otherwise appropriated, the sum of \$303.38 to Wiley

The committee amendment was read, as follows:

After the word "Corbett," in line 7, add the following: "On account of unused revenue stamps for whisky produced by the said Corbett and destroyed by fire before such stamps were issued."

The committee amendment was agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

### THOMAS P. MORGAN.

The next business on the Private Calendar was the bill (H. R. 12881) to pay Thomas P. Morgan the amount found due to him by Court of Claims.

The Clerk read the bill at length.

Mr. PAYNE. Mr. Chairman, I believe that bill ought to go over and I object to it.

The bill was laid aside without prejudice.

#### PETER FAIRLEY.

The next business on the Private Calendar was the bill (S. 4860) for the relief of Peter Fairley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay and return to Peter Fairley the sum of \$450 paid by said Peter Fairley to the United States on a judgment against him on the ball bond of John C. Lott, who was afterwards captured and returned to the United States officers by said Peter Fairley. The said sum of \$450 is hereby appropriated for said payment and return of said sum to said Peter Fairley.

The bill was laid aside to be reported to the House with a

favorable recommendation.

# COLUMBIA HOSPITAL AND DR. A. E. BOOZER.

The next business on the Private Calendar was the bill (H. R. 7746) for the relief of Columbia Hospital and Dr. A. E. Boozer. The bill was read, as follows:

Be it enacted, etc., That the sum of \$125 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay the claim of the Columbia Hospital, of the city of Columbia, S. C., and Dr. A. E. Boozer, of said city, for nursing, board, and medical attention to Henry Hofar, a civilian teamster of the United States Army, in said city, for the period extending from November 7 to December 12, 1898, at the request of Brigadier-General Cole, of Third Brigade, Second Division, Second Army Corps, United States Army.

The bill was laid aside to be reported to the House with a

favorable recommendation.

#### WILLIAM H. GOWDY.

The next business on the Private Calendar was the bill (H. R. 4629) for the relief of William H. Gowdy.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That Alfred S. Andrew, Leander H. Gowdy, G. Morrison Taylor, C. C. Engleman, Jacob C. McCoy, Orlander F. Ralston, L. W. Ralston, J. R. McKinnie, Henry Chatillon, James M. Parker, F. B. Wortman, Alphonse F. Perrier, and M. A. Dickinson, sureties of William H. Gowdy, late postmaster at Cripple Creek, Colo., by bonds to the United States dated August 7, in the year of our Lord 1891; December 19, in the year of our Lord 1891; March 10, in the year of our Lord 1892, and July S, in the year of our Lord 1892, be, and they are hereby, released from their liability arising from any deficiency that may have occurred in the accounts of said William H. Gowdy as postmaster during the term covered by the transcripts of accounts from the Treasury Department and from any judgment which may have been obtained thereon in favor of the United States; and the proper officer of the Treasury be, and he is hereby, authorized and empowered to direct the cancellation and satisfaction of any and all judgments that may have been rendered against the said William H. Gowdy and the sureties aforesaid upon the said bonds or any of them.

SEC. 2. That the Secretary of the Treasury of the United States be, and he is hereby, authorized and directed to pay to said William H. Gowdy, out of any unappropriated money in the United States Treasury, the sum of \$1,500, being the amount advanced and disbursed by him while acting as such postmaster and being absolutely necessary in performing his duties as such postmaster.

The amendments recommended by the committee were read, as

The amendments recommended by the committee were read, as

In line 8, after the word "postmaster," insert the words "Fremont, Moreland, Fremont and;" and in the same line, after the word "Colorado," insert the word "respectively."

Mr. MANN. Mr. Chairman, I would like to ask the chairman of this committee if he would not be willing to strike out sec-

Mr. MILLER. No; I would not.

Mr. MANN. One is to relieve from a bond, and there might be some equity in that, and the other is to pay money.

Mr. MILLER. If there is any equity in either part there is equity in both. This is a clear case where the postmaster spent his own money for the benefit of the United States, and it ought to be repaid.

Mr. MANN. I do not wish to take the time of this committee at this time. I can see some merit in this claim, but I can not see any in those I have objected to. I do not desire to object to this claim, but I think it ought to be considered.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

### J. J. L. PEEL.

The next business on the Private Calendar was the bill (H. R. 1808) for the relief of J. J. L. Peel.

Mr. MANN. Mr. Chairman, I ask that that bill go over.

The bill was laid aside without prejudice.

### SOTIE R, MATHILDA R, AND HELEN R.

The next business on the Private Calendar was the bill (H. R. 17099) to authorize the refund of parts of fines imposed on the vessels Sotic R, Mathilda R, and Helen R.

The bill was read, as follows:

Be it enacted, etc., That there is hereby appropriated, for repayment Schoonmaker & Rice, of New York, N. Y., owners of the barges

Sotie R. Mathilda R, and Helen R, part of the amount of fines aggregating \$230 paid by them to the collector of customs at New Haven, Conn., on or about September 19, 1905, for violation of the laws of the United States relating to the enrollment and licensing of vessels, the amount having been deposited by the collector to the credit of the Treasurer of the United States August 31, 1965, prior to his receipt of instructions from the Secretary of Commerce and Labor conditionally mitigating the fines to \$50, \$180.

The bill was laid aside to be reported to the House with a favorable recommendation.

#### DEPOSIT SAVINGS ASSOCIATION, MOBILE, ALA.

The next business on the Private Calendar was the bill (H. R. 4190) for the relief of the creditors of the Deposit Savings Association, of Mobile, Ala.

Mr. MANN. Mr. Chairman, I object to that.

The bill was ordered to be laid aside without prejudice.

#### PATRICK J. MADDEN.

The next business on the Private Calendar was the bill (H. R. 4271) for the relief of Patrick J. Madden.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Patrick J. Madden the sum of \$223.71, being the amount of money which was stolen from the Cambridgeport, Mass., station of the Boston post-office and paid to the Post-Office Department by said Madden, under protest, on March 31, 1891, at which time said Madden was a clerk in said station, said robbery being through no fault or negligence on the part of said

The bill was ordered to be laid aside with a favorable recommendation.

#### ARTHUR A. UNDERWOOD.

The next business on the Private Calendar was the bill (S. 4350) for the relief of Arthur A. Underwood.

Mr. CRUMPACKER. Mr. Chairman, I ask that that bill be

laid aside

The bill was ordered to be laid aside without prejudice.

#### CHARLES D. SOUTHERLIN.

The next business on the Private Calendar was the bill (H. R. 9131) for the relief of the legal representatives of Charles D. Southerlin.

Mr. MANN. Mr. Chairman, I object to that bill. The bill was ordered to be laid aside without prejudice,

### W. A. M'LEAN.

The next business on the Private Calendar was the bill (S. 4948) for the relief of W. A. McLean. The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, required, out of any money in the Treasury not otherwise appropriated, to pay to W. A. McLean, of Wilkesboro, N. C., the sum of \$117.69, for money due him under a judgment of the United States court for the western district of North Carolina, rendered at November term, 1904, at Wilkesboro, N. C.

Mr. Chairman, I will make no objection to that Mr. MANN. bill, if they will correct it and make it say what they say it says. The bill says it is to pay a judgment of the United States court. when the judgment provides that that sum should be paid less the fees of the marshal,

Mr. MILLER. I have no objection to that amendment. Mr. CRUMPACKER. The amount of the bill subtracts it, I think.

No; it does not. Mr. MANN.

Mr. MILLER. The amount is all right.
Mr. MANN. The gentleman will pardon me, but it is not. The amount named in the bill was the amount which was paid. but that included the costs of the marshal, and the judgment of the court was that the money to be returned, so far as it remained in the hands of the United States marshal, less his fees for collecting the same. I know of no reason why the Government should pay it. I am willing to have the bill recurred to, but at present I ask that it go over.

The bill was ordered to be laid aside without prejudice.

## MILBURN WAGON COMPANY.

The next business on the Private Calendar was the bill (H. R. 5195) for the relief of the Milburn Wagon Company, of Toledo,

Mr. MANN. Mr. Chairman, I ask that that bill go over. Mr. SOUTHARD. Mr. Chairman, under the rule I desire to make a brief statement of the facts in this case.

Mr. PAYNE. The gentleman does not understand the rule. I object to that.

The CHAIRMAN. The Chair understands the unanimous consent agreed to was that the chairman of the committee could make a brief statement.

Mr. SOUTHARD. Then, I ask the chairman of the committee to yield to me in order that I may make a brief statement of the facts in the case.

Mr. MILLER. I would like very much to yield to the gentleman, but that will merely defeat a whole lot of these bills that ought to be paid.

Mr. PAYNE. Mr. Chairman, I call for the regular order.

The CHAIRMAN. The regular order is called for.

Mr. Chairman, a parliamentary inquiry. The gentleman will state it. Mr. SOUTHARD.

The CHAIRMAN.

Mr. SOUTHARD. As I understand the rule it is this: That if the bill is objected to, after reading, it has to be laid aside without prejudice. I may say, however, that a brief statement of the claim will be allowed and if any further objection is made it is then to be laid aside, but to be laid aside at all events without prejudice.

The CHAIRMAN. As the Chair understands the rule, when a bill is read, a brief statement of the chairman of the committee

Mr. SOUTHARD. Is the chairman of the committee the only person allowed to make a statement?

The CHAIRMAN. That was the unanimous consent that was agreed to.

Mr. SOUTHARD. Then I did not understand the rule that

The CHAIRMAN. That is the understanding of the Chair. The bill was ordered to be laid aside without prejudice.

#### A. J. STINSON.

The next business on the Private Calendar was the bill (H. R. 4300) for the relief of A. J. Stinson.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$468 to A. J. Stinson, being the amount of permanent improvements, including fee and commission for entry, made on a homestead entered in Alabama under the laws of the United States, of which he was afterwards dispossessed and his entry canceled on account of a prior claim of entry granted by the United States.

The bill was ordered to be laid aside with a favorable recommendation.

#### JOHN STINSON.

The next business on the Private Calendar was the bill (H. R. 4299) for the relief of John Stinson.

The Clerk read as follows

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$318 to John Stinson, being the amount of permanent improvements, including fee and commission for entry, made on a homestead entered in Alabama under the laws of the United States, of which he was afterwards dispossessed and his entry canceled on account of a prior claim of entry granted by the United States.

The bill was ordered to be laid aside with a favorable recommendation.

### A. J., C. C., AND T. W. HODGES.

The next bill on the Calendar was the bill (H. R. 16166) for the relief of A. J., C. C., and T. W. Hodges. Mr. MANN. Mr. Chairman, I make the point of order that

the Committee on Claims have no jurisdiction to report this bill, it being a war claim. It is a claim that grows out of the civil war.

Mr. MILLER. I would ask the Chairman to have that laid aside.

Mr. MANN. I am perfectly willing to reserve the point of order.

The CHAIRMAN. Does the gentleman from Illinois insist upon his point of order?

Mr. MANN. If the Chair is prepared to dispose of it.

The CHAIRMAN. The Chair is prepared to dispose of it. It is evidently a war claim, and, the Committee on Claims having no jurisdiction, the bill will be referred back to the House.

Mr. SOUTHARD. Mr. Chairman, I want to call the attention of the Chairman to this rule:

The erroneous reference of a bill, if it remains uncorrected, in effect gives jurisdiction to the committee receiving it.

The CHAIRMAN. The rule just read by the gentleman from

Ohio refers to an erroneous reference of a public bill, not a bill on the Private Calendar. The Clerk will report the next bill.

## EDWIN S. HALL.

The next business on the Private Calendar was the bill (H. R. 1050) for the relief of Edwin S. Hall.

The Clerk read as follows:

Be it enacted, etc., That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$2,028.58, and the Secretary of the Treasury is hereby authorized and directed to pay to Edwin S. Hall, of Sauk Rapids, Benton County, Minn., the said sum of \$2,028.58.

The bill was ordered to be laid aside with a favorable recommendation.

#### ABRAM JOHNSON.

The next business on the Private Calendar was the bill (S. 319) to reimburse Abram Johnson, formerly postmaster at Mount Pleasant, Utah.

Mr. MANN. I ask that that go over.

The bill was ordered to be laid aside without prejudice.

#### BENJAMIN F. PETTIT.

The next business on the Private Calendar was the bill (H. R. 9132) for the relief of the legal representatives of Benjamin F. Pettit.

Mr. MANN. I make the same objection to this bill. There are a large number of these bills just alike.

NEW YORK MARINE REPAIR COMPANY, OF BROOKLYN, N. Y.

The bill was ordered to be laid aside without prejudice.

The next business on the Private Calendar was the bill (S. 3581) providing for the payment to the New York Marine Repair Company, of Brooklyn, N. Y., of the cost of the repairs to the steamship *Lindesfarne*, necessitated by injuries received from being fouled by the U. S. Army transport *Crook* in May,

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the New York Marine Repair Company, of Brooklyn, N. Y., the sum of \$850.13 in full for the cost of the repairs made by said company upon the steamship Lindesfarne, necessitated by the damages done to that vessel by the U. S. Army transport Crook in collision in May, 1900.

The bill was ordered to be laid aside with a favorable recommendation.

### JOHN H. POTTER.

Te next business on the Private Calendar was the bill (S. 3574) for the relief of John H. Potfer.

Mr. MANN. I ask that that go over, Mr. Chairman. The bill was ordered to be laid aside without prejudice.

#### HENRY O. BASSETT.

The next business on the Private Calendar was the bill (H. R. 3268) for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased.

Mr. MANN. Mr. Chairman, I make the same objection to that. They are on all fours with a number of others.

The bill was ordered to be laid aside without prejudice.

### MARY V. SHAW.

The next business on the Private Calendar was the bill (H. R. 7548) for the relief of Mary V. Shaw.

Mr. PERKINS. Mr. Chairman, I ask that that bill go over. The bill was ordered to be laid aside without prejudice.

### C. W. STURTEVANT ET AL.

The next business on the Private Calendar was the bill (H. R. 639) for the relief of C. W. Sturtevant, Rolla Brown, Alice Brown, M. L. Kelly, Robert G. Duffy, Fread Gehring, T. H. Ross, and L. C. Partee.

Mr. SHACKLEFORD. Mr. Chairman, I believe I will ask that that be laid aside without prejudice.

The bill was ordered to be laid aside without prejudice.

## JOHN M. BURKS.

The next business was the bill (S. 1344) for the relief of John M. Burks.

Mr. BONYNGE. Mr. Chairman, to save time, I ask that the

bill be laid aside.

The CHAIRMAN. The gentleman from Colorado asks that the bill be laid aside, and it is so ordered.

# GEORGE T. PETTENGILL

The next business was the bill (S. 1933) for the relief of George T. Pettengill, lieutenant, United States Navy.

Mr. BONYNGE. Mr. Chairman, I ask that the bill be laid

The CHAIRMAN. The gentleman from Colorado asks that the bill be laid aside, and it is so ordered.

### F. S. BOWKER.

The next business was the House resolution 427 (in lieu of H. R. 15810) referring to Court of Claims the claim of F. S. Bowker, managing owner of the schooner William H. Davenport.

Mr. BONYNGE. Mr. Chairman, in order to save time, I ask that the resolution be laid aside without prejudice.

The CHAIRMAN. The gentleman from Colorado [Mr. BONYNGE] asks that the resolution be laid aside without prejudice, and it is so ordered.

### NYE & SCHNEIDER COMPANY.

The next business was the bill (H. R. 10595) for the relief of Nye & Schneider Company.

Mr. BONYNGE. Mr. Chairman, I make the same objection to this bill.

The CHAIRMAN. The gentleman from Colorado [Mr. Bonynge] makes objection, and the bill will be laid aside without prejudice.

#### MITSUI BUSSAN KAISHA.

The next business was the bill (H. R. 9289) for the relief of Mitsui Bussan Kaisha.

Mr. BONYNGE. Mr. Chairman, I make the same objection. Mr. MILLER. Mr. Chairman, I desire to ask a question of the gentleman from Colorado. [Cries of "Regular order!"]

Mr. MILLER. My question is this—
The CHAIRMAN. The regular order is called for, and the bill will be laid aside without prejudice.

Mr. MILLER. Mr. Chairman, I want to ask the gentleman if it is his intention to object to the further consideration of any of these bills?

Mr. BONYNGE. I shall have to do so. If I had felt that the gentieman had examined the bill and desired to make any objection to the merits of the bill, I should not adopt this procedure.

Mr. MILLER. Does the gentleman intend to object to all other bills?

Mr. BONYNGE. I shall feel compelled to do so. Mr. MILLER. Regular order, Mr. Chairman.

#### GEORGE T. LARKIN.

The next business was the bill (H. R. 12188) for the relief of George T. Larkin.

Mr. BONYNGE. Mr. Chairman, I make the same objection. Mr. CRUMPACKER. I make the point of order, Mr. Chairman, that the objection is premature, because under the special order it is provided that all bills should be read. I insist that the bill should be read, and the gentleman can make his objection. [Cries of "Regular order!"]

The CHAIRMAN. The regular order is called for. Objection

is made, and the bill will be laid aside without prejudice.

#### NAVY DEPARTMENT CLAIMS.

The next bill (H. R. 13605) to satisfy certain claims against the Government arising under the Navy Department.

Mr. BONYNGE. Mr. Chairman, I make the same objection. The CHAIRMAN. The gentleman from Colorado objects, and the bill will be laid aside without prejudice.

### JOSE RAMOS.

The next business was the bill (H. R. 19641) for the relief of Jose Ramos.

Mr. BONYNGE. Mr. Chairman, I make the same objection. The CHAIRMAN. The gentleman from Colorado objects, and the bill will be laid aside without prejudice.

### WILLIAM B. TODD.

The next business was the bill (S. 2138) for the relief of the estate of William B. Todd, deceased.

Mr. BONYNGE. Mr. Chairman, I make the same objection. The CHAIRMAN. The gentleman from Colorado objects, and the bill will be laid aside without prejudice.

### L. S. WATSON MANUFACTURING COMPANY.

The next business was the bill (S. 2964) for the relief of the

L. S. Watson Manufacturing Company, of Leicester, Mass. Mr. McCARTHY. Mr. Chairman, I desire to object. The CHAIRMAN. The gentleman from Nebraska objects, and the bill will be laid aside without prejudice.

The next business was the House resolution 561 (in lieu of H. R. 13870) referring to Court of Claims the claim of Hans Peter Guttormsen.

Mr. COOPER of Wisconsin. I wish to say to my good friend, the objector, that this does not appropriate any money. [Cries of "Regular order!"]
The CHAIRMAN. The regular order is called for, and the

bill will be laid aside without prejudice, and the Clerk will report the next bill.

### LOUISE POWERS M'KEE.

The next business on the Private Calendar was the bill (S. 1218) for the relief of Louise Powers McKee, administratrix.

Mr. PAYNE. I ask that that bill be laid aside without prejudice.

Mr. RUCKER. In the absence of the gentleman from Colorado, I object

The CHAIRMAN. The bill will be laid aside without preju-

#### ROBERT D. BENEDICT.

The next business on the Private Calendar was the bill (H. R. 1443) for the payment of Robert D. Benedict for services rendered.

Mr. McCARTHY. Mr. Chairman, I object.

The bill was ordered to be laid aside without prejudice.

#### MAJ. SEYMOUR HOWELL.

The next business on the Private Calendar was the bill (S. 5675) for the relief of Maj. Seymour Howell, United States

Army, retired.

Mr. SHACKLEFORD. I ask that the bill be passed without

The bill was ordered to be laid aside without prejudice.

#### JOSEPH SIERRA.

The next business on the Private Calendar was the bill (S. 350) for the relief of the heirs of Joseph Sierra, deceased.

The bill was read, as follows:

A bill (S. 350) for the relief of the heirs of Joseph Sierra, deceased. Be it conocted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to J. W. Hargis, Mary Hargis, Mrs. Belle McConnoughby, Mrs. Kate Anderson, Modeste Hargis, Mrs. Virginia Craig, Petronilla Leonard, Steven Leonard, and Joseph Sierra, heirs of Joseph Sierra, deceased, late collector of customs at Pensacola, Fla., the sum of \$3.679.19, and the said sum is hereby appropriated for said purpose out of any money in the Treasury not otherwise appropriated

The bill was ordered to be laid aside with a favorable recommendation.

#### GERMAN M. ROUSE.

The next business on the Private Calendar was the bill (H. R. 6430) authorizing the Secretary of the Treasury to pay to German M. Rouse informer's fees for certain opium seizures.

Mr. MADDEN. Mr. Chairman, I object

The bill was ordered to be laid aside without prejudice.

#### CHARLES E. DANNER & CO.

The next business on the Private Calendar was the bill (H. R. 8685) for the relief of Charles E. Danner & Co.

Mr. MADDEN. I object, Mr. Chairman. The bill was ordered to be laid aside without prejudice.

#### JAMES M. M'GEE.

The next business on the Private Calendar was the bill (S. 503) to reimburse James M. McGee for expenses incurred in the burial of Mary J. De Lange.

The bill was read, as follows:

A bill (S. 503) to reimburse James M. McGee for expenses incurred in the burial of Mary J. De Lange.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay James M. McGee the sum of \$76.75, for funeral expenses incurred in the burial of Mary J. De Lange, who was pensioned on certificate No. 290818 as the widow of Augustus De Lange, late captain Company C, One hundred and forty-fourth Illinois Volunteers.

Mr. RUCKER. Mr. Chairman, I object to that bill.

Mr. BUTLER of Pennsylvania and others. Give her funeral expenses

Mr. RUCKER. I withdraw my objection. The CHAIRMAN. The objection is withdrawn.

The bill was laid aside with a favorable recommendation.

# REFUND TO TERRITORY OF HAWAII.

The next business on the Private Calendar was the bill (H. R. 10103) to refund to the Territory of Hawaii the amount expended in maintaining light-house service on its coasts from the time of the organization of the Territory until said light-house service was taken over by the Federal Government.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to

have the gentleman explain that bill.

Mr. MACON. I object.
The CHAIRMAN. Objection is made.

Mr. GAINES of Tennessee. I did not object.

Mr. MACON. I did make objection.
Mr. GAINES of Tennessee. I think we had better lay aside our personal prejudices instead of laying aside bills. I have no bills, but I am trying to help everybody. [Cries of "Regular order!'

Mr. SHACKLEFORD. Mr. Chairman, I understand that I stand recorded as objecting to the bill S. 5675. I did not object to that, and if I am so recorded I am improperly recorded.

Mr. RUCKER. Regular order!

Mr. SHACKLEFORD. If I am so recorded, I desire to with-

draw the objection.
[Cries of "Regular order!"]

Mr. GAINES of Tennessee. Now that the gentleman has withdrawn that objection to the bill, I want the gentleman to explain it.

Mr. MILLER. Regular order!

Mr. GAINES of Tennessee. It is regular order.
[Cries of "Regular order!"]
The CHAIRMAN. The committee will be in order. The gentleman from Missouri has just stated that he did not make objection to the Senate bill referred to-S. 5675. The Chair has kept no record of who has made objection to the bills, and does not know who did so.

Mr. SNAPP. I renew the objection. Mr. MADDEN. I object to the consideration of this bill. The bill was laid aside without prejudice.

#### OSCAR FULGHAM.

The next business on the Private Calendar was the bill (H. R. 19493) to reimburse Oscar Fulgham, ex-sheriff of Madison County, Ala., for judgment and costs rendered against him when acting in the service of the United States.

Mr. MADDEN. I object, Mr. Chairman. Mr. RICHARDSON of Alabama. Mr. Chairman, I would like very much to explain that bill just for a moment.

The CHAIRMAN. It can only be done by unanimous consent. Mr. RICHARDSON of Alabama. I ask that. The CHAIRMAN. The gentleman from Alabama asks unani-

mous consent that he may be permitted to make an explanation of the bill just read.

Mr. MILLER. I object.

#### A. L. FLACK & CO.

The next business on the Private Calendar was the bill (H. R. 5196) to refund to A. L. Flack & Co., of Tiffin, Ohio, money paid for internal-revenue stamps lost in the mails.

Mr. SNAPP. I object, Mr. Chairman.

Mr. GARRETT. Mr. Chairman.

The CHAIRMAN. For what purpose does the gentleman

from Tennessee rise?

Mr. GARRETT. It would seem that the expectation of further progress in this matter, when we know in advance that every bill is to be objected to, is idle; and I ask unanimous consent that every bill may be considered as objected to that re-mains on the Calendar, and that we return and take up the bills in their regular order. [Loud applause.]
The CHAIRMAN. The gentleman from Tennessee asks unan-

imous consent that the remaining bills on the Calendar be considered as objected to, and that the remaining bills upon the

Calendar be taken up in regular order.

Mr. BONYNGE. Mr. Chairman, I desire to know whether that is the request. I think the Chairman made a mistake. It is not that the remaining bills be taken up in order, but we are to go back to the beginning of the Calendar and take them

up.

The CHAIRMAN. They are to be taken up in the regular order.

Mr. GARRETT. That was the request. The CHAIRMAN. Is there objection? Mr. SNAPP. What is the proposition?

The CHAIRMAN. Unanimous consent is asked by the gentleman from Tennessee that all bills not reached on the Calendar be considered as objected to, and that the bills be taken up in their regular order, and the bills that have not been objected to would still remain to be read.

Mr. SMITH of Illinois. I object.

Mr. BUTLER of Pennsylvania. I move that we now recur to the beginning of the Calendar, if it is in order to make that

Mr. PAYNE. That motion is not in order.

Mr. BUTLER of Pennsylvania. If it is in order I desire to

make it, and if not I will not.

The CHAIRMAN (Mr. CAMPBELL of Kansas). Will the gentleman from New York state his point of order against the mo-tion of the gentleman from Pennsylvania?

Mr. PAYNE. That the committee having made an order to go through the Calendar and find out the unobjected bills, and having proceeded in part execution of that order, it is not now in order for a motion to go back to the beginning of the Calendar except by unanimous consent.

The CHAIRMAN. The Chair is of the opinion that the committee has power to make and unmake rules by which it shall be governed during its sessions as to the order of its business.

Mr. PAYNE. The committee has made the rule by unanimous consent, and having made it by unanimous consent, the motion is not now in order.

The CHAIRMAN. The Chair is of opinion that a committee that has power to make rules has power to unmake them. The Chair will read section 4, page 284, of the Manual.

In committees of the Whole House business on their Calendars may taken up in regular order, or in such order as the committee may

determine, unless the bill to be considered was to be determined by the House at the time of going into committee, but bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors shall have precedence.

It appears from the rule that the Committee has control of its procedure.

Mr. KEIFER. Mr. Chairman, this rule was made by unanimous consent, and now it can not be changed without unanimous consent.

The CHAIRMAN. Does the gentleman from Ohio contend that a rule adopted by unanimous consent has any more force than a rule adopted by the majority?

KEIFER. After it has been partly executed, yes; it

has been so held in former years.

The CHAIRMAN. The Chair is of opinion that the motion of the gentleman from Pennsylvania is now in order.

Mr. MACON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MACON. The committee having adopted the rule that nothing will be in order during the proceeding we are now engaged in except that the chairman of the committee shall have a right to make a brief statement of the bills as they are presented, what right has the gentleman from Pennsylvania to make a motion that we now go back to the beginning of the Cal-

The CHAIRMAN. Under the rule that the Chair has just read the Chair is of opinion that it is very plain that the committee has power to alter or amend any rule that it has adopted for its control under that rule.

Mr. PAYNE. I do not desire to take the time to discuss the

point of order, and will withdraw it.

Mr. BUTLER of Pennsylvania. I ask for the regular order. The CHAIRMAN. The gentleman from Pennsylvania moves that the committee now recur to the beginning of the Private Calendar for the purpose of considering bills under the standing rules of the House.

Mr. SHACKLEFORD. Mr. Chairman, a parliamentary in-

quiry.

The CHAIRMAN. The gentleman will state it.

Mr. SHACKLEFORD. Is that motion subject to discussion?

The CHAIRMAN. It is not.

Mr. GAINES of Tennessee. Mr. Chairman, I doubt very much whether that motion is in order. I make the point of order that the motion is not in order now. The order of the House is to proceed in a certain way.

The CHAIRMAN. The Chair has overruled that point of order heretofore. The question now is on the motion of the gentleman from Pennsylvania, that the committee proceed with the Private Calendar in order for to-day.

The question was taken; and the motion was agreed to.
The CHAIRMAN. The Clerk will report the first bill in order.

### BECKER BREWING AND MALTING COMPANY.

The first business on the Calendar was the bill (S. 1231) to reimburse the Becker Brewing and Malting Company, of Ogden, Utah, for loss resulting from robbery of the United States mails. The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the Becker Brewing and Malting Company, out of any money in the United States Treasury not otherwise appropriated, the sum of \$92.50, for loss incurred through the transmission in the United States mails of certain revenue stamps.

The bill was ordered to be laid aside with a favorable recommendation.

### L. BIERTEMPFEL.

The next business was the bill (H. R. 12840) for the relief of L. Biertempfel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to reimburse L. Biertempfel, a German subject, for loss sustained by him through the action of Louis Stern, United States commercial agent at Bamberg, Germany, in collecting the sum of \$871.08 belonging to Biertempfel and converting it to his own use, and said sum is hereby appropriated for this purpose out of any money in the Treasury not otherwise appropriated.

Mr. CRUMPACKER and Mr. MANN rose.

The CHAIRMAN. The gentleman from Kansas [Mr. MILLER] is entitled to the floor. To whom does he yield.

Mr. MILLER. I yield to the gentleman from Indiana [Mr.

CRUMPACKER]

Mr. CRUMPACKER. Mr. Chairman, this bill is quite an important one, because it involves a very important principle, which is the responsibility of the Federal Government to private individuals for the delinquencies and peccadillos of public officers. If a citizen advances money, or if he has transactions of a quasi public character with a ministerial officer of the Government, and that officer, in the course of the transaction,

appropriates money coming to him to his own use which he ought to have applied to the use of the citizen, this bill establishes the principle that the Government shall be responsible. If the Government is called upon to pay claims of this character, it ought to protect itself by requiring adequate official bonds from its consular agents and all other officers for whom it stands sponsor under this principle. Here was a consular offi-cer who, in the course of his official duty, came into possession of some seven or eight hundred dollars belonging to a subject of Germany, and the report states that the officer appropriated the money to his own use and absconded. I do not understand that in accordance with the principles of law or according to usage the Government can be held responsible for the thievery of its consular agents. The only reason advanced in the report why the bill ought to pass is the fact that the claimant is a subject of the Kaiser, that he is a German subject. If he were an American citizen there would be absolutely no claim of right, as it seems to me, that the Government ought to make good to private citizens for the stealings of public officers. make that statement to the committee in order that they may know of the principle involved in this bill.

The CHAIRMAN. The question is on laying the bill aside-Mr. MANN. Mr. Chairman, I desire the floor.

Mr. MILLER. In the gentleman's own right?

Mr. MANN. Yes.

Mr. MANN. 1es.
The CHAIRMAN. The gentleman from Illinois.
Mr. MANN. Mr. Chairman, this is one of the claims which
I objected to before. If the claim is good, the amount appropriated is insufficient. If the claim is bad, then no portion of the money should be appropriated.

A consul of the United States located at Bamberg, Bavaria, defrauded the people of that locality, said in large number of instances to be poor farmers, out of more than \$4,000. One of the claimants, probably having the largest claim, presented his case through his attorney, as he had threatened to do before, to the department of state in Germany, and it was transmitted to the Department of State of the United States,

The committee recommends payment of that one claim in favor of this one farmer of eight hundred and odd dollars. The other poor farmers, who had been defrauded of their money by the United States consul, but not in sufficient sums to enable them to employ attorneys, are not proposed to be reimbursed. If it is the duty of the United States to stand for the defraudments and thievery of its consuls, then it ought to pay all of the people who are defrauded by this consul, and not merely pay this one. Let us see what the recommendation of the consul's successor was:

Unless some unheard-of larger amount should come up yet I venture to say that his debts, incurred by misleading people about his position, amount to within \$4,000. This is not exactly a very large amount, but it was stolen out of a lot of poor people's pockets in such a villalnous, mean way that it is a big enough amount to cause a great deal of unpleasant comment in my district. For the sake of the good name of our Government, for the sake of maintaining the honor of the consular service in general and the consular office I have the honor to hold in particular, I dare to make the suggestion to you that these amounts should be taken particular, I da should be taken-

### Out of the Treasury of the United States? No-

out of Stern's bond. In making this suggestion I will say that I have not, with one syllable, allowed anyone to hope that the Government will see to it that this infamous outrage is righted; on the contrary, I have made them all understand that they have no claim against the Government, but it seems to me, notwithstanding all existing rules about such cases, that those who eight years ago have ventured to go on a man's bond who has never been anything but a liter and a fraud should be made to pay for this error, and not those poor people who had all reasons to think that our Government would guarantee these doings of its consul.

I gave you proper and due notice of Stern's death by cable, so as to guard the Government against loss and against releasing the bond. I hope the Government will decide to utilize this bond to pay for the sins of the man in whose favor it was issued.

I don't undertake to say whether the Govenrment could collect anything out of the bond on account of these sums or not, but if the Government is under any liability, if it is the intention of the Government to maintain the integrity of the consular service, if it is the purpose of the Government to pay one of the persons who was defrauded by this consul, then the Government ought to pay the little fellow as well as the big fellow; and if \$800 should be paid to one, then all of the claims ought to be paid to the others. I do not understand the theory upon which our Government proceeds when an attorney in a foreign country threatens it, as was done in this case by the attorney for this man, and we thereupon yield to the threats and pay that person and refuse to pay the other persons in similar circumstances where the amounts involved are small. Is it the duty of our Government to pay only the large claims, assuming that \$800 is large, comparing it with a small sum of money? If anything is to be paid by the Government in this case, then the Government ought to pay to all of the people defrauded the amounts

which they loaned or gave to this man.

The CHAIRMAN. The question is, Shall the bill be laid aside with a favorable recommendation?

The question was taken, and the bill was ordered to be laid aside with a favorable recommendation.

#### FIRE AT ROCK ISLAND ARSENAL.

The next business on the Calendar was the bill (H. R. 11676) for the relief of persons who sustained property damage caused by fire at the Rock Island Arsenal.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the following sums, namely: O. A. Artz, \$20; Benjamin Bragdon, \$2.85; W. H. Bragdon, \$3; U. J. Beliveau, \$12; Henry Brockmann, \$23; W. B. Barker, \$15; S. D. Brownewell, \$14.20; Carl Brown, \$4.75; W. S. Brooks, \$3.50; H. P. Bertelsen, \$20; Hugh Conwell, \$7; E. W. Cook, \$7.10; George Cottrell, \$16; James Cox, \$35; Ernst Drott, \$2; James Dougherty, \$10; George Duggan, \$40; W. H. Deters, \$37; K. H. Dauber, \$13.90; C. J. Danielson, \$21.50; Charles Erickson, \$20.75; F. A. Felske, \$14.25; George D. Gillette, \$40; Richard Hermann, \$5; Louis Heuer, \$15; W. S. Hill, \$40; T. R. Herkner, \$2.50; Frank Helder, \$35; Gust Hirstein, \$35; M. N. Hart, \$5; F. W. Hoffmann, \$8.75; J. C. Jacobson, \$13.50; Harry Jager, \$30; C. P. Jensen, \$13.25; William Kennedy, \$19; W. F. Kubik, \$5.45; Frank Knox, \$20.50; L. A. Kindy, \$2.50; C. W. Krueger, \$14.50; William Langenhagen, \$20; Rudy Lichal, \$40; George W. Lee, \$10; Robert Q. Lehman, \$2; F. W. Miller, \$53.30; Joseph Mrugalski, \$5.25; Henry Miller, \$19.85; C. K. Merriman, \$30; Albert Moeblus, \$25; George Nelson, \$26; Charles Nahrgang, \$35; A. B. Othmer, \$5; John Olson, \$23.75; F. M. Poole, \$2.95; R. A. Peters, \$1.90; William Feterson, \$2; F. G. Prucha, \$32.50; W. J. Reese, \$18.25; L. E. Rees, \$2.50; Charles Seeman, 60 cents; W. J. Singer, \$12; Max Sugar, \$8.15; C. L. Speckhart, \$4.30; H. von Seggern, \$8.75; George Schwenker, \$9.90; J. E. Sullivan, \$27.50; Louis Schwab, \$10; J. F. Schmidt, \$17.50; O. W. Schwenker, \$8.25; H. W. Trafford, \$25; C. H. Talbot, \$22; B. E. Talbot, \$17; Harry Thompson, \$2.5; John Vrtyna, \$6.25; M. J. Valiquette, \$14.50; G. H. Welch, \$13.95; E. A. Wood, \$8.75; O. J. Wedertz, \$27.25; Basil Williamson, \$18; F. C. Williams, \$7.75; Almon Widen, \$19; Charles White, \$19.30; W. A. Young, \$1.50; for payment of damage sustained by employees by reason of fire in building

aside with a favorable recommendation.

Mr. MANN. Mr. Chairman, I suppose that in the present condition of the temper of the committee it makes but little difference as to the character of the claim or the reasons for it. Gentlemen who have introduced bills which have been reported favorably and which have not yet been reached upon the Calendar are so anxious for the consideration and passage of their bills that they are unwilling to raise a question about bills which precede them, and gentlemen who have bills passed are unwilling in graciousness to the balance of the committee to raise any question about bills which succeed them.

Mr. MILLER. Mr. Chairman, I raise the point of order that the gentleman is not discussing the merits of the bill before the

committee

Mr. MANN. Well, Mr. Chairman, I shall confine myself to the merits of the bill.

The CHAIRMAN. The point of order is well taken.

Mr. MANN. Mr. Chairman, I objected to this bill when it was up before. I made no objection to this bill or any other bill without a careful examination of the bill and the report. This bill proposes to pay to a large number of Government employees losses incurred by them in a fire at the Rock Island There have been times when the Government has reimbursed Government employees for losses incurred by fire. In this case the fire was caused by the negligence of the Government employees. The report says that the origin of the fire was unknown

Mr. DAWSON. If that is so, how does the gentleman know that it was incurred by the negligence of the employees?

Mr. MANN. If the gentleman will pardon me, even though the report does say so, everything in the report is not to be considered as absolute facts. The report says that the cause of the fire was unknown, but the report also goes on to say that the people in the Rock Island Arsenal were engaged in a most dangerous occupation, in a place unsuited for the work, and that the men had been cautioned to be extremely careful in reference to the work.

Mr. DAWSON. May I ask the gentleman a question?

Mr. MANN. I am perfectly willing to yield to the gentleman if he desires, though I do not desire to consume any unneces-

Mr. DAWSON. I would like to ask the gentleman if that fact should be charged up to the workingmen who were engaged in the work?

Mr. MANN. The fact is that the fire must have occurred in this case through the negligence of some of the workingmen themselves. There is no other possible cause for the fire.

Mr. GAINES of Tennessee. Is there any proof here showing

that these particular employees, these claimants, were the per-

sons who were guilty of negligence that caused the fire?

Mr. MANN. These employees were the ones who had their tools where the fire occurred. They were working where the fire occurred.

Mr. GAINES of Tennessee. That is a pretty strong presumption if the gentleman charges them with negligence.

Mr. MANN. I do not say they were all guilty of negligence, do not intend to. I don't know anything about whose negligence it was, but I do know that they were working in a dangerous occupation in a place in a building where they knew that unless the utmost diligence was observed a fire was liable to break out.

Mr. PAYNE. May I ask the gentleman a question?

Mr. MANN. Certainly.

Suppose it was because of negligence on the Mr. PAYNE. part of anybody that fire was caused, does the gentleman think the United States ought to be the insurer of people in its em-

ploy against their property being destroyed by fire?

Mr. MANN. I do not. I was about to come to that, Mr. Chairman. In the first place, I think the report shows that the fire occurred there through the negligence of people who are now seeking reimbursement out of the Treasury of the United States. In the second place, a workman who goes into a shop of the Government of the United States with his tools can insure them if he desires. There is no law to prevent it. He has the opif he desires. portunity to obtain insurance if he applies for it just as anyone else, and if he desires to have his tools protected against fire he should insure the tools in a proper way. In this case nobody knows what the tools were worth, there is no way of ascertaining what the tools were worth except the mere statement of the men who are asking payment from the Government. they desire to have their tools protected from fire they should have taken out insurance, and it is a very dangerous precedent for the United States to say that it will pay every employee of the Government wherever loss is caused by fire, when their property is destroyed by fire. Suppose the Capitol, suppose any building in Washington, is burned and some one has some property belonging to himself. It is an unheard-of proposition that the Government of the United States is to be asked to reimburse them. Those people are as much the insurer of their property as the Government is the insurer of its property. The Government loses its property; these people lose their property. They were upon even terms for the care and conduct of the building. were upon even terms for the care and conduct of the building. The Government had to rely upon these people for the Government's protection, and then when they or some of them have failed in proper diligence and a fire has occurred they want the Government to stand all the expense. What would be thought if the Government should turn around and ask these gentlemen to reimburse the Government for its loss? It would be ridicu-

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Ohio?

Certainly.

Mr. SOUTHARD. Does the gentleman contend if the Government should neglect to provide the ordinary protection against fire that it ought not to be held responsible to somebody who loses by reason of that fire?

Mr. MANN. Oh, the Government makes it a rule in all of these cases not to reimburse people who lose through the negligence of the Government. If it is the policy of Congress to pay such claims, why do not we provide by general law for payment caused by negligence of the Government in the navy-yard here and in establishments throughout the country conducted by the Government's

Mr. SOUTHARD. Does the gentleman hold that the Government ought not to be held responsible in a case where an indi-

vidual or corporation would be held responsible?

Mr. MANN. Certainly I say that. Does the gentleman claim that the Government bught to be liable as an individual or corporation is liable, and if he does, has he introduced a bill to make the Government liable? If he claims so and has not introduced a bill, he has not given that diligent attention to his

duty which he usually gives.

Mr. SOUTHARD. I will say in answer to that it has been the policy of the Committee on Claims, since I have known anything about it, to hold the Government responsible where an in-

dividual would be responsible.
[Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on laying the bill aside

with a favorable recommendation.

Mr. GARRETT. Will the gentleman yield to me two minutes?

Mr. MILLER. I would like to have a vote taken as soon as possible, but I will yield to the gentleman.

Mr. GARRETT. Proceeding upon the reasoning which the

gentleman from Illinois has just laid down, I opposed this bill in committee, and shall vote against it here. I believe it is a

Mr. DAWSON. Mr. Chairman—
Mr. MILLER. I yield to the gentleman from Iowa.
Mr. DAWSON. Mr. Chairman, this bill came before this House in an unusual manner. In the first place, it does not come here simply as a claim. It was first submitted to this House as an estimate from the Treasury Department of the United States, having first been approved by the War Department, every one of these claims having been made under oath and investigated by a competent board of Army officers. estimate of an appropriation to pay this claim was presented to the House in the regular way. With regard to the employment of these men, they were under orders and were assigned to a dangerous undertaking in the Rock Island Arsenal, and while in the performance of that duty the fire occurred and these things were destroyed. The aggregate amount is only \$1,269, and it is to be paid to eighty-two workingmen who were employed at that arsenal. They are all small amounts, none of them for more than \$40, and thirty-two of them are for sums in less than \$10. There is no claim attorney interested in any way in these claims.

As precedents for favorable action, I cite that in the second session of the Fifty-eighth Congress a bill was enacted into law paying Charles Blake, a paymaster's clerk, United States Navy. \$1,015 for articles destroyed by fire at the time of the burning of the Windsor House, at Yokohama, Japan. In the first session of the present Congress a bill passed this House (H. R. 9528) to reimburse Fred Dickson for loss of his tools through a fire which destroyed the engine house at Fort Duchesne, Utah, on September 19, 1902. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on laying the bill aside

with a favorable recommendation.

The bill was ordered to be laid aside with a favorable recommendation.

W. S. HAMMAKER.

The next business was the bill (H. R. 13418) for the relief of W. S. Hammaker.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to W. S. Hammaker, late postmaster of the city of Findlay, Ohio, out of any money in the Treasury not otherwise appropriated, the sum of \$2.251.28, to reimburse said W. S. Hammaker for moneys by him actually expended and paid for necessary clerical assistance in carrying on the operation of the post-office at said city during his official term as postmaster, from 1885 to 1889, in excess of the amount provided and allowed by the Post-Office Department for said purpose during said term.

Mr. MILLER. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. SMITH of Illinois. Mr. Chairman, I want to make a point of order against the consideration of the present bill at this time

Mr. MILLER. Mr. Chairman, I yield to the gentleman from Illinois [Mr. SMITH].
The CHAIRMAN.

The CHAIRMAN. Will the gentleman from Illinois [Mr. SMITH] state his point of order?

Mr. SMITH of Illinois. I know nothing about this bill, but I make the point of order against the consideration of this or any other bill at the beginning of this Calendar or up to the time we stopped the consideration of the Calendar, for the following reasons: I understand that before going into the consideration of the Private Calendar this afternoon it was agreed, possibly by the House

Mr. BUTLER of Pennsylvania. I make the point of order

that the Chair has already ruled.

The CHAIRMAN. The Chair is ready to rule.

Mr. SMITH of Illinois. I would like to state my reasons.

The CHAIRMAN. The Chair has passed upon that point of order heretofore.

Mr. SMITH of Illinois. I think I have the privilege under the rules of this House when a point of order is made to state

my reasons for making the point.

The CHAIRMAN. The Chair recognizes that right of the gentleman, but the Chair has passed upon the point of order made by the gentleman from Illinois.

Mr. SMITH of Illinois. For the consideration of this bill? I make it to this bill.

Mr. BUTLER of Pennsylvania. Regular order, Mr. Chairman.

Mr. PAYNE. I want to suggest to the Chair—
The CHAIRMAN. The Chair is ready to rule upon the point

of order applying to the bill now under consideration.

Mr. SMITH of Illinois. Does the Chair deny me the right of stating my reasons?

that the amount of argument that the Chair desires to hear upon a point of order is within the discretion of the Chair, and the Chair is now ready to rule upon the point of order.

Mr. SMITH of Illinois. If the Chair is ready to rule without an argument, of course "the gentleman from Illinois" can not prevent the Chair from doing so.

The CHAIRMAN. The point of order is overruled, and, without objection, the bill will be laid aside with a favorable recommendation.

Mr. MANN. Mr. Chairman, this is a bill that has no merit as to the major part of the claim. The bill proposes to pay \$2,251 and some odd cents to a man who was postmaster in Ohio during the first Cleveland Administration. It is barely possible that a new Democratic Administration, endeavoring to cut down the expenses of the Government, declined to make a sufficient allowance for clerk hire in that post-office. A Republican Congress is now asked, after this lapse of time, to appropriate the money for a Democratic officeholder which the Democratic Administration refused to provide for.

Mr. FITZGERALD. Is the gentleman sure that was a Democratic official?

Mr. MANN. Well, Mr. Chairman, in the midst of the demand for Democratic plunder at that time this gentleman was appointed by President Cleveland as postmaster at this town. do not think it admits of any question of doubt as to his policy. but, whatever that may be, they have now asked the Post-Office Department for its judgment. Mind you, this is not one of the cases where a little town sprung up rapidly, as it did at Cripple Creek or some other claims that are on the Calendar here. This is a case of a town where a request was made for additional salary and for additional clerk hire. It was passed upon by the Department upon its merits. His salary was increased to \$2,400 a year, and clerk-hire allowance was made of \$1,372.22 It seems now that the average clerk-hire salary allowance at that time would be a little bit greater, and the Department, which has given full consideration to this case in the report to the Committee on Claims on the subject, recommends the allowance of \$650.55, while the committee, in that exuberant desire to grant what anybody asks, brings in a bill for more than \$2,200. Is there to be no attention paid to the facts in these cases? Is the mere fact that a Member of Congress is working for a claim, and polls probably each member of the committee before it meets, a sufficient reason for taking this money out of the Treasury? The committee recommends \$2,250 be paid now.

Mr. WALDO. I suggest a discussion of the merits or demerits of the committee is not a discussion of this claim, and the gentleman ought to be called to order. He has no business to make such a statement.

Mr. MANN. Oh, well-

Mr. WALDO. He intimates that the committee desires to throw away the money of the United States on an improper claim. He has no business to make any such statement here. [Cries of "Right!"] I want to give notice now, if this thing is to be continued by members of the committee, I desire to tender my resignation, and I will not act upon it any more if such talk as that is allowed. [Cries of "Vote!"] such talk as that is allowed.

Mr. MANN. Mr. Chairman, I am not to be led into making a statement through any hasty matter of temper. No word that the gentleman can say to me will lead me to say anything that reflects upon the Committee on Claims or the members of the Committee on Claims. The gentleman can not through taunts lead me to say anything hasty upon that subject. I have great consideration both for the gentleman himself and for the other members of the Committee on Claims, and for the committee as a whole; but I have not yet reached the point where I consider any committee of the House when it presents a bill before the House is to be considered as being without possibility of an error, and if any gentleman is in that condition to refuse to permit a report to be criticised, because he is too touchy, he had better resign from the committee.

Now, Mr. Chairman, I address myself to the merits of the case. Here is a report from the Department suggesting that possibly--that possibly-there should be allowed the sum of \$650. I defy the gentlemen on the committee to give any good reason for bringing a bill here appropriating \$2,250. Vote!"

The CHAIRMAN. The question is on laying the bill aside

with a favorable recommendation.

Mr. MILLER. In justice to the committee I want to say just a word—— [Cries of "Vote!"] a word-

The CHAIRMAN. The committee will be in order.
Mr. MILLER. In justice to the committee I desire to just state this: That claimant was postmaster of the town of Find-The CHAIRMAN. The gentleman from Illinois well knows lay, Ohio, at the time of the discovery of oil and gas in that

community. Immediately the population of that town of Findlay increased more than three times, and the business of the post-office increased within less than a year from \$7,147.46 to \$19,269.40.

Mr. STAFFORD. Will the gentleman permit an inquiry? Mr. MILLER (continuing). And notwithstanding this enormous increase this postmaster had to pay money out of his own pocket for clerk hire, paying \$3,862.32, and there is now due him a balance of \$2,251.28 that he paid out of his own pocket. We ask that he shall be paid back this sum, and we do not care whether the man was a Democrat or a Republican. [Cries of "Vote!"]

The CHAIRMAN. The question is on laying the bill aside

with a favorable recommendation.

Mr. STAFFORD. Will the gentleman permit a question?

Mr. MILLER. Certainly.

Mr. STAFFORD. By reason of the increase of receipts at this office, was not the postmaster allowed additional clerk hire during this time under the regulation of the Department? And does not Perry S. Heath, First Assistant Postmaster-General, in a letter addressed to your committee dated Washington, January 29, 1900, say: "As the Department did not have then, and does not have now, authority to make allowances for the local work of a third-class post-office, Mr. Hammaker's claim for clerk hire prior to July 1, 1887, should not be considered?"

Mr. MILLER. Yes; and they did not make any appropria-

Mr. STAFFORD. And further than that, does it not show that the clerical allowance which was \$540 up to July 1, 1887, was increased thereafter, as your own report shows?

Mr. MILLER. And the Department in addition to that made an allowance, in this same report, of \$650, the very same report

the gentleman refers to.

Mr. STAFFORD. And if this should be done in this case, there are thousands of offices where there should be a corresponding allowance.

The question was taken; and the bill was ordered to be laid

aside with a favorable recommendation.

# DAVID C. HAYNES.

The next business was the bill (H. R. 9298) for the relief of the estate of David C. Haynes, deceased.

The bill was read, as follows:

Be it enacted, etc., That the sum of \$1,349.99 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay to the legal representatives of David C. Haynes, a deceased contractor, for services rendered by the said Haynes in transporting the United States mails in the State of Texas prior and up to the 1st day of June, 1891.

The amendments recommended by the Committee on Claims

were read, as follows:

In lines 3 and 4 of the bill strike out the words "three hundred and forty-nine dollars and ninety-nine" and insert in lieu thereof the words "and twelve dollars and fifty."

In line 7 therein strike out the words "legal representatives" and insert in lieu thereof the words "heirs at law."

The CHAIRMAN. The question is on agreeing to the amend-

Mr. MANN. Mr. Chairman-

The CHAIRMAN. As many as favor agreeing to the amendments will say "aye;" those opposed "no." The ayes appear -the ayes have it, and the amendments are agreed to. Mr. MANN. Mr. Chairman— Mr. PAYNE. I make the point of order, Mr. Chairman, that

the gentleman from Illinois rose in time and addressed the

Chair before the vote was taken.

The CHAIRMAN. The Chair intended to recognize the gentleman from Illinois and does now recognize him. The gentle-

man from Illinois.

Mr. MANN. Mr. Chairman, this is one of the bills which I have had some doubt about. There are a number of them upon this Calendar which are for the payment of claims of star-route contractors for services rendered practically after the civil war commenced; after various of the States had seceded.

Mr. MILLER. If the gentleman from Illinois will allow me,

not after the war commenced.

Mr. MANN. If the gentleman from Kansas will allow me Mr. MILLER. I will allow the gentleman if he will state the facts, but I will not allow him to make misstatements before this committee.

Mr. MANN. The gentleman from Illinois is not engaged in making misstatements.

Mr. MILLER. He does make a misstatement if he says this was after the war commenced, and he knows it.

The CHAIRMAN. Both gentlemen must be in order.

Mr. MANN. If the gentleman refers to the formal opening of the war, that may be a matter of question; but the real war between the States commenced before the 1st day of June. 1861: and much as I should delight to yield to the gentleman for instruction, I do not ask him for his knowledge of history on that point.

Mr. BEALL of Texas. This bill is for services rendered before the 31st of March, 1861. Mr. MANN. The bill says:

For services rendered by the said Haynes in transporting the United ates mails in the State of Texas prior and up to the 1st day of States mail June, 1861.

Mr. BEALL of Texas. The bill carries no appropriation for any services rendered after the 31st of March, 1861. [Cries of "Vote."]

Mr. MANN. Then the bill ought to be corrected. I will say to gentlemen that I do not think they will expedite matters by being discourteous in this way. I understand my rights. Is it the policy of the Government to pay to these contractors, if they were disloyal to the Government during the war, money

which otherwise would have been due to them?

Mr. MILLER. Mr. Chairman, if the gentleman from Illinois asks that question of me, I desire to answer that these men were loyal to the Government and were rendering service to the Government for which they have never been paid. As to whether they afterwards became disloyal or not is a question that I care nothing about. I am in favor of this Government paying its honest debts to men who were loyal to it at the time the service was rendered. [Applause.]

Mr. MANN. That is good talk for the hustings and good anywhere, I may say to the gentleman. He never says anything that is not good; but if this had been a piece of property belonging to this man and had been seized by the Government of the United States, then he would have no claim against the Government unless he proved his loyalty. In what does the distinc-

tion exist between services and property? Mr. MILLER. If the gentleman will allow me, the distinction is this: If this had been property and had been taken, it would have been taken during the war. It could not have been taken at any other time. Now, the service was rendered

before the beginning of the war.

Mr. MANN. It may be considered as having been taken during the war. If this man was disloyal to the Government, any claim which he had against the Government, unless I am mistaken, lapsed, and he has no right to assert it. In order to assert a claim against the Government he must prove his loyalty, and if he had commenced a suit in the Court of Claims he would be required to prove his loyalty.

Mr. PAYNE. If the gentleman will allow me-

Mr. MILLER. Certainly.

Mr. PAYNE. I am inclined to think the gentleman from Illinois is on a wrong scent in this case, although he is right in opposing this bill.

Mr. MANN. I was endeavoring to obtain information as to

the law.

Mr. PAYNE. Perhaps I can give the gentleman a little information. A great many claims of this class have arisen for the carrying of the mails in the Confederate States up to June 1, 1861. Of course hostilities commenced before that time. Texas had seceded before that.

Mr. MANN. The gentleman from New York does not undertake to correct the gentleman from Kansas in his history, does he? He will throw the gentleman from Kansas into hysterics.

[Laughter.]

Mr. PAYNE. I want to say to the gentleman that the Confederate States took up this matter early in the history of that government. They made an appropriation of \$750,000 to pay the claims, and Postmaster-General Regan paid five or six hundred thousand dollars of that money on claims of this kind. The gentleman when he came to Congress had forgotten all about it. One of the most pathetic things that ever occurred was his effort to remember that he had paid out this money. The Government of the United States got hold of the book and they found that the book showed that he had paid out of this appropriation five or six hundred thousand dollars. That book when it came into the possession of the United States was mutilated; a large number of pages had been cut out, but the remaining pages showed to whom the money was paid.

Of course the pages cut out did not show what claims had been paid. Claims came in, and under the law these claims were met by evidence that they had been paid, by evidence from the Confederate books. Although honorable gentlemen came in and swore that they had never received any pay on account of the claims before that book was discovered, it was shown afterwards that they had received money for those claims. After the book was discovered all claims had been cleaned up which the claim agents could find. Some gentleman in another

branch of Congress introduced a resolution that the Post-Office Department should report the contents of the book to Congress. That was a few years ago. All the Post-Office officials could do was to report a copy of the book, at the same time saying that it had been mutilated. Since that time a number of claims had passed both Houses and become laws. They are claims not enumerated on the pages that remain in the book, but whether on the pages that have been eliminated for some purpose or other or not it does not appear.

The committee ought not to bring in any claim and recommend it unless they have the most positive proof that the claim has not been paid; proof that establishes the fact beyond any dispute, in order to protect the Government of the United States. have looked over the reports made in two or three cases, and I have failed to discover the proof in any of the cases, and therefore I think the payment should not be made. The service was rendered largely before the war, the Confederate States paid for it, and the men are not entitled to payment twice, and if this individual case was paid he ought not to be paid twice. It is a fact that his name does not appear on the book, but whether it appeared on the mutilated pages or not I do not know. I can not discover in the report or in the papers any evidence showing that he has not been paid.

Mr. MILLER. Mr. Chairman, now that the gentleman from New York has furnished the gentleman from Illinois with information along that line, I want to furnish him with a little along another line. This bill, whatever it may provide for the payment of this claim, the facts are that the services were rendered prior to March 31, 1861, as this report shows. Fort Sumter was fired on April 12, 1861, and the President's proclamation was issued on the 15th day of April, 1861, nearly half a month after the services were rendered.

Now, as to the question of proof. The committee has before it affidavits, all that it was possible to get, in reference to this The mutilated records in the Treasury Department do not show that the claim was paid. The affidavits before the committee show that the claim was never paid, and the record in the Post-Office Department shows that this amount of money is now standing to the credit of this gentleman, showing that the Government of the United States has never paid it, and so I

say that it ought to be paid.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be laid aside with a favorable recommendation.

# P. S. CORBETT.

The next business was the bill (S. 1894) for the relief of P. S. Corbett.

The Clerk read the bill, as follows:

Be it enacted, etc., That the accounts of P. S. Corbett, formerly United States marshal for the State of Nevada, be readjusted by the Secretary of the Treasury, and the said Secretary is hereby directed to allow and credit to the said Corbett, under the head of "Fees and expenses of marshals, United States courts, 1883 and 1884," the sum of \$1.533.64 now charged against said Corbett on the books of the Treasury Department.

Mr. BEALL of Texas. Mr. Chairman, as I understand it, most of these bills have been read one time. Is it necessary that they should be read a second time in full?

The CHAIRMAN. The Chair is of opinion that they come up under a different rule of procedure. Many of them contain different items, and it would be difficult for a person to recall the The Chair will hold that each bill should be former reading. read as it is called up.

The question is on laying the bill aside with a favorable rec-

ommendation.

Mr. Chairman, I do not see how anybody can Mr. MANN defend this bill. Of course I know it will pass. It is a Senate bill. The amount will be taken out of the Treasury of the United States

Mr. MILLER. Will the gentleman allow me to ask him a question?

Mr. MANN. Yes.

Mr. MILLER. Does this bill require an appropriation of any I want to call the gentleman's attention to the fact that it is simply for squaring the accounts of this man, who is dead, and it does not require a dollar from the Treasury of the United [Laughter.]

Mr. MANN. Mr. Chairman, when I said it would take money out of the Treasury of the United States I meant exactly what I said, though possibly not in the exact language of putting the hands in and taking the cash out. In fact I never have known people to do it in exactly that way. The Government of the United States has a claim against this man which is in process of collection. What are the facts? The man-or his bondsman

or his heirs; I don't remember now-desires relief. This man wants a claim paid to him on this basis, and let the gentleman understand it: In the old Territory of Nevada the United States marshal was allowed double mileage. Where marshals elsewhere were allowed 10 cents a mile for coming with the prisoner, this marshal was allowed 20 cents a mile in the Territory of Nevada. The reasons were good. Travel was difficult There was good reason for allowing him 20 and expensive. cents a mile. He was directed to bring a man from California to Washington. He came here with three in his party, not traveling in Nevada, but traveling all the way from California or Nevada to Washington. He was paid by the Government 10 cents a mile for three different persons for that trip, a very profitable trip for him to make. His cost did not equal 5 cents a mile. The Government already has paid him a profit on that transaction, and now they want the Government, because he happens to be a marshal in Nevada, to pay him 20 cents a mile all the way there and back again for three people for bringing a man down here to testify. Upon what basis can such a claim be maintained? If he were legally entitled to it he would have received it, but the Comptroller held that, although he was allowed double mileage within the Territory of Nevada, he was not allowed double mileage this side of there. He received his full 10 cents a mile for all the distance between Nevada and Washington and back again and 20 cents a mile for the distance traveled in the Territory of Nevada. Now he wants 20 cents a mile for the distance between Nevada and this capital. On what basis can such a claim be sustained?

Mr. MILLER. Mr. Chairman, I do not want this record to go out with the statement such as has been made by the gentleman from Illinois without any denial of it. The Congress of the United States in 1899 passed a law for the purpose of squaring the accounts of this same marshal, but under that law, because they had used certain words in reference to extraordinary expenses, the Comptroller of the Currency held that he could not swear his accounts. The Attorney-General of the United States, Benjamin H. Brewster, approved this bill, and I

want to read just what he says in relation to it:

These expenses were incurred by an officer of the United States who endeavored in good faith to carry out the instructions imparted to him. I desire, therefore, if proper, to have this account of expenses allowed under section 837. If you adhere, however, to the decision that \$2 is the maximum expense for each day that can be officially allowed in his case, then I request that the account of Mr. Corbett may be sent to this department that steps may be taken to have the account approved as an extraordinary expense.

Mr. MANN. Does not the gentleman know that under the act of 1899 the expenses that were recommended by Attorney-General Brewster have been paid, and that it is the balance that was never recommended by him that this bill proposes to pay?

Mr. MILLER. Oh no; it is the entire amount recommended by Attorney-General Brewster.

Mr. MANN. Does not the gentleman know that part of this

money was paid under the act of 1899?

Mr. MILLER. A part was paid under that act, and because the Comptroller of the Currency was not willing to recommend the whole amount, this act was desired. I desire further to say that the bondsmen of this man are all dead with the exception of one, and he is an old man over 80 years old, without any property. I do not know of any reason for trying to keep this any longer before the country. It ought to have been settled

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken, and the bill was ordered to be laid aside with a favorable recommendation.

# JOHN B. BROWN.

The next business on the Private Calendar was the bill (H. R. 15594) for the relief of John B. Brown.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the Court of Claims be, and the same is hereby, authorized and directed to entertain jurisdiction in the Indian depredation claims Nos. 4997 and 8639, filed in the Court of Claims during the terms of 1890 and 1891 and during the November term, 1892, without reference to the citizenship of John B. Brown, of San Antonio, Tex., now deceased, who originally filed said claims; and for the purposes of said action, based on said claims, said John B. Brown shall be assumed to have been a citizen of the United States at the date of said Indian depredation; the proof of loss and evidence in the case having been printed by the order of the court to which reference is made, which proof shows there is nothing wanting to give the Court of Claims jurisdiction except the question of citizenship.

Mr. BURLESON. Mr. Chairman, I move that the hill be laid.

Mr. BURLESON. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. PAYNE. Mr. Chairman, if I remember this bill correctly, it is an endeavor to make a citizen out of a man because he had voted a number of times. That is the case, is it not?

Mr. BURLESON. Not solely upon the ground that he had voted several times.

Mr. PAYNE. So far as proof is concerned, he is not a citizen. Mr. BURLESON. So far as proof is concerned, I think it is

conclusive he was.

Mr. PAYNE. I think I have got hold of the right case. There was no proof the man was a citizen, except he had voted. He stated that he had been naturalized at two different places, but that his naturalization papers had been burned up; and when they came to search the records at each of those places they could not find any such naturalization papers. In order to have standing in the court he was required to be a citizen of the United States, because this is an Indian depredation claim. Now, that is the thing in a nutshell. The question is whether a man can avail himself of the privilege of citizenship simply because he voted but was never naturalized. When they went to the place where he said he was naturalized they found the records did not show it.

Mr. HENRY of Texas. Mr. Chairman, the gentleman did not state nearly all the facts in the case; it is much stronger in this case. The gentleman is correct as far as he has gone, but he

could go a good deal further.

Mr. FITZGERALD. I wish to ask the gentleman in charge of

Mr. BURLESON. I would like to make a short statement about the matter. The parties at interest here are the heirs of John B. Brown, who was a native of Scotland. He came to this country in 1837, being about 22 years of age. He remained in Virginia for a short while and then went to Texas, at a time when it was a republic. He remained in Texas until he was past 80 years of age, and long after he had filed this suit against the Government, occasioned by Indian depredation committed against his property, the issue of his citizenship was raised. Under the act of March 3, 1891, the fact of citizenship was made a jurisdictional issue, or, rather, a jurisdictional fact. This worthy man had in the meantime grown old and his memory had failed him. His house had been destroyed by fire, and not-withstanding he stated under oath that he had been naturalized, he was unable to state where he had taken out his naturalization papers. There is no question of these facts; he had held office in Texas; he had presided as a judge of elections; a certificate for land as a citizen of Texas had been issued to him, and as a citizen of the republic of Texas a patent to the land had been issued to him. Under the laws of Texas every man who was in Texas during the days of the republic and rendered service during that period became a citizen of the republic of Texas, and under the enabling act admitting Texas to the Union every man who was a citizen of the republic of Texas became a citizen of the United States. I do not have the least doubt of this man's citizenship.

Mr. Chairman, this bill carries not a single dollar of appropriation. A gentleman near me has intimated that there are millions of dollars involved if this bill becomes law. I feel sure he is mistaken. As a matter of fact there is not one dollar of appropriation carried in the bill, only the right to sue in court.

Mr. PAYNE. What gentleman?

Mr. BURLESON. Well, not you, but somebody around here on this side.

Mr. BUTLER of Pennsylvania. Another gentleman.

Mr. BURLESON. Some gentleman near me intimated it. want to state that citizenship, as I understand it, is the only question that has been raised against the plaintiffs who assert this claim in the Court of Claims against the Government. The issue of citizenship was not raised until this honest old Scotchman, this Texan, this worthy citizen of the Republic of Texas, had grown so old that his memory was failing him, and, Mr. Chairman, I contend that an honest Government should not undertake to raise or insist on any such technicality. these people have a just and virtuous claim, and I am profoundly astounded at the distinguished gentleman from New

York in raising this objection.

Mr. FITZGERALD. Mr. Chairman, I am not acquainted with the facts regarding this particular individual citizenship, but I do know something about the claims arising out of Indian depredations that are made by persons asserting that they were citizens of the United States at the time of the depredations. There is to-day a statute under which persons who were citizens and whose property has been destroyed by Indians in amity with the United States can go to the Court of Claims. few years ago a bill was reported to this House by one of its committees which permitted persons, regardless of their citizenship at the time of the depredation and regardless of whether the Indians were in amity with the United States, to prosecute claims for the destruction of property. My recollection is that the attorney of the United States in charge of those cases

Mr. HENRY of Texas. Will the gentleman let me make a suggestion?

Mr. FITZGERALD. Just one minute, please.

Mr. HENRY of Texas. I do not think the gentleman is dis-

cussing the real case.

Mr. FITZGERALD. The gentleman may not think I am, but I believe I am, and the attorney-general of the United States The gentleman may not think I am, but in charge of the Indian depredation claims stated that if that bill were enacted into law, it would vitalize claims amounting to something like, as I recall, \$10,000,000. Whether this case is one of that class I am unable to say.

Mr. BURLESON. It is not. Mr. FITZGERALD. I do know a great many men, who asserted that they were citizens of the United States, either through failure of memory or lapse of time or for some other peculiar reason were unable to point out the particular place at which they were naturalized. They have been knocking at the doors of Congress ever since in an effort to obtain a legal standing given so as to enable them to go into the Court of Claims,

which they can not do now under the general law.
[Cries of "Vote!"]
The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken; and it was so ordered.

The next business was the bill (H. R. 6602) providing for the payment of claims growing out of the Army maneuvers at West Point, Ky., in 1903.

Mr. MANN. That bill was ordered laid on the table. That was the bill that passed the House-

Mr. MILLER. Some days ago, as an amendment to the Army appropriation bill.

The CHAIRMAN. The Chair is informed that this bill has never been acted upon.

Mr. MANN. The bill was recommended to be reported back and laid upon the table.

Mr. MILLER. That bill was adopted as an amendment to the

Army appropriation bill some days ago, and it has already passed.

The CHAIRMAN. My understanding at that time was that that action was not to be taken, but that the action can be taken at this time on the bill.

Let the bill be passed without prejudice. Mr. MILLER. The CHAIRMAN. Without objection, the bill will be laid aside with a recommendation that it lie on the table.

There was no objection.

# POSTAL TELEGRAPH CABLE COMPANY.

The next business was the bill (H. R. 7028) for the relief of the Postal Telegraph Cable Company.

The Clerk reported the bill, as follows:

The Clerk reported the bill, as follows:

Whereas the Postal Telegraph Cable Company rendered telegraph service to the Post-Office Department from July 1, 1889, to June 30, 1893, during which period the bills of the company were properly rendered, with a protest against the rate fixed by the Postmaster-General attached, and the same was disallowed and returned with the vouchers, owing to the accompanying protest: and

Whereas the rate fixed by the Postmaster-General was subsequently declared illegal by the United States Court of Claims and the protest fied with the bills sustained. Pending the decision of the Court of Claims sufficient time elapsed as to place this claim beyond the jurisdiction of that court: Therefore

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Postal Telegraph Cable Company, a corporation incorporated under the laws of the State of New York, having its principal office at No. 253 Broadway, New York City, the sum of \$2,155.19, for telegraph service rendered to the Post-Office Department from July 1, 1889, to June 30, 1893.

Mr. MILLER. Mr. Chairman, I move that we take up the Senate bill which is on this Calendar, in place of the House bill.

Senate bill which is on this Calendar, in place of the House bill.

The CHAIRMAN. The question is on the motion of the gen-tleman from Kansas [Mr. Miller] that action be taken upon the Senate bill.

The motion was agreed to.
Mr. MILLER. Mr. Chairman, I move that it be laid aside with a favorable recommendation.

Mr. MANN. Mr. Chairman, the report on this bill states that a similar claim of the Western Union Telegraph Company

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] will suspend. The bill has not been read.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the

reading of the Senate bill be dispensed with.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. MANN. Mr. Chairman, as I was saying, the report says a similar claim of the Western Union Telegraph Company, arising from the same cause, was decided by the Court of Claims November 22, 1897, in favor of the claimant. Pending the decision of the Court of Claims sufficient time elapsed to place this claim beyond the jurisdiction of the court in the decision of

the Court of Claims in the case of the Western Union Telegraph Company. The rate of toll upon the claim referred to in the bill now under consideration was adjudged to be fair and reasonable. I do not think the Committee on Claims intended to mislead the House, but I leave it to anyone who heard the reading of this report if he would not think that the Court of Claims had considered and decided a claim against the Government. And yet I find in the report itself a statement that the decision of the Court of Claims was one by agreement between the parties, without any consideration by the court whatever, and a finding by the court upon an agreement between counsel is not entitled to any respect so far as a decision of the law is con-We would suppose from the report of the committee that the Court of Claims, having decided the Western Union case as a matter of law, that the Postal Telegraph Company as a matter of law was entitled to this decision. But the Court of Claims decided nothing as a matter of law. It had referred the case in the Court of Claims to Perry Heath as a referee, and the whole action that was taken in the case was by agreement of counsel upon the facts in that case and entitled to no credit so far as the law points are concerned.

Now, there is nothing in the report in this case to show how they arrive at this amount. This is a proposition to pay for telegrams sent out by the Post-Office Department. There is a long communication in the report, which is lengthy, but not a line from the Post-Office Department to indicate whether this claim ought to be paid or the amount of the claim ought to be paid. Upon what does the gentleman base the claim? Upon the sum claimed by the telegraph company? The Post-Office Department would be able to verify the figures; but the Post-Office Department has not been asked to say what should be the amount, even if we allowed the claim. In this case the Postmaster-General fixed the rate for telegraphing, as he does from year to year. The Western Union and the Postal Telegraph Company claim that the rate was too low. The Western Union Company filed a claim against the Government. The Administration changed. That distinguished gentleman, Perry Heath, who has been connected with various articles in the newspapers of somewhat savory tone, was appointed as referee to decide the case. He came to the conclusion that, upon no findings which were made or shown, the Western Union Company ought to be paid the extra amount. I do not criticise his opinion. There is nothing to indicate what it is based upon. The record in the court was made wholly by agreement of counsel, and not the slightest thing indicated that upon the merits of the case the Western Union had any claim; and there is nothing in this report to show that even if the Western Union had the most valid claim the Postal Telegraph Company has any claim at all.

Mr. DRISCOLL. I would like to ask the gentleman during how long a period these claims had accumulated along between the first and the last of these claims?

Mr. GRAHAM. Three or four years.
Mr. DRISCOLL. I would like to know why they were not adjusted from year to year?

Mr. WALDO. It was agreed between the Post-Office Department and this company that these claims should await the decision of the Western Union case.

Mr. DRISCOLL. And the Post-Office Department refused to pay any more than was agreed to be paid from time to time?

Mr. WALDO. The Government refused to pay except at the minimum rate; but it was left with the Postmaster-General, and he held they were entitled to this additional amount, and the Western Union was paid, but the Postal Telegraph Company never did receive pay.

Mr. DRISCOLL. Did the Postmaster-General agree to reserve the question as to whether the Postal Telegraph Company should be paid?

It is claimed that that was done.

Mr. DRISCOLL. I do not believe that any person rendering service from time to time ought to make greater claims for the service than is right, and then at the end come in and ask additional compensation, when apparently he was satisfied with the compensation fixed at the time that the service was rendered.

Mr. CRUMPACKER. My understanding is that this claim is one for additional pay; that the Postmaster-General fixed a rate against which the telegraph companies protested earnestly; that the Postmaster-General acted arbitrarily, and subsequently the same rate was fixed for the Western Union Company. the Western Union Company went into court in an action to determine between the ruinous and confiscatory rate fixed by the Postmaster-General and what they believed to be a reasonable rate, and that the Post-Office Department and the Postal Company agreed that the Postal Company should abide the suit of the Western Union and the Government; and when that company was successful and recovered the difference between the

confiscatory rate fixed by the Postmaster-General and the reasonable rate, the Postal Company asks that it be paid for the same kind of service in the same way as the Western Union Company was paid. That is the case as I understand.

Mr. DRISCOLL. Was the Postal Telegraph Company

obliged to continue a service which it regarded as confiscatory?

Mr. MILLER. It certainly was. Mr. DRISCOLL. Could it not have discontinued the service if the compensation was not satisfactory?

Mr. PAYNE. Mr. Chairman, from a somewhat hasty reading of the report I observe that Postmaster-General Wanamaker fixed the rate at 1 mill per word, on the ground that the company was charging that rate to large corporations at the same time, and that the company showed the Postmaster-General that that information was not correct. That was one of the points litigated in the Western Union suit. The Western Union recovered for the rate claimed by the Postal company, and the papers show that the Postal company was to receive the same rate, as the result of the litigation, or the arbitration, whatever it was, that the Western Union company received.

Mr. MANN. The gentleman from New York does not mean to say that the rate was really fixed at 1 mill per word?

Mr. PAYNE. That is what I understand from a hasty reading of what Mr. Wanamaker said; but whatever that rate was that Mr. Wanamaker fixed, whether it was 1 mill per word or otherwise, he fixed that rate because he said he understood that that was the rate paid by large corporations to these telegraph companies for similar service. It turned out that his information was incorrect—that they were getting a larger rate from the large corporations.

Mr. MANN. He claimed, up to the end, that he was correct, and that he had fixed a rate above the rate that large corpora-

tions paid.

Mr. PAYNE. He claimed that, but the proof was otherwise. Mr. RICHARDSON of Alabama. I did not hear very distinctly the statements of the gentlemen on the other side of the Chamber in an expression of their views, but after looking at this report of the Committee on Claims for a moment, it occurs to me, Mr. Chairman, that if the allegations of the report are true-and I do not hesitate to accept them as being the truththat the Court of Claims in the Western Union case have passed on exactly the items claimed in this bill. The Court of Claims decided the charges to be reasonable and just. It seems that the Postmaster-General had occasion to make a contract in 1889 in which he limited the charges of the Western Union and Postal Telegraph companies for certain public services to 1 mill per word. That was not deemed by these companies to be fair, just, and reasonable. The matter was adjudicated on the part of the Western Union Telegraph Company and the rate decided to be so unreasonably low that the company could not earn a fair profit and make expenses at the rate of 1 mill per word, and the Court of Claims held that the charge that they claimed was reasonable and just, and so allowed it. Now, the Postal Telegraph Company comes up, the Western Union Company having already been paid, with the same claim, the same items, under the same contract, under the same conditions, and if that statement contained in the report is admitted by the gentleman from Illinois [Mr. Mann], it seems to me that this is a just and fair claim, and that it ought to be paid, and we ought not to consume further time on it. I was simply taking the statement of the report of the Committee on Claims and nothing else.

The CHAIRMAN. The question is on laying the bill aside to be reported to the House with a favorable recommendation. The motion was agreed to.

Accordingly the bill was laid aside to be reported to the House with a favorable recommendation.

The CHAIRMAN. The Chair suggests that the House bill of like character (H. R. 7028) is still on the Calendar.

Mr. MILLER. In the House we will ask that that lie on the table.

The CHAIRMAN. If there be no objection, the House bill will be reported to the House with the recommendation that it lie on the table.

There was no objection.

PAY DIRECTOR E. B. ROGERS, UNITED STATES NAVY.

The next business was the bill (S. 2262) for the relief of Pay Director E. B. Rogers, United States Navy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to E. B. Rogers, pay director, United States Navy, the sum of \$1,000, said sum to be a payment in full for all losses of personal property incurred by him by reason of the destruction by fire

of the Windsor House, at Yokohama, Japan, on the morning of February S, 1886.

Mr. MANN. A similar House bill has already been favorably

acted upon.

The CHAIRMAN. The Chair suggests that it might be well to act on the Senate bill, and lay the House bill on the table, or let the House lay it on the table.

Mr. MILLER. I move to lay this bill aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

Accordingly, the bill S. 2262 was ordered to be laid aside to be reported to the House with a favorable recommendation.

Mr. BUTLER of Pennsylvania. I move that the House bill

Mr. MILLER. We will ask that in the House. The CHAIRMAN. The Chair suggests that the House may properly lay the House bill on the table.

M. A. PHELPS AND JOHN W. RENNER.

The next business on the Private Calendar was the bill (H. R. 12009) for the relief of the heirs at law of M. A. Phelps and the heirs at law of John W. Renner.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of \$416.20 be, and the same is hereby, appropriated from any money in the Treasury of the United States not otherwise appropriated, to be paid into the registry of the United States district court in bankruptcy for the southern district of Ohio, western division, to be used and disposed of under the direction of the United States district judge in Cincinnati, Ohio, to be applied in the payment of final dividends as follows: In case No. 1100 in bankruptcy in said United States district court in the matter of the involuntary bankruptcy of Benjamin Homans, jr., to the personal representatives of M. A. Phelps, deceased, \$315; to the personal representatives of John W. Renner, \$101.20; said amounts having been, by misapprehension, paid the assistant treasurer of the United States at Cincinnati, Ohio.

Mr. MANN. Mr. Chairman, this bill proceeds mean the theory.

Mr. MANN. Mr. Chairman, this bill proceeds upon the theory that certain money was paid under a misapprehension. bill says "said amount having been by misapprehension paid the assistant treasurer of the United States at Cincinnati, Ohio." The fact is that this is an old claim in bankruptcy which some attorney has dug up, as appears by what the clerk of the court says upon the subject. I respectfully suggest that there was no misapprehension whatever in regard to that deposit.

Mr. MILLER. Will the gentleman from Illinois allow me?
Mr. MANN. I always allow the gentleman anything he wants.

Mr. MILLER. What the gentleman from Illinois states is absolutely true, that it was under no misapprehension. The clerk was compelled under the law to turn the money into the Treasury of the United States, and the only way that it can be got out and paid to the men to whom it rightfully belongs is by this method.

Mr. MANN. The gentleman having admitted that the bill passed his scrutinizing eye with something in it that ought not to be in it, permit me to call his attention to something else in regard to it. Here was a bankruptcy estate, and a time was provided for filing claims and proving up claims. More than thirty years have elapsed since that time has passed, and no effort has ever been made to prove those claims in the bankruptcy case. Now comes the record in the case showing that because an attorney found there was a surplus of funds in the bankrupt estate, and under the law, no one appearing to claim those funds, they were turned into the Treasury of the United States, and the attorney goes up and digs out these claims which were rightfully filed but never have been proved up, and comes before the Congress of the United States and says that these claims ought to be paid out of this surplus fund, thirty years after they had been abandoned, without any proof what-ever that the people ever had valid claims against the bankrunt estate.

I do not believe that the gentleman from Kansas, even with an assurance made on his part, can hardly persuade himself that if he had his way about it he would recommend the payment of

such a claim.

In reply to the gentleman from Illinois, I de-Mr. MILLER. sire to call the gentleman's attention, for the purpose of information only, to what is stated by the clerk of courts for the purpose of showing that this matter had not been settled for thirty years. He said:

In reply you are respectfully informed that a petition in bankruptcy was filed by Benjamin Homans, jr., No. 1100, September 13, 1869. Said matter was prosecuted from time to time, and deposits were made to meet certain claims that had been adjudicated up to May 24, 1901, when it appearing to the court that a balance in said matter of \$834.41 had been in the registry since May 16, 1888, being for more than ten years, the same was deposited with the assistant freasurer at this place to the credit of the United States.

Mr. MANN. I said that the claims were thirty years old. The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken; and the bill was ordered to be laid aside to be reported to the House with a favorable recommenda-

#### FRANKLIN PATTERSON.

The next business on the Private Calendar was the bill (H. R. 3462) for the relief of Franklin Patterson.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury of the United States of America be, and he is hereby, authorized and directed, out of any moneys not otherwise appropriated, to pay to Franklin Patterson, of Atlantic Highlands. N. J., the sum of \$1,992, said payment when made to be in full satisfaction of the claim of said Franklin Patterson, as an applying creditor, and also as care taker of the property levied upon, and also to be in full satisfaction of all interest, costs, and expenses, under a certain attachment issued on the 4th day of September, A. D., 1891, out of the inferior court of common pleas of the county of Monmouth and State of New Jersey, at the suit of Eusebius W. Arrowsmith, jr., plaintiff, against The Pneumatic Dynamite Gun Company, defendant, and levied upon the said Pneumatic Dynamite Gun Company plant, on the United States reservation at Sandy Hook, N. J., which plant was afterwards purchased by the United States of America while still subject to the lien of said attachment; said claim, although prior to the title of the United States of America while still unpaid, although the plaintiff has been settled with and said Franklin Patterson and Frederick Parker, the duly appointed auditor in said attachment, having been enjoined and prevented from selling said plant on the ground that the same was a necessary part of the defenses of the city of New York and that there was no appropriation for the payment of said claim, but said plant having been afterwards, to wit, in the year 1902, condemned by the United States of America as no longer useful, and having been sold by the United States of America to a private individual or corporation for the sum of \$20,000 or thereabouts, which has been paid into the Treasury of the United States, and the said United States of America having prevented the said Franklin Patterson from making sale of said plant so attached, although the said injunction from selling the same was dissolved by the United States circuit

The committee amendments were read, as follows:

On page 1, line 7, erase words "one thousand nine hundred and ninety-two" and substitute therefor the words "one thousand one hundred and forty-eight."

On page 1, line 9, erase word "as" and words "and also as."

On page 1, line 10, erase words "caretaker of the property levied upon and also to be."

On page 1, line 11, erase words "interest, costs, and expenses" and substitute therefor the words "claim against the United States of America."

The amendments were agreed to.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

# DELIA B. STUART.

Mr. MILLER. Mr. Chairman, I now ask unanimous consent to return to Calendar No. 2811, to which a point of order was made, and I move that the bill be laid aside with a favorable recommendation. The Clerk might read the bill again.

The CHAIRMAN. The Chair will state that the bill was ruled out on a point of order and that it is not now in order to move to lay it aside with a favorable recommendation.

Mr. MILLER. I have asked unanimous consent that we may now take it up. The point of order against the bill will be withdrawn.

Mr. MANN. The gentleman is hardly right as to his par-liamentary proposition. So far as the bill is concerned, I made the point of order that it should come from the Committee on War Claims. I happened to miss a minute which I had in connection with the bill, having revised my own opinion of the bill. I desire, so far as I am concerned, to withdraw the point of order, if I may. Simply to present the matter in an orderly way, and I ask unanimous consent that I may be permitted to withdraw the point of order which was made against the bill, and that the bill may be again presented to the committee for consideration.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that proceedings taken under the point of order may be vacated. Is there objection?

There was no objection, and it was so ordered.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Delia B. Stuart, widow of John Stuart, late a private of Company H, Second United States Artillery, the sum of \$150\$, this sum being due her as the widow of the said John Stuart as a balance of bounty still unpaid.

Mr. MILLER. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The bill was ordered to be laid aside with a favorable recommendation.

# L. L. ARRINGTON AND L. S. ARRINGTON.

The next business was the bill (H. R. 5666) for the relief of L. L. Arrington and L. S. Arrington.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury of the United States of America is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$120.30 to L. L. Arrington and L. S. Arrington, for certain witness fees due by the United States Government to witnesses who were duly subpenned to attend, and did attend, the United States district court for the north-eastern division of the southern district of Georgia and the court of the United States commissioner, George K. Calvin, in the division and district aforesaid, in the year 1894, and who did not, at any time, receive the fees to which they were entitled, but transferred their claim therefor under the aforesaid subpens to L. L. Arrington and L. S. Arrington, who in like manner have never been paid.

With the following committee amendment:

Add the following words:

"Provided. That the appropriation herein made shall not be available until the said L. L. Arrington and L. S. Arrington shall file with the deputy clerk of the United States court for the division and district aforesaid a bond, with good and sufficient security, to be approved by said clerk, in double the amount of the appropriation, conditioned to protect the United States from any claim that may be made for said fees by said witnesses."

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken; and the amendment was agreed to. The CHAIRMAN. The question now is on laying the bill

aside with a favorable recommendation.

Mr. MANN. Mr. Chairman, I stated to the gentleman in charge of the bill that if this matter had been referred to the Attorney-General I had no objection to the bill, and I can see no reason why the Committee on Claims should report on paying witness fees to somebody who did not earn the fees, without any certificate from the marshal, without any report from the Attorney-General, without any statement from anyone that the fees were earned. If the fees were earned, very well. It seems that in this case some gentleman engaged in trade in the city, as a matter of accommodation, purchased certificates from the witnesses, and I would be very far from wanting to throw any difficulty in the way of their collecting the claims, but we have absolutely nothing but their statements in reference to these fees as to a part of the fees. As to another part of the fees there is a certificate in which the United States marshal certifies that the fees are correct; but we ought to have, it seems to me, a report from either the Attorney-General, as to whether these fees were due from the United States, or a certificate from the proper officials. I understand the gentleman from Georgia [Mr. HARDWICK] has a certificate to that effect.

Mr. HARDWICK. I do not want to be misunderstood about

I yield to the gentleman.

Mr. HARDWICK. Mr. Chairman, this matter was referred to the Department of Justice, and Mr. Purdy, Acting Attorney-General, just simply said that he was opposed to it because the transfers were not made under section 3477 of the Revised Statutes; in other words, because they were not collectible under the general law. When he made that objection to the committee I immediately said that we would never have any claim allowed, nor have any Committee on Claims, if we fol-That is what the Committee on Claims is for, to lowed him. pass bills for which provision is not made in the general existing law. There is no doubt in the world about the accuracy of these claims. These people have sworn to them. I do not see why they should not pass.

Mr. MANN. Of course the gentleman from Georgia would not say claims against the Government were just because somebody swears to them. We have a process of ascertaining the facts. We ought to have some process of ascertaining the validity besides the oath of the claimant. As far as the opinion of the Attorney-General is concerned, as cited by the gentleman, I do not care anything about that. I think we ought to know

whether the witness fees are due at all or not.

Mr. MILLER. I desire to say in reply to the gentleman from Illinois that there is no question about the fact that these parties were entitled to their fees and they were paid their fees by the parties making this claim here.

Mr. HARDWICK. The marshal being sick at the time.
Mr. MILLER. Of course the people could not stay there. They were from a long distance and were compelled to go. These parties paid them their fees as a mere matter of accom-There is a certificate of the commissioner here to the modation. effect that these fees were due these men, and the Government of the United States is not to lose anything by it, as in the bill we make provision that the appropriation shall not be available until these patries shall file with the deputy clerk of the United

States court for the division and district aforesaid a bond with good and sufficient security, to be approved by said clerk, in double the amount of the appropriation, conditioned to protect the United States from any claim that may be made for said fees by said witnesses.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN SMITH.

The next business on the Private Calendar was the bill (H. R. 2926) for the relief of the heirs of John Smith.

The Clerk read as follows:

The Clerk read as follows:

Whereas John Smith, deceased, who died at the Soldiers' Home in Washington, D. C., on July 30, 1891, at the time of his death had in the custody of the National Soldiers' Home at Washington, D. C., \$1.998.50; and

Whereas the officers of said Home claim that \$1,788 of this sum has escheated to the said Home, under section 4 of act of Congress, 1883, but that they have held the full sum of \$1,998.50, and have paid no part thereof to his heirs, who are Charles J. Smith. of Jackson, Mich.; Mary E. Carey, of Jackson, Mich., and Kittie Schilling, of Valley City, S. Dak., who are his lawful heirs: and

Whereas the officers of said Home require instructions before they will pay over said sum: Therefore

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to nay, out of any money in the Treasury not otherwise appropriated, to Charles J. Smith, Mary E. Carey, and Kittie Schilling, in equal proportions, the sum of \$1,998.50, and legal interest thereon since July 30, 1891, in full for said money so deposited with said Home and officers thereof and the use thereof.

The committee amendments were read, as follows:

The committee amendments were read, as follows:

In lines 5 and 6 strike out "and legal interest thereon since July 30. 1891;" and in line 7 strike out "and the use thereof."
On page 2, line 2, strike out the word "Charles" and insert the word "Charley;" same line strike out the letter "E.," after the word "Mary." and insert in lieu thereof the words "Ann Smith."
In line 3, after the word "Carey," insert "of 432 Backus street, Jackson, Mich.;" same line strike out the words "Kittle Schilling" and insert the words "Catherine Smith Schillings, of Valley City, N. Dak."

The amendments were agreed to.

Mr. MANN. Mr. Chairman, this is a bill to pay money out of the Treasury of the United States which the report shows is in the hands of the managers of the Soldiers' Home. It seems to be a queer proposition. There was a conflict in reference to the ownership or heirship of property left by a man who died at the Soldiers' Home. The trustees of the Soldiers' Home have the money. They have it in their hands and claim the money. This bill does not propose to take the money out of their hands, it does not propose to pay to these people the money in the hands of the Soldiers' Home, but it proposes to pay an equal amount out of the Treasury of the United States and let the Soldiers' Home retain the money there. Under the law, under certain conditions, if a person dies at a Soldiers' Home and leaves an estate, they become his heirs or the estate escheats to them. There was a long contest over this proposition.

An effort was made to get the people connected with the Soldiers' Home to turn over the money. They claim that they were entitled to the money, and the matter went before the Judge-Advocate-General, and it has been before various officials. The money is now not in the Treasury of the United States, as shown by the report. General Lieber says the money amounted to nineteen hundred and ninety-eight dollars and fifty cents, and it now belongs to the Home. The money is in the hands of the Home. The bill recites a claim against the Home, and thereupon proceeds to provide that there shall be paid out of any money in the Treasury not otherwise appropriated this sum of money. The money in the hands of the Home, which they claim is their own, will still remain in their possession. Under what theory is it that we propose to pay out of the Treasury money which does not belong to the Government of the United States, which is not in the Treasury of the United States, with which we have nothing to do? A dispute between the Soldiers' Home and people who claim to be heirs of the man, and while the fund is in contest, without any exercise of authority over the fund by us at all, we are supposed to pay money out of the Treasury. do not see how the gentleman can justify such a position. reserve the balance of my time.

Mr. MILLER. Mr. Chairman, the committee justifies its position upon the strength of the report of the Judge-Advocate-General, which clearly pointed out the manner in which this money could be taken from the Soldiers' Home and put into the Treasury of the United States, and it is the duty of the Government of the United States to look after this matter and get it into the Treasury, and it is our province to get it into the hands of the people to whom it legitimately belongs, and then let the Government of the United States protect itself as suggested by the Judge-Advocate-General; and then it will get into the Treasury of the United States.

Mr. MANN. Ah, but, Mr. Chairman, the Judge-Advocate-General suggests how the question can be brought and the manner in which the money shall go into the Treasury of the United States. That matter has never been tested in accordance with the suggestion of the Judge-Advocate-General. The money is now in the hands of the managers of the Soldiers' Home. This bill does not seek to try the title to that money;

it does not provide in any way for the control of that money; it leaves that money in their hands, and proposes to appropriate out of the Treasury of the United States a sum equal

The bill was ordered to be laid aside with a favorable recom-

COPIAH COUNTY, MISS.

The next business on the Private Calendar was the bill (H. R. 3518) for the relief of Copiah County, Miss.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to the board of supervisors of Copiah County, Miss., the sum of \$164.50, in full compensation for costs incurred in defending the suit of The United States against the board of supervisors of Copiah County and The Virginia Bridge and Iron Company in the circuit court of the United States for the southern district of Mississippi, at May term, 1899, held at Jackson, Miss., said suit being instituted to enjoin the board of supervisors of, Copiah County from constructing a bridge over Pearl River at Rockport, Miss., which injunction was dissolved by the court and costs adjudged against the United States.

Mr. McLAIN. Mr. Chairman, I move to lay the bill aside with a favorable recommendation.

The CHAIRMAN. The gentleman from Mississippi moves that the bill be laid aside with a favorable recommendation.

Mr. MANN. Mr. Chairman, the bill purports to be a bill to pay to a county in Mississippi full compensation for the cost incurred by that county in a suit. The fact is a bridge was built by that county across a river in that county. There came a con-test between the Government of the United States and the county as to the authority of the county to build this bridge. suit was instituted in the United States courts. Before that suit was settled the Congress of the United States passed an act validating the construction of the bridge. There is no question raised but that the suit was properly brought and that the suit was in good faith, that the question properly existed, but Congress afterwards provided that these people should be relieved from any trouble by reason of having built the bridge without authority. Now, the bill purports to be a bill to pay costs. There are no taxed costs in the case. This is not for the payment of costs taxed by the court.

Mr. RICHARDSON of Alabama. Was the bridge built across

a navigable stream?

Mr. MANN. It was for a bridge built across a stream which the Government claimed was navigable. I do not know what the facts may have been about the navigability of it, but the fact that Congress afterwards passed an act authorizing the structure seemed to assume that Congress took the position that it was a navigable stream. Now, even if we were to repay the costs there are no taxed costs in the case. Why, whenever the Government of the United States has a controversy with somebody in a law suit, does it propose to pay, when they settle the case, all of the costs, of the attorneys' fees, and the expenses of the other party

Mr. RICHARDSON of Alabama. If this was not a navigable stream, and had not been so declared by the Government, then the Government would have been in error in causing the other party to be put to that expense. I am advised that the Govern-

ment never declared it a navigable stream.

Mr. MANN. The gentleman is a member of the committee that I have the honor to belong to-the Committee on Interstate and Foreign Commerce—and is one of its principal lights. gentleman surely would not for a moment contend that the Gov-ernment has to declare that a certain stream is navigable before the Government has authority over the construction of bridges across that stream; because the Government does not undertake to say that certain streams are navigable. That is a question of fact. And if the stream be navigable the Government has the jurisdiction.

Mr. RICHARDSON of Alabama. The Government has declared a great many streams navigable that have never been navigable, and the Government does it because of certain policies and certain views, and in my opinion the Government has never declared that stream navigable. The bridge was probably put up there by the State.

Mr. MANN. I do not know whether the bridge was properly put there or not. That is a matter that never was determined. That was in litigation. That was a question that was serious enough to attract the attention of the Government of the United States and litigation ensued. It is not likely that litigation ensued at the suggestion of the United States Government. That litigation ensued at the suggestion of the navigation interests, and pending that suit, before its determination, Congress authorized the structure. That was a compromise between the two litigants. On what theory do we now propose to pay them all the expenses, the attorneys' fees, or anything else that you

please to name, not taxed against the Government at all? There were stenographers' fees and various fees taxed as costs-just the fees that a board of supervisors choose to say they have expended or incurred.

[Cries of "Vote!"]

The CHAIRMAN. The question is on laying the bill aside

with a favorable recommendation.

Mr. MILLER. Mr. Chairman, I desire to call the attention of the committee now to the facts in this case. This was an action commenced by the United States against this county, and it was tried and judgment rendered against the Government, and the Government took an appeal to the court of appeals. Pending that appeal to the court of appeals the Congress of the United States legalized the action of that county in building the bridge. Judgment had been rendered against the Government for the costs in the case. This committee simply asks that the costs of witnesses, \$164, be paid.

[Cries of "Vote."]

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken; and it was so ordered.

T. J. H. HARRIS.

The next business on the Private Calendar was the bill (H. R. 6417) for the relief of T. J. H. Harris.

The bill was read, as follows:

A bill (H. R. 6417) for the relief of T. J. H. Harris.

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to T. J. H. Harris, of Union, S. C., \$341.55, the same being the balance due said T. J. H. Harris for services rendered the United States in enumerating the population of Union County, S. C., in the year 1860.

The bill was ordered to be laid aside with a favorable recommendation.

DELIA B. STUART.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to take up the Senate bill 2724 that it may be considered now. This is a bill for the relief of Delia B. Stuart.

The CHAIRMAN. What is the Calendar number?

Mr. MILLER. Three thousand five hundred and twentyeight. I simply want to ask that the Senate bill be laid aside with a favorable recommendation, so I can move to substitute it in the House.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the Senate bill be laid aside with a favor-

able recommendation.

Mr. PAYNE. The House bill has been favorably acted on. Is this the Senate bill?

Mr. MILLER. I ask now that the Senate bill be favorably acted upon.

The CHAIRMAN. What is the Calendar number?
Mr. MILLER. Three thousand five hundred and twenty-eight.
Mr. MANN. What is the number of the report on the Senate

Mr. MILLER. Four thousand and ninety-four.
Mr. PAYNE. It is reported from the Committee on War
Claims, I understand. [Cries of "Regular order!"] Mr. BURLESON. I demand the regular order.

JOHN HUDGINS.

The next business on the Private Calendar was the bill (H. R. 13357) for the relief of John Hudgins.

The bill was read, as follows:

A bill (H. R. 13357) for the relief of John Hudgins.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John Hudgins, of Chillicothe, Mo., out of any money in the Treasury not otherwise appropriated, the sum of \$246.57, being the balance due said John Hudgins as late contractor on mail route No. 10511.

The amendment recommended by the committee was read, as follows:

In line 4 strike out the word "Chillicothe" and insert the word Mooresville."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JOHN WALLER.

The next business on the Private Calendar was the bill (H. R. 6104) to reimburse John Waller, late postmaster at Monticello, N. Y., for moneys expended in carrying the mails.

The bill was read, as follows:

A bill (H. R. 6104) to reimburse John Waller, late postmaster at Monticello, N. Y., for moneys expended in carrying the mails.

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to John Waller, late postmaster at Monticello, N. Y., out of any moneys in the Treasury not otherwise appropriated, the sum of \$426.25, to reimburse him for moneys expended in carrying the United States mails and for damages consequent therefrom.

Mr. MANN. Mr. Chairman, here is a bill it is claimed that the postmaster incurred in order to have the mail carried when snow upon the ground prevented trains from running. Now, the postmaster incurred bills to the amount of \$215. Thereupon, it is proposed to pay him \$426.25, although the Department reported against the claim. At the time these claims were made the Post-Office Department turned down the claims. When the first claim was presented, the postmaster was notified that the Government of the United States would not pay these bills. He went on incurring claims, and did not stop when his bills were disallowed. He did not stop when he was notified by the Post-Office Department that he had no authority to incur these bills. He went ahead incurring bills. Then, having incurred bills for \$215 and some expenses, it is true, in defending a suit, it is proposed to pay him over \$400. It seems to me that that is beyond all reason.

Mr. MILLER. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

### JOHN HUDGINS.

Mr. RUCKER. Mr. Chairman, I move to substitute Senate bill 5446 for the House bill just passed.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the Senate bill 5446 be substituted for the House bill.

Mr. PAYNE. Has the Senate bill been reported?

Mr. MILLER. The Senate bill has been reported.
Mr. PAYNE. Then this committee has no authority to do This bill is not in this committee.

Mr. GROSVENOR. This can be done in the House when this bill comes up for passage. Then the Senate bill can be sub-

I have no objection at all to that being done. The CHAIRMAN. The Chair is of the opinion that the committee should report the Senate bill here with a favorable recommendation.

Mr. MANN. Reserving the right to object, I beg to ask the gentleman whether the Senate and House bills are identical?

Mr. RUCKER. I do not know that I can state that they are identical in terms, but they carry the same amount.

The amount is identically the same?

Mr. MANN. The amount is identically the same?
Mr. RUCKER. Absolutely so.
The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. I object to its being considered now; if it had

been reported, I would have no objection to it.

Mr. MANN. This is not a substitute. This is simply to report the Senate bill favorably.

Mr. GRAHAM. It is on the Calendar.
Mr. PAYNE. I asked the question if the Senate bill had been reported from the committee, meaning the Committee on Claims. Mr. MILLER. Oh, yes.

Mr. PAYNE. So that it is before the Committee of the Whole.

Mr. MILLER. Certainly.
The SPEAKER. The Chair states to the gentleman from New York that the Senate bill has been reported from the Committee on Claims.

Mr. PAYNE. Very well, then, I have no objection.
The CHAIRMAN. It is pending before the committee at this time.

Regular order!

The CHAIRMAN. The question is on laying the bill aside to be reported to the House with a favorable recommendation.

The question being taken; the bill was ordered to be laid aside to be reported to the House with a favorable recommenda-

C. A. BERRY.

The next business was the bill (H. R. 8365) for the relief of C. A. Berry.

Be it enacted, etc., That there be paid to C. A. Berry, of Casey, Iowa, out of any money in the Treasury not otherwise appropriated, the sum of \$150, being the amount paid by C. A. Berry and J. G. Berry for Ruth C. Berry, as shown by cash receipt No. 21616 of the Des Moines, Iowa, land office, the entry under which said payment was made having been canceled, and the said C. A. Berry being the sole heir and legatee of the said Ruth C. Berry.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

GEORGE W. SCHROYER

The next business was the bill (H. R. 16581) for the relief of George W. Schroyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund and pay, out of any money in the Treasury not otherwise appropriated, to George W. Schroyer, of Lancaster, Pa., the sum of \$102.30, being duty paid on certain bulbs which when received were found to be damaged and worthless.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

### BARCLAY H. WARBURTON.

Mr. GRAHAM. Mr. Chairman, I ask unanimous consent that the point of order raised against the bill (H. R. 3577) for the relief of Barclay H. Warburton be reconsidered, and that the action of the committee in reference to that bill be vacated.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the proceedings taken under the point of order raised against the bill H. R. 3577 be vacated.

Mr. GRAHAM. The point was raised by Mr. Mann, and he

has decided to withdraw it.

The CHAIRMAN. Is there objection? Mr. MANN. Mr. Chairman, I will not insist upon the point of order

The CHAIRMAN. The Chair hears no objection. Proceed-

ings under the point of order are therefore vacated.

Mr. GRAHAM. Mr. Chairman, the bill has already been read. I now move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

#### CHARLES S. BLOOD.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent that the point of order raised in regard to the bill (H. R. 2702) for the relief of Charles S. Blood (Calendar No. 2828) be set aside, and that the bill be now considered.

Mr. PAYNE. Mr. Chairman, I ask the gentleman from Flor-

Mr. PAYNE. Mr. Chairman, I ask the gentleman from Florida if that is the bill he spoke to me about?

Mr. SPARKMAN. Yes; that is the same bill.

Mr. PAYNE. I am sorry to say I shall have to object to that.

Mr. SPARKMAN. Then it is of no use for me to make this

request.

REPORT FROM THE COMMITTEE OF THE WHOLE.

Mr. MILLER. Mr. Chairman, I move that the committee rise and report the several bills and amendments to the House for its action.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Campell of Kansas, Chairman of the Committee of the Whole on the Private Calendar, reported that that committee had had under consideration sundry bills, and had directed him to report to the House the bills H. R. 6602 and H. R. 7028 with recommendation that they lie on the table; also that they had directed him to report the bills H. R. and 16166 as having been reported from the Committee on War Claims without jurisdiction; also that they had directed him to report sundry other bills, some with and some without amendments, and with the recommendation that the amendments be agreed to and that the bills as amended do pass.

The SPEAKER pro tempore. The bills reported from the Committee of the Whole House with the recommendation that they be referred to the Committee on War Claims-H. R. 2702, for the relief of Charles S. Blood, and H. R. 16166, for the relief of A. J., C. C., and T. W. Hodges—without objection, will be referred to the Committee on War Claims.

There was no objection.

Mr. MILLER. Mr. Speaker, I ask unanimous consent that the previous question may be ordered on all bills and amendments to their final passage.

Mr. MANN. I object.

Mr. MILLER. Then, Mr. Speaker, I ask unanimous consent that 'on all bills and amendments unobjected to the previous question be ordered.

Mr. NORRIS. I object.

The SPEAKER pro tempore. The Clerk will report the first

# BILLS LAID ON THE TABLE,

The Clerk reported the first bill reported from the Committee of the Whole House, which was the bill (H. R. 6602) providing for the payment of certain claims growing out of the Army maneuvers at West Point, Ky., in 1903, with the recommendation that it lie on the table.

The recommendation was agreed to.

The next bill reported from the Committee of the Whole House was the bill (H. R. 7028) for the relief of the Postal Telegraph Cable Company, with the recommendation that it lie on the table.

The recommendation was agreed to.

# BILLS PASSED.

The following House bills reported from the Committee of the Whole without amendment were severally considered, ordered

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to be engrossed and read a third time, were read the third time, and passed:

H. R. 8699. A bill for the relief of James A. Carroll;

H. R. 1371. A bill to refund to J. Tennant Steeb certain duties erroneously paid by him, without protest, on goods of domestic production shipped from the United States to Hawaii and thereafter returned:

H. R. 9212. A bill for the relief of Joseph W. I. Kempa, executor of the last will and testament of William J. Grutza, de-

'ceased:

H. R. 1563. A bill for the relief of Matthew J. Davis;

H. R. 5169. A bill for the relief of W. B. Sutter;

H. R. 8. A bill for the relief of the Harbison-Walker Company, of Pittsburg, Pa.; H. R. 2326. A bill for the relief of J. W. Bauer and others;

H. R. 5. A bill to provide for the refunding of certain money,

H. R. 9386. A bill for the relief of Henry Hirschberg;

H. R. 10305. A bill to provide for the repayment of certain customs dues;

H. R. 7746. A bill for the relief of Columbia Hospital and Dr. A. E. Boozer;

H. R. 17099. A bill to authorize the refund of part of fines imposed on the vessels Sotie R., Mathilda R., and Helen R.; H. R. 4271. A bill for the relief of Patrick J. Madden; H. R. 4300. A bill for the relief of A. J. Stinson;

H. R. 4299. A bill for the relief of John Stinson; H. R. 1050. A bill for the relief of Edwin S. Hall;

H. R. 12840. A bill for the relief of L. Biertempfel;

H. R. 11676. A bill for the relief of persons who sustained property damage caused by fire at the Rock Island Arsenal;

H. R. 13418. A bill for the relief of W. S. Hammaker; H. R. 15594. A bill for the relief of John B. Brown;

H. R. 12009. A bill for the relief of the heirs at law of M. A. Phelps and the heirs at law of John W. Renner

H. R. 14232. A bill for the relief of Delia B. Stuart, widow of

H. R. 3518. A bill for the relief of Copiah County, Miss.; H. R. 6417. A bill for the relief of T. J. H. Harris; H. R. 6104. A bill to reimburse John Waller, late postmaster at Monticello, N. Y., for moneys expended in carrying the mails; H. R. 8365. A bill for the relief of C. A. Berry; H. R. 16581. A bill for the relief of George W. Schroyer; and

H. R. 3577. A bill for the relief of Barclay H. Warburton.

The following House bills, reported from the Committee of the Whole with amendment, were severally considered, the amendments agreed to, and the bills as amended ordered to be engrossed and read a third time, read the third time, and passed:

H. R. 4233. A bill to reimburse the Harpswell Steamboat Company, of Portland, Me., for expenses incurred for repairing damages sustained by its steamer Sebascodegan in collision with the U. S. S. Woodbury.

H. R. 14381. A bill authorizing and directing the Secretary of the Treasury to pay to the Holtzer-Cabot Electric Company the amount due said company from the Post-Office Department

H. R. 5622. A bill for the relief of M. D. Wright and Robert

H. R. 15850. A bill for the relief of M. A. Johnson, of Stough-

ton, Dane County, Wis.; H. R. 18020. A bill for the relief of Snare & Triest (the title

was amended); H. R. 6418. A bill for the relief of T. B. Stackhouse, a deputy collector of internal revenue for the district of South Carolina

during the fiscal year 1894 and 1895; H. R. 8727. A bill for the relief of James W. Kenney and the

Union Brewing Company; H. R. 14464. A bill for the relief of Wiley Corbett;

H. R. 4629. A bill for the relief of William H. Gowdy; H. R. 9298. A bill for the relief of the estate of David C.

Haynes, deceased (the title was amended); H. R. 3462. A bill for the relief of Franklin Patterson;

H. R. 5666. A bill for the relief of L. L. Arrington and L. S. Arrington; and

H. R. 2926. A bill for the relief of the heirs of John Smith. The following Senate bills, reported from the Committee of

the Whole without amendment, were severally considered, or-dered to be read a third time, were read the third time, and passed:

S. 1236. An act to authorize payment to the Henry Philipps Seed and Implement Company for seed furnished to and ac-cepted by the Department of Agriculture during the fiscal year

S. 538. An act for the relief of Charles T. Rader;

S. 1169. An act for the refund of certain tonnage duties;

S. 4348. An act for the relief of Augustus Trabing;

S. 2578. An act for the relief of Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford;

S. 5560. An act for the relief of Matthew J. Davis; S. 1668. An act for the relief of the administrator of the estate of Gotlob Groezinger;

S. 4860. An act for the relief of Peter Fairley;

S. 3581. An act providing for the payment to the New York Marine Repair Company, of Brooklyn, N. Y., of the cost of the repairs to the steamship *Lindesfarne*, necessitated by injuries received from being fouled by the U. S. Army transport *Crook* in May, 1900;

S. 350. An act for the relief of the heirs of Joseph Sierra, deceased:

S. 503. An act to reimburse James M. McGee for expenses incurred in the burial of Mary J. De Lange;

S. 1231. An act to reimburse the Becker Brewing and Malting Company, of Ogden, Utah, for loss resulting from robbery of the United States mails;

S. 2368. An act for the relief of the Postal Telegraph Cable

Company; S. 2262. An act for the relief of Pay Director E. B. Rogers, United States Navy; and S. 5446. An act for the relief of John Hudgins.

The following Senate bill, reported from the Committee of the Whole with amendment, was considered, the amendment agreed to, the bill as amended ordered to be read a third time, was read the third time, and passed:

S. 4819. An act for the relief of M. A. Johnson.

### P. S. CORBETT.

The next bill reported from the Committee of the Whole was the bill (S. 1894) for the relief of P. S. Corbett. The SPEAKER pro tempore. Without objection, the bill will

be considered as

Mr. MANN. I object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Illinois objects. The question is on the third reading of the Senate

The question was taken; and the Chair announced that the ayes seemed to have it.

On a division (demanded by Mr. Mann) there were-ayes 60,

So the bill was ordered to a third reading, read the third time, and passed.

# WITHDRAWAL OF PAPERS.

Mr. DOVENER by unanimous consent obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Maramon A. Martin, Fifity-eighth Congress, no adverse report having been made thereon.

# JOHN HUDGINS.

The next business reported from the Committee of the Whole was the bill (H. R. 13357) for the relief of John Hudgins.

Mr. RUCKER. Mr. Speaker, I move to substitute Senate bill 5446 for that bill, and move that the House bill do lie upon the

The SPEAKER pro tempore. Without objection, the House bill will be laid on the table, and the Senate bill will come up when it is reached.

There was no objection.

When the bill (S. 5446) for the relief of John Hudgins was reached, it was ordered to a third reading, was read a third time, and passed.

The SPEAKER pro tempore. The gentleman from Kansas is recognized.

Mr. MILLER. Mr. Speaker, we will now go back to the head of the Calendar. We have not passed all of the bills recommended by the committee.

The SPEAKER pro tempore. The Chair is informed that the House has passed all of the bills recommended.

Mr. MANN. We went back to the head of the Calendar a long

Mr. MILLER. Mr. Speaker, I move to reconsider the various votes by which the several bills were passed, and I move to lay that motion on the table.

The latter motion was agreed to.

# REVENUES AND GOVERNMENT FOR PORTO RICO.

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, was ordered to be printed and referred to the Committee on Insular Affairs: To the Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinauce

enacted by the executive council of Porto Rico and approved by the President of the United States.

THE WHITE HOUSE, January 18, 1967.

THEODORE ROOSEVELT.

### MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. LATTA, one of his secretaries, who also informed the House of Representatives that the President had approved and signed joint resolution and bills of the following titles:

January 16, 1907;

H. J. Res. 214. Joint resolution to provide for the printing of 16,000 copies of Senate Document No. 144, Fifty-ninth Congress, second session.

January 17:

H. R. 189. An act to establish a life-saying station at the Isles of Shoals, off Portsmouth, N. H.; and

H. R. 21202. An act fixing the time for homestead entrymen on lands embraced in the Wind River or Shoshone Indian Reservation to establish residence on same.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the joint resolution (S. R. 80) authorizing the Secretary of War to furnish two 3-inch wrought-iron muzzle-loading cannon, with their carriages, limbers, and accessories, to the State of South Dakota.

The message also announced that the Senate had passed with-

out amendment bill of the following title

H. R. 24478. An act for the relief of citizens of the island of Jamaica.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. WILLIAM B. BATE, late a Senator from the State of Ten-

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

# ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same

H. R. 24478. An act for the relief of citizens of the island of

H. R. 19035. An act granting an increase of pension to Elizabeth Moore Morgan;

H. R. 3357. An act granting an honorable discharge to James B. Mulford;

H. R. 8631. An act for the relief of James M. Darling

H. R. 16169. An act granting a pension to Neal O'Donnel

H. R. 19528. An act granting an increase of pension to Elizabeth Maddox; and H. R. 19462. An act granting an increase of pension to Emily

Fox.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. R. 80. Joint resolution authorizing the Secretary of War to furnish two 3-inch wrought-iron muzzle-loading cannon, with their carriages, limbers, and accessories, to the State of South Dakota.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 1249. An act granting a pension to William R. Fulk; H. R. 1372. An act granting a pension to Josephine I. Richmond:

H. R. 1500. An act granting a pension to Emily J. Sherman;

H. R. 1800. An act granting a pension to Eliza J. Ingle;

H. R. 4705. An act granting a pension to Harriet E. Palmer; H. R. 10789. An act granting a pension to David Wilborn;

H. R. 18677. An act granting a pension to Martin Alphons Luther

H. R. 522. An act granting an increase of pension to Frederick

H. R. 562. An act granting an increase of pension to John F.

H. R. 600. An act granting an increase of pension to Oliver N. McLain

H. R. 747. An act granting an increase of pension to Robert Smith;

H. R. 1026. An act granting an increase of pension to Thomas M. Wilcox

H. R. 1060. An act granting an increase of pension to Margaret E. Lounsbury

H. R. 1067. An act granting an increase of pension to Jacob Bender

H. R. 1068. An act granting an increase of pension to William Quigley

H. R. 1169. An act granting an increase of pension to Oliver P.

H. R. 1673. An act granting an increase of pension to Jenuie

H. R. 1687. An act granting an increase of pension to James

H. R. 1706. An act granting an increase of pension to George H. Washburn; H. R. 1709. An act granting an increase of pension to Brice

Munns

H. R. 1891. An act granting an increase of pension to Simeon

H. R. 1904. An act granting an increase of pension to Nelson R. Satterlee

H. R. 1938. An act granting an increase of pension to Thomas B. Fontty

H. R. 2290. An act granting an increase of pension to Peter Reedy:

H. R. 2422. An act granting an increase of pension to Earl K. Childs: H. R. 2761. An act granting an increase of pension to Michael

Mahoney H. R. 2822. An act granting an increase of pension to Levi

H. R. 2909. An act granting an increase of pension to Jacob

H. R. 3194. An act granting an increase of pension to Samuel

H. R. 3195. An act granting an increase of pension to Milton S. Collins:

H. R. 3228. An act granting an increase of pension to Michael Doyle:

H. R. 3234. An act granting an increase of pension to Rush Deskines

H. R. 3297. An act granting an increase of pension to Thomas Lonergan :

H. R. 3355. An act granting an increase of pension to James L. Allen:

H. R. 3494. An act granting an increase of pension to Albert A. Talham

H. R. 3496. An act granting an increase of pension to Edward Walton; H. R. 3733. An act granting an increase of pension to Simeon

D. Chelf: H. R. 4386. An act granting an increase of pension to Zelinda

E. Odenbaugh; H. R. 4648. An act granting an increase of pension to Sarah

A. Dedrick; H. R. 4656. An act granting an increase of pension to Thomas

H. R. 4663. An act granting an increase of pension to Horace B. Tanner:

H. R. 4834. An act granting an increase of pension to Silas V.

H. R. 6911. An act granting an increase of pension to William J. Turner

H. R. 7476. An act granting an increase of pension to George C. Dean:

H. R. 7488. An act granting an increase of pension to Jacob L. Hatton

H. R. 8563. An act granting an increase of pension to William H. Hay:

H. R. 8789. An act granting an increase of pension to Levi Chapman:

H. R. 10364. An act granting an increase of pension to John P.

H. R. 10531. An act granting an increase of pension to William

H. R. 10751. An act granting an increase of pension to George

H. R. 10755. An act granting an increase of pension to Anna H. R. 10804. An act granting an increase of pension to John H. Worley;

H. R. 10958. An act granting an increase of pension to Levi Dodson

H. R. 12911. An act granting an increase of pension to Ambrose S. Delaware:

H. R. 13241. An act granting an increase of pension to Francis Haner;

H. R. 13455. An act granting an increase of pension to Josiah P. Higgins

H. R. 13887. An act granting an increase of pension to Joseph

H. R. 14298. An act granting an increase of pension to John Remick:

H. R. 14543. An act granting an increase of pension to Charles Barnell, alias Richard North;

H. R. 15004. An act granting an increase of pension to William J. McAtee:

H. R. 15471. An act granting an increase of pension to Eli Stover:

H. R. 15763. An act granting an increase of pension to Gain-

ford N. Upton; H. R. 18454. An act granting an increase of pension to Barlow Davis

H. R. 18742. An act granting an increase of pension to Martin

H. R. 19296. An act granting an increase of pension to Assov

H. R. 19390. An act granting an increase of pension to William

H. R. 19482. An act granting an increase of pension to Sarah

H. R. 19725. An act granting an increase of pension to Howard Bennett:

H. R. 19970. An act granting an increase of pension to Eugene

H. R. 20559. An act granting an increase of pension to John

Bradley; H. R. 20617. An act granting an increase of pension to Isaac N. S. Will:

H. R. 20623. An act granting an increase of pension to James B. O. Horbach:

H. R. 20714. An act granting an increase of pension to Robert

H. R. 20891. An act granting an increase of pension to Hugh Blair:

H. R. 20968. An act granting an increase of pension to Waitman T. Mathers;

H. R. 21578. An act granting an increase of pension to Andrew J. Gaskey:

H. R. 13675. An act to ratify and confirm the acts of the legislative assembly of the Territory of Oklahoma, passed in the year 1905, relating to an insane asylum for the Territory of Oklahoma, and providing for the establishment and maintenance of an insane asylum for the Territory of Oklahoma at Fort Supply, in Woodward County, Okla., and making appropriations there-

H. R. 19754. An act to provide for the distribution of public documents to the library of the Philippine government at Manila, P. I.

H. R. 20069. An act for the opening of Macomb street NW.,

District of Columbia;
H. R. 19523. An act to authorize Thomas J. Ewing and George B. Patton, of Catlettsburg, Ky.; Otto Burger, of Cincinnati, Ohio; Herbert Haynard, of Kenova, W. Va., and Charles Miller, of Huntington, W. Va., to construct a bridge across the Tug Fork of the Big Sandy River; and

H. R. 24478. An act for the relief of citizens of the island of Jamaica.

# ADJOURNMENT.

Mr. MILLER. Mr. Speaker, I move that the House do now

The motion was agreed to.

Accordingly (at 6 o'clock and 7 minutes p. m.) the House adjourned.

# EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Bridgeport Harbor, Connecticut—to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

A letter from the financial clerk of the Spanish Claims Com-

mission, submitting a statement of the amount of mail from the Commission deposited in the Washington post-office under the penalty provision from July 1 to December 31, 1906—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Fannie M. Wells, Ida F. Wells, and John Maddox, tutor of the minor children of Laura P. Maddox, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William A. Clark against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James P. Files, son, and Alice White, granddaughter, sole heirs of James P. Files, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of heirs of estate of Alexander Bradshaw against The United States-to the Committee on War Claims, and ordered to be printed.

# REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 17347) to reorganize and to increase the efficiency of the artillery of the United States Army, reported the same without amendment, accompanied by a report (No. 6429); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 23939) to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Calumet River in the State of Indiana, reported the same without amendment, accompanied by a report (No. 6430); which said bill and report were referred to the House Calendar.

Mr. PERKINS, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 24122) in reference to the expatriation of citizens and their protection abroad, reported the same with amendment, accompanied by a report (No. 6431); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 24275) permitting the building of a dam across the Flint River at Porter Shoals, reported the same without amendment, accompanied by a report (No. 6432); which said bill and report were referred to the House Calendar.

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 22334) to amend an act to regulate the sitting of the United States courts within the district of South Carolina, reported the same with amendment, accompanied by a report (No. 6433); which said bill and report were referred to the House Calendar.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 24048) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Spokane and Inland Empire Railroad Company, its successors and assigns, reported the same without amendment, accompanied by a report (No. 6434); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CUSHMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 24111) to authorize the Norfolk and Western Railway Company to construct a bridge across the Potomac River, at or near Shepherdstown, W. Va., reported the same with amendment, accompanied by a report (No. 6436); which said bill and

report were referred to the House Calendar.

Mr. McCALL, from the Committee on the Library, to which
was referred the resolution of the House (H. J. Res. 221)

to fill a vacancy in the Board of Regents of the Smithsonian Institution, reported the same without amendment, accompanied by a report (No. 6437); which said bill and report were referred to the House Calendar.

Mr. PARKER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 24104) transferring Phelps County to the eastern division of the eastern judicial district of Missouri, reported the same with amendment, accompanied by a report (No. 6439); which said bill and report were referred to the House Calendar.

### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bill of the following title was reported from committee, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HOGG, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 19930) referring the claim of S. W. Peel for legal services rendered the Choctaw Nation of Indians to the Court of Claims for adjudication, reported the same without amendment, accompanied by a report (No. 6438); which said bill and report were referred to the Private Calendar.

### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as

By Mr. HULL, from the Committee on Military Affairs: A bill R. 24537) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1908, and -to the Union Calendar.

By Mr. COUSINS, from the Committee on Foreign Affairs: A bill (H. R. 24538) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1908to the Union Calendar.

By Mr. BYRD: A bill (H. R. 24539) to prohibit in the District of Columbia the intermarriage of whites with negroes or Mon-

golians—to the Committee on the District of Columbia.

By Mr. DAVIS of West Virginia: A bill (H. R. 24540) authorizing the extension of G street NE.—to the Committee on the District of Columbia.

By Mr. ROBINSON of Arkansas: A bill (H. R. 24542) to authorize the expenditure of \$35,000 in addition to the sum heretofore appropriated for the construction of a Federal building at Pine Bluff, Ark .- to the Committee on Public Buildings and

By Mr. RICHARDSON of Alabama: A bill (H. R. 24543) for the purpose of improving the navigation of the Tennessee River over the Elk River Shoals and the Big and Little Muscle Shoals, and for other purposes-to the Committee on Rivers

By Mr. DAWES: A bill (H. R. 24544) to create in the War Department a roll to be known as the volunteer retired list, to authorize placing thereon with retired pay certain surviving

officers of the United States Volunteer Army of the civil war, and for other purposes—to the Committee on Military Affairs.

By Mr. BENNET of New York: A bill (H. R. 24545) to amend section 2731 of the Revised Statutes, relative to salary of assistant appraisers at the port of New York—to the Committee on Ways and Means.

By Mr. REEDER: A resolution (H. Res. 772) providing for an assistant to the printing and bill clerk—to the Committee on

By Mr. HENRY of Connecticut: A resolution (H. Res. 773) increasing salary of messengers of the House-to the Committee on Accounts.

# PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 24546) granting an increase of pension to Washington Snodgrass-to the Committee on Invalid Pensions

By Mr. AMES: A bill (H. R. 24547) granting a pension to Inez M. Brigham—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 24548) granting an increase of pension to Lewis P. McBrayer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24549) granting an increase of pension to John H. Bayse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24550) granting an increase of pension to Lucion Guy-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24551) granting a pension to John T. Gardner-to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 24552) granting an increase of pension to Annie G. Loeffler—to the Committee on Pensions.

By Mr. BROWNLOW: A bill (H. R. 24553) granting an increase of pension to Sarah J. Reed-to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 24554) granting an increase of pension to John M. Shelley-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24555) granting an increase of pension to Peter J. Files-to the Committee on Invalid Pensions.

By Mr. BUCKMAN: A bill (H. R. 24556) granting an increase of pension to Kirtland Tuttle-to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 24557) for the

relief of James H. Reed—to the Committee on Claims.

By Mr. CHANEY: A bill (H. R. 24558) granting an increase of pension to Vinson V. Williams-to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 24559) granting an increase of pension to James B. Hardesty-to the Committee on Pensions

Also, a bill (H. R. 24560) granting an increase of pension to Margaret Lesley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24561) granting an increase of pension to

Larkin L. Hensley—to the Committee on Invalid Pensions, By Mr. DE ARMOND: A bill (H. R. 24562) granting an increase of pension to David Work-to the Committee on Invalid Pensions.

By Mr. DENBY: A bill (H. R. 24563) to pay James Caniff \$5,000 for personal injuries received in the service of the United States-to the Committee on Claims,

By Mr. DICKSON of Illinois: A bill (H. R. 24564) to remove the charge of desertion from the record of John D. Woods-to the Committee on Military Affairs.

By Mr. DIXON of Indiana: A bill (H. R. 24565) granting an increase of pension to John C. Moncrief—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24566) granting an increase of pension to Frederick J. Meyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24567) granting an increase of pension to Isaac Higgins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24568) granting an increase of pension to Hiram E. Crouch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24569) granting an increase of pension to Edward Smith—to the Committee on Pensions.

Also, a bill (H. R. 24570) granting an increase of pension to William Menke-to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 24571) granting an increase of pension to Albert M. Harriman—to the Committee on Invalid Pensions.

By Mr. FULKERSON: A bill (H. R. 24572) granting an increase of pension to Thomas C. Lyon-to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 24573) granting an increase of pension to Ferguson Fox-to the Committee on Invalid Pen-

Also, a bill (H. R. 24574) granting an increase of pension to David U. Weagley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24575) granting an increase of pension to James M. Freeman—to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 24576) granting a pension

to B. Q. Gilmore—to the Committee on Pensions.

By Mr. HOPKINS: A bill (H. R. 24577) granting an increase of pension to John L. Flannery—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 24578) granting a pension to Julia Vroom-to the Committee on Invalid Pen-

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 24579) granting an increase of pension to Elizabeth Hochula—to the Committee on Invalid Pensions.

By Mr. KNOWLAND: A bill (H. R. 24580) granting an increase of pension to Albert Falcon-to the Committee on Invalid Pensions.

By Mr. LE FEVRE: A bill (H. R. 24581) removing the charge of desertion from the military record of David Van Devoort—to the Committee on Military Affairs.

Also, a bill (H. R. 24582) granting a pension to John Roperto the Committee on Invalid Pensions.

Also, a bill (H. R. 24583) granting a pension to John Knapp-to the Committee on Invalid Pensions.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 24584) granting an increase of pension to Frank Schroeder-to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 24585) granting an increase of pension to Henry H. A. Walker-to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 24586) granting an increase of pension to Jotham A. Vincent—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 24587) granting an increase of pension to Hiram Burkholder—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 24588) granting an increase of pension to Egbert C. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24589) granting an increase of pension to Henry P. Mann—to the Committee on Pensions.

By Mr. SAMUEL: A bill (H. R. 24590) granting an increase of pension to Thomas H. Sanders—to the Committee on Invalid

By Mr. SCROGGY: A bill (H. R. 24591) granting an increase of pension to William H. Buffinger-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24592) granting an increase of pension to Sarah F. Kendrick-to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 24593) for the relief of

Mrs. C. Hasselback—to the Committee on War Claims.

By Mr. SLAYDEN: A bill (H. R. 24594) granting an increase of pension to Fred C. Loring—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24595) granting a pension to Mary Neber-

gall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24596) to pay Mina Walker \$700, in settlement of damages sustained by Indian raid—to the Committee on

By Mr. WEBB: A bill (H. R. 24597) granting an increase of pension to Wilson Carter—to the Committee on Invalid Pen-

By Mr. FORDNEY: A bill (H. R. 24598) amending the act of June 30, 1906, entitled "An act granting an honorable discharge to Seth Davis"-to the Committee on Military Affairs.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 24599) granting an increase of pension to Thomas L. Richardson-to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 24600) granting a pension to Thomas O'Reilly—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 24601) for the relief of

Thomas F. Sutton-to the Committee on Military Affairs.

# CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which

were thereupon referred as follows:
A bill (H. R. 23778) granting an increase of pension to Henry Clapper—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16834) granting an increase of pension to Allan S. Rose—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

# PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Charles R. R. Milchers, New York City, against intervention of United States in Kongo af--to the Committee on Foreign Affairs.

By Mr. ACHESON: Paper to accompany bill for relief of James W. Smith—to the Committee on War Claims.

Also, petition of Lieutenant Adams Post, No. 330, Grand Army of the Republic, McDonald, Pa., for a service pension—to the Committee on Invalid Pensions.

By Mr. ADAMSON: Paper to accompany bill for relief of Paul W. Harrison-to the Committee on War Claims.

By Mr. BARCHFELD: Petitions of citizens of New Vienna, Ohio; Alexander City, Ala.; Sibley, Minn.; Anadarko, Okla.; Chester, Ill.; Gothenburg, Nebr., and Hampden, Mass., against S. 5221, regulating practice of osteopathy in the District of Columbia-to the Committee on the District of Columbia.

By Mr. BELL of Georgia: Paper to accompany bill for relief of S. H. J. Alley-to the Committee on Pensions.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of Josiah Paris—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John T. Gardiner and Harriet Ann Crank-to the Committee on Invalid Pensions.

By Mr. BROWN: Petition of Shuetzen Verein, of Wausau, Wis.; the Eintracht, Wausau, Wis.; Llederkranz, of Wausau, Wis.; the Deutscher Krieger Verein; the Franz Siegel Verein, and the Deutcher Kranken Unterstuetzungs Verein, against restriction of desirable immigrants proposed in Lodge-Gardner

bill—to the Committee on Immigration and Naturalization.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Andrew J. Mullins-to the Committee on Invalid Pen-

sions.

By Mr. DAVIS of West Virginia: Paper to accompany bill for relief of heirs of John Zambro and heirs of Jefferson Farnsworth-to the Committee on War Claims.

By Mr. DE ARMOND: Paper to accompany bill for relief of George W. Wade—to the Committee on Invalid Pensions.
By Mr. FORDNEY: Petition of Willard Women's Christian

Temperance Union, Saginaw, Mich., for the Littlefield bill, limiting effect of regulation of commerce between the several States and Territories--to the Committee on the Judiciary.

By Mr. FOSS: Petition of New Immigrants' Protective League, against the Lodge-Gardner bill—to the Committee on

Immigration and Naturalization.

By Mr. FULLER: Petition of William T. Bedford, Lasalle, Ill., for amendment to railway rate law permitting exchange of advertising for transportation—to the Committee on Interstate and Foreign Commerce.

Also, petition of Joint Executive Commission on Improvement of Harbor of Philadelphia, for improvement of Delaware Riverto the Committee on Rivers and Harbors.

By Mr. GOEBEL: Paper to accompany bill for relief of John

H. H. Babcock—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of A. Parlett Lloyd, against amendment to Senate bill 976—to the Committee on Invalid Pensions.

Also, petition of fruit growers of Bedford County, for legislation to secure minimum tariff on American fruits to German markets-to the Committee on Ways and Means.

Also, petition of New York Branch of National League of Commission Merchants, for legislation to secure minimum duties on fruit going into Germany-to the Committee on Ways and

Also, petition of David T. Davies et al., favoring bill granting pensions to ex-prisoners of war-to the Committee on Invalid Pensions.

Also, petition of George C. Watt, for bill H. R. 23017-to the Committee on Banking and Currency.

By Mr. GRANGER: Petition of Lady Lincoln Council, No. 5, Daughters of Liberty, Providence, R. I., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. GUDGER: Petition of Henrietta Council, No. 61, and French Broad Council, No. 97, Junior Order United American Mechanics, favoring restriction on immigration—to the Committee on Immigration and Naturalization.

By Mr. HALE: Paper to accompany bill for relief of James M. Freeman—to the Committee on Invalid Pensions.

By Mr. HAYES: Petition of B. W. Nash et al., citizens of San Jose, against employment of Asiatic coolies on the Panama Canal; also that Chinese-exclusion act apply to Japan-to the Committee on Foreign Affairs.

By Mr. HINSHAW: Petition of Brotherhood of Locomotive Firemen, favoring Senate bill 5133; also the Gilbert anti-injunction bill (H. R. 9328)-to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: Petition of C. M. Stembleck, Templeton Board of Trade, and Paso Robles Improvement Club, for purchase of the Henry ranch for Army maneuvers-to the Committee on Military Affairs.

By Mr. KELIHER: Petition of citizens of Boston, for law to remove disability from colored soldiers of Companies B, C, and D of the Twenty-fifth Infantry—to the Committee on Military Affairs.

Also, petition of Boston Chamber of Commerce, favoring in-

ternational arbitration—to the Committee on Foreign Affairs.
Also, petition of Boston Chamber of Commerce, for White
Mountain forest reservation—to the Committee on Agriculture.
By Mr. KNOWLAND: Papers to accompany bill for relief of Patrick Bogan—to the Committee on Invalid Pensions.

By Mr. LE FEVRE: Petition of Col. Walter Scott Camp, No.

42, United Spanish War Veterans, Department of New York, for restoration of canteen-to the Committee on Military Affairs.

By Mr. LEE: Paper to accompany bill for relief of William G. Fuller, William L. Aycock, and J. P. Kittle-to the Committee on War Claims.

Also, paper to accompany bill for relief of William Winston,

-to the Committee on War Claims.

By Mr. LLOYD: Petition of Garnett Grange, Lewis County, Mo., against franking privilege-to the Committee on the Post-Office and Post-Roads.

Also, petition of Garnett Grange, Lewis County, Mo., against ship-subsidy bill-to the Committee on the Merchant Marine and Fisheries.

Also, petition of Garnett Grange, Lewis County, Mo., against seed distribution-to the Committee on Agriculture,

By Mr. McMORRAN: Paper to accompany bill for relief of

Jotham A. Vincent—to the Committee on Invalid Pensions.

By Mr. MAHON: Paper to accompany bill for relief of Sarah
E. Hood—to the Committee on Invalid Pensions.

By Mr. MANN: Petition of N. S. Williams, and M. J. Steffins, for amendment in new copyright bill—to the Committee on Patents.

Also, petition of Board of Trade of Chicago, Ill., for discrimination by Government so that one-third of transportation of Isthmian Canal Commission be out of Gulf ports, with New Orleans as largest shipment point—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Business Men's League, of Chicago, for conservation of public lands—to the Committee on the Public

Lands.

Also, petition of Camp Luzon, No. 1, for medals for service in

Philippines—to the Committee on Military Affairs.

Also, petition of National Business Men's League, of Chicago, Ill., for permanent consular improvement—to the Committee on Foreign Affairs

By Mr. NEEDHAM: Petition of Templeton Board of Trade, and Paso Robles Improvement Club, for the purchase of Henry ranch for Army maneuvers-to the Committee on Military

By Mr. REYNOLDS: Petition of Fruit Growers' Association, of Bedford County, Pa., for the Payne bill, amended, and the execution of a treaty with the German Government whereby exports from this country shall be subject to the minimum rate of duty-to the Committee on Ways and Means.

Also, paper to accompany bill for relief of David R. Donnelly-

to the Committee on Invalid Pensions.

By Mr. SNAPP: Petition of the Courier, against tariff on linotype machines-to the Committee on Ways and Means.

By Mr. SLAYDEN: Paper to accompany bill for relief of Mrs. Minnie Walker—to the Committee on Claims.

Also, paper to accompany bill for relief of Fred C. Loring—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of Horeb Lodge, No. 23, I. O. B. B., against Lodge-Gardner bill-to the Committee on Immigration and Naturalization. By Mr. RAINEY: Petition of citizens of Calhoun County, Ill.,

for appropriation to dredge opposite Hurricane Island, in the Illinois River—to the Committee on Rivers and Harbors.

By Mr. SHEPPARD: Petition of citizens of Nash, Sawyer, and Kiomache, Ind. T., for appropriation to improve upper Red River—to the Committee on Rivers and Harbors.

By Mr. SMITH of Maryland: Paper to accompany bill for

relief of W. A. Bell-to the Committee on Invalid Pensions.

By Mr. SULLIVAN: Petition of Boston Chamber of Commerce, for White Mountain forest reservation-to the Committee on Agriculture.

Also, petition of Boston Chamber of Commerce, for arbitration to settle international disputes-to the Committee on Foreign Affairs.

By Mr. TAWNEY: Paper to accompany bill for relief of Turner J. Preble-to the Committee on Invalid Pensions.

By Mr. WEEMS: Paper to accompany bill for relief of George W. Ashton-to the Committee on Invalid Pensions.

By Mr. WOOD: Petition of Monday Postmeridian Club, of Passaic, N. J., for White Mountain forest reservation-to the Committee on Agriculture.

Also, petition of Right Rev. John M. Scarborough, Bishop of Trenton Diocese, of New Jersey, for payment of an adequate price for the lands for the Rosebud Indians-to the Committee on Indian Affairs.

Also, petition of New Jersey State Horticultural Society, for continuance of minimum duty on green and dried apples-to the Committee on Ways and Means.

Also, paper to accompany bill for relief of William L. Stewart-to the Committee on Invalid Pensions.

# HOUSE OF REPRESENTATIVES.

Saturday, January 19, 1907.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D. The Journal of yesterday's proceedings was read and ap-

#### GEORGE GRAY.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the House joint resolution 221.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the House joint resolution which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, shall be filled by the reappointment of George Gray, a citizen of Delaware, whose term expired January 14, 1907.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, I do not oppose that, but I would like to ask the gentleman if that is the usual modus operandi?

Mr. DALZELL. This is the customary proceeding; yes. Mr. CLARK of Missouri. For the House to suggest the name

of the person?

Mr. DALZELL. By joint resolution; yes. Judge Gray's term expired on the 14th of this month, and the Regents are to meet on next Wednesday for the selection of a successor to Professor Langley, and of course it is desirable that there shall be a full board.

Mr. CLARK of Missouri. That is all right, if that is the way it is usually done.

The SPEAKER. The question is on the adoption of the joint resolution.

The resolution was ordered to be engrossed and read a third time, was read a third time, and passed.

### FORT WRIGHT MILITARY RESERVATION.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24048) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Spokane Inland Empire Railroad Company, its successors and assigns.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and empowered to locate a right of way, not exceeding 100 feet in width, through the lands of the Fort Wright Military Reservation, if in his judgment it can be done in such a manner as not to interfere with the uses of said reservation for military purposes by the United States; and when said right of way shall be so located it is hereby granted during the pleasure of Congress to the Spokane and Inland Empire Railroad Company, a corporation organized under the laws of the State of Washington, its successors and assigns, for the purpose of constructing a railroad and telegraph line thereon: Provided, That the said right of way and the width and location thereof through said lands, the compensation therefor, and the regulations for operating said railroad within the limits of the said military reservation, so as to prevent all damage to public property or for public uses, shall be prescribed by the Secretary of War prior to any entry upon said lands or the commencement of the construction of said works: Provided also, That whenever said right of way shall cease to be used for the purposes aforesaid the same shall revert to the United States.

SEC. 2. That Congress reserves the right to alter, amend, or repeal this act.

this act.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Reserving the right to object-

Mr. PAYNE. Reserving the right to object

The SPEAKER. Whom does the gentleman recognize? Mr. JONES of Washington. The gentleman from Missouri

[Mr. CLARK]

Mr. CLARK of Missouri. Does this take any property of the United States?

Mr. JONES of Washington. It allows the Secretary of War, if in his judgment public interests will not be interfered with, to allow the railroad a right of way through the Fort Wright Military Reservation, simply to be used for railroad purposes. I will read just two or three sentences of the report.

Mr. CLARK of Missouri. How much land does this take?

Mr. JONES of Washington. It is only a small strip; only 100

feet wide—not to exceed that.
Mr. CLARK of Missouri. How large?

Mr. JONES of Washington. It runs around a ravine, I suppose probably 30 or 40 rods-not more than that, and possibly

Mr. PAYNE. In the act passed heretofore generally the right

to revoke is given to the Secretary of War. I see this bill places it in Congress

Mr. JONES of Washington. This is an exact copy of a previous act that we passed with reference to the Vancouver Reservation in our State-the only difference being in the name of the company-and which was framed by Secretary Root.

Mr. PAYNE. I did not know the change was made, but formerly the right was to be in the Secretary of War, and I have known some instances where the Secretary revoked the right and required them to remove their tracks because the land occupied was necessary for the use of the Army. Is this bill approved by the Secretary of War?

Mr. JONES of Washington. It is. I will read the letter from

the War Department:

The inclosed bill vests authority in the Secretary of War to allow the Spokane and Inland Empire Railroad Company to cross the Fort Wright Military Reservation if, in his judgment, it can be done in such a manner as not to interfere with the uses of said reservation for military purposes by the United States. The inclosed bill vests sufficient authority in the Department to fully protect public interests, including the power to locate the right of way, to fix the compensation therefor, and to prescribe such regulations as it may deem proper for the operation of said railroad within the limits of the military reservation. It is therefore recommended that the committee be advised that the Department favors the passage of the bill.

That is signed by George B. Davis, the Judge-Advocate-General. The bill was framed exactly in line with the previous bill, two or three years ago, that was framed by Secretary Roof.

bill, two or three years ago, that was framed by Secretary Root.

Mr. PAYNE. I do not see any reason for departing from the old practice of leaving it with the Secretary of War, and not to come back to Congress to revoke it, if necessary, in the future; but I shall not object to it.

Mr. CLARK of Missouri. I want to ask the gentleman another question: Is this piece of land being granted close to any settlement, waterfall, hot springs, minerals, or anything else that

Mr. JONES of Washington. No; not at all; but it will be of great benefit to the Government, as it has to haul its supplies 3 or 4 miles around this ravine This is an electric railroad and will connect the reservation with the city of Spokane.

Mr. CLARK of Missouri. How close is it to Spokane?

Mr. JONES of Washington. The houses in town run pretty ear to the river. This is on the other side of the river. There near to the river. is a ravine of 150 or 200 feet between that and the city, and they have to go 3 or 4 miles around. So, as a matter of fact, the building of this road will be of very great benefit to the United States.

Mr. MADDEN. Will it stop anybody else from building a railroad along that ravine?

Mr. JONES of Washington. Not at all.

Mr. MADDEN. Is there any map showing the country where this ravine is?

Mr. JONES of Washington. The map was submitted to the Secretary of War.

Mr. MADDEN. I would like to have this matter postponed

until I can look over the bill more carefully.

Mr. JONES of Washington. The committee's report is unani-No other road could run through there without the consent of Congress,

Mr. MADDEN. But no other road could go through there with the consent of Congress if this road occupies all the space there is

Mr. JONES of Washington. Another road could run through This only gives them 100 feet. there.

Mr. MADDEN. But if you go along a mountain side

Mr. JONES of Washington. This is not a mountain. There is a slope of three or four hundred feet. It is plenty wide enough for another railroad, if there was one to be built there.

Mr. MADDEN. How far does the valley run? Mr. JONES of Washington. It runs down to the river's edge. Mr. MADDEN. How much of a level place is there at the

Mr. JONES of Washington. This does not go on to any of the level space. This does not go to the bottom at all.

the level space.

Mr. MADDEN. Where does it go?
Mr. JONES of Washington. It goes along the margin of the hill about 50 feet below the top of the plateau. They would not let it go to the bottom, as it would injure the fort.
Mr. MADDEN. How high is the plateau?

Mr. JONES of Washington. About 150 or 200 feet perpendicularly.

Mr. MADDEN. How far is the road away from the river? Mr. JONES of Washington. Well the slope I suppose would be 300 or 400 feet, and it is 50 feet from the top, leaving it about 200 or 250 feet from the bottom.

Mr. MADDEN. Would that leave room for another road to run between that and the river if there was one projected?

Mr. JONES of Washington. I do not suppose there would be any run; but if so, there will be plenty of room without interfering with that.

I will ask the gentleman if I understand Mr. OLMSTED.

that the Government is to lay out this road?

Mr. JONES of Washington. The Secretary of War is to determine whether the road can be laid out so as not to injure the Government property. The expense is to be borne by the company.

Mr. OLMSTED. And the expense of all that is to be borne by the railroad company?

Mr. JONES of Washington. Certainly.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. Jones of Washington, a motion to reconsider the vote by which the bill was passed was laid on the table.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Parkinson, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 7676. An act to amend section 4919 of the Revised Statutes of the United States, to provide additional protection for owners of patents of the United States, and for other purposes;

S. 7214. An act respecting proceedings in the courts of the United States in the western district of the State of Missouri;

S. 7170. An act to amend an act relating to service on foreign corporations, approved June 30, 1902, entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia;"

S. 7042. An act to transfer jurisdiction of the Washington Aqueduct, the filtration plant, and appurtenances to the Commissioners of the District of Columbia;

S. 7028. An act for the relief of the Allis-Chalmers Company,

of Milwaukee, Wis.;

S. 6470. An act in relation to the Washington Market Company; S. 6134. An act providing for the conveyance to the State of North Dakota of certain tracts of land for the use and benefit of the North Dakota State Historical Society; and

S. 2652. An act for the extension of Vermont avenue from

Florida avenue to Howard University.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 3393. An act granting an honorable discharge to Galen

E. Green: and

H. R. 23556. An act prohibiting the purchase or procurement, sale, gift, or disposition of intoxicating liquors to minors by unlicensed persons.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 21689. An act to increase the limit of cost of five lighthouse tenders heretofore authorized.

# SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below

S. 7676. An act to amend section 4919 of the Revised Statutes of the United States, to provide additional protection for owners of patents of the United States, and for other purposes-to the Committee on Patents.

S. 7214. An act respecting proceedings in the courts of the United States in the western district of the State of Missouri-

to the Committee on the Judiciary.

S. 7170. An act to amend an act relating to service on foreign corporations, approved June 30, 1902, entitled "An act to amend an act entitled 'An act to establish a code of law for the Dis-trict of Columbia'"—to the Committee on the District of Columbia.

S. 7042. An act to transfer jurisdiction of the Washington Aqueduct, the filtration plant, and appurtenances to the Commissioners of the District of Columbia—to the Committee on the District of Columbia.

S. 7028. An act for the relief of the Allis-Chalmers Company, of Milwaukee, Wis .- to the Committee on the District of Columbia.

S. 6470. An act in relation to the Washington Market Company-to the Committee on the District of Columbia.

S. 6134. An act providing for the conveyance to the State of North Dakota of certain tracts of land for the use and benefit of the North Dakota State Historical Society-to the Committee on the Public Lands.

S. 2652. An act for the extension of Vermont avenue from Florida avenue to Howard University—to the Committee on the District of Columbia.

### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 121. An act authorizing the extension of Seventeenth

H. R. 8435. An act for the opening of Eessenden street NW., District of Columbia;

H. R. 128. An act for the opening of a connecting highway be-tween Water Side drive and Park road, District of Columbia;

H. R. 10843. An act authorizing the extension of Kenyon street

H. R. 14900. An act to extend Fourth street NE.:

H. R. 21689. An act to increase the limit of cost of five lighthouse tenders heretofore authorized;

H. R. 14815. An act for the extension of Harvard street, Columbia Heights, District of Columbia; and

H. R. 16944. An act to amend section 878 of the Code of Law for the District of Columbia.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 16169. An act granting a pension to Neal O'Donnel Parks

H. R. 19462. An act granting an increase of pension to Emily Fox

H. R. 19528. An act granting an increase of pension to Elizabeth Maddox:

H. R. 19035. An act granting an increase of pension to Elizabeth Moore Morgan;

H. R. 8631. An act for the relief of James M. Darling; and

H. R. 3357. An act granting an honorable discharge to James B. Mulford.

### DAM ACROSS FLINT RIVER.

Mr. GRIGGS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24275) permitting the building of a dam across the Flint River at Porter Shoals. The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the Albany Power and Manufacturing Company, a corporation organized under the laws of Georgia, its successors and assigns, is hereby authorized to construct and maintain a dam across the Flint River at a point in Dougherty County, Ga., about one-fourth mile above the Georgia Northern Railway bridge across said river, upon or in the vicinity of Porter Shoals, and all works incident thereto in the utilization of the power thereby developed, in accordance with the provisions of an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

Sec. 2. That the right to amend or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. PAYNE. Reserving the right to object—Mr. MANN. This bill is in the regular form.

Mr. PAYNE. I know it is, but I want to inquire whether the Government has done anything toward the improvement of the navigation of this river in the locality mentioned in this bill?

Mr. GRIGGS. Not at this point. Mr. PAYNE. I remember we passed a bill some time ago where they had done so and we got into trouble about it.

Mr. MANN. I want to say to the gentleman from New York that even if they had, this matter is left under the control of the War Department under the general dam bill.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. Griggs, a motion to reconsider the last vote was laid on the table.

# SUBPORT OF BELLINGHAM, WASH.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 23114) extending to the subport of Bellingham, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

The bill was read, as follows:

Be it enacted, etc., That the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the subport of Bellingham, in the State of Washington.

Mr. CLARK of Missouri. Mr. Speaker, is this bill reported from the Ways and Means Committee?

Mr. HUMPHREY of Washington. Unanimously reported.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time;

and was accordingly read the third time, and passed.
On motion of Mr. Humphrey of Washington, a motion to reconsider the last vote was laid on the table.

### PHELPS COUNTY, MO.

Mr. MURPHY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24104) transferring Phelps County to the eastern division of the eastern judicial district of Missouri.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the county of Phelps, in the State of Missouri, be detached from the western judicial district and attached to the eastern judicial district of the State of Missouri: Provided, That the courts of the western district shall retain and exercise jurisdiction over all causes and proceedings, civil and criminal, arising in or coming from said county and begun at the date of the taking effect of this act, and of all criminal offenses committed in said county prior to the date this act goes into effect, the prosecution of which has not been begun, as completely as if this act were not passed.

Sec. 2. That all attorneys at law in said county of Phelps who have been admitted to practice and enrolled in the western judicial district be, and hereby are, admitted to practice in and sign the roll of attorneys in the eastern judicial district of said State of Missouri.

Sec. 3. That this act shall take effect on and from the date of its passage.

The SPEAKER. Is there objection?

There was no objection. Mr. MURPHY. There is an amendment.

The Clerk reported the following committee amendment:

Strike out sections 2 and 3.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

# LICENSED OFFICERS OF VESSELS.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6898) concerning licensed officers of vessels

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That section 4438 of the Revised Statutes be, and is hereby, amended to read as follows:

"Sec. 4438. The boards of local inspectors shall license and classify the masters, chief mates, and second and third mates, if in charge of a watch, engineers, and pilots of all steam vessels, and the masters of sail vessels of over 700 gross tons, and all other vessels of over 100 gross tons carrying passengers for hire. It shall be unlawful to employ any person, or for any person to serve, as a master, chief mate, engineer in charge of a watch, or pilot of any steamer or as master of any sail vessel of over 700 gross tons, or of any other vessel of over 100 gross tons carrying passengers for hire, who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of \$100 for each offense."

The SPEAKER. Is there objection?
Mr. MANN. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Ohio whether this requires licenses for yachts and other pleasure crafts?

Mr. GROSVENOR, It has nothing to do with that subject. It only relates to steam vessels, to sailing vessels of over 700 gross tons, and other vessels of over 100 gross tons carrying passengers for hire. The bill unanimously passed both branches of Congress in the last session. It went to the President, but in the hurry of adjournment was not signed, by oversight. It has now passed the Senate unanimously and is unanimously reported from the Committee on the Merchant Marine and Fisheries of the House.

Mr. FITZGERALD. Will the gentleman state what change the bill makes in the law?

Mr. GROSVENOR. It adds to the power of the local inspecting boards to make second mates capable of taking a place on watch; nothing more than that.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. Grosvenor, a motion to reconsider the last vote was laid on the table.

# BRIDGE ACROSS THE CALUMET RIVER, INDIANA.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 23039) to au-thorize the board of commissioners of Lake County, Ind., to construct a bridge across the Calumet River in the State of Indiana.

The Clerk read the bill, as follows:

He detail teau the bill, as follows:

Be it enacted, etc., That the board of commissioners of Lake County, Ind., be, and they are hereby, authorized to construct, maintain, and operate a public bridge and approaches thereto across the Calumet River at the intersection of Columbia avenue, a public street in the city of Hammond, in the State of Indiana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKEP Le thora chication? In the contraction of the contraction of the speakers.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Crumpacker, a motion to reconsider the last vote was laid on the table.

#### OBSOLETE CANNON FOR UNIVERSITY OF IDAHO.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (8, 4423) providing for the donation of obsolete cannon with their carriages and equipments to the University of Idaho.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to turn over to the University of Idaho, at Moscow, Idaho, two obsolete cannon, with their carriages and equipments, now in possession of said University of Idaho, to become the property of the said university for ornamentation of the grounds of the said university.

The following committee amendment was read:

Strike out all after the enacting clause and insert:

"That the Secretary of War be, and he is hereby, authorized to deliver to the University of Idaho, at Moscow, Idaho, two obsolete cannon, with their carriages and equipments, now in possession of said University of Idaho, to become the property of the said university for ornamentation of the grounds of the said university: Provided, That no expense shall be incurred by the United States in the delivery of said cannon."

The SPEAKER Is there expected. There a peaks I The

The SPEAKER. Is there objection? [After a pause.] The

Chair hears none.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A corresponding House bill (H. R. 15437) was laid on the

### CONDEMNED CANNON FOR PRESTON, IOWA.

Mr. DAWSON. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 195, authorizing the Secretary of War to furnish two condemned cannon to the mayor of the town of Preston, Iowa.

The Clerk read the bill, as follows:

Resolved, etc., That the Secretary of War be, and is hereby, authorized to deliver to the mayor of the town of Preston, Jackson County, Iowa, if the same can be done without detriment to the public service, two bronze or brass condemned cannon now at the Rock Island Arsenal, Rock Island, Ill., the same to be used and mounted in the public park in said town of Preston: Provided, That the Government shall be at no expense in connection with this gift.

The following amendment recommended by the committee was

After the word "to," at the end of line 3, insert the words "loan and."

Strike out all after the word "Preston," in line 9, and insert in lieu

Strike out all after the word "Preston," in line 9, and insert in lieu thereof—
"and to be taken care of by said city and to be subject at all times to the order of the Secretary of War: Provided, That no expense shall be incurred by the United States in the delivery of the cannon."

Mr. SLAYDEN. Mr. Speaker, I am not quite sure that I caught the reading of the amendment correctly. Does the bill provide for an outright gift or merely that the cannon shall be

loaned? Mr. DAWSON. The bill provides for the loan of the cannon and not a gift. The amendment was to meet the regular form of your committee.

Mr. SLAYDEN. It is not the policy of the Government to give away brass or bronze cannon.

The SPEAKER. The Chair hears no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Dawson, a motion to reconsider the last vote was laid on the table.

# FRANCISCO KREBS.

Mr. BOWERS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5531) for the relief of Francisco Krebs.

The bill was read, as follows:

Be it enacted, etc., That Francisco Krebs be, and he is hereby, confirmed in his title to a tract of land known as Round Island, in the State of Mississippi, situated in sections 33 and 34, township 8 south, range 6 west, and sections 3 and 4, township 9 south, range 6 west, granted by the Spanish governor, Grimarest, to Francisco Krebs on December 13, 1783, and recorded in translated records, book No. 2, page 51, in the probate court at Mobile, Ala.: Provided, That nothing

in this act contained shall affect the claim or claims of any other person or persons to the said land, or any part thereof, derived from the United States or any source whatever: Provided further, That the site comprising 400 feet square upon which the light-house is now situated shall be excepted from this confirmation.

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to ask if this is on the Private Calendar?

Mr. BOWERS. It is.

The SPEAKER. The Chair is informed by the Clerk that it is on the Private Calendar.

Mr. PAYNE. I object.

#### EXCEPTING LANDS FROM FOREST RESERVE.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 23927) excepting certain lands in Pennington County, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves."

The bill was read, as follows:

Be it exacted, etc., That the following described townships in the Black Hills Forest Reserve, in Pennington County, S. Dak., to wit: Townships 1 north, 1 east; 2 north, 1 east; 1 north, 2 east; 2 north, 2 east; 1 south, 1 east; 2 south, 1 east; 1 south, 2 east; and 2 south, 2 east, Black Hills meridian, are hereby excepted from the operation of the provisions of section 4 of an act entitled "An act to provide for the entry of agricultural lands within forest reserves," approved June 11, 1906. The lands within the said townships to remain subject to all other provisions of said act.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to have an explanation of this bill. I understand it is making an exception of something insisted upon by Congress a short time ago.

Mr. MARTIN. It is not to make an exception of anything insisted upon by Congress at any time. The bill is this: In June, 1906, Congress passed an act permitting settlement upon agricultural lands in forest reserves in the country. At that time I asked that two counties in the Black Hill Forest Reservation in South Dakota, in one of which I live, the counties of Lawrence and Pennington, be excepted from the general opera-tion of the act so far as it would permit the making of new settlements, but giving settlers up to that time an opportunity to complete their titles. I asked this for the purpose of careful investigation as to whether there were any further agricultural lands that could properly be settled upon. That investigation shows that there are two tiers of townships on the west side of Pennington County, agricultural in their character, and containing a considerable amount of land that would make good homes for new settlers. The purpose is to permit these two townships to be settled upon by new settlers the same as was adopted by Congress at the last session to be the general policy pertaining to agricultural lands in forest reserves

Mr. MANN. The gentleman says that this is in his home county?

Mr. MARTIN. It adjoins the county in which I live.
Mr. MANN. The home county in which the gentleman lives
is not covered by this provision, but still remains excepted from the general statute?

Mr. MARTIN. Yes; and the reason of that— Mr. MANN. Oh, I have no doubt there is a good reason. want simply to ask another question. I understood when the exception was made from the general statute when the act was passed that it was made because there was some conflict up there between people who wanted to settle on the lands for agricultural purposes and the miners who wished to have either the use of the timber on the land or to have the use of the mines under the land at that time, and that that was the reason the exception was made. I wish to ask the gentleman whether he has gone all over that subject and is now satisfied that the agricultural interests ought to be taken care of, and also, if they be, whether there will be any injury to the mining in-

Mr. MARTIN. I have been satisfied all the time that all of the lands within the forest reserves that are agricultural in character and not mineral should be opened to agricultural settlement, in order that homesteaders may have additional opportunity to make homes, and, as a rule, the agricultural lands in forest reserves are the best unappropriated public lands at the present time for home building, because within the forest reserves there are large areas of land well watered because of their proximity to growing vegetation. The reason I suggested the exception of those two counties out of the general policy was that the county in which I live is largely a gold-mining Some gold mines have been prospected and found in county. Pennington County, the county to the south, and as I desired also the further opportunity to look into the question as to whether there was any agricultural land in the county that

could be taken; and the result of that inquiry is that I am entirely satisfied that these two west tiers of townships in Pennington County are agricultural in character, and that many good homes could be made there without any detriment to any public interest. I therefore have now simply asked the exception of those townships from the reservation which was made at my request, and the making of those townships to apply to the general law which we passed at the last session.

Mr. WILLIAMS. Mr. Speaker, I would ask the gentleman if

this is rather in the nature of a private bill.

Mr. MARTIN. It is not in any sense.
Mr. WILLIAMS. It is to except two certain townships from the operation of the general law, is it not?

Mr. MARTIN. No, sir; it is to restore two certain townships

to the operation of the general law.

Mr. WILLIAMS. I understand there is a general law setting aside a certain territory for forest reserves.

Mr. MARTIN. Yes. Mr. WILLIAMS. And this is to except these two townships that were included in that law from its operation.

Mr. MARTIN. No; these two townships were not included in the law, and this is to permit them to be included in the law. Mr. WILLIAMS. This is to put them in the forest reserves?

Mr. MARTIN. They are within the forest reserves, but that general law permitted agricultural settlement within two forest reserves; but these two townships were excepted at that time from the general law, and this makes them subject to the gen-

Mr. WILLIAMS. I understand, but you got a bill through putting certain territory in a forest reserve, and that included

these two townships, did it not?

Mr. MARTIN. No; the gentleman misunderstands the situation. The forest reserves were already established, and that bill of June 11, 1906, provided generally for all of the forest reserves of the United States that agricultural settlement might be made within those reserves wherever there were agricultural lands suitable for that purpose. Two counties in this particular reservation, the Black Hills Forest Reserve, were excepted at that time from the operation of that statute. This bill at this time extends the operation of that general law to these two tiers of townships in one of those counties.

The SPEAKER. The Chair hears no objection.

The question is on the engrossment and third reading of the bill

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. Martin, a motion to reconsider the last vote

was laid on the table.

REGULATING INTERSTATE COMMERCE IN CERTAIN CASES.

Mr. CLAYTON. Mr. Speaker, by direction of the Committee on the Judiciary I ask unanimous consent for a reprint of House Report No. 2337, made in the Fifty-eighth Congress. The SPEAKER. The gentleman from Alabama asks unanimous consent for a reprint of a report, which the Clerk will

Mr. CLAYTON. It relates to interstate traffic in alcoholic

The Clerk read as follows: .

Report No. 2337.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, in any event the form of the gentleman's request is not correct. I have no objection if he ask unanimous consent that the report be printed as a document of the Fifty-ninth Congress

Mr. CLAYTON. I have no objection to that modification of the request

Mr. MANN. We can not reprint a report of the Fifty-eighth

Mr. CLAYTON. I say I have no objection to a modification

of the request as suggested by the gentleman from Illinois. The SPEAKER. The gentleman from Alabama modifies his

request and asks that the report be printed as a document.

Mr. SHERLEY. Mr. Speaker, I would like to ask the gentleman from Alabama whether this is a report on one of the bills on which a great many hearings were had?

Mr. CLAYTON. Yes, sir; it was on what was known in the Fifty-eighth Congress as the "Hepburn-Dolliver bill."

Mr. SHERLEY. As I recall, there were hearings had and printed by order of the committee, and they have long since been exhausted, which contained the arguments against the bill as well as for it, and I would like for the gentleman to couple with his request a reprint of those, as I have many requests for them.

Mr. CLAYTON. I should like to do that, but I am acting

under direction of the committee, and the direction of the committee was not as comprehensive as the gentleman from Kentucky indicates.

Mr. SHERLEY. Well, I make the request, and coupled with the request made by the gentleman from Alabama, I ask that unanimous consent be given that there be printed with the report the special hearings which were had on the subject-matter

The SPEAKER. Is there objection? [After a pause.] The

Chair hears none.

### BRIDGE ACROSS MISSISSIPPI RIVER.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 23383.

The SPEAKER. The gentleman from Missouri asks unani-

mous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 23383) to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved June 25, 1906.

Be it enacted, etc., That the said city of St. Louis shall have authority to construct said bridge mentioned in said act across the Mississippi River, under and subject to the limitations and restrictions mentioned in said act, if the actual construction of the bridge therein authorized shall be commenced within one year from the approval of this act and completed within three years from same date.

The amendments recommended by the committee were read, as follows:

In line 3 strike out the word "said."
In line 4, before the word "bridge," strike out the word "said" and insert the word "the."
In lines 4 and 5 strike out the words "said act across the Mississippi River" and insert in lieu thereof the following:
"The act entitled 'An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River, approved June 25, 1906."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read third time, was read the third time, and passed.

On motion of Mr. Bartholdt, a motion to reconsider the last vote was laid on the table.

# ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that the House proceed now to consider bills on the Private Calendar, such as were in order yesterday; that in considering these bills they be considered in the House as in Committee of the Whole; that the title of the bill be read, and those that are not objected to be acted upon immediately, and this order include only those to which there is no objection.

The SPEAKER. Is there objection?
Mr. MANN. Mr. Speaker, reserving the right to object, I would ask whether that means the House is to go over the bills which were gone over yesterday in the Committee of the Whole?

Mr. PAYNE. I do not understand the gentleman's suggestion. Mr. MANN. The gentleman's request is to take up bills on the Private Calendar. A number of them were objected to yesterday in the Committee of the Whole. Does the gentleman

propose to have those gone over again?

The SPEAKER. Let the Chair state the request so the House may understand it. The Chair understands the gentleman from New York to ask unanimous consent that bills now on the Private Calendar, which were in order yesterday, shall be considered in the House as in Committee of the Whole House; that is, bills to which there is no objection. The Chair will state it again. The gentleman from New York asks unanimous consent that bills on the Private Calendar to which there is no

Mr. WILLIAMS. Shall be in order to-day as of yesterday? The SPEAKER. That the chairman of the committee report said bills to the House as in Committee of the Whole, and they shall be in order for consideration. In other words, as the Chair understands the proposition of the gentleman from New York, it enables the House in the House as in Committee of the Whole House to consider bills on the Private Calendar which were in order yesterday to which there is no objec-

tion by any Member in the House. Is that correct?

Mr. PAYNE. That is correct. I want to say to the gentleman from Illinois [Mr. Mann] in answer to his suggestion that there were some bills yesterday that were objected to on their merits and some were objected to when there was no merit in the objection, except perhaps a little—I will not say what. There was no merit in the objection.

Mr. MANN. Whatever objections I made yesterday were

based upon merit. I would not charge any Member of the House as being so discourteous as to object without reason.

Mr. PAYNE. I think the only way to get along with it is to go over them in the regular order. I would say this: That I objected to two myself, and I objected because I did not believe in the merits of the bill and I should renew the objection to those bills to-day, but my object was to take the unobjected bills on the Private Calendar that were in order yesterday and get through with them to-day and pass them through the House.

Mr. MANN. If the request is to take up bills on the Private Calendar, and where no objection is made to consider those bills to the final passage, I shall make no objection; that is, if it does not include the taking of the time of the House on the

bills which are objected to.

Mr. PAYNE. Then, Mr. Speaker, I will modify it to satisfy the gentleman from Illinois, not to include any bill objected to in the Committee of the Whole yesterday.

Mr. MANN, I do not mean that. I have not any objection to taking all the bills up.

Mr. PAYNE. Has the gentleman no objection to the statement I made in the first place?

Mr. MANN. I have no objection to it.
Mr. PAYNE. Very well, I will not modify it.
Mr. JOHNSON. I want to ask the gentleman a question. Is it contemplated that when we get through with the Calendar, calling up bills that there is no objection to, that we will go

back to the beginning?

Mr. PAYNE. It does not, because there is evidently not time.

Mr. SLAYDEN. It will take no new bills from the Calendar?

Mr. PAYNE. No.

Mr. SHACKLEFORD rose.

The SPEAKER. Does the gentleman from New York [Mr. PAYNE] yield to the gentleman from Missouri [Mr. Shackie-

Mr. PAYNE. Certainly.

Mr. PAYNE. Certainly. Mr. SHACKLEFORD. We propose to commence at the beginning of the Private Calendar and take them in their order?

Mr. PAYNE. That was my proposition; yes.

Mr. SHACKLEFORD. Mr. Speaker, I object to the arrangement that is proposed. I insist on taking the Private Calendar in its order. I will say to the gentleman that under the method judgment upon all of these bills. He can say that certain bills shall pass and certain bills shall not.

Mr. PAYNE. The gentleman will see that it means the same thing as unanimous consent. That is all there is of it, and my object is to get unanimous consent on each one of these bills or an objection from any Member of the House. A great deal of legislation is passed in this way, and the gentleman ought not, if he is interested in any bill, throw any stumbling block in the way of this order.

Mr. SHACKLEFORD. The objection I have to it is this, that the gentleman confesses now that on yesterday these bills were objected to without any reason in the world. They sit here and impede legislation.

Mr. PAYNE. We go over those same bills again, and I trust the gentleman will not object to them to-day for the reason that they did yesterday.

Mr. SHACKLEFORD. Some other Member will take the same method of objecting to those bills. Let us take the Calendar in its order.

Mr. PAYNE. Mr. Speaker, I submit the proposition.

Mr. SHACKLEFORD. Mr. Speaker, I will withdraw my objection now, but-

Mr. MANN. The gentleman will make his objection now or not at all.

The SPEAKER. The question is that the bills in order shall be considered in the House as in the Committee of the Whole House, by unanimous consent. Is there objection?

There was no objection.

# NEW YORK CUSTOMS INSPECTORS.

The first business was the bill (H. R. 17957) for the relief of

certain customs inspectors of the port of New York.

Mr. PAYNE. Mr. Speaker, that bill has been provided for in the deficiency bill. I object to it, and I ask now that the bill be laid upon the table.

The SPEAKER. The gentleman from New York [Mr. PAYNE]

moves to lay the bill on the table. Is there objection?

There was no objection.

# ELI PETTIJOHN.

The next business reported from the Private Calendar was H. Res. 406, resolution (in lieu of H. R. 10553) referring to Court of Claims the claim of Eli Pettijohn. Mr. MANN. On yesterday, Mr. Speaker, I made the point of order upon that bill, and it was to be referred to the Committee on War Claims. It ought to have been reported to the House to

go to the Committee on War Claims.

The SPEAKER. The Chair is informed that it was not in fact reported to the House; but the point of order can be re-

newed now if the gentleman sees proper.

Mr. MANN. I object. The SPEAKER. The gentleman from Illinois objects.

# UNIVERSITY OF OKLAHOMA.

The next business on the Private Calendar was the bill (H. R. 17431) granting to the regents of the University of Oklahoma section No. 36, in township No. 9 north of range No. 3 west of the Indian meridian, in Cleveland County, Okla.

Mr. MANN. Mr. Speaker, that bill and the next bill—I do not see the gentleman from Oklahoma here—ought to refer to

the new State of Oklahoma; and I object.

The SPEAKER. The gentleman objects to this and the next bill. The Clerk will report the next bill.

### COMPAÑÍA DE LOS FERROCARRILES DE PUERTO RICO.

The next business on the Private Calendar was the bill (H. R. 18134) for the relief of the Compañía de los Ferrocarriles de Puerto Bico.

The SPEAKER. Is there objection?

Mr. MANN. I object. This is one of the bills I objected to for reasons.

#### DAVISON CHEMICAL COMPANY, BALTIMORE, MD.

The next business on the Private Calendar was the bill (H. R. 8670) for the relief of the Davison Chemical Company, of Baltimore, Md.

Mr. MANN. I make the same objection to that bill.

#### THOMAS P. MORGAN.

The next business on the Private Calendar was the bill (H. R. 12881) to pay Thomas P. Morgan amount found due to him by Court of Claims.

Mr. MANN. I make the same objection.

The next business on the Private Calendar was the bill (H. R. 1808) for the relief of J. J. L. Peel.

The bill was read, as follows:

A bill (H. R. 1808) for the relief of J. J. L. Peel.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to J. J. L. Peel, of Spokane, Wash., the sum of \$1,041.76, being the amount advanced by him for necessary clerk hire and expenses while acting as postmaster at Spokane, Wash.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

DEPOSIT SAVINGS ASSOCIATION, OF MOBILE, ALA.

The next business on the Private Calendar was the bill (H. R. 4190) for the relief of the creditors of the Deposit Savings Association, of Mobile, Ala.

Mr. MANN. I make objection to that bill.

# ARTHUR A. UNDERWOOD.

The next business on the Private Calendar was the bill (S. 4350) for the relief of Arthur A. Underwood.

The bill was read, as follows:

A bill (S. 4350) for the relief of Arthur A. Underwood.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Arthur A. Underwood, for expenses incurred en route to and from the national rifle competition, which was held at Sea Girt, N. J., August 24 to September 9, 1905, and while in attendance there, \$277.48.

The amendment recommended by the committee was read, as follows:

In lines 4 and 5 strike out the words "any money in the Treasury not otherwise appropriated" and insert in lieu thereof the words "the allotment of the State of Wyoming under section 1661 of the Revised Statutes."

The amendment recommended by the committee was agreed to. The bill as amended was ordered to a third reading, read the third time, and passed.

# CHARLES D. SOUTHERLIN.

The next business on the Private Calendar was the bill (H. R. 9131) for the relief of the legal representatives of Charles D. Southerlin.

The bill was read, as follows:

A bill (H. R. 9131) for the relief of the legal representatives of Charles D. Southerlin.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay the legal representatives of Charles D. Southerlin, of Greenville, S. C., out of any money in the Treasury not otherwise appropriated, the sum of \$537.52, being for services rendered the United States in carrying the mails in 1860 and

The SPEAKER. Is there objection?

Mr. PAYNE. Reserving the right to object, I want to say that I have objected to these bills heretofore, but the House voted almost unanimously in favor of the passage of a bill of that character yesterday, and I do not propose to object to them.

Mr. MANN. I wish to add that I shall not object to any bill along the line of those passed yesterday by the House.

The bill was ordered to be engrossed for a third reading; and

being engrossed, it was accordingly read the third time, and passed.

#### W. A. M'LEAN.

The next business on the Private Calendar was the bill (S. 4948) for the relief of W. A. McLean.

The bill was read, as follows:

A bill (S. 4948) for the relief of W. A. McLean. .

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, required, out of any money in the Treasury not otherwise appropriated, to pay to W. A. McLean, of Wilkesboro, N. C., the sum of \$117.69, for money due him under a judgment of the United States court for the western district of North Carolina, rendered at November term, 1904, at Wilkesboro, N. C.

The bill was ordered to a third reading, read the third time, and passed.

MILBURN WAGON COMPANY.

The next business on the Private Calendar was the bill (H. R. 5195) for the relief of the Milburn Wagon Company, of Toledo, Ohio.

The bill was read, as follows:

A bill (H. R. 5195) for the relief of the Milburn Wagon Company, of Toledo, Ohio.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Milburn Wagon Company, of Toledo. Ohio, out of any money in the Treasury not otherwise appropriated, \$1,150, the said sum being the balance of an amount justly due said company for the construction and delivery of 100 Army wagon beds, under a contract for the same entered into between said company and the Quartermaster-General of the Army during the year 1893.

The amendment recommended by the committee was read, as

In line 11 strike out the words "eighteen hundred and ninety-three" and insert the words "nineteen hundred and three."

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be engrossed for a third reading, and being engrossed, it was accordingly read the third time, and passed.

ABRAM JOHNSON.

The next business on the Private Calendar was the bill (S. 319) to reimburse Abram Johnson, formerly postmaster at Mount Pleasant, Utah.

The bill was read, as follows:

A bill (S. 319) to reimburse Abram Johnson, formerly postmaster at Mount Pleasant, Utah.

Be it enacted, etc., That there be appropriated, out of any moneys in the Treasury not otherwise appropriated, for the reimbursement of Abram Johnson, formerly postmaster at Mount Pleasant, in the State of Utah, for amount expended by him for rent, light, and fuel, from January 1 to July 1, 1901, \$73.50.

The bill was ordered to a third reading, read the third time, and passed.

BENJAMIN F. PETTIT.

The next business on the Private Calendar was the bill (H. R. 9132) for the relief of the legal representatives of Benjamin F. Pettit.

The bill was read, as follows:

A bill (H. R. 9132) for the relief of the legal representatives of Benjamin F. Pettit,

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay the legal representatives of Benjamin F. Petitit, of Spartanburg, S. C., out of any money in the Treasury not otherwise appropriated, the sum of \$146.97, being for services rendered the United States in carrying the mails in 1860 and

The bill was ordered to be engrossed for a third reading, and was accordingly read the third time, and passed.

JOHN H. POTTER.

The next business on the Private Calendar was the bill (S. 3574) for the relief of John H. Potter.

Mr. MANN. Mr. Speaker, I object to that bill.

HENRY O. BASSETT.

The next business on the Private Calendar was the bill (H. R. 3268) for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased.

The bill was read, as follows:

A bill (H. R. 3268) for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Henry O. Bassett, sole surviving heir of Henry Opeman Bassett, deceased, the sum of \$142.59.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

MARY V. SHAW.

The next business was the bill (H. R. 7548) for the relief of Mary V. Shaw.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary V. Shaw, widow of Hon. W. Irvin Shaw, late consul-general to Singapore, Straits Settlements, India, the sum of \$3,000, a sum representing one year's salary, and an allowance of \$300 additional to defray the cost of the funeral expenses of the said Hon. W. Irvin Shaw, who died while in the service.

The following amendments recommended by the Committee on Claims were read:

In line 7 strike out the words "three thousand" and insert the words "one thousand five hundred."

In line 8 strike out the words "one year's" and insert the words "six months'."

Mr. MANN. Mr. Speaker, reserving the right to object, I should like to ask the gentleman in charge of the bill

Mr. GRAHAM. I can state the facts about the bill.

Mr. MANN. No; I do not want to ask you. I want to ask the gentleman from Kansas [Mr. Miller] whether it is the policy of the House to pay six months' salary to the widow of a consul who dies in the service-whether that is the established policy?

Mr. MILLER. That is not the established policy, and this is an exceptional case, and the only case of the kind that has been reported by the Committee on Claims, and probably the only case of the kind that will be reported.

Mr. GRAHAM. There was one exception, a bill of similar

character, that passed in the last Congress.

Mr. MILLER. This is the only one that I remember the Committee on Claims having before it. The statement of the gentleman no doubt is correct; but that is not the policy of the committee, and there is a determination on the part of a good many members of the committee not to go any further in this direction.

Mr. MANN. This is a matter which requires consideration. I have read the facts in this case, and I object.

The SPEAKER. Objection is made. The Clerk will report

the next bill.

# C. W. STURTEVANT ET AL.

The next business was the bill (H. R. 639) for the relief of C. W. Sturtevant, Rolla Brown, Alice Brown, M. L. Kelly, Robert G. Duffy, Fread Gehring, T. H. Ross, and L. C. Partee,

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. W. Sturtevant, \$213.50; to Rolla Brown, \$17.25; to Alice Brown, \$72.75; to M. L. Kelly, \$44; to Robert G. Duffy, \$6.75; to Fread Gehring, \$9.65; to T. H. Ross, \$246; to L. C. Partee, \$45.50, as a reimbursement to the aforesaid Sturtevant, Rolla Brown, Alice Brown, Kelly, Duffy, Gehring, Ross, and Partee for the loss of personal property sustained by them while in the service of the United States and acting as the crew of the aforesaid steamer Wynoka, belonging to the Mississippi River Commission, the aforesaid steamer having been destroyed by fire on the night of October 15, 1901, through no negligence or fault of the above-named employees. The above-named appropriation shall be in full for all claims against the United States Government.

Mr. GARRETT. Mr. Speaker, I shall not object to the consid-

Mr. GARRETT. Mr. Speaker, I shall not object to the consideration of the bill, but I desire to state that I opposed it in the committee, and I shall vote against it now.

The question being taken, the bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

JOHN M. BURKS.

The next business was the bill (S. 1344) for the relief of John M. Burks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John M. Burks, of Lincoln, Nebr., the sum of \$50, for fine unlawfully collected from him; and to make said payment there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, \$50.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

#### GEORGE T. PETTENGILL.

The next business was the bill (S. 1933) for the relief of George T. Pettengill, lieutenant, United States Navy.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers in settling and adjusting the accounts of George T. Pettengill, lieutenant, United States Navy, are hereby directed to credit said George T. Pettengill with the sum of \$748\$, which amount of Government funds he intrusted to George Head, a mail orderly on the U. S. S. Newark, while that vessel was at Kure, Japan, August 7, 1900, for the purpose of sending an official telegram for Admiral Kempff, United States Navy, senior squadron commander, Asiatic Squadron, with which money the orderly absconded.

The bill was ordered to a third reading; and was accordingly read the third time and passed

read the third time, and passed.

#### F. S. BOWKER.

The next business was the joint resolution H. Res. 427; which was read, as follows:

Was read, as follows:

Resolved, That the bill (H. R. 15810) entitled "A bill for the relief of F. S. Bowker, managing owner of the schooner William H. Davenport and agent for the owners of said schooner and for the owners of the cargo of lumber on board said schooner on October 2, 1899," now pending in the House of Representatives, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the tringing of suits against the Government of the United States," approved March 3, 1887; and the said court shall proceed with the same in accordance with the provisions of such act and report to the House of Representatives their findings of fact and law.

The following amendment recommended by the Committee on

The following amendment, recommended by the Committee on Claims, was read:

In line 8 strike out all after the word "claims" and insert in lieu thereof "with jurisdiction to hear and determine the same to judgment."

Mr. PAYNE. Mr. Speaker, reserving the right to object, I should like to ask why the committee struck out the provision referring the case to the Court of Claims for a finding of facts and law and inserting instead thereof jurisdiction to render a judgment? I should have no objection to the original resolution, and if that is allowed to go through as originally drawn without the amendment, I will not object to it.

Mr. LITTLEFIELD. As far as I am concerned—and I drew

the original resolution to which the committee made the amendment-I should be satisfied to have it disagreed to.

Mr. PAYNE. I ask that the resolution be passed without the amendment.

Mr. MILLER. I will accept that on the part of the committee, Mr. Speaker.

The question was taken; and the amendment was disagreed to. The resolution was agreed to.

# NYE & SCHNEIDER COMPANY.

The next business on the Private Calendar was the bill (H. R. 10595) for the relief of Nye & Schneider Company.

The bill was read, as follows:

Be it enacted, etc., That the sum of \$61.13 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated for the purpose of paying to Nye & Schneider Company, of Fremont, Nebr., the said sum of money, being an unpaid balance on bill rendered for fuel furnished the United States Government by that company during the years 1893 and 1894 for the purpose of heating the post-office building at Hastings, Nebr., which said amount has remained unpaid by reason of the appropriation for such purpose having been exhausted.

Mr. PAYNE. Mr. Speaker, I think I shall have to object to

Mr. McCARTHY. Mr. Speaker, I would like to ask the gentleman what his reasons are for objecting to the bill?

Mr. PAYNE. Because postmasters are allowed so much for rent, for heat, and fuel and light throughout the country. have often had cases where the postmaster said that was not sufficient, and he had to pay part of it out of his salary. I do not know why we should make an exception in this case. If we do we shall have thousands of such cases, and I think it is

a bad precedent to establish.

Mr. McCARTHY. Mr. Speaker, the facts in this case are as follows: The Nye & Schneider Company furnished coal which was necessary to heat the post-office building in Hastings, Nebr. The weather was such that they had to have the coal. Postmasters-General have recommended the passage of this bill. It has once passed the Senate, and it is full of merit. It is ten or twelve years old, and the people have waited all this time for their money, and there is no reason why it should not have been paid long ago.

Mr. PAYNE. Mr. Speaker, I see in the report of the Postmaster-General that he says the bill would have been paid if there had been an appropriation. I withdraw the objection.

The bill was ordered to be engrossed and read a third time. was read the third time, and passed.

# CLAIM OF THE MITSUI BUSSAN KAISHA.

The next business on the Private Calendar was the bill (H. R. 9289) for the relief of the Mitsui Bussan Kaisha.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of \$600 be, and is hereby, appropriated to the Mitsui Bussan Kaisha for damages to their steamer Hikosan Maru, caused by collision with a coal hulk owned by the United States Quartermaster's Department on July 31, 1902; and that the further sum of \$948.27 be, and is hereby, appropriated to the Mitsui Bussan Kaisha for damages to their chartered steamer Shirley, caused by collision with a coal hulk owned by the United States Quartermaster's Department in Manila Bay on March 23, 1902, making altogether the sum of \$1.548.27.

Mr. MANN. Mr. Speaker, reserving the right to object, I wish to ask the gentleman whether the amount appropriated in the bill contains the amount for demurrage which was rejected by the War Department? I am unable to figure it out myself.

Mr. MILLER. I did not prepare the report and I have not the report with me.

Mr. MANN. I will be very glad to submit to the gentleman a report in the case. This was damage caused by two collisions, and the damage was allowed by the War Department, but the claim for demurrage was rejected. I can not tell whether the claim for demurrage is included in the total amount here or

I will say to the gentleman from Illinois that think it is not, but I am not sure about it.

Mr. MANN. I ask to have the bill laid aside temporarily. The bill was laid aside without prejudice.

CLAIMS AGAINST THE GOVERNMENT UNDER THE NAVY DEPARTMENT. The next business on the Private Calendar was the bill (H. R. 13605) to satisfy certain claims against the Government arising under the Navy Department.

The Clerk read the bill, as follows:

The next business on the litivate Calendar was the only (11. K.) 13605) to satisfy certain claims against the Government arising under the Navy Department.

The Clerk read the bill, as follows:

Be it enacted, ctc., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay the claims arising under the Navy Department hereinafter stated, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final release and discharge of the respective claims, namely:

To reimburse Passed Asst. Paymaster Henry de F. Mel the amount paid by him for an ash lighter tost while in the service of the Government of the Common texpended by him in assisting a supposed deserter from the Navy to return to the United States for the purpose of surrendering to the naval authorities, \$82.63.

To pay for services rendered and for expenses incurred by Dowdall, Hanson & McNeill, of Nanghal, China, in connection with proceedings against the British us Rocket, \$2,915.45.

To pay to Wontner & Sons, of London, England, expenses incurred and for services rendered in connection with the appeal to the prity council at London in the collision case of the Saturn against the Newchwang, \$432.08.

To pay to William Gresham the value of a dory wrecked in a collision with a ferry launch at the navy-yard, Portsmouth, N. H., \$12.

To compensate George A. Strong for injuries to his landing stage and boats at the western end of Fox Island Thoroughfare by the passing of a torpedo boat at high speed, \$50.

To pay to the owner of the schooner yacht Clytie the actual expension of the owner of the schooner yacht Clytie the actual expension of the owner of the schooner yacht Clytie the actual expension of the owner of the schooner yacht Clytie the actual expension of the owner of the schooner yacht Clytie the actual expension of the owner of the schooner yacht Clytie the actual expension of the owner of the schooner yacht Clytie had a torpolo

To pay the cost of repairs to the steamer Choy Sang, owned by Jardine, Matheson & Co., of Shanghai, China, necessitated by a collision with the U. S. S. Helena, \$2,203.85.

To reimburse the owner of the bark Nostra Signora delle Gracie the cost of repairs to said bark due to a collision with the U. S. S. Abarenda, \$213.92.

To pay the owner of the two Markettes and Sanghain Collision with the U. S. S. Abarenda, \$213.92.

renda, \$213.92.

To pay the owner of the tug Henry D. McCord one-half of the damage sustained in a collision with the U. S. naval tug Apache, \$1,688.25.

To pay the cost of repairs to the steamship Min, due to a collision in the harbor of Chefoo with the U. S. S. Bainbridge, \$107.63.

To pay the cost of repairs to the steamship Mathilda, made necessary by a collision with the U. S. naval collier Justin, at Shanghai, China,

\$96.63.
To reimburse the Old Dominion Steamship Company one-half of the cost of repairs to the steamer Accomack, necessitated by a collision with the United States naval tug Alice, \$55.83.

To pay the cost of repairs to the steamer Constance, of the California Transportation Company, made necessary by a collision with the United States naval tug Vigilant, \$56.07.

To pay damage due to a collision between the United States steamer Olympia and the schooner Elizabeth, \$1,484.90.

To pay for services rendered by architect in connection with barracks building at the Naval Training Station, Newport, R. I., \$436.18.

To pay the owners of the schooner Flirt cost of cable damaged by the United States ship Macdonough on November 14, 1905, the sum of \$47.50.

To pay the water ship Macdonough on November 14, 1905, the sum of \$47.50.

To pay Edward Simmons one-half of the cost of repairs of damages to his steam tug William Alexander, caused by collision with the United States ship Miantonomah on October 9, 1893, the sum of

To pay the contractor for dry dock No. 4, navy-yard, New York, the cost of repairs of damages to cable tower on said dry dock, caused by collision with the United States ship Dolphin on August 1, 1905, the sum of \$922.

The following amendments recommended by the committee were read:

First. By numbering the items in said bill from (1) to (31), inclu-

First. By numbering the items in said bill from (1) to (31), inclusive.

Second. By adding, after line 22, on page 6, the following:

"(32) To pay the owners of the schooner Flirt cost of cable damaged by the U. S. S. Macdonough on November 14, 1905, \$47.50.

"(33) To pay Edward Simmons one-half the cost of repairs of damages to his steam tug William Alexander caused by collision with the U. S. S. Miantonomah on October 9, 1893, \$108.50.

"(34) To pay the contractor for dry dock No. 4, navy-yard, New York, the cost of repairs of damages to cable tower on said dry dock caused by collision with the U. S. S. Dolphin on August 1, 1905, \$922."

The amendments recommended by the committee were agreed

The amendments recommended by the committee were agreed

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

# GEORGE T. LARKIN.

The next business on the Private Calendar was the bill (H. R. 12188) for the relief of George T. Larkin.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George T. Larkin, late deputy United States marshal, eastern district of Tennessee, for expenses incurred in his defense for killing in self-defense a citizen of said State while resisting arrest, and in full compensation of all claims on account thereof, \$1,976.55.

The following amendment recommended by the committee was

In lines 9 and 10 strike out the words "one thousand nine hundred and seventy-six dollars and fifty-five cents" and insert in lieu thereof the words "six hundred and ninety-two dollars and fifty-five cents."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

# JOSE RAMOS.

The next business was the bill (H. R. 19641) for the relief of Jose Ramos.

Mr. MANN. Mr. Speaker, I object to that bill.

The bill was ordered to be laid aside without prejudice.

# WILLIAM B. TODD.

The next business was the bill (S. 2138) for the relief of the estate of William B. Todd, deceased.

Mr. MANN. Mr. Speaker, that is a bill reported from the

Committee on the District of Columbia. Is it not in order for that committee to call it up on District day?

The SPEAKER. I think it will depend upon the nature of the

Mr. MANN. I think, under the rule, they can call up any bill they have reported on District day regardless of what Calendar it is on. They frequently do call up Private Calendar bills. save time, I object.

The bill was ordered to be laid aside without prejudice.

# L. S. WATSON MANUFACTURING COMPANY.

The next business was the bill (S. 2964) for the relief of the L. S. Watson Manufacturing Company, of Leicester, Mass.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be allowed and paid, out of any money in the Treasury not otherwise appropriated, to the L. S. Watsen Manu-

facturing Company, of Leicester, Mass., the sum of \$423.17, being the amount of the fines paid by them on the 5th and 24th of August, 1903, by reason of an undervaluation of certain heddles imported by them, the said undervaluation being due to mistake for which they were not in fault, they having proceeded in the matter under the direction of an official in the Treasury Department, to whom they communicated all the facts, and they having voluntarily and of their own accord brought the fact of the undervaluation to the knowledge of the Department officials and made good the amount of said undervaluation.

The bill was ordered to be read a third time, read the third time, and passed.

#### HANS PETER GUTTORMSEN.

The next business was the House resolution 561.

Mr. MANN. Mr. Speaker, I object to that.

Mr. COOPER of Wisconsin. Will not the gentleman reserve his objection for a time?

Mr. MANN. I shall reserve it.

The Clerk read the resolution, as follows:

Resolved. That the bill (H. R. 13870) entitled "A bill for the relief of Hans Peter Guttormsen," now pending in the House of Representatives, together with all the accompanying papers be, and the same is hereby, referred to the Court of Claims to find the facts and find and determine—

First. Whether the United States was guilty of negligence; Second. Whether the claimant, Hans Peter Guttormsen, was guilty of contributory negligence;

Third. Whether upon the facts found, the United States, if a private corporation, would be liable to the claimant for damages by reason of his injuries.

his injuries.

Mr. MILLER. Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Mr. Speaker, I will say to the gentleman from Illinois [Mr. MANN] that this resolution amounts to this: It is a reference back of a decision already rendered by the Court of Claims, asking that court to explain an ambiguity in its decision. The Committee on Claims was unable to tell whether the Court of Claims intended by its findings of fact to hold that the claimant was guilty of contributory negligence, and therefore has sent the claim back simply to make a new decision on the facts they have already found. This man has already run once the gantlet of this House. The claim has already been referred to the Court of Claims, the Court of Claims has made its findings of fact, and because of an ambiguity in that decision the Committee on Claims seeks to have that ambiguity

explained. That is all. Mr. MANN. Mr. Speaker, I may say to the gentleman that I don't know that I am particular about insisting on the objection. I have no doubt that this case will result in the payment to this man of \$5,000, if the resolution goes through. I think there are facts in it already before the House sufficient to act upon. It is one of those cases where, when it is presented to Congress, if the vote is taken it is invariably paid, but the Government constantly takes the position that unless a man is lucky enough to have a Representative in Congress who appears before the committee and presents his particular claim it will not pay damages to him for personal injuries. I do not think it is a fair position for the Government to take. I would just as soon vote to pay this man \$5,000 now as to vote to postpone it for two or three years and pay it to him at the end of that time, because that is what it amounts to, whatever the Court of Claims finds.

Mr. COOPER of Wisconsin. Does the gentleman withdraw his objection?

I will not make the objection. Mr. MANN.

The SPEAKER. The question is on agreeing to the resolu-

The question was taken; and the resolution was agreed to.

# LOUISE POWERS M'KEE.

The next business was the bill (S. 1218) for the relief of Louise Powers McKee, administratrix.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Louise Powers McKee, administratrix of the estate of James M. McKee, deceased, late clerk of the United States circuit court of appeals for the fifth circuit at New Orleans, La., the sum of \$784.55, being the amount erroneously paid into the subtreasury of the United States in his emolument returns December 31, 1893.

The bill was ordered to be read a third time, read the third time, and passed.

# ROBERT D. BENEDICT.

The next business was the bill (H. R. 1443) for the payment of Robert D. Benedict for services rendered.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be paid to Robert D. Benedict, of the Borough of Brooklyn, city of New York, State of New York, out of any money in the Treasury not otherwise appropriated, the sum of \$250 in full payment and discharge of the claim of said Robert D. Benedict for legal services rendered by him in a legal proceeding taken by the clerk of the district court of the United States for the southern dis-

trict of New York, for an injunction to prevent said clerk from being deprived of the necessary accommodations for the records of said court.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

#### SEYMOUR HOWELL.

The next business was the bill (S. 5675) for the relief of Maj. Seymour Howell, United States Army, retired.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Seymour Howell, from any money in the Treasury not otherwise appropriated, the sum of \$2,000, the amount paid by him into the Treasury of the United States in liquidation of a deficiency in his accounts as paymaster at Manila, P. I., caused by robbery committed in March, 1900, by some person or people unknown while he was in the field paying five regiments of infantry, two troops of cavalry, thirty-eight detachments, and sick men in various hospitals scattered over the island of Luzon.

The bill was ordered to be read a third time, read the third time, and passed.

#### GERMAN M. ROUSE.

The next business was the bill (H. R. 6430) authorizing the Secretary of the Treasury to pay to German M. Rouse informer's fees for certain opium seizures.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to German M. Rouse the sum of \$18,500, as informer's fees as informant on certain seizures of opium seized on or about the months of December, 1885, and January, 1886, by the United States authorities as a part of the cargo of the steamer Idaho and at Cassan Bay, Alaska.

With the following amondment.

With the following amendment:

Line 6 strike out the words "eighteen thousand five hundred" and insert in lieu thereof the words "three thousand."

The SPEAKER. The question is on agreeing to the amend-

The question was taken; and the amendment was agreed to. The bill as amended was ordered to be engrossed and read a third time, read the third time, and passed.

# CHARLES E. DANNER & CO.

The next business on the Private Calendar was the bill (H. R. 8685) for the relief of Charles E. Danner & Co.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles E. Danner, John N. Wallace, and W. Porter Danner, copartners trading under the name of Charles E. Danner & Co., the sum of \$720, the amount paid by them for a wholesale dealer's license for the sale of oleomargarine, and the penalty thereon.

The committee amendment was read, as follows:

In line 8 strike out the words "seven hundred and twenty" and in-rt in lieu thereof the words "two hundred and forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

# REFUND TO TERRITORY OF HAWAII.

The next business on the Private Calendar was the bill (H. R. 10103) to refund to the Territory of Hawaii the amount expended in maintaining light-house service on its coasts from the time of the organization of the Territory until said lighthouse service was taken over by the Federal Government. Mr. MANN. Mr. Speaker, I ask for that to go over.

The SPEAKER. Objection is made.

# OSCAR FULGHAM.

The next business on the Private Calendar was the bill (H. R. 19493) to reimburse Oscar Fulgham, ex-sheriff of Madison County, Ala., for judgment and costs rendered against him when acting in the service of the United States.

The Clerk read as follows:

The Cierk read as ionows.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$434.55 to Oscar Fulgham, ex-sheriff of Madison County, Ala., to reimburse him for judgment and costs rendered against him by the State courts, resulting from his action while he was sheriff of Madison County, Ala., in recovering three mules, at the request of General Coppinger, who was in the command of the Federal troops stationed at Huntsville, Ala., during the winter of 1898 and 1899, which were stolen from the corral at the camp of the troops stationed at Huntsville, Ala., during the winter of 1898 and 1899.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

# A. L. FLACK & CO.

The next business on the Private Calendar was the bill (H. R. 5196) to refund to A. L. Flack & Co., of Tiffin, Ohio, money paid for internal-revenue stamps lost in the mails.

Mr. PAYNE. Mr. Speaker, reserving the right to object, here is a case where the Government is required to insure the delivery of valuable articles through the mails. That is what this bill amounts to, and I do not think it ought to pass, and therefore I will object.

The SPEAKER. Objection is heard.

#### HAMILTON D. SOUTH.

The next business on the Private Calendar was the bill (H. R. 1078) for the relief of Hamilton D. South, second lieutenant, United States Marine Corps.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to Hamilton D. South, second lieutenant, United States Marine Corps, the sum of \$1,200, said sum to be a payment in full for all losses of personal property incurred by him by reason of the destruction by fire of the marine barracks at Pensacola Navy-Yard on the 21st day of December, 1901.

The committee amendment was read, as follows:

In lines 6 and 7 strike out the words "one thousand two hundred dollars" and insert "one thousand one hundred and fifty-seven dollars."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

#### GEORGE M. ESTERLY.

The next business on the Private Calendar was the bill (H. R. 18924) for the relief of George M. Esterly.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George M. Esterly, of Valdez, Alaska, the sum of \$3,000, out of any money in the Treasury not otherwise appropriated, in payment for the loss of the gasoline launch Marilla, owned by him and accidentally burned in the district of Prince William, Territory of Alaska, on July 18, 1905, while in official use and under the rental of the United States Geological Survey, said appropriation having been recommended by the Secretary of the Interior and by the Acting Secretary of the Treasury, said recommendations and the facts concerning said loss being fully set forth in House Document No. 732, Fifty-ninth Congress, first session.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

#### PHILIP LONEY.

The next business on the Private Calendar was the bill (H. R. 9778) for the relief of Philip Loney.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Philip Loney, late sergeant, Company I, Ninth Regiment United States Infantry, out of any money in the Treasury not otherwise appropriated, the sum of \$553, being the amount of money belonging to the said Loney deposited with Lieut. J. K. Allen, acting quartermaster of said regiment, and appropriated by the United States after the death of said Allen.

The bill was ordered to be engrossed and read a third time. was read the third time, and passed.

# S. KATE FISHER.

The next business on the Private Calendar was the bill (H. R. 8080) for the relief of S. Kate Fisher.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to S. Kate Fisher, of St. Paul, Minn., out of any money in the Treasury not otherwise appropriated, the sum of \$400. erroneously paid by her for entry of public lands in the local land office for the district of Duluth, Minn., on November 25, 1903, which was subsequently relinquished by said S. Kate Fisher at the request of officers of the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

# BERNICE FARRELL.

The next business on the Private Calendar was the bill (H. R. 8078) for the relief of Miss Bernice Farrell.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Miss Bernice Farrell, of St. Paul, Minn., the sum of \$400, out of any money in the Treasury not otherwise appropriated, which sum was erroneously paid by her for the entry of public lands in the local land office of the Duluth (Minnesota) district, on November 25, 1903, which entry was subsequently relinquished by said Bernice Farrell at the request of officers of the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

# EUNICE TRIPLER.

The next business on the Private Calendar was the bill (S. 3820) for the relief of Eunice Tripler.

The Clerk read as follows:

Be it enacted, etc., That there be paid to Eunice Tripler, widow of Surg. Charles S. Tripler, United States Army, out of any money in the Treasury not otherwise appropriated, the sum of \$3,000, for services by the said Charles S. Tripler in his lifetime in preparing, superintending, and directing the publication of a manual for the use of medical officers of the Army of the United States: Provided, That

payment of the above sum shall be a bar to any further claim against the Government for the use of the book herein referred to. The bill was ordered to be read a third time, was read

the third time, and passed.

# CHARLES H. MARSDEN.

The next business was the bill (H. R. 8749) to refund a fine of \$200 imposed upon and paid by Charles H. Marsden, owner of the tug Owen.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to refund the sum of \$200 to Charles H. Marsden, owner of the tug Owen, said sum being the amount of two fines of \$100 each imposed for a violation of section 4438 of the Revised Statutes, paid on or about August 31, 1904, at the office of the collector of customs at Detroit, Mich.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read:

A bill to refund a fine of \$200 paid by Charles H. Marsden, owner of the tug Owen.

CHARLES B. BENTLEY.

The next business was the bill (H. R. 714) for the relief of Charles B. Bentley.

The Clerk reported the bill, as follows:

Be it enacted, etc., That there be allowed Charles B. Bentley, post-master at Warsaw, Ind., the sum of \$134.91, to reimburse him for the loss of key-deposit funds and damage to post-office fixtures through burglars, and for the expense resulting from a due vigilance to apprehend the thieves, the said sum not having been certified or allowed to him by the Post-Office Department; and the sum of \$134.92 is hereby appropriated, out of the money not already appropriated, for the payment of said claim.

Also the following amendments:

In lines 4 and 5 strike out the words "one hundred and thirty-four dollars and ninety-one cents" and insert "ninety-seven dollars."

In lines 10 and 11 strike out "one hundred and thirty-four dollars and ninety-two cents" and insert "ninety-seven dollars."

The SPEAKER. The question is on agreeing to the amend-

ments.

The question was taken; and the amendments were agreed to. The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

#### POLLARD & WALLACE.

The next business was the bill (S. 6299) for the relief of Pollard & Wallace.

The Clerk reported the bill, as follows:

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to the firm of Pollard & Wallace, of Champaign, Ill., \$6,000, being the value of the plant leased by them to the Government, and used by the War Department in the construction of a lock and dam and construction work in the Osage River, near Osage City, Mo., and still retained by the War Department for use in conjunction with the said work on said dam, but rendered useless to said Pollard & Wallace by reason of the failure of the War Department to complete said work by lack of proper appropriation therefor: Provided, That as a condition precedent to the payment of said \$6,000, the said Pollard & Wallace shall convey to the United States a clear title in said plant, and the ownership thereof shall become vested in the United States upon the payment of said sum, and said sum is hereby appropriated for this purpose out of any money in the Treasury not otherwise appropriated.

The bill was ordered to be read a third time, was read the third time, and passed.

ANDREW H. RUSSELL AND WILLIAM R. LIVERMORE.

The next business was the bill (S. 682) for the relief of Andrew H. Russell and William R. Livermore.

Mr. MANN. Mr. Speaker, I shall object to that bill.

# JOHN AND DAVID WEST.

The next business was the bill (H. R. 18865) for the relief of John and David West.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John and David West, of Cathlamet, Wahkiakum County, State of Washington, out of any money in the Treasury not otherwise appropriated, the sum of \$88.50, as a reimbursement in full for all damage to their dock or wharf in the Columbia River at Cathlamet accidentally inflicted by the U. S. dredge W. S. Ladd in the month of December, 1901.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

# J. H. HENRY.

The next business was the bill (H. R. 9109) for the relief of J. H. Henry.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to J. H. Henry, of San Jose, Cal., the sum of \$684.15 to reimburse him for losses sustained by him on account of fires started by United States troops during their occupancy of his ranch in San Luis Obispo County, Cal., during the summer of 1904.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

### EDWIN T. HAYWARD.

The next business was the bill (H. R. 12686) for the relief of Edwin T. Hayward, executor of Columbus F. Hayward, and the administrator of Charlotte G. Hayward.

The Clerk reported the bill, as follows:

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Edwin T. Hayward, executor of the last will and testament of Columbus F. Hayward, deceased, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$714, and to Edwin T. Hayward, administrator de bonis non, with the will annexed, of Charlotte G. Hayward, deceased, the sum of \$939, the said sums being in payment of damages to land belonging to said Columbus F. Hayward and Charlotte G. Hayward, respectively, which was washed away and overflowed by reason of the extension of end of Dam No. 4 in the Muskingum River in the month of July, 1890: Provided, however, That before payment of said sums of money, or either of them, Edwin T. Hayward, as executor as aforesaid, and as such administrator, shall convey or cause to be conveyed to the United States, by deed duly acknowledged for record, the two parcels of land so damaged, containing together 4.51 acres, according by metes and bounds to be furnished by the Chief of Engineers of the United States Army.

Mr. MANN. Mr. Speaker, I would like to have the attention

Mr. MANN. Mr. Speaker, I would like to have the attention of the gentleman. I do not propose to object to the consideration of the bill, because it is a meritorious proposition; but this is really for the purchase of land. It purports to be for the payment of damages, and then provides for the purchase of all the land which is damaged. Would not the bill be in better form if the Department were authorized to purchase the land at a price not to exceed the amount named, so that the Department has some discretion as to the value to be paid or as to the amount of damages in dealing with the people?

Mr. PAYNE. I want to say to the gentleman that I have a report of General Mackenzie here, and it seems that for similar land the Government did pay \$300 under the finding of the War Department, and that this damage is figured at the rate

of \$150 an acre instead of \$300.

Mr. MANN. This damage is figured at far higher than \$300 an acre. There are 4½ acres, and the amount appropriated is

an acre. There are 4½ acres, and the amount appropriated is \$714 plus \$931—\$1,600 and more.

Mr. MILLER. Mr. Speaker, the amount the gentleman reads is the value that is placed upon the land. The value of the land was fixed at about \$300 an acre, or a little over, and there were 4.51 acres; And he was allowed \$50 in addition to the walue that was placed upon it.

Mr. MANN. We buy the land and pay him for the damage

to it.

Mr. MILLER. No.

Mr. MANN. Oh, yes. We buy the land and pay him for the damage to it, which may be perfectly proper; but I do not know. Mr. MILLER. All we want to do is simply to pay him for the value of the land.

Mr. MANN. This bill, of course, has not passed the other Would it not be better to have the bill so that the Department has the discretion as to the price to be paid?

Mr. MILLER. Mr. Speaker, if the gentleman from Illinois

[Mr. Mann] will suggest an amendment of that kind, I will agree to it.

Mr. MANN. I have no objection to the bill passing as it is at present, but I made that suggestion because I think that form of the bill is quite objectionable.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

# JOHN C. RAY.

The next business was the bill (H. R. 7960) for the relief of John C. Ray, assignee of John Gafford, of Arkansas, The Clerk reported the bill, as follows:

Be it enacted, etc., That the sum of \$853.25 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the relief of John C. Ray, assignee of John Gafford, deceased, mail contractor on route No. 7956, in the State of Arkansas, for carrying the United States mails to May 31, 1861, this being the amount of pay due to John Gafford to that date as found by the Auditor for the Post-Office Department and reported to the Secretary of the Treasury for appropriation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

# GOUVERNEUR V. PACKER.

The next business was the bill (H. R. 17285) for the relief of Second Lieut. Gouverneur V. Packer, Twenty-fourth United States Infantry.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause to be credited to Second Lieut. Gouverneur V. Packer, battalion quartermaster and commissary, Twenty-fourth Regiment United States Infantry, on his accounts as acting commissary of subsistence of the post of Fort Missoula, Mont., with the

sum of \$48.89, the amount of subsistence funds, for which he was responsible, stolen by Commissary Sergt. Walter E. Smith, United States Army, who deserted from the service September 1, 1903.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

#### DAVID M'CLELLAND.

The next business was the bill (H. R. 7153) for the relief of David McClelland for loss sustained at Chickamauga Park, Georgia, January 29, 1904.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to David McClelland, late draftsman and assistant to the engineer in the Quartermaster's Department, United States Army, stationed at the new military post, Chickamauga Park, Georgia, the sum of \$171.21 for loss of personal property by fire on the morning of January 29, 1904.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

THE NEBRASKA MUTUAL LIFE INSURANCE COMPANY.

The next business was the bill (H. R. 14125) for the relief of The Nebraska Mutual Life Insurance Company, of Stromsburg, Nebr.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to refund to The Nebraska Mutual Life Insurance Company, of Stromsburg, Nebr., the sum of \$1,481.94, with interest thereon at 7 per cent per, annum from the 1st day of July, 1901, which sum was wrongfully charged to and collected from said company on said date by the Commissioner of Internal Revenue, and paid by said company under protest.

Also the following amendments:

Strike out all of line 9; also all of line 8 except the words "which

Strike out in line 10 the words "on said date" and insert in place thereof the words "as war-revenue taxes under chapter 448 of the laws of 1898."

Mr. PAYNE. Mr. Speaker, reserving the right to object, I notice that the Commissioner of Internal Revenue reported on this same subject-

I am satisfied that the tax was legally assessed and collected, and therefore can not recommend the passage of the pending bill.

I would like to know why.

Mr. MILLER. I yield to the gentleman from Nebraska [Mr. HINSHAW

Mr. HINSHAW. I think that if the gentleman from New York [Mr. PAYNE] will read over the report here he will see that it is a just claim. This company was organized as a mutual life insurance company under the laws of the State of Nebraska in March, 1898. The first year of its organization, as will be seen here by the reports, the revenues exceeded the expenditures by a considerable sum by reason of the fact that the assessments were levied and collected, but there were no death losses in the first year of its organization to amount to anything at all.

Therefore there was paid for commissions to officers and agents who were sent out to canvass the territory \$2,639, and it appears it was very little for the pay of the officers. The officers did not receive any salary at all, except the secretary, who receives \$1,200. These commissions have not been paid since then, and the revenues obtained from the assessments do not more than equal the expenditures each year, and none of this has gone to stockholders at all.

As you will see by the certificate of Auditor Searle, on page

17 of the report, he says:

I further certify that said Nebraska Mutual Life Insurance Company is organized and transacting business under and by virtue of the assessment life-insurance laws of the State, that all moneys paid by its members for death losses and expenses is obtained by assessments upon its members, and that the said life-insurance company was organized for mutual protection to its members and not for profit.

Now, that comes under the revenue law of 1898, which is found on page 2 of this report, in which it says: "If these companies are organized exclusively for the benefit of its members and not for profit, they are not subject to the revenue taxes.

This comes clearly under the provision exempting those that

are organized not for profit in any sense.

I say now to you, and say it without any feeling whatever, that in my conversations with the revenue officers up here they stated that this assessment had been made under a former Commissioner of Internal Revenue; that there was a rule of the Department-and I think he said it had the sanction of law-that a subsequent Commissioner can not reverse the finddings of a former Commissioner. That was the reason. They did not propose to go into the merits of the question at all. You will observe that Mr. Yerkes does not state now any facts upon which he bases his conclusion. He simply states he believes the amount is properly assessed and should not be

repaid; but you will find no objection in that office to the repayment of this claim, which is a very just one. If you will turn to the record here, you will see that it is absolutely for the

use of the members and not for stockholders at all.

Referring to page 3 of the report you will find that the Nebraska Mutual Life Insurance Company, of Stromsburg, Nebr., was a mutual benefit association, and devoted its whole income to the payment of death losses and accident indemnity to its members, and an accumulation of a reserve fund for this purpose is in accordance with the charter and by-laws and the Nebraska State law, and the payment of expenses absolutely necessary for the conduct of its business, and that the corporation was and is not organized for profit.

I submit to the gentleman, and suggest to him, that this is a just claim, and it concerns, not some great corporation, but a lot of people who have organized in the vicinity of Stromsburg the Nebraska Mutual Life Insurance Company, and that not with a view to profit. There are nine directors, who only get \$10 each a year; the president gets a salary of \$50; the treasurer, \$188; the secretary, \$1,200; then the attorney gets \$50, and one clerk or assistant to the secretary, \$480.

I submit this is a very small expenditure to the officers and

agents of a company of this kind, and I ask the gentleman to

please withdraw his objection.

I do not know that I will object, but I do not Mr. PAYNE. know but that it is my duty to do so, because I think you will have a flock of these cases coming on. It has a little profit on the side.

Mr. MILLER. There will be no more of these cases coming. Mr. PAYNE. The gentleman from Kansas says they will not But they will come when his grandchildren are here.

Mr. MANN. I will say that the passage of this claim is a great tribute to the gentleman from Nebraska. [Laughter.]
Mr. HINSHAW. I thank the gentleman for not objecting.

The amendments recommended by the committee were agreed

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# T. E. BOYT.

The next business on the Private Calendar was the bill (H. R. 19275) for the relief of T. E. Boyt.

The bill was read, as follows:

A bill (H. R. 19275) for the relief of T. E. Boyt.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to T. E. Boyt, of Vienna, Ill., the sum of \$461, to reimburse him for said sum paid by him for a technical violation of the internal-revenue laws of the United States.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# W. W. PEIRCE.

The next business on the Private Calendar was the bill (H. R. 17875) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of W. W. Peirce.

The bill was read, as follows:

A bill (H. R. 17875) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of W. W. Peirce.

Be it enacted, etc., That the age limit for admission to the Pay Corps of the United States Navy be, and is hereby, waived in the case of W. W. Pelrce.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# ESTHER ROUSSEAU.

The next business on the Private Calendar was the bill (H. R. 22362) making an appropriation to pay Esther Rousseau for horses killed upon the Cheyenne Indian Reservation, in the State of South Dakota.

The bill was read, as follows:

A bill (H. R. 22362) making an appropriation to pay Esther Rousseau for horses killed upon the Cheyenne Indian Reservation, in the State of South Dakota.

Be it enacted, etc., That the sum of \$50,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying Esther Rousseau for 495 horses belonging to her and unlawfully destroyed and killed upon the Cheyenne Indian Reservation, in the State of South Dakota, during the year 1897, by the United States Indian agent in charge of said Indian reservation.

The amendment recommended by the committee was read, as

Strike out all after the enacting clause and insert:
"That jurisdiction be, and hereby is, conferred upon the Court of Claims to hear, determine, and render final judgment upon the claim of Esther Rousseau, for horses belonging to her and killed and destroyed

upon the Cheyenne River Indian Reservation, or elsewhere, in the State of South Dakota, by the Indian agent in charge of said Cheyenne River Indian Reservation and other persons under his authority, with right of appeal as in other cases.

appeal as in other cases.

"That a petition may be filed by the attorneys of the said Esther Rousseau in said court within forty days from the approval of this act, and service of said petition shall be had by filing copies thereof with the Attorney-General and the Secretary of the Interior, and answer thereto shall be filed in said court within sixty days after the service

thereto shall be filed in said court within sixty days after the service of the petition.

"The court may receive and consider all papers, depositions, records, correspondence, and documents heretofore filed in the Executive Departments of the Government, together with any other evidence offered, and shall render a judgment or decree thereon for such amount, if any, without interest, as the court shall find legally or equitably due to the said Esther Rousseau.

"Said cause shall be advanced on the calendar of said court, and the amount for which judgment may be rendered, when paid to the party named in said judgment, or her duly authorized and accredited attorneys, shall be received in full and final settlement of the claim for said unlawful destruction of said horses."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill for the relief

of Esther Rousseau."

The next business was Senate joint resolution 13, authorizing the Secretary of War to award the Congressional medal of honor to Roe Reisinger.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to award the Congressional medal of honor to Roe Reisinger, alias J. Monroe Reisinger, late corporal, Company H, One hundred and fiftieth Regiment Pennsylvania Volunteer Infantry, for specially brave and meritorious conduct in the face of the enemy at the battle of Gettysburg July 1, 1863.

Mr. BENNET of New York. Mr. Speaker, reserving the right

to object, I should like to have an explanation of this.

Mr. BATES. Mr. Speaker, Roe Reisinger enlisted as a corporal from Meadville, Pa., in the One hundred and fiftieth Pennsylvania Volunteer Infantry and was a member of the regiment commanded by Col. Henry S. Huidekoper. He is one of the unknown heroes of the civil war. At the battle of Gettysburg, in a galling fire, the color sergeant of the regiment was shot down, and Reisinger, then a corporal, volunteered to carry the colors forward. While doing so he received three leaden bullets, but in spite of his wounds he went on. At roll call before the battle that day 400, including 17 officers, were present. In the evening but 2 officers and 84 men responded. Sixty had been killed outright; the balance were wounded or captured.

Colonel Huidekoper in his official report of the battle says "Among the many brave I would especially commend for coolness and courage Corpl. Roe Reisinger."

It is on the recommendation of his colonel, now General Huidekoper, of Philadelphia, that this resolution has passed the Senate and has been approved by the House Committee on Military Affairs. I believe, Mr. Speaker, that we honor ourselves when we direct that a medal of honor be bestowed upon this brave man, so that his children and his children's children shall know of his gallant deed upon the historic field of Gettysburg.

The joint resolution was ordered to a third reading; and was

accordingly read the third time, and passed.

# PAWNEE, OKLA

The next business was the bill (H. R. 22543) granting to the town of Pawnee, in Pawnee County, Okla., certain lands for park, educational, and other public purposes.

The Clerk began the reading of the bill.

Mr. Speaker, as this bill makes a grant of public lands in Oklahoma, which has now become a State, I think we ought to pass it over. I object.

The SPEAKER. Objection is made,

# MRS, R. E. MILLER.

The next business was the bill (H. R. 4586) for the relief of Mrs. R. E. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. R. E. Miller the sum of \$400 to reimburse her for the said sum paid by her to the Government of the United States in lieu of money belonging to the Government stolen from her possession, the said Mrs. R. E. Miller being at the time of said theft an employee of the post-office at Dallas, Tex.

Mr. MANN. Mr. Speaker, I shall have to ask that that go over.

Mr. BEALL of Texas. Mr. Speaker-

Mr. MANN. I am willing to reserve the right to object in order to allow the gentleman from Texas to make a statement.

Perhaps he can persuade me, although I read the report and all

the papers very carefully.

Mr. BEALL of Texas. Mr. Speaker, this is a bill for the relief of Mrs. R. E. Miller, who has been in the post-office service at Dallas, Tex., for many years, during which time she has handled many millions of dollars, the receipts of that post-office being something over \$400,000 a year. A few years ago, while she was engaged in the performance of her duties as stamp clerk, she took her money, which was in a tin box, out of the safe for the purpose of purchasing her supply of stamps. official from whom she had to purchase the stamps was not in his place at the time; consequently she was compelled to defer the purchase until after lunch. She went to lunch, leaving the money and the stamp window in charge of her assistant. When she came back from lunch the tin box in which the money was kept was there, locked, but on unlocking the box she discovered that the money was gone. She immediately replaced the amount out of her private funds. Everybody connected with the office has given the same testimonial in regard to the efficiency of this woman. Prior to her service in the Dallas post-office she had been in the Government service for quite a while, and this is

the only instance of any trouble.

Mr. PAYNE. Did not the inspector who went there to examine into the facts report that she had been very careless about leaving her money for a year or more; that she had a safe in which she might have locked it instead of keeping this large amount of money in a tin box, and that it was wholly unneces-

sary for her to have \$400 with which to make change?

Mr. BEALL of Texas. The inspector did make that sort of a report, and quotes the assistant postmaster and another employee as authority for his statement. In this report you will find a statement from the assistant postmaster and the employee, both contradicting the statement of the inspector. The testimony of everyone connected with the office was that she was capable, careful, and efficient. I have already shown for what purpose she had taken the money from the safe.

Mr. MANN. I notice in the report that this employee to whom the gentleman refers says that he himself has been han-

dling millions of dollars every year.

Mr. BEALL of Texas. I do not know where that statement is in this report. I do not recall it. I do not think the gentleman will find any such statement there.

Mr. MANN. That is the way I read it.

Mr. BEALL of Texas. Why does not the gentleman quote the report?

Mr. MANN. My copy of the report is in my room. lying on my memory. Of course, I am never sure of absolute accuracy in quoting from memory anything I read.

Mr. BEALL of Texas. I think there is some conflict between what the inspector said and the gentleman's memory. Mrs. Miller personally, and she is a gentle, refined lady. It meant much to her to replace this \$460, but she did so. She comes now to the Government that she has faithfully served for almost twenty-five years, and offering that service as her guaranty of efficiency and fidelity, asks that she be reimbursed. Gentlemen now say that she was careless. Looking back at the occurrence it is easy to say so, but her record of many years without a single other loss is proof that she was not careless. This Government should not pay one dollar that is not justly due, but it should not withhold from this good woman that which is justly due her. There is another circumstance which I do not care to mention here that I think would affect the report of that inspector.

Mr. MANN. If the gentleman will pardon me, I quote from a letter written by a Mr. Luna, the employee to whom he refers:

I have been closely associated with Mrs. Miller in this office for about ten years, and I consider that she is as careful in the handling of the Government's money as I am, and I handle millions each year.

Now, does the gentleman from Texas think that a man who is so careless in the use of language as that, when the employee in that post-office does not take in \$500,000 a year-does the gentleman think that his judgment about somebody else being careful is worth much?

Mr. BEALL of Texas. I do not think if the gentleman from Illinois knew Mr. Luna he would cast any reflections upon him.

Mr. MANN. Perhaps I should not; I do not know him. I hardly ever cast any reflections upon anybody whom I know, because usually when I know a man I see his good qualities.

Mr. BEALL of Texas. I do not know how that expression came in his letter. I am satisfied it was either an inadvertence or true. The bill was reported at the last Congress by the Committee on Claims, and is reported now.

Mr. PAYNE. I understand the report is not unanimous, although there was no minority report. I do not wonder that it is not unanimous. I do not think the bill ought to pass. I think I will object, Mr. Speaker.

#### FRANCISCO KREBS.

The next business on the Private Calendar was the bill (S. 5531) for the relief of Francisco Krebs.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That Francisco Krebs be, and he is hereby, confirmed in his title to a tract of land known as Round Island, in the State of Mississippi, situated in sections 33 and 34, township 8 south, range 6 west, and sections 3 and 4, township 9 south, range 6 west, granted by the Spanish governor, Grimarest, to Francisco Krebs on December 13, 1783, and recorded in translated records, book No. 2, page 51, in the probate court at Mobile, Aia: Provided, That nothing in this act contained shall affect the claim or claims of any other person or persons to the said land, or any part thereof, derived from the United States or any source whatever: Provided further, That the site comprising 400 feet square upon which the lighthouse is now situated shall be excepted from this confirmation.

Mr. PAYNE. Is that the bill that was read this morning?

Mr. BOWERS. Yes.

Mr. PAYNE. I do not know that I have any objection to the

Mr. PAYNE. I do not know that I have any objection to the bill itself.

The bill was ordered to be read a third time, was read the third time, and passed.

#### HARRY M'L. P. HUSE.

The next business on the Private Calendar was the bill (H. R. 22291) to authorize the reappointment of Harry McL. P. Huse to the active list of the Navy.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, Harry McL. P. Huse, now a professor of mathematics in the United States Navy with the rank of commander, a commander on the active list of the Navy, to take rank next after William L, Rodgers: Provided, That the said Harry McL. P. Huse shall establish to the satisfaction of the Secretary of the Navy by examination pursuant to law his physical, mental, moral, and professional fitness to perform the duties of that grade: And provided further, That the said Harry McL. P. Huse shall be carried as an additional to the number of the grade to which he may be appointed under this act, or at any time thereafter promoted: And provided further, That the said Harry McL. P. Huse shall not by the passage of this act be entitled to back pay of any kind.

Mr. PAYNE Mr. Sneaker I would like an explanation of

Mr. PAYNE. Mr. Speaker, I would like an explanation of

Mr. BUTLER of Pennsylvania. Mr. Speaker, I would be very glad to make the explanation which the gentleman from New York requests. The gentleman whom this bill was introduced to relieve is a commander in the United States Navy. the executive officer on the U.S.S. Gloucester, well fixed in history, a man of unusual courage and possessing great skill. After the termination of the Spanish-American war it was requested by the Navy Department that Commander Huse might be assigned to the Naval Academy at Annapolis to instruct the cadets on some special part of the curriculum. Not being in very good health, he acquiesced in the request made by the Department and submitted to the assignment.

He is now through with his work at the Academy, his health has been completely restored, and the Department joins with him in asking that he may be returned to the line of the Navy. I will say, further, to my friend from New York that inasmuch as Captain Huse now holds an extra number he will not by his return to the line of the Navy interfere with the promotion of anyone thereon. He was advanced for courage and given an extra number by Congress, and therefore if returned to the line of the Navy he will not, to repeat what I have said, interfere with the promotion of any man in the list.

Mr. PAYNE. The gentleman has proceeded far enough to satisfy me, and I have no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

# JOHN M'KINNON, ALIAS JOHN MACK.

The next business on the Private Calendar was the bill (S. 1160) to correct the military record of John McKinnon, alias John Mack.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of John McKinnon, allas John Mack, late of Company L, Sixteenth Pennsylvania Cavalry, and seaman on the U. S. S. North Carolina and U. S. S. Brooklyn, and to grant him a discharge from the military service of the United States: Provided, That no bounty, pay, or other emoluments shall become due or payable by virtue of the passage of this act.

Mr. PAYNE. Mr. Speaker, I do not see how this bill comes properly from the Naval Committee; unless some gentleman can give an explanation I shall have to object.

Mr. BUTLER of Pennsylvania. I remember that we considered the case, and I would like to have the report read.

Mr. PAYNE. I ask to have the bill passed over without prejudice.

The bill was passed over without prejudice.

#### PETER O'NEIL

The next business on the Private Calendar was the bill (H. R. 1561) authorizing the Secretary of the Navy to grant an honorable discharge to Peter O'Neil.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to grant an honorable discharge to Peter O'Neil, late a member of United States Navy.

The committee amendments were read, as follows:

In line 4 strike out the words "an honorable" and insert "a." Amend the title so as to read: "A bill authorizing the Secretary of the Navy to grant a discharge to Peter O'Neil."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

### JAMES BEHAN.

The next business was the bill (H. R. 19284) for the relief of James Behan.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to issue a discharge to James Behan, who served on board the U. S. S. Vermont, U. S. S. Canandaigua, and U. S. S. Pinta, of the United States Navy, under the name of Michael Behan, in his true name, in lieu of the one he received for said service.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

#### LYMAN BALLOU.

The next business was the bill (H. R. 23889) authorizing the Secretary of the Interior to issue deed of conveyance to Lyman Ballou to certain lands in Custer County, S. Dak.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, anthorized and directed to issue a deed of conveyance to Lyman Ballou, of the town of Buffalo Gap, Custer County, S. Dak., to the following described lands, to wit: The north 100 feet of lot 1 in block 7 of the original town of Buffalo Gap; also all that part of the southeast quarter of the southwest quarter of section 29 in township 6 south, of range 7 east, of the Black Hills meridian, bounded and described as follows, to wit: Beginning at the intersection of the north line of Pine street with the west line of Second street, running thence east on the north line of Pine street 80 feet; thence west on the south line of Pine street 80 feet; thence north on the west line of Second street 80 feet to the place of beginning, as said streets are laid down and described on the plat of the town of Buffalo Gap, on record in the office of the register of deeds of Custer County, S. Dak., all in the town of Buffalo Gap, Custer County, S. Dak. The bill was ordered to be engrossed and read a third time.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

# EDWIN S. HALL.

The next business was the bill (S. 6166) for the relief of Edwin S. Hall.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$2,028.58, and the Secretary of the Treasury is hereby authorized and directed to pay to Edwin S. Hall, of Sauk Rapids, Benton County, Minn., the said sum of \$2,028.58.

Mr. MANN. Mr. Speaker, I think the House bill for this man was passed yesterday.

The SPEAKER. That is correct.

Mr. MANN. Then, I shall ask unanimous consent to vacate the proceedings of the House bill on yesterday, and that the

House bill lie on the table.

The SPEAKER. The Chair suggests to the gentleman from Illinois that the proper way of proceeding would be by resolution, or an order that the Senate be requested to return the bill.

Mr. MANN. Very well; I will ask unanimous consent that

the resolution be passed.

Mr. PAYNE. We ought not to proceed, I think, until the House bill is here.

Mr. MANN. This is a request to the Senate to return the House bill. We will get the House bill back as a matter of course.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

The SPEAKER. Without objection, the following order will be made, which the Clerk will report.

The Clerk read as follows:

Ordered, That the Clerk be requested to request the Senate to return to the House the bill (H. R. 1050) for the relief of Edwin S. Hall.

The SPEAKER. The Chair hears no objection, and it is so ordered.

### MARGARET NEUTZE.

The next business was the bill (H. R. 20169) for the relief of Margaret Neutze, of Leon Springs, Tex.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Margaret Neutze, of Leon Springs, Tex., out of any money in the Treasury not otherwise appropriated, the sum of \$100, in full settlement for damages due her by reason of the killing of two horses by troops of the United States Army while engaged in target practice near Leon Springs, Tex.

Mr. PAYNE. Mr. Speaker, I would like an explanation of this bill

Mr. BEALL of Texas. Mr. Speaker, the report does not give the date of the occurrence, but I shall refer to the bill imme-diately succeeding. It appears that the damage was done at

Leon Springs in 1903, 1904, and 1905.

Mr. PAYNE. Mr. Speaker, there seems to have been an investigating board, and there is a recommendation on the part of General Humphrey that the claim be allowed. I have no objec-

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

#### F. KRAUT.

The next business was the bill (H. R. 20168) for the relief of F. Krant, of Leon Springs, Tex.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to F. Krant, of Leon Springs, Tex., the sum of \$325, out of any money in the Treasury not otherwise appropriated, in full settlement of claims for damage to property incident to the target practice of the Army of the United States near Leon Springs, Tex.

With the following amendment:

On line 4 strike out the word "Krant" and insert in lieu thereof the word "Kraut."

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was agreed to. The bill was ordered to be engrossed and read a third time, read the third time, and passed.

By unanimous consent, the title was amended.

# ETIENNE DE P. BUJAC.

The next business was the bill (S. 4926) for the relief of Etienne De P. Bujac.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Etienne De P. Bujac, late second lieutenant, Thirty-third Infantry, United States Volunteers, in the sum of \$1,020, the money lost by him while in the military service of the United States.

The bill was ordered to be read a third time, read the third time, and passed.

# JACOB LIVINGSTON & CO.

The next business was the bill (S. 505) for the relief of Jacob Livingston & Co.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to repay to Jacob Livingston & Co., Carlisle, Pa., \$340.44, for moneys paid as taxes and penalties upon cigars manufactured by M. W. Jacobs at factory No. 3741, ninth district, State of Pennsylvania, which cigars were selzed by the agents of the Government, who alleged that the stamps thereon were counterfeited by the aforesaid Jacobs.

The bill was ordered to be read a third time, read the third time, and passed.

# A. A. NOON.

The next business was the bill (S. 3739) for the relief of A. A. Noon.

Mr. MANN. I object to that bill.

The bill was ordered to be passed without prejudice.

# L. K. SCOTT.

The next business was the bill (S. 190) for the relief of L. K. Scott.

Mr. MANN. I object to that bill.

The bill was ordered to be laid aside without prejudice.

# HOFFMAN ENGINEERING AND CONTRACTING COMPANY.

The next business on the Private Calendar was the bill (S. 1648) for the relief of the Hoffman Engineering and Contracting

The Clerk read as follows:

Whereas certain accounts of the Hoffman Engineering and Contracting Company, a corporation organized and existing under the laws of the State of Pennsylvania, for compensation for extra work done in carrying out its contract with the United States, through the Chief of the Bureau of Navigation, Navy Department, bearing date March 19, 1901, providing, among other things for certain construction work at the United States Naval Academy at Annapolis, Md., have been in-

vestigated and reported upon under the direction of the Navy, by a board of officers consisting of Capt. S. W. Very and Civil Engineers A. C. Lorenz and A. J. Menacal, which said board found to be due the said corporation the sum of \$14,838.25, against which sum certain countercharges amounting in the aggregate to \$2,110.44 are due the United States: Therefore,

Be 4t enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to adjudicate and settle the account of the said Hoffman Engineering and Contracting Company, and pay the same in an amount not exceeding \$12.727.81, out of any money heretofore appropriated for the construction of cadet quarters and other buildings at the United States Naval Academy at Annapolis, Md.

Mr. CARRETT. Mr. Speaker, I desire to state that I did not

Mr. GARRETT. Mr. Speaker, I desire to state that I did not receive my notice, and for that reason I was not present when this bill was considered, and I want to ask the gentleman if this was a unanimous report?

Mr. MILLER. What bill is that? Mr. GARRETT. This is the Hoffman Engineering and Con-

tracting Company claim.

Mr. MILLER. This was a unanimous report of the committee.

Mr. GARRETT. I am not objecting, but I did not receive my

notice, and consequently was not present.

Mr. PAYNE. I would like to know something about the nature of the claim, reserving the right to object.

Mr. MANN. As I understand the bill, it does not require the Navy Department to pay all the money, but limits the amount which they can pay in settlement.

Mr. MILLER. That is what it does; it is a settlement of their claim.

Mr. MANN. It limits the amount they can pay, but does not

require them to pay all the money.

Mr. PAYNE. Authorizes them to pay it.

Mr. MILLER. Providing it is found to be due, and they have found it is due, according to the report of the Secretary.

Mr. PAYNE. I have no objection, Mr. Speaker.

The bill was ordered to be read a third time, was read the third time, and passed.

#### JEANIE R. BARTLETT.

The next business on the Private Calendar was the bill (S. 2073) for the relief of Jeanie R. Bartlett, widow of the late Rear-Admiral John Russell Bartlett, United States Navy.

Mr. MANN. Mr. Speaker, I object to that bill. The SPEAKER. The gentleman from Illinois objects.

# GORDON, IRONSIDES & FARES COMPANY.

The next business on the Private Calendar was the bill (H. R. 16085) for the relief of Gordon, Ironsides & Fares Company (Limited).

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the sum of \$7,626.08 be paid to Gordon, Ironsides & Fares Company (Limited), of Montreal, Canada, said sum having been exacted as duties and paid to the collector of customs at the port of Boston by the said Gordon, Ironsides & Fares Company (Limited) on the 2d, 3rd, and 4th days of December, 1902, covering a consignment of 602 head of cattle and 1,757 sheep shipped from Canada in bond via Boston, Mass., to Liverpool, England, on the 25th day of November, 1902, and being prohibited from being so shipped by general orders from the Department of Agriculture, dated the 27th day of November, 1902, said cattle and sheep being then slaughtered and exported on the Ultonia on the 10th day of December, 1902.

SEC. 2. That the Secretary of the Treasury is directed to make payment of said amount of \$7,626.08 mentioned in section 1 out of the funds not otherwise appropriated.

SEC. 3. That this act shall take effect on its passage.

The bill was ordered to be engrossed and read a third time.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent to recur to bill, Calendar No. 3625, objected to by the gentleman from Illinois, but since the objection I have called his atten-

The SPEAKER pro tempore (Mr. Currier). Will the gentleman defer that until the bills in regular order are disposed of? There is one more bill.

Mr. LITTLEFIELD. There is one more bill; I did not see it on the Calendar.

The SPEAKER pro tempore. The Clerk will report the bill.

# S. W. PEEL.

The next business on the Private Calendar was the bill (H. R. 19930) referring the claim of S. W. Peel for legal services rendered the Choctaw Nation of Indians to the Court of Claims for adjudication.

Mr. MANN. This bill is not on the printed Calendar, of course.

The SPEAKER pro tempore. The bill is on the Calendar reported yesterday, but not on the printed Calendar. It is on the House Calendar.

Mr. MANN. I have no objection to the bill being read, of

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the claim of S. W. Peel, of Bentonville, Ark., for legal services rendered and expenditures had for the Choctaw Nation of Indians, of the Indian Territory, in an action in said Court of Claims wherein Yvon Pike and Lillian Pike, and Yvon Pike as the administrator of the estate of Luther S. Pike, deceased, were plaintiffs, and said nation was defendant, be, and the same is hereby, referred to the Court of Claims with full jurisdiction, equitable and legal, to render judgment or decree therein as to the very right of the matter; and in case the said court finds any sum or amount due the claimant for his services and disbursements as aforesaid, it shall thereupon direct the same to be paid with interest from the funds of said nation now in the Treasury of the United States, and a transcript of such decree or judgment shall be authority for the Secretary of the Interior to make the payment therewith, and to make the proper charge against the funds of said nation; and sufficient of the funds of said nation shall be retained in the Treasury of the United States to meet any judgment or decree for payment to said S. W. Peel that may finally be rendered. The suit herein provided for shall be entitled "S. W. Peel v. The Choctaw Nation and the United States;" the petition and other proceedings therein shall be in accordance with the ordinary rules and requirements of said court, with the right of appeal to the Supreme Court by either party: Provided, That no suit shall be brought under the provisions of this act after six months from the date of the passage thereof: And provided further, That such suit shall be advanced and promptly tried in any court where it may be pending.

Mr. MANN. Mr. Speaker, I first reserve the point of order

Mr. MANN. Mr. Speaker, I first reserve the point of order on the bill and then I object.

Mr. BURKE of South Dakota. Mr. Speaker, just a moment before the gentleman objects.

Mr. MANN. I am perfectly willing to reserve the right to

object if the gentleman desires me to do so.

Mr. BURKE of South Dakota. I hope the gentleman will reserve his objection. The member of the committee who reported the bill I do not see in the House, but it involves the sum of about \$5,000 claimed to be due on a contract that was made by Judge Peel, who was for many years an honored member of this House, for services performed for certain Indians, I think in the Indian Territory. The bill merely sends the case to the Court of Claims and asks them to find the facts and render a judgment if any amount is found to be due, and, if so, the judgment is to be paid out of the funds of the Indians who are parties to this contract, and it does not take any money whatever out of the Public Treasury.

Mr. MANN. Is the gentleman aware of the fact that this bill proposes to confer upon the Court of Claims the authority to render a judgment upon an equitable claim regardless of the fact he could sue, and would sue, a private person on a legal claim? The bill provides for judgment both legal and equitable. That is the way I heard the bill read from the desk.

Mr. BURKE of South Dakota. That, Mr. Speaker, is be cause of the fact there is some question between the claimant and the Indians as to whether or not there was a written contract.

Mr. MANN. We have had no opportunity to see the bill, of course. There has been a good deal of fraud in connection with the allowance of claims by attorneys against Indians, and this one ought to be considered by the House when it can be consid-

Mr. BURKE of South Dakota. I wish to say, Mr. Speaker, that I have no interest whatever in the claimant. The gentleman who reported the bill is absent, and I was present when the hearing took place.

Mr. MANN. I understand.
Mr. BURKE of South Dakota. And Judge Peel appeared befor the committee. It seemed to the members of the committee

that it was a just claim, and they reported it unanimously.

Mr. FLOYD. Mr. Speaker, I will state to the gentleman from Illinois [Mr. Mann] that I introduced the bill, and I would be pleased to state any facts that he may desire or may wish information about as to the character of the bill.

Mr. MANN. I will be very glad to hear the gentleman's explanation. What we want is information. So far we have not any. It comes from a committee that has no jurisdiction to It is not upon the Calendar, and nobody has been advised of it. The report was only printed this morning, and nobody could obtain it, and I do not believe that the gentleman ought to ask that we push the bill through. Of course the gentleman can always enlighten me.

Mr. FLOYD. If the gentleman will yield, I would like to ex-

plain it to him.

Mr. MANN. I have not the floor. The gentleman has the

floor and is entitled to it.

Mr. FLOYD. I will state that this is a bill in behalf of S. W. Peel to refer a certain claim which he has against the Choctaw Nation for legal services to the Court of Claims for adjustment. About 1895, after Colonel Peel had retired from Congress, there was a suit filed by Yvon Pike, Lillian Pike, and Yvon Pike as the administrator of the estate of Luther H. Pike, deceased, being the heirs of Albert Pike, against the Choctaw Nation for the sum of \$200,000. The chief of the Choctaw Na-

tion notified Colonel Peel, who was down there at that time, that the suit was pending and asked him how much he would charge to represent the nation in that suit. He said he would represent them for \$5,000. The Choctaw council was in session at that time, and they immediately passed a bill through the senate of the Choctaw council to employ Mr. Peel and to allow him \$5,000. It was right on the eve of the adjournment of the Choctaw council, and the lower house adjourned before the senate bill reached the house. After that Colonel Peel returned home, and the chief of the Choctaw Nation, Mr. Gardner, sent him the following letter:

EXECUTIVE OFFICE, CHOCTAW NATION,

JEFF GARDNER, PRINCIPAL CHIEF,

Eagletown, Ind. T., December 16, 1895.

Dear Sir and Friend: Mr. Stanley has informed this office that there is a motion by the attorney of the Pike heirs, Mr. James Coleman, in the Court of Claims for an order to take testimony.

You will please go to Washington, D. C., as early as you can and appear as attorney for the nation and ask for time until one can be employed by the nation for that purpose.

Mr. Dyer will go to Washington, D. C., before long.

Yours, respectfully,

JEFF GARDNER,

Principal Chief, Choctav Nation.
S. G. BATTIEST,
Private Secretary.

Hon. S. W. PEEL, Bentonville, Ark.

In response to that request Colonel Peel came to Washington, and Mr. Dyer came on to Washington also and entered into a written contract with Colonel Peel relative to his fee. Mr. Dyer was a delegate of the Choctaw Nation, selected by the council to represent their interests here. He entered into a written contract with Colonel Peel to defend the Choctaw Nation in that suit, and the contract is in writing, was submitted to the committee, and I have copies of it here in a brief. contract provided that for his services in the suit he should be paid \$1,000 down and \$4,000 at the termination of the suit; in all, \$5,000. Under that contract Colonel Peel entered upon his duties as attorney in that case and continued his services from 1895, when he was employed, to 1901, when by Senate amendment an appropriation was made to pay the Pike heirs \$75,000, and that settled the suit in the Court of Claims. He filed an answer, took testimony, and took depositions, and so forth, using his own funds in payment of costs, and neither his fee nor the costs paid out by him have been paid. The testimony shows that he was the sole attorney in that case and represented them in it as their sole attorney for a period of about six years. is the nature of the case.

Now, in regard to this proposition suggested by the gentleman from Illinois [Mr. Mann] as to the contract, I will say there may be a question as to the validity or legality of it in this way: A bill authorizing his employment was passed through the Choc-The chief then ratified the contract made by the Senate. It did not go to the house for ratification. Then the delegate was authorized to come here and enter into the contract, in keeping with the bill or resolution of the senate. He did so, and entered into a written contract with Colonel Peel, signed it, agreeing to pay this amount of money due, with inter-Even if the court should hold that that contract was not valid and binding, we insist that in equity, under the rule of quantum meruit, he would be entitled to some compensation for his six years' services in representing the Choctaw Nation in a suit in which he saved them \$125,000, because that was the amount that was saved by fighting that suit. If he had not entered appearance and made defense for them, a judgment would have been taken against the Choctaw Nation for \$200,000. Mr. PERKINS. Will the gentleman allow me to ask him a

question? Mr. FLOYD. Certainly.

Mr. PERKINS. Is this claim contested by the Choctaw Ne-

tion; and if so, on what ground?

Mr. FLOYD. This claim simply has not been paid by the Choctaw Nation; and I believe that formerly when the effort was being made to get this claim allowed by a direct appropriation that some one filed a protest; but in the protest they did not deny any of the facts alleged by Colonel Peel, as I understand it. And I want to say in this proceeding here no protest has been entered, no answer has been made to our proceeding. I want to say, further, that when the facts were submitted to the Senate committee the same item was put on the Indian appropriation bill two years ago, but was lost in conference.

Mr. PERKINS. On what ground was it objected to? Because, as you state the case, there ought to be no objection. There must be some somewhere.

Mr. FLOYD. That is a question I can not answer.

Mr. BURKE of South Dakota. I desire to say a word on the point of order made by the gentleman from Illinois, in which he questions the jurisdiction of the committee on the ground that

it is not a claim against the Government, and, therefore, the Committee on Indian Affairs is the proper committee to consider such claims.

The SPEAKER pro tempore. The Chair is ready to rule on that. Does the gentleman from Illinois insist upon his point of

Mr. MANN. Mr. Speaker, I insist upon my objection, for the present.

The SPEAKER pro tempore. Does the gentleman desire a ruling on the point of order?

Mr. MANN. Not on the point of order.

The SPEAKER pro tempore. Does the gentleman object?

Mr. MANN. I object.

The SPEAKER pro tempore. Objection is made.

#### JOHN H. POTTER.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent to return to Calendar No. 3625.

The SPEAKER pro tempore. Is there objection? Mr. WILLIAMS and Mr. PAYNE. What is it? The Clerk read as follows:

A bill (S. 3574) for the relief of John H. Potter.

A bill (S. 3574) for the relief of John H. Potter.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John H. Potter, formerly master of the collier Saturn, out of any money in the Treasury not otherwise appropriated, the sum of \$1,344, in full settlement of salary and traveling and subsistence expenses from the time of his discharge in Manila, August 31, 1901, to the time of his reporting at the Navy Department at Washington, October 25, 1901, and to reimburse him for certain sums expended by order and under authority of commanding officers.

Mr. MANN. Mr. Speaker, in that case I objected on the ground that the money to be paid appeared to be to pay mileage to an officer who had been discharged in the Philippines, and who was found to be improperly discharged. The report indicates that the payment is to be made for mileage. The statement upon which the action of the committee was based, however, and not printed in the report, shows that the amount al-

lowed was simply for expenses. I have no objection.

The SPEAKER pro tempore. The Chair hears no objection. The bill was ordered to a third reading, read the third time, and passed.

### MRS. R. E. MILLER.

Mr. BEALL of Texas. Mr. Speaker, I ask unanimous consent to return to the bill H. R. 4586, Calendar No. 5121.

The bill was read, as follows:

A bill (H. R. 4586) for the relief of Mrs. R. E. Miller.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. R. E. Miller the sum of \$400 to reimburse her for the said sum paid by her to the Government of the United States in lieu of money belonging to the Government stolen from her possession, the said Mrs. R. E. Miller being at the time of said theft an employee of the post-office at Dallas, Tex.

Mr. PAYNE. Mr. Speaker, I understand this is a case where

a post-office clerk allowed somebody to steal \$400.

Mr. BEALL of Texas. That is the case. I thought the amiable gentleman from New York was not going to object.

Mr. PAYNE. I am not going to deprive the gentleman of an opportunity to donate \$400 to this woman, who has been an employee of the Post-Office Department for a long time; but I hope that these clerks in the post-office will hereafter be a little more careful in the matter of caring for Government funds.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# MARY V. SHAW.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent to return to bill H. R. 7548, Calendar No. 3627.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Well, I identify it in that way. Well, I do not know what the case is. I can not

The Clerk read as follows:

A bill (H. R. 7548) for the relief of Mary V. Shaw.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary V. Shaw, widow of Hon. W. Irvin Shaw, late consul-general to Singapore, Straits Settlements, India, the sum of \$3,000, a sum representing one year's salary, and an allowance of \$300 additional to defray the cost of the funeral expenses of the said Hon. W. Irvin Shaw, who died while in the service.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "of," strike out the words "three thousand" and insert in lieu thereof the words "one thousand five hundred;" and in line 8 strike out the words "one year's" and insert in lieu thereof "six months."

Mr. OLMSTED. I wish to make this brief statement.

Mr. MANN. Reserving the right to object, I have no objection to the gentleman making a statement.

Mr. OLMSTED. I think, Mr. Speaker, there was a misunder-standing of this question when it was reached before. I have in my hand a copy of a letter (and it is attached to the report) from the Secretary of State, in which he says the law provides for the payment to the widow or heirs at law of a consul who dies abroad a sum of money equal to the allowance made to such officer for the transit period between his post and Washington, also for the funeral expenses.

Now, I understand that the amount usually allowed for the transit period is six months' salary. So if this consul had died abroad his widow would have received the six months' salary and the funeral expenses. He returned here in ill health, as a result of his service in the unhealthy city of Barranquilla, Colombia, and had been appointed consul to Singapore, but before he could return he died here. If he had lived to go there his widow would have had this money.

Mr. MANN. No; if he had died there it would have cost her the allowance that the Government makes to come home and bring his body home. The reason for making the allowance ceased in this case. Unless it is the policy of the Government to do, as it has been the policy of the House here to do, in case of the death of an employee, to pay six months' salary. I can see no reason why this bill should pass.

Mr. OLMSTED. I do not think I made myself understood. If Mr. Shaw had died there, his widow would have received the six months' salary and the expenses of bringing him back and burying him. He died here; so she received nothing. She is in utterly destitute circumstances. This bill was offered by my colleague from Pennsylvania [Mr. Dresser], who is himself ill, and when the bill was called up before I was not familiar with the circumstances.

Mr. Shaw was prevented from returning to his post by illness incurred in the discharge of his duty at the other post. Had he been able to get to his new post his widow would have received, under the law, six months' salary and the funeral expenses.

Mr. WILLIAMS. Where was she when he died? Mr. OLMSTED. I do not know, but I will assume for the purposes of the case that she was with him. He did not die at his home, however.

Mr. MANN. The only claim that is any good here is that the woman is poor, and there are millions of others like her. Mr. OLMSTED. There is no other case like this, except four

or five cases which have been allowed by Congress.

Mr. MANN. There are other cases like it as to poverty.

Mr. OLMSTED. There will never be another just exactly like it probably.

Mr. MANN. I want to ask the gentleman from Pennsylvania what distinction can be drawn between this case and that of any employee of the Government who dies here at home in this country? Why should we not pay them all six months' salary and funeral expenses?

Mr. OLMSTED. This man died as a result of his service, and his illness and death prevented him from getting back to the post to which he had been appointed, which would have entitled his widow, under the law, to six months' salary and funeral expenses.

Mr. PAYNE. Other people die in the Government service.

Mr. OLMSTED. There have been other cases similar to this, and the widow in each case has been paid.

Mr. MANN. The precedent has been enlarging, as far as the Government is concerned, but we ought either to take one position or the other. If it were the policy of Congress to pay six months' salary, as far as I am concerned I should have no objection to that, but I am not willing to make an exception in this case.

Mr. OLMSTED. If he had died abroad, his widow would have received this money. He died here, and therefore his widow loses the money.

Mr. MANN. No; he was in precisely the same position as any other officer of the Government who dies at any place in the United States.

Mr. WILLIAMS. Does not the gentleman from Pennsylvania think that the reason of the custom that permits the six months' allowance, this "transit allowance," as it is called, is because when they die abroad the expense of the family in returning is a thing intended to be provided for? Now, if the family were here with him, why should the spirit of that law apply in this case? They had no traveling to do.

Mr. OLMSTED. In addition to the transit allowance they

allow funeral expenses also.

Mr. WILLIAMS. I understand, but there was no travel here

and no transit. They were here already,
Mr. OLMSTED. If he had died abroad, his widow would
have got the six months' allowance and the funeral expenses. Now, she has had to bury him herself, and gets no allowance either for salary or for his funeral expenses.

Mr. WILLIAMS. The six months' allowance is for the

transit

Mr. OLMSTED. Well, they allow him for that period.
Mr. WILLIAMS. That is an arbitrary way of fixing the amount.

Mr. OLMSTED. And they allow the funeral expenses be-Now she has had to bury him at her own expense and can not even get the six months' salary. It seems to me that it is a very meritorious claim and I wish the gentleman from Illinois could see his way to allow it to be voted upon. There has never been a case like it since the foundation of the Government, and probably will never be another,

Mr. MANN. I object.

#### MITSUI BUSSAN KAISHA.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that the House return to Calendar No. 3785.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the House return to Calendar No. 3785, which is H. R. 9289, for the relief of the Mitsui Bussan Kaisha. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of \$600 be, and is hereby, appropriated to the Mitsul Bussan Kaisha for damages to their steamer Hikosan Maru, caused by collision with a coal hulk owned by the United States Quartermaster's Department on July 31, 1902; and that the further sum of \$948.27 be, and is hereby, appropriated to the Mitsul Bussan Kaisha for damages to their chartered steamer Shirley, caused by collision with a coal hulk owned by the United States Quartermaster's Department in Manila Bay on March 23, 1902, making altogether the sum of \$1,548.27.

Mr. GARRETT. This bill was objected to by the gentleman from Illinois [Mr. Mann].

Mr. MANN. Mr. Speaker, L objected to that alternative states are the states of the s

Mr. MANN. Mr. Speaker, I objected to that claim and asked a question as to the allowance of demurrage which the report did not show was not included in the amount. I am assured by the gentleman from the Committee on Claims who introduced the bill that the allowance of demurrage was not included in the amount appropriated in the bill.

The bill was ordered to be engrossed and read a third time,

was read the third time, and passed.

# THOMAS P. MORGAN.

Mr. CHANEY. Mr. Speaker, I ask unanimous consent to return to Calendar No. 3606, which is the bill (H. R. 12881) to pay Thomas P. Morgan the amount found due by the Court of That is the Court of Claims case, which was tried on report and documentary evidence sent in by the War Department and upon depositions duly taken in the Court of Claims. The amount of \$6,357.82 was found to be actually due this dredging contractor, and the further facts were proved that he actually dredged the number of cubic yards charged for, which have not been paid for, and that the Government actually got the benefit of the services rendered.

The amount of four thousand and odd dollars was the retained percentage on the amount of money that was withheld for the dredging work that had been done. One thousand four hundred dollars is for the amount of dredging which was not paid for at all. It was withheld on the ground, first, that there was a little deeper dredging at certain places called for; there was no definite depth fixed, but about a certain number of feet in depth was required, and it was simply held up so that they could get a decision in the matter, and by that time they declared that the contract period had ended and did not extend his time, and so he did not have an opportunity to do it

Mr. MANN. Mr. Speaker, I made the objection to this bill. There was a finding of the Court of Claims which found nothing practically, and there was nothing in the report to show whether the engineering department of the War Department had ever been consulted about this claim, and nothing to show what objection they had, they having originally refused to make the allowance. But the gentleman from Indiana assures me, and I am willing to take it, that in the trial of the case before the Court of Claims all of the claims of the War Department were brought out and considered by that court, although it is not shown by the record. Therefore I withdraw the objection.

Mr. PAYNE. As I understand, this is only 10 per cent of the whole amount of the contract which is held back?

Mr. CHANEY. It covers more than that; it covers \$1,459

worth of dredging that was done, that was not considered in the matter, because they ended the contract, claiming that the

period of limitation had expired.

Mr. MANN. The Government declared the contract forfeited because the contractors had not completed the work within the time provided, although the time had been extended six months, and then they declared that the money in the hands of the Government which otherwise would have been due the contractors was forfeited under the contract. The War Department considered that they were correct in that respect. The Court of Claims did not make any findings upon the point at all, but did find that the contractor had done this and that there was ex-While I think the decision or the findings of the cuse for him. Court of Claims is the poorest I have ever seen coming from that court, still as the claim was fully presented to the court, I am willing to take their judgment and be bound by it.

Mr. CHANEY. Mr. Speaker, the only question the War Department had in it was as to whether they, under the contract, could withhold this money as a penal sum, and the question of law was decided in favor of the claimant that it was not a penal

The SPEAKER. The Chair hears no objection. The question is on the amendment.

The question was taken; and the amendment was agreed to. The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time,

read the third time, and passed.

Mr. CHANEY. Mr. Speaker, the amendment was offered by the committee, but the amount in the amendment is not the way we want the bill passed. We want the entire amount found by the Court of Claims.

Mr. MANN. Oh, Mr. Speaker, I shall not consent to that. Mr. CHANEY. Then I shall withdraw the bill.

The SPEAKER. By unanimous consent, the order passing the bill can be vacated. The Chair hears no objection.

Mr. MANN. That depends, Mr. Speaker. The bill was passed as amended.

Mr. CHANEY. Mr. Speaker, I do not want the bill passed as amended; I want the bill passed carrying the amount that the Court of Claims found.

Mr. WILLIAMS. I understand it has been already passed as

amended, and if that is so, he can not withdraw it.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. MANN. I object.

# DEPOSIT SAVINGS ASSOCIATION OF MOBILE, ALA.

Mr. TAYLOR of Alabama. Mr. Speaker, I ask unanimous consent to return to the bill (H. R. 4190) for the relief of the creditors of the Deposit Savings Association of Mobile, Ala.

The SPEAKER. The gentleman from Alabama asks unanimous consent to return to the bill indicated. Is there objection? Mr. MANN. Mr. Speaker, I am compelled to object to that request.

The SPEAKER. Objection is made.

# CLAIMS UNDER NAVY DEPARTMENT.

Mr. MILLER. Mr. Speaker, I ask unanimous consent to return to the bill (H. R. 13605) to satisfy certain claims against the Government arising under the Navy Department, for the purpose of moving to reconsider the vote by which the bill was passed.

The SPEAKER. Is there objection to returning?

There was no objection.

Mr. MILLER. Mr. Speaker, I now move to reconsider the vote by which the bill was passed, for the purpose of offering certain amendments.

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry. In connection with that bill, when it was passed was the usual motion to reconsider and lay on the table passed?

Mr. MILLER. No.
The SPEAKER. The question is on the motion of the gentleman from Kansas, to reconsider the vote by which the bill was passed.

The question was taken; and the motion was agreed to.
Mr. MILLER. Mr. Speaker, I now offer the following amendments to this bill, and I offer them on account of the report that is presented by the Navy Department to our committee. I am authorized by the unanimous vote of the committee to offer these amendments. There are eleven of them, providing for the payment of small amounts of damages similar to those that have been enacted in the bill, amounts ranging from \$42 to some three hundred and odd dollars. I send the amendments to the desk, and ask to have them read.

\$142.06

7. 72

380. 36

60, 00

135, 00

2, 109. 73

68. 24

99, 65

150.00

4.89

The Clerk read as follows:

The Clerk read as follows:

To reimburse the owners of the steamer River Queen the cost of repairs necessitated by a collision of that vessel with the U. S. naval tug Standish.

To reimburse Pay Inspector S. L. Heap, United States Navy, the amount paid for injuries to a shore boat, belonging to a native, in collision with the first steamer of the U. S. flagship Brooklyn, at Genoa, Italy.

To compensate the owners of coal barge Lizzie for damages resulting from being rammed by the U. S. S. Nevada...

To compensate George W. Clarke for injuries to his bateau in collision with a cutter from the U. S. S. West Virginia.

To compensate the owners of the schooner Mary M. Brainard for delay while making repairs due to collision caused by the U. S. lighter Transfer.

To reimburse the owners of lighter Ben No. 9 the actual cost of repairing injuries thereto caused by the U. S. lighter Transfer.

To reimburse the Chinese customs service the cost of replacing the Fairway bell gas-lighted buoy at the entrance of the Yangise River, lost in collision with the U. S. naval auxiliary Justin.

To pay the owners of coal lighter Lucy for repairs necessitated by being squeezed by the U. S. S. Brooklyn.

To reimburse Jardine, Matheson & Co., of Amoy, China, the cost of raising and replacing a buoy sunk by the U. S. torpedo-boat destroyers Barry and Chauncey.

To pay Zaldo & Co., of Habana, Cuba, for damages to two-masted schooner Amalia, arising from collision with first steamer of the U. S. S. Columbia.

To reimburse the owner of the sailboat Paprica the cost of necessary repairs resulting from collision with the U. S. tug Chickasav.

87, 90 The SPEAKER. The question is on agreeing to the amend-

ments The question was taken; and the amendments were agreed to. The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

Mr. FLOYD. Mr. Speaker, I ask unanimous consent to return to the bill H. R. 19930.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 19930) referring the claim of S. W. Peel for legal services rendered the Choctaw Nation of Indians to the Court of Claims for adjudication.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time: was read the third time, and passed.

# JOHN M'KINNON.

Mr. BUTLER of Pennsylvania. Mr. Speaker, for the purpose of making an inquiry, I ask to return to House Calendar 5263, which is passed without prejudice.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to return to the bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (8, 1160) to correct the military record of John McKinnon, alias John Mack.

Mr. BUTLER of Pennsylvania. Mr. Speaker, I am not sure

The SPEAKER. That is a desertion bill, which would not be in order to-day.

# A. A. NOON.

Mr. HOWELL of Utah. Mr. Speaker, I ask unanimous consent to return to page 47, Calendar No. 5437, and take up Senate

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 3739) for the relief of A. A. Noon

Mr. MANN. Mr. Speaker, reserving the right to object, is

that the gilsonite bill?

Mr. HOWELL of Utah. Yes; that is the gilsonite bill. A. A. Noon was the lessee of certain mining claims near the Uncompangre Indian Reservation in Utah. The survey of this reservation was made in 1884-85 and the boundaries of the reservation established by that survey. Certain mining claims were located and recorded according to law outside and near the western boundary of the reservation as then defined.

One of these mining claims which had been duly located according to law was leased from its owner by Mr. Noon. He extracted some \$1,300 worth of gilsonite from this mine. Claiming that this mining claim was within the reservation, the Government commenced an action against him and recovered judgment for the full amount of the value of the gilsonite which had been marketed. When notified by the Government to desist from mining he conformed to the requirements of the De-

partment. While he was lessee in good faith of these mines there was no question in his mind as to his right to take out the ore, and it was only by a resurvey of the reservation in 1898, after his lease and after the development work done and the production of ore (gilsonite) by him in pursuance of this bona fide lease, that this territory was found to be within the reservation. I think that is a good claim and ought to pass, and I hope no objection will be made to its consideration at this time.

Mr. WILLIAMS. Did he get any gilsonite out and sell it?

Did he get any money out of it?

Mr. HOWELL of Utah. He got some money, and the Government sued him and got judgment for the full amount of the receipts for the mineral which he had taken out.

Mr. WILLIAMS. And now you are asking that he be repaid that amount'

Mr. HOWELL of Utah. That is the claim on the ground that he had good reason to believe he was operating a valid claim that was not within the Uncompangre Reservation, according to the recognized survey made by the Government in 1884-5.

Mr. WILLIAMS. The evidence in the case is all ex parte; it all comes from his side. Did the Government have an opportunity to introduce any evidence to show he was not acting in good faith, because this is rather a dangerous precedent for a man to enter upon Government property and mine, and when required to pay back to the Government he should come back and have Congress make an appropriation for the profit he had made? It is quite dangerous.

Mr. HOWELL of Utah. The strength of this claim, I will say to the gentleman from Mississippi, consists in this, that a resurvey of the reservation was made in 1898, bringing within the reservation this claim, which had been located and recorded according to law, and which was understood to be without the reservation and was without the reservation as first surveyed and

Mr. MANN. May I ask the gentleman did not Government officials who had charge of the transaction know all of these facts at the time this suit was instituted and prosecuted to a conclusion?

Mr. HOWELL of Utah. I can not say as to that, but I state the fact to be that Mr. Moon, acting upon the recognized survey of the Government, was fully justified in the conclusion that his lease was of a lawful mining claim, and that he was engaged in a legitimate business. He certainly had no reason to expect any litigation from the Government. By the judgment obtained against him he not only suffers a loss of the net value of the mineral, but the Government deprives him of the value of the labor in mining, transporting, and marketing it.

Mr. MANN. Does the gentleman think that the House of Representatives, after the Department of the Interior and the Department of Justice have secured a judgment against a man, ought to favorably act upon a claim before a report of the claim has been printed and filed?

Mr. HOWELL of Utah. This is a Senate bill, and the Senate report is printed and sets forth fully the reasons for this claim. The House report contains no additional information, and I am sure shows a just and equitable claim.

Mr. MANN. I have not been able to obtain a copy of the

Mr. Speaker, I demand the regular order.

The SPEAKER. Objection is heard.

Mr. MILLER. Mr. Speaker, I move to reconsider the votes by which all of these bills have been passed, and ask that that motion lay on the table.

Without objection, it is so ordered. The SPEAKER.

There was no objection.

# M. A. JOHNSON.

The SPEAKER. In regard to the bill (H. R. 15850) for the relief of M. A. Johnson, the House passed to-day a similar Senate bill to this House bill which passed yesterday, but it has not yet been reported from the desk as enrolled.

Mr. MANN. Is this the bill that we passed the resolution

The SPEAKER. No; it is another one.

Mr. MANN. Is the bill still in the hands of the House? The SPEAKER. Yes. Mr. WILLIAMS. It is identical to the Senate bill, Mr.

Speaker?

The SPEAKER. Identical.

Then, on motion of Mr. Mann, by unanimous consent, the bill H. R. 15850 was taken from the Speaker's table, and the vote by which the bill was ordered to be engrossed, read a third time, and passed was reconsidered, and the bill was ordered to lie on the table.

# CHANGE OF REFERENCE.

By unanimous consent, the Committee on Disposition of Useless Executive Papers was discharged from further consideration of the communication of the Secretary of the Treasury, dated December 4, 1906, submitting a copy of a report of a joint committee of the Treasury and Post-Office Departments in relation to the destruction of certain papers used in the money-order department, and the same was referred to the Committee on the Post-Office and Post-Roads.

### SPEAKER PRO TEMPORE FOR SUNDAY.

The SPEAKER. Without objection, the gentleman from Tennessee [Mr. Sims] will act as Speaker during the services in memory of the late Senator BATE to be held to-morrow.

There was no objection.

# ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

So the House, in accordance with its previous order (at 3 o'clock and 20 minutes p. m.), adjourned until 2 o'clock p. m. to-

### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the cases of Thomas Willis and others against The United States, dismissed for want of prosecution—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John M. McDonald and others against The United States, dismissed on motion of the Assistant Attorney-General-

mittee on War Claims, and ordered to be printed. A letter from the assistant clerk of the Court of Claims, trans-

mitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner Columbus, James Fullerton, master-to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig Little John Butler, James Smith, jr., master-to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting a list of leases granted during the year 1906—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for relief of citizens of Fort Revere, Hull, Mass.—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for laying sidewalks on the road to the national cemetery at Knoxville, Tenn.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a report of

the board of road commissioners of Alaska of operations for the season of 1906-to the Committee on the Territories, and ordered

to be printed with illustrations.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of E. W. Walker and others against The United States, dismissed on stipulation of parties-to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Louis Wimberly and others against The United States, dismissed on motion of Assistant Attorney-General-to the Committee on War Claims, and ordered to be printed.

# REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PARKER, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 4975) giving the consent of Congress to an agreement or compact entered into between the State of New Jersey and the State of Delaware respecting

the territorial limits and jurisdiction of said States, reported the same without amendment, accompanied by a report (No. 6440); which said bill and report were referred to the House Calendar.

Mr. FORDNEY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 1178) providing for the resurvey of a township of land in Colorado, reported the same without amendment, accompanied by a report (No. 6441); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GROSVENOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 529) to promote the national defense, to create a naval reserve, to establish American ocean mail lines to foreign markets, and to promote commerce, reported the same with amendment, accompanied by a report (No. 6442); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as

By Mr. DAWSON: A bill (H. R. 24602) increasing the pension of dependent widows-to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 24603) to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Coosa River in the State of Alabamato the Committee on Interstate and Foreign Commerce.

By Mr. PEARRE: A bill (H. R. 24604) to amend sections 190, 193, and 194 of the Code of Law for the District of Columbia, in relation to the coroner of said District and inquisitions before him—to the Committee on the District of Columbia.

By Mr. MAYNARD: A bill (H. R. 24605) granting to the Norfolk and Portsmouth Traction Company the right to operate trains through the military reservation on Willoughby Spit, Norfolk County, Va.—to the Committee on Military Affairs.

By Mr. MURPHY: A bill (H. R. 24606) to promote the safety

of employees and travelers upon railroads by limiting the hours of service of employees thereon—to the Committee on Interstate and Foreign Commerce.

By Mr. BROOCKS of Texas: A bill (H. R. 24607) requiring that suits involving the title to lands or any rights connected with or incident thereto shall be brought only within the division of the circuit or district court in which said land or part thereof is situated-to the Committee on the Judiciary.

By Mr. BATES: A bill (H. R. 24608) to amend the bill (S. 3638) providing for the retirement of noncommissioned officers, petty officers, and enlisted men of the Army, Navy, and Marine Corps of the United States-to the Committee on Military Affairs.

By Mr. RANDELL of Texas: A bill (H. R. 24609) providing for pay and leave of absence of rural mail carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. BOUTELL: A resolution (H. Res. 774) requesting the Secretary of the Treasury to furnish the House details of all leases by the Government of land and buildings in the District of Columbia-to the Committee on Public Buildings and Grounds.

By Mr. FORDNEY: A resolution (H. Res. 775) to continue the employment of the janitor to the Committee on Expenditures in the Navy Department and the lieutenant's guard room—to the Committee on Accounts.

By Mr. REYBURN: A resolution (H. Res. 776) to increase the salary of Thomas M. Hyde, briefing clerk of the House—to the Committee on Accounts.

By Mr. HAMILTON: A resolution (H. Res. 777) increasing the salary of E. L. Lampson and Dennis E. Alward, reading clerks of the House—to the Committee on Accounts.

By Mr. BROWNLOW: A resolution (H. Res. 778) increasing the pay of the document and bill clerk of the House-to the Committee on Accounts.

# PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following

titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 24010) granting an increase of pension to Smith H. Simpson—to the Committee on

By Mr. BATES: A bill (H. R. 24611) granting an increase of pension to Velney B. St. John—to the Committee on Invalid

By Mr. BELL of Georgia: A bill (H. R. 24612) granting an increase of pension to Michael Evert—to the Committee on Invalid Pensions.

By Mr. BUTLER of Tennessee: A bill (H. R. 24613) for the relief of Mary A. Tyree—to the Committee on War Claims.

By Mr. CAMPBELL of Kansas: A bill (H. R. 24614) granting an increase of pension to James C. Vance—to the Committee on Invalid Pensions

Also, a bill (H. R. 24615) granting an increase of pension to Lewis W. Crain—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 24616) granting an increase of pension to Mathias Shirk—to the Committee on Pen-

By Mr. HALE: A bill (H. R. 24617) granting an increase of pension to Elihu M. Sharp—to the Committee on Invalid Pen-

By Mr. HUGHES: A bill (H. R. 24618) for the relief of the heirs of William Carroll—to the Committee on War Claims.

Also, a bill (H. R. 24619) for the relief of the heirs of James

W. Ward—to the Committee on War Claims.
By Mr. JOHNSON: A bill (H. R. 24620) granting an increase of pension to Elizabeth Balew—to the Committee on Pensions. By Mr. CLAUDE KITCHIN: A bill (H. R. 24621) granting

an increase of pension to Elizabeth P. Hargrave-to the Committee on Invalid Pensions.

By Mr. LOWDEN: A bill (H. R. 24622) granting an increase of pension to Myron H. Perrigo—to the Committee on Pensions. Also, a bill (H. R. 24623) granting an increase of pension to Solomon C. Grim-to the Committee on Invalid Pensions.

By Mr. McCARTHY: A bill (H. R. 24624) granting an increase of pension to Justus E. Hill-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24625) granting an increase of pension to Henson Wiseman-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24626) granting a pension to Alfred Johnson-to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 24627) granting a pension to Anna M. Hawes-to the Committee on Invalid Pen-

By Mr. NEEDHAM: A bill (H. R. 24628) to correct the military record of William C. Looper-to the Committee on Military

Affairs. Also, a bill (H. R. 24629) granting an increase of pension to James M. Neal-to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 24630) authorizing the President to promote Capt. James Evelyn Pilcher, United States

Army, retired, to the grade of major, United States Army, retired—to the Committee on Military Affairs.

By Mr. PADGETT: A bill (H. R. 24631) granting an increase of pension to James Larkins—to the Committee on Invalid Pen-

By Mr. RANSDELL of Louisiana: A bill (H. R. 24632) for the relief of the estate of Daniel Y. Grayson, deceased—to the Committee on War Claims.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 24633) for the relief of the heirs of William M. Wilson, of Barren

County, Ky.—to the Committee on War Claims.

By Mr. SPARKMAN: A bill (H. R. 24634) granting an increase of pension to Lorin B. Ohlinger—to the Committee on

By Mr. STAFFORD: A bill (H. R. 24635) granting a pension to Elizabeth Stuessi—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas (by request): A bill (H. R. 24636) for the relief of John Bullette-to the Committee on

By Mr. TYNDALL: A bill (H. R. 24637) granting an increase of pension to Hazen Wardlow-to the Committee on Invalid

By Mr. WANGER: A bill (H. R. 24638) granting an increase of pension to Bernard Shallow-to the Committee on Invalid

By Mr. WOOD: A bill (H. R. 24639) granting an increase of pension to John C. Opdyke-to the Committee on Invalid Pensions.

# CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which thereupon referred as follows:

A bill (H. R. 23150) granting an increase of pension to Samuel H. W. Riter-Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 18519) granting a pension to Benjamin W. Mc-Cray-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

# PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Woman's Suffrage Association, of Ohio, for a constitutional amendment granting suffrage to women-to the Committee on the Judiciary.

Also, petition of John A. Brand et al., citizens of New York, against intervention in Kongo State affairs-to the Committee on Foreign Affairs.

Also, petition of the New Century Guild, of Philadelphia, for enactment of legislation for investigation of the social, industrial, educational, and physical condition of women labor--to the Committee on Labor.

By Mr. ALLEN of New Jersey: Petition of R. C. Tanis, secretary of branch No. 65, National Association of Letter Carriers, Passaic, N. J., for improvement in the postal service on lines recommended by the First Assistant Postmaster-General to the Committee on the Post-Office and Post-Roads.

By Mr. BARCHFELD: Petitions of citizens of Sommerville, La.; Greensboro, Ala.; Casper, Nebr.; Greenwood, S. C.; Adams, Ohio; Bellefourche, S. Dak.; Memphis, Mo.; Cotter, Ark.; Dickson, Tenn.; Independence, Oreg.; Alliance, Nebr.; Craighead, Ark.; Somerville, N. J.; Fort Myers, Fla.; Columbus, Ohio; Washington, D. C.; Iowa City, Iowa; and Jackson, Miss., against bill S. 5221, to regulate the practice of osteopathy-to

By Mr. BURKE of South Dakota: Petition of citizens of Huron, S. Dak., for a general treaty of arbitration with all nations—to the Committee on Foreign Affairs.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of Harriet Crank (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Mary A. Tyree-to the Committee on War Claims. Also, paper to accompany bill for relief of M. J. Julian-to the Committee on Claims.

By Mr. CAMPBELL of Kansas: Paper to accompany bill for relief of James C. Vance-to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Lewis W. Crainto the Committee on Invalid Pensions.

By Mr. DE ARMOND: Paper to accompany bill for relief of David Wook—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of W. C. Gurney, general chairman of the committee of adjustment, Delaware and Hudson system, against the sixteen-hour law-to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of Carbery Camp, No. 11, United Spanish War Veterans, for restoration of the Army canteen to the Committee on Military Affairs.

By Mr. FULLER: Petition of Jesse Taylor, secretary of National Council, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Margaret Adamsto the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of the widow and heirs at law of John Dogherty-to the Committee on War Claims.

By Mr. JOHNSON: Paper to accompany bill for relief of William Pollard (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: Petition of Spanish War Veterans of Pittsfield, Mass., for restoration of the Army canteen-to the

Committee on Military Affairs.

By Mr. LEE: Paper to accompany bill for relief of Laura G. Hight-to the Committee on Pension.

By Mr. LOVERING: Petition of citizens of Barnstable County, Mass., against abolition of the custom-house at Barnstablethe Committee on Ways and Means.

By Mr. MAYNARD: Papers to accompany bill granting the Norfolk and Portsmouth Traction Company the right to operate trains through military reservation on Willoughby Spit, Norfolk County, Va.-to the Select Committee on Industrial Arts

and Expositions. By Mr. PADGETT: Paper to accompany bill for relief of James Larkins—to the Committee on Invalid Pensions.

By Mr. POU: Petitions of the Edwards & Broughton Printing Company, the Raleigh Evening Times, and the Raleigh Progressive Farmer, against duty on linotype machines—to the

Committee on Ways and Means.

By Mr. RANDELL of Texas: Petitions of citizens of Dorchester, Bells, Hail, Hagerman and Locust, Monkstown, Fannin County, Gover, Pilot Grove, Farmersville, Gunter, Randolph, Grayson County, Emery, Whitesboro, Savoy, Collinsville, Hyde Park, Kentuckytown, Southmayd, Denison, Dripping Springs, Des Voigues, and Tioga, and city councils of Denison and Bailey, Tex., for an appropriation to improve upper Red River—to the Committee on Rivers and Harbors.

By Mr. RANSDELL of Equisiana: Paper to accompany bill for relief of estate of Daniel Y. Grayson—to the Committee on

By Mr. REYBURN: Petition of Robert Folk, of Philadelphia, against amendment to the copyright bill inimical to published photographs in newspapers—to the Committee on Patents.

Also, paper to accompany bill for relief of Isaac Williams (previously referred to the Committee on Invalid Pensions)-

to the Committee on Pensions.

By Mr. SMITH of Pennsylvania: Petition of 36 members of Troop D, State police, Punxsutawney, Pa., for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. STANLEY: Paper to accompany bill for relief of Absalom R. Shacklett—to the Committee on Invalid Pensions.

By Mr. TAWNEY: Paper to accompany bill for relief of Archibald Bamber—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: Paper to accompany bill for relief of George A. Wood—to the Committee on War Claims,

By Mr. WILLIAMS: Paper to accompany bill for relief of James M. Dick (previously referred to the Committee on Pen--to the Committee on Invalid Pensions.

By Mr. WOOD of New Jersey: Paper to accompany bill for relief of John C. Opdyke-to the Committee on Invalid Pensions.

### HOUSE OF REPRESENTATIVES.

SUNDAY, January 20, 1907.

The House met at 2 o'clock p. m., and was called to order by Hon. Thetus W. Sims, of Tennessee, Speaker pro tempore.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the fol-

lowing prayer:

Infinite Spirit, Father of all souls, we bless and adore Thy holy name for Thy goodness and for Thy wonderful works to the children of men. Especially do we thank Thee for the pure, the noble, the true, the great men whom Thou hast raised up in every age of the world's history as beacon lights to guide their successive generations onward and upward to higher civilization. We are here to-day to commemorate the life and character of such a man, one who by dint of his devotion to duty rose step by step to eminence and leadership; a soldier brave and valiant in two wars; a student ever seeking truth; a statesman working for the good of his countrymen. We bless Thee for what he did, yet more for what he was. His character will live and be a special guide to those who shall come after him to high living and to noble life. Bless and comfort, we pray Thee, the bereaved, those who mourn his loss. A loving father, a faithful husband, a dutiful son, beautiful in his devotion to his mother, seeking religion at the same altar where she worshiped, baptized in the same stream where she was baptized, living always near to Thee. O God, we pray Thee to comfort the living with the blessed hope that some time, somewhere, they will go to him and dwell forever in his presence. And peans of praise we will ever give to Thee. In Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and

approved.

Mr. GAINES of Tennessee. Mr. Speaker, I ask the adoption of the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of the Hon. W. B. BATE, late Senator from the State of Tennessee.

Resolved, That as a further mark of respect to the memory of the deceased and in recognition of his distinguished career and his great service to his country as a United States Senator, the House, at the conclusion of the memorial proceedings of this day, shall stand adjourned.

Journed.

Resolved, That the Clerk of the House communicate these resolutions to the Senate.

Resolved, That the Clerk of the House be, and he is hereby, instructed to send a copy of these resolutions to the family of the

The resolutions were unanimously agreed to.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent that those Members who are absent and unable to be present and speak to-day may have leave to print remarks in the Record on the life and character of the late Senator Bare, and those who

speak may extend their remarks, if they so desire.

The SPEAKER. Without objection, the request of the gentleman from Tennessee will be agreed to.

There was no objection.

Mr. GAINES of Tennessee. Mr. Speaker, William Brimage BATE was born October 7, 1826, near Bledsoe Lick, Castalian Springs, Sumner County, Tenn., and died March 9, 1905, at 6 a. m., in his apartments, Ebbitt House, Washington, D. C., having only a few days before, for the fourth time, taken the oath as Senator from the State of Tennessee.

He received his early education in a school, known then as "Rural Academy," near his birthplace. Between sessions he worked on the farm. His father, James H. Bate, a pioneer, died when this son was about 15 years of age. Of these pioneers

Gen. Andrew Jackson says:

A man who is born and reared amongst this people deserves but little credit for being a soldier and a gentleman, for he can't help it.

Senator BATE was both.

After the death of his father, young BATE continued to work on the farm and attend the country school for about two years, when he sought a wider field of action, and next we hear of him employed as a "second clerk" on the *Saladin*, a boat ply-ing the Cumberland and Mississippi rivers between Nashville, Tenn., and New Orleans. He was thus employed when this boat, in 1846, collided with and sank the Congress on the Mississippi River near Washington Point.

When the Mexican war began with the United States he was in New Orleans, where, May 15, 1846, he joined the army of his native country to serve six months, which he did, and was "honorably mustered out at New Orleans August 14, 1846, with his regiment and company." The press states that he

was the first Tennessean to reach the scene of hostilities.
On October 2, 1847, at Nashville, Tenn., he reentered the "service, returned to Mexico, did his duty well, and was again honorably mustered out at Memphis, Tenn., July 22, 1848, with

his regiment and company."

Desiring to get, if possible, correct information of at least the main features of his military record, my request for this intelligence was promptly honored by the War Department, through its very efficient Military Secretary, as shown by the following correspondence:

WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE,
Washington, June 16, 1996.

Hon. John W. Gaines, House of Representatives.

DEAR SIR: In compliance with the request contained in your letter of the 14th instant, I have the honor to transmit herewith a statement of the military service of the late Senator William B. Bate.

Very respectfully,

F. C. AINSWORTH, The Military Secretary.

MEXICAN WAR.

MEXICAN WAR.

Statement of the military service of William B. Bate, war with Mexico.

WILLIAM B. BATE was mustered into the service of the United States at New Orleans, La., May 15, 1846, as a sergeant in Company F. Fourth Louisiana Infantry, to serve six months. The regiment arrived at Brazos Santiago May 26, 1846, and at Lomita, Mexico, June 4, 1846. He was honorably mustered out of service with his company and regiment as a private at New Orleans, La., August 14, 1846.

He reentered the service at Nashville, Tenn., October 2, 1847, as a private in Company I, Third Tennessee Infantry, commanded by Col. Benjamin F. Cheatham, to serve during the war, and was promoted to be first lieutenant of the same company October 8, 1847. He accompanied his regiment to Mexico, in which country it was stationed at the City of Mexico, Veracruz, Jalapa, Puebla, and Molino del Rey. Returning to the United States, he was honorably mustered out with his company and regiment at Memphis, Tenn., July 22, 1848.

We see when his country no languar needed his military and states.

We see, when his country no longer needed his military services, he returned to the civic circle of life and established and edited at Gallatin, Tenn., a weekly newspaper called the "Tenth

He soon attracted the attention of the people, in fact, throughout his life he was their champion.

When about 23 years old he served one term-1849-50in the lower house of the Tennessee legislature. His campaign for this office became historic, and is, with pride, often recalled by the old citizens of middle Tennessee. There were nine candidates, but Lieutenant Bate's main competitor was the late Gen. George Maney, a gentleman of great natural ability,

scholarly, and a fluent speaker. They were both young men of great promise, but the young lieutenant was elected.

Concluding his legislative services, he entered the noted Cumberland University, Lebanon, Tenn., from which he graduated in 1852. He formed a partnership with Maj. George W. Winchester, one of Tennessee's most gifted speakers and able lawyers, and began the practice of his profession at Gallatin, Tenn. Two years thereafter he was elected attorney-general for the circuit composed of Davidson, Sumner, and Wilson counties, and served from 1854 to 1860.

While yet attorney-general he was tendered by the Democrats the nomination for Congress, but declined the honor, and served his full term, six years, in the office to which he had asked the people to elect him.

While thus engaged he met at the bar many eminent lawyers of middle Tennessee, and particularly at Nashville, Franklin,

In speaking of his record in this office, Col. Baxter Smith, an ex-Confederate soldier and prominent lawyer of Nashville, formerly of Gallatin, who, from his boyhood, knew General Bate, thus writes me:

It was characteristic of him to be indefatigable in the preparation of his cases for trial, and with his knowledge of men and his quick perception he was always able to present the State's side of the case in the most favorable attitude. As a result he was able to cope with the most distinguished of lawyers in the many important cases he prosecuted, and he went out of the office having added greatly to his reputation.

General Bate did not pose as, nor was he considered, a great lawyer, but he was a great advocate and a wonderfully successful practitioner. He marshaled the facts of and presented his case, as he did in his public speeches, with great force and effect. Throughout the man's life there was a ring of persuasive sincerity in his voice that caught the ear; there was an appealing sense of justice in his words that touched the hearts of his hearers, whether juries or the people of Tennessee, whom he so often addressed. These charming characteristics and his manly and chivalric mannerism, with the close study that he always gave any subject he discussed, made him a formidable antagonist at the bar, on the hustings, and in the Senate of the United States.

On January 17, 1856, Lieutenant Bate was married to Miss Julia Peete, of Huntsville, Ala., who, with their two daughters, Mrs. Susan Bate Childs and Mrs. Mazie Bate Mastin, survive him.

General Bate was an intense Democrat of the Calhoun school. He was often called on to make political speeches in many, if not all, of the stirring campaigns that occurred in Tennessee from his advent in public life, which we see began when he was about twenty and three years of age. He was a candidate in his Congressional district for elector on the Breckinridge and Lane ticket in 1860. His opponent was Col. E. I. Golliday, of Lebanon, Tenn., one of the most eloquent speakers in the State, who afterwards served as a Member of Congress from the Fourth Congressional district of Tennessee. In this campaign Colonel Smith says: "General Bate acquitted himself, as a political speaker, with entire satisfaction to his friends."

In 1861, as might have been expected, General Bate cast his fortunes of war with his native State, and was among the first Tennesseans to enlist in the Confederate service, and went to

Of his Confederate record, General Ainsworth writes me as

### CIVIL WAR.

WILLIAM B. BATE was elected colonel of the Second Tennessee Infantry, Provisional Army, May 6, 1861, and was appointed to that position by the President of the Confederate States, to take rank April 27, 1861; was promoted to be brigadier-general, Provisional Army, October 3, 1862, and to major-general, Provisional Army, February 23, 1864.

From May 26, 1861, to July 18, 1861, Colonel BATE and his regiment performed duty at Fredericksburg, Brookes Station, and other points between the Potomac and Rappahannock rivers, in the military department of Fredericksburg, bearing a part in resisting an attack by Union naval vessels on the Confederate batteries at Aquia Creek June 1, 1861.

Of Colonel BATE's service on this occasion Col. Daniel Ruggles, his superior commander, says:

"The conduct of my entire force, under the command of Colonel BATE, of the Walker Legion, until my arrival on the field was admirable throughout the day."

Another efficer, writing from Aquia Creek to the Confederate secretary of war, under date of June 1, 1861, says:

"Colonel BATE has been assigned the command of the brigade here, composed of his own regiment and the Virginia troops present, and is working with a zeal consistent with the energy and enthusiasm of his nature."

The Second Tennessee was on the field of the first battle of Buil Rug

working with a zear consistent with the cheery and entinushasm of his nature."

The Second Tennessee was on the field of the first battle of Bull Run, fought July 21, 1861, as a part of Brig. Gen. T. H. Holmes's brigade, but it did not become actively engaged with the enemy. Soon afterwards the regiment returned to the line of the Potomac and was stationed at Evansport, Va., where it confronted the Union forces, occupying the Maryland side of the river until February, 1862. About the middle of that month a sufficient number of its members having reenlisted for the war, and thus insured the continuation of the organization beyond its first year's enlistment, Colonel Bate conducted the reenlisted men to Tennessee on a furlough granted until April 1, 1862.

The regiment was reorganized at Corinth, Miss., April 3, 1862, and, under the command of Colonel Bate, participated in the battle of Shiloh, Tenn., April 6, 1862. General Cleburne, the brigade commander, in his official report, refers to the regiment and its commander as follows:

as follows:

"Here the Second Tennessee, coming up on the left, charged through
a murderous cross fire. The gallant major \* \* \* fell mortally

wounded, and the colonel, W. B. Bate, had his leg broken by a minie ball. Tennessee can never mourn for a nobler band than fell this day in her Second Regiment."

Under date of November 22, 1862, Gen. Braxton Bragg, commanding the army of Tennessee, reported to the adjutant and inspector-general, Confederate States army, that "Bate and \* \* are not likely to return to field duty for months." On February 23, 1863, Brigadier-General Bate, then in temporary command of the district of the Tennessee, was assigned to duty with Lieutenant-General Polk's corps and, on March 12, 1863, was placed in command of a brigade in Stewart's division. He subsequently bore a part in the Tullahoma campaign, being engaged in action at Hoover's Gap, Tennessee, June 24–26, 1863. He also participated, as a brigade commander, in the succeeding campaign of Chickamauga. Regarding his services in the battle of Chickamauga, September 19 and 20, 1863, General Stewart, the division commander, says:

of Chickamauga. Regarding his services in the battle of Chickamauga, September 19 and 20, 1863, General Stewart, the division commander, says:

"I desire to express my high appreciation of Brigadier-Generals Brown, Bate, and Clayton, and of their respective commands. Representing the three States of Alabama, Georgia, and Tennessee, they vied with each other in deeds of high and noble daring. The Confederacy has nowhere braver defenders led by more skillful commanders."

He continued to command a brigade in the ensuing Chattanooga-Ringgold campaign until November 19, 1863, on which date, by virtue of seniority of rank, he was placed in command of Breckinridge's Division, which he commanded in the battle of Missionary Ridge, November 25, 1863, and in covering the retreat of the Confederate army therefrom. General Bragg, the army commander, in his official report, says:

"Brigadier-Generals \* \* \* and Bate \* \* \* were distinguished for coolness, gallantry, and successful conduct throughout the engagements and in the rear guard on the retreat."

On February 27, 1864, while at Dalton, Ga., Major-General Bate was regularly assigned to the command of Breckinridge's Division, which was thereafter designated as "Bate's Division."

In opposing General Sherman's advance on Atlanta; with General Hood's northward movement, culminating in the battles of Franklin and Nashville; and in the campaign of the Carolinas, terminating in the surrender of General Johnston's army at Durnham station, N. C., April 26, 1865, General Bate bore an active part, being wounded in front of Atlanta August 10, 1864. All of the troops of Cheatham's corps engaged in the battle of Bentonville, N. C., March 19, 1865, were commanded by General Bate. He was paroled at Greensboro, N. C., May 1, 1865.

Official statement furnished to Hon. John W. Gaines, House of Representatives, June 16, 1906.

By authority of the Secretary of War:

F. C. Ainsworth,

The Military Secretary.

Being a mere child during the civil war, I have no personal

Being a mere child during the civil war, I have no personal knowledge of the fortitude and many heroic deeds of General BATE during that conflict, but have the good fortune of being able to present to-day, in pleasing detail, from the pen of another, some of his heroic acts in that unfortunate and bloody struggle.

Dr. William J. McMurray, who was first lieutenant in Company B, Twentieth Tennessee Infantry, often called by General BATE his "Tenth Infantry Legion," in the Nashville American of March 10, 1905, writes most interestingly of the brilliant military career of General BATE. Doctor McMurray, whom I well knew, was himself a brave Confederate soldier, and to his recent death a distinguished physician of Nashville. Doctor McMurray says:

In May, 1861, when the clouds of war began to hang low, General Bate offered his services to the South and joined its forces as a private. He was at once elected captain and then colonel of that famous Second Tennessee Infantry Regiment.

His last a great battle was that of Shiloh, where he shared the work of Cleburne's brigade of Hardee's corps on the extreme left of the Confederate lines. Here he bravely led his regiment through a murderous fire, when he fell severely wounded, a minié ball breaking both bones of his leg and cutting an artery under his knee. His horse was killed at that same time.

MADE A BRIGADIEE.

#### MADE A BRIGADIER.

His gallantry and that of his regiment was so marked that he was honorably mentioned in the reports of both Generals Cleburne and Hardee, and on October 3, 1862, he was promoted to brigadier-general, and on this spot where he fell his old regiment has erected a monument.

monument.

On account of his wound he was put in temporary command of the district of northern Alabama. In February, 1863, he was again assigned to the field and put in command of Raines's brigade of Polk's corps, General Raines having been killed in the battle of Murfreesboro, and in June, 1863, he was removed from this brigade and assigned to a newly formed brigade, composed of the Fifty-eighth Alabama, Thirty-seventh Georgia, Fiftenth, Thirty-seventh, and Twentieth Tennessee regiments, and Caswell's Georgia Battalion, and assigned to the division of the grand old hero, A. P. Stewart, Company B, Twentieth Tennessee Infantry, his Tenth Infantry Legion.

He took part in the Tullahoma campaign with much credit.

# AT HOOVERS GAP.

At the battle of Hoover's Gap, on June 23, 1863, General Bate, with the Twentieth Tennessee Regiment and the little Georgia battalion, fought for two hours two brigades of Federals, and when other reenforcements came up, which was the remainder of his brigade, General Stewart arriving upon the field about nightfall, found General Bate in command with a flesh wound in his leg, but still on the firing line. General Rosencrans, in his official report, says this little handful of soldiers under Bate delayed the left wing of his army for thirty-six hours and prevented him from getting possession of Bragg's communications and forcing him to a disastrous battle.

It was about this time that the political parties of Tennessee offered General Bate the nomination for governor of Tennessee, which would take him from the field, but he declined and said he could not accept a civil position while he could serve his people upon the field.

\*\*Error evidently, as article shows he was enzaged in several "great"

<sup>e</sup> Error evidently, as article shows he was engaged in several "great battles" after Shiloh fight.

OPENED FIRE AT CHICKAMAUGA.

General Bate next took a prominent part in the battle of Chickamauga; he fired the first gun in that historic struggle, on the banks of the river of death, on Friday evening, September 18, driving the Federals from Thedfords Ford, crossing that stream the next morning, and about 2 p. m. went into action as a part of the Confederate reserve. During this first charge of Stewart's division, which was composed of the brigades of Brown, Clayton, and Bate, the Federal right center was broken for the first time, and the enemy was driven back for more than 1 mile down by the Kelly house, on across the Rossville road, down to the tanyard, in the Dyer field, and a glance at the map of that field will show that Bate led his men farther to the front than any other Confederate troops that day.

HORSES KILLED UNDER HIM.

The next day Bate and his men participated in that death struggle. All day long the battle raged until finally Snodgrass Hill was captured, and when that great blue mass slid down from the northern slope of Snodgrass Hill the Eufaula battery was attached to Bate's brigade that had fired the first gun of the battle on Friday evening and fired the last gun on Sunday evening.

In this engagement Bate's brigade entered the fight with 1,055 muskets and had killed and wounded 607. Every field officer in his brigade was killed or wounded but two or three.

MADE MAJOR-GENERAL.

After this battle President Davis followed in the track where Bate and his men fought; and in less than thirty days Brigadier-General Bate, of infantry, was offered a major-general's commission of cavalry. At the battle of Missionary Ridge General Bate commanded Breckinridge's old division just east of the road that led by Bragg's head-

Throughout the Georgia campaign of one hundred days' fight he commanded his division in Hardee's corps. At Resaca he drove back every attempt of the enemy, and at Dallas, Ga., he assaulted Logan's corps in their trenches. On the 22d of July he led the flank movement under Hardee which brought on the famous battle of Atlanta, in which General McPherson was killed.

On the 6th of August, with his division alone, he fought the battle of Eutaw Creek that checked the right-flank movement of the enemy around Atlanta, capturing several flags, and punishing the enemy very severely in this engagement. He was shot through the knee and sent to the hospital at Barnesville, Ga. He recovered from this wound just in time to join Hood in his ill-fated campaign in Tennessee.

AT BLOODY FRANKLIN.

AT BLOODY FRANKLIN.

In this campaign he commanded a division in Cheatham's corps, which was Hardee's old corps, and was with this corps when the great mistake was made at Spring Hill, and the next day led his division upon the bloody works at Franklin, where many of his men gained the interior of the enemy's works and held them until the Yankees retreated. Next morning after the battle General Hood ordered General Bate to take the remnant of his division and proceed across the country to the Nashville and Chattanooga Rallroad and destroy all the blockhouses and bridges between Murfreesboro and Nashville. He was then ordered to rejoin Hood at Nashville, which was done only a few days before the battle of Nashville.

It was in this engagement his division was nearly annihilated. While at the angle on that line his Tennesseans were demolished and his Georgians fought until they were surrounded on three sides, yet Bate, with crutch in hand, rode up and down his line urging his men to hold fast. He retreated out of Tennessee with Hood and finally followed Joe Johnston into the Carolinas, and at the battle of Bentonville, the last battle note of the war, General Bate commanded the Federal earthworks, overrun them, driving the enemy back and capturing many prisoners. In this, the last battle and dying agony of the Confederacy, Gen. WILLIAM B. Bate, with crutch in hand and suffering from many wounds, was a conspicuous figure. He stood here literally in the last ditch.

General Bate returned to Nashville after the war and enjoyed a

wounds, was a composite of the war and enjoyed a ditch.

General Bate returned to Nashville after the war and enjoyed a lucrative practice in the law, was twice elected governor of the State, and four times sent by an appreciative people to the United States Senate, the greatest honor within their gift.

No braver soldier ever unsheathed a sword or shouldered a gun than General Bate. Whether walking or riding, sick or well, mangled on the battlefield, or hobbling on crutches, defying the imperious surgeon's knife, or facing the mowing grapeshot, he was the personification of dauntless courage, demanding his rights as he saw them, courting death at every turn, rather than be unfaithful in the least, act a coward in the slightest, or fall short of the full measure of duty well done.

Ever cautious, studious, and thoughtful before arriving at his conclusions, whether the question concerned a civic, military, or legislative responsibility, he always had an opinion as to what was right and what was wrong, and unbendingly and immovably stood for what he thought was right. He never bent the truth nor swerved in doing, or trying to do, his full duty, regardless of the consequences.

He never struck below the belt. He was always open, frank, with friend or foe, a gentleman of the very highest honor, and as far from fraternizing at any time, anywhere, with any man who fell short of this high standard as any man who was ever

honored by State or nation.

So severe was his wound received at Shiloh that the Army surgeon informed General Bate that he must amputate his leg to save his life. But General BATE said it should not be done. The surgeon came to perform the operation, and General Bate drew his pistol and said to the surgeon that he would kill him if he undertook to do so. General Bate was victorious, saved his leg, but ever afterwards walked lame and almost uniformly with a heavy hickory stick.

His friends thought after this wound that he would be unfit for active duty in the field, and, in 1863, urged him to accept the nomination for the governorship of Tennessee, but he refused and replied in the following remarkably characteristic

WARTRACE, July 17, 1863.

To Mesers. Galloway, Rice, Winchester, Brown, and others.

GENTLEMEN: In reply to your telegram of to-day I beg to say that, however flattering the honor you suggest and to which I am not insensible, there is a duty that rises above it. As a son of Tennessee and a southern soldier, I would feel dishonored in this hour of trial to quit the field. No, sirs; while an army foe treads our soil and I can fire a shot or draw a blade I will take no civic honor. I had rather, amid her misfortunes, be the defender than the governor of Tennessee. Let me exhort to harmony.

Respectfully,

W. B. BATE.

I dare say he never sought, as a Mexican or Confederate soldier, as a private or major-general, any position of security, if duty called him elsewhere. He was the kind of a man who would resolve every doubt against himself in deciding on what his full duty was as a citizen, on the battlefield, or in any civic position he ever filled.

He was amongst the first Tennesseans to enlist as a Federal soldier in the Mexican war. He was one of the first Tennesseans to enlist as a Confederate soldier in the civil war. each of these wars he fought to the last—until the bloody sword had settled the questions in dispute. And when death And when death touched him with the harness still on he would have then died for his country if it had been necessary. The man's whole life

shows that this is not an extravagant statement.

Though the cause of the Confederacy was to him always an absolutely just cause—a fight for equal rights for equal Stateshe accepted the arbitrament of the sword in 1865, and like a manly and patriotic man, that he was, stood sponsor for a reunited country in fact and law, and died as he wished-in the service of his native State and country, a wish his State had gratified by electing him the fourth time to the Senate at the advanced age of 79 years, and over one of Tennessee's most gifted statesmen.

Having been designated by the Secretary of War as one of those to speak for Confederates at the dedication of Chickamauga and Chattanooga National Military Park, General BATE delivered a most memorable speech, which I hope that every member of Congress, and every man, woman, and child in this Republic may at an early day impartially read and study.

General BATE, in part, said:

The principles in defense of which the South accepted battle were found in the Constitution. Whatever may be the right or the wrong, the South believed she was right, and the principles in defense of which the South accepted battle, after peaceably seceding from the Union, were found in the Constitution and taught by the fathers. The South claimed and asked nothing more than equal rights, not of persons only, but of States, equal privileges in all parts of the Union; equal protection wherever the flag floated to every person and to every species of property recognized by any State. Less than that was subordination, not equality.

tion wherever the flag floated to every person and to every species of property recognized by any State. Less than that was subordination, not equality.

Thus, Mr. Chairman, it may be seen that the facts of history, the writings of the founders of our Federal system, the reservations of the States when ratifying the Constitution, and, it may be said, the resolutions and platforms of political parties, and the course of administration up to that time, all united to sustain the theory that our Federal Union was a compact of confederation from which any State could peaceably withdraw.

When equal rights and equal privileges were denied to the South, an appeal to the court of last resort between sovereign States became absolutely necessary—an appeal to war—that tribunal of force whose judgment is final, whether just or otherwise. In its forum the States joined issue, and when its decree was found against the South we bowed to it as final, without consenting to it as just or righteous. Its irreversible result will not again be questioned, but is accepted with a solemn sense of duty, overcast with natural and unavoidable sorrow.

with a solemn sense of duty, overcast with natural and unavoidable sorrow.

It now becomes our duty, as ex-Confederate soldiers, to maintain the Government with true faith, and defend the flag of our country with the same courage and devotion that we gave to our "little cross of St. Andrew."

That, Mr. Chairman, is the essence of the unvarnished story of the causes which led to our civil war. We take no exceptions to the sense of duty which impelled the people of the North to peril all of the Constitution, all of material wealth, and that wider wealth of individual life to maintain the union of States, for it but shows their love and deep devotion to the Union. The South proffers at the bar of history and in the forum of conscience a rectitude of motive and a warrant of law not less moral and righteous than all that animated the North.

Publicists may draw distinctions between just and unjust wars, but in civil conflicts for inalienable right, our civil war established beyond controversy that the North was the stronger in all the materials of war and had vastly greater facilities for making them available, having, besides internal resources, the outside world to draw from; but beyond that human reason can draw no rightful conclusion, and the right or wrong is left to impartial history.

And, Mr. Chairman, I have not the least apprehension that impartial history will fail to recognize the justification of the South in the records of our country and find that, according to the faith that was in her people, and their judgment made up from that standpoint, there was no alternative left in 1861 but to appeal to arms; and I affirm, Mr. Chairman, with equal confidence, that any comparisons of the two sections, from the earliest times to the present day, will not find the South

to have been less patriotic or less solicitous for the honor, glory, and welfare of the Union.

BLESSING OF PEACE.

Among the thousands of blessings with which a kind Providence has crowned our country there is one which of all others we are prone least to appreciate—the blessing of peace. The pomp of war, its imposing spectacles, its glittering array, the measured tread of armed men, and the neigh of the war horse—"as he smelleth the battle from afar, and to the trumpet saith ha! "—captivate the eye and intoxicate the senses, while the halo of military glory quenches the pulsation of humanity and veils from sight the widowed mother and the weeping orphan kneeling on the bloody hearthstone.

We men from yonder battlefields know what war is, and while holding ourselves ever ready to touch elbows in line of battle against foreign foes, our experience, our courage, and our patriotism warn us to "beware of entrance to a quarrel."

The blood and carnage of 1861–1865 should not be repeated. No thoughtful man, however, is free from grave apprehensions when he sees the ugly signs outcrop here and there and hang ominously over the destiny of our country. We even now see the faint yet vivid flashes and hear the thunder in the distance, and pray that the storm may pass harmless.

and hear the thunder in the distance, and pray that the storm may pass harmless.

When the time comes, which we pray may never come, that calls our men to battle, the record of the past gives promise and assurance to the future that the descendants of the men who followed Bragg on yonder field will be as responsive to the call, as valiant in the fight, and as vigorous in the pursuit as the children of those who rallied under Rosecrans.

And should danger come. I believe the conservative South may yet

Rosecrans.

And should danger come, I believe the conservative South may yet prove to be the rod that will conduct the fiery bolt harmless to the earth, and when liberty takes her flight, if she ever should, from this country, her last resting place will be in our Constitution-defending South.

We of the South love our comrades with no less devotion; we see in them no less courage, honor, manliness, and patriotism than you recognize in your fellow-soidlers. To the men of the South their cause was not less holy, not less sacred, not less rightful than you esteem that for which your armies fought.

Col. James W. Blackmore, a life-long friend, leading lawyer and citizen of Gallatin, Tenn., in a recent letter to me says:

After the surrender of the Confederate army General BATE came home and found the property he owned had been attached for security debts, and he was left with but little to start on. But he went to Nashville and began the practice of law there, and soon won distinction in his profession and gained a remunerative practice.

After the civil war and for many years previous to his election as governor of Tennessee he practiced law in Nashville in partnership with Col. Frank E. Williams, a very able lawyer. He never practiced his profession after he was elected governor or to the United States Senate. He seemed to delight in giving his whole time to the public.

General Bate was a man in whom the people must have had and did have implicit confidence, for he was almost continuously filling, with or without compensation, some place of distinction and trust. He was a delegate to the Democratic national convention in 1868, some of his brother delegates being the late lamented John F. House, A. O. P. Nicholson, Thomas A. R. Nelson, and Nathan Bedford Forrest. Gen. W. B. Bate served as a member of the committee on organization, which made the Hon. Horatio Seymour president of the convention, and A. O. P. Nicholson vice-president, and Joseph H. Thompson secretary for the State of Tennessee. General BATE was also one of the committee to inform the nominees of their nomination.

Judge Nelson, for the Tennessee delegation, nominated Andrew Johnson for President, and for the first six ballots he received the full vote of this delegation and for several times

thereafter.

As further evidence of General Bate's loyalty and sincere devotion to a reunited people, one country, and one flag, we have only to glance over the balloting of this historic convention and see the entire Tennessee delegation casting their vote for Franklin Pierce, George H. Pendleton, W. S. Hancock, Thomas A. Hendricks, and Horatio Seymour for the Presidential nomination, all of whom had opposed the cause of the Confederacy on the field of battle, in the forum, or on the stump. And this only three years after the smoke of battle had lifted from the stricken Southland.

On the twelfth ballot the first and only vote cast for George B. McClellan was given by Tennessee "midst cheers and great applause," the balance of the votes being divided between Johnson and Pendleton. On the thirteenth ballot the vote was unchanged, except one cast for Franklin Pierce. On the four-teenth ballot the vote was equally divided between Hancock and Pendleton. On the fifteenth it stood half for Johnson and half for Pendleton. On the sixteenth and seventeenth ballots the vote stood five and one-half for Johnson and the balance for Pendleton. But on the eighteenth, when "Tennessee" called, the chairman of the delegation said:

The State of Tennessee, faithful to him who has ever been faithful to our country, casts her united vote for Andrew Johnson.

cast for Hancock amidst applause. On the twenty-first ballot, the vote stood five for Johnson, two and one-half for Hancock, one-half for Hendricks, one-half for McClellan, two and one-half not voting. On the twenty-second ballot, Tennessee cast three and one-half votes for Hancock, one and one-half for Hendricks, one for Seymour, and four for Johnson. On the first roll call Ohio cast twenty-one votes for Seymour, and Tennessee one; total, twenty-two. Before the balloting concluded, New Jersey, West Virginia, Alabama, Tennessee, Arkansas, Maine, and Georgia changed their votes to Seymour and he was nominated.

When nominations for Vice-President were presented and the name of Tennessee was called, the chairman of the Tennessee delegation said:

Mr. Chairman, it is the pleasure of the Tennessee delegation that the vote of the State of Tennessee shall be cast by a distinguished southern soldier, whom I have the honor to present to the convention—N. B. Forrest. [Great applause.]

Whereupon General Forrest said:

I have the pleasure, sir, to cast the vote of Tennessee for General air, and I wish to take this occasion to thank the delegates here for e kind and uniformly courteous treatment that the southern deletes have received at this convention. [Great cheering.]

This convention met July 4, 1868, and assembled at Tammany

For twelve years General Bate served as a member of the national Democratic executive committee.

In 1875 he was defeated for the United States Senate by a narrow margin. On one ballot he was elected by one vote, but " by a change of one vote before the result could be announced there was a tie as against the combined vote of ex-President Andrew Johnson and Mr. Edwin H. Ewing. Finally Mr. Johnson was elected.

General Bate was elector for the State at large on the Tilden and Hendricks ticket, in 1876, and made a thorough canvass of the State. He always loyally supported the nominees of the Democratic party and its platforms. He was a "strict con-structionist" of the old school, a States rights advocate of un-

suspected fidelity.

I distinctly remember that during his first or second campaign—his second, I think—for governor, the Democratic platform indorsed and demanded the continuation of a railroad rate-fixing commission law, then unpopular. Throughout a laborous campaign General Bate stood squarely on this platform. It appeared for a little while as though he would be defeated because of his fixed determination to stand by this law and for his party platform.

About this time one of Tennessee's greatest sons, lawyers, public speakers, writers, and authors, Col. Arthur S. Colyar,

Scratch the platform and vote for the man.

This keen discrimination from such a high source rang throughout Tennessee and was on everyone's lips. eral Bate stuck to his party platform, was reelected, a personal triumph, for a legislature was at the same time selected which passed a bill to repeal this law, which met with a prompt and vigorous veto from Governor Bate, but the legislature never-

theless passed the bill over his veto.

The Hon. Park Marshall, State senator of Tennessee, and I think during the gubernatorial administration of General BATE and afterwards intimately associated with him in Washington City in a published letter briefly reviews General Bate's record as governor. After quoting General Bate's record as governor. After quoting General Bate's immortal telegram from Wartrace, July 17, 1863, already cited, declining the honor of a nomination for governor, Mr. Marshall says:

Franklin Pierce, George H. Pendleton, W. S. Hancock, Thomas A. Hendricks, and Horatio Seymour for the Presidential nomination, all of whom had opposed the cause of the Confederacy only three years after the smoke of battle had lifted from the tricken Southland.

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The only vote he received on this ballots. On the nineteenth and twentieth ballots her ten votes were on the nineteenth and twentieth ballots her ten votes were on the nineteenth and twentieth ballots her ten votes were on the nineteenth and twentieth ballots her ten votes were on the nineteenth and twentieth ballots her ten votes were on the nineteenth and twentieth ballots her ten votes were on the nineteenth and twentieth ballots her ten votes were on the nineteenth and twentieth ballots her ten votes were defected to the promote his own comfort. Everyone must remember what a nightmare the State debt question was during the words were on the shown comfort. Everyone must remember what a nightmare the State debt question was during the whole words and the state, at which they have ever stood since the lowest ebb in the State debt question was during the words were on the sounce of the vote was a state of the confederacy of the sequence of the lowest ebb in the State debt question was during the vote her power and the normal true man at that—would gladly, under the c

peried from 1870 up to 1883, how it arrayed neighbor against neighbor, amothered almost every other issue, and paralyzed the State, until finally it split the Democratic party in twain and in 1880 elected at Republican governor and State officials. In 1882 the split had shown no signs whatever of mending while the debt itself was growing apace. It was at this time that the Democratic party turned to General Barra, who did not seek the office, and appealed to him as a strong and suit, and such was the ability displayed by him in his debates on the stump and such the confidence he inspired that the people everywhere crowded together to hear him, and he was elected by 27,000 majority. This was the manner of W. B. Barr's introduction to public position after the war, and it was the middle period, as it were, of a line of successes unequaled since the time of Andrew Jackson in the confidence of the confidence of a successes unequaled since the time of Andrew Jackson in McMonn after the war, and the was the major general, private, captain, major, colonel, brigadier-general, and major-general, private, captain, major, colonel, brigadier-general, and major-general, successively, in the Confederate army, and for seventeen years a most successful lawyer; while, since 1882, he has been governor four years and cantend states Senator seventeen years, and no semblance of a taint has attached to him in any of these positions at any time.

But we are the special of these positions at any time.

But we are the special of these positions at any time.

But we are the special of the special of the special private, captain, major, colonely brigadier-general, private, captain, graph and the special private secretion of the office of the special private secretion and regret for such failure as may be incident to it, whilst one, perfect redit to his State, and lasting sharmon, and the special private secretion of the special chaos, perfect redit to his State, and lasting harmon, whilst the special chaos, perfect redit to his was the s

So exemplary and satisfactory was the administration of Governor Bare the Democrats elected him to the United States Senate in 1887. He was reelected in 1893 and in 1899 and 1905, having taken his seat for the fourth time in that body March 4.

just five days before his death.

His long service in the Senate appears in the official record, open to everyone. It speaks for itself, as his deeds always spoke for him, whether in peace or war. He was constant, in-telligent, efficient, loyal, and patriotic. His devotion to duty, to that unusually high standard he set and maintained, was superb, and won for him the confidence and respect of his colleagues and the admiration and applause of the people of Tennessee regardless of party.

They well knew they could retire at any hour, day or night, and know that he would be found promptly at his post, ready to toe the mark. His private and public deeds are above suspicion; his record spotless. The old and young of this or any land can profitably read and study his history and emulate his

illustrious example.

No private or public monument need be erected to his memory. His life, his teachings, his deeds, these, his self-erected monument, constructed day by day, will last as long as the human eye can read and unseared consciences shall dwell in the hearts of civilized man.

He was a tender and considerate husband and father. devotion to his wife-"my cheerful companion and my faithful comforter, through war and peace, through weal and woe, through good and evil fortune"—was a beautiful and continu-

ous courtship, so much so as to be often the subject of the happiest comment.

He was charitable without ostentation. He was a faithful

church attendant.

Although his citizenship and home were in Nashville, a city studded with schools, colleges, and churches, he clung with filial devotion to his old homestead about Castalian Springs, some 40 miles from Nashville. A few years before his death he joined the Baptist Church, of which his mother had been a member, and in the same chapel in which she had worshiped down to her death, located near the scenes of his childhood. He wished to be and was baptized at the same place, in the same little stream in which his mother, years before, had been immersed. This was all done without the people of Nashville, a city of 150,000 people, knowing anything about it for some time There were small and large Baptist churches in afterwards. Nashville that were thoroughly religiously conducted, whose membership was composed of his intimate friends and comrades, to whom he was always devoted.

This unusual act must have been prompted by his devotion to that "spot of sunshine" where he was born and reared and reverence for mother, mother's church, and her old church house. He followed mother's example, stepped in mother's footprints down to the little stream and down into the very pool where she years before was baptized. All this, and the quiet, modest way in which he had it done, is, I believe, without precedent. Thus he paid homage at least to his mother, and exhibited unparalleled respect to this modest chapel, where perhaps he first heard mother lisp her prayers for husband, daughters, and sons; for

country, God, and truth.

The plain and devout minister who received him into this church tenderly and with modest pride alluded to this incident in the religious exercises over the remains of Senator Bate, as they lay covered in a wilderness of flowers offered by the legis-lature of Tennessee and the people themselves from throughout his native State, who paid last and fitting respect to his memory in the house of representatives of the State of Tennessee, where fifty-six years before, in the splendor of his young manhood, he had served as one of their lawmakers.

His last and fatal illness was brought about from exposure in attending the inaugural ceremonies at the national capital, March 4, 1905. I personally warned him against going out in the severe cold that day, but he promptly replied, as he passed on out of the Chamber to the platform: "I think I should go, out of respect to the President. I think it is my duty, sir;" and continued forward with his brother Senators and lis-tened throughout to the inaugural address of President Roosevelt.

He was soon stricken with a severe cold and died in less than five days thereafter. Thus we see this man did finally sacrifice his life in doing what he considered his full duty.

His mind was clear to the last. He fully realized that death was soon to close his earthly career, but he was ready. He was calm and met in his weakness his last enemy as he had met others in his strength, with clean hands, unflinching courage, clear conscience, and full of hope. With a few friends and his devoted wife about his bedside, he bade them a final adieu, and then thought of far away Tennessee and friends that had gone to their final rest, and said: "I am dying. When I am dead take me back to Tennessee and bury me at Mount Olivet among my friends."

This was done. In the family burying ground in that beautiful city of the dead, and, as it happened, in the shadow of the Confederate shaft, that silent witness of his heroic deeds and those of his Confederate comrades, his remains rest to await the resurrection morn. Repeating the words of one of his old

comrades, Col. George B. Guild-

The greensward of Mount Olivet will never hide a nobler, grander character than Senator William B. Bate; the recital of his manly career as a public servant is an inspiration now and will be for coming years. Courtly gentleman, public-spirited citizen, brave soldier, farewell!

Mr. Speaker, in his death many an humble, plain man, woman, and child in Tennessee has lost a ready and generous sponsor; the State of Tennessee has lost one of its purest citizens and public servants; the Republic has lost one of its most capable and incorruptible Senators.

Mr. GROSVENOR. Mr. Speaker, Senator Bate was a typical southern man. He was a typical southern soldier. He was a typical southern politician. He was a Democrat of the old school; a Democrat who began his career and ended his career with knowledge and faith in the old time-honored principles of the Democratic party. He believed in those principles, and

could he have shaped the policy of his party it would have stood by Democratic principles. No false god could have al-lured him from the beaten pathway and the accepted timehonored principles of Democratic policy. I shall speak, how-ever, little of his political views and more of his record as a soldier and his character as a patriot.

I read with some interest this morning a sketch of his life and public services furnished by a friend, and I find that he and I were close together during much of that momentous period covered by the civil war, not in sentiment, but in physical location, which lasted substantially during all of his great experience in the army-he in an important command and I in a very humble command.

It is said in this sketch that his first great battle was Corinth. I was not there. I was then beginning the experience which ripened into over four years of service in the Union Army, but General Bate had been a soldier in the Mexican war, and his career in the civil war illustrates the importance and value of service experience as a soldier, a value that can not

be duplicated in any other way.

It does not appear that between the close of the Mexican war and the outbreak of the civil war General BATE had taken any interest or had any practical connection with military matters, and yet the limited service that he had in the Mexican war in the humble position which he occupied fitted him to at once assume prominence in the new conditions that surrounded him. And so, like many others, some of the volunteers, men without training at West Point, men without active service except this Mexican war experience, found themselves prominent and distinguished. It was well that we had those men. They rapidly transformed our bands of soldiers and artisans clerks and students into trained and tried and efficient

The State of Tennessee was peculiarly located with reference to the great events of the great war. Tennessee was already historically great. She had produced great men, great soldiers, and had written the name of the gallant "volunteer set" upon the historical records of her country, but in the civil war Tennessee was our pathway to the South. She occupied the great middle position between the Northeast and the Southwest and the South. Stragetically Tennessee was the pivot or central point from which radiated the great movements of the two great armies. Grant, coming up the Tennessee and Cumberland by way of Fort Henry, reached Pittsburg Landing and a column under Buell and Mitchell, striking Nashville and central Tennessee, and so it was that Tennessee became second only to Virginia as the great theater of the war. And here it was upon the soil of Tennessee that General BATE occupied

a prominent position. I shall not discuss in detail his merits as a soldier. They are sufficiently written in the official reports of the army to which he belonged. They are sufficiently written in the appreciation of his fellow-soldiers, and they are sufficiently written in the loyalty of Tennessee to the men who served under the very eye of the people of that great State. Tennessee was devastated by war. Columns of marching men sweeping across her rich fields and through her fair towns and cities left the impress of the devastation of war upon her. That she bore the affliction heroically and without a murmur is history. She was divided in sentiment, and much of loyalty and devotion to the old Union remained with her, and no truer men, no more self-sacrificing men, operated under the Stars and Stripes than the men of East Tennessee, who came gladly to the front and formed regiments and fought and bled and died and suffered the destruction incident to war, and suffered the destruction incident to internal

strife among the people of the same State.

The sweep of the great armies first arriving at Nashville. moving by Murfreesboro to Huntsville, Ala., came back by Battle Creek and Manchester to Nashville, and thence by Stone River and thence by the Tullahoma campaign, and all the incidents of war along the Tennessee River ultimately and finally up to the carnage of Franklin and the great battle of Nash ville. Surely Tennessee suffered, did not cry out, but stood

stubbornly fighting to the end.

In both these great battles of Franklin and Nashville, General BATE was a prominent figure. He well might have been, for he was on the soil of his own State and fighting to reach his own home and fighting to make its victory for the cause in which he had embarked. It is said in the sketch to which I referred, that he was present and participated in the "mistake at Franklin." I am not here to discuss military strategy, but if there was a mistake made at the battle of Franklin by the Confederate troops, and I think there was a most serious mistake, it was not made by General BATE or any of the inferior officers of that immense column of active, vigilant, and wonder-

fully conspicuous soldiers. The result at Franklin, while it looked like victory for the Confederates, was in fact a move-ment which ultimately worked disaster, and under all ordinary circumstances the part of wisdom by the Confederates would have been to wait at Franklin, halt and consider, and ultimately abandon all the preconceived notion of Nashville. There was not one chance in a thousand that Nashville could be captured, and it has always seemed to me that the battle of Nashville, pressed upon us by the advancing column of Hood, was the greatest strain upon the soldiers of Tennessee of any of the other features of their campaign. The army of Hood had been turned aside from the general movement of the Confederate army at the same time that General Thomas had been located at Nashville. Everyone understood that the grand strategy of the armies involved a successful movement by way of Nashville by the Confederate army onward to the Ohio River. It was perfectly understood by all of us that if that great army should be unsuccessful at Franklin and Nashville, then they would be destroyed. They were without a sufficient supply of provisions; the country was absolutely bare of resources to aid them; they were poorly equipped in ammunition and tents and transportation.

Here was the flower of the Tennessee troops under Cheatham and a number of others whom I might name, and conspicuous among them General Bate. They made their appearance after the disaster at Franklin, for although the Union Army fell back with great loss and came to Nashville practically in retreat, yet the movement was perfectly understood to be a strategic movement to draw further away the badly crippled army of Hood to its ultimate destruction in front of Nashville. I think there was no greater demonstration of splendid heroism, of splendid self-sacrifice, than that exhibited by this army in its appearance before Nashville on the morning of the 19th day of December of that memorable year. To withdraw and go backward and recross Tennessee River to a place of temporary safety was defeat and destruction and substantial disgrace; to go forward was death and overthrow and glory. Once across, the suggestion of temporary safety; after across, the suggestion of honor and defeat. That they who commanded the awful onslaught upon our lines upon that memorable December morning had any hope of success is impossible of belief, but they chose the path of honor and glory rather than the path of temporary safety and futile hope of the future.

In Nashville was a vast body of military stores, sufficient to have supplied the army during the whole of the coming winter and spring and put them in a position to have marched easily and practically unobstructed to Louisville, for the defeat of the Union Army at Nashville and the forcing of it to retire would have been substantially the opening of a pathway to the Ohio River. Here, then, before them was the prospect of supplies, food to hungry men, clothes to suffering men in midwinter, and the homes of their families, for in the city of Nashville and its surroundings there lived many of the soldiers of Hood's army. So their struggle to get into and take possession of that great and beautiful city of their State was a struggle to save their

army or failing lose their army.

So I say I think there was no greater demonstration of heroism than the terrific attack made by Hood and his columns upon the forts and places around Nashville on that occasion. they should fail was absolutely inevitable. But men like BATE knew perfectly well that the end had come unless they were successful, and the terrific battle was the result of that mental condition of that splendid army. Of course when fate decided against them they were practically destroyed, and the things that were witnessed in the pursuit of Hood down by way of Franklin to the Tennessee River made an impression upon my mind that will never be obliterated. Hundreds of men were found marching in the slight snow and the pouring rain or standing by the roadside giving up, surrendering, not by order of their commanding officer, but surrendering through the force of actual military and physical necessity; standing there by the roadside we found them with empty haversacks. Now and then a Union soldier would step up to the dejected Confederates and running his hand into his haversack and that old-time question, What have you got there, Johnny?" was answered by the exhibition of a few grains of parched corn. This was the army thus fed and thus clothed which undertook the desperate work of destroying Thomas's army and capturing Nashville.

There were scenes of fraternity and good will and benevolence enacted between the soldiers of the triumphant army of the Union and the dejected and suffering soldiers of the army of the Confederacy, and as we passed these lines of captured Confederates we were taught at that late period in the war that the real fighting men on both sides had great admiration for

each other.

Notwithstanding, therefore, that I do not indorse the general-ship of the battle of Franklin—surely not—I think there were no better soldiers in either army than the men under Hood who made the forlorn, hopeless assault upon our works at Nash-ville at the time I mention. The spirit of Cheatham and BATE and a score of others inspired the soldiers.

But let me pass on. General BATE was reconstructed, and I never heard anything upon the topic of the work of reconstruction and the new conditions from him until we met at the dedication of the great military park at Chattanooga—the Chickamauga National Park—and I there heard his splendid, comprehensive, eloquent oration. I believed then and I believe now that every word he said was sincere. I have only this one comment to make. It seems to me the conditions in this country have reached the point of time when it would be well for ex-Confederates and their representatives to cease saying upon every possible occasion that they believed then that they were right and they believe now they were right. This reiteration is not offensive to me, and if there was any practical good in it I would not comment upon it, but unfortunately no good can come of it. Does anyone doubt that men who fought four long years, left their homes, their wives and their children to suffer, witnessed the devastation of their country, the destruction of their property, the death upon the battlefield of scores and hundreds and thousands of their fellow-citizens, bearing in their own bodies the wounds of conflicts, believe that they were not sincere? Do men fight that sort of a war for glory? There was no such thing as conquest possible. Why did they fight? They fought in a mistaken opinion sternly believed in, faithfully adhered to, and why keep repeating it? It seems to me that it is unnecessary to give assurance that they were honest. Nobody

. It is not worth while to plead "not guilty" when there is no indictment. The world has settled that question. The world has looked on with wonder at the reuniting of the two great wings of this country, the North and the South. In 1890 I was a member of an official commission which was sent to Europe for certain purposes connected with the Chicago Exposition and with relation to the consular service in Europe. With a number of the members of that commission and another commission I had the honor to be present in the city of Berlin at a dinner given by the vice-chancellor of the German Empire. There were present on that occasion a colonel of the Confederate army, a major of the Confederate army, a captain of the Union Army, and myself, all members of the same commission and all bearing the appointment of the Government and all cooperating in the purpose of our mission. Caprivi, the then chancellor of the German Empire, the successor of Bismarck, himself a soldier of mighty renown, said to me that, in his opinion, the most wonderful feature of our situation and one that he could not understand was the presence upon that commission of men who had served on either side of the great war. He said that would not be tolerated in Europe—there would never be such a gathering as that. The men who rebelled, as he called it, and I call it—and I see no reason why to call it so should be offensive would be relegated to eternal oblivion politically. He said to me, "Do you people over there treat these men just as well as you do your own comrades?" "Yes," I replied, "and sometimes, with a little touch of sympathy in our actions, a little better." He again assured me that it was the most wonderful thing he ever knew and that he could not understand it.

Another thing I wish to say: Why should not a man like BATE have been a member of the Senate of the United States as a representative of the great State of Tennessee? lived in the State and had fought for the State. He had made sacrifices. He had been shot and bruised, his property had been destroyed. His people sent him here, and under the Constitution they had a right to send him here, and their action was supreme and conclusive. No man can question it. Upon the broader plane of national politics, is it wise for the people of the South to constantly appear to recognize and constantly signify an admitted disability in the great political contest of the day of the men who fought on the Confederate side? should they, the people of the South, place conditions of discount upon the men who stood in the battle for them? Why limit the honors to be bestowed upon their fellow-citizens and the men who did not fight in the Confederate war? there in the view of the people of this country to-day that puts upon the southern man who fought in the army of the Confederacy a disability in any particular with relation to the action, history, and movements of the United States? President of the United States, and he has my approval-I have not had an opportunity to know who else approves it-when our President, a Republican, a northern man, writes such a letter as he wrote to the assembly last night, met in honor of

the birthday of Gen. Robert E. Lee, the time has come when the South should quit apologizing or explaining or advertising disabilities and stand upon the front line of their political ideas, recognizing no disability, turning their backs upon the past, and halling the present, and such a position would be the best vindication that the South could give to men like BATE.

Mr. CLARK of Missouri. Mr. Speaker, I am here to join in these proceedings for two reasons: 1. Because I knew and revered General Bate. 2. Because I know and love John Wesley Gaines, who so ably represents the Hermitage district. There are some men in this world from whom a request comes to me as a command. One of these is Brother Gaines.

to me as a command. One of these is Brother Gaines.

The most pleasant feature of this solemn occasion is the speech of my venerable friend General Grosvenor, of Ohio. I have heard him make divers speeches upon sundry subjects, but I have never heard him speak more interestingly or more sensibly than to-day. General Grosvenor was a Union soldier and was no carpet knight. He rose from major to brigadier. Two years ago he and I debated at Nashville. One of the most fondly remembered days of my life was spent in company with him and Brother Gaines and certain eminent citizens of that city in going over the battlefield on which General Grosvenor commanded a brigade holding one of the splendid turnpikes and on which General Bate, commanding a division of Confederates, was a conspicuous figure. During that day, to him full of heroic recollections, General Grosvenor uttered no word touching the brave, ragged, and hungry Confederates who immortalized that field except in praise of their valor and in sympathy for their sufferings.

You and I, Mr. Speaker, and other men like us, too young to be soldiers in the war between the States, can never experience the sensation which Cæsar denominates gaudium certaminis, which a favorite English-speaking poet has translated into the famous couplet:

# The stern joy which warriors feel In foemen worthy of their steel.

No more can we understand the respect and kindness which the Union and the Confederate soldiers feel for each other indeed, which they always felt for each other. The men who did the fighting never perpetuated the bitterness of the four years carnival of death. That was done by the stay-at-homes. But even they have ceased at last to stir up strife, and it is well.

Missouri is bound to Tennessee by strongest ties of filial affection. The greatest Missourian that ever lived—one of the really great statesmen of the Republic—Col. Thomas Hart Benton—though born in North Carolina, grew to manhood and began his high career at Franklin, Tenn. Many other distinguished Missourians, among them the famous Governor Joseph Wingate Folk, and several thousand of the sturdy citizens of that imperial Commonwealth, first looked upon this glorious world in Tennessee.

It is a well-known fact that immigration closely hugs parallels of latitude. North Carolinians settled Tennessee. Virginians settled Kentucky. North Carolinians and Tennesseans, Virginians and Kentuckians, together with the élite from every State and civilized country, settled Missouri originally and, to a large extent, Missourians have peopled the great West even to the golden shores of the peaceful ocean.

Pioneers leave their impress upon a State forever in a greater or less degree. If they are a virile race and immigration from stocks other than those from which they sprang does not pour in so as to greatly outnumber the descendants of the original settlers, then the characteristics of the pioneers always remain the dominant characteristics of that people—virtues, traits, habits, and even prejudices descending from generation to generation.

In no age, in no country, was there ever in any State a set of pioneers of higher qualities than the original settlers of Tennessee. Hers is heroic history from the time when William Bean built the first white man's cabin within her borders to the present hour. In all the elements of good citizenship they have had no superiors in the annals of the human race.

The roll call of her early soldiers and public men stirs the

blood of a lover of his country even at this late day.

John Sevier, Isaac Shelby, Andrew Jackson, John Coffee, William Carroll, the Donelsons, the Robertsons, the Blounts, the Overtons, the McNairys, the Searcys, the Davidsons, the Hardemans, the Lewises, the Cookes, Sam Houston, Davy Crockett, Hugh L. White, Felix Grundy, the Roanes, the Bells, and the Bentons are names to conjure with—part of the priceless treasures of the State and of the Republic.

What American worthy of the name is not proud to claim as countrymen the Tennessee frontiersmen who, armed only with squirrel rifles, utterly destroyed the gallant Ferguson and his trained veterans at Kings Mountain, thereby turning back the tide of invasion and starting Lord Cornwallis on his dismal and disastrous journey to Yorktown?

Who can read without increased pride in our country the thrilling story of the valor of the raw militiamen of Kentucky and Tennessee who, on January 8, 1815, converted Napoleon's quitclaim deed to us of the Louisiana Purchase into a general warranty deed whose validity no man may question?

From her entrance into the Union Tennessee has sent to the

councils of the Republic strong, clean, admirable, high-minded

Men who their duties know, But know their rights, and knowing, dare maintain.

She has given to the Republic three Presidents-Andrew Jackson, of heroic and blessed memory; James Knox Polk, to whose ability and achievements history has never done justice, and Andrew Johnson, to whose career history has done gross injus-tice. Only three States—Virginia, New York, and Ohio—have produced more Presidents.

Tennessee has also furnished her quota of Speakers of this House, Cabinet officers, ministers to foreign courts, and judges of the Supreme Court of the United States.

She has sent to our wars so many soldiers and of such splendid qualities that she has fairly won and proudly bears the title of The old Volunteer State.

Were the Republic fighting for her life to-day, she would in proportion to population send into the ranks of war as many soldiers and as good ones as any other State in the Union.

When I first came to Congress, Tennessee's Senators were Isham G. Harris, czar of her fierce Democracy, and Gen. WILLIAM

B. BATE, a soldier of two wars.

General Bate stood high as a lawyer. He held many minor civil offices; was twice governor of Tennessee; was elected to the United States Senate for four full terms, dying in the beginning of the fourth. In every position he held he discharged his duties with capacity, courage, industry, and fidelity. In politics he was a robust, patriotic partisan, and ever stood ready to both assert and defend the political faith in which he was born, in which he lived all his days, and in which he died.

In his youth he served in the Mexican war, being mustered

out as a lieutenant

In his prime during the war between the States he volunteered as a private and fought his way to the double stars of

a major-general.

There is little doubt that his magnificent record as a soldier was the chief cause of his becoming governor and Senator. Carl Schurz in his Life of Henry Clay sagely remarks that the American voter likes the smell of gunpowder upon the garments of his Presidential candidate. He might have extended his dictum so as to include candidates for offices of all sorts and sizes

General Bate was a fine sample of the American volunteer soldiery, upon which we have always chiefly relied, and upon which we will chiefly rely so long as the Republic endures; for our people without regard to political creed are opposed to a large standing army. In this country so few men desire to be soldiers that in times of peace it is difficult to keep the ranks of our small Army full; but under necessity every American citizen is a possible soldier, intelligent, patriotic, brave.

The greatest European commander since Napoleon was once asked if he had studied the campaigns and battles of our Union and Confederate armies during their titanic struggle. He answered that he had no time to waste studying the campaigns and battles of armed mobs. Perhaps if he had run up against the combined armies of Grant and Lee he would have modified that cavalier opinion very suddenly. I rejoice in the faith that the average American citizen rises equal to the duties of any position in which he finds himself, and I believe, furthermore, that when our great war closed there were marching in the ranks of the Union and Confederate armies, carrying muskets as privates, thousands of men who would have made capable colonels, brigadiers, or even major-generals if promoted on the instant.

Having fought all he could during the four awful years of fratricidal strife, General Bate quit fighting when peace was declared and courageously, resolutely, and intelligently bent his splendid energies to building up the waste places of the South. It is pleasant to remember that he lived long enough to see her rehabilitated and enjoying that great prosperity which is only a prophecy of her greater prosperity in the days to come, for no man saw with clearer vision that the development of the natural resources of the South is only in its beginning and will ere long make is the marvel of the world.

He was a modest, unassuming, Christian gentleman of the

old school, justly proud of his career, both civil and military. His countrymen are proud of him and warmly cherish the memory of this veteran soldier and statesman.

Except for the local reference, the fine lines of good Sir Walter Scott are applicable to General BATE:

Soldier, rest! thy warfare o'er,
Sleep the sleep that knows not breaking!
Dream of battled fields no more,
Days of danger, nights of waking.
In our isle's enchanted hall,
Hands unseen thy couch are strewing,
Fairy strains of music fall,
Every sense in slumber dewing.
Soldier, rest! thy warfare o'er,
Dream of fighting fields no more;
Sleep the sleep that knows not breaking,
Morn of toil, nor night of waking,
No rude sound shall reach thine ear.

Armour's clang, or war-steed champing, Trump nor pibroch summon here Mustering clan, or squadron tramping. Yet the lark's shrill fife may come, At the daybreak from the fallow, And the bittern sound his drum, Booming from the sedgy shallow. Ruder sounds shall none be near, Guards nor warders challenge here. Here's no war-steed's neigh and champing, Shouting clans or squadrons stamping.

Mr. RICHARDSON of Alabama. Mr. Speaker, I believe that it can be truthfully said that Senator WILLIAM B. BATE will be classed by his countrymen with the highest type of American manhood and true citizenship. That tribute he justly earned in the walks of his private and public life. In the varied and multiplied duties developing upon him from the time he entered. multiplied duties devolving upon him from the time he entered as a private soldier in the war with Mexico to the hour that his life went out in this city, on the 9th day of March, 1905, the guiding and controlling principle of his life was devotion to duty. During that long period of more than sixty years the people among whom he was born and reared again and again conferred upon him the highest civic honors within their gift. When the dark clouds of reconstruction were lifting and passing away, the people of the great State of Tennessee by common consent turned to him to bear their banner for the great office of the governor of his State. It was a time when a strong, honest, and brave man was needed at the helm. He triumphed, as he deserved to do, and his wise, able, and honest adminis-tration of that high and honorable trust stands memorable in the annals of his State.

His administration was characterized in every official policy and act by the unmistakable, living, and ever-present individuality of the man. As a member of the United States Senate, Senator Bate stood with the foremost for purity of character, the maintenance of public and official honesty, and unfaltering frankness in the expression of his honest convictions. Upon great public questions that he had studied and investigated no sentimental policy could influence him to refrain from expressing his honest opinions. He loved the truth, and his very nature revolted at evasion, deceit, and hypocrisy, coming from what-ever source it might. Like all strong, broad, and able men, Senator Bate was patient and tolerant of the views differing from his, and in his intercourse with his fellow-men was ever courteous, refined, and gentle.

Mr. Speaker, others better informed than I am will speak today on the career and life of Senator Bate as a citizen, his ability in the legislative and executive positions that he filled: but it is his record, his character, his life as a Confederate solder that equally challenges love and admiration, and about which I desire chiefly to speak.

I do not hesitate, Mr. Speaker, to say that midst the hosts of honored, noble, and illustrious men who led our southern armies in the great civil war none were more devoted in heart, mind, soul, and body to the cause of the South than was General WILLIAM B. BATE. In the early days of 1861, when the ominous mutterings of the fearful struggle that was soon to follow between the sections of the South and the North were heard, he promptly offered his services to his people, the people among whom he had been born and reared, the South that he loved, and entered the Confederate army as a private.

Without the aid of official help, but depending alone upon his courage, splendid judgment, and sagacity of leadership on the field of battle, he rose rapidly from the ranks to the high position of major-general of volunteers. He bore a conspicuous and honored part in all of our great battles under Albert Sidney Johnston, Hood, Bragg, and Joseph E. Johnston. He was the companion and close friend of the immortal Pat

Cleburne. When the future historian, who has yet to write a true history of our great civil war, and give credit to whom credit belongs, and paint in living words the honor, glory, and courage of the brave men who wore the gray and the blue, he will pause, then rest, when he traces the immortal trail of death—the march of Bate's Tennessee regiment—as it surged and reeled around the fire-crested summit of Snodgrass Hill, on the river of death, Chickamauga, leaving more than 67 per cent of men dead and dying on the field. Such dauntless courage, such reckless disregard of death, such willingness to give life for country, was never surpassed on any battlefield. I can not, Mr. Speaker, on an occasion like this, follow this great man in all the walks of his noble life—soldier, statesman, and patriot—but it is sufficient to say, in part memory of his matchless career in the army of the South, that in the last dying battle of the Confederacy, animated by the same unquenchable spirit of love and patriotism for the cause of the South that led him to volunteer in the earliest days of the war, General Bate, wounded, and with his crutch in his hand, led the last charge on the enemy's lines at Bentonville, N. C.

Truly can it be said of him, Mr. Speaker, that he greeted

Truly can it be said of him, Mr. Speaker, that he greeted the first bright cheering rays of the rising sun of the Confederacy, and after four long, bloody, and dark years, the lingering rays of that setting sun played mournfully upon him and his brave men as they made the last charge on the enemy's line.

Is it any wonder that such a record, such an inspiring and ennobling eareer, should call for the deep love of his Confederate comrades who linger behind him and cause them to speak

of him in the highest terms of praise?

Mr. Speaker, it rarely occurs in the life of a man that one incident, one event, unfolds his character in vivid and living colors. In the early part of our civil war a great convention was assembled at Nashville, Tenn., and after thoughful and patriotic consideration a call was made on General BATE to leave the field, come home, and accept the office of the governor of his State. The spirit that gave utterance to his reply ranks him as a patriot whose name ought never to die. Said he:

As a son of Tennessee and a southern soldier, I would feel dishonored in this hour of trial to quit the field. \* \* \* I had rather, amid her misfortunes, be the defender than to be the governor of Tennessee.

Such sentiments could only emanate from the heart of a man noble and grand in the image of his maker. The world has ever bestowed its choicest wreaths of honor and glory upon the patriot soldier.

The man who turns his back upon a high, glittering, and inviting civic honor, preferring hardships of camp life and the carnage of the battle, to stand with his country in her misfortunes, is the noblest type of God's creation, and deserves the

praise of his fellow-men.

While it is true that General Bate won the highest honors and on several occasions received the commendation of his superior officers for gallantry on the field of battle, it is also true that his example on his return home, under the shadows of defeat, deserve as much praise as when he fearlessly led his brave men into the jaws of death. Midst his stricken, disheartened, impoverished people he stood as a tower of strength. The devastation, the gloom, and the sorrow that greeted him from all sides, the cruelty and oppression that marked the days of reconstruction in the South, never dismayed or subdued his proud spirit. He had fought a good fight for a cause he loved, and in her ruins and ashes the South was dearer to his heart than in its days of glory, wealth, and power.

Repining over that which was lost was no part of his nature. To meet and prepare for the future of the South, to restore order, law, and peace where lawlessness prevailed, to weld again the broken links of the Union, and to restore the government of Tennessee and the States of the South to the hands of its white people was the great ambition of his life. In this noble work he steadily labored, and his people followed him as a trusted and wise leader. Such an example from such a man, under conditions existing at that time, can not now be estimated or understood as to its real value except by those who passed through the reign of terror that swept the South in the days of

reconstruction.

I do not hesitate to say that it was the example and wise counsel of such southern leaders as General Bate that stimulated and encouraged the brave and matchless soldiers of the South, who surrendered their flag under the orders of their great commanders—General Lee, at Appomattox, and General Johnson, at Bentonville—to submit peacefully to the wicked and studied usurpations and cruelties of the "Freedmen's Bureau" and the pillaging army followers, and gave their hearts and hands to the restoration of the Union.

A great and difficult work was before these brave men, and

nobly and grandly have they accomplished it.

It should be a profound satisfaction to the friends and admirers of this true and beloved son of the South that God spared his life long enough for him to realize that kind, cordial, and

friendly relations between the States of the North and the South for which he had so unselfishly and patriotically labored by precept and example had been fully restored, and that he died a citizen of a highly prosperous and reunited country.

Quite fifty years ago General Bate led to the marriage altar in my home town, the city of Huntsville, Ala., Miss Julia Peete, one of the most accomplished and charming daughters of the South. Reared midst the endearing associations of culture, refinement, and hospitality of a typical southern home before the war, this noble woman crowned and blessed her chivalrous husband and her home with a purity and tenderness of love and devotion that makes home the hallowed altar of domestic happiness,

love, and peace.

The people that I have the honor to represent on this floor—embracing the Valley of the Tennessee—have watched and followed General Bate with pride in his distinguished and honored career. We have rejoiced in his victories, and his death brought sorrow to our hearts and tears to our eyes. View him, Mr. Speaker, as we may, in either of the walks of life—civil or military—in peace or in war, in victory or in defeat, as a Senator of the United States or as the chief executive of his State, we find in Senator William B. Bate an unfaltering devotion to his convictions of duty, a quiet and submissive endurance under the trials of adversity—brave and tender—a character for purity and honesty untouched by the taint of suspicion, which entitles his memory to be held dear in the hearts of his countrymen.

Mr. JAMES. Mr. Speaker, we are told that the true measurement of the giant oak can be best taken when it is down. So it is with the life of a great man. In the presence of death all men are impartial; then envy has no hope to actuate it; malice has no motive to inspire it; ambition sees no genius in its path; history then becomes the unbiased witness. Judged by every standard, whether in the full glow of political life or at the journey's end, Senator William B. Bate has performed with marked ability in every position to which he has been chosen.

General William B. Bate was four times elected to the Senate from the State of Tennessee, and after having just entered upon his fourth term, on March 9, 1905, he was called to his last reward. Seventy-nine years of age, having served his country faithfully, and having distinguished himself in peace and in war, he laid down his burden with a name as spotless as his service had been. He typified in character, in courage, and in chivalry the Old South. He believed the Union was made up of equal States with equal rights, and that those rights which were representations are recommended. which were not plainly and specially given by the Constitution to the Union were specially reserved to the States. He was a lover of local self-government. He believed truly that the government governed best that governed least. He had confidence in the wisdom of the people; he did not believe in power being placed in a few hands, and he believed, too, that government amongst men derived its just powers from the consent of the governed, and therefore he opposed to his uttermost imperialism, whether it was the imperialism of England over the Boers, or whether it was the imperialism of America over the Philip-He would raise in front of the marching army of either the declaration that governments can exist among men only by the consent of the governed. He was a Democrat in the true meaning of that term, loyal always to his party nominee and faithful to its platform declarations. His whole official life was an exemplification of true Democracy. Tennessee has furnished many great men to the Republic. It furnished Jackson, who drove the Biddles out of power, who led the triumphant armies at New Orleans; furnished Polk, who defeated Clay; furnished Andrew Johnson, who succeeded to the Presidency upon the death of Lincoln. General Bate had the courage of Jackson, the brilliancy of Polk, and the adroitness of Johnson. Tennessee and the Republic may say of him that indeed "Ulysses has gone and left none behind him strong enough to bend his bow.'

General Bate was a Confederate soldier, and whether at Chickamauga or Snodgrass Hill or at Missionary Ridge, commanding Breckinridge's old division, or at bloody Shiloh, he was the same dashing, courageous soldier. In the last-named battle he was wounded, but holding to his crutch and forgetting his pain in the glory of battle, he rode up and down the line cheering the boys in gray. Fighting with that vast army of courageous southerners for the Constitution as the fathers taught it to them, he exhibited a courage and daring that finds no counterpart in the history of the world's wars. No panegyric pronounced by me could add to the glorious history of this devoted army in conflict for courage, for if all that constitutes that term in our language should be lost, the name of the Confed-

erate soldier would stand for it all.

Scarred by the battles of the civil war, wounded by the bullets of the enemy, with a broken heart and almost broken hopes, General Bate laid down the flag of the Confederacy and took up the Stars and Stripes and yielded to none in his loyalty to his Republic's flag. He folded the conquered banner, with its myriad recollections, with his manifold love, stained with his blood and consecrated with his tears, and laid it to rest. And then he turned his face to the stars upon his own, his country's flag, and knew nothing but devotion for it. Those who fought with him, who loved and followed him, are being swiftly gathered to the home to which he was called. When Tennessee called him to be governor during the conflict between the States, by the army camp fire he read her call, amid the roar of the can-non and the scream of the shells and the gleam of the bayonet. He said to his State that as much as he loved her and the great honor of presiding as her chief executive, his heart was with the boys in gray, and he refused to forsake what he thought was his duty to those around the camp fire while danger everywhere lurked about him. This is but an exemplification of the history and life of the man.

And what shall I say of Tennessee, the dear old Volunteer State? How sweet of her people that in the old age of General Bate she refused to retire him to private life, but almost at the end of life's journey his people reelected him, and the last delectable words which touched his ears were those of Tennessee's loyal sons, saying, "Well done, thou good and faithful servant."

He read by the last rays of life's setting sun another commission from his people. What consolation it must have been to this faithful old soldier, statesman, and patriot that Tennessee refused to drive him out into the night and storm in his old age. In all his service in public life the bony finger of suspicion never was pointed to him. In his life we may see exemplified the statement of the Good Book, which tells us that "a good name is rather to be chosen than great riches, and loving favor rather than silver or gold." He was rich in a good name, poor in worldly goods, yet he left behind him a career in public life that will shine like a column of light through the darkness of corruption and of avarice as a guide to the feet of the faith-

Truly it may be said of him that-He was a friend of truth, of soul sincere, In action faithful, in honor clear, Who broke no promises, served no private ends, Sought no titles, and forsook no friends.

Mr. BROWNLOW. Mr. Speaker, Tennessee has made more history than any State in the Republic, except Massachusetts and Virginia. In proportion to its population it did more on the field of battle to secure the independence of the United States than did any of the thirteen colonies, as Bancroft says substantially in his description of the battle of Kings Mountain. In 'second war of independence" it was the militia of Tennessee under its own incomparable Jackson, whose immortal victory at New Orleans shed imperishable glory on his State and country and led the conqueror of Napoleon to exclaim that "Andrew Jackson was the only really great general the United States had produced." In 1846, when the Secretary of War, William L. Marcy, called upon Governor Aaron V. Brown, of my State, for three regiments, its quota of troops, the governor responded tendering thirty-six regiments, to which the Secretary replied that "Tennessee would not be permitted to furnish the entire army for the war with Mexico."

In our deplorable civil war Tennessee exhibited its martial spirit by furnishing its full quota of soldiers to both armies, and better soldiers the world never saw. If those of the Union Army were more successful in achievement, it was because of the superb leadership of that Army's greatest generals—Grant, Thomas, and Sherman. If Tennessee's Confederate soldiers were less successful in battle than were their comrades of the Army of Northern Virginia, it was not because they were inferior in any respect, but because it was not their fortune to have Lee, Jackson, Longstreet, and Gordon for leaders, while it was their misfortune to have an obstinate President take from them a very great commander whom they all justly idolized—Joseph E. Johnston—and put upon them as commanders Bragg and Hood, whom President Davis made generals, instead of giving themcommanders whom God Almighty had made generals.

And yet, Mr. Speaker, such was the determined courage of Tennessee's Confederate soldiers and those of her sister States of the South that at Chickamauga the percentage of killed and wounded of both Union and Confederate armies was greater than was that of any battle of the civil war, despite the fact that the heroic men of the Confederate army had no confidence in the ability for leadership of their commander in chief.

The eagerness and unanimity of Tennesseans in responding to the call to arms have given to their State the sobriquet of Democrat in the State who pretends to be honest will justify

"The Volunteer State of the Union," to which my distinguished soldier friend from Ohio, General Grosvenor, has appropriately added that of "The Battle State of the Union," more decisive battles of the civil war having been fought within its borders than in any other State.

That a man should have as a soldier excited the admiration and won the hearts of a people of such martial spirit as those of Tennessee, of a State which has given to the country such heroes as Sevier, Jackson, Gaines, Farragut, and Forrest and the winners of Texan independence, Houston and Crockett, is of itself the highest attestation of his merit. This the late Senator WILIAM B. BATE did. To my colleagues who were of the political school of the lamented Senator I leave the task of reciting the events of his brilliant military career, confining myself to the simple statement that, enlisting as a private soldier in the Confederate army, he came out of the war a major-general, and that when the battle of Chickamauga opened he was on crutches from a serious wound; that despite this wound, which relieved him from all obligation to engage in that battle and which disabled him from mounting his horse without assistance, he gallantly led his division in the thickest of the combat, in which he had three horses shot under him and in which more men were killed and wounded than in any other command of equal number.

Of the 120,000 gallant men of the Confederate army from Tennessee, the only one whose career was more brilliant than that of General Bate was that of "the wizard of the saddle," Lieut. Gen. N. B. Forrest, who never had a superior as a cavalry commander and few equals. Of each it may appropriately be said, as it was of Robert Clive, the conqueror of British India, by Prime Minister Pitt, "he was a heaven-born general."

That General BATE should have had so strong a hold on the affection of such a people as those of Tennessee, with such a record as a soldier, is not surprising. Immediately after the great victory of New Orleans, Thomas H. Benton predicted that Andrew Jackson would be elected President, for the reason, he said, that "the majority of the American people love the man who has the smell of gunpowder on his garments;" and to the people of no State is this remark more applicable than to those of Tennessee. That General Bate should have commanded more of the admiration of the people of his State than did his comrade in arms, General Forrest, is because his civic virtues were worthy of his soldierly.

The political school of Hamilton and of "Light Horse" Harry Lee, in which I was educated, inculcated other doctrines than those held by General Bate, and these arrayed me not only in the ranks of his political opponents, but in those of my country-men who opposed the cause he so heroically upheld in our civil war. As a Republican, I speak of him as a Democrat of the Calhoun State rights school in deserved honor with that school of his party who freely shed his blood in proof of the sincerity of his convictions, and as a Confederate soldier whose fame was fairly won and has become an imperishable chapter in the annals of the great Commonwealth whose commission as a Senator of the United States he would have borne for a longer period than did any of his predecessors had not death, unfortunately, terminated that career before the expiration of the term to which he had just been elected by an almost unanimous

But the splendid record of General Bate as a leader of men on the field of battle was not his only title to the respect and admiration of the people of "The Volunteer State." His personal and civic virtues were worthy of his skill and courage as a soldier. Of ardent temperament, indomitable will, and zealous partisanship, he was possessed of the prejudices and virtues which necessarily attach to such natures, but he was capable of subordinating these to his inflexible sense of honor and justice. When his party divided in 1880 on the question of the payment in full of Tennessee's debt, General Bate supported the candidate of that wing of his party for governor-Hon. John V. Wrightwho favored preserving the credit of the State. Later during the four years he was governor he impartially and sternly enforced the laws and witheringly rebuked the men who dared appeal to him on the plea of party service or the social connections of the parties to remit the penalties imposed by the courts on the cowardly miscreants who carried concealed weapons which they murderously used in violation of law.

One of the most creditable features of his long and honorable life was his opposition to the corrupt machine of his own party in Tennessee, which, years ago, enacted an infamous election law for the express purpose of leaving nothing to chance of making fraud easy at the polls. The evil consequences of that infamous law were predicted by General Bate, and his predictions have been so completely verified that no

the wholesale frauds on the ballot which have been the invariable concomitant of every election which has been held under its nefarious provisions. To the credit of all the leading and influential Democratic newspapers of Tennessee it may be said that they denounce this infamously corrupt statute and demand its repeal. This corrupt statute was condemned by Senator Bate, who would sooner have been defeated for reelection to the Senate than to have owed his success to the stuffing of a ballot box or the forging of an election return, and his triumphant reelection the last time was achieved over the opposition of the political pirates who secured the passage of the law. Retribution has overtaken some of the authors and instigators of this iniquitous legislation, and the signs of the times indicate that it will overtake others of them as soon as a deceived and outraged people have the opportunity to put the seal of their condemnation upon them.

Mr. Speaker, death has stricken from the roll of the Senate the name of an incorruptible legislator. His remains lie buried under the soil of the State which delighted to honor him for more than a quarter of a century. His record as soldier and statesman is finished. We turn for a few hours from the dis-charge of our ordinary duties to pay this last sad tribute to his He was plain and simple in his manners and tastes. In the family, a model son, husband, father, and brother. In the walks of private life, an ideal citizen. In his religious views, he was strongly attached to the Baptist faith, and of that great church which has done so much for the development, civilization, and Christianization of Tennessee he was a consistent, worthy member. He was absolutely devoid of duplicity; he always spoke the truth; he was an honest man. So thoroughly was his reputation in that regard established that where he was best known his bitterest enemy would not dare insinuate that he had ever been guilty of hypocrisy or falsehood in public or private life or of fraud in any business transaction. He was firmly of the opinion that personal integrity and political dis-honesty are absolutely irreconcilable in the same person, and on this conviction he acted throughout his career, as William H. Seward said John Quincy Adams had.

Mr. Speaker, the qualities which I have ascribed to General Bate may well be emulated by some of his contemporaries upon whom accident or an inscrutable Providence has devolved the responsibilities of high official station. Upon many of them more brilliant gifts have been bestowed. But not of all of them can it be said, as of William B. Bate, he was truthful, he was honest, he was incorruptible. These are traits which Tennessee has always honored in any American statesman, and as a tribute to them, as developed in her soldier Senator, she now

lays the garlands of her love upon his tomb.

No Sybarite can win the praise Or laurel wreath of story; No calm, but storms for all who climb The stern Mont Blanc of glory.

Mr. STANLEY. Mr. Speaker, it is with unfeigned diffidence that I offer here, in the midst of these able and elaborately prepared addresses, a spontaneous and almost extempore tribute

to that soldier and statesman, William B. Bate.

The passing of this gallant and chivalrous scion of the South calls to my mind a scene in which there is strangely mingled the elements of pathos and sublimity. A few more days and the last sentinel will for the first time have fallen asleep at his post, and the last heroic defender of the lost cause will have joined his companions upon the other shore. We see the last line broken and shattered, as they pass silently and swiftly westward, one by one. Transfigured in the "golden lightning of the sunken sun," outlined in distinct silhouette against the many-hued splendors of a day that is done, they rise before us gray and grand, the rear guard of the most gallant band that ever careered o'er field of carnage or of glory. To-morrow we shall truly say:

On Fame's eternal camping-ground Their silent tents are spread, And Glory guards with solemn round The bivouac of the dead.

What men they were—these protectors of the homes, these fine exemplars of the chivalry of the South, with their high aspirations and modest mien-strange mingling of strength and tenderness, of courage and of courtesy.

It is of Bate, the soldier, I would speak, of Bate, the inspiring and perfect exemplar of the highest civilization, not of the

South only, but of the race.

We hear much of the provincialism of the South, of a civilization characteristic of and peculiar to those antebellum days. We speak of it with reverence, yet we treat it as a memory. What were the distinctive and distinguishing elements of that

civilization of which Bate was so peculiarly the embodiment? In what is it different from to-day? Where is the line, if line there be, between the old South and the new? Is it true that we have lost something, that we have left something far behind us? Is it true that these strangely gracious, knightly, courteous soldiers as they pass from the scene of action will leave no type or trace behind? If true, it is the saddest commentary upon the decadence not of the South only, but of the race. What were the characteristics, what the thought and purpose of that life, which pulsated in every fiber of this dead soldier's Dauntless courage, a devotion to duty so serious and sacred that it was a religion, a high and changeless reverence for woman, an idolatrous love of truth. These virtues marked the southern man, inspired the southern soldier, and sanctified southern life. Were they peculiar to that section south of Mason and Dixon's line? Was this their glorious provincialism confined to a brief era and a circumscribed section? Nay, verily! The deep rooting of these fine sentiments was not a growth—it was a heritage. It was the evidence not of sectionalism, not of provincialism, but of eternal conservatism. If the South differed from other sections, it was because other sections had departed from the most precious inheritance of their fathers, had retrograded, not they. If the South was broader, more liberal, or more generous than her neighbors, it was because others had allowed their souls to be cramped in the narrow channels of fanaticism or of greed. Older than its civilization or its faith, these ideals run like a silver thread through all the history of the Saxon race, and when history is lost in the twilight of time, they illumine the traditions of the rugged worshipers of Thor and Woden in the wilds of Sleswick and Friesland.

Tacitus, who alone among the ancient historians had a close personal knowledge of the manners and customs of the Saxons in their so-called "barbarism," declared:

The generals are chosen for their valor \* \* \*. They command more by warlike example than by their authority. To be a prompt and daring spirit in battle and to attack in front of the lines is the popular character of a chieftain. When admired for his bravery he is sure to be obeyed.

Those lines, written in the presence of the Saxon warrior and describing a civilization, if civilization I may call it, fifteen hundred years older than this, might be appropriately applied to that gentle, firm, courageous hero, Robert E. Lee, whose memory we commemorated but yesterday, who in camp was the beloved companion and comforter of his devoted followers, and in the dread hour of battle inspired them like a god.

In the heat of the engagementsays Tacitus-

the Saxon warrior hears the shrieks of his wife and the crics of his children. These are the darling witnesses of his conduct, the applauders of his valor, at once beloved and valued.

And how well his wild consort deserved his devotion and inspired his courage.

With one husband, as with one life, one mind, one body, every woman is satisfied; in him her happiness is centered: her desires extend no further, and the principle is not only affection for the husband's person, but reverence for the married state.

Ah, it was no new thing, this mixture of strength and tenderness, love and valor. In the midst of his wild environment, shut out in the darkness and in the fog, from the presence of his God, he worshiped truth as a divinity and woman as a goddess.

Taine, a Frenchman, pays this unwilling tribute to the Scandinavian savage:

dinavian savage:

Through all outbreaks of primitive brutality gleams obscurely the grand idea of duty, which is the self-constraint exercised in view of some noble end. Marriage was pure amongst them, chastity instinctive, Amongst the Saxons the adulterer was punished by death; the adulteress was obliged to hang herself, or was stabbed by the knives of her companions. The wives of the Cimbrians, when they could not obtain from Marius assurance of their chastity, slew themselves with their own hands. They thought there was something sacred in a woman; they married but one, and kept faith with her. In fifteen centuries the idea of marriage is unchanged amongst them. The wife, on entering her husband's home, is aware that she gives herself altogether, "that she will have but one body, one life with him; that she will have no thought, no desire, beyond; that she will be the companion of his perils and labors; that she will suffer and dare as much as he, both in peace and war." And he, like her, knows that he gives himself. Having chosen his chief, he forgets himself in him, assigns to him his own glory, serves him to the death. "He is infamous as long as he lives who returns from the field of battle without his chief." It was on this voluntary subordination that feudal society was based. Man, in this race, can accept a superior, can be capable of devotion and respect. Thrown back upon himself by the gloom and severity of his climate, he has discovered moral beauty, while others discover sensuous beauty. This kind of naked brute, who lies all day by his fireside, sluggish and dirty, always eating and drinking, whose rusty faculties can not follow the clear and fine outlines of poetic forms, catches a glimpse of the sublime in his troubled dreams. He does not see it, but simply feels it; his religion is already within. \* \* \* His gods are not inclosed in walls; he has no idols. What he designates by divine names is something invisible and grand, which floats through nature and is conceived beyond na-

ture, a mysterious infinity which the sense can not touch, but which "reverence alone can appreciate;" and when, later on, the legends define and alter this vague divination of natural powers, an idea remains at the bottom of this chaos of giant dreams—that the world is a warfare, and heroism the greatest excellence.

Upon that rude base, rugged, sublime, and eternal, mediæval chivalry was planted and to it, as to the Rock of Ages, the thought, the aspirations, and the life of the South were an-Chivalry was its natural result. It was the flower of which those simple principles were the root. Civilization and religion brought refinement and culture—brought the sweet amenities of life—broadened, sanctified, and ennobled the severe fiber of the Saxon chief. Follow him through time, see him clad in the gay garments of the cavalier, decked in plumes, splendid in court and camp, the Sidneys, the Raleighs, the Ruperts still retain beneath the gay exterior of a knight-errant the stern virtues of the Scandinavian warrior.

There never was a time in the history of the Anglo-Saxon race, from the invasion of Great Britain until the settlement of Virginia, that its highest thought, its holiest customs, its grandest endeavor were not inspired by those same sentiments which we designate "southern chivalry."

It was not persecution nor greed for gold that tempted the first settlers of Virginia and the Carolinas to brave the terrors and dangers of a trackless and unexplored ocean, or to endure the hardships and face the perils of the wilderness and the savage. They were filled with the spirit of high adventure; they were the lineal sons of the Norse kings, "who had never slept under the smoky rafters of a roof; who had never drained the ale horn by an inhabitated hearth;" who laughed at wind and storm and sang:

The blast of the tempest aids our oars; the bellowing of Heaven, the howling of the thunder, hurt us not; the hurricane is our servant and drives us whither we wish to go.

They carried the banners of heraldry and the scepter of power, planted them upon the smoky tops of the Blue Ridge, and bore them across the fertile fields of Kentucky and Tennessee and the undulating, far-stretching plains of the West, till at last they were mirrored in the Father of Waters and the placid bosom of the Lakes.

They multiplied in numbers, grew in prosperity and wealth, and in a higher and finer civilization. In their hour of ease and culture they were the exquisite models of "that generous loyalty to rank and sex, that proud submission, that dignified obedience, that subordination of the heart which kept alive, even in servitude itself, the spirit of an exalted freedom. The unbought grace of life, the cheap defense of nations, the nurse of manly sentiment and heroic enterprise. \* That sensibility of principle, that chastity of honor, which felt a stain like a wound, which inspired courage whilst it mitigated ferocity, which ennobled whatever it touched, and under which vice itself lost half of its evil by losing all of its grossness."

But they were never enervated by ease nor softened by civilization; they never deviated a hair's breadth from the rigid rectitude of their fathers; their sons preserved a changeless fidelity to duty, and their daughters a chastity as immaculate as

the snows upon the mountain peaks.

As illustrative of this fine idea of duty which ran in sunlight and shadow through all the life of WILLIAM BATE, and, as illustrative of its hold upon the race, I would recount a touching incident told of the battle of Cressy. It is said that when the gay and festive chivalry of France had dashed themselves to pieces against the fixed and immovable English columns, when the mailed hand of Edward III had crushed into the mire and blood of the ensanguined field the fleur de lis of France, then the blind King of Bohemia, unwilling to hear the death groans of his friends, unwilling to listen to the wail of disaster and defeat, unwilling to survive his companions, had his horse bound fast and tight to a charger upon either side, and between his trusty courtiers, guided by the turmoil and thunder of the fight, dashed to death. When night came and the pale moon looked down upon 30,000 slain, they found three horses standing like silent sentinels and three dead riders at their feet, and between his companions, with the seal of death upon his blind eyes, lay the brave old King of Bohemia.

A white triplumed crest dappled in blood still clung to his dauntless brow, and on it was inscribed the simple motto "Ich dien"-I serve. It thrilled five centuries of English history past and rang through a thousand years of civilization yet to come. The most martial of England's kings reverently lifted that simple crest and placed it, as a deathless laurel, upon the brow of his first-born son; and to-day, more precious than all the trophies wrung from Poictiers, Agincourt, or Waterloo, high above all the bloody swords and battered shields and tat-

tered banners taken in a thousand years of conquest, that has girded the earth and mastered the sea, old England still holds aloft that triplumed crest as the proud insignia of all her princes yet unborn and all her uncrowned kings.

I could write upon the tomb of WILLIAM B. BATE, with truth and with sincerity, the motto of the Prince of Wales and the dead Bohemian king-I serve. One single incident in his life portrays in rare and radiant colors his flawless devotion to duty. Wounded at Shiloh, his horse shot under him at Chickamauga, wounded again before Atlanta, ragged, emaciated, racked with pain, with pallid face and thin lips set, you see that heroic figure on his crutches amid his companions in arms. It was at this time that there came to him the tempting offer of civic honors, of ease and wealth and fame. Unsolicited, a grateful and trusting people laid at his feet the chief magistracy of a sovereign State. The old soldier was immovable, setting his face like a flint toward the foe, whom he knew was destined to ultimate victory, he took in his manly arms his wretched companions and sent back to those who would tempt him with office or power that message which shall thrill all Tennesseans in the centuries yet to come:

I shall accept no civic honor as long as an enemy of Tennessee desecrates her soil.

Yonder in front of the White House, carved from bronze that for ages shall defy the wasting tooth of time, is an inspiring figure—a horse and rider facing the foe, instinct with courage and with life, drinking delight of battle upon the bloody plains.

It was not necessary to inscribe upon its base the name of Old Hickory. I invoke the genius of sculpture and of art to place beside it a companion piece; not an equestrian figure, but one bowed and racked with pain, leaning upon a broken crutch, covered with the blood and dirt of battle, with his back upon honor, wealth, and ease and still facing, with resolute and unfal-tering courage, gloom and disaster, death and defeat. Jackson and Bate, fitting companions on the field of fame, twin stars in the galaxy of Tennessee's deathless and deified heroes.

It is true that his dauntless band endured famine and disaster, wounds and pestilence and death for a lost cause, that the flag they followed, now furled forever, is a conquered banner. But that banner and its story-

Sung by poets and by sages, Shall go sounding down the ages, Though its folds are in the dust.

It is an unholy cause or a weak one that needs the vulgar seal of success. He who perishes in a bad cause is a victim; he who dies for a good one, lost though it be, is a blessed martyr. Can you try the deathless dead by the narrow standard of success? If the laurel must always crown the hero's brow, we shall leave Hannibal at Zama, Napoleon at Waterloo, Columbus in prison, and Latimer at the stake. Proudly and

I sing the hymn of the conquered, who fell in the battle of life,
The hymn of the wounded, the beaten, who died overwhelmed in the
strife;
Not the jubilant song of the victors, for whom the resounding acclaim
Of nations was lifted in chorus, whose brows were the chaplet of fame,
But the hymn of the low and the humble, the weary, the broken in

But the hymn of the low and the humble, the weary, the broken in heart,
Who strove and who failed, acting bravely a silent and desperate part;
Whose youth bore no flower on its branches, whose hopes burned in ashes away.

From whose hands slipped the prize they had grasped at, who stood at the dying of day
With the wreck of their life all around them, unpitied, unheeded, alone,
With Death swooping down o'er their failure, and all but their faith overthrown.

While the voice of the world shouts its chorus, its pæan for those who have won,
While the trumpet is sounding triumphant, and high to the breeze and

While the trumpet is sounding triumphant, and high to the breeze and

Glad banners are waving, hands clapping, and hurrying feet
Thronging after the laurel-crowned victors, I stand on the field of
defeat, In the shadow, with those who are fallen and wounded and dying, and then

Chant a requiem low, place my hand on their pain-knotted brows, breathe a prayer, Hold the hand that is helpless, and whisper, "They only the victory

Hold the hand that is helpless, and winsper, win win win have fought the good fight, and have vanquished the demon that tempts us within; Who have held to their faith unseduced by the prize that the world holds on high; Who have dared for a high cause to suffer, resist, fight—if need be, to die."

Speak, History, who are life's victors? Unroll thy long annals, and say Are they those whom the world called the victors—who won the success of a day?

The martyrs or Nero? The Spartans, who fell at Thermopylæ's tryst, Or the Persians and Xerxes? His judges or Socrates? Pilate or Christ?

Mr. LAMB. Mr. Speaker, on this Sabbath day we turn from the busy scenes of life to the contemplation of death. We stand weak, powerless, and appalled before the last enemy, our very souls echoing the thoughts that thrilled the heart of the poet who described the last hours of the brave Greek:

Come to the bridal chamber, Death;
Come to the mother, when she feels
For the first time her firstborn's breath;
Come when the blessed seals
That close the pestilence are broke
And crowned cities wall its stroke;
Come in consumption's ghastly form,
The earthquake shock, the ocean storm;
Come when the heart beats high and warm
With banquet song and dance and wine;
And thou are terrible—the tear,
The groan, the knell, the pall, the bier;
And all we know or dream or fear
Of agony are thine.

WILLIAM B. BATE was a soldier of two wars, a patriot, a distinguished lawyer, a pure and able statesman, and a Christian

Devoted to his Southland and to his high ideals of duty, he never hesitated to give his time, his talents, and, if need be, lay down his life for the right as he saw it. A striking instance of his devotion to duty and high principles was shown in 1863, when though racked with pain and shattered by wounds he declined the honor and comparative ease and luxury of the governorship of Tennessee to remain in the army, saying:

As a son of Tennessee and a southern soldier I would feel dishonored in this hour of trial to quit the field. No, sirs; while an armed fee treads our soil and I can fire a shot or draw a blade, I will take no civic honor. I had rather, amid her misfortunes, be the defender than the governor of Tennessee.

Rarely have the marked characteristics of any man been so clearly portrayed in so few words. These were no idle sentiments; they were this man's early conceived principles, adhered to by him through sunshine and storm, through adversity and prosperity, to the close of a long and distinguished life.

A native of Sumner County, Tenn., he volunteered as a private in the Mexican war, in May, 1846, in Company F, Fourth Louisiana Infantry, and served with courage and fidelity in Mexico. In August, 1846, his company and regiment were mustered out,

and he received an honorable discharge as a private. He afterwards attended the law school at Lebanon, Tenn., and shortly after completion of his studies he was elected prose-cuting attorney for his judicial district, discharging the duties

with marked energy and ability.

A strong States-rights Democrat, he was an elector on the

John C. Breckinridge Presidential ticket.

Immediately after the bombardment of Fort Sumter he advocated secession by Tennessee, and on her call for State troops volunteered as a private, was shortly made captain of his company, and, a little later, colonel of his regiment. So conspicuous was his gallantry and efficiency that he was honorably mentioned by Generals Cleburne and Hardee, and on October 3, 1862, he was promoted to brigadier-general.

The Eufaula Battery under Bate fired the first gun on Friday evening at Chickamauga and the last gun on Sunday evening, and the war maps show that BATE led his men that day farther to the front than any other man. In this engagement Bate's brigade entered the fight with 1,055 muskets, and had killed and wounded 607 men. Every field officer in his brigade, except two or three, was either killed or wounded. After the battle President Davis followed in the track where Bate and his men had fought, and in less than thirty days Brigadier-General BATE of infantry was offered a major-general's commission of cavalry.

Many times he was severely wounded, and each time re-turned to active duty at the earliest moment he was fit for

For a more brilliant record for gallantry and efficiency and those sterling qualities that make our greatest soldiers we would search in vain. More love for his Southland had no man; none submitted to sacrifice and danger more cheerfully or followed the path of duty more strictly. Ability of the highest, ideals of the loftiest, an unstained sword, and a spotless character, is it any wonder that Tennessee delighted to honor her gifted and noble son?

He was no less conspicuous as a statesman than he was as a soldier. He served his State in peace with the same fidelity he had shown in war. He was defeated for the United States Senate by Andrew Johnson in 1870 by one vote.

Elected governor of Tennessee in 1882 and reelected in 1884. Elected to the United States Senate in 1887 and reelected in 1893, 1899, and 1905. He contracted pneumonia on March 4, 1905, at the inauguration ceremonies, from which he died.

His public and private life was exemplary; his military record a brilliant one. An able statesman, a consistent Christian, a noble citizen has entered on sleep.

Tennessee may well mourn and this House well honor this distinguished soldier, patriot, lawyer, and statesman, for it can be well said of him that he was indeed both "great and good."

In the death of Senator Bate another of the brave soldiers of forty years ago has answered the last summons and joined the

great majority.

In the Fifty-fifth Congress we had thirty-two ex-Confederates in this House and sixteen in the Senate. This Congress numbers eight in the former and twelve in the latter. They are falling almost as rapidly as they fell in battle. The brave men whom they met in conflict, and by whose deeds of valor they well measured their manhood and chivalry, are falling at the rate of 1,000 a month.

Our deceased friend and colleague was a conspicuous figure in an army that has been rarely, if ever, equaled for valor, self-

sacrifice, and devotion to duty.

The principles for which they fought and the righteousness of their cause is being recognized more and more by the world's best minds as the years pass by. It will not be many years before thoughtful men everywhere will be saying that possibly after all it would have been better for constitutional government and human liberty had the principles contended for in that struggle been established and maintained.

It is impossible to contemplate the passing away of these Confederates without calling to mind the conditions after their defeat that tried even more than war their courage and fortitude. We search the histories in vain for a parallel case to theirs. In this era of good feeling we do not like to dwell upon the helpless and almost hopeless condition of the southern soldiers and their families after Appomattox. Under good laws well administered it would have been a herculean task to restore their fallen fortunes. That they succeeded under all the evils of the worst legislation that ever affected a people is simply a miracle, and stamps them as the best, bravest, and truest men that have ever lived in all the tide of time.

The philosophical historian of the future will tell the wonderful story of their achievements in peace, and our children's children will set it to their credit as equal, if not surpassing,

the victories they had won in war.

Before the last old soldier joins his comrades on the other side he will see his beloved Southland stronger in material resources and side as a soldier point. sources and richer per capita than any part of the Union.

Treating the character of our deceased colleague as a type of the Confederate soldier, let me present this thought for the con-sideration of my colleagues and the friends of the deceased, as well as the reading public. The southern soldiers of the civil war were men of faith. They were raised in a period when faith was emphasized by the mothers of the South. The most momentous period for the South was from about 1840 to 1860. The character of the southern soldier was formed by their mothers chiefly during that period. It was a period of great prosperity and the fathers were making money. The wealth they then accumulated prolonged the unequal struggle for four years. The sons went to war strong in faith-not an ideal faith, mind you-not perfect, but sound and strong. if you will, the revivals in the Confederate army. It was won-derful. The strongest in faith remained to the last. The gentlest are always the bravest. They held many weak-hearted and weak-minded to their part by the powerful influence of example. Then those of most faith were often the first to fall. Death loves a shining mark, both in war and peace. We missed them daily and often said, "This can not last; all will be killed." But many returned. They and their sons have made

this Southland to bloom as a rose.

They have set an example of faith that has been an inspiration and uplift to their fellow-citizens of this Republic. The Confederate soldier was an optimist during the war. He has been one since. He lived on faith and he fought with faith. Unfortunately many of them are living on faith alone now. In part, through his example, an atmosphere of faith has been created in our country. This faith has been quickened by science, literature, and poetry, all drawing inspiration from the Father and His Word. Could our colleague wire us from the spirit

world to-day he would say with Browning:

God's in his heaven, All's right with the world.

Or from Death in the Desert:

I say the acknowledgment of God in Christ, Accepted by the reason, solves for thee All questions in the earth and out of it, And has so far advanced thee to be wise.

Or from the best illustration of faith ever written, he would give us this from In Memoriam:

Strong Son of God, immortal love; Whom we, that have not seen Thy face, By faith, and faith alone, embrace, Believing where we can not prove.

Mr. DE ARMOND. Mr. Speaker, this is an occasion for speaking words of soberness and truth concerning a departed friend. It is so much a characteristic of our people and time to exaggerate in praise, and possibly to blame too much, that one of the most difficult accomplishments is to measure accurately a man's character and work and to express in terms of sobriety and truthfulness the estimate formed.

General Bate, as we knew him and as others before us knew him, was a man of high character and heroic purpose. He was a man of undoubted honesty and courage, a man who, unlike a large majority of us, had his own views of things and measured and directed his own course of conduct in accordance with those views. Most of us, chameleon like, take on the hues of our surroundings and change from time to time as they change. There are a few who seem to have an inner controlling life of their own, which colors things about them instead of taking color from objects and incidents with which they are brought into contact. Most of us in our little voyage through life hug the shore and forget the stars, and so are guided or misguided by the weak, near-by lights that shine dimly through the fog.

There are a few who seem to steer by the pole star, who get their light from the distance, beyond the mists, a light that, unvarying, faints not, changes not; and through the years of life, be they few or be they many, their bark is steered in a steady course by a fixed, unfailing light. General BATE seemed to be a man of that kind.

A soldier in the Mexican war, as a young man he shouldered his musket to go to distant fields of carnage and glory in the heroic day of a generation now gone. He illustrated, as hundreds of others did upon many a bloody field in far Mexico, the heroic qualities which characterized him and characterized the American soldier of that day, and, as we think, characterize the American soldier of every day. He made his way in civil life honorably, studiously, and courageously, having fixed principles and a steady hold upon them. When the warning notes of the great strife between the States came, when the storm long brewing broke, and the fateful bugles stirred the martial spirit of a proud, brave, confident people, it was natural that he, as it was natural that his neighbors also, should volunteer, and did volunteer, to fight under the banner of the stars and bars.

It would be surprising if he had not been a good soldier in that trying civil-war time, because he had given evidence and promise of the possession of the qualities necessary to make a good soldier. It was a time when the chivarly of the South, the manhood of the South, the courage and devotion and sacrifice of the South were challenged for all they were worth. Saying nothing—and here is not the time to say it—as to the causes of the war, or whether the war might have been avoided, or who was most at fault, or who was most in the right, the real test put up to the southern people was that of meeting at the threshold of home an invading force, a hostile army—an army of their brethren, it is true, but brethren in arms warring against them. That brought out, as it necessarily would bring out in that age or in any age of our country under any circumstances, the fighting forces and heroism of the old South.

General Bate was not an exceptional man in that great contest. There were few exceptional men in it. It was a contest in which nearly all were heroes, some in humble position in the ranks, charging with the bayonet, resisting the bloody onslaught; some in the garb of officers and with sword in hand; but in general it was a warfare of heroes, and the man who was not a hero in the strife was the exceptional man. This man of whom we speak to-day bore himself well in that war, as so many hundreds, so many thousands and tens of thousands of others, did. That he was sincere and that he was honest, that he was devoted to duty as he saw it, he gave, as so many others gave, the highest and final evidence, the conclusive proof, putting up his life as a risk, as a stake of the contest, and offering it a ready forfeit for success and against failure.

Shattered and broken in the conflict, wounded, sore, and bleeding, he still clung to his standards and clung to his sense of duty; still braved the dangers and the horrors of the battlefield. It was grand and heroic; it marked the character of a man made of the stern, sturdy stuff that is not exceptional, but rather characteristic of the American citizen. After the war,

after the bloody strife had ended, after the cause was indeed a lost cause, lost forever, after the old Stars and Stripes again waved in triumph over the land, General Bate addressed himself, as so many thousands of others did, to the duties and cares and responsibilities of civil life, under sad circumstances, when everything was trying, when most things were depressing, and when but little was encouraging or inspiring. That in the period of rehabilitation following the war he acquitted himself bravely and well is undoubtedly true, and in speaking this truth we are speaking in honor of him and of those who shared the burdens and the cares, and, finally, the triumphs of those years.

It was perfectly natural that General Bate should be honored after the war by his people, as he was honored, in being made governor of a proud State and Senator in one of the greatest legislative bodies known to civilized man. That he acquitted himself well in these official stations is a credit to him, and no surprise to those who knew him. The South has honored her heroes, and has loved to honor them. There is, however, still left by the war that sentiment which prevails somewhere and manifests itself now and again, and that, not in the South, but somewhere else does put a certain kind of handicap upon the man who cast in his lot with the lost cause, and who in the terrible war wore the garb of gray, or who is a dutiful son of the South. Surely the South has shown a loyalty and devotion to the men who stood by her and fought for her in the dark and trying days of '61 to '65. These old heroes, as also those who fought against them, are fast passing away. The great majority are already numbered with the dead, and those who still linger are advancing in years and soon will pass over the great mystic river that all of us must cross. North, south, east, and west, as we get further and further from the bitter memories of the war, and as we paint in brighter colors and dwell in more loving phrase and more kindly thought upon its many glorious deeds, they are honored and revered more and more, whether they wore the blue or the gray. Only yesterday, all over the Southland, at many places in the North, and in lands beyond the seas, the memory of a southern soldier, one of the greatest men, not only of our own country and age, but of all countries and all ages, was strikingly honored in the celebration, in solemn and glorious form, of the one hundredth anniversary of his birth.

It is very difficult to speak of the living justly, kindly, and bravely. It is even more difficult to speak of the dead as real facts, tempered by mercy and charity, and yet guided and directed by courage and honesty, would suggest. As we come to the portals of the grave, as we bend over the bier of the departed, as we linger about the mound covered with flowers, under which rests him who was but no longer is of this world, judgment seems to surrender control, moderation to give way to extravagance, and we too often lose ourselves in an infinitude of meaningless phrases which sound and roll but signify nothing. Of this man it can be said-and if he could hear what we are saying, if it were possible, as it may be, for him to revisit these scenes and to know this afternoon what we are doing. I believe it would be pleasing to him to hear us in sincerity speak it of him-that he was a sturdy, honest, manly man; not the greatest man who ever lived, not the man upon whom ought to be piled the most exuberant utterance and the loftiest sounding words that our language may afford, but one who may be spoken of honestly and moderately as a man of the common people, honest to the core, true to principle and to friends and to duty; a man who hewed his way through life without asking odds of any, who never hesitated to strike when it was a duty to strike, and who never inflicted a needless hardship or a wrong upon any men consciously or knowingly.

We can say of him in moderation things which can be said truthfully of very few of us, and those things are words of praise—a good man, a true man, a brave man, a reliable friend and a faithful public servant, honest in the relations of public life and private life, ready to concede to others all that he asked for himself, demanding for himself nothing but what he regarded as his right; standing sturdily, whatever the odds or whatever the circumstances, where he thought duty required him to stand; opposing what he thought ought to be opposed and forwarding as far as he could what he thought ought to be advanced. This is a noble type of a sturdy manhood; this is a man out of the setting of the old age; a man who grew up in the pioneer days, who was disciplined and strengthened and developed in the hard times of the frontier, where the sturdy virtues shine, when the ornamentation of which we know so much to-day was absent, when men were esteemed for what they were and not so much for what they appeared to be, or for what

the adornments of wealth could add or what the blandishments of influence or power might give them for their brief day.

This man grew up in the wilds among a sturdy and heroic people. He was one of them. Their characteristics were his characteristics. He illustrated through his life just what he was. It was easy to know what he thought upon any question. It was easy, once you knew him, to anticipate what he would do in any particular emergency. He was not a man who sought to display all the attractive qualities that he possessed. He never sought to magnify himself or exploit himself. He was ever ready to hear the call of duty; but he never pushed himself forward; he was a plain, substantial, reliable, good man; a thoroughgoing, conscientious, faithful, devoted public servant; absolutely honest, incorruptible; a man for whom the blandishments of power had no charm, a man who never was affected by the frowns of those who might be above him, and never was swerved from any duty of his post by the sycophancy of those below him, who desired to accomplish something through him.

Mr. Speaker, the greatest thing about a man after all probably is the essence of real character. Now and then, and indeed frequently, you meet charms and graces and power of in-There are always to be found in the broad walks and tellect. in the narrow paths of life, everywhere, at all times, the excellent virtues that belong to good-fellowship and home, a kindly spirit and lovable disposition, the sturdy uncomplaining courage and patience with which burdens are borne, a modesty which is captivating; but seldom, oh, so seldom, is there combined, as there was combined in that man of whom I spoke a moment ago and whose memory now is a world memory, whose story is the story of the ages, whose example is for all time, that consummation and sublimation that gathers together all of perfection as nearly as it is possible in human form to find it, all of the graces and charms, all the strength, moderation, and restraint, all the breadth and generosity of the ideal yet real man.

Of course I speak of that rare man, Lee, of whom they spoke yesterday and last night—the man whose name is ringing down the aisles of time and whose memory will be as shining an example for thousands of years as it is to-day, aye, ten thousand years from to-day, if there be no hiatus in history, as it is now; of that grand old chieftain under whom General BATE fought with dauntless courage, who was not only great on the battlefield, but great in the council and transcendentally great in the elements of manhood and all things that go to illustrate the character of the gentlest, proudest, loftiest, noblest soul that our God in his wisdom, in the ages that have gone and in the time that is, ever breathed into one solitary human being.

Speaking of these sturdy qualities of General Bate, one is reminded almost irresistibly of the magnificent personality, of the matchless qualities, of the human completeness of his great commander. They have crossed over the river; they are gone to the other side; and the more we dwell upon them and the more we pattern after their virtues and their excellencies the better for us while we live and the better for our memories after we

Mr. ROBINSON of Arkansas. Mr. Speaker, we have assembled to commemorate the life, the character, and public services of Senator William B. Bate. Arkansas joins with her sister States in expressing a sense of appreciation for the virtues of that faithful, favored, gifted son of Tennessee, who moves no more among the living.

From a consideration of his long, eventful life, crowned with every honor human love could give and fruitful of every benefit his efforts could confer upon his people, we learn the wisest lesson finite minds can grasp—the merit of right living. In this solenn hour, made sacred to his memory, we recall his un-wavering fidelity to duty, his lifelong loyalty to manly honor. These are the pillars upon which his character was built. The achievements of selfish ambition are transient. The crowns they bring to weary brows soon crumble into dust. Their laurels wither in an hour. Their monuments are quickly obscured beneath the sands of time. But the monuments which patriots build defy the wrath of storms and master the might Self-sacrifice and devotion to duty are the and blight of time. most enduring attributes that adorn the soul. In the life of Senator Bare these qualities predominated.

There is a fullness, a completeness in his career that calms our grief and thrills our hearts with inspiration. For almost eighty years he lived to bless the world with noble thoughts and generous deeds. Those eighty years were crowded with important events to our nation and to the world. The highway that he chose in life was never devious. It was straight from the hour of his birth to the hour of his death. Like a lane between open fields, it ran all the way without one crook or turn. It was bright as the shining pathway of the just.

Few men live so long as he lived. Not many lives are filled with honors such as crowned his brow. It was given to him to serve his State and his nation in many positions of exalted trust. He always kept the faith. He never failed to do his He guarded with sacred fidelity every interest intrusted to his care. His life was rich with varied experience. He knew all the hardships of physical toil, the peace of well-earned repose, the elation of success, the uncertainty of combat, the glory of triumph, and met with fortitude the high tide of defeat. Two things he never knew: Fear and dishonor. The great charm of his life story is that through all his years, through reverses and successes, his character remained un-changed, unsullied, and his name unstained.

Whether we think of him as a lad working in the sunny fields of Tennessee within sight and sound of the spot that gave him birth, or as a clerk on a steamboat that plowed the bosom of the Mississippi in the days when railroads were almost unknown; whether we observe him as a private soldier following with intrepid courage the Stars and Stripes in the war with Mexico, or leading the dashing battalions of the Confederacy amid scenes of bloody combat in the civil war; whether we contemplate him as State legislator, lawyer, public prosecutor, Presidential elector, governor, or Senator, he is the same humble yet indomitable spirit, always guided by heroic courage and

unfaltering resolution.

He was as gallant in battle as the "Bravest of the Brave." When the civil war began, he was among the first Tennesseans to enlist in the Confederate army. Had either the State or the nation called alone, he would have responded joyfully, for the fear of danger never moved him. Had either Tennessee or the United States called him to arms against a foreign foe, his heart would have leaped to the contest, for the love of battle stirred him. But the call was the cry of Tennessee against the Union. Let no man living doubt that this ordeal was severe. To him who had known the glory of the Union flag and uplifted its fair folds in victory in a foreign land, the test was awful. But the brave man never faltered. He believed that Tennessee was right, and he went to battle under a strange, new flag, against the banner that his services in Mexico had helped to sanctify to freedom. We see him, wounded at Shiloh, his horse shot under him, in the very chasm of the conflict; we behold him at Hoovers Gap, holding at bay with a few men the army of General Rosecrans. He stands by the river of death, wel-coming with open arms the oncoming foe when Chickamauga's carnival of death begins. We see him fighting at the head of his troops, undaunted, fearless, pressing farthest to the front. One thousand and fifty-five brave hearts charge into the conflict with him. When the fury of the battle is spent, six hundred and seven of them lie dead or wounded on the field, and among them lies almost every field officer in the regiment. He stands like a mountain of valor between Bragg's retreating hosts and utter rout at Missionary Ridge.

At Resaca he is breasting the flood of death and driving the enemy before him. He plunges into the trenches at Dallas and grapples hand to hand with his foes. Leading the flank movement under General Hardee, he precipitates the bloody battle He is next falling in wrath on the Federal at Eutaw Springs, and plucking from its steady grasp the Union standards with the arm of victory; wounded again, he soon returns to his duty, and we see him with Hood fighting against fate through the disastrous Tennessee campaign. He faces death and baffles despair at Franklin, leading his soldiers into the enemy's trenches, and inspiring them by his own example to deeds of reckless daring. Behold him at Nashville when "the ranks are rolled in vapor and the winds are laid with sound," his regiment surrounded, himself still suffering from a wound, cheering his men to deeds of hopeless daring by the well-known signal of his crutch waved in mid air. He followed with the heroism of despair the receding tide of the Confederacy as it ebbed back into the Carolinas, and at Bentonville displayed unequaled valor, although he must have known his cause was doomed. When at Greensboro, N. C., May 1, 1865, he accepted his parole, he surrendered hate and malice, and resolved to start

in life anew.

In that great war every battle produced a thousand heroes. In all the hosts that went to strife from 1861 to 1865 there was no braver soldier, no truer patriot, no nobler man in either army than WILLIAM B. BATE.

In politics, Senator Bate was a Democrat. He believed in the doctrine of States rights-the right and power of a State to govern itself in all matters of local concern. He thought that the States, having created the Federal Union, had the right to dissolve it when a cause arose that seemed to the State to justify such action. When the question of the right and power of a State to secede from the Union had been determined against his views, he accepted the construction written with the sword by the hand of war on the Constitution in letters of blood, and, acknowledging the indissolubility of the Union, sought with sublime earnestness to preserve the liberties of the people and the rights of the States under the Constitution and within the Union.

When the war had passed and peace had come again to bless a reunited country, he began the practice of his profession, pursuing it with diligence and patience. As a lawyer he was successful. It is written that his services as public prosecutor were characterized by that high sense of duty and regard for ethics that seemed to inspire him in every relation of life. He served his party in its conventions and as Presidential elector, and was called by the people of Tennessee to the governor's office in 1882, and again in 1884 he was elected to that exalted position.

The last phase of his career began with his election to the United States Senate in 1887. How well he discharged the duties of Senator may be determined from the fact that for four successive terms he was elected to represent his State. The records of the Senate disclose that he was foremost in securing legislation for the advancement and improvement of agriculture. He resisted with all his power the attempt to pass the force bill. He maintained that the people of the States are capable of holding their own elections; that to impose Federal supervision of elections in the State is an unwarranted trespass by the General Government upon the right and power of the States to govern themselves. The defeat of the force bill was encompassed, and Senator BATE was reintrenched in the affections of the people of the South. He stood firmly against the forced alliance of Arizona with New Mexico, and ended his Senatorial career with a victory in behalf of what he deemed self-government.

Senator Bate was a distinct representative of a type of Senator that is rapidly passing. The ex-Confederate soldier will soon disappear from the United States Senate. Since the close of the war the Southern States have attested their faith in the men who fought the battles of the Confederacy by uniformly lavishing political honors upon them. The most distinguished Senators from the Southern States during the last thirty years were ex-Confederate soldiers. They had been tried in the glow of a fiery furnace and the public knew them to be worthy of honor and of confidence. Only a few remain in the Senate, but their presence there evidences the love and confidence which they earned by valor and retained by fidelity. What a race of men they were! What hardships they endured; what privations they experienced; what difficulties they encountered; what disappointments they met with; what victories they achieved; what defeats they suffered! What valorous deeds they performed in war; what patriotic purposes prompted them in peace! Bravest of soldieries the wars of the earth have known, our nation salutes you. Scarred cheeks and empty sleeves are your badges of bravery; honor, your watchword; courage, your inspiration; hope, your emblem; imperishable glory is, and ever shall be, your reward!

On Shiloh's field, fertilized with the ashes of fallen heroes and washed by streams of patriots' blood, stands a monument to the name of Bate. His fame is linked indissolubly with the glory of that field. But in the homes of Tennessee, crowning her hills and nestling in the shadows that lock within their soft embrace her peaceful valleys, are monuments to his renown more enduring than marble shafts. Those monuments are the love of loyal hearts and the confidence of faithful friends.

the love of loyal hearts and the confidence of faithful friends.

Farmer, lawyer, soldier, statesman! Faithful old friend of the people. You sleep to-day in the bosom of Tennessee secure in the love of all her citizens. She has given to fame a thousand names immortal, but none more everlasting than your own. For your patriotism and moderation, your nobility of purpose, your indomitable resolution, the Republic mourns your death and reveres your memory.

Mr. MEYER. Mr. Speaker, I rise to second the resolutions commemorative of the life and services of Gen. WILLIAM B. BATE, late Senator from the State of Tennessee, who died in this city on March 9, 1905.

My acquaintance with the late Senator dates from the period of the civil war, when every true son of the South felt impelled to devote himself to her cause and to the protection of her soil.

I first met him during the north Georgia campaign of a hundred days, when, as was once described by the distinguished general himself, "every movement was a battlefield and every battlefield a graveyard; when for one hundred days cannons thundered and muskets flashed, and for one hundred nights the stars looked down on new-made graves and new battle lines stained with blood." In all these conflicts General Bate took a

conspicuous part. I remember vividly his courtesy and affability to me, a youthful staff officer, the more marked because of his commanding position.

Mr. Speaker, the story of Senator Bate's career has been told by faithful and loving eulogists. His career illustrates the beneficence of our institutions and how much may be accomplished under them by self-denial, hard work, inherent virtue, and earnestness of purpose. Young men may take courage from his example.

Born in the State of Tennessee, which he loved so well and served so splendidly throughout life, he received early an academic education, yet to broaden his practical knowledge and to maintain himself he worked as second clerk on a steamboat between Nashville and New Orleans. Later the military ardor inherent in the youth inspired him to enlist as a private throughout the Mexican war in Louisiana and Tennessee regiments, gaining an experience qualifying, training him for the brilliant career achieved in the four years of our bloody struggle.

Returning from the Mexican war, he applied himself to the study of the law, the profession of his choice, graduating from the Lebanon Law School in 1852. His rise was steady, crowded as the bar of Tennessee was by men of legal talents and acquirements, and even thus early his fellow-citizens conferred upon him many honors and evidences of confidence and distinction.

But Bate was much more than a sound successful lawyer and politician. He was not much beyond 30 years when the war began that involved our land in four years of desolatory conflict. The young lawyer was quick to take up arms for his State and section. Notwithstanding some military experience, he deemed it best to begin at the foot of the ladder. He enlisted as a private, but his capacity for duty as an officer, his industry, zeal, and high soldierly qualities soon secured for him a commission and steadily carried him through the various grades of lieutenant, captain, colonel, brigadier-general, and major-general, surrendering with the army of Tennessee in 1865.

Three times he was dangerously wounded, carrying the marks

of his bravery to his dying day.

This rise was not due to favor or influence. He won his spurs fairly by solid, enduring merit and by the faithful performance of duty.

He rose to high rank in an army of brave men and skillful, tried, heroic officers, in such a host as has never been excelled in the story of human achievement, virtue, and endurance. Fighting against terrible odds, imperfectly armed and equipped, ill-fed, having no reenforcements to draw upon, fighting long months a losing battle, we can now hardly realize the constancy and inflexible courage it required in the commander, the strain upon the officers and men, but every one who knew or who served with General Bate in those dark days bears witness to his wonderful heroism and his knightly qualities.

He was a man among men.

Those who knew him personally and the strength of his personal character knew also there would be—there could be—no duty that he would not perform, whatever might be the personal risk or sacrifice; whatever man could do in onset or to cover retreat in case of disaster he would be sure to do.

He was a hero in the midst of heroes. By these he has been judged, and so the verdict will stand forever.

His monument is the history of the western army of the Southern Confederacy.

When that unfortunate war closed in conquest, ruin, and humiliation for the South, General Bate returned to his work as a lawyer; but even then, when the road to public distinction seemed closed to the returning soldiers of the lost cause, men like these were the natural counselors and leaders of the people, though in private life. Energetic in peace as he had been in war, he aided in wresting control of his State from the unworthy grasp of camp followers and renegades, and assisted to rehabilitate her after the degradation into which she had been plunged by the remorseless hordes which had used her only for purposes of plunder and personal aggrandizement.

But, Mr. Speaker, capabilities such as General Bate possessed were not permitted by his fellow-citizens to escape further public service in behalf of his people. Soon after Tennessee again came into the control of her own, in 1882, he was elected governor, and reelected without opposition in 1884. In January, 1887, he was elected to the United States Senate, and took his seat March 4 following, to which he was thrice reelected, holding this great position to the day of his death.

And upon his entrance into that distinguished assemblage he found himself, indeed, in goodly and familiar company, many of them men who, like himself, had given their youth and blood to the cause in which he had borne so conspicuous a part.

Among them I may mention Berry and Jones, of Arkansas; BLACKBURN and Beck, of Kentucky; Joseph E. Brown and Colquitt, of Georgia; Butler and Hampton, of South Carolina; Cockrell and Vest, of Missouri; DANIEL, of Virginia; Eustis and Gibson, of Louisiana; George and Walthall, of Mississippi; Isham G. Harris, of Tennessee; Reagan and Coke, of Texas; Matt. Ransom and Zebulon Vance, of North Carolina, and Mor-GAN and Pugh, of Alabama—all of them bearing as eminent a part in the councils of the nation as they did in the campaigns and on the battlefields of the lost cause.

Mr. Speaker, I shall not dwell upon General Bate's career in the Senate. He led a quiet and simple life, such as the Senators from the South led in the old days when their thoughts and utterances were molding the doctrines of the Republic. But he was not an idle man. He neglected no public duty. wasted no time in dissipation or the pursuit of pleasure.

was a practical, laborious Senator.

He studied all the public questions that came up, and on these he formed his opinions quietly and firmly. Everyone knew where to find him.

Thoughtful, observant, studious, and upright, courteous, yet frank and truthful, when he did speak he proved himself an able thinker, a brilliant and forceful speaker. He did not go around seeking to make friends; he had no such art; but such was his perfect rectitude, his love of truth, and his courtesy that when he passed from the Senate to his great reward there was not one there who did not feel that he who had died was worthy to have been a senator of Rome when Rome survived.

Tennessee loved and honored her noble son, and in this she honored herself. Never once was her pride and confidence in him withdrawn or even weakened. Bate could not but know and prize this wealth of trust and affection from his own people.

In the death of a man of the stamp of Senator Bate a whole nation sustains a loss. No man breathed who was more sincerely devoted to the best interests of his country, and his career as a Mexican and Confederate soldier and in public life is jeweled with examples of his admirable devotion to duty.

The State of Tennessee was his pride. To her he brought commanding talents, patriotic purpose, and a zeal for the cause of her people's rights.

In the councils of his country he was eminent for his wis-

dom, his eloquence, and purity of character.

Mr. Speaker, there has been no epoch in the history of mankind when public trusts were more difficult, when to serve the state required higher ability and higher personal qualities than in the thirty years that followed the civil war, and especially from the public men of the South.

They had to face a tempest of passion and a bitter prejudice that often brought a feeling to their hearts akin to despair.

To plead the cause of a weak and conquered people; to conciliate without sacrificing honor and duty, to be frank and yet not offensive; to lift up and regain the liberties of a trampled, hated, distrusted section; to make apparent all the good faith and patriotism of their constituents without resorting to unmanly recantations or fulsome protestations; to be patient and yet strong under the most trying provocation; to know what to yield and when to be firm; to hope on and fight on to restore the material prosperity and political future of their constituents, these, and far more than I can describe, were their difficult tasks.

In all this great work the wisdom, thoughtfulness, and patriotism of an heroic man like Bate was an invaluable aid to Tennessee and the entire South.

If he had ambition, who shall blame him? It was an ambition not low nor selfish nor sordkl. It inspired him to serve his State and the Union, to help to building an impoverished and suffering section, and to increase the happiness and progress of mankind.

It is by such generous aspirations that humanity advances to successive triumphs and states become great and opulent.

But, now, Mr. Speaker, we must realize that the knightly figure has gone from our view. I mean the earthly part, the casket which contained the jewel, but we can still see in the mind's eye the affable presence, the courteous mien, the kindly frank tone, the countenance in which never lurked an ignoble thought.

In the feverish, fretful struggle of life, with so much in its daily strife and contention that is sordid, saddening, and repulsive, it is refreshing to turn aside and study the lineaments of one who was a sterling patriot, an heroic soldier, a wise statesman, a devoted husband and father, a true friend, a gen-tleman of the South, in whom every element of our nature seemed blended in harmonious proportions.

Mr. GARRETT. Mr. Speaker, in common with all Tennesseans, I have some knowledge of Gen. WILLIAM B. BATE historically. His life touched four generations of our State, his public activities were linked with three, and during at least two of them he loomed quite large in the thoughts and affections and imaginations of our people. I had very limited opportunity, however, for obtaining a knowledge of his qualities and characteristics by personal contact or association with him. It was not my fortune to form his personal acquaintance until less than two years prior to his demise. He was the first governor of our Commonwealth whose election I can remember with distinctness, and I was but a small boy when he began his service as a Senator. His last term in the Senate began on the same day that my first and present term in the House commenced, and he died five days after this date, so that I had no opportunity of being associated with him officially.

Subsequent to my acquaintance with him, however, I was sometimes in his society, and can recall with keen pleasure conversations enjoyed with him. From these I can and do bear versations enjoyed with him. From these I can and do bear cheerful testimony to the kindly spirit which he displayed and the generous suggestions, both helpful and instructive, that he offered. His advices with myself subsequent to my election to Congress were not confined merely to the details of official duties and labor, nor to the expression of opinions and views with respect to public questions and issues, but in a kindly and, it may be said, a fatherly manner he spoke with me upon the more delicate questions of official conduct and decorum. I remember that the thought or theory which he seemed most anxious to emphasize and impress was that entire frankness, accompanied by courteous demeanor, was at once the funda-mental duty of the public servant and the surest foundation for success, both temporary and ultimate.

The man who remains long in public servicehe said, in substance-

he said, in substance—
is brought face to face with many embarrassing and perplexing conditions. There are constantly arising contests between friends, confilets
between rival interests, both having claims upon him. Tact and courtesy and judgment must be displayed, of course, in such situations, but
the easiest way out, the way which will prove least embarrassing and
contribute most to the strength of the man among the people, is and
will always be an entire frankness, accompanied by firmness not less
pronounced because courteous.

There is nothing new about this thought, of course; it is as old as human society. But it is one which each generation must learn and can not be too often emphasized, and I deemed it a most praiseworthy act in that honored old public servant, standing in the gathering twilight of his splendid life—a life which had been crowned with rich honors and had as trophies the highest political prizes any single Commonwealth of these United States can bestow-to turn to one just entering, and that in early life, upon public activities in an official capacity and make this thought the uppermost and most emphatic.

The proof of that theory, if, indeed, sir, it may be called a

theory, was demonstrated quite conspicuously in General Bate's own career. He held five different official civil positions by election of the people. To one of these, the governorship, he was twice elected. To the Senate of the United States he was four To one of these, the governorship, he was times commissioned. He received political support from three generations of Tennesseans. In all, he served the people for thirty years in official civil capacities, and this service began twothirds of a century, almost, before it closed. If I remember correctly, he was never defeated but once when seeking public position. That was in 1875, when by one majority ex-President Johnson was elected to the Senate. And, sir, it has escaped my observa-tion in studying his history if in all that time there was one instance of his deceiving man or men; if he ever evaded or sought to evade a responsibility; if he ever failed to meet any issue of his long life at, at least, the halfway point. During his long career he was a central figure in many heated and impassioned contests. Think, sir, what changes were wrought within the span of this man's life. Measured by the history that was made and by the experiences which accompanied its making, he lived far longer than did the ancient patriarchs who dwelt in the eastern land in mankind's early forenoon. What passions, what poems, what romances, what vicissitudes and vitalities were incident to his age! All the records of human achievements through all the misty ages might be utterly destroyed—aye, effaced even from tradition and erased from human recollectionsave the records made within the years from his birth to his death and we should still have left accomplishments vast enough and great enough to appeal to highest human thought, to kindle the loftiest imagination, and to thrill human hearts with every delight and every despair which the spirit of man may feel.

age was a condensed résumé of all the ages that have been, an expanded expression of the thoughts that are, and a prophecy of

the things that are to be.

From its activities and accomplishments philosopher and poet and painter and publicist and all may draw an inspiration with which to grapple the eternal problems arising from mankind's mighty movements and a wisdom with which to solve them in that manner that will lead the race onward and onward toward the heights, even the beautiful heights that lie beyond the trembling stars. The epitome of all life is in that epoch; the past, with its passion and its power; the present, with its prayer and its praise; the future, with its dread and its dreams.

And, sir, it is not saying too much to assert that the superlative of all the achievements of that period are to be found in the history of these United States. With these far-reaching in the history of these United States. With these far-reaching activities the name of General Bate was linked, not always conspicuously, indeed, but often so, and always honorably. The contests in which he engaged were so environed that they brought into public view not only every quality of strength and every reserve power belonging to the man, but disclosed the flaws and exhibited the weaknesses as well. He emerged from them all not without criticism, it is true, but without a suggestion of shame or an insinuation of lack of moral or intellectual integrity. When you come to measure the manhood of a man, what greater encomium could be desired than that it may be truly said he fought always in the open sunlight, never evading an issue, never avoiding a question, never deceiving his fellow? So far as I am familiar with the record of General Bate, private and public, that may be truly said of him,

and, I think, sir, it is very, very fine.

He possessed firmness, too, as well as frankness. His will was inflexible after his judgment had pointed the way. Had it not been so I am thoroughly convinced that he could never have met with such long-continued success in receiving honors from the people of that State. A distinguishing, perhaps one may say the distinguishing, characteristic of the men of Tennessee whose names are most illustrious in our annals and are best remembered, and upon whom Tennesseans bestowed their bravest admiration and evidences of loyal love, was inflexible bravest admiration and evidences of loyal love, was inflexible determination, accompanied, it may be added, with aggressive, combative disposition. John Sevier, founder of the short-lived, romance-tinged State of Franklin and father of the eternal Commonwealth of Tennessee, upon whose simple tomb in the public square of beautiful Knoxville is inscribed the words "Thirty-five battles—thirty-five victories;" Robertson, who was to the Cumberland country what Sevier was to the Watauga; Houston, who laid aside the governorship of the State to enter the wilderness, from whence he emerged bearing to the sisterhood of States a new Commonwealth which he, with Austin, had founded and grounded; Jackson, whose ad sum will ring clear at every roll call of the immortals; Polk, who, as floor leader in this House, joined with another statesman whom Tennessee gave to Missouri in the bud of his intelligence and power, the great Senator Benton, to lead in rendering the Jackson Administration conspicuous forever, and who, when later elevated to the Presidency himself, gave to the country the most brilliant four years of his existence and the most successful administration in crystallizing into law the conceptions and policies in the public thought of the times of any in our history; Bell, the great ante-bellum Senator; Harris, the war governor and distinguished post-bellum Senator; Andrew Johnson, to whom a combat was meat and drink. In this Johnson, to whom a combat was meat and drink. list, which is but a partial one, of course, may be found conspicuous representatives of almost every shade of political thought during our ten and an hundred years of statehood, and the distinguishing characteristic of each, the quality which every Tennessee schoolboy first notes, was unyielding determination, combined with aggressive temperament. It is not putting it too strongly to say that General Bare was as inflexible as either of these and was of that type whom Tennesseans have most delighted to honor.

The details of his life have been sketched already with a refinement which leaves nothing to be desired. He was born upon historic ground, in the county of Sumner, near Bledsoes Lick, famed in the pioneer annals of our beloved State. This was one of the settlements of the Cumberland country established by the colonists who followed Robertson into the wilder-The history of that settlement pulses with interest. It has seemed to me that one of the most significant, as it is one of the proudest of its records, is that of the hundred and fiftyseven men distributed over the several settlements comprised in the Cumberland country, whose names were signed to the compact of government drawn up by Robertson, a hundred and fiftysix wrote their names in good round English with their own hands. I doubt if this is true of a half dozen other pioneer settlements in history. The future soldier and publicist received his early training among the first generation of descend-

ants of the pioneers, inheriting from his forefathers and absorbing from the tradition-saturated atmosphere about him a potent ambition and a sturdy self-reliance. Being in New Orleans as clerk on a steamboat at the outbreak of the Mexican war, he enlisted immediately in a Louisiana regiment sent to the relief of General Taylor, and was the first Tennessean to reach the scene of hostilities. When his term of enlistment in this regiment expired he joined the Tennesseans and served until the close of the war as lieutenant. Returning from that struggle, he established and for a time edited a newspaper in his native county. Not long after attaining his majority he was elected to the general assembly of the State, serving one Entering the practice of law, he was within two years made the district attorney of his judicial circuit, one of the most important in the State. In this capacity he served for six

In 1860 he was an elector on the Breckinridge-Lane ticket. With the first call for volunteers in the war of secession he enlisted as a private. He was speedily made captain of his company, and later colonel of his regiment, the second Tennes-He was with this regiment in its aid to Bee and Jackson see. He was with this regiment in its aid to Bee and Jackson at the first Manassas; desperately wounded at Shiloh; fired the first gun at Chickamauga; at Thedfords Ford on Friday, and the last as the blue line rolled down Snodgrass Hill on Sunday; again wounded at Missionary Ridge; fighting at Resaca, at Dallas, around Atlanta; back with Hood into Tennessee to lead his men into that awful hell of fire that flamed across the open field from the embattled earthworks at Franklin; aiding in the retreat from Nashville and its disasters; thence into the Carolinas to stand in the firing line on crutches as Joe Johnston struck the last blow of the Confederacy at Bentonville; from Bull Run to Bentonville-he began at the beginning; it was the end when he quit. For some years he turns to his profession, and then political life lures him again. The governership in 1882 and 1884, reuniting a divided party, setgovernership in 1882 and 1884, reuniting a divided party, settling the question of a State debt; the Senatorship in 1887, again in 1893; again in 1899, and again in 1905—and then that incident which lies beyond our ken and of which we can only speculate; a funeral in the Chamber wherein he had sat so long; a journey back to Tennessee; a lying in state, while the thousands of the youth and old men, of maidens and mothers, passed by to look upon the last link that bound the first generation of Tennessee statecraft to the fourth; the interment among his kindred at Mount Olivet. His casket, sir, was draped with, and I think I have heard that he was buried wrapped in the flags of two governments-one the cross of St. Andrew, the symbol of a government that was; the other, insignia of a Government that is and, pray God, shall be always. This was quite as it should have been. He loved them both; both honored him; he gave to both his bravest and his best.

I have spoken of the life. Of the death I do not care to speak. He lived well; he was brave; he was clean; he was honest; he was a gentleman; his fiber was sound. He embodied the high virtues which Tennesseans in common with all the world admire. I have frequently thought, sir, that Tennesseans as a whole were much less demonstrative of what is called "State pride" than are the citizens of many of her sister Commonvealths. From a knowledge of them, however, I am convinced that this is not because they do not entertain it. Somewhat reserved, perhaps, as is their "bent and quality," they are intensely jealous of the honor of their Commonwealth, scrupulously regardful of the characters of those they trust with public service, and they gaze with piercing eyes straight into the life of him who seeks their favor. They looked so upon General Bate; they found him good; they found him sound; they clung by him. They gave great trusts into his hands with a confidence begotten of their belief in their own power to discern the worthy, and he passed those trusts back to them clean, unstained, unsullied. They were not surprised because they knew it would, it must, be so. He maintained the integrity of his compact with them. He kept the faith—even the great faith of Tennessee-the faith of her fair traditions, the faith of her sweet traditions, the faith of her past glory, of her past great glory, the faith of her past love, her past fathomless love, the faith of her public virtues, of her unsullied public virtues

As in life they honored him because he was strong and brave and true, so now do they cherish his memory because he maintained unbroken every thread in the line of public luster and preserved the traditional loyalty to the good things of the soul and the great things of human relationship. He kept their faith. That was it. Through glory and through gloom he kept their faith, even the great faith of Tennesseans, and they are content, sir, quite content.

I have said that I do not care to speak of his death. I do not and I shall not in any language of my own. It was a part of the day's work, an incident in the great sweep and scheme of things. It means much—just how much we do not know. Some time we shall know, no doubt, but not now; that is, not The poet may know; the poet does know most among men, both of the things of earth and of the things beyond the earth. A great southern poet has written a great poem about death. In some respects it is the greatest of all his poems, and I think some lines of it are quite appropriate just here.

Sad mortal! Couldst thou but know
What truly it means to die,
The wings of thy soul would glow
And the hopes of thy heart beat high;
Thou wouldst turn from the Pyrrhonist schools,
And laugh their jargon to scorn,
As the babble of midnight fools
Ere the morning of truth be born;
But I, earth's madness above,
In a kingdom of stormless breath—
I gaze on the glory of love
In the unveiled face of death.

In the unveiled face of death.

I tell thee his face is fair
As the moon-bow's amber rings,
And the gleam in his unbound hair
Like the flush of a thousand springs;
His smile is the fathomless beam
Of the star-shine's sacred light,
When the summers of Southland dream
In the lap of the holy night;
For I, earth's blindness above,
In a kingdom of halcyon breath—
I gaze on the marvel of love
In the unveiled face of death.

In the unveiled face of death.

Through the splendor of stars impearled
In the glow of the far-off grace,
He is soaring world by world
With the souls in his strong embrace;
Lone ethers, unstirred by a wind,
At the passage of Death grow sweet
With the fragrance that floats behind
The flash of his winged retreat;
And I, earth's madness above,
'Mid a kingdom of tranquil breath,
Have gazed on the luster of love
In the unveiled face of Death.

Put beyond the store and the sun

In the unveiled face of Death.

But beyond the stars and the sun
I can follow him still on his way,
Till the pearl-white gates are won
In the calm of the central day.
Far voices of fond acclaim
Thrill down from the place of souls,
As Death, with a touch like flame,
Uncloses the goal of goals;
And from heaven of heavens above
God speaketh with bateless breath—
My angel of perfect love
Is the angel men call Death!

[Mr. MOON of Tennessee addressed the House. See Appendix,]

Mr. HOUSTON. Mr. Speaker, it would be a reiteration for me to recount the life and deeds of the distinguished man to whose memory we are here to-day to pay just and loving tribute. This has already been fittingly and eloquently done. But coming from the district which I have the honor to represent in this body and knowing the strong hold that Senator BATE had on the confidence and affection of the people of this district, I feel that I must voice in a few words the love and respect felt by that people for his name and memory

His State delighted to honor him while living and with unanimity mourned his death. His life illustrates the ends that may be attained by simple faith and unfailing devotion to duty and to his people is an ideal example of patriotism. He knew no halting at the call of duty and gave his utmost endeavor to every service that fell to his lot. Eager in the service of his country, he rushed to every post of duty. He gave his labor and shed his blood in her behalf. His chief characteristics were a devoted mind and an intrepid soul. He never swerved from the line of duty as he saw it, and no mortal danger ever

caused him to quail or hesitate.

As a member of the legislature of his State; as the attorneygeneral of his judicial circuit; as a private and lieutenant in the Mexican war; as private, captain, colonel, brigadier-general, and major-general in the civil war; as governor of his State, and as Senator from that State—in each and all these places of honor and trust he did his part faithfully and well. He failed in no instance to measure up to the full performance of duty. His official career before and since the war is written in the records of his State and of the American Congress. And I desire to insert with these remarks his military record in the Mexican and civil wars as furnished me by The Military Secretary This is his record as shown by the brief data of war, the un-

embellished statement of position held, and service performed. But the real record of this soldier is not portrayed in this short official recital; it remains yet for the historian to give

that record in its fullness. It lives in fragments in the minds and memories of his surviving comrades, as they were associated with different parts of his career. It is green in their hearts and will be until these hearts have stilled their motion. It glows in the traditions and tales that are the common heritage of the sons and daughters of southern soldiers. It lives in the song and story of his section and will be crystallized in American history when history shall, as history will, accurately set forth the valor and heroism of the gallant men who wore the

But his career in war was only a part of his life. another and a larger part of it that endears him to his people. When the war was ended he in good faith accepted the conditions and did all in his power to restore peace, that "blessed peace so dear to God and inappreciably valuable to man." Then in the ranks of the civilian he measured up to the loftiest standard. He who had so gallantly led his people on the field of battle was a conspicuous example and leader in the paths of With courage and patriotism he met the trying conditions of the days just after the war, and with patience, prudence, and moderation as his guides rendered signal service in tiding over this difficult period and restoring loyal allegiance to a reunited country. And later on, when again called by his people into public service as governor of his State, his administration was just and sagacious, and as a Senator his course was noted for its wisdom and absolute fidelity to every trust.

His career was marked by intelligent application and industry. The conscientious performance of duty was the doctrine that guided his every step, and the people of his State knew that in him they had a representative who could bring no reproach, but would reflect honor upon the State that so loved to honor him.

Mr. Speaker, the respect and confidence that the people of Tennessee reposed in Senator Bate was a treasure that a king should be proud of. And this treasure he earned by honest and faithful service to his people. In every walk of life he held their approval. That whole life was devoted to their service. In times of peace he labored for them; in times of war he led them in battle. As a civilian he served them with distinction; as a soldier his record is that of a hero. Three times he was danger-ously wounded in battle; still he was undismayed and fought on, maimed and crippled in body, yet undaunted in soul. His devotion was so great he could not hesitate or falter; his faith and purpose so steadfast he could not turn his mind from the course of duty, and no peril to himself ever checked him in that course. He fought a good fight. To his intrepid spirit was due the success of his life, and he attained his purpose and ambition in life to a remarkable degree. His career was rich in honors and ripe in years, but-

The hand of the Reaper Takes the ears that are hoary.

And at the age of almost fourscore he was gathered to his fathers. He was laid to rest beneath the sod of his own native State. His comrades buried him with the honors of war and his State bowed its head in reverent sorrow.

His natural instincts to do his whole duty on every occasion and his disregard of danger to himself was perhaps the cause of his sudden end of life. His attendance and part in the inaugural ceremonies of the President and the exposure resulting from it was more than his years and strength could stand. In a few short days the summons came. And the same high courage that had borne him through so many conflicts sustained him then and with fortitude and resignation he answered the last call. In that hour he was a conqueror still. He died the death of the righteous, universally lamented as a model of the true and the valiant—as an honest and earnest patriot.

The fairest treasure mortal times afford Is spotless reputation.

This treasure Senator Bate possessed in life, and dying left as a heritage to his people.

War Department, The Military Secretary's Office. Statement of the military service of WILLIAM B. BATE, war with Mexico.

military service of William B. Bate, war with Mexico.
WILLIAM B. Bate was mustered into the service of the United States at New Orleans, La, May 15, 1846, as a sergeant in Company F, Fourth Louisiana Infantry, to serve six months. The regiment arrived at Brazos Santiago May 26, 1846, and at Lomita, Mexico, June 4, 1846. He was honorably mustered out of service with his company and regiment, as a private, at New Orleans, La., August 14, 1846.

He reentered the service at Nashville, Tenn., October 2, 1847, as a private in Company I, Third Tennessee Infantry, commanded by Col. Benjamin F. Cheatham, to serve during the war, and was promoted to be first lieutenant of the same company October 8, 1847. He accompanied his regiment to Mexico, in which country it was stationed at the City of Mexico, Vera Cruz, Jalapa, Puebla, and Molino del Rey. Returning to the United States, he was honorably mustered out with his company and regiment at Memphis, Tenn., July 22, 1848.

CIVIL WAR.

WILLIAM B. BATE was elected colonel of the Second Tennessee Infantry, Provisional Army, May 6, 1861, and was appointed to that

position by the President of the Confederate States, to take rank April 27, 1861; was promoted to be brigadier-general, Provisional Army, October 3, 1862, and to major-general, Provisional Army, February 23,

27, 1861; was promoted to be brigader general, Provisional Army, February 23, 1864.

From May 26, 1861, to July 18, 1861, Colonel Bate and his reglement performed duty at Fredericksburg, Brookes Station, and other points between the Potomac and Rappahannock rivers, in the military department of Fredericksburg, bearing a part in resisting an attack by Union naval vessels on the Confederate batteries at Aquia Creek June 1, 1861. Of Colonel Bate's service on this occasion, Col. Daniel Ruggles, his superior commander, says:

"The conduct of my entire force under the command of Colonel Bate, of the Walker Legion, until my arrival on the field, was admirable throughout the day."

Another officer, writing from Aquia Creek to the Confederate secretary of war, under date of June 1, 1861, says:

"Colonel Bate has been assigned the command of the brigade here, composed of his own regiment and the Virginia troops present, and is working with a zeal consistent with the energy and enthusiasm of his nature."

"Colonel Barts has been assigned the command of the brigade here, composed of his own regiment and the Virginia troops present, and is working with a zeal consistent with the energy and enthusiasm of his nature."

The Second Tennessee was on the field of the first battle of Bull Run, fought July 21, 1861, as a part of Brig. Gen. T. H. Holmes's brigade, but it did not become actively engaged with the enemy. Soon afterwards the regiment returned to the line of the Potomac and was stationed at Evansport, Va., where it confronted the Union forces occupying the Maryland side of the river, until February, 1862. About the middle of that month, a sufficient number of its members having reenlisted for the war and thus insured the continuation of the organization beyond its first year's enlistment, Colonel Bare conducted the reenlisted men to Tennessee on a furlough granted until April 1, 1862.

The regiment was reorganized at Corinth, Miss., April 3, 1862. and under the command of Colonel Bare, participated in the battle of Shiloh, Tenn., April 6, 1862. General Cleburne, the brigadier commander, in his official report, refers to the regiment and its commander as follows:

"Here the Second Tennessee, coming up on the left, charged through a murderous cross fire. The gallant major \* \* \* fell mortally wounded, and the colonel, W. B. Bare, had his leg broken by a minie ball. Tennessee can never mourn for a nobler band than fell this day in the fell duty for months." On February 23, 1863, Brigadier-General Bare, then in temporary command of the brigade in Stewart's general. C. S. A., that "Bare and \* \* \* are not likely to return to field duty for months." On February 23, 1863, Brigadier-General Bare, then in temporary command of the District of the Tennessee, was assigned to duty with Lieutenant-General Polk's corps, and on March 12, 1863, was placed in command of a brigade in Stewart's division. He subsequently bore a part in the Tullahoma campaign, being engaged in action at Hoovers Gap, Tenn., June 24–26, 1863. He also pa

Official statement furnished to Hon. WILLIAM C. HOUSTON, House of Representatives, December 22, 1906.

By authority of the Secretary of War:

F. C. AINSWORTH,

The Military Secretary.

#### [Mr. PADGETT addressed the House. See Appendix.]

Mr. SIMS. Mr. Speaker, after all that has been said as to the life, character, and public services of the late lamented Senator BATE in this House and in the Senate, I find it difficult to express myself so as not to appear as repeating and adopting the words and ideas of those who have preceded me in addressing the House on this sad occasion. But it will be an even more difficult task to relate all in the life of the great Senator that will be of benefit to those of us who survive him and to those who come after us.

I have known Senator BATE intimately for thirty years, and I never knew a nobler man, one whose every act and deed, whether private or public, was more worthy of example.

I shall leave to others who are more familiar with his career as a soldier the narrative of his military achievements. incompetent to do him justice in that regard. I shall not dwell on his record as governor of Tennessee nor on his record as a Senator. All these have received treatment at the hands of those better fitted for it than I am. I think, in relating the facts in

the life of a good and great man, that it is well to tell of the little things with which every day is crowded, but which, being of apparently no consequence, are not the result of effort or study, but are the uncolored outgivings of the heart-the real man and not the actor.

When I first came to Washington as a Member of the Fiftyfifth Congress at the extraordinary session, in March, 1807, I took my meals at the Ebbitt House, the well-known hotel in this city where Senator Bate lived all the time of his Senatorial career and where he died. I was asked by him to sit at his table and take my meals with the Senator and his noble wife. In this way, during more than four months of that session of Congress, I was the constant companion of the Senator. he was old enough to have been my father, I found him one of the most interesting, pleasant, affable, and desirable companions I ever had, regardless of age. During this time I never saw him angry, never heard him scold or speak cross to a servant; was always most punctual in his attendance at meals; always gave Mrs. Bate as much personal attention and gallant consideration as if she was in her girlhood teens and he her lover and suitor, instead of the gray-haired grandsire that he was.

I never in all my acquaintance with him heard him say one unkind word about anybody. He seemed to be governed in his conversation about others by the rule that if he could not say anything good about them to say nothing. He never took advantage of the privilege of a private conversation to abuse and denounce anyone, however much he might disagree with them. He was always bold and strong in his denunciation of wrong as such and never excused or palliated what was really wrong in his best friend, but in doing so he always refrained from

personal abuse or inuendo.

His integrity and purity of life were his elements of greatest strength. Although a learned lawyer, a great orator, an accomplished scholar, his character for old-fashioned honesty was his greatest element of power and influence in the Senate. No man was ever heard to question his honesty of purpose whatever

his position might be on any question.

In his long career there was never even so much as a whisper of scandal in connection with any of his public acts. He was liberal, but not extravagant. He died a much poorer man than when he first came to the Senate. He was fortunate in that he had a competence when he entered public office, and his views of public duty were such that he retired from all active professional or business pursuits and gave all his time and energies to his Senatorial duties.

It is sad to think that the meager compensation of Senators will not permit them to serve in that great body, giving all their time and strength to their public duties, except at a sacrifice to themselves and their families. But such has been the fact so long that the public have concluded that the only acceptable evidence of official honesty is to quit office in poverty, or at least

in reduced circumstances.

The great Senator, figuratively speaking, was so erect in his relations with the world while in office that he appeared to lean backward. He literally shunned the very appearance of I knew of an instance where an old and loved friend of the Senator had received his aid in a matter-not strictly official in character, but while in office-who afterwards sent the Senator a present of small value simply as a token of gratitude, who was greatly mortified when the Senator returned the article with a letter thanking his friend for his intended kindness, but refusing absolutely to receive anything of the slightest value as a gratuity, however innocent the intention of the donor might be.

He refused all courtesies in the way of free railroad transportation and express or telegraph franks, but never in the slightest impugned the motives of any other man who did not follow

in his footsteps

He was indefatigable in his official labors. As a Member of the House I have had every opportunity to know him well in I was often interested in the passage of a private this regard. bill in the Senate, and on account of the Senator's great age and out of a feeling of kindness to him I have sometimes asked the then junior Senator to look after a private bill; but Senator BATE in every instance asked me why I did not come to him in the matter and always seemed hurt because I did not put the bill in his hands. His love for work was so great that he seemed to want to do it all, and any manifestation of sympathy for him on account of his age or infirmities seemed to be painful to him.

I saw him on the day of the inauguration of President Roosevelt on his way to the platform to take his seat as a member of the inaugural committee. In the Rotunda of the Capitol on his way I saw he appeared to be fatigued, pale, and exhausted. was urged by an employee of the Senate who took note of his condition not to go out in the cold wind and sit with the committee, but the Senator would not heed the efforts of his friends, but, in what he regarded as a discharge of duty, made his way to the front of the inaugural platform, took his seat, and remained there until the inaugural ceremonies were over, exposed to a cold north wind, from which exposure he took the severe cold, resulting in fatal illness of only three days' duration. He thus literally died at his post; he fell on the firing line.

Mr. Speaker, to state all that occurred in the life of Senator Bate that is useful and instructive to the people of his State and nation would fill a large volume, which is impossible on this occasion, but I hope some gifted writer will do justice to his name and fame and leave in enduring form a full and complete history of the public and private acts of this good and

great man.

Mr. Speaker, I had the honor to be on the committee appointed by the Speaker of the House of Representatives to attend the funeral and burial of Senator Bate, which took place at Nashville, Tenn., with military honors, on the 13th day of March, Tennessee has had many great and well-beloved men, and her people love to show their love for her great and glorious dead; but I never heard of and certainly never saw the attendance of so large a gathering of the people of Tennessee at the funeral and burial of any other man as was in attendance at that of Senator BATE. The people of every walk of life from every part of the State came in almost numberless thousands, and with bowed, bared heads paid the hero dead the last but most tender tribute of their love and respect by the shedding of unaffected tears. Though dead, yet he lives in the example of a good and great life by the following of whose teachings all the world may be made better.

The SPEAKER pro tempore. In pursuance of the resolutions heretofore adopted, and as a further mark of respect to the deceased Senator, the House will stand adjourned.

Accordingly (at 5 o'clock and 42 minutes) the House ad-

journed.

# SENATE.

# Monday, January 21, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. Gallinger, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### SHORTAGE OF CARS.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of the 14th instant, a transcript of the testimony taken by the Interstate Commerce Commission at St. Louis, Mo., December 18 and 19, 1906, and at Kansas City, Mo., December 20 and 21, 1906, in the matter of car shortage and other insufficient transportation facilities; which, with the accompanying paper, was referred to the Committee on Interstate Commerce, and ordered to be printed.

# INVESTIGATION OF BLACK SANDS OF PACIFIC SLOPE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 14th instant, a letter from the Director of the Geological Survey, forwarding a report on the progress of the investigation of the electric smelting of iron ores, included in the investigation on the black sands of the Pacific slope, and stating that, in his judgment, the work of the investigation should be continued and an adequate appropriation made therefor; which, with the accompanying papers and illustrations, was referred to the Committee on the Geological Survey, and ordered to be printed.

# FIRE CONTROL AT FORTIFICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting a supplemental estimate of appropriation for fire control at fortifications, \$3,800; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

#### PURCHASE OF COAL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, in response to a resolution of June 29, 1906, a report showing the quantity and character of coal purchased by the Department of Commerce and Labor during the fiscal year ended June 30, 1906, the amount contracted for the present fiscal year, together

with certain information regarding the contracting parties, the price paid or to be paid and the form and conditions of contract; which, with the accompanying papers, was ordered to lie on the table, and be printed.

#### FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *Columbus*, James Fullerton, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Little John Butler*, James Smith, jr., master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

# FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communicacation from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of Decatur Lodge, No. 52, Independent Order of Odd Fellows, of Decatur, Ala., v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

#### CREDENTIALS.

Mr. LODGE presented the credentials of Winthrop Murbay Crane, chosen by the legislature of the State of Massachusetts a Senator from that State for the term commencing March 4, 1907; which were read and ordered to be filed.

Mr. ALLEE presented the credentials of Harry A. Richardson, chosen by the legislature of the State of Delaware a Senator from that State for the term beginning March 4, 1907; which were read and ordered to be filed.

#### EFFICIENCY OF THE ARTILLERY.

Mr. KEAN. On Friday last I entered a motion to reconsider the vote by which the bill (S. 3923) to reorganize and to increase the efficiency of the artillery of the United States Army was passed. Now that Senators have had notice of the passage of the bill, I withdraw my motion to reconsider.

The VICE-PRESIDENT. The Senator from New Jersey withdraws his motion to reconsider, and the bill stands passed.

# PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of sundry Hebrew citizens of Savannah, Ga., remonstrating against the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. KEAN presented a petition of the New Jersey State Horticultural Society, of Mount Holly, N. J., praying for the enactment of legislation to continue the minimum duty imposed by the German Government on green and dried apples; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Woman's Club of East Orange, N. J., praying for the enactment of legislation to regulate the employment of child labor and providing a public play-ground for children in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Bordentown, N. J., praying for an investigation into the dismissal of the three companies of the Twenty-fifth Infantry; which was ordered to lie on the table.

He also presented the petition of J. W. Hamer, of Beverly, N. J., praying for the enactment of legislation to increase the efficiency of the personnel of the line of the Navy; which was referred to the Committee on Naval Affairs.

Mr. PLATT presented memorials of sundry citizens of Brooklyn and Lockport and Onondaga Council, No. 10, Junior Order of United American Mechanics, of Syracuse, all in the State of New York, remonstrating against the enactment of legislation to restrict immigration with the educational test clause omitted; which were referred to the Committee on Immigration.

He also presented a petition of Hartwell T. Martyn Post, No. 346, Department of New York, Grand Army of the Republic, of Canton, N. Y., praying for the enactment of legislation granting an increase of pension to the veterans of the civil war; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Pavillon, of the Woman's Christian Temperance Union of Chautauqua County, and of the congregations of the Methodist Episcopal and Congregational churches of Orwell, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the Association of Women Principals of the Public Schools of New York City, N. Y., praying for the enactment of legislation providing for the creation of new department of education with representation in the President's Cabinet; which was referred to the Committee on Education and Labor.

Mr. GALLINGER presented a petition of the Anacostia Citizens' Association of the District of Columbia, praying for the enactment of legislation to regulate the giving of transfers in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Anacostia Citizens' Association of the District of Columbia, remonstrating against the enactment of legislation granting authority to the Com-missioners of the District, of Columbia to lessen the width of any of the streets of the District; which was referred to the Committee on the District of Columbia.

Mr. SCOTT presented a petition of the West Virginia Horticultural Society, praying that an appropriation be made providing for the giving of instructions in agriculture in the State normal schools; which was referred to the Committee on Agriculture and Forestry.

Mr. MILLARD presented a petition of the Woman's Christian Temperance Union of Lexington, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Orleans, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. ANKENY presented a memorial of sundry citizens of Dusty, Wash., remonstrating against the enactment of legislation requiring certain places in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. NELSON presented petitions of sundry citizens of Motley and Geneva, in the State of Minnesota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

Mr. WARNER presented memorials of sundry citizens of Kansas City and Jackson County, Mo., remonstrating against the enactment of legislation requiring certain places of busi-ness in the District of Columbia to be closed on Sunday; which

was referred to the Committee on the District of Columbia.

He also presented the petition of Frank S. Krebs, of Missouri, and the petition of Frederick C. Husman, of Missouri, praying for the enactment of legislation for the relief of Joseph Cunningham and other officers of the Philippine Volunteers; which were referred to the Committee on Claims.

Mr. LA FOLLETTE presented memorials of sundry citizens of Oxford and Wood County, in the State of Wisconsin, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented the petition of H. W. Meyer, of Appleton, Wis., praying for the enactment of legislation to remove the on composing and linotype machines and the parts thereof; which were referred to the Committee on Finance.

Mr. BURKETT presented a petition of the congregation of the United Presbyterian Church of Lincoln, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a paper to accompany the bill (S. 7453) granting an increase of pension to Samuel Steel; which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of the District of Columbia, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. HOPKINS. I present resolutions adopted by the fortyfourth general assembly of the State of Illinois, relative to a limitation of the amount of water to be diverted from the Great Lakes through the Chicago Drainage Canal. I ask that the resolutions be printed in the RECORD and referred to the Committee on Commerce.

The resolutions were referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

[Forty-fourth general assembly, special session.—Chicago Drainage Canal.]

Canal.]

Whereas the Congress of the United States is now considering the report of the International Waterways Commission; and Whereas said report contains a recommendation that the amount of water to be diverted from the Great Lakes through the Chicago Drainage Canal be limited to 10,000 cubic feet per second; and Whereas said limitation would in the future render fulle the expenditure of \$50,000,000 already expended by the sanitary district of Chicago and render impossible the completion of said project and endanger the health of the people of Illinois and of the city of Chicago; and

chicago and render impossible the completion of said project and endanger the health of the people of Illinois and of the city of Chicago; and

Whereas the amount of water to be diverted for domestic and sanitary purposes should under no circumstances be limited by a treaty with a foreign power or by any legislation to be enacted by Congress, thus placing the sanitary district of Chicago—organized to preserve the health of the people—upon the same plan as commercial enterprises organized for private gain: Now, therefore, be it

Resolved by the senate of the forty-fourth general assembly of the State of Illinois, convened in extraordinary session (the house concurring therein), That in any treaty to be hereafter entered into no statement whatever binding the trustees of the sanitary district of Chicago shall be made, and the local conditions of such canal and the volume of water to be accommodated therein should be left wholly and solely to the regulation of the Federal Government as the conditions of the canal's drainage may require; and be it further

Resolved, That in any legislation to be hereafter enacted by Congress a provision should be included permitting the sanitary district of Chicago to use such water as may be necessary in the discretion of the Secretary of War, and such legislation, if any, should specifically provide that that portion of the report of the said International Waterways Commission referring to the sanitary district of Chicago and the amount of water to be diverted through its channels should be entirely ignored; and be it further

Resolved, That the two Senators and the Members of Congress representing this State be, and they are hereby, respectfully requested to do all in their power to incorporate the provision above referred to in any legislation to be passed by Congress and prevent the incorporation of any statement in any treaty to be entered into with a foreign power placing any restriction upon the amount of water to be withdrawn through the drainage canal of the sanitary dist

through the dramage canal of the sanitary district of Chicago, and be it further

\*Resolved\*, That a copy of this resolution be forwarded immediately by the secretary of state to each Senator and Representative in Congress from this State and to the President of the United States.

\*Adopted by the senate May 15, 1906.

\*Concurred in by the house of representatives May 15, 1906.

UNITED STATES OF AMERICA, STATE OF ILLINOIS, 88:

OFFICE OF THE SECRETARY OF STATE.

OFFICE OF THE SECRETARY OF STATE.

I, James A. Rose, secretary of state of the State of Illinois, do hereby certify that the foregoing joint resolution of the forty-fourth general assembly of the State of Illinois, passed and adopted at the second session thereof, is a true and correct copy of the original joint resolution, now on file in the office of the secretary of state.

In witness whereof I hereunto set my hand and affix the great seal of state, at the city of Springfield, this 14th day of June, A. D. 1906.

[SEAL.]

JAMES A. ROSE,

Secretary of State.

Mr. HOPKINS presented a position of the Illinois School for

Mr. HOPKINS presented a petition of the Illinois School for the Blind, of Jacksonville, Ill., praying for the enactment of legislation providing for the carrying through the mails free of charge reading matter for the blind; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the State Grange, Patrons of Husbandry, of Illinois, praying for the election of United States Senators by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the State Grange, Patrons of Husbandry, of Illinois, praying for the passage of the so-called parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the State Grange, Patrons of Husbandry, of Illinois, remonstrating against the free distribution of seeds and plants by the Government; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the State Grange, Patrons of Husbandry, of Illinois, praying for the enactment of legislation providing for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the State Grange, Patrons of Husbandry, of Illinois, praying for the enactment of legislation providing for free trade with the Dominion of Canada in the timber and lumber traffic, and also for the ratification of reciprocity treaties with all nations; which was referred to the Committee on Foreign Relations.

He also presented a petition of Local Miners' Union No. 58, American Federation of Labor, of Kewanee, Ill., praying that an appropriation be made for a scientific investigation into the industrial conditions of women and child workers in the United States; which was referred to the Committee on Education and Labor.

He also presented petitions of Columbian Lodge, No. 479, of Chicago; of Galesburg Lodge, No. 24, of Galesburg, and of Local Lodge No. 469, of Charleston, all of the Brotherhood of Railroad Trainmen in the State of Illinois, praying for the passage of

the so-called "anti-injunction bill;" which were referred to the Committee on the Judiciary.

He also presented petitions of sundry newspaper publishers of the State of Illinois, praying for the enactment of legislation granting the right to newspapers and railroads to contract for the exchange of their respective commodities; which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Chicago, Cobden, Sterling, Cairo, Monmouth, Bement, and Peoria, and of the Illinois State Grange, Patrons of Husbandry, all in the State of Illinois, praying that an appropriation be made for the construction of a deep waterway from the Lakes to the Gulf of Mexico; which were referred to the Committee on Commerce.

He also presented the petition of Mrs. Jane H. Wilson, of Joliet, Ill., praying for the enactment of legislation granting a pension to every surviving widow equal to that which her husband received at the time of his death of the second second at the time of his death of the second second at the second band received at the time of his death, provided it is not less that \$12 per month; which was referred to the Committee on Pensions.

He also presented memorials of sundry citizens of Effingham, Danville, and Quincy, and of the International Stereograph Company, of Decatur, all in the State of Illinois, remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyright; which were referred to the Committee on Patents.

Mr. KNOX presented petitions of Dunmore Council, Junior Order United American Mechanics, of Dunmore; Local Council No. 70, Junior Order United American Mechanics, of Pittsburg; C. W. Biddinger, of Steelten; F. W. Rutter, of Verona, of the Order of American Mechanics, of Tyrone; the Junior Order United American Mechanics, of Kutztown; Local Council No. 66, Junior Order United American Mechanics, of Carnegie; M. H. Bowman, of Jeannette; Local Council No. 700, Junior Order United American Mechanics, of Johnstown, and of 10 citizens of Monongahela city, all in the State of Pennsylvania, praying that an educational test be included in the immigration bill; which were referred to the Committee on Immigration.

Mr. BRANDEGEE presented a petition of the Republican Club of Danbury, Conn., praying for the enactment of legislation providing for the reclassification and increase in the salaries of postal clerks in all first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Educational Club and Consumers League, of Hartford, Conn., praying for the enactment of legislation to regulate the employment of child labor; which was ordered to lie on the table.

He also presented a memorial of Horeb Lodge, No. 25, Independent Order of B'nai Brith, of New Haven, Conn., remonstrating against the enactment of legislation to further restrict immigration; which was referred to the Committee on Immigra-

Mr. FULTON presented a petition of the congregation of the Methodist Church of Turner, Oreg., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the

Mr. LODGE presented the petition of Benjamin M. Van Wart, of the State of Massachusetts, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine volunteers; which was referred to the Committee on Claims.

Mr. DU PONT. I submit a memorial of the general assembly of Delaware; which I ask may be printed in the Record and referred to the Committee on Military Affairs.

Mr. LODGE. I ask that the memorial be read, as it is the action of a legislature.

The VICE-PRESIDENT. At the request of the Senator from Massachusetts, the memorial will be read by the Secretary.

The memorial was read and referred to the Committee on Military Affairs, as follows:

Military Affairs, as follows:

House joint resolution entitled "Joint resolution regarding a bill in the Congress of the United States, relating to the Fifth and Sixth Regiments of Delaware Volunteers."

Whereas there has been introduced in the Senate and House of Representatives of the United States of America a bill to fix the status of the Fifth and Sixth Regiments of Delaware Volunteers, providing that in the administration of the pension laws the officers and enlisted men who were members of the Fifth and Sixth Regiments of Delaware Volunteers in the civil war shall hereafter be held and considered to have been continuously in the active service of the United States from the date of their muster into said service to the date of their muster out or discharge from said service: Therefore, be it

Resolved, That the Senate and House of Representatives of the United States of America be, and they are hereby, requested to pass with all possible speed the said bill; and be it further

Resolved, That our Senators and Representatives in Congress be fur-

nished with a certified copy of this resolution, and that they be earnestly requested to do all in their power to secure the passage of said

Adopted January 11, 1907.

RICHARD HODGSON,
Speaker of the House of Representatives.
ISAAC T. PARKER,
President of the Senate.

Approved this 17th day of January, A. D. 1907.
PRESTON LEA, Governor.

STATE OF DELAWARE. OFFICE OF THE SECRETARY OF STATE.

OFFICE OF THE SECRETARY OF STATE.

I, Joseph L. Caball, secretary of state of the State of Delaware, do hereby certify that the above and foregoing is a true and correct copy of house joint resolution entitled "Joint resolution regarding a bill in the Congress of the United States relating to the Fifth and Sixth Regiments of Delaware Volunteers," approved January 17, A. D. 1907, as the same appears on file in this office.

In testimony whereof I have hereunto set my hand and official seal at Dover this 18th day of January, in the year of our Lord 1907.

[SEAL.]

JOS. L. CABALL,

Secretary of State

Secretary of State.

#### REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 2083) granting an increase of pension to Asa K. Harbert, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7150) granting an increase of pension to John Bell; A bill (S. 6899) granting an increase of pension to George H.

A bill (S. 7880) granting an increase of pension to Sarah E. Stockton;

A bill (S. 5457) granting an increase of pension to Albert Teets:

A bill (S. 3998) granting an increase of pension to Thomas

Warner; and
A bill (S. 1622) granting a pension to Jane Agnew.
Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7840) granting an increase of pension to Lewis A. Towne:

A bill (S. 6127) granting an increase of pension to John R. Callender

A bill (S. 7605) granting an increase of pension to Judiah B. Smithson; and

A bill (S. 6652) granting an increase of pension to Hiram H. Lockwood;

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 7841) granting an increase of pension to Frank De

A bill (S. 5730) granting an increase of pension to William O. Spelman;
A bill (S. 7355) granting an increase of pension to William

McHenry Plotner; A bill (S. 7272) granting an increase of pension to George W.

Cook : and

A bill (§. 7196) granting an increase of pension to William H. Hubbard.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4693) granting an increase of pension to Irwin M.

Hill:

A bill (S. 7820) granting an increase of pension to Benjamin B. Cravens; and

A bill (S. 7642) granting an increase of pension to Oliver H. Rhoades.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3268) granting an increase of pension to Jacob A. Ward: and

A bill (S. 6612) granting an increase of pension to George H. McClung.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (S. 4873) granting an increase of pension to D. L. Ross, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6606) granting an increase of pension to Alexander Sholl: and

A bill (S. 5374) granting a pension to Floyd A. Honaker.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6909) granting an increase of pension to William H. Adams

A bill (S. 7044) granting an increase of pension to Sylvester O. Pevear

A bill (S. 6665) granting an increase of pension to Samuel B. T. Goodrich:

A bill (S. 177) granting an increase of pension to Alvah D. Wilson: and

A bill (S. 7394) granting an increase of pension to Henrietta

C. Cooley.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1261) granting an increase of pension to Edwin P.

Richardson:

A bill (S. 7745) granting an increase of pension to Frederick Wood;

A bill (S. 7574) granting an increase of pension to Emily J. Larkham: and

A bill (S. 7843) granting an increase of pension to Isaac Oak-

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6734) granting a pension to John C. Snell; and A bill (S. 7685) granting an increase of pension to Albion W. Tebbetts

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 7380) granting an increase of pension to Andrew

J. Harris: and

A bill (S. 7058) granting an increase of pension to Gilbert Bailie.

Mr. PILES, from the Committee on Pensions, to whom was referred the bill (S. 7533) granting an increase of pension to Orvil Dodge, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and

submitted reports thereon:

A bill (S. 4742) granting a pension to Mary E. Allen;

A bill (S. 7061) granting an increase of pension to Hugh Mc-Naughton; and

A bill (S. 5681) granting an increase of pension to William Grant.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 7171) granting an increase of pension to Margaret Holden

A bill (S. 5884) granting an increase of pension to Cyrus Palmer: and

A bill (S. 7136) granting an increase of pension to Cornelia W. Clay.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5400) granting an increase of pension to John A. Chase:

A bill (S. 7509) granting an increase of pension to William T. Bennett; and

A bill (S. 4958) granting an increase of pension to William

W. Duffield. Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5782) granting an increase of pension to Octave Farlola:

A bill (S. 4396) granting an increase of pension to Thomas C. Davis; and

A bill (S. 3434) granting an increase of pension to Charles M. Canfield.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the bill (S. 7379) granting a pension to Mary E. Dougherty, reported it with amendments, and submitted a re-

Mr. TALIAFERRO, from the Committee on Pensions, to

whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7025) granting a pension to James C. West;

A bill (S. 7672) granting an increase of pension to Elvina Adams; and

A bill (S. 5261) granting an increase of pension to Stephen A.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 7673) granting an increase of pension to William W. Jordan, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment,

and submitted reports thereon:

A bill (S. 7668) granting an increase of pension to Henry H. Buzzell; and

A bill (S. 7666) granting an increase of pension to True Sanborn, jr.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally with an amendment, and submitted reports thereon:

A bill (S. 7430) granting a pension to Mary F. Johnson;

A bill (S. 7818) granting an increase of pension to Edward Bird:

A bill (S. 4559) granting an increase of pension to John A. Wagner; and

A bill (S. 7491) granting an increase of pension to Anna V. Blaney

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5970) granting an increase of pension to Julia A.

Horton; and

A bill (S. 7492) granting an increase of pension to Benjamin

Mr. BERRY, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 23561) to authorize the construction of a bridge across the Columbia River between Walla Walla and Benton counties, in the State of Washington, by the North Coast Railroad Company:

A bill (H. R. 23560) to authorize the construction of a bridge across the Columbia River between Benton and Franklin counties, in the State of Washington, by the North Coast Railroad

Company; and
A bill (H. R. 22135) authorizing the construction of a bridge across the Ashley River, in the counties of Charleston and Colleton, S. C.

Mr. BURKETT, from the Committee on Pensions, to whom was referred the bill (S. 3563) granting an increase of pension to Orrin D. Sisco, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 7452) granting an increase of pension to Thomas Harrop, reported it with an amendment, and submitted a report

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6956) granting an increase of pension to Eli Ford, alias Jacob Butler;

A bill (S. 6711) granting an increase of pension to Harvey B. F. Keller:

A bill (S. 6713) granting an increase of pension to James L. Short: and

A bill (S. 7683) granting an increase of pension to William Wakefield.

Mr. CLARK of Montana, from the Committee on Indian Affairs, to whom was referred the bill (S. 7674) to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement, reported it with amendments, and submitted a report thereon.

Mr. GEARIN, from the Committee on Pensions, to whom were

referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6635) granting an increase of pension to John A. Morris; and

A bill (S. 5380) granting an increase of pension to Richard Jones.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6044) granting an increase of pension to John H. Arnold;

A bill (8, 4629) granting an increase of pension to Mary Jane Miller; and

A bill (8, 6634) granting an increase of pension to John P. Murray.

Mr. GEARIN, from the Committee on Pensions, to whom was referred the bill (8, 7021) granting an increase of pension to Hugh J. McJunkin, reported it with amendments, and submitted a report thereon.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5171) granting an increase of pension to Jennie H.

A bill (S. 2748) granting an increase of pension to Joel R. Smith;

A bill (8, 7078) granting a pension to Daniel Schaffner; and A bill (8, 7218) granting an increase of pension to Samuel D. Thompson.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (8, 2954) granting an increase of pension to Hanna Welch, reported it with amendments, and submitted a report thereon.

#### FISH-CULTURAL STATION AT DELL RAPIDS, S. DAK.

Mr. HOPKINS. I am directed by the Committee on Fisheries, to whom was referred the bill (S. 7270) to establish a fish-hatching and fish-culture station at Dell Rapids, S. Dak., to report it favorably without amendment. I call the attention of the Senator from South Dakota [Mr. KITTREDGE] to the report.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate \$25,000 for the establishing of a fish-hatching and fish-culture station, including purchase of site, construction of buildings and ponds, and equipment, at Dell Rapids, S. Dak.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### CHANGES IN DISTRICT STREET-RAILWAY TRACKS.

Mr. GALLINGER. I offer a proposed substitute for the bill (8. 6147) authorizing changes in certain street-railway tracks within the District of Columbia, and for other purposes, which I move be printed and referred to the Committee on the District of Columbia.

The motion was agreed to.

### BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 7945) to amend section 653 of the Code of Law for the District of Columbia, relative to assessment life-insurance companies or associations; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

He also introduced a bill (\$\text{S}\$. 7946) granting an increase of pension to William H. Weston; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. ALDRICH introduced a bill (S. 7947) granting an increase of pension to Charles G. Sweet; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 7948) granting an increase of pension to Jane Tate; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KEAN (for Mr. Dryden) introduced a bill (S. 7949) for the erection of a monument to the memory of Philip Kearny; which was read twice by its title, and referred to the Committee on the Library.

Mr. CRANE introduced a bill (S. 7950) to correct the military record of James Sullivan; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. NELSON introduced a bill (S. 7951) to amend section 5153 of the Revised Statutes of the United States relating to national banks as depositories of public money; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 7952) for the establishment of a light-house and fog-signal station at Carbarandum Point, in the vicinity of Split Rock, on the north shore of Lake Superior,

Minnesota; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 7953) to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. SMOOT introduced a bill (S. 7954) granting an increase of pension to Sarah C. Payne; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. RAYNER (by request) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7955) for the relief of Francis A. Lacy, heir of William B. Lacy, deceased; and

A bill (8, 7956) for the relief of Joseph Rymarkiewicz (with an accompanying paper).

Mr. WHYTE introduced a bill (S. 7957) authorizing the President to nominate and appoint William Lay Patterson a captain and quartermaster, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BERRY introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 7958) for the relief of Winfield S. Jennings; and A bill (S. 7959) for the relief of Ben Mahuren.

Mr. McCREARY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7960) for the relief of John Ashpaw;

A bill (S. 7961) for the relief of the estate of Robert L. Hill, deceased;

A bill (S. 7962) for the relief of the estate of William Ashurst, deceased (with an accompanying paper);

A bill (S. 7963) for the relief of J. W. Bradley; A bill (S. 7964) for the relief of John W. Crawford; and

A bill (S. 7965) for the relief of Thomas G. Linville. Mr. DANIEL introduced a bill (S. 7966) for the relief of N. C. McNeel, administrator of estate of Paul McNeel, deceased; which was read twice by its title, and, with the accompanying

paper, referred to the Committee on Claims.

Mr. CLAY introduced a bill (S, 7967) for the maintenance of agricultural colleges in Congressional districts; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. LONG introduced a bill (8. 7968) granting an increase of pension to James Slater; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARNER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7969) granting an increase of pension to Solen D. Davis;

A bill (S. 7970) granting an increase of pension to W. F. Stotts;

A bill (S. 7971) granting an increase of pension to John Augsburger;

A bill (S. 7972) granting an increase of pension to Austin B. Smith;

A bill (S. 7973) granting an increase of pension to Archibald W. Collins;

A bill (S. 7974) granting a pension to Alice C. Risley; and A bill (S. 7975) granting a pension to Elizabeth P. Wethers.

Mr. ANKENY introduced a bill (8. 7976) for the relief of the heirs of Benjamin Holliday, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. FORAKER introduced a bill (S. 7977) to refer to the Court of Claims the claim of Mary Galley for loss of real and personal property in 1864; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (8. 7978) to refer to the Court of Claims the claim of John C. Galley, for compensation for loss of personal property in 1864; which was read twice by its title, and referred to the Committee on Claims.

Mr. MILLARD introduced a bill (S. 7979) to provide for the purchase of a site and the erection of a public building thereon in the city of Fairbury, State of Nebraska; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HOPKINS introduced a bill (S. 7980) granting an in-

crease of pension to Miah Stephenson; which which was read twice by its title, and referred to the Committee on Pensions.

Mr. BEVERIDGE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7981) granting an increase of pension to Mahala S. Warmoth (with an accompanying paper);

A bill (S. 7982) granting an increase of pension to Elias Ham-

man (with accompanying papers);

A bill (S. 7983) granting an increase of pension to Samuel Dubois; and

A bill (S. 7984) granting an increase of pension to Thomas J. Hudgins.

Mr. NEWLANDS introduced a bill (8, 7985) granting an increase of pension to Walker S. Holman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 7986) authorizing the payment to the administrator of the late Ephraim Perkins, captain, of the value of his three-quarters of brigantine Eliza and cargo, illegally captured by the French, as ascertained by the Court of Claims; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. PROCTOR introduced a bill (S. 7987) granting an increase of pension to Lucius Bigelow; which was read twice by

its title, and referred to the Committee on Pensions.

#### DEALING IN COTTON FUTURES.

Mr. CULBERSON introduced a bill (S. 7988) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto; which was read twice by its title.

Mr. CULBERSON. I ask that the bill be printed in the RECORD and referred to the Committee on Agriculture and Forestry

Mr. KEAN. What is the bill? Is it not a bill which affects interstate commerce?

Mr. CULBERSON. It affects interstate commerce. To be frank about it, it affects the transmission of messages and mail respecting future dealing in cotton. It occurred to me that the Committee on Agriculture and Forestry is the proper committee to which it should be referred. I am not specially concerned, however, about a reference to that committee.

Mr. KEAN. If it deals in futures, I hope the Committee on Interstate Commerce will not have anything to do with it.

Mr. MONEY. If I may be allowed a word, I think the Committee on Agriculture and Forestry has had charge of such matters heretofore

Mr. CULBERSON. Heretofore, undoubtedly. There being no objection, the bill was referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

A bill (S. 7988) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove ob-structions thereto.

A bill (8. 7988) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto.

Be it enacted, etc., That it shall be unlawful for any person or association to send or cause to be sent from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia or to any foreign country, or knowingly to receive or knowingly to cause to be received in any State or Territory of the United States or the District of Columbia from any other State or Territory of the United States or the District of Columbia or from any foreign country, by a telegraph or telephone line, any message relating to a contract for future delivery of cotton without intending that the cotton so contracted for shall be actually delivered or received, or relating to a contract whereby a party thereto, or any party for whom or in whose behalf such contract is made, acquires the right or privilege to demand in the future the acceptance or the delivery of cotton. Any person, whether acting individually or as a member, officer, agent, or employee of any person or association who shall be guilty of violating this section shall, upon conviction thereof, be fined in any sum not more than \$1,000 nor less than \$500 and shall be imprisoned for not more than \$1,000 nor less than \$500 and shall be imprisoned for not more than six months nor less than one month, and the sending or the causing to be sent, or the receiving or the causing to be received of each message shall constitute a separate offense.

Sec. 2. That it shall be the duty of any person or association sending or receiving by means of a telegraph or telephone line any message relating to a contract, or the making of a contract, for the future delivery of cotton to furnish upon demand to the sender or recipient of such message an affidavit stating that he is the owner of the cotton so being contracted for and that he has the intention to delive

to a contract, or the making of a contract, for future delivery of cotton without the intention actually to deliver or receive the said cotton.

Sec. 3. That it shall be unlawful for any person owning or operating any telegraph or telephone line, or acting as officer, agent, or employee of such person, knowingly to use his property, or knowingly to allow his property to be used, for the transmission from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia or to any foreign country, or knowingly to receive or knowingly to cause to be received in any State, Territory of the United States, or the District of Columbia, from any other State or Territory of the United States or the District of Columbia or from any foreign country of any message relating to such contracts as are described in section 1 of this act. Any person, whether acting individually or as a member, officer, agent, or employee of a telegraph or telephone company, who shall be guilty of violating this section shall, upon conviction thereof, be punished for each offense by a fine of not more than \$1,000 nor less than \$500, and the sending of each message in violation of the provisions of this section shall constitute a separate offense.

Sec. 4. That it shall be unlawful for any person owning or operating any telegraph or telephone line, or acting as officer, agent, or employee of such person, knowingly to use bis property or knowingly to

of each message in violation of the provisions of this section shall constitute a separate offense.

SEC. 4. That it shall be unlawful for any person owning or operating any telegraph or telephone line, or acting as officer, agent, or employee of such person, knowingly to use his property or knowingly to allow his property to be used for the transmission from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or The District of Columbia, or to any foreign country, or knowingly to receive or cause to be received in any State or Territory of the United States or the District of Columbia, or to any foreign country, or knowingly to receive or cause to be received in any State or Territory of the United States or the District of Columbia, from any other State or Territory of the United States or District of Columbia, or from any foreign country, of any message presented by a person engaged in a commission or brokerage business or presented by a produce exchange corporation or association repared in a commission or brokerage business or the produce exchange, corporation, or association shall have filed, either personally or through the manager of such person or association, with the telegraph or telephone company an affidavit stating that the message or messages being sent and to be sent for the six months next ensuing by such person or association do not and will not relate to any such contracts as are described in section 1 of this act. A similar affidavit shall be filed before the end of the six months covered by the first affidavit. Any person owning or operating a telegraph or telephone line, or officer, agent, or employee of such person, who knowingly is a party to a violation of this section shall be punished by a fine of not more than \$1,000 nor less than \$1,000 and shall be imprisoned for not more than \$5,000 nor less than \$1,000 and shall be imprisoned for not more than \$5,000 nor less than \$1,000 and shall be imprisoned for not more

#### EXTENSION OF TIME FOR HOMESTEAD ENTRIES.

Mr. HANSBROUGH. I introduce a joint resolution and ask for its present consideration.

The joint resolution (S. R. 86) granting an extension of time to certain homestead entrymen was read the first time by its title and the second time at length, as follows:

Resolved, etc., That all persons who made homestead entry in the States of North Dakota, South Dakota, Minnesota, Montana, and Wyoming, where the six months' period in which they were or are required by law to establish residence expired or expires after December 1, 1906, are hereby granted until May 15, 1907, within which to make actual settlement and establish residence upon the lands so entered by them tered by them.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. GALLINGER. I will ask the Senator from North Dakota if the joint resolution has been before any committee of the body? I noticed the other day that a joint resolution was sent to the desk, and by unanimous consent it was passed. A joint resolution is a bill, and it seems to me it is a bad custom we are getting into if we pass bills in that way. I know nothing about the merits of this joint resolution, but I will ask the Senator if it has been before a committee?

Mr. HANSBROUGH. The joint resolution has not been before the Committee on Public Lands, but it has been submitted to a majority of the members of the committee. It is an emergency matter, or I would not bring it here without submitting it to the committee. There is a very peculiar condition existing in certain of the Western States at the present time, owing to snow blockades, railroad tie ups, and so forth; a great many

people are suffering hardships in consequence thereof, and the joint resolution is intended to meet that emergency.

Mr. GALLINGER. I suggest that it can go to the committee and be reported back promptly, and that is the proper way to

The VICE-PRESIDENT. Objection being made—
Mr. HANSBROUGH. I hope the Senator from New Hampshire will not insist upon his objection. My committee does not meet until Wednesday.

Mr. GALLINGER (to Mr. HANSBROUGH). Poll it. Mr. HANSBROUGH. I will say to the Senator that I practically polled the committee on the floor this morning upon the joint resolution. It being an emergency matter, I do not think the Senator from New Hampshire should object to its consideration on the slight ground that it has not been before the full committee.

Mr. GALLINGER. I do not wish to be captious about this measure, but it is important as a matter of procedure in the Senate. I suggest to the Senator that if there is no rule in the committee prohibiting it he can immediately poll his committee and report it back and pass it by unanimous consent.

Mr. HANSBROUGH. The committee has been polled, as I

said to the Senator.

Mr. FRYE (to Mr. Hansbrough). Why do you not, then, offer it as the report of the committee?

Mr. GALLINGER. It has not been before the committee. I

must insist on my objection.

The VICE-PRESIDENT. Under the objection, the joint resolution will be printed and referred to the Committee on Public Lends.

Mr. HANSBROUGH. I desire, in view of the condition relative to the joint resolution, to withdraw it for the present.

The VICE-PRESIDENT. The joint resolution is withdrawn.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. KEAN. At the request of 25,000 commuters in New York and New Jersey, I offer a proposed amendment to the river and harbor bill and ask that it be printed in the RECORD.

There being no objection, the amendment intended to be proposed by Mr. Kean was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Insert the following:

"The Secretary of War is hereby directed to make such modifications of the rules and regulations now governing the opening of drawbridges spanning the Passaic and Hackensack rivers, in the State of New Jersey, by establishing, for a limited time, a closed morning and evening period daily for any one or more of such drawbridges as may seem to him reasonable and in his judgment to afford some measure of relief to railway passenger traffic."

NELSON submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be

Mr. FRYE submitted an amendment proposing to appropriate \$650,000 for the purchase of all the land on Cushings Island, Portland Harbor, Me., not at present owned by the Government, intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BURROWS submitted an amendment relative to the retirement with increased rank of brigadier-generals on the active list of the Army who served creditably during the civil war, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and

ordered to be printed.

Mr. NELSON submitted an amendment proposing to increase the salary of the envoy extraordinary and minister plenipotentiary of the United States to Sweden from \$7,500 to \$10,000 per annum, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment proposing to fix the salary of the United States consul-general at Rotterdam at \$5,500 per annum, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$15,000 for completing the public building at Alexandria, Minn., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also submitted an amendment including Lake of the Woods and Rainy River in the paragraph relating to the lighting of rivers, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also (by request) submitted an amendment proposing to

appropriate \$5,000 to pay Marie Louise Baldwin for services rendered to the Pillager and other bands of Chippewa Indians in Minnesota in the prosecution of their claim for damages arising from overflowage caused by the construction of dams on the upper Mississippi River, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. SUTHERLAND (by request) submitted an amendment relative to the claim of John Bullette, a Delaware Indian, for reimbursement on account of royalties collected upon coal taken from the land which was afterwards allotted to him, intended to be proposed to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred

to the Committee on Indian Affairs.

Mr. DUBOIS submitted an amendment relative to the purchase of certain lands in Idaho for the purpose of constructing a reservoir for storing water to irrigate the land on Fort Hall Indian Reservation, etc., intended to be proposed by him to the Indian appropriation bill; which, with the accompanying statement, was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GEARIN submitted an amendment proposing to appropriate \$250,000 to adjust the claims of the settlers commonly called the "Sherman County settlers," on lands situated in Sherman and adjacent counties, in the State of Oregon, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. FORAKER submitted an amendment proposing to appropriate \$4,000 for grading and improving Kenyon street from Sherman avenue to Thirteenth street NW., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

STREET RAILWAY TRACKS IN DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (S. 6147) authorizing changes in certain street railway tracks within the District of Columbia, and for other purposes; which was referred to the Committee on the District of Columbia, and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. CULLOM submitted an amendment intended to be proposed by him to the omnibus claims bill; which was referred to the Committee on Claims, and ordered to be printed.

COLOMBIAN PANAMA CANAL SHARES.

Mr. MORGAN submitted the following resolution, which was

read:

Whereas statements published in the South American Journal of the 8th of December, 1906, disclose a correspondence between General Holguin, the Colombian financial agent for France, and Mr. G. R. Calderon and other persons on the subject of the Colombian Panama Canal shares, which statements are subjoined to the following resolution: and

Whereas the matters stated in such correspondence require the attention of the Government of the United States; and, considering the eighth article of the treaty of the United States with Panama of the 18th of November, 1903, as follows:

"The Republic of Panama grants to the United States all rights which it now has or may hereafter acquire to the property of the New Panama Canal Company and the Panama Railroad Company as a result of the transfer of sovereignty from the Republic of Colombia to the Republic of Panama canal Company to sell and transfer to the United States its rights, privileges, properties, and concessions, as well as the Panama Railroad and all the shares or part of the shares of that company."

And, considering that Colombia, at the close of the secession and independence of Panama, owned one-thirteenth part of the stock of the New Panama Canal Company, amounting to 5,000,000 francs, at the face value thereof, and the capital stock of said company, all of which was issued, amounting to 65,000,000 francs at its face value;

And, that the secession and independence of the State of Panama vested the ownership of such shares of said stock as then belonged to Colombia and in the property represented by such stock in the Government of Panama;

And, that Panama sold and conveyed the same, along with other property and rights situated in Panama, to the United States for the sum of \$10,000,000;

And, considering that the United States have derived no benefit

of \$10,000,000;
And, considering that the United States have derived no benefit from said Panama Canal stock, or any proceeds thereof, and the same, or the proceeds of the sale of the same, is being held by the Government of France under a legal proceeding of attachment for a debt alleged to be due from Colombia to France, which process issued after the ratification of said treaty between Panama and the United States; And that it is the right and duty of the United States to assert its claim to the shares of stock in the Panama Canal Company, or the proceeds thereof, so held by France, and claimed by Colombia, so that the same may be rightfully and justly determined in such manner as will best accord with the sovereign rights of the United States:

\*Resolved\*, That the subject of the claim of the United States to the capital stock of the Panama Canal Company issued to the Government of Colombia, and to any property or fund that is represented by such stock, and all matters connected therewith, be referred to the Committee on Foreign Relations for investigation and report as to the validity of the claim of the United States to such stock or any proceeds thereof, and of the right of the United States to dispose of the same.

Mr. MORGAN. Without reading the statement which is appended to the resolution, I will ask that it be inserted in the Recorp, that the resolution and paper be printed, and that the matter may go over until to-morrow.

There being no objection, the accompanying statement was ordered to be printed in the Record, as follows:

[Statement from the South American Journal of December 8, 1906, regarding the Colombian Panama shares.]

THE COLOMBIAN PANAMA SHARES.

Statement from the South American Journal of December 8, 1906, regarding the Colombian Panama shares.]

The Colombian Panama shares.

Mr. G. R. Calderon has received from General Holguin the following matter for publication:

General Holguin, the Colombia financial agent for France, has communicated the following information and correspondence on the subject of the Colombian Panama shares to the Parisian press:

The Government of Colombia brought before the tribunal of the Seine a suit against the New Panama Canal Company, to reclaim the 50,000 shares that the self-same company had given Colombia in payment for prorogations, concessions, and lands granted to the company. These shares were deposited with the company, to the order of the Colombian Government, where they remained for more than two years, when the Panama revolutionary movement broke out, which Colombia could not repress. At this juncture Colombia wished to dispose of these shares, but the company refused to deliver them up, alleging that the State of Panama might claim them.

At the first sitting of the tribunal last year the Government of Panama declared, through their lawyer, that they renounced all claim to these 50,000 shares. Consequently the suit was virtually terminated, and I was congratulating myself on this prompt and just solution, when, contrary to all expectation, the French fiscal authorities made the objection that these shares should remain with the Panama company until the Colombian Government had paid 13,600,000 francs for registration fees for the concession accorded to the company, from which cause arose the second lawsuit.

I confess that this claim has astounded me—that the French fiscal should not redict it, and it should be here noted that in the contract of concession that we have accorded to a French company. I could not credit it, and it should be here noted that in the contract of concession this espressly stipulated that all differences which might arise between the Colombian Government and the concession that we have a

lity with the stipulations of the treaty of commerce and navigation made between Colombia and France signed at Bogota, May 30, 1902, by which the two countries agreed to reciprocate "the most favored nation" treaty.

I reasoned, being the financial representative of Colombia to France, my duty clearly is to defend the interests of my country; but perhaps as patriotic feelings may distort my view of the matter, I will ask the opinion of other persons, who, by their neutrality, may judge more impartially, therefore, to have a clear mind on the subject.

I wrote to a Frenchman—a distinguished jurisconsult—who has resided many years in Colombia, and who is conversant with this fiscal litigation. I asked him to reply at once, giving me his ideas. His response was as follows: "The conflict which is on the point of commencing between Colombia and France can and should be avoided; consequently, I accomplish a patriotic work in stating the real case and relating frankly the facts.

"The French fiscal authorities, being the safeguard of the interests of all contributors, are evidently right in pursuing with tenacity for the payment of that which is legally due to them, but their office ends there, and more strictly than any other authority should they refrain from posing as creditors, when they can not prove the legitimacy of the debt. "In May, 1878, the Colombian Government conceded to the original Panama company the famous concession, the clauses of which it is unnecessary to recapitulate, as they are so well known.

"The concession was signed at Bogota, and simple reflection indicates that the Colombian Government had perfect right to claim and take the cost of stamps, registration, etc. General usage establishes, in fact, that it is the receiver of a concession who pays such costs. Thereupon it was the canal company who should pay; but Colombia, from chivalrous and deferential motives, would not accept anything. Now, the Republic is severely punished for this generosity, which the French fiscal does not appear to hav

contracts, treaties, etc., which passed one.

"This incident places at stake the dignity of our country, and the government which is encharged with the good name of France would do wisely in passing to profit and loss account an asset which is plainly unrealizable. The real debtor is not Colombia, which, if it were, would present the unique case of a country claiming from a foreign government the payment of charges on a concession granted to its own people. ment the payment of change people, "Can you imagine Germany claiming money because of our Gov-

ernment signing a contract with German subjects? France can not lend herself to such a maneuver, which is a negation of all equity, and would forever allenate from us the lively and, occasionally, touching sympathies of all the South American Republics, especially at a time when the United States, with brutal rudeness, do not even dissemble their intentions to absorb, marching resolutely to this end, and dominate the South American Continent. It is not opportune that France should claim imperiously a considerable sum from a republic almost on the verge of ruin, owing to prolonged civil wars and the loss of one of its richest provinces.

"We forget that 70,000,000 of South Americans regard France as their elder sister, the great Latin nation toward which they turn their eyes full of hope, feeling that we would not look on with indifference at any attempt directed against their independence. We forget also that the South American market represents prosperity in the future. That hundreds of thousands of our compatriots find there cordial hospitality. That we do a large trade there, etc., and we run the risk of loshing all that, as also our privileged footing, by claiming a sun not owing to us.

"On which the hought. Natural champion of all ideas of justice and equity, our country can not countennee the procedure of a ferocious usurer, abusing his superior strength to rob a weaker people. "Colombia—still convalescent and hardly recovered from the painful trials which she had undergone—may well demand if we are yet the generous nation of which history chronicles such lofty actions.

"Do we intend forfeiting, for a paltry question of money, our splendid moral prestige, and, perhaps, ruin our trade with South America? We hope not, and believe that the fiscal, with better inspiration—and after calm reflection—will retire a claim twenty-seven years old, of which it is impossible to establish the legitimacy."

The following testifies in our favor also—the part contents of a letter that Mr. Maurice Huitin, formerly presid

the complete and definite ruin of the shareholders of the Lesseps company.

"Later on, in 1901, when the agents of the United States Government, aided by questionable complications, prepared the work of spollation which your country so cruelly suffered, they volunteered the statement, made to me personally: We shall begin when you have finished, as you have neither the time nor the money to complete the canal; and, in fact, the time for construction elapsed in 1904. I obtained from your Government an extension to 1911.

"It would seem that all these events are forgotten, but what should not be overlooked is that your Government has always had the free disposing of the 50,000 shares of the new company, which has been attributed to it by Article IV of the law of December 26, 1890; that it has had the right to enter into possession of the titles when the subscription shares have been entirely liberated in 1901; that it should have been able to negotiate them advantageously from the commencement of 1902.

has had the right to enter into possession of the titles when the subscription shares have been entirely liberated in 1901; that it should have been able to negotiate them advantageously from the commencement of 1902.

"I wish to believe, indeed I am convinced, that my successor is in no way responsible for your adventure; but it is, all the same, very disappointing from every point of view, that your confidence should have been so singularly recompensed.

"The Chamber of Deputies, judging by the recent debate, appears resolved not to permit, under the pretext of recovering the rights of registration, that it be still more reduced, the dole which the shareholders of the original canal company have had to be contented with.

"I hope that the measures which will shortly be passed by the French Parliament may have, at the same time, the effect of returning to your Government the titles of which the ownership, in equity and in fact, I again repeat, should never have been questioned."

So that French opinion does not differ from Colombian views on this subject, and numerous cases have occurred in the history of nations which, as precedents, confirm the right of the Government of Colombia to possession of these shares.

By the advice of M. Rouvier, the minister of foreign affairs, I wrote an explanatory letter, November 18, 1905, to M. Merlou, the minister of finance, which has been published in extenso in the Gaulois.

A month after the formal acknowledgment thereof the finance minister curtly informed me that he had given instructions to make a detailed inquiry. Since then I have not heard anything, and when M. Rouvier quitted office I addressed a long letter to his successor, M. Poincare.

These are the chief points in this Franco-Colombian conflict. The French people will study them and pronounce their verdict. I appeal with confidence to their clear and enlightened judgment.

I have only a few words to add. At an epoch where the struggle for life has become so hard, both for individuals and peoples, where all qu

the sympathies which attach a whole people to generous and magnanimous France. The Colombian people are strongly Francophile—by tradition and by choice. French influence—political, commercial, industrial, and, I may add, literary, also—is predominant in Colombia, and all our efforts tend to consolidate more and more the ties of friendship which attach us to France. The Colombian people follows with great interest the progress of this affair, and I had strong reasons for desiring that this Franco-Colombian dispute should be resolved diplomatically and not by judicial means. A diplomatic solution, whatever the issue, would not produce any emotion in Colombia.

At the same time I have full confidence in the spirit of justice and of equity, in the good sense and persplicacity of the Government and of the French bench. They will discover that there is not even ground for discussion, but merely a misunderstanding, and they will decidedly proclaim the indisputable rights of my country. I wish to think before quitting French soil, where for three years I have received generous hospitality and kindness, that I may have the ineffable satisfaction of proving once again that my convictions of France and the French people were right, and that your beautiful country is really worthy of the admiration of foreign peoples.

The VICE-PRESIDENT. The resolution will lie on the table.

The VICE-PRESIDENT. The resolution will lie on the table.

#### LOUIS CASTINETTE.

Mr. McCUMBER submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 3671) entitled "An act granting an increase of pension to Louis Castinette."

#### DANIEL G. SMITH.

Mr. McCUMBER submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 5073) entitled "An act granting an increase of pension to Daniel G. Smith."

# IMPROVEMENT OF SASANOA RIVER, MAINE.

Mr. FRYE submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be directed to submit to the Senate, from data already available, plan and estimates for improvement of the Sasanoa River, Maine.

CLEAVES'S "CONFERENCES AND CONFERENCE REPORTS."

Mr. CULBERSON submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That Senate Report No. 1545, Fifty-seventh Congress, first session, entitled "Conferences and Conference Reports," prepared by Thomas P. Cleaves, be hereafter incorporated in the Senate Manual as a part thereof, under the direction of the Committee on Rules of the Senate.

### BRIDGE ACROSS TUG FORK OF BIG SANDY RIVER.

Mr. FRYE. I move that the bill (H. R. 23218) to authorize the Kentucky and West Virginia Bridge Company to construct a bridge across the Tug Fork of the Big Sandy River at or near Williamson, in Mingo County, W. Va., to a point on the east side of said river, in Pike County, Ky., be recommitted to the Committee on Commerce.

The motion was agreed to.

# ISSUANCE OF LAND PATENTS.

Mr. CARTER. I desire to give notice that on Thursday next, the 24th instant, as soon as the convenience of the Senate may allow after the close of the morning business, I shall submit some remarks in support of the resolution heretofore presented be me relating to the issuance of patents on homesteads, etc., known as Senate resolution 214.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills and joint resolution:
S. 319. An act to reimburse Abram Johnson, formerly post-

master at Mount Pleasant, Utah;

S. 350. An act for the relief of the heirs of Joseph Sierra, deceased:

S. 503. An act to reimburse James M. McGee for expenses in-

curred in the burial of Mary J. De Lange;
S. 505. An act for the relief of Jacob Livingston & Co.;
S. 538. An act for the relief of Charles T. Rader;
S. 1169. An act for the refund of certain tonnage duties;
S. 1218. An act for the relief of Louise Powers McKee, administratrix:

S. 1231. An act to reimburse the Becker Brewing and Malting Company, of Ogden, Utah, for loss resulting from robbery of the United States mails;

S. 1236. An act to authorize payment to the Henry Philipps Seed and Implement Company for seed furnished to and accepted by the Department of Agriculture during the fiscal year 1902;

S. 1344. An act for the relief of John M. Burks

S. 1648. An act for the relief of the Hoffman Engineering and Contracting Company;

S. 1668. An act for the relief of the administrator of the estate of Gotlob Groezinger;

S. 1933. An act for the relief of George T. Pettengill, lieutenant, United States Navy; S. 2262. An act for the relief of Pay Director E. B. Rogers,

United States Navy;

S. 2368. An act for the relief of the Postal Telegraph Cable

Company; S. 2578. An act for the relief of Alice M. Stafford, adminis-

tratrix of the estate of Capt. Stephen R. Stafford; S. 2964. An act for the relief of the L. S. Watson Manu-

facturing Company, of Leicester, Mass.; S. 3574. An act for the relief of John H. Potter;

S. 3581. An act providing for the payment to the New York Marine Repair Company, of Brooklyn, N. Y., of the cost of the repairs to the steamship *Lindesfarne*, necessitated by injuries received from being fouled by the U. S. Army transport Crook in May, 1900; S. 3820. An act for the relief of Eunice Tripler;

S. 3923. An act to reorganize and increase the efficiency of the artillery of the United States Army;

S. 4348. An act for the relief of Augustus Trabing;

S. 4860. An act for the relief of Peter Fairley; S. 4926. An act for the relief of Etienne De P. Bujac;

S. 4948. An act for the relief of W. A. McLean; S. 4975. An act giving the consent of Congress to an agree-ment or compact entered into between the State of New Jersey and the State of Delaware respecting the territorial limits and jurisdiction of said States;

S. 5446. An act for the relief of John Hudgins; S. 5531. An act for the relief of Francisco Krebs; S. 5560. An act for the relief of Matthew J. Davis;

S. 5675. An act for the relief of Maj. Seymour Howell, United States Army, retired;

S. 6166. An act for the relief of Edwin S. Hall; S. 6299. An act for the relief of Pollard & Wallace;

S. 6898. An act concerning licensed officers of vessels; and S. R. 13. Joint resolution authorizing the Secretary of War

to award the Congressional medal of honor to Roe Reisinger. The message also announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

S. 4350. An act for the relief of Arthur A. Underwood;

S. 4423. An act providing for the donation of obsolete cannon with their carriages and equipments to the University of Idaho; and

S. 4819. An act for the relief of M. A. Johnson.

The message further announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

H. R. 5. An act to provide for the refunding of certain money,

H. R. S. An act for the relief of the Harbison-Walker Com-

pany, of Pittsburg, Pa.; H. R. 639. An act for the relief of C. W. Sturtevant, Rolla Brown, Alice Brown, M. L. Kelly, Robert G. Duffy, Fread Gehring, T. H. Ross, and L. C. Partee;

H. R. 714. An act for the relief of Charles B. Bentley; H. R. 1050. An act for the relief of Edwin S. Hall;

H. R. 1078. An act for the relief of Hamilton D. South, second lieutenant, United States Marine Corps;

H. R. 1371. An act to refund to J. Tennant Steeb certain duties erroneously paid by him, without protest, on goods of domestic production shipped from the United States to Hawaii and thereafter returned;

H. R. 1443. An act fer the payment of Robert D. Benedict for services rendered;

H. R. 1561. An act authorizing the Secretary of the Navy to grant a discharge to Peter O'Neil;

H. R. 1563. An act for the relief of Matthew J. Davis; H. R. 1808. An act for the relief of J. J. L. Peel; H. R. 2326. An act for the relief of J. W. Bauer and others; H. R. 2926. An act for the relief of the heirs of John Smith; H. R. 3268. An act for the relief of Henry O. Bassett, heir of

Henry Opeman Bassett, deceased; H. R. 3462. An act for the relief of Franklin Patterson;

H. R. 3518. An act for the relief of Copiah County, Miss.; H. R. 3577. An act for the relief of Barclay H. Warburton;

H. R. 4233. An act to reimburse the Harpswell Steamboat Company, of Portland, Me., for expenses incurred for repairing damages sustained by its steamer Sebascodegan in collision with the U. S. S. Woodbury;

H. R. 4271. An act for the relief of Patrick J. Madden;

H. R. 4299. An act for the relief of John Stinson;

H. R. 4300. An act for the relief of A. J. Stinson; H. R. 4586. An act for the relief of Mrs. R. E. Miller; H. R. 4629. An act for the relief of William H. Gowdy;

H. R. 5169. An act for the relief of W. B. Sutter

H. R. 5195. An act for the relief of the Milburn Wagon Company, of Toledo, Ohio;

H. R. 5622. An act for the relief of M. D. Wright and Robert

H. R. 5666. An act for the relief of L. L. Arrington and L. S. Arrington

H. R. 6104. An act to reimburse John Waller, late postmaster at Monticello, N. Y., for moneys expended in carrying the mails;

H. R. 6417. An act for the relief of T. J. H. Harris; H. R. 6418. An act for the relief of T. B. Stackhouse, a deputy collector of internal revenue for the district of South Carolina

during the fiscal year 1894 and 1895; H. R. 6430. An act authorizing the Secretary of the Treasury to pay to German M. Rouse informer's fees for certain opium seizures

H. R. 7153. An act for the relief of David McClelland for loss sustained at Chickamauga Park, Georgia, January 29, 1904; H. R. 7746. An act for the relief of Columbia Hospital and Dr.

A. E. Boozer :

H. R. 7960. An act for the relief of John C. Ray, assignee of John Gafford, of Arkansas;

H. R. 8078. An act for the relief of Miss Bernice Farrell;

H. R. 8080. An act for the relief of S. Kate Fisher;

H. R. 8365. An act for the relief of C. A. Berry

H. R. 8685. An act for the relief of Charles E. Danner & Co.; H. R. 8699. An act for the relief of James A. Carroll;

H. R. 8727. An act for the relief of James W. Kenney and the Union Brewing Company;

H. R. 8749. An act to refund a fine of \$200 paid by Charles H. Marsden, owner of the tug Owen;

H. R. 9109. An act for the relief of J. H. Henry;

H. R. 9131. An act for the relief of the legal representatives of Charles D. Southerlin;

H. R. 9132. An act for the relief of the legal representatives of Benjamin F. Pettit;
 H. R. 9212. An act for the relief of Joseph W. I. Kempa, ex-

ecutor of the last will and testament of William J. Grutza, deceased:

H. R. 9289. An act for the relief of the Mitsui Bussan Kaisha; H. R. 9298. An act for the relief of the heirs at law of David C. Haynes, deceased;

H. R. 9386. An act for the relief of Henry Hirschberg ;

H. R. 9778. An act for the relief of Philip Loney

H. R. 10305. An act to provide for the repayment of certain customs dues:

H. R. 10595. An act for the relief of Nye & Schneider Com-

H. R. 11676. An act for the relief of persons who sustained property damage caused by fire at the Rock Island Arsenal;

H. R. 12009. An act for the relief of the heirs at law of M. A. Phelps and the heirs at law of John W. Renner;

H. R. 12124. An act granting an increase of pension to Howard Brown

H. R. 12188. An act for the relief of George T. Larkin;

H. R. 12686. An act for the relief of Edwin T. Hayward, executor of Columbus F. Hayward, and the administrator of Charlotte G. Hayward:

H. R. 12840. An act for the relief of L. Biertempfel; H. R. 13418. An act for the relief of W. S. Hammaker; H. R. 13605. An act to satisfy certain claims against the Gov-

ernment arising under the Navy Department;
H. R. 14125. An act for the relief of The Nebraska Mutual

Life Insurance Company, of Stromsburg, Nebr.;

H. R. 14381. An act authorizing and directing the Secretary of the Treasury to pay to the Holtzer-Cabot Electric Company the amount due said company from the Post-Office Department;

H. R. 14464. An act for the relief of Wiley Corbett H. R. 15594. An act for the relief of John B. Brown;

H. R. 16085. An act for the relief of Gordon, Ironsides & Fares Company (Limited)

H. R. 16222. An act granting an increase of pension to Napoleon B. Ferrell;

H. R. 16581. An act for the relief of George W. Schroyer

H. R. 17099. An act to authorize the refund of part of fines imposed on the vessels Sotie R., Mathilda R., and Helen R.;

H. R. 17285. An act for the relief of Second Lieut. Gouver-neur V. Packer, Twenty-fourth United States Infantry;

H. R. 17875. An act waiving the age limit for admission to the Pay Corps of the United States Navy in the case of W. W.

H. R. 18020. An act for the relief of Snare & Triest Company;

H. R. 18865. An act for the relief of John and David West;

H. R. 18924. An act for the relief of George M. Esterly;

H. R. 19275. An act for the relief of T. E. Boyt;

H. R. 19284. An act for the relief of James Behan:

H. R. 19493. An act to reimburse Oscar Fulgham, ex-sheriff of Madison County, Ala., for judgment and costs rendered against him when acting in the service of the United States;

H. R. 19930. An act referring the claim of S. W. Peel for legal services rendered the Choctaw Nation of Indians to the Court of Claims for adjudication;

H. R. 20168. An act for the relief of F. Kraut, of Leon Springs, Tex.

H. R. 20169. An act for the relief of Margaret Neutze, of Leon

Springs, Tex.; H. R. 22291. An act to authorize the reappointment of Harry

McL. P. Huse as an officer of the line in the Navy

H. R. 22362. An act for the relief of Esther Rousseau

H. R. 23114. An act extending to the subport of Bellingham, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate

of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement;
H. R. 23383. An act to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved June 25, 1906;
H. R. 23889. An act authorizing the Secretary of the Interior to issue deed of conveyage to Lyman Bollen to certain lands in

to issue deed of conveyance to Lyman Ballou to certain lands in

Custer County, S. Dak.;

H. R. 23927. An act excepting certain lands in Pennington County, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves;"

H. R. 23939. An act to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Calumet

River in the State of Indiana;

H. R. 24048. An act authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Spokane and Inland Empire Railroad Company, its successors and assigns;

H. R. 24104. An act transferring Phelps County to the eastern division of the eastern judicial district of Missouri;

H. R. 24275. An act permitting the building of a dam across the Flint River at Porter Shoals:

H.R. 24541. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal

year ending June 30, 1907, and for other purposes H. J. Res. 195. Joint resolution authorizing the Secretary of War to furnish two condemned cannon to the mayor of the town

of Preston, Iowa; and H. J. Res. 221. Joint resolution to fill a vacancy in the Board

of Regents of the Smithsonian Institution. The foregoing House claims bills were severally read twice by their titles, and referred to the Committee on Claims.

The message also communicated to the Senate resolutions commemorative of the life, character, and public services of Hon. William B. Bate, late a Senator from the State of Tennessee.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

H. R. 121. An act authorizing the extension of Seventeenth street NW.;

H. R. 128. An act for the opening of a connecting highway between Water Side drive and Park road, District of Columbia;

H. R. 8435. An act for the opening of Fessenden street NW., District of Columbia;

H. R. 10843. An act authorizing the extension of Kenyon street NW.

H. R. 14815. An act for the extension of Harvard street, Columbia Heights, District of Columbia;
H. R. 14900. An act to extend Fourth street NE.;
H. R. 16944. An act to amend section 878 of the Code of Law

for the District of Columbia; and

H. R. 21689. An act to increase the limit of cost of five lighthouse tenders heretofore authorized.

#### PORT OF BELLINGHAM, WASH.

Mr. PILES. I report back from the Committee on Commerce without amendment the bill (8, 7501) extending to the subport of Bellingham, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880; and I ask that the House bill on the same subject, which is on the Vice-President's desk, be laid before the Senate.

The bill (H. R. 23114) extending to the subport of Bellingham, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate

transportation of dutiable merchandise without appraisement, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the subport of Bellingham, in the State of Washington

Mr. PILES. I ask for the immediate consideration of the House bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

Mr. PILES. I move that Senate bill 7501, which I have just reported, be indefinitely postponed.

The motion was agreed to.

#### REGENT OF SMITHSONIAN INSTITUTION.

Mr. HANSBROUGH. I ask the Chair to lay before the Senate House joint resolution 221.

The VICE-PRESIDENT. The Chair lays before the Senate a joint resolution from the House of Representatives.

The joint resolution (H. J. Res. 221) to fill a vacancy in the

Board of Regents of the Smithsonian Institution was read the first time by its title.

Mr. HANSBROUGH. I ask that the joint resolution may be read.

The joint resolution was read the second time at length, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, shall be filled by the reappointment of George Gray, a citizen of Delaware, whose term expired January 14, 1907.

Mr. HANSBROUGH. I ask that the joint resolution be put

on its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On January 18:

- S. 1347. An act granting a pension to Martha W. Pollard;
- S. 2563. An act granting a pension to Isaac Carter;
- S. 5084. An act granting a pension to John W. Connell; S. 5138. An act granting a pension to Jane Metts;
- S. 5771. An act granting a pension to Mary E. Thompson;
- S. 6019. An act granting a pension to Harriet O'Donald;
- S. 6814. An act granting a pension to Alice Bosworth;
- S. 10. An act granting an increase of pension to Roswell Prescott;
- S. 123. An act granting an increase of pension to William M. Morgan;
- S. 480. An act granting an increase of pension to Silas A.
- Reynolds; S. 677. An act granting an increase of pension to Albert G. Peabody, jr.;
- S. 679. An act granting an increase of pension to Thomas Kelly:
- S. 768. An act granting an increase of pension to William H. Rhoads:
- S. 771. An act granting an increase of pension to Samuel G. Kreidler;
- S. 774. An act granting an increase of pension to August Krueger:
- S. 831. An act granting an increase of pension to Isaac G.
- S. 1240. An act granting an increase of pension to Dana W.
- Hartshorn; S. 1257. An act granting an increase of pension to Patrick
- O'Day S. 1493. An act granting an increase of pension to Cathrin
- Huff: S. 1857. An act granting an increase of pension to William
- Vantilburgh;
- S. 1891. An act granting an increase of pension to Charles F. M. Morgan;
- S. 1941. An act granting an increase of pension to Elvira A. Kelly:
- S. 2249. An act granting an increase of pension to George W. Smith:

- S. 2541. An act granting an increase of pension to Thomas W. Murray;
- S. 2643. An act granting an increase of pension to James H. Thrasher;
- S. 2669. An act granting an increase of pension to Winfield S. Ramsay
- S. 2734. An act granting an increase of pension to John R. Conyngham;
- S. 2737. An act granting an increase of pension to Benjamin Hains:
- S. 2749. An act granting an increase of pension to John H.
- S. 2794. An act granting an increase of pension to John H. Allison;
- S. 3220. An act granting an increase of pension to Wilbur H. Clark;
- S. 3221. An act granting an increase of pension to Robert Mills;
- S. 3763. An act granting an increase of pension to Mary A. Baker
- S. 3767. An act granting an increase of pension to Samuel Turner ;
- S. 3931. An act granting an increase of pension to Fanny A. Pearsons;
- S. 4032. An act granting an increase of pension to Solomon Craighton:
- S. 4053. An act granting an increase of pension to William A. Smith:
- S. 4127. An act granting an increase of pension to Samuel Paine;
- S. 4389. An act granting an increase of pension to Florence B. Plato:
- S. 4406. An act granting an increase of pension to Susan N. Fowler;
- S. 4510. An act granting an increase of pension to Rufus C. Allen;
- S. 4542. An act granting an increase of pension to Aaron Daniels;
- S. 4771. An act granting an increase of pension to George R. Turner;
- S. 4772. An act granting an increase of pension to Gertrude McNeil:
- S. 4894. An act granting an increase of pension to Robert Ramsey
- S. 4909. An act granting an increase of pension to Louis Sidel:
- S. 4979. An act granting an increase of pension to Don C. Smith;
- S. 5001. An act granting an increase of pension to Louis A. Baird;
- S. 5067. An act granting an increase of pension to Martin Schultz:
- S. 5156. An act granting an increase of pension to Granville F. North;
- S. 5176. An act granting an increase of pension to Lewis C. Janes:
- S. 5443. An act granting an increase of pension to James D. Merrill:
- S. 5493. An act granting an increase of pension to Marcus Wood:
- S. 5502. An act granting an increase of pension to John B. Coyle:
- S. 5573. An act granting an increase of pension to Gustavus A. Thompson;
- S. 5599. An act granting an increase of pension to Dennis Flaherty:
- S. 5685. An act granting an increase of pension to James M. Jenkins;
- S. 5693. An act granting an increase of pension to Margaret L. Houlihan;
- S. 5725. An act granting an increase of pension to Alonzo S. Prather;
- S. 5727. An act granting an increase of pension to Lucius Rumrill;
- S. 5740. An act granting an increase of pension to Jared Ayer; S.5741. An act granting an increase of pension to Amelia M. Hawes
- S. 5823. An act granting an increase of pension to Nelson Virgin;
- S. 5826. An act granting an increase of pension to Isaac C.
- Phillips; S. 5892. An act granting an increase of pension to Daniel W.
- S. 5963. An act granting an increase of pension to James Reed;

S. 5980. An act granting an increase of pension to Jacob Smith:

S. 6001. An act granting an increase of pension to Emily Killian :

S. 6005. An act granting an increase of pension to John G. Bridaham;

S. 6008. An act granting an increase of pension to Joseph Lamont:

S. 6035. An act granting an increase of pension to John Fox; S. 6051. An act granting an increase of pension to Mary A.

S. 6052. An act granting an increase of pension to William E. Redmond;

S. 6131. An act granting an increase of pension to Frances A.

S. 6163. An act granting an increase of pension to William H. Westcott:

S. 6186. An act granting an increase of pension to James L. Estlow:

S. 6203. An act granting an increase of pension to Francis W. Crommett

S. 6230. An act granting an increase of pension to Nellie Paxton:

S. 6232. An act granting an increase of pension to John L. Anthony

S. 6238. An act granting an increase of pension to Hugh S. Strain :

S. 6239. An act granting an increase of pension to Kate M. Miner;

S. 6250. An act granting an increase of pension to Alice G. Clark:

S. 6266. An act granting an increase of pension to Paul Baker; S. 6267. An act granting an increase of pension to Denis A.

An act granting an increase of pension to Edward R. 8, 6347 Cunningham;

S. 6353. An act granting an increase of pension to Dolores S.

S. 6367. An act granting an increase of pension to Joseph Johnston:

S. 6368. An act granting an increase of pension to Sherrod

S. 6429. An act granting an increase of pension to Mary L. Beardsley

S. 6438. An act granting an increase of pension to Martha J.

S. 6466. An act granting an increase of pension to Samuel

S. 6485. An act granting an increase of pension to Samuel

S. 6505. An act granting an increase of pension to Theodore

M. Benton S. 6506. An act granting an increase of pension to Henry Z.

Bowman : S. 6514. An act granting an increase of pension to Alfred A.

Stocker: S. 6537. An act granting an increase of pension to William

Eppinger S. 6538. An act granting an increase of pension to Betsey A.

Hodges S. 6558. An act granting an increase of pension to Samuel A.

Pearce S. 6560. An act granting an increase of pension to Reuben D. Dodge:

S. 6561. An act granting an increase of pension to George W. Blair :

S. 6568. An act granting an increase of pension to Wilbur F. Hodge;

S. 6569. An act granting an increase of pension to George

S. 6572. An act granting an increase of pension to Aaron L.

S. 6574. An act granting an increase of pension to Maria H. Waggoner:

S. 6576. An act granting an increase of pension to Michael

Meyers; S. 6579. An act granting an increase of pension to Ezekiel

S. 6580. An act granting an increase of pension to Ella B.

Green: S. 6581. An act granting an increase of pension to Joseph W. Lowell:

S. 6583. An act granting an increase of pension to Abram P. Colby :

S. 6585. An act granting an increase of pension to Amos Ham;

S. 6586. An act granting an increase of pension to Wesley J. Ladd:

S. 6591. An act granting an increase of pension to Henry Campbell:

S. 6596. An act granting an increase of pension to Cyrus W.

S. 6597. An act granting an increase of pension to Frank H. Read :

S. 6631. An act granting an increase of pension to George W. Hodgman;

S. 6632. An act granting an increase of pension to William Davis

S. 6636. An act granting an increase of pension to Andrew J. Grover

S. 6645. An act granting an increase of pension to Timothy C. Stilwell:

S. 6650. An act granting an increase of pension to John A. McGinty

S. 6705. An act granting an increase of pension to Holmes Clayton :

S. 6707. An act granting an increase of pension to Stephen E. Lemon:

S. 6709. An act granting an increase of pension to Samuel Shawver

S. 6712. An act granting an increase of pension to Orin Ingram:

S. 6714. An act granting an increase of pension to Joseph Bolshaw;

S. 6717. An act granting an increase of pension to Manasa T. Houser:

S. 6718. An act granting an increase of pension to Augustus L. Holbrook:

S. 6723. An act granting an increase of pension to Agusta P.

S. 6767. An act granting an increase of pension to John C.

S. 6819. An act granting an increase of pension to Nelson Bigalow:

S. 6821. An act granting an increase of pension to Jonathan M. Adams; S. 6822. An act granting an increase of pension to Christopher

Christopherson;

S. 6824. An act granting an increase of pension to Byron Canfield:

S. 6825. An act granting an increase of pension to Thomas M. Roberts

S. 6826. An act granting an increase of pension to Jacob Turner

S. 6829. An act granting an increase of pension to Thomas P.

S. 6881. An act granting an increase of pension to Jefferson Bush:

S. 6882. An act granting an increase of pension to Elisha H. Stephens;

S. 6883. An act granting an increase of pension to Thomas W. White: S. 6885. An act granting an increase of pension to William H.

Anderson: S. 6942. An act granting an increase of pension to William B.

Dow: S. 6978. An act granting an increase of pension to Samuel

Jackson: S. 6997. An act granting an increase of pension to William

Kennedy; S. 7065. An act granting an increase of pension to Lovisa

Donaldson S. 7077. An act granting an increase of pension to Mary E. Hattan:

S. 7160. An act granting an increase of pension to Kate

S. R. 81. Joint resolution authorizing temporary leaves of absence for homestead settlers; and

S. R. 76. Joint resolution providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C.

On January 19, 1907:

S. 6855. An act to amend the act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea,

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM. I ask the Chair to lay before the Senate the action of the House of Representatives on the legislative, executive, and judicial appropriation bill.

The VICE-PRESIDENT laid before the Senate the action of

the House of Representatives disagreeing to all the amendments

of the Senate, except amendment No. 222, to the bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes, and agreeing to amendment No. 222, with the following amendment:

Omit the matter stricken out by the said amendment and insert the

Omit the matter stricken out by the said ancessarion of the Speaker following:

"That on and after March 4, 1907, the compensation of the Speaker of the House of Representatives, the Vice-President of the United States, and the heads of Executive Departments who are members of the President's Cabinet, shall be at the rate of \$12,000 per annum each, and the compensation of Senators, Representatives in Congress, Delegates from the Territories, and the Resident Commissioner from Porto Rico shall be at the rate of \$7,500 per annum each."

And asking for a conference with the Senate on the disagree-

ing votes of the two Houses thereon.

Mr. CULLOM. Mr. President, the Committee on Appropriations of the Senate decline to take any action on the question of the salaries of Members of the House of Representatives, Senators, and Cabinet officers, preferring that the Senate itself, if anything is to be done on the subject, should take its own course in reference to it. I therefore, for the purpose of getting a vote on the question, move that the Senate concur in the amendment of the House of Representatives to amendment No.

Mr. BERRY. Mr. President, it seems to me the course proposed by the Senator from Illinois [Mr. Cullom] is unusual in regard to a general appropriation bill. The general custom has been, I think, where the House of Representatives disagrees to all the amendments of the Senate but one, that when the bill comes back to the Senate the motion is made that the Senate insist on its amendments and agree to the conference asked by the House.

The Senator from Illinois proposes to take out this one amendment of the House of Representatives, to agree to it, and to have a conference in regard to all the other items of amendment on the part of the Senate, as to which the other House have

disagreed.

Mr. President, I desire to say a few words in reference to the pending proposition, but I prefer that the motion made by the Senator from Illinois should lie over until to-morrow, as I am not ready this morning to say what I desire. I am opposed to this amendment, and I desire an opportunity to give the reasons for my opposition. I therefore ask the Senator from Illinois to let the motion lie over until to-morrow morning.

Mr. CULLOM. I desire, Mr. President, that the amendment shall be disposed of by the Senate to-day, and I know of no rule to take it over. So I hope it will be now disposed of by a

vote of the Senate.

Mr. BERRY. Mr. President, I did not state that there was any rule to take it over; but it seems to me extraordinary on the part of the Senator from Illinois, after I had stated that I desired to speak upon the amendment and was not ready to proceed at this time, that he should insist that as to this particular amendment the rule is to be made different from any which has heretofore existed in the practice of the Senate. I think the request I have made, that the matter should be postponed until to-morrow morning, is not unreasonable. Then I can give the reasons why I am opposed to the amendment. If a majority of the Senate should differ from me and want to vote for it then they can certainly wait until to-morrow morning. There is no special hurry about the matter, so far as I can see, and I trust the Senator will not insist on taking the vote on it to-day.

Mr. CULLOM. Mr. President, if I really felt that the Senator desired delay in order to make preparation for a speech, I should feel inclined to yield to the Senator, but I think the Senator was disappointed a week ago when the bill was before the Senate, that he did not then have an opportunity to make a speech against the provision, which he supposed would remain in the bill. I hope the Senator will not insist on the amendment

going over.

Mr. BERRY. Mr. President, I want to say that I am opposed-

Mr. BACON. Before the Senator begins

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Georgia?

Mr. BERRY. Certainly.

Mr. BACON. I hope the Senator from Illinois [Mr. Cullom] will not refuse the Senator from Arkansas [Mr. Berry] the courtesy which is almost universally granted to a Senator when he suggests that he wishes to address himself to a proposition, but for any reason is not ready to go on. It is the universal custom of the Senate, under such circumstances, to grant the indulgence. The Senator from Arkansas states in his place that he is not ready to go on to-day; and there is certainly no such emergency as should deny to him in this particular case

what is generally granted to Senators whenever they make such statement and such a request.

Mr. CULLOM. I really did not believe that the Senator from Arkansas was in dead earnest about this matter.

Mr. BERRY. The Senator has served here with me for some twenty-two years; and if he has ever heard me utter a word on the floor when I was not in dead earnest, I should be glad to have him point out the time. I do not make statements unless I

am in dead earnest. Mr. CULLOM. I will yield to the Senator, if he desires it, but I really thought the Senator was prepared to do what he proposes to do-that is, to oppose the amendment. If the Sen-

ator desires time I will yield.

Mr. BERRY. That is what I have said. I have stated that I desired that the matter should go over until to-morrow morning, as I am not prepared to go on this morning with the remarks I wish to submit.

Mr. CULLOM. The matter may go over, so far as I am con-

cerned, Mr. President.\*

The VICE-PRESIDENT. The motion will go over until tomorrow morning.

EXTENSION OF TIME FOR HOMESTEAD ENTRIES.

Mr. HANSBROUGH. I am instructed by the majority of the Committee on Public Lands to report a joint resolution, for which I ask present consideration.

The joint resolution (S. R. 86) granting an extension of time to certain homestead entrymen, was read by its title.

Mr. HEYBURN. Let the joint resolution be read at length. The joint resolution was read, as follows:

Be it resolved, etc., That all persons who made homestead entry in the States of North Dakota, South Dakota, Minnesota, Montana, and Wyoming, where the six months' period in which they were or are required by law to establish residence expired or expires after December 1, 1906, are hereby granted until May 15, 1907, within which to make actual settlement and establish residence upon the lands so entered by them.

The VICE-PRESIDENT. Is there objection to the present

consideration of the joint resolution?

Mr. GALLINGER. Mr. President, having objected a few moments ago to the consideration of the resolution, it is proper that I should say that as it is now presented in the form of a joint resolution reported from the Committee on Public Lands I certainly have no objection to its consideration.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the joint resolution.

Mr. HEYBURN. I move to amend the joint resolution by inserting the name of the State of Idaho after that of South

Mr. HANSBROUGH. I have no objection to the amendment, The VICE-PRESIDENT. The proposed amendment will be

The Secretary. After posed to insert "Idaho," After the name "South Dakota" it is pro-

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

### ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by Mr. W. J. Browning, its chief clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 221) to fill a vacancy in the Board of Regents of the Smithsonian Institution; and it was thereupon signed by the Vice-President.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

Mr. FORAKER. Mr. President, if the morning business is closed, I ask that Senate resolution No. 208 may be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the modified resolution submitted by the Senator from Ohio [Mr. Foraker] January 16, 1907, which will be read:

The Secretary read the resolution, as follows:

The Secretary read the resolution, as follows:

Resolved, That the Committee on Military Affairs is hereby authorized and directed, by subcommittee or otherwise, to take and have printed testimony for the purpose of ascertaining all the facts with reference to or connected with the affray at Brownsville, Tex., on the night of August 13-14, 1906. Sald committee is authorized to send for persons and papers, to administer oaths, to sit during sessions of the Senate, and, if deemed advisable, at Brownsville or elsewhere, the expenses of the investigation to be paid from the contingent fund of the Senate.

Mr. Popparent

Mr. FORAKER. Mr. President, I modify the resolution heretofore offered by me, No. 208, and ask that the modification may be read from the desk.

The VICE-PRESIDENT. The resolution submitted by the Senator from Ohio will be read as modified.

The Secretary read as follows:

Resolved, That, without questioning the legality or justice of any act of the President in relation thereto, the Committee on Military Affairs is hereby authorized and directed, by subcommittee or otherwise, to take and have printed testimony for the purpose of ascertaining all the facts with reference to or connected with the affray at Brownsville, Tex., on the night of August 13–14, 1906. Said committee is authorized to send for persons and papers, to administer oaths, to sit during sessions or recess of the Senate, and, if deemed advisable, at Brownsville or elsewhere, the expenses of the investigation to be paid from the contingent fund of the Senate. fund of the Senate.

Mr. FORAKER. Mr. President, I have repeatedly said since I introduced the first resolution on this subject that I had no purpose in introducing that resolution to refer to the Committee on Military Affairs any question as to the power, constitu-tional or legal, of the Chief Executive, my sole purpose being to have an investigation for the purpose of ascertaining the In order that we might meet some of the suggestions facts. that have been made by others, who seemed to fear that question was involved because of the form of the resolution as I offered it, I have heretofore modified the resolution I originally That does not seem to have entirely met that objection, but I understand that the modification now offered does meet that objection, so far at least as my party colleagues are concerned. I have been of the opinion all the while, and am now, that that question was not involved and that it did not properly belong here, but I can understand how there may be differences of opinion about it on the part of men who are as earnest as I am and as anxious as I am to do only justice to all concerned in the matter.

I agreed to this modification with the understanding on my part that it does not change the legal effect of the resolution; that it does not restrict or restrain the scope of the inquiry as to the facts. When the facts are ascertained we will be in the situation of having not raised that question in any way whatever and of not being precluded as to that question by anything that we may have done in the case.

Mr. LODGE. Mr. President, I have an amendment pending to the resolution of the Senator from Ohio, which is the first amendment offered. I desire now to withdraw that amend-ment. I do it, Mr. President, for the following reasons:

I have had but one purpose in the part which I have taken in this debate and in the amendments which I have offered to the resolution presented by the Senator from Ohio [Mr. FORAKER], and that was to exclude from the consideration of the committee what I thought neither the Senate nor the committee had the right to discuss—the power of the President to take the action which he took. That has seemed to me a question of the very greatest moment. Nothing has appeared to me more inept than the criticism that those of us who took that view were advocating measures of centralization or seeking to increase Executive power. If there is anything to my mind more essential than another for the conservative maintenance of the constitutional principles of the Government, it is to keep entirely separate the three great branches, as the Constitution provides.

It is not very long, Mr. President, since I most reluctantly, but most decidedly, in accord with a large majority of the Senate, voted to amend certain treaties before us, because it seemed to me that an interpretation had been placed upon those treaties which, if maintained, would be a distinct infringement upon the rights of the Senate; and as I am jealous of the maintenance of all the rights of the Senate and of the Congress, it is equally important that the rights of the other departments of the Government should be scrupulously maintained. If we begin to invade the well-defined provinces of the other departments of the Government, to review and revise Executive acts, performed in accordance with the powers conferred upon the Executive, either by the Constitution, by the statutes, or by both, the time is not far distant when we may look not merely for Executive interference with the action of Congress, but for Executive interference or Congressional interference with the decisions of the courts, than which I can conceive of nothing more disastrous to the conservation of those great principles on which I believe the security of our Government rests.

It was to exclude, Mr. President, entirely from the purview of the committee the consideration of the power of the President to take action which rested wholly within his executive discretion that I have taken part in this debate and offered this amendment. The resolution of the Senator from Ohio, as now modified, not only embodies in substance my amendment, but makes it-and I think wisely makes it-more explicit and exact. Of the resolution of the Senator from Ohio as it now stands, there can be no possible misunderstanding. I withdraw my amendment, and I trust that the modified resolution of the Senator from Ohio may pass exactly as it is now offered.

Mr. BACON. Will the Senator from Massachusetts permit me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. Certainly.

Mr. BACON. I want to ask the Senator this question: The Senator says there can be no doubt about the construction of this modified resolution, and possibly we may agree on that; but I desire to ask the Senator this question with a view to determining that point: The Senator will remember that the amendment offered by the Senator from Kentucky [Mr. Blackburn] was to insert after the words "Resolved, That" the words—

Without questioning or denying the legal right of the President to discharge without honor enlisted men from the Army of the United States.

The language used in the modified resolution of the Senator from Ohio is this:

That without questioning the legality or justice of any act of the President in relation thereto.

Now, taking those two sentences, does the Senator consider or understand that in construing the sentence as proposed in the modified resolution of the Senator from Ohio it is the same in intendment and effect as the language expressed in the amendment offered by the Senator from Kentucky?

Mr. LODGE. The modification offered by the Senator from Ohio [Mr. FORAKER] excludes the question of the legality of the President's action not merely as to the discharge of the enlisted men without honor, to which the amendment of the Senator from Kentucky [Mr. Blackburn] is confined, but the legality of any act relating thereto-that is, of course, as to the Brownsville matter.

Mr. BACON. So I understand, then, that the Senator construes the modified substitute proposed by the Senator from Ohio to mean all that the amendment proposed by the Senator from Kentucky means and to go still further?

Mr. LODGE. I do.

Mr. BACON. You understand it to mean all that and to go still further?

Mr. LODGE. Mr. President, I ought to say that the words "or denying" are left out-

Mr. FORAKER. I want to suggest-

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. Certainly.

Mr. FORAKER. I want to suggest to the Senator from Massachusetts that, according to my understanding, the two amendments do not mean the same thing.

Mr. BACON. That was the exact point as to which I desired information.

The words "or denying" are left out, and Mr. FORAKER. the effect of the modification, as I have made it, is simply to leave out of consideration for the present time, and to express no opinion whatever in regard to it, all questions in regard to legality or power.

Mr. LODGE. Mr. President, the words "or denying," which I did not think of when I replied to the Senator from Georgia [Mr. Bacon] seem to me to be of no consequence whatever. The words used in the resolution are "without questioning."

Mr. BACON. Well, would the Senator object to inserting them, then, in the modified substitute resolution proposed by the

Senator from Ohio?

Mr. LODGE. Mr. President, I see no need of inserting the words "or denying," for the words "without questioning" mean that we do not question the President's right to do it, if the English language has any meaning at all.

Mr. BACON. The Senator thinks, then, that the words "without questioning" include "without denying."

Mr. LODGE. I think they do, to my mind, include it.
Mr. BACON. Yes. Therefore the Senator himself would
have no objection to the insertion of the words "without denying.

Mr. LODGE. I certainly shall object to inserting the words or denying," if that is what the Senator means.

Mr. BACON. Does the Senator desire, in the passage of this resolution, to leave any doubt as to whether or not the Senate deny it?

Mr. LODGE. The resolution as it stands is absolutely satisfactory to me. It states that we do not question the President's right either to discharge the troops or in any act relating

thereto. Nothing can be plainer than that, in my judgment.

Mr. BACON. Well, Mr. President, I do not think the Senator and I differ very materially as to the end we seek, but we

differ materially as to the phraseology.

Mr. LODGE. Mr. President, I can answer the Senator in a moment, that the phraseology, as it now stands, seems to me to perfectly cover the point which I desire to cover. I agreed to it on that understanding, and I certainly shall not depart from my agreement. If it does not mean that, then I am greatly misled.

Mr. BACON. I hope that in the course of the consideration of this matter we may be able to insert in this modified resolution, as now proposed by the Senator from Ohio, after the word "questioning," the words "or denying."

Mr. FORAKER. Mr. President, I want to say, in answer to the suggestion of the Senator from Massachusetts [Mr. Lodge], that my understanding of this language is that it does not commit the Senate on this proposition in any sense whatever, except enly to let the whole matter stand in abeyance so far as this investigation is concerned. That is the theory upon which I am willing to modify the resolution, with that understanding. In other words, the effect will be precisely the same as though we "neither affirming nor denying the legality."

Mr. BLACKBURN. On Thursday last, Mr. President, I submitted an amendment which I proposed to offer to the resolution of the Senator from Ohio [Mr. FORAKER], and advised the Senate that, at the conclusion of that Senator's argument, I should submit some suggestions in connection with the amendment proposed by myself. During the time intervening it seems that the other side of the Chamber have found common ground satis-

factory to themselves.

I was not willing, Mr. President, that the resolution offered by the Senator from Ohio unamended should pass. My unwillingness was mainly attributable to the tenor of the speeches the Senator from Ohio had made upon his resolution. I understand him this morning to say that it was never his purpose through this agency of the Senate, the Committee on Military Affairs, to inquire into the question of law involved in the exer cise of a right which the President had asserted. I certainly did not so construe the speeches made by the Senator from Ohio in the earlier stages of this debate.

Mr. President-Mr. FORAKER.

The VICE-PRESIDENT. Does the Senator from Kentucky yield to the Senator from Ohio?

Mr. BLACKBURN. With pleasure. Mr. FORAKER. The Senator from Kentucky will not find in any speech I have made on this subject, in either the earlier or the later stages, any statement that I expected the Committee on Military Affairs to inquire into the question of power.

Mr. BLACKBURN. Nor have I said so.
Mr. FORAKER. But the Senator will find in all those remarks, wherever I had occasion to speak of the subject at all, precisely the same statement in effect, that I wanted the facts and had no thought of asking or directing the Committee on Military Affairs to inquire into or to determine the question of

Mr. BLACKBURN. That is all very true, Mr. President.

Mr. FORAKER. There was, if the Senator will bear with me a moment, certainly some discussion of the question of power, and a great deal of discussion; but that was not because of the form of the resolution which was before the Senate, but only because that question had been introduced into the controversy by statements originally made in the message from the President himself and later in answer to arguments that had been advanced by Senators to the contrary of the position I have

Mr. BLACKBURN. Now, Mr. President, I will repeat-for I am sure I can not be mistaken in my memory of this matterwhilst it is true, as the Senator from Ohio now contends, that he has not in any of his arguments upon this question avowed a purpose to go into the inquiry as to the existence of this power upon the part of the President, I can not be mistaken that in those earlier arguments which he submitted he did emphatically state, when that very question was raised, that he opposed any limitation being put upon the scope of the investigation which the committee was to make.

Mr. FORAKER. I just as earnestly and emphatically oppose any restriction or limitation being placed on it now.

Mr. BLACKBURN. Then-

Mr. FORAKER. But the investigation is to be an investigation as to the facts and not as to the law; and I also opposed anything in this resolution that would estop the Senate itself, if after the facts have been laid before the Senate it should see fit to do so, from taking any action it might think appropriate to take.

Mr. BLACKBURN. If I may have the permission of the

Senator from Ohio I will proceed.

Mr. FORAKER. I beg pardon of the Senator from Kentucky if I have interrupted him.

Mr. BLACKBURN. There is no need of that.

Mr. President, I am not mistaken in my recollection of another fact which bears very importantly and potently on the question now, that in those earlier arguments of the Senator from Ohio he quoted at length authorities, piled like Ossa on top of Pelion, in support of his challenge of the power of the President.

Mr. FORAKER. Certainly.

Mr. BLACKBURN. He denied that the President had the power, and he fortified that denial by an exhaustive quotation of authorities from yonder judicial branch of the Government. Will be undertake to tell us now that that question was never in issue? Will he undertake to tell us now that the legal authority of the President was never challenged? Then why that waste of time and that limitless citation of legal authorities?

I opposed the resolution of the Senator from Ohio. I was not willing that it should be passed unamended. Hence I gave notice of a purpose to put an amendment on it which would limit the scope of the investigation of the Committee on Military Affairs, and rule it down to an inquiry into facts, but with an express disclaimer in advance by the Senate that they did not mean to impeach or challenge, to question or deny, the legal authority vested in the President for the act which he had performed.

I belong to that advanced school in this discussion, which not only believes that the President held the statutory power and authority, but that he also held the constitutional warrant and the full authority given under the Articles of War. For that reason I submitted a proposed amendment to the resolution of the Senator from Ohio, and that amendment has but one purpose in view. It was to operate as a disclaimer, upon the part of the Senate, of any purpose of challenging the legal authority of the Executive.

Mr. President, now a modified resolution is offered as a substitute. I very much regret that it should even appear to fail to meet the views of any Senator upon either side of this Chamber. On Thursday last, as I have stated before, I expressed a purpose of submitting some remarks upon that amendment which I proposed. It may be that I am entitled to some small measure of credit for having by that threat of inflicting a speech upon the Senate contributed in some humble measure toward the restoration of harmony among my friends on the other side. [Laughter.]

The modified resolution as offered to the Senate to-day is amply satisfactory to me. It employs, with very slight change, the very identical language of the amendment that I submitted.

There is not a shadow of difference, except the elimination of two words—"or deny." With that exception the phraseology of the substitute resolution now offered by the Senator from Ohio embodies the precise phraseology of my proposed amendment, and goes further, for it declares that there is no question as to the discretion exercised by the President.

I say, sir, without the slightest hesitation or embarrassment, that I am entirely content-just as fully content with the resolution offered by the Senator from Ohio as I would have been had his original resolution been amended as I proposed. would be lacking in fairness, I would be fairly subject to criticism for a want of candor, if I did not here and now in my place avow the purpose of insisting, as a member of the Military Affairs Committee, upon the construction that the Senator from Massachusetts has just placed upon the pending resolution. I, as a member of the Military Affairs Committee, serve notice now that should this amended resolution be adopted, as I doubt not it will be, I will go into that committee room with the firm conviction riveted in my mind that I have no authority from the Senate to inquire into either the legal authority of the President or the discretion that he employed in the issue of that order.

Now, sir, having said that much in that shape and in that form, I have nothing more to say. I am glad to advise the Senate of the fact that it has escaped the affliction with which I threatened it on last Thursday. And now, Mr. President, when I contemplate that within a very few weeks I am to pass out from this Chamber and cease to be a member, may I not indulge the hope that in my retirement, in the privacy of home and family, I will be remembered kindly by the Republican membership that I leave behind for the humble but apparently material and valuable assistance that I have contributed to their side in my efforts as a peacemaker. [Applause in the galleries,]
The VICE-PRESIDENT. The Chair will admonish the occu-

pants of the galleries that under the rules of the Senate applause is not allowed.

Mr. McCUMBER obtained the floor.

Mr. FORAKER, Mr. President-

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Ohio?

Mr. McCUMBER. I yield to the Senator from Ohio for a moment.

Mr. FORAKER. No one, Mr. President, has listened to the wild greater regret than I have. He is a friend of many years' standing, a man of great ability, of high character, lovable in every sense of the word, particularly in all his relations as a colleague in this Chamber. I listened to the valedictory, how-ever, not as one without hope, and I listened to it also, Mr. President, with a great deal of satisfaction in the thought that I could in response to him say that when he goes into the Committee on Military Affairs for the purpose of construing the resolution we are about to adopt in the way he says he will construe it he will find me construing it in precisely the same way. He would have found me so construing it if it had been adopted precisely as I first offered it.

Mr. BLACKBURN. Will the Senator allow me a word here? Mr. FORAKER. Certainly.

Mr. BLACKBURN. I simply ask this courtesy that I may disclaim even the semblance of a suggestion of doing an injustice to the Senator. We may differ, as we often have differed, upon questions, and some of vital importance. My acquaintance with the Senator from Ohio began long before he was known to fame. A quarter of a century ago, sir, he and I sat as a court for six weeks trying an important suit by the process of arbitration. I then was fortunate in having the opportunity of getting a measure upon that man, and I beg to say here in all candor that from then till now I have never had occasion to change that estimate nor to abate my full faith either in his frankness or in his ability. But he is entitled to have me say this: I never suspected him of fighting under cover. Of the many attributes which the Senator has there is none that I admire more than the open, bold, frank, manly way in which he conducts all his contests.

Mr. FORAKER. I am much obliged to the Senator from Kentucky for his interruption. I assure him I properly ap-

preciate all he has said and all he has suggested.

Now, if I may repeat, for that is the only thing I am particular about, I will say again that I have had no thought at any time—and I have said that repeatedly in the progress of this debate-of questioning in the committee under this resolution the power of the Chief Executive or any act of the Chief At the same time I have strenuously contended that before the facts are ascertained, which we hope may be ascertained in full by this investigation, the Senate should not preclude itself as to any question upon which it may be called upon to take action. For that reason I have objected to anything that would be in the nature of a declaration on the part of the Senate that it did not have this power or that power or the other power.

I agree to this modification because I understand that it

does not amount to any such precluding of the Senate, when the facts are all laid before it, to take such action as the Senate may see fit to take. For that reason I have been willing to adopt any language that might meet with acceptance on the part of other objecting Senators. I have not cared what the particular language was so we get the thing accomplished that I have been seeking to accomplish, namely, an investigation

of the facts.

Mr. President-Mr. TILLMAN.

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. I do.

Mr. TILLMAN. Mr. President, I rise merely to say that, sitting here and listening to these sweet words of friendship and peace, of renewed amity, I am reminded of that text in the Scriptures, "How good and how pleasant it is for brethren to dwell together in unity." The Senator from Massachusetts has squeezed through a very small hole to get back to the majority of his party. The Senator from Kentucky has squeezed out of the very same small hole to get back to that consciousness of rectitude and of a nonpartisan purpose apparently with which he offered his amendment. I congratulate Senators upon all of us being agreed for once.

Mr. McCUMBER. Mr. President, when this resolution first came before the Senate I do not believe there was a single Senator who believed it was to be made the vehicle of a political ball game, and I for one Senator on this side am not ready to admit that it shall take that aspect even at the present time.

If it is to be considered as a political game, then I want to say frankly to the Senator from Ohio [Mr. Foraker] that I think the Senator from Kentucky [Mr. Blackburn] has scored a good home run.

The true meaning of the amended resolution that has been presented and which the Senator says has practically been accepted by all of the Republicans is practically the same as that of the amendment of the Senator from Kentucky. The Senator from Ohio is a splendid lawyer; he knows how to express an idea clearly and definitely, and I am satisfied that if he had been drawing a resolution which he intended to mean that "independent of or without either affirming or denying the power of the President so to act" he would have used the term "without denying or without affirming that act."

The words "without questioning the power of the President" to take the action which he did in the Brownsville affair not only mean to the Senate, but mean to the public at large, that the power is unquestioned. But if we pass a resolution "without questioning the power," intending that it shall not question the power of the President so to act, we admit by that phraseology that the subject is not a questionable subject so far

as the resolution is concerned.

If one were to take the serious expressions of the press for the last three days relative to this resolution and the divers amendments which have been submitted in relation to it, he would be forced to the conclusion that neither the Senate nor the President of the United States had outgrown the age of kilts. These reports present an attitude of childishness both upon the part of the Senate and the Executive that ill comports, in my opinion, either with the dignity of the one or the acknowledged common sense of the other. While I think this whole question has assumed a proportion entirely beyond its legitimate importance, I certainly deny for one, and for the credit of both parties in the Senate, that the Executive or the Senate so underestimates the intelligence of each other or the public at large, to say nothing of their honesty, as to suppose that either could be caught in so shallow a pit as has been discovered by the press.

There are those here who believe that the President has acted wholly within his constitutional and his legal power, who, nevertheless, believe that there should be a further effort made to ascertain and punish the guilty and to free the innocent from any further suspicion, and that our power should not cease and our efforts should be continued until it has been fully determined, if it is possible to arrive at such a determination, who the guilty parties are and who we can say are entitled to the

verdict of not guilty.

For that reason alone, wholly independent of the power of the President, it was my intention to vote for this resolution. I for one had believed from the very beginning-and notwithstanding the very strong argument of the Senator from Ohio [Mr. Foraker] I have not been for one single moment divorced from that opinion—that the proper construction of the fourth article in the Articles of War clearly and definitely gives to the President the absolute power to dismiss without honor. I concede that right. I believe that he acted wholly within his power.

But there may be another class of Senators here who have some doubts upon that question, and those who have the doubts would have been justified in voting for the original resolution which has been introduced and heretofore has been supported by the Senator from the State of Ohio. On the other hand, those—and there is certainly a third class—who believe that not only had the President the absolute power to act as he did, but who desire to assert and to declare that he exercised that power legally and constitutionally and justly, can certainly find a mode of expressing it in voting for the amendment that was offered by the Senator from Kentucky [Mr. BLACKBURN], because this amended resolution does not change it, in my opinion, in the slightest degree. I can vote for this, not on the false assumption that it means something else than what its words are, but I can vote for it upon the assumption that it means that we do not question in any way, so far as this case is concerned, the legal power or the constitutional power of the President of the United States to dismiss without honor either in time of peace or in time of war.

Mr. TALIAFERRO. Mr. President—
The VICE-PRESIDENT. Does the Senator from North Da-

kota yield to the Senator from Florida?

Mr. McCUMBER. With great pleasure.

Mr. TALIAFERRO. Does the Senator consider that the Senator from Ohio puts the same construction on this resolu-tion that he is now putting on it? The Senator from Ohio is a member of the Committee on Military Affairs, and he will have to do with this question in that committee.

Mr. McCUMBER. I will say that the Senator from Ohio does not put upon it the same construction that I do. The Senator from Ohio definitely stated that his construction of those words was that they meant the same as though the resolution read "without affirming or denying the power." That is not the fair construction, and it is not the general construction which will be given to this resolution if it shall pass. The proper construction, and it will be taken so to mean, is that the Senate has placed its seal of approval upon the constitutionality of the action of the President. I can not give it any other meaning, and I shall vote for it upon the assumption that it does mean that, and I will take no ground that will not bear me out in voting for it upon the express statement that I have made and not upon the idea that a half a dozen Senators who surround me have met together and concluded that the better way out of this whole thing is practically to adopt the sentiment that was expressed in the amendment proposed by the Senator from Kentucky.

Mr. President, I had intended to-day, if this matter had not

received this pleasant settlement, to make an address upon the question of the constitutional and legal power of the President. We all practically now concede that in the resolution itself. I concede it independent of the resolution, and the resolution

as it has been settled upon confirms me in that belief.

Mr. TILLMAN obtained the floor.

Will the Senator from South Carolina yield to Mr. SCOTT. me for a moment?

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from West Virginia?

Mr. TILLMAN. With pleasure.

Mr. SCOTT. Mr. President, I merely wish to express the hope that the majority of those negroes will not be dead before the Military Affairs Committee has an opportunity to inves-

tigate whether they are innocent or guilty.

Mr. CARMACK. Mr. President—
The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Tennessee?

Mr. TILLMAN. Certainly. Mr. CARMACK. I did not happen to be in the Chamber when the Senator from Ohio [Mr. FORAKER] offered his modified solution. I should like to have it read.

The VICE-PRESIDENT. The Senator from Tennessee reresolution.

quests that the resolution offered by the Senator from Ohio be read by the Secretary. The Secretary will read again the reso-

The Secretary read as follows:

The Secretary read as follows:

Resolved, That, without questioning the legality or justice of any act of the President in relation thereto, the Committee on Military Affairs is hereby authorized and directed, by subcommittee or otherwise, to take and have printed testimony for the purpose of ascertaining all the facts with reference to or connected with the affray at Brownsville, Tex., on the night of August 13-14, 1906. Said committee is authorized to send for persons and papers, to administer oaths, to sit during sessions or recess of the Senate, and, if deemed advisable, at Brownsville or elsewhere, the expenses of the investigation to be paid from the contingent fund of the Senate.

Mr. CARMACK. I wish to say just a word in relation to the amended resolution, if the Senator from South Carolina will permit me?

Mr. TILLMAN. With pleasure.
Mr. CARMACK. Mr. President, the modified resolution is practically identical with the one offered by the Senator from Kentucky [Mr. Blackburn], and if it really means what the Senator from Ohio [Mr. FORAKER] meant all the time, I would be glad to have some explanation as to why it has taken so long and so many anxious caucuses and so many midnight conferences to arrive at that conclusion.

Mr. MONEY. Mr. President-

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Mississippi?

Mr. TILLMAN. With pleasure.
Mr. MONEY. I am indebted to the Senator from South Car-

olina for a few moments to submit a few remarks.

Mr. President, certainly I have all along during this debate misunderstood the Senator from Ohio [Mr. FORAKER]. I had understood all along that he had two objects in view, two points to make. One was that the President had no legal or constitutional authority to discharge without honor the battalion in controversy, and the other was that in exercising that authority he had not properly weighed the evidence and had exercised it without proper consideration. But whatever that impression may have been, it is dissipated by the language of the Senator this morning, who has told us what is his present mental status

Of course, it is very agreeable to everybody to see that the Republicans in their extremity have made common sacrifices upon the altar of harmony to get together, but it seems to me the speeches made by the Senator from Ohio [Mr. FORAKER], the Senator from North Dakota [Mr. McCumber], and the Senator from Massachusetts [Mr. Lodge] show that while they agree upon the form of the words, they are just as much divided in opinion as they were before.

The Senator from Ohio, notwithstanding the declaration as

to the proper construction of his resolution made by the Senator from North Dakota, has himself construed it—and nobody can construe a paper better than the man who wrote it, because he knows what was in his own mind, which can only be guessed at from contemporaneous circumstances by any other man.

Now, Mr. President, the conclusion is, as drawn now, that by taking out the words "or denying" in the amendment proposed by the Senator from Kentucky, leaving simply the words "without questioning," that language means to the mind of the Senator from Ohio, and I presume of course to those who agree with him, and have been with him in this controversy, that we have a right to question, but do not choose to exercise it. To the mind of the Senator from Massachusetts, the mind of the Senator from North Dakota, and those gentlemen on the other side who agree with them that language means that we have no right to inquire into the exercise of constitutional and legal authority on the part of the President in his action. It seems to me they are as far apart as they ever were in their real meaning, but of course if this last is big enough to cover the whole point and bring the party together, each one must simply direct his understanding to it and vote for the letter of the resolution without any regard to its spirit or meaning

But to my mind it carries this idea: When we use the words, without questioning the authority of the President" the Committee on Military Affairs is authorized and directed to inquire into certain matters, and it means that they are not to debate at all or give any consideration to the question whether it be with or without authority, just or unjust, but they are simply to inquire into a certain state of facts which was the basis of the action of the President. The question arises, then, if we are not to consider the authority of the President in his exercise of authority in this matter, whether he had it or had it not, what is the utility of an investigation into the facts? You are not going to change his action on the investigation any more than you change the opinion of a judge delivered by affirming that he has given too much or too little weight to the evidence or has admitted incompetent evidence or improperly applied the law to the facts in the case. It does not at all alter the fact of what the judgment was. It does not relieve the judgment that some lawyer finds fault with the judge. So the question that arises is whether the Senate will undertake an investigation of the matter without any purpose in view, and if we have no purpose in view and nothing is to be accomplished, I shall vote against the resolution.

I am one of those who believe that the President has both the constitutional and legal authority to do this thing and that he alone had to determine it. Whether the weight of the evidence was proper or not, if we do not go into that matter, and do not intend to, it is evident from the different investigations made that he was satisfied about it. I care not whether his decision is right or wrong. It can not be attacked here as an authority, in my opinion. If we can not do that-and in the mind of many members here there is no intention to do it—I can not for my life understand why we are to get at the facts, if it is possible to get at them any more than they have already been arrived at by the grand jury and three or four military investigations. that reason I think the whole resolution ought to be tabled.

I am much obliged to the Senator from South Carolina. Mr. TILLMAN. Mr. President, it seems to be in order for all parties to this discussion to sweep around their doors. There has been much difference of opinion and difference of interpretation, one Senator saying this resolution means this and the other one saying it means that; but I suppose most people will finally arrive at the conclusion that it means what the English language means when it is written by men who know how to use it; that the general public will interpret it according to the words that are given, and this Senator's and that one's explanation of its purpose will not cut any figure.

In regard to my own attitude in this matter, I find myself for the first time since I have been a member of this body differing from all of my Democratic colleagues.

Mr. TELLER. Not all.

Mr. TILLMAN. Well, the Senator says "not all." glad to know there is another. Democrat here who feels about it as I do. Possibly there may be still others, though we have got to a point now where there is no question on which to vote yea or nay. I expect everybody will vote yea on this resolu-tion. Certainly I am in favor of an investigation.

In speaking about my own attitude, I knew as well as anybody else that the South would tumble over itself in this Chamber and out of it in approval of the President's action in the Brownsville case. My own constituents approve it. All the southern people approve it. Why? Because they do not believe there ought to be any negroes in the Army at all, and they are glad to get rid of them, however unjustly that riddance is obtained. And recollecting the actions of the negro soldiers who were quartered in the South in 1866 and 1867, the outrages, the infamies, the cruelties that were perpetrated upon our people by them, there is no wonder that we hate the very idea of a negro soldier wearing the uniform of the United States and

representing authority.

I therefore knew that my own people would be indorsing the President's attitude, but as far as I myself am concerned, while I have been charged with being a monomaniac in my personal antipathy and hatred of Theodore Roosevelt; that I am incapable of judging him fairly or treating him with justice. Senators will recall that last June when the railroad-rate bill was about to pass; when it was fresh in my mind and fresh in the mind of everyone that the Democrats who had been called to the President's aid had been betrayed, that he had thrown us down-what did I do? He had betrayed us in pursuit of this very party harmony which is so dear to Republicans, but even under those circumstances and with that provocation I declared on this floor that whatever credit was due and whatever benefit might come from that bill it would be due to Theodore Roose velt, because without his help and his influence no bill on the subject could have been passed here at all. Yet in face of that acknowledgment I am charged with being so bitter, so narrow, so prejudiced that I can see nothing good in this man.

As far as this case is concerned, I plant myself on the bedrock principle that we ought not to punish innocent men for the sins of the guilty, and that every man ought to be considered innocent until he is proved guilty; and I will rest my case there.

This question of negro soldiers will come up later, perhaps. Mr. President, from habit and training I have never found it agreeable or pleasant to write anything to be spoken, but have always been willing to rely on such thoughts as might come to me and to use such words as would plainly express my meaning. In the hurry of extemporaneous composition I have been unfortunate at times in saying some things which did not clearly express my own feelings or thoughts. I have not qualified words sufficiently to make myself clearly understood.

As I am dealing with a very serious and grave question-I am speaking now broadly-and desiring to say nothing that does not express clearly and exactly what I think and feel, I have taken the trouble to write out or to dictate and have typewritten

most of what I propose to say to-day.

I had not expected to have anything more to say on this subject, and would have contented myself with the presentation I made in the speech I have already delivered, but the remarkable and unprecedented actions and utterances of the Senator from Wisconsin have made it necessary that I should trespass again upon the attention of the Senate. It seems that after ten years of service together we have both misunderstood one another. We have had many clashes in debate. Sometimes these were sharp, causing momentary anger, first on one side then on the other; but with me that feeling has always passed away at once, leaving no trace of bitterness or unfriendliness, and I had supposed it was the same with the Senator from Wisconsin until last week. I have been forced, reluctantly, to feel that I have, without knowing how or when, earned the malicious enmity of that Senator; and while I still bear him no malice, self-respect compels me to comment upon his latest utterances.

During my twelve years of service here I have borne malice toward no man, and I am sorry to find that without provocation, that I am aware of, I have excited it in a man whom until now I thought to be my friend.

It is but my nature to be blunt and outspoken, and I have never taught my tongue the art of double dealing; and if there is any vice in men I abhor more than any other it is hypocrisy,

and I am too old to begin to practice it now.

A brief statement of facts which are fresh in the minds of all who heard the Senator's speech will explain my meaning. He began that speech with a sneering comment on my lynching record, or my ideas on lynching. In the course of his argument the Senator from Wisconsin was discussing the inability of the President to find out who the guilty soldiers were who had shot up Brownsville, and, having asserted with great positiveness that there were no grounds for criticism, I presumed, in an orderly and respectful way, to ask a question, and this was what was said on both sides:

Mr. TILLMAN. The Senator has not said anything about the crime or the omission to do their duty being an offense which was triable by court-martial. It is not a question of the affidavits which were offered. I think the Senator agrees with me that there have been a good many

I think the Senator agrees with me that the lies sworn to.

Mr. Spooner. The Senator is not asking me any question. A reply to it would be difficult or, if made, would not elucidate in any way the question which I am discussing.

Mr. TILLMAN. The Senator was making an assertion, though, and I wanted to answer it.

Mr. Spooner. What assertion did I make?

Mr. TILLMAN. You say these men, if I recall it, were not triable;

that they had done nothing that would give any excuse for a court-

martial.

Mr. Spooner. I did not say that.

Mr. TILLMAN. That was the meaning of your words, if I understood the language.

tended to say, or had said, and coming on down to a point in which he praised Major Penrose-I quote from the Record-

Mr. Tillman rose.

Mr. Spooner. No; not now. He stands by his men when he can. It is a part of the comradeship of the officer and men that he should. Moreover, no man could have a higher, intenser interest in the determination that his command was guiltless than Major Penrose, for he knew it would involve himself, as it has involved himself.

Mr. Tillman rose.

Mr. Tillman rose.

Mr. Tillman rose.

Mr. Tillman will the Senator allow me a question?

The Vice-President. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. Tillman. I will make it like a bullet.

Mr. Spooner. It depends on the nature of the question. What is it?

Mr. Tillman. I will make it like a bullet.

Mr. Spooner. Well, you shoot your bullet very slowly. Go on.

Mr. Tillman. I like to look in the Senator's eyes.

Mr. Spooner. Go on.

Mr. Tillman. Why did not the President, if he had so much regard for this officer's recommendation, follow it in regard to employing detectives and enlisting them in the company and trying to get at the facts?

Then, Mr. President, the Senator become what he are in the senator's expense when he was a senator in the senator when he was a senator in the senator of the president in the facts?

Then, Mr. President, the Senator began what he said was not an attack on me, but a defense of the law.

While the Senator's manner was supercilious and his utterances none too courteous, I paid no attention to it; but when he continued to defend the President's action and to stress the point that the President had done all he could, and was proceeding to praise Major Penrose, I again, in a deferential and respectful way, tried to enter the debate by asking another question, which was entirely pertinent and bore directly on the point. I propounded this inquiry about the detectives. Instantly the Senator's manner changed to one of great aggressiveness and anger, and in a manner as insulting as it is possible for a man to assume he commenced an attack upon me personally that has never been paralleled in this body since I have been a member of it. When, for the purpose he had in view, I saw that he was laying the foundation for a justification for his harsh words by garbling and misquoting my own utterances, I interjected the remark, "Do not misquote me." His reply was, "No; I put it mildly; I do not intend to misquote you. Quote yourself, if you please."

Then this colloquy ensued:

Then this colloquy ensued:

Mr. TILLMAN. I said it is the fundamental principle of English and American liberty that every man shall be considered innocent until he is proved guilty—

Mr. Spooner. Proved guilty where?

Mr. TILLMAN. In a court, of course. And that ten guilty had better escape than one innocent suffer. Does the Senator object to that?

Mr. Spooner. Mr. President, the statement is accurate, generally speaking, but with what grace can the Senator, using that as a foundation, charge usurpation in this case and a violation of fundamental principles of liberty upon the President of the United States? Is not that principle applicable to a black man in the South as well as to the white man in the South or the white man in the North? The Senator, who says, "We shot them, we killed them, and we will do it again," on a former occasion—

Mr. TILLMAN. May I get in?

Mr. Spooner. What do you want to get in for? I want to finish. What is it?

Mr. Spooner. Well, strike back a little?

Mr. Spooner. Well, strike back; go on.

Mr. TILLMAN. On this proposition which you are discussing you first branch off on one phase of it. You had better sit down a little, if you please.

Mr. Spooner. No; I do not intend to yield for a speech. The Senator

please.

Mr. Spooner. No; I do not intend to yield for a speech. The Senator can answer me later. If he wants to ask me a question, he is welcome. Mr. TILLMAN. Is that all?

Mr. Spooner. That is all.

Now, Mr. President, I would do the Senator from South Carolina no interfer.

Mr. Tillman. The Senator from Wisconsin, however, turns himself directly to me, mentions me by name, speaks of things I have said and of my motives, and all that sort of thing, and then says I may answer him hereafter, but he will only let me in now for a question.

Mr. Spooner. I wish to finish what I want to say. What is the question.

Mr. Spooner. I did not start to ask a question.
Mr. Spooner. Start to ask it.
Mr. TILLMAN. I said I did not start to ask a question.
Mr. Spooner. I add not start to ask a question.
Mr. Spooner. I decline to allow the Senator to make a speech. I am

At this stage of the debate it dawned on me for the first time that the Senator from Wisconsin had intentionally and in cold blood brought things to this pass in order to give him the opportunity to carry out his preconceived plan, and I recalled that in a preceding part of his speech he had used language which caused me at the time to feel aggrieved, but I let it pass, because I had no desire to get into an altercation with the Senator or to indulge in any of those running discussions which have marked our debates in the past, when it was a case of cut and thrust with no blows below the belt.

The phrase to which I alluded in the Senator's speech is that in which he had declared that it would not be decent for him to comment upon the actions of the officers Penrose and Macklin, because they were now under trial by court-martial. The word "decent" there is entirely, I suppose, parliamentary; and as my name was not mentioned, it was of no serious moment. I let it go by, although I had commented at length and severely upon both Penrose and Macklin, had called their actions in question, and had said that they were incompetent and were derelict in the discharge of their duties, or words to that effect.

The Senator's idea that these men being under charges should not be commented on here is a rightful one if he chooses to occupy that attitude. I do not dispute his rights in that particular, and I was not supersensitive about his saying it would not be decent. I had only used the language, not as harsh lan-guage as Blocksom and Garlington and the Judge-Advocate-General used, in commenting on these same officers in the re-

port sent to us, and I felt justified in criticising them.

Having shut me off in a discourteous and brutal fashion-I had almost said ungentlemanly—the Senator went on to read me a lecture, to quote from my utterances in debate in this body and from extracts of supposed speeches given in newspapers, all the while deprecating the unpleasant work he was engaged in, excusing himself upon the plea of duty—public duty—and claiming that he had been "led off" from the orderly course of his debate. He repeated that phrase, "led off," "led off," three or four times in his anxiety to appear as a great public censor performing the unpleasant task solely from a sense of It was a most excellent piece of acting, and was worthy of Uriah Heep in his most humble exhibition of himself.

Since when did it become the duty of the Senator from Wis-consin to play schoolmaster here and presume to teach other What justifica-Senators the proprieties and decencies of life?

tion did he have for his conduct on that day?

He has the right, of course, to express his opinion of my utterances and actions, and as he has not minced words or been very careful of feelings, he must not blame me if I shall imitate his bad example.

I call attention to the fact that in all I interrupted him but four times, and two of these were after he had began playing his subtle game and in answer to direct allusions to me by name and to things which I had said or was supposed to have said.

Take his first attack, which was indirect and which I let pass without comment. He declared it would not be decent to comment on the actions of Major Penrose or Captain Macklin, because they were on trial and ought to be left alone until after the court-martial. He knew as well as anyone else that I had commented at some length upon the actions of both of these officers, and I have never felt and do not feel now that there was any indecency in doing so.

Everything I said was based upon the official documents which had come to us. There could be no doubt at all of their authenticity. I said nothing that had not been said in stronger language by the inspection officers and authorities of the War Department, and while his own proclamation of unwillingness to criticise them may have arisen from a refinement of feeling, I would have passed it by without taking it to myself if it had not been for the manner of delivery and the other actions accompanying it and from what subsequently followed, compelling me to believe that the Senator had set out to provoke me to interrupt for the express purpose of shutting me off in the manner he did, and thus giving him a chance to abuse without having

his unfairness and injustice exposed.

When I asked the question "Why did not the President adopt Major Penrose's suggestion and employ a detective," he dodged it most adroitly by following the old rule of strengthening your case by abusing the attorney on the other side.

I call attention, by the way, to the fact that each of the three champions on the other side who have been most vociferous in applauding the President's course and defending his conduct dodged this same question. My bluff friend from Georgia [Mr. CLAY!, earnest and honest as he is, dodged it. The impetuous and brilliant champion from Tennessee [Mr. Carmack] dodged The subtle Senator from Wisconsin [Mr. Spooner] dodged it. Why were they unwilling to treat this question seriously? Simply because none of them have any answer to it. Here was a battalion of 167 men, no more than 20 of whom were under accusation of having committed the outrage at Brownsville, and yet in direct opposition to the advice of the officer most concerned the War Department and the President refused to adopt the only practical suggestion that was made, and in every way the President seems to have labored with no other end in view than to gain applause from unthinking men in the South. If there has been a single honest and sensible effort made to detect the murderers in this case I fail to find a record of it.

Reliance upon the inquiry set on foot among the soldiers by Major Blocksom and General Garlington as the sole means of detection are to my mind nothing less than idiotic.

In this connection, Mr. President, I noticed in yesterday morning's Post the report of a speech made at Boston by Mr. Long, former Secretary of the Navy, a bosom friend of President Roosevelt. I will read one sentence, but I wish to have the whole extract printed in full in the RECORD. Ex-Secretary Long

Everybody knows that had time been taken, had efficient means of detection been set at work, had advantage been taken of the leaks which were sure to open in a matter of which so many are claimed to have had knowledge, the truth could have been got at and the offenders found out.

That is the gist of the Secretary's position, and it is the verdict, in my judgment, which will be finally arrived at by ninetenths of the American people. I ask that the entire extract be inserted in the Record without reading.

The VICE-PRESIDENT. Without objection, permission is

granted.

The extract referred to is as follows:

EXCUSE FOR PRESIDENT-JOHN D. LONG SAYS TROOPS' DISMISSAL WAS IMPULSE—APPROVES AN INVESTIGATION—FORMER SECRETARY OF NAVY INTIMATES ROOSEVELT'S ACTION IN BROWNSVILLE AFFAIR WAS HONEST, BUT HASTY—SUGGESTION OF IMPEACHMENT ABSURD—DECLARES MILITARY NOT RACE ISSUE IS INVOLVED.

BOSTON, January 19.

Boston, January 19.

The Brownsville incident was discussed by former Secretary of the Navy John D. Long, at a dinner of the Massachusetts Club, an organization of prominent Republicans, here to-day. The speaker offered as a possible reason for the President's action in this affair what he termed "Mr. Roosevelt's impulsive nature," and said that it was right, as matters stand at present, for Congress to have a thorough investigation of the facts. He referred to the suggestion of impeachment as "absurd and trifling."

of the facts. He referred to the suggestion of impeachment as "absurd and trifling."

"In this Brownsville matter, while there is a very decided difference of opinion as to the propriety of the President's action," said Mr. Long, "I can not think that anybody doubts his honest purpose. In one sense the black man is not involved as such, because the principle at stake pertains not to him specially, but to all who are in the military service. It is often asked what actuated the President to such an unlimited sweep which, without a hearing of the parties accused, inflicted severe punishment, not only on those suspected of guilt, though not proved guilty on trial, but also, if there were guilty ones, on innocent and guilty alike.

ROOSEVELT'S IMPULSES.

ROOSEVELT'S IMPULSES.

"It has occurred to me that the reason is perhaps to be found in the impulsive nature of the President, whose impulses, always toward the right, are not always directed with sufficient consideration. No President has been more emphatic of his assertion of the rights and political equalty of the negro, for whose sake he has braved criticism

political equalty of the negro, for whose sake he has braved criticism and contumely.

"What more natural than that, when occasion came, he should seize it to show that he is as quick to discipline the negro citizen as to defend him, and that he does not propose to make fish of one race and fowl of the other. It was an honest, if a hasty, impulse.

"Everybody knows that had time been taken, had efficient means of detection been set at work, had advantage been taken of the leaks which were sure to open in a matter of which so many are claimed to have had knowledge, the truth could have been got at and the offenders found out. found out. INVESTIGATION FITTING.

"Of course, it is right and fitting that, in the present posture of the matter, Congress should, as now proposed, have a thorough investigation of the facts, with a full hearing of all whose rights and fortunes are involved, and if innocent men have suffered do them justice. And surely nobody will then be readier to do it than the President, who by his manly withdrawal of that part of his order, which in his haste was improprerly included in it, has again shown his readiness to correct an error."

Mr. TILLMAN. The grand jury could get no clew because they were only working among the citizens of the town, with the general result that the evidence was overwhelming that soldiers did it, but as to which soldier they had no evidence to learn. Can anybody be made to believe that the thirteen men who were by general suspicion pointed out, had they been placed in solitary confinement and allowed to see no one and an offer of amnesty for turning State's evidence been made, that something would not have come of it? Is it possible to believe that if a large number of the other men were accessories before or after the fact that black detectives enlisted and placed among them would not have discovered some clew? Is there anyone ac-quainted with criminal procedure bold enough to declare that a clew once obtained would not have soon led to the detection of all the guilty parties? The whole procedure has the appearance of a well-laid plan to shield and protect the real criminals, and in the most effective manner possible, and to hurry the expulsion of innocent and guilty men alike from the Army, so as to put it out of the power of anybody at any time to ever prove who the guilty men were and mete out adequate punishment to them.

No Senator, not even the Senator from Wisconsin, liked to answer the question about enlisting the detectives. Instead of doing so, he proceeded to abuse me to distract attention from this glaring failure of the authorities to do what every sensible man knows ought to have been done.

I return now to another point in the Senator's indictment. It is that part of his speech where he asks whether the law should not apply to the black man in the South as well as to the white man in the North.

With great emphasis and eloquence he made the inquiry, "Is not that principle applicable to a black man," etc. And what I wish to ask, in view of the attitude which has been shown by the War Department toward the negro soldiers at Brownsville and the white soldiers at Athens, Ohio, is not this principle as applicable in the one case as in the other?

It was adroit for the Senator to shift the minds of his auditors and the readers of the Record from the President's outrageous discrimination against the black soldiers and favoring the white ones to my own utterances and attitude toward the negro rapists, and the shrewdness and dishonesty of the argument and the indecency of the attack was emphasized when the Senator from Wisconsin proceeded to quote from a former speech of mine in this body, in which I said:

We shot them; we killed them; and we will do it again.

When I asked for permission to point this out and show how unfair and unmanly was the attack he shut me off incontinently, refusing absolutely to give me an opportunity to explain or defend myself

Now, what about those words of mine: "We shot them," etc. In what connection did I utter them? If I mistake not the Senator from Wisconsin was in this Chamber when I used that language. There were present a large number of leading Republicans. I challenged each and every man here to show wherein the people of South Carolina were not justified, and no one dared reply. I will repeat the statement of fact and circumstances. It was in 1876, thirty years ago, and the people of South Carolina had been living under negro rule for eight years. There was a condition bordering upon anarchy. Misrule, robbery, and murder were holding high carnival. The people's substance was being stolen, and there was no incentive to labor. Our legislature was composed of a majority of negroes, most of whom could neither read nor write. They were the easy dupes and tools of as dirty a band of vampires and robbers as ever preyed upon a prostrate people. There was riotous living in the statehouse and sessions of the legislature lasting from year to year.

Our lawmakers never adjourned. They were getting a per diem. They felt that they could increase their income by remaining in session all the while. They were taxing us to death and confiscating our property. We felt the very foundations of our civilization crumbling beneath our feet, that we were sure to be engulfed by the black flood of barbarians who were surrounding us and had been put over us by the Army under the reconstruction acts. The sun of hope had disappeared behind a cloud of gloom and despair, and a condition had arisen such as has never been the lot of white men at any time in the history of the world to endure. Life ceased to be worth having on the terms under which we were living, and in desperation we determined to take the government away from the negroes.

We reorganized the Democratic party with one plank, and only one plank, namely, that "this is a white man's country and white men must govern it." Under that banner we went to battle. We had 8,000 negro militia organized by carpetbagers. The carpetbag governor had come to Washington and had persuaded General Grant to transcend his authority by issuing to the State its quota of arms under the militia appropriation for twenty years in advance, in order to get enough to equip these negro soldiers. They used to drum up and down the roads with their fifes and their gleaming bayonets, equipped with new Springfield rifles and dressed in the regulation uniform. It was lawful, I suppose, but these negro soldiers or this negro militia—for they were never soldiers—growing more and more bold, let drop talk among themselves where the white children might hear their purpose, and it came to our ears. This is what they said:

The President is our friend. The North is with us. We intend to kill all the white men, take the land, marry the white women, and then these white children will wait on us.

Those fellows forgot that there were in South Carolina some forty-odd thousand ex-Confederate soldiers, men who had worn the gray on a hundred battlefields; men who had charged breastworks defended by men in blue; men who had held lines of battle charged by men in blue; men who had seen real battles, where heroes fought. They forgot that putting in uniform a negro man with not sense enough to get out of a shower of rain did not make him a soldier. So when this condition of desperation had reached the unbearable point; when, as I say, despair had come upon us, we set to work to take the government away from them.

We knew—who knew better?—that the North then was a unit in its opposition to southern ideas, and that it was their purpose to perpetuate negro governments in those States where it could be done by reason of there being a negro majority. Having made up our minds, we set about it as practical men.

I do not say it in a boastful spirit, although I am proud to say it, that the people of South Carolina are the purest-blooded Americans in America. They are the descendants of the men who fought with Marion, with Sumter, with Pickens, and our other heroes in the Revolution. We have had no admixture of outsiders, except a small trickling in from the North and from other Southern States.

Clashes came. The negro militia grew unbearable and more and more insolent. I am not speaking of what I have read; I am speaking of what I know, of what I saw. There were two militia companies in my township and a regiment in my county. We had clashes with these negro militiamen. The Hamburg riot was one clash, in which seven negroes and one white man were killed. A month later we had the Ellenton riot, in which no one ever knew how many negroes were killed, but there were forty or fifty or a hundred. It was a fight between barbarism and civilization, between the African and the Caucasian, for mastery.

It was then that "we shot them;" it was then that "we killed them;" it was then that "we stuffed ballot boxes." After the troops came and told us, "You must stop this rioting," we had decided to take the government away from men so debased as were the negroes—I will not say baboons; I never have called them baboons; I believe they are men, but some of them are so near akin to the monkey that scientists are yet looking for the missing link. We saw the evil of giving the ballot to creatures of this kind, and saying that one vote shall count regardless of the man behind the vote and whether that vote would kill mine. So we thought we would let you see that it took something else besides having the shape of a man to make a man.

Grant sent troops to maintain the carpetbag government in power and to protect the negroes in the right to vote. He merely obeyed the law. I have no fault to find with him. It was his policy, as he announced, to enforce the law, because if it were bad then it would be repealed. Then it was that we stuffed ballot boxes, because desperate diseases require desperate remedies, and having resolved to take the State away, we hesitated at nothing.

It is undoubted that the Republicans will assume all responsibility for the condition in the South at that time. They have never shirked it. The Senator from Wisconsin acknowledged his participation in it the other day. He has no apology to make for it. I do not ask anybody to apologize for it; I am only justifying our own action. I want to say now that we have not shot any negroes in South Carolina on account of politics since 1876. We have not found it necessary. [Laughter.] Eighteen hundred and seventy-six happened to be the hundredth anniversary of the Declaration of Independence, and the action of the white men of South Carolina in taking the State away from the negroes we regard as a second declaration of independence by the Caucasian from African barbarism.

The other day the Senator from Wisconsin defined liberty. "Liberty is that," I believe he said, "which is permitted by law to be done." The Senator has the right to give whatever idea of liberty he may have, and I have no objection to that. In a general way it is a very good definition. But I here declare that if the white men of South Carolina had been content to obey the laws which had been forced down our throats at the point of the bayonet and submit to the reconstruction acts which had thrust the ballot into the hands of ignorant and debased negroes, slaves five years before, and only two or three generations removed from the barbarians of Africa, the State of South Carolina to-day would be a howling wilderness, a second Santo Domingo. It took the State fifteen years to recover and begin to move forward again along the paths of development and progress; and in consequence of the white men interpreting the word "liberty" to mean the liberty of white people and not the license of black ones, the State is to-day in the very vanguard of southern progress, and can point to the result as the absolute justification for every act which we performed in "76, however lawless our acts may be in the eyes of the Senator from Wisconsin.

South Carolina and Louisiana were the two last States to throw off the blood-sucking vampires which had been set over them by the reconstruction acts.

I would not have tried to do more than to give a statement of facts the other day, but I was not permitted to do so. I was ordered to take my own time, and I am now taking it in answer.

ordered to take my own time, and I am now taking it in answer.

Now, Mr. President, a word about lynching and my attitude toward it. A great deal has been said in the newspapers, North and South, about my responsibility in connection with this

My position has been purposely misrepresented, and the Senator from Wisconsin has assumed to himself the right to arraign me in this body and to pass judgment of condemnation in most biting and vindictive phrase. It is not worth while to ask who made John C. Spooner my keeper or gave him the right to assume this hectoring and masterful attitude. With a self-righteousness that is characteristic of his breed, he dons the robe of the Pharisee, spreads broad his phylacteries, and calls up the Senator from South Carolina for sentence and pronounces his decree. These are his words:

calls up the Senator from South Carolina for sentence and pronounces his decree. These are his words:

Mr. Spooner. Now, Mr. President, I believe in law. I believe that wherever a man perpetrates a crime, or a crime is committed and the perpetrator or suspected perpetrator can be identified, the law should seize him. I believe he is entitled to a trial before sentence. I believe he is entitled to a day in court.

I am opposed, Mr. President, to any man making himself judge, juror, and executioner. I look upon it as shocking beyond expression in civilized communities, Mr. President, for the populace to seize a human being, charge him with crime, drag him to a tree protesting his innocence, and hang him or burn him at the stake. "In the corrupted currents of this world" it sometimes happens. All just men deplore it. No man ought to encourage it. It is a crime against civilization to encourage it.

I have looked with peculiar honor and pride upon the brave, continued efforts of southern governors to conserve the law, to maintain peace, to make that a real shield which the law in every civilized community is intended to throw around a man accused of crime. I have admired Governor Vardaman for it; I have admired the governors of other States in the South for it; I admire the governor anywhere who has done his uttermost to prevent lynching and to punish lynching.

And, Mr. President, I have been shocked more than once. I was shocked the other day here by the statement of the Senator from South Carolina justifying it and supporting its continuance. If there is one man under the sky who ought not to do it it is a maker of the laws which govern the people.

Mr. President, this is not an attack nor is it intended to be upon the Senator from South Carolina. It is a plea for good government, orderly government, real liberty—not the liberty of one man, but the liberty of all. What is liberty? It is not license. Liberty was once well defined to be "freedom to do that which the law permits." That is what liberty is. I say aga

Have I ever advocated lynch law at any time or at any place? I answer on my honor, "Never!" I have justified it for one crime, and one only, and I have consistently and persistently maintained that attitude for the last fourteen years. As governor of South Carolina I proclaimed that, although I had taken the oath of office to support the law and enforce it, I would lead a mob to lynch any man, black or white, who had ravished a woman, black or white. This is my attitude calmly and de-liberately taken, and justified by my conscience in the sight of God.

Mr. President, the Senator from Wisconsin speaks of "lynching bees." As far as lynching for rape is concerned, the word is a misnomer. When stern and sad-faced white men put to death a creature in human form who has deflowered a white woman, there is nothing of the "bee" about it. There is more of the feeling of participating as mourner at a funeral. have avenged the greatest wrong, the blackest crime in all the category of crimes, and they have done it, not so much as an act of retribution in behalf of the victim as a duty and as a warning as to what any man may expect who shall repeat the offense. They are looking to the protection of their own loved

The Senator from Wisconsin prates about the law. He erects the law into a deity which must be worshiped regardless of justice. He has studied law books until his mind has become saturated with the bigotry which ignores the fundamental principle in this Government: "Law is nothing more than the will of the people." There are written laws and unwritten laws, and the unwritten laws are always the very embodiment of say-age justice. The Senator from Wisconsin is incapable of understanding conditions in the South or else he has lost those natural impulses which for centuries have been the character-Tacitus tells us that the "Germanic people were ever jealous

of the virtue of their women." Germans, Saxons, Englishmen, they are practically one, springing from the same great root. That trinity of words, the noblest and holiest in our language, womanhood, wifehood, motherhood, have Saxon origin. I believe with Wordsworth-it is my religion-

A mother is a mother still, the noblest thing alive.

And a man who speaks with lightness or flippancy or discusses cold-bloodedly a matter so vital as the purity and chastity of womanhood is a disgrace to his own mother and unworthy the love of a good wife.

Look at our environment in the South, surrounded, and in a very large number of counties and in two States outnumbered, by the negroes—engulfed, as it were, in a black flood of semi-barbarians. Our farmers, living in segregated farmhouses, more or less thinly scattered through the country, have negroes

on every hand. For forty years these have been taught the damnable heresy of equality with the white man, made the puppet of scheming politicians, the instrument for the furtherance of political ambitions. Some of them have just enough educa-tion to be able to read, but not always to understand what they read. Their minds are those of children, while they have the passions and strength of men. Taught that they are oppressed, and with breasts pulsating with hatred of the whites, the younger generation of negro men are roaming over the land, passing back and forth without hindrance, and with no possibility of adequate police protection to the communities in which they are residing.

Now let me suppose a case. Let us take any Senator on this floor—I will not particularize—take him from some great and well-ordered State in the North, where there are possibly twenty thousand negroes, as there are in Wisconsin, with over two million whites. Let us carry this Senator to the backwoods in South Carolina, put him on a farm miles from a town or railroad, and environed with negroes. We will suppose he has a fair young daughter just budding into womanhood; and recollect this, the white women of the South are in a state of siege; the greatest care is exercised that they shall at all times where it is possible not be left alone or unprotected, but that can not always and in every instance be the case. That Senator's daughter undertakes to visit a neighbor or is left home alone for a brief while. Some lurking demon who has watched for the opportunity seizes her; she is choked or beaten into insensibility and ravished, her body prostituted, her purity destroyed, her chastity taken from her, and a memory branded on her brain as with a red-hot iron to haunt her night and day as long as she lives. Moore has drawn us the picture in most graphic language:

One fatal remembrance, one sorrow that throws Its bleak shade alike o'er our joys and our wees, To which life nothing darker or brighter can bring. For which joy hath no balm and affliction no sting.

In other words, a death in life. This young girl thus blighted and brutalized drags herself to her father and tells him what has happened. Is there a man here with red blood in his veins who doubts what impulses the father would feel? Is it any wonder that the whole countryside rises as one man and with set, stern faces seek the brute who has wrought this infamy? Brute, did I say? Why, Mr. President, this crime is a slander on the brutes. No beast of the field forces his female. He waits invitation. It has been left for something in the shape of a man to do this terrible thing. And shall such a creature, because he has the semblance of a man, appeal to the law? Shall men coldbloodedly stand up and demand for him the right to have a fair trial and be punished in the regular course of justice? So far as I am concerned he has put himself outside the pale of the law, human and divine. He has sinned against the Holy Ghost. He has invaded the holy of holies. He has struck civilization a blow, the most deadly and cruel that the imagination can conceive. It is idle to reason about it; it is idle to preach about it. Our brains reel under the staggering blow and hot blood surges to the heart. Civilization peels off us, any and all of us who are men, and we revert to the original savage type whose impulses under any and all such circumstances has always been to "kill! kill! kill!"

I do not know what the Senator from Wisconsin would do under these circumstances; neither do I care. I have three daughters, but, so help me God, I had rather find either one of them killed by a tiger or a bear and gather up her bones and bury them, conscious that she had died in the purity of her maidenhood, than have her crawl to me and tell me the horrid story that she had been robbed of the jewel of her womanhood by a black fiend. The wild beast would only obey the instinct of nature, and we would hunt him down and kill him just as soon as possible. What shall we do with a man who has outbruted the brute and committed an act which is more cruel than death? Try him? Drag the victim into court, for she alone can furnish legal evidence, and make her testify to the fearful ordeal through which she has passed, undergoing a second crucifixion?

Here is the picture drawn by a southern poet:

A little woman, slight and deathly pale, Within her eyes
The dim shame lingers of a sin unsinned.
She speaks.
Her voice is broken as her pride. It hath
No music and no color and no warmth.
From eyes like hers and tones like hers a man
May learn how merciful is death.
She tells She tells
The story of her guiltless infamy—
Tells it beneath a fire of interruptions,
Cross-questions, and objections, and the like,
Sanctioned by Law's procedure.
And insults from a shyster privileged

Thro' his employment to insult her so— Tells it From start to finish, and is not spared a word, Until. at last, A pitifully living corpse, she falls Back into fearful silence.

And, facing her.
The while, the Beast leans forward, huge and black, Its simian arms crossed on the breast of it—
Whispering, at times, in the attorney's ears Suggestions as to questions to be asked—
And tho' the fear of death and hell agape
Be in its belly, still unable quite
To hide a grin of reminiscent lust
Behind a sweating palm.

That is the picture—
Do I hear you say
Again: "The Law should take its course?"
—H. R. R. Hertzberg, New Orleans Harlequin.

That is what the Senator from Wisconsin says he would do, and he is welcome to all of the honor he can get out of it. Our rule is to make the woman witness, prosecutor, judge, and jury. I have known Judge Lynch's court to sit for a week while suspect after suspect has been run down and arrested, and in every instance they were brought into the presence of the victim, and when she said, "That is not the man," he was set free; but when she said, "That is the man," civilization asserted itself, and death, speedy and fearful, let me say—certainly speedy—was meted out. I have never advocated, I have deprecated and denounced, burning for this or any other crime. I believe it brutalizes any man who participates in a cruel punishment like that. I am satisfied to get out of the world such creatures.

As far as the people of the South are concerned, it is said I do not represent them here. Somehow or other I seem to represent one State, and I do not hesitate to assert that it is my religious belief that on this subject of rape I voice the feeling and the purpose of 95 per cent of the true white men of the Southern States. Whether I do or not, I voice my own. I am not ashamed of them. I have no apologies to make for them.

The Senators from Wisconsin and Colorado may rave, the newspapers may howl, but men who were reared by virtuous mothers and who revere womanly purity as the most priceless jewel of their civilization will do as we of the South have done. On this question I take back nothing and apologize for nothing. I spurn and scorn the charlatanry and cant, the hypocrisy and cowardice, the insolence and effrontery of any and all men who call my motives in question.

Now, Mr. President, I will give a very brief outline of my con-

Now, Mr. President, I will give a very brief outline of my conception of conditions in the South to-day. I believe I understand the conditions there as well as any other man. I may be mistaken.

Never in the history of the world has a high-spirited and chivalrous people been called on to face a more difficult and dangerous situation. That a crisis is approaching every thoughtful man must confess. That there is a promise of a safe or happy solution is doubted by all. The Senator from Wisconsin dismisses the question with a wave of the hand and with an admonition to me and others who think like me to keep quiet and be good, urging that he had originally advocated the force bill, but confessed that he was wrong, and that it is better it did not pass. He contends the southern people, black and white, must live together and that the rest of the nation have for the time being left the matter alone; that there has been no discussion among the Republicans in this Chamber such as marked his earlier service in the Senate upon the subject. He says he knows of no better way to precipitate a race conflict than to be always talking about one. And he holds me up as the greatest sinner in that regard. You can not pick up a paper any day but that you will find an appeal from some negro in the North, some convention, some resolution of some kind somewhere de-nouncing the wrongs done the negroes in the South and demanding justice for them. Those papers circulate in the South. They go everywhere. Our schools, supported by the taxes paid by the white people, are educating these negroes to read such appeals.

If talking about a race conflict is going to precipitate one, I wish to ask, has the Senator forgotten the proclamation of William H. Seward that there was "an irrepressible conflict" between the North and the South on the matter of slavery and that his prophecy came true? Does he forget that Lincoln declared that the Republic could not exist half slave and half free? Are we to hide our heads in the sand, like an ostrich, and ignore the dangerous signs of the times and wait until the tempest bursts upon us in all of its fury? The Senator from Wisconsin, living in a northern Commonwealth where there are no negroes, who knows nothing about the situation, can not understand it and

will not take the trouble to go and study it. What right has he to criticise me, who sees down the road these dangers and would try to prevent them?

The Senator warns us that the fourteenth amendment contemplates the reduction of representation in the electoral college and in the House of Representatives on account of the South's attitude. Is it a question of political power or is it a question of the preservation of our civilization?

The Senate last week unanimously declared that the war of 1861-1865 was not a rebellion. It struck out the words "war of the rebellion" and substituted "civil war." If this means anything, it means that the lawmakers of this country have at last come to realize that it was a civil war and that it was a contest over constitutional interpretation, and that the southern people fought for what they believed to be their constitutional rights.

A couple of days ago, at Lexington, a distinguished citizen of Massachusetts, a man of affairs, a representative of northern civilization, a soldier in the Union Army, proclaimed that he had fought Lee during most of his service in the war, and would have been glad to kill him then; but he recognized the greatness of that grand man's character, and said that if he had been in the South he would have fought with Lee. That is all we want anybody to acknowledge—the purity and honesty of the South's attitude.

I say here, from my observation and experience, and I claim to know something about it, that there is among the northern people little or no sectional hatred left. I have been among them. I have tested them. I have touched their nerves, if they have any, on the raw. I have seen nowhere any indication of hatred for the South as the South. And the people of the North are no longer blinded by passion. Newspapers of a partisan character are contending for political reasons for the maintenance of the settlement and the continuance of the adjustment of the issue after the war. I do not care to go into the political phases of this question, to point out the number of negro votes in the North, which compel, in a way, the continuance of that attitude. We were told, until this happy adjustment in regard to this resolution about Brownsville, that the leader of the Republican cohorts had threatened and had prepared a resolution to investigate conditions in the South in regard to elections.

Mr. President, the South has no fear of an investigation of that kind. It might have been dangerous fifteen or twenty years ago, but it can no longer do us any harm. We court it; at least I do. We have no objection in the world to an investigation from top to bottom and from end to end of elections North, South, East, and West. Of course the composition of the committee might be partisan. They might not undertake to arrive at the facts and get a real insight into conditions, to set about a statesmanlike work of relieving an intolerable situation. But I do not hesitate to say here and now that if this issue is presented to the American people, unless I am mistaken about that people, if they are made clearly to understand what is involved in the conditions in the South now, and what will come inevitably in the near future, they can no longer and never will be rallied again under the cry of a "free vote and a fair count" for the negroes of the South.

The Republican party itself has forsaken its old war cry of "the fatherhood of God and the brotherhood of man." It has denied the Filipinos any participation in the Government, proclaiming that they are not fit. The southern people know they are unfit. We do not dispute it; but in the name of common sense and honest dealing, if the Filipinos are unfit, why are the negroes fit? Everybody knows that the Caucasian stands first, the Mongolian second, the Malay third, the Indian fourth, and the negro fifth in the scale of civilization as fixed by ethnologists. We have had to deal with the other four races besides our own. We have excluded the Chinese. Why? In order to satisfy the selfish desire of white men who are interested. We have butchered the Indian and taken his land. We have settled him. We have denied that the Malay is fit. Yet here we stand proclaiming that the African is fit.

The disfranchisement of the negro in the South for the time being has been acquiesced in by the people of the North without protest, but the fourteenth and the fifteenth amendments are the law of the land. Of course there is great doubt as to whether they were ever adopted in a constitutional way. I should like to hear the Senators from Wisconsin and Ohio, after studying the question a little, argue the point as a purely legal one, without reference to political conditions.

As a discussion of the race question in general goes on throughout the country and the future status of the negro in the United States and how to ameliorate conditions which are well-nigh intolerable now will more and more attract attention

to the fundamental question as to whether or not the races are equal, must come to the front. It will be settled finally on that basis, yes or no. If the majority of the white people make up their minds that the negroes are not their equals, they will sooner or later put it in the law that they shall not have a part of the inheritance of the white race.

There was an irrepressible conflict in 1860 between slavery and freedom; between the idea of a confederation of States and a perpetual Union. Is there any man bold enough to deny that is an irrepressible conflict now between civilization and barbarism and that the living together upon an absolute plane of equality of the two races in the South-one the highest, the other-the lowest in the scale-is an impossibility without strife and bloodshed?

Let the newspapers of the country answer. Take up on any day you please a paper published anywhere and read of these conflicts and murders and ravishings, and all that sort of thing. Is it too much for me to say that the American people want this question investigated and discussed calmly and without passion or partisan bias, and have their lawmakers here set about trying to do something? That is all I am trying to accomplish. I do not expect to live to see any change in the Constitution of the United States one way or another. I doubt if there is a man in this Chamber who will ever see it changed by amendment.

But I do not plead for the white people of the South alone. In the ultimate conclusion of this issue we will take care of ourselves, and if we can not do it without help we will get in the North all the recruits who believe in white supremacy and white civilization that we want or need. Thank God, "blood is thicker than water." But we do not want to have to go through the fearful ordeal and crime of butchering the negro.

I realize that there are millions of good negroes, if they are let alone and not taught heresies and criminal thoughts and feelings and actions. I should like to see this good, easy, goodfor-nothing people given a chance to live. Give them justice; give them equal rights before the law; enable them to get property and keep it, and be protected in its enjoyment; give them life, liberty, and the pursuit of happiness, provided their happiness does not destroy mine.

The Senator from Wisconsin read the other day, with great pathos and effect, the eloquent speech of Henry Grady. is not a line or a sentence in that noble deliverance to which I The negroes whom Grady described were the do not subscribe. negroes of the old slave days—the negroes with whom he played in childhood, the negroes with whom I played in childhood, the negroes who knew they were inferior and who never presumed to assert equality. For these negroes there is throughout the South a universal feeling of respect and love. I have not got it here, but I have at my home in the city a photograph of one of these. I might term him "Old Black Joe," for he is a fullblooded negro, about 60 years old. He has been living with me thirty-five years. He now has the keys to my home in South Carolina. He has full charge and control over my stock, my plantation. He is in every way a shining example of what the negro can be and how he can get along with the white man peacefully and pleasantly and honorably, enjoying all of his liberties and rights. But he has never meddled with voting. He occupies the same attitude as the white man and the negro do in this District. They do not meddle with voting. I do not hesitate to say, however, that a more loyal friend no man ever had. Every child that I have would share his last crust with that negro to-morrow.

Grady spoke of the loyalty of the slaves during the war, and the Senator from Wisconsin amplified the picture in eloquent phrase. I myself, as a schoolboy of 13, saw the Confederate soldiers as they took their departure for the front to battle for home and liberty. I saw the parting between the husband and his family, kissing one after another of his chil-I saw the parting between the dren, saving the last kiss for the wife and mother, and then turning to the group of faithful slaves and shaking them by the hand, give the parting injunction, "Take care of your mistress and the children." How did the slaves redeem the promise? They all said "Yes, master." How they lived up to the promise There were in the South at that time 4,000,000 negroes, 800,000 males of adult age. The women and children of the white men who were in the Confederate army were left there, entirely helpless for support and protection, with these With 800,000 negro men, there is not of record a solitary instance of one white woman having been wronged until near the close of the war, when some of the negro soldiers who had been poisoned by contact with northern ideas come along and perpetrated some outrages.

The negro slave was true to the faith. When Sherman's army marched through South Carolina, leaving behind it a

40-mile breadth of burned houses, the chimneys marking where the habitations of the Confederate soldiers had been, house that had a plank on it gone, the women and children turned out in the rain and sleet of February to find shelter in the negro cabins, everything to eat burned or having been seized and carried off by the army, I knew some of these slaves to go behind in the track of the army and rake up the corn off the ground where the horses had been fed, wash it and dry it and carry it to the starving wives and children of the white men of the South.

Talk to me about hating these people! I do not do it. We took them as barbarians, fresh from Africa, the first generation we will say, or some of them twice removed, some of them once removed, some of them thrice removed, some of them a fourth removed from barbarism, but the bulk of them only twice. taught them that there was a God. We gave them what little knowledge of civilization they have to-day. We taught them to tell the truth. We taught them not to steal. We gave them those characteristics which differentiate the barbarian and savage from the civilized man.

Slavery died, and it ought to have died. The South was not responsible for it. It had been recognized in the Constitution. It had been guaranteed. The slaves had not been brought from Africa in southern ships. The barbarian was civilized by us. You struck the shackles off of him. What have you made of him? With all the Confederate soldiers gone to war, no woman was With all the white men in the South at home, every week some woman is offered up as a sacrifice to this African Minotaur. Senators will all recall the myth of the Minotaur, the monster which came from the sea and ravaged the lands of the Athenians. In order that the Athenians might get relief he made an agreement that if they would pay a tribute of ten young men and young maidens every year he would relieve them from this depredation. The Minotaur was killed by Theseus, but, before this happened, once a year ten maidens were sent to him to be devoured. The South to-day is offering up anywhere from 40 to 100 maidens and matrons to this modern beast that has been bred by fanaticism and political greed.

If the two races are to live together in the South, as no doubt they must, there is no earthly doubt that unless something is done to relieve the situation in the near future there will be direful tragedies. It is doubtful whether anything that we can do can undo the wrong that has been perpetrated already, whether the poison can be extracted without producing its re-We in our country exemplify as near as has ever been exemplified in history a condition depicted in the Bible. There is a phrase there very little understood. I never myself understood it until I made an investigation into Jewish antiquities:

Oh, who will deliver me from the body of this death?

What does it mean? It was the law of the Jews that for certain forms of homicide, certain black and bloody murders, the murderer should be stripped naked and his victim stripped naked and the dead man's body chained to the body of the living man, back to back, limb to limb, and the two left alone. The flies and the vermin which are produced and attracted by putre-faction brought about the inevitable result. The decaying carcass fastened to the living in the end produced death in the most horrible form.

In 1865 the South, prostrate and bleeding and helpless, a very Niobe of nations, had the dead carcass of slavery chained to it by the fourteenth and fifteenth amendments. For eight years two States labored under it. One after another the others had thrown off for a little while the incubus—not getting loose, but simply getting relief, being able to stand up, to move, to breathe, and to make some progress. But there the carcass hangs, riveted to our civilization. The putrefaction is going on. A return to barbarism is evident in every day of our contact with these people in the South. Relieved from police control, they are no longer compelled, as the Indians have been by the troops, to stay on their reservations. These negroes move where They have a little smattering of education. of them have white blood in their veins and taught that they are as good as the white man, they ask, Why not as good as a white woman? And when caste feeling and race pride and every instinct that influences and controls the white women makes them spurn the thought, rape follows. Murder and rape become a monomania. The negro becomes a fiend in human form.

We can not police those people to-day under the fourteenth amendment without taking from the whites their own liberties. In my desperation to seek some remedy to prevent rape and not have the necessity of avenging rape, I have gone so far as to plead with the people of the South to inaugurate a passport system, by which we should keep in control and under supervision all of the wandering classes, white and black.

Race hatred grows day by day. There is no man who is

honest, going through the South and conversing with the white people and blacks, but will return and tell you this is true.

Some of the negroes have a good excuse. I will not dispute. If I were negro I would do probably as they do, but being a white man, I do just as I am doing, and I expect to do so, so help me God, as long as I have breath in my body.

Then I say to you of the North, who are the rulers of the land, who can change this or do something to relieve conditions, what are you going to do about it? Are you going to sit quiet? If nothing else will cause you to think, I notify you, what you already know, that there are a billion dollars or more of northern capital invested in the South in railroads, in mines, in forests, in farm lands, and self-interest, if nothing else, ought to make you set about hunting some remedy for this terrible situation.

As it is the South is helpless. We can do nothing. It is not worth while for us to propose anything. All we can do is to maintain our present attitude of resistance, to maintain our control of our State governments, and to submit to whatever you see fit to do in national affairs, because under no conditions do we ever hope that the South can regain control of this Government. We are one-third of the population. thirds. Every year your numbers are being added to by a million immigrants in the North, who stay there, while none go to us. The million who came in last year represent five Congressmen. Those who came in year before last represent five more Congressmen. There is no danger of political power ever drifting away from the North as long as it maintains their superiority in population. No one expects to see that in this day or generation.

Therefore we say to you—I take the responsibility, if I am alone, of saying to you—it is your duty to do something. It is your duty to move. It is your duty to begin the discussion.

For the time being the South is occupying an attitude of waiting. It is occupying an attitude of constant friction, race riot, butchery, murder of whites by blacks and blacks by whites, the inevitable, irrepressible conflict between a white civilization and a black barbarism.

I plead for the negro as much as for the white man. This body of death is chained to our backs by two constitutional amendments, and I ask you in God's name, I ask you in the name of civilization, I ask you in the name of the virtue and purity of the white women of the South, to do something to relieve us from the body of this death. [Applause in the galleries. 1

The VICE-PRESIDENT. The Chair will again admonish the occupants of the galleries that applause is not allowed under the rules of the Senate, and trusts that it will not be necessary to repeat this admonition.

During the delivery of Mr. TILLMAN's speech,

The VICE-PRESIDENT. The Senator from South Carolina will suspend while the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. The bill (S. 7709) to revise, codify, and amend the penal laws of the United States.

Mr. FULTON. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Oregon asks unanimous consent that the unfinished business be temporarily Without objection, it is so ordered. The Senator from South Carolina will proceed.

After the conclusion of Mr. TILLMAN's speech,

Mr. SPOONER. Mr. President, at this stage of the session I would not and ought not to be pardoned if I consumed much of the time of the Senate in reply to the Senator from South Carolina [Mr. TILLMAN]. I decline to be taunted or beguiled by the Senator from South Carolina into competition with him in the use of offensive epithets. The Senator was accurate when he said that we have served long together and have had sharp parliamentary contests. He will look in vain, unless my memory has departed, to find in all the Record any epithet applied by me to him or any assault upon his character as a man or a

The Senator says I have no right to set myself up as a mentor in the matter of manners in the Senate. I have not such a

I never have usurped any such a function.

Mr. President, I made no attack, using the word in its just, fair, and right sense, upon the Senator from South Carolina. We all have a better and a worse side. If it were not so, a man would be perfect, and there is no perfect man, Mr. President, in the world. When the better side of the Senator from South Carolina resumes its sway over his worse side and the anger incident to this debate shall have passed away, my estimate of him is that he will regret as he reads them in the RECORD some of the words which have fallen from his lips to-day.

Mr. President, the Senator imputes to me malice against him, and attributes my utterance the other day to not only malice, but a deliberate purpose to offend him. The Senator could not be more mistaken or more unjust. I have schooled myself, if I know myself, not to cherish malice, because I am not willing to so far surrender my happiness, my peace of mind, into the keeping of an enemy as to allow my heart to be corroded by the nursing and cherishing of hate.

If it were otherwise, I should have no malice against the Senator from South Carolina. He has never given me cause. And I will say here, if I may be permitted, that I think no member of this body has spoken here oftener or better of his ability and his real characteristics, and outside of this Chamber, than I

But, Mr. President, as an observation upon the personal part of the Senator's speech it is appropriate for me to say this, and upon no other hypothesis. I criticized the attitude and the ut-terances here and elsewhere of the Senator from South Carolina. That was within my right. I withdraw in no respect, nor do I qualify, the opinion which I expressed as to its injustice and danger of which the Senator from South Carolina complains.

If I, from this Chamber, should counsel the black men of the South to a course of revenge and violence; if I should utter words which, if they were of influence there, would spur the black men of the South to disregard the law; if I should say a word here or elsewhere, being a Senator of the United States, which would place obstacles in the pathway of the white people of the South and render it more difficult, Mr. President, for them to work out side by side with the colored race the destiny of each, there is not a Senator here from the South or from the North who would not feel it not only his right, but his duty, to criticise me. The Senator who can not tolerate criticism, if it be just, upon the sentiments which he utters in public as being other than a personal attack is unfortunate.

I was indignant over some of the utterances of the Senator from South Carolina. I was shocked, Mr. President, by some of the language uttered by the Senator from South Carolina in this debate and incorporated in the speech of the Senator from Colorado [Mr. Patterson]. I exercised the right of a Senator to criticize it, to deplore it, to express the wish that it had not been uttered, and my opinion that, uttered here and elsewhere, it is mischievous, as tending to lawlessness in the land.

If in later days and on reflection the Senator regards that as a just basis for the epithets which he has applied to me, and I know it, I shall feel then for the first time that I have not known the real Senator from South Carolina.

Mr. President, the Senator early in his speech characterized this entire battalion as a band of murderers and cutthroats. I do not give his language. Before he had proceeded far he characterized the regiment in the same way. I resented it as an injustice, which was entirely within my right. I did it, I thought, with courtesy, although I studied no word before I uttered it in that speech. I said, and I repeat as a proper rejoinder from an opposing side, that no man has a right to impeach the President of the United States, here or elsewhere, for injustice in discharging this battalion without a trial who advocates in public places the taking of human life without trial and judgment pursuant to law. Was that an insult to the Senator from South Carolina? If it was an insult to the Senator from South Carolina, Mr. President, the insult rested in repetition of language uttered by the Senator from South Cerolina, not in any word of mine.

Mr. President, the Senator has repeated the doctrine, which he announced, and for which he contended the other day. Not only that, the Senator has to-day gone far beyond any utterance of his of which I have ever heard or which I have ever read. This is the only time I have doubted his accuracy about himself. If any man in the United States had told me of the Senator and his attitude what he has said in the Senate this morning of himself I would not have believed it. I would not have withheld, Mr. President, for an instant my denunciation of it as unjust and untrue.

The Senator from South Carolina tells us that as governor of South Carolina, having taken the oath which a governor takes, to support the constitution, having assumed the responsibility, in the sight of God, to take care that the laws be faithfully executed, he publicly announced that he would lead in putting to death without trial any black man who should commit the crime of rape upon a white or black woman, notwithstanding the Constitution of the United States and the constitution of the State have guaranteed him—him and all others without regard to color or nativity, those born without our limits and the

aliens dwelling among us—the protection of the judicial machinery which early in the history of civilization was devised to prevent one man, or a number of men, from becoming without

trial the executioner of any human being.

As mankind has moved forward, Mr. President, on the lines of civilization, as Christianity has spread throughout the world, the lesson that all organized society is based upon law and an observance of law, and that without it there is anarchy and retrogression to the brutal days of tyranny-government without law is tyranny-people have come to realize how vital it is, not simply to the person involved, but to society at large, that all the safeguards thrown by constitutions and laws around human life must be everywhere observed.

Mr. President, this is no fanciful theory; it is the crux and heart of government. It is not only a law of man, but it is a law of God, and the only firm basis of organized society. forget it, to lapse from it, is to lapse into anarchy and bar-

barism.

Under the Constitution neither the State of South Carolina nor any other State can by valid act deprive a person of the full enjoyment of the guaranties of the Constitution; among others the right to know accurately with what offense he is charged; the right to a fair trial, by a jury, in court. The enactment of any such law is beyond the power of the State itself. Think of a doctrine that asserts the right, and justifies it, of citizens to trample upon constitutional provisions and constitutional right, to take life for any cause which may seem for the moment, in their anger and passion, sufficient. I am not speaking of the South. I am speaking of the country. I am speaking of all our people, North and South. Mr. President, it will not do. The doctrine would be fatal North or South, East or West, to order, to civilization; and the man who justifies it here or anywhere does a wrong to our system of government and to the civilization of the age. The advocacy of a doctrine which justifies citizens, at their will, in taking human life as punishment for an alleged offense without trial whenever passion moves to it, is revolutionary and wicked.

I said in the speech which the Senator criticises, and I repeat it, that "in the corrupted currents of this world "-I think I used that quotation—the passions of men will sometimes overcome their sense of duty and the obligations of good citizenship, and that here and there—it may be in every State—these guaranties will be forgotten, and mobs will take into their own hands the functions of accusation, judgment, and execution; but, Mr. President, such occasional barbarity is to be deplored. It is not, as I said the other day, in high places and by men clothed with power to be flaunted and advocated or justified. Is that a personal attack upon anyone? It is an utter disagreement with anyone who advocates lynching, who arrogates to himself to say in what cases the Constitution and the laws of the United States shall be abrogated, and as to what men. That is all.

Mr. President, in the remarks which the Senator made as to the Fifty-fifth or Fifty-sixth Congress he included me. If I ever knew it I had forgotten it, nor did I have it in my memory when I spoke.

When that happened-

Referring to what transpired in South Carolina, growing out, it was alleged, of the horrors and wickedness of carpetbag government, the Senator said-

When that happened we took the government away. We stuffed ballot boxes. We shot them. We are not ashamed of it. The Senator from Wisconsin would have done the same thing. I see it in his eye right now. He would have done it. With that system—force, tissue ballots, etc.—we got tired ourselves. So we called a constitutional convention and we eliminated, as I said, all of the colored people whom we could under the fourteenth and fifteenth amendments.

Mr. President, the Senator thinks I am incapable of realizing the situation and the conditions in the South. Probably I had not full appreciation of the conditions at the time to which the Senator from South Carolina referred; I probably have no adequate appreciation of the situation in the South to-day. I know that it is dangerous; I know that it is delicate. I know that the colored people of the South must and will remain in the South. I know it is a problem which taxes the ingenuity, the statesmanship, and the humanity of all the brain and all the heart of the white people of the South. The question which I had in my mind the other day was this: Which is the better spirit in which to work toward a solution of it—the sentiment and spirit of Grady or the sentiment and spirit of the Senator from South Carolina? Surely the question answers itself.

Mr. President, when one advocates lawlessness among the whites he of necessity encourages lawlessness and reprisal among the blacks. When one constantly vituperatively speaks of the superiority and inferiority of races dwelling side by side, he lights a torch; he lays the foundation for trouble.

Equality of the races I never have discussed, and I never will

discuss it. It is bootless, Mr. President, and fruitless of anything but danger. It is enough to say that the races are different races. It is enough to say that undoubtedly the white race in the South will maintain the governments in the Southern States. We have not anywhere expected otherwise; but, Mr. President, leaving out politics, leaving out the ballot, before the law all men, without regard to color, must be equal. There can never be a day in this land, nor a spot, where the black man shall be less entitled than the white man to the guaranties which civilization has written into our Constitution and into the State constitutions. There is not a man so mean, so wicked, so homeless, so completely an outcast, that he is not entitled to the protection of the law; that he is not, before execution for an offense, entitled to his day in court, under the procedures which have been instituted, to have determined whether he is the man who did the deed. Does that attack anyone? That is a principle, Mr. President, which is at the very foundation of the Government. Without it this is not a Government either of liberty or of law.

The Senator, in a very feeling and eloquent way, spoke of the unspeakable crime sometimes committed by white men and black men, in the North as well as in the South, and pro-claimed that the best blood of the Anglo-Saxon race flows in the veins of the people of South Carolina-a question I do not discuss. He paid a tribute to the men who appreciate womanthe mother, the wife, the sister, the daughter. The Senator will not claim that appreciation of womanhood and the crown jewel of woman's existence, her chastity, is limited to any State in either quality or degree. The men of the North and of the South and the East and the West, aye, in the palace and in the cabin, equally love the home. They know it is the foundation, the ultimate basis, of society and all that is builded on it up to the highest form of government. No man living can more bitterly denounce than I feel the crime to which the Senator from South Carolina alluded. No man, Mr. President, in the world more desires its punishment than do I; and as I feel we all feel throughout the land.

The mother! Mr. President, in the Bible nothing could be found with which to compare the love of God for his children but the love of a mother for her child. It is a bond which crime. ingratitude, misfortune, nothing in the world can sunder. But, Mr. President, that is all apart from the question.

question is whether, wherever a man is charged with this fiendish crime, he has not a right, sacred as the ark of the covenant, to say in a court of justice, "I did not do it," and to have that question tried in due form of law. He has a right to the presumption of innocence which is thrown about every man accused of crime. He has a right to say, "You You must establish the offense and furnish evidence beyond a reasonable doubt that I am the man before you take my life on the scaffold." Now, Mr. President, who is warranted in trampling anywhere upon that principle, universal in its application, as strong in the military, and no stronger, than it is in the administration of law in the civil courts?

In my speech I referred to the Senator from South Carolina. as I have always done, as "my friend from South Carolina, but that is unwelcome to him now. The doctrine, not the man, did I attack. I stated—and I think it offended the Senator from South Carolina—that I did not believe his attitude upon the subject, violently asserted as it is here and has been before, and as it is elsewhere, represents the sentiment which pervades the white men of the South, the men charged there with government. I have some reasons for that

belief.

It has remained for the Senator from South Carolina to be the only one from that section sitting in this Chamber since I have had to do with this Chamber who, as I remember, has given utterance to any such justification of trial by mob and execution by mob. There are many Senators here from the South, all, including the Senator from South Carolina, faithful in their desire and in their effort to legislate wisely for the people of the United States and sensitive as the Senator from South Carolina can be to the real interests of the South; men who fought on many a field of carnage, Mr. President, who bared their breasts to the sheeted flame of battle for the establishment of the Confederate government; strong men, able, pure, devoted, giving every thought and bending every effort here and elsewhere to work out this problem in the South. I have served here with Gen. Wade Hampton, as brave a man as ever lived, crowned by South Carolina with the honor which she has bestowed so many times in the past and doubtless will in the future bestow upon the Senator from South Carolina. He had knowledge of the conditions in the South. He looked ahead and realized the dangers. I never heard a word ut-tered on this floor by him of the black man in the South

but words of kindness. I never heard from him on this floor one word in advocacy of dealing out one law to the black man and another to the white man in the South-one measure of justice to the black man and another measure of justice to the white man in the South.

One would have no better evidence that the Senator from South Carolina does not represent upon this subject the sentiment of the governing element in the southern States than is afforded by the silence of his associates on that side of the Chamber, with full knowledge of the conditions and of the danger and trouble which they involve. Through all the years of my service here every one of them and their predecessors have foreborn violent utterances upon the subject, and from the lips of no one of them within my memory have ever fallen in this Chamber insulting characterizations of the colored race, or any any advocacy, Mr. President, of lawless violence toward the race.

I have here other utterances of the same kind as those which have been made here by the Senator from South Carolina, to which I intended when I arose to call attention, but I pass them by.

Mr. TELLER rose.

Mr. SPOONER. Does the Senator desire to interrupt me?
Mr. TELLER. No. I thought the Senator had concluded. If the Senator has finished his speech-

Mr. SPOONER. I am not quite through.

Mr. TELLER. I will wait until the Senator concludes.

Mr. SPOONER. Now, Mr. President, a word in conclusion. I will not reargue the Brownsville question, and I will not go again into the race question, but I say again with all my heart from the standpoint of the North, whose sympathy the white people of the South need, and ought to have and will have, that any solution of this question, politics out of it, must be upon the basis of the black man's right under the Constitution to life, liberty, and the pursuit of happiness, and to the enjoyment of the guaranties of the Constitution which safeguard life, liberty, and the pursuit of happiness.

Now, once more repelling the imputation that any portion of the speech which has been criticized by the Senator from South Carolina was based upon personal ill will toward him, I yield the floor.

Mr. TELLER obtained the floor.

Mr. CARMACK. Mr. President-

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Tennessee?

Will the Senator from Colorado yield to me Mr. CARMACK. for a short while?

Mr. TELLER. I yield to the Senator from Tennessee for a brief time, but not for very long.

[Mr. CARMACK addressed the Senate.]

Mr. TELLER. Mr. President-Mr. TILLMAN. Will the Sen

Mr. TILLMAN. Will the Senator from Colorado allow me? The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. TELLER. I will allow the Senator from South Carolina

Mr. CARMACK. If the Senator is going to yield—
The VICE-PRESIDENT. The Senator from Colorado is entitled to the floor. Does he yield?
Mr. TELLER. I refuse to yield to the Senator from South

Carolina.

Mr. TILLMAN. Of course—
Mr. TELLER. The Senator has had his day.
Mr. TILLMAN. I wanted an opportunity to give my friend from Tennessee a real explanation; but if the Senator from Colorado does not yield, I can not do so.

The VICE-PRESIDENT. The Senator from Colorado declines to yield.

Mr. TELLER. I move that the doors of the Senate be now closed.

Mr. GALLINGER. I second the demand.

VICE-PRESIDENT. The Sergeant-at-Arms will clear the galleries and close the doors.

The doors were thereupon closed; and at the expiration of one hour and forty-five minutes were reopened.

Mr. TILLMAN. Mr. President, when the Senator from Colorado [Mr. Teller] moved that the Senate go into secret session some time back I had risen and asked that Senator to yield to me for a purpose.

Mr. TELLER. You did not state the purpose, though.
Mr. TILLMAN. I did not have a chance. The Senator from
Colorado simply said, "No, no," and of course I had to yield to

I had discovered, very much to my surprise and regret, in lis-

tening to the naturally angry and bitter words of the Senator from Tennessee, that without the slightest purpose or intention or expectation of anything of the kind occurring I had very seriously wounded that Senater. Now, if there is any man on this side of the Chamber for whom I have more personal friendship and more admiration as a man and as a Senator than for the Senator from Tennessee, I do not know it. Our relations have been entirely pleasant from the time he came here. There has not been a hint or suspicion of friction or of anything other than the strongest, warmest friendship. Having discovered that that Senator was angry, and realizing that if he took seriously what I had read this morning he had a right to be, I was anxious to make an explanation and to let him understand that he was laboring under an error or misapprehension.

I now take occasion, Mr. President, to say what I wanted to say then, and that is that in so far as my first essay in the line of humor and wit has had such an unfortunate termination, inasmuch as I learn that others of my colleagues on both sides have felt that I had transgressed and had used words that they took to be offensive, I very much regret that I ever undertook to be funny. I believe I know how to be bitter, and I have a reputation of being able to use vitriolic language. Those characteristics of mine, which are my misfortune rather than my fault, have given me something of a notoriety along certain lines. But surely, having made such a dismal failure as a funny man at one end of the minstrel line, I will never do so any more.

Now, I want to say to one and all of the Senators whose names appeared in my maiden effort at humor that I intended no offense whatever. I had no idea or expectation of wounding any man in any way. Having wounded some of my friends—and all these men are my friends in a way—I shall most willingly and gladly keep out of my speech as it goes in the RECORD this humorous essay of mine

I think it is unfortunate that I was not allowed to make this explanation before the Senate had the matter under consideration in secret session. I would have done it then as willingly, and even more willingly, than I do it now, because my temperament is frank, blunt, and open. When I do not intend to hurt a man's feelings no man is more willing than I to say so, but when I do intend to hurt them I know how to do it; and if I had that intention I would not take it back and no one could make me take it back; that is all there is about it. Now, then, I want to apologize to every man here who feels aggrieved.

As far as the Senate itself is concerned, if I have caused its dignity to shiver and people to think that I have said things and done things which are undignified, I beg to apologize to the Senate, too. I am a kind of a rara avis, a farmer, without very much association with polite society. My manners are brusque and bluff and all that kind of thing. But I want to do the right thing if I know it, and the right thing is, when you have wounded a man and did not intend it, to tell him so, to apologize as far as you can; and if he will not take you for what you say, let him alone. That is just my attitude. I am sorry I wounded anybody. I did not intend to do so. That is

all I can say.

Mr. CARMACK. Mr. President, the Senator from South Carolina has spoken truly about the friendly relations that have existed between us in the past. He has spoken truly about our personal friendship. I will say, Mr. President, that it was because of that personal friendship in the past that I felt a keener resentment of what the Senator said.

No man is more ready than I am to accept a disclaimer of an intentional wrong, and there is no man from whom I accept it with more pleasure than from the Senator from South Carolina. The Senator had, among other things, taunted me with the fact that I had been defeated.

Mr. TILLMAN. If the Senator thinks it was a taunt I did not intend it so.

Mr. CARMACK. I know it now. If it had been said by an enemy I should have treated it with utter contempt, but I must confess that it came with exceeding bitterness when it came from one whom I regarded as a trusted friend. I accept in all good faith the Senator's disclaimer of any intention to utter anything offensive. I regret very much that it occurred. I regret very much that I made any reply whatever to the Senator, understanding now his motives and his intentions, and I cheerfully withdraw anything I may have said.

Mr. FORAKER. I ask that the resolution may be now voted upon, if there is no other Senator who desires to speak.

Mr. TELLER. Mr. President, I do not think we can vote on the resolution to-night. By the rule of the Senate it ought to go over until to-morrow.

Mr. FORAKER. I was hoping—
Mr. TELLER. It is now past 6 o'clock. If it is necessary to object to voting on it to-night, I shall do it.

Mr. FORAKER. I supposed, under all the circumstances, there would be no objection to taking a vote at this time. the Senator prefers that it shall go over, we can vote on it tomorrow

Let it go over. Mr. TELLER.

Mr. FORAKER. Of course it will go over.
Mr. TELLER. Some of us have not yet had any chance to read it.

Mr. DANIEL. Mr. President-

Mr. FORAKER. I ask that the resolution may go over as heretofore, to come up immediately after the routine morning business to-morrow morning.

Mr. DANIEL. Will the Senator from Ohio allow me to make

a suggestion?

Mr. FORAKER. Certainly.
Mr. DANIEL. I beg leave to suggest to the Senator that he name some hour to-morrow.

Mr. FORAKER. I ask that it may come up immediately after the routine morning business.

Mr. DANIEL. The Senator does not name any hour to vote it. Would it be agreeable to do so?
Mr. FORAKER. I should like if we could fix an hour when

on it.

we would vote on it, but I do not know how many Senators there are who desire to speak. Could the Senator from Colorado indicate when he would be willing that we might have a vote?

Mr. TELLER. Mr. President, I do not have control of this I think that to-morrow morning I may want to talk ten minutes on the question. I do not care about going on to-

Mr. CARMACK. I can say to the Senator from Ohio that there are not more than fifteen or twenty who desire to speak.

Mr. FORAKER. Mr. President, it is well enough to have that information. I asked for a time at which we should vote because of the suggestion of the Senator from Virginia. I do not want to hurry it to a vote. It may be that there will be a great many of us who will want to speak before it comes to a vote. The Senator from Tennessee will not have a monopoly of the talking. I give him and everybody else notice to that effect. There will be no monopoly of the talking on the part of the Senator from Tennessee.

Mr. ALDRICH. Mr. President—
Mr. CARMACK. If the Senator will permit me, I said that purely as a matter of jest. I do not expect to occupy any further time.

Mr. FORAKER. Mr. President, humor does not seem to be

appreciated to-day.

Mr. ALDRICH. I move that the Senate do now adjourn.

Mr. CARMACK. I will say that was my first attempt at humor, and will be my last. [Laughter.]

Mr. FORAKER. Mr. President, in the exercise of the high prerogative which belongs to the Senator who has business in charge, I move that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 16 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 22, 1907, at 12 o'clock meridian.

# HOUSE OF REPRESENTATIVES.

Monday, January 21, 1907.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

PENSION APPROPRIATION BILL.

Mr. GARDNER of Michigan, by direction of the Committee on Appropriations, reported the bill (H. R. 24640) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1908, and for other purposes; which was read a first and second time, and, with the accompanying papers, reported to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. FITZGERALD. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from New York reserves all points of order.

INCREASE OF EFFICIENCY OF ARTILLERY.

Mr. HULL. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 17347) to reorganize and to increase the efficiency of the artillery of the United States Army, with an amendment thereto, which I send to the desk and ask to have

The Clerk read the bill, as follows:

Be it enacted, etc., That the artillery of the United States Army shall consist of the Chief of Artillery, the Coast Artillery, and the

Field Artillery. The Coast Artillery and the Field Artillery shall be organized as hereinafter specified, and the artillery shall belong to the line of the Army: Provided, That on and after July 1, 1908, the Chief of Artillery shall cease to exercise supervision over the Field Artillery and shall thereafter be designated as the Chief of Coast Artillery. SEC, 2. That the Chief of Artillery or Chief of Coast Artillery, shall be an additional member of the General Staff Corps, and his other duties shall be prescribed by the Secretary of War.

When a vacancy occurs in the office of the Chief of Artillery or Chief of Coast Artillery the President may appoint to such vacancy, by and with the advice and consent of the Senate, an officer selected from the Coast Artillery who shall serve for a period of four years unless reappointed for further periods of four years; and any officer who shall, when retired, be retired with the rank, pay, and allowances authorized by law for a brigadler-general on the retired list. The position vacated by law for a brigadler-general on the retired list. The position vacated by law for a brigadler-general on the retired list. The position vacated by an officer appointed chief of Artillery or Chief of Coast Artillery shall be filed by promotion in that arm according to existing law, but the officer thus appointed shall continue in the same lineal position in his arm which he would have held if he had not been so appointed, and shall be an additional number in the grade from which he was appointed or to which he may be promoted: Provided, That there shall not be at any time in the Coast Artillery more than one additional officer by reason of the appointment of a Chief of Artillery or Chief of Coast Artillery and the relief of an officer from such duty.

SEC, 3. That the Coast Artillery is the artillery charged with the care and use of the fixed and movable elements of land and coast fortifications, including the submarine mine and torpedo defenses.

SEC, 4. That the Field Artillery shall co

in the Coast Artillery so fixed shall not exceed 1,360 and 2,040, respectively, and that the total enlisted strength of the Coast Artillery, as provided under this act, shall not exceed 19,147, exclusive of master electricians, electricians, electricians, escents, second class.

SEC. 7. That the Field Artillery shall consist of six regiments, each organized as follows: One colonel, 1 lieutenant-colonel, 2 majors, 11 captains, 13 first lieutenants, and 13 second lieutenants; 2 veterinarians, 1 sergeant-major, 1 quartermaster-sergeant, 1 commissary-sergeants, 2 battallon sergeants-major, 2 battallon quartermaster-sergeants, 2 color sergeants, 1 band, and 6 batterles organized into two battallons of three batterles each. Of the officers herein provided, the captains and lieutenants not required for duty with batterles shall be available for detail as regimental and battalion staff officers and for such other details as may be authorized by law and regulations. Battallon adjutants shall be detailed from the captains, and battallon quartermasters and commissaries from lieutenants. Each Field Artillery band shall be organized as provided by law for cavalry bands: Provided, That the President in his discretion may increase by nine mounted orderlies the regimental strength herein authorized.

SEC. S. That each battery of Field Artillery shall consist of 1 captain, 2 first lieutenants, 2 second lieutenants, 1 first sergeant, 1 quartermaster-sergeant, 1 stable sergeant, 1 chief mechanic, 6 sergeants, 12 corporals, 4 mechanics, 3 cooks, 2 musicians, and 102 privates, the commissioned officers to be assigned from among those hereinbefore authorized for the regiment: Provided, That the President in his discretion may increase the number of sergeants in any battery of Field Artillery of S, the number of corporals to 16, the number of mechanics to 7, the number of musicians to 3, and the number of privates to 149. Provided for the regiment: Provided, That the President in his discretion may increase the number of sergeants in

fitness for advancement shall have been determined by competitive examination: third, of candidates from civil life; and all such appointments shall be made in accordance with the provisions of existing law. Sec. 11. That the regimental and battation noncommissioned staff officers herein authorized for regiments of Field Artillery shall have the pay and allowances of corresponding grades in the cavalry; the battalion quartermaster-sergeant shall have the pay and allowances of sergeant-major, junior grade, of the Artilery Corps; the chief mechanic the pay and allowances of sergeant, and the mechanics of Field Artillery the pay and allowances of artificers of Field Artillery; engineer, \$65 a month and allowances of ordnance-sergeant; cleetrician-sergeant, second class, \$35 a month and allowances of ordnance-sergeant; fireman, \$30 a month and allowances of ordnance-sergeant; fireman, \$30 a month and allowances of ordnance-sergeant; fireman, \$30 a month and allowances of ordnance-sergeant; and that the rates of pay of all other enlisted men of the Coast and Field Artillery shall be as now provided by law: Provided, That casemate electricians, observers, first class, and plotters shall receive \$0 a month in addition to their pay; that chief planters shall receive \$0 a month in addition to their pay, and that first-class gunners shall receive \$2 a month in addition to their pay, and that first-class gunners shall receive \$2 a month in addition to their pay, and that first-class gunners shall receive \$2 a month in addition to their pay and that first-class gunners shall receive \$2 a month in addition to their pay and that first-class gunners shall not exceed \$170; that the number of observers, first class, shall not exceed \$170; that the number of observers, second class. shall not exceed \$170; that the number of gun commanders shall not exceed \$170; that the number of gun commanders shall not exceed \$170; that the number of gun commanders shall not exceed \$170; that the number of gun commanders shall not exceed \$170;

The SPEAKER. Is a second demanded?

Mr. HAY. Mr. Speaker, I demand a second.
Mr. HULL. Mr. Speaker, I ask unanimous consent that a

second may be considered as ordered.

The SPEAKER. The gentleman from Iowa asks unanimous consent that a second may be considered as ordered. Is there objection? The Chair hears none; and the gentleman from Iowa is entitled to twenty minutes and the gentleman from Virginia twenty minutes.

Mr. HULL. Mr. Speaker, at the request of several Members. ask unanimous consent that the report of the Committee on Military Affairs may be printed in full in the Record.

The SPEAKER. Is there objection?

There was no objection,

The report of the committee is as follows:

There was no objection.

The report of the committee is as follows:

The Committee on Military Affairs, which has carefully considered the bill (H. R. 17347) to reorganize and increase the efficiency of the artillery of the United States Army, begs leave to report the same back to the House of Representatives with the recommendation that it do pass without amendment.

The laws governing the present organization of the artillery are included in the acts of March 2, 1899, February 2, 1901, March 2, 1901, March 2, 1901, March 2, 1903, and March 3, 1903.

The act of February 2, 1901, discontinued the regimental organization of the artillery and organized it into a corps, composed of two branches, the Coast Artillery and the Field Artillery—the Coast Artillery being defined as that portion charged with the care and use of fixed and movable elements of land and coast fortifications, including submarine mine and torpedo defenses (the latter elements being added by the act); the Field Artillery being defined as that portion accompanying an army in the field, including light artillery, fores artillery, siege artillery, mountain artillery, and machine-gun batteries.

For personnel the act provided that the Artillery Corps should consist of a chief, selected from among the colonels of artillery; 650 field and company officers in same relative proportion as for infantry and cavalry, and in numbers in each grade equivalent to those required for 13 regiments; 48 sergeants-major, 1 electrician-sergeant at each artillery post, 10 bands, 30 batteries of Field Artillery, and 126 companies of Coast Artillery. It provided that each battery of Field Artillery and each company of Coast Artillery should have the organization of the companies and batteries fixed by the act of March 2, 1890, The total commissioned strength of the artillery was fixed at 651 officers: the maximum enlisted strength, exclusive of electrician-sergeants, at 18,920 men. This law provided for 12 chaplains, and the act of March 2, 1901, provided 12 veterinarian

portions as in the infantry and cavalry, and in numbers in each grade equivalent to those required for 14 regiments; of 2 additional chaplains; of 63 sergeants-major, 26 master electricians, and 148 electrician-sergeants (the number of sergeants-major being 15 more than now authorized, the master electricians 1 more, and the electrician-sergeants being divided into two classes and increased by 48 more than authorized by the act of March 2, 1903); of 42 master gunners, 60 engineers, and 60 firemen (new grades); of 14 bands, instead of 10, and of 170 companies, instead of 126 as now authorized, both the strength and the organization of the company being made variable so far as relates to duty sergeants, corporals, and privates.

For Field Artillery personnel the bill provides that it shall consist of 6 regiments, each regiment to consist of 6 batteries, organized into 2 battalions of 3 batteries each. The personnel provided for each regiment is that considered proper by the War Department for modern war conditions, and the enlisted strength and organization of each battery, as in the case of Coast Artillery companies, is made variable within certain limits at the discretion of the President.

The total commissioned strength of both the Coast and the Field Artillery authorized by present law is 663 officers, including 12 chaplains, and there are 12 veterinarians. By the proposed bill it is fixed at 967, an increase of 296 officers, excluding chaplains. The enlisted strength of the Coast and Field Artillery as now authorized.

For the Field Artillery, by the proposed bill the enlisted strength is fixed at 19,321, an increase of 5,043 over that now authorized.

For the Field Artillery personnel the enlisted strength is fixed by the proposed bill at 5,010 men, an increase of 998 over that at present authorized.

The proposed bill further provides for effecting the separation of the Coast and Field Artillery, how vacancies created by its passage

authorized.

The proposed bill further provides for effecting the separation of the Coast and Field Artillery, how vacancies created by its passage shall be filled, fixes the pay of certain new grades of enlisted men, and finally provides extra pay for a certain number of Coast Artillery

experts.

The four principal features of the bill, therefore, are: (1) Separation of the Coast and Field Artillery, (2) increase in the Coast Artillery, (3) increased pay for artillery experts, (4) regimental organization of the Field Artillery.

#### INCREASED PAY FOR ARTILLERY EXPERTS.

It was indicated above that the authorized strength of the Coast Artillery is 14.278. The actual strength, however, of this corps on October 15, 1906, was 11.218. The reason for this shortage is that it is impossible to get enlisted men for the Coast Artillery at the rates of pay now provided. There are certain duties connected with the Coast Artillery which require special training and skill. These duties are connected with electricity and machinery for coast defenses. After these duties have been learned the knowledge becomes of commercial value to the soldier, in that it fits him for positions in civil life which will pay him several times what is paid him by the Government. It has been found, therefore, that the Government after training these men, some of them in special schools, can not retain their services at the present rates of pay.

This bill provides increased compensation to 1,734 of these specially trained and valuable men while actually performing this high class of duty in which they are expert.

With respect to the cost of the proposed legislation it may be said: The number of electrician-sergeants is increased from 100 to 148. These 100 electrician-sergeants now draw \$34 per month each, with allowances. The 148 provided for in this bill are divided into two classes, 74 of whom will draw \$35 per month each, with allowances, and 74 of whom will draw \$45 per month each, with allowances, and 74 of whom will draw \$45 per month each, with allowances, and 74 of whom will draw \$45 per month each, with allowances, and 74 of whom will draw \$45 per month each, with allowances, and 74 of whom will draw \$45 per month each, with allowances, and 74 of whom will draw \$45 per month each, with allowances, and 74 of whom will draw \$45 per month each, with allowances, and 74 of whom will draw \$45 per month each, with allowances, and 74 of whom will draw \$45 per month each, with allowances, and 74 of whom will draw \$45 per month each, with allowances, and 74 of whom will draw \$45 per month each, with allowances, a

Sixty engineers are provided for, at \$780 per annum; total cost, \$46,800.

Forty-two master gunners are provided for, at \$408 each per annum; total cost, \$17,136.

Sixty firemen are provided for, at \$360 each per annum; total cost, \$21,600.

In addition to the above grades created, the bill provides for a slight increase in pay for certain grades already in the service, as follows: 

Pay Department: Pay, officersPay, men	\$463, 830, 00 1, 221, 204, 00
TotalSubsistence Department:	1, 685, 034, 00
Rations Quartermaster Department:	437, 671. 00
Clothing, etc	378, 169, 00
Total annual cost	2, 500, 874, 00

Since the increase of officers is to be 20 per cent per year, the principal cost the first year, as far as officer's pay is concerned, would be simply due to promotion of certain grades and the addition of one-fifth of the officers at the bottom. The cost of this the first year would be \$261,830, or about \$200,000 less the final cost five years from now.

The cost indicated for the men is based upon an assumption that all

the companies are full. The companies would certainly not be all filled up the first year, and it is safe to say that we may assume them as short during the first year, as the companies of Coast Artillery now are, i. e., a general shortage of about 25 per cent. This would reduce, therefore, the cost of enlisted men the first year for pay, rations, and clothing to about \$1,427.785. This added to the \$261,830 indicated above as the cost of additional officers for the first year would bring up the cost of this increase for Coast and Field Artillery to \$1,689,615 as the cost for the first year.

EFFECT OF THE BILL UPON THE MAXIMUM STRENGTH OF THE REGULAR ARMY

In establishing a maximum strength for each branch of the line of the Army the act of February 2, 1901, provides in each case, "but the total number of enlisted men authorized for the whole Army shall not, at any time, be exceeded;" and section 36 of that act provides, "and the total enlisted force of the line of the Army, together with such native force (Philippine Scouts), shall not at any one time exceed one hundred thousand."

That is, a maximum is prescribed for each branch of the Army and a maximum prescribed for the whole. The sum of the separate maxima of the different arms is greater than the maximum of the whole; thus— Maximum for cavalry (section 2).

Maximum for artillery (section 6).

Maximum for infantry (section 10).

Maximum for engineers (section 11).

Maximum for native scouts (section 36). 18, 920 55, 080 2, 002

Total 106, 542 Maximum for line of Army, together with native scouts (section 36)

That is, the President can, by Executive order, maintain any branch at its maximum or can increase each a certain amount, but he can not maintain them all at their maximum strengths at the same time.
This bill, section 8, proposes to raise the maximum of the artillery, but to retain the maximum of the whole the same as it is, i. e., 100,000

men.

The maximum for the artillery would be increased 7,266 men, and the sum of the maximum for the separate branches would be increased to about 114,000 men. The increased maximum for the artillery will not necessarily be at the expense of either cavalry, infantry, engineers, or Philippine Scouts, but under the proposed law the President will not be able to raise all of the different branches to their maximum at the same time. This he can not do under the present law. Under the proposed law, and according to the necessities of the case, he may maintain the cavalry at its maximum, the infantry at its maximum, the artillery at such a figure that their respective maximum, and the artillery at such a figure that the total strength of the Army will not be a hundred thousand; or, he may maintain any of them at such numbers as the necessities may require, provided the total of them all is not more than 100,000.

It is now wholly discretionary with the President whether or not the different branches be maintained at their respective maximu. Under the new law this will be continued. He may, in his discretion, increase the Army to its maximum by cutting a little from the maximum of any one.

Mr. HULL. Mr. Speaker, I desire to take but very few minutes unless some one asks a question. The bill has four Field Artillery. The artillery now consists of one corps, the Field and Coast Artillery constituting the corps. The one is a mobile force, serving with the line of the Army. The other is a fixed force and can not be transferred from one field of operation to another, having charge only of the coast fortifications, The necessity for the bill is apparent, I think, to every Member of Congress, as it is to the country at large. We have gone on year after year erecting costly fortifications for the defense of our seacoast until they have far outstripped the power of the Army to even care for the guns. Within the last few years there has been a transfer of another important work to the artillery, in the torpedo service from the Engineering Department. The torpedo service is now all placed under the control of the As at present organized there is not available any force whatever for the torpedo defense of the country. There was a time when I doubted the wisdom of separating the Coast and Field Artillery, believing that they would be better officered and efficient all in one corps, but the overwhelming sentiment of all the experts is in favor of the separation, on the ground that there is but little in common between the two branches of the artillery service. The Field Artillery serves with the cavalry and infantry in the field. There is an increase of about 990 men in this branch of the service, and they are now to be organized into six regiments. The war between Japan and Russia has enlarged the views of all military experts as to the organization of artillery. When men of my age were in the civil war there was no regimental artillery assembling on the fields. Batteries served with different regiments, and of course were assembled in large numbers at central points in all the great battles, but not as regiments. This gives a regimental organization in the artillery in the field, looked after by the brigadier-generals of the line, not the Chief of Artillery; puts them in the different posts under the direct control of the commanding officer of each post, but still preserves their organization. I think, in view of the information that was given the committee, it is probably a wise move to separate them, and it was unanimously agreed to do so by the committee.

Another one of the principal features is the increase in the Coast Artillery, that I have referred to, of a little over 5,000 men. The Field Artillery has a total increase of about 990 men. To my mind, however, the most important provision of the bill is the increased pay for certain noncommissioned officers, by which the Government will more likely retain the services of those men who have become experts in electrical appliances. To-day we give an electrician or sergeant of artillery \$34 a month and allowances. This bill makes two classes of sergeants and gives to the second class \$35 a month and to the first class \$45 a month.

I think gentlemen will see that it is not an extravagant proposition, but it does hang up before these officers who now serve one term and then go out an inducement to stay in the service for this increased pay of \$11 a month. We give 148 master electricians. The law now provides for 100. We made an increase only in the pay of the noncommissioned officers of the artillery. There is no increase of a single dollar to any commissioned officer or to any other officer than this noncommis-

sioned force

Mr. GRAHAM. If the gentleman will permit, do you consider, in your judgment, that the increase made of privates in this service, 5,000, is sufficient to man the coast defenses of the country?

Mr. HULL. It is nearly six thousand. No; I will say, Mr. Speaker, that it will not be sufficient to man our batteries or in anyway near man our batteries in time of war, but it will be a relief in caring for them.

Mr. GRAHAM. Then, why do you not bring in a bill to carry sufficient number to relieve that want? What is your reason

for not doing so?

Mr. HULL. I will explain as briefly as I can. It will make an increased force of skilled men and will make possible larger assignments for different batteries, who can look after them better, and provide for men remaining in the service of such high skill that the common men who do the ordinary work around the battery can readily be recruited and made available in time of war, but without this increased skilled force in time of peace in time of war it will be impossible to have enough skilled men to look after the guns, and they will be useless. This bill, to my mind, will provide a skilled force that takes time to train in sufficient numbers to care for the batteries to defend our coasts. The larger part of battery work is of ordinary labor that any ordinary recruit can be educated for in a short time, but the higher part of it, the caring for the gun, the providing for the aiming of the gun, and looking after the ma-chinery of the gun, requires high skill and knowledge of electrical appliances, and this bill will provide for that, leaving the country in a better shape by 100 per cent than it is to-day. course in time of war it will-be necessary for us to recruit large numbers of men to do the hard work of handling ammunition, of training the gun around from one place to another, but it can all be done by labor not especially skilled under the direction of a skilled man. And I want to say one thing further to the gentlemen of this House. While it is no province of the Military Committee, and in all probability I have no right to find objections, yet in my judgment, with the modern highpower gun that has wonderfully multiplied the resisting and destructive power of our coast defenses, the committee having charge of fortifications should at least look carefully into this question: Are we or not putting more guns at each place than necessary for the defense of the country? In other words, in my judgment ten guns to-day, with the high explosives, with the marvelous power, with the long ranges, are worth more than a hundred guns when this Endicott Board plan was formed; and if I had my way about it, I would try to reduce the number of guns at each place and make it just as effective.

Mr. GRAFF. Will the gentleman yield?
Mr. HULL. Yes.
Mr. GRAFF. As I understand the plans have been changed in that regard. There are less guns assigned at different points than were under the Endicott plan. What I wanted to ask the gentleman was whether a raise of the pay of these noncommissioned officers would have any effect upon securing enlistments?

Mr. HULL. The general opinion is that it will have a very decided effect. But that can not be answered absolutely until it has been tried.

There was some testimony to that effect be-Mr. GRAFF.

fore the Committee on Appropriations.

Mr. HULL. All the department experts who appeared before us insisted it would have a material effect, and that as a matter of fact men now serve one enlistment of three years and become so proficient that they get such an increase from private parties, electrical companies, that they do not reenlist, and this increase, together with length of service pay that comes to all enlisted men, would cause reenlistments and enable them to retain nearly all the most valuable men. That was our testimony. This of itself would be of great value to the country.

Mr. BUTLER of Pennsylvania. Will the gentleman permit

a question?

Mr. HULL. Certainly.

Mr. BUTLER of Pennsylvania. If I understand the report correctly, we have now in the Coast and Field Artillery 18,290

We have not that many. It is authorized.

Mr. BUTLER of Pennsylvania. It is intended to increase the Coast Artillery by 5,043 men?

Mr. HULL. Yes. Mr. BUTLER of Pennsylvania. Why will you need an addi-

tional force of 210 captains for 5,000 men?

Mr. HULL. We increase this by one regiment of Field Artillery. It makes for the same number of organizations and men exactly the same organization as now applies to the cavalry and infantry.

Mr. BUTLER of Pennsylvania. Well; but if you increase the Field Artillery by a thousand men, that will make but 6,000 enlisted men, and why do you want 220 captains for 6,000 en-

Mr. HULL. Why, that is the total number authorized by the bill for all the artillery, both present law and increase. is not for the increase, but the total strength of the officers.

Mr. BUTLER of Pennsylvania. Then, how many captains is

it proposed by this bill to create?

Mr. HULL. I can tell the gentleman in a minute right here. Mr. BUTLER of Pennsylvania. I want to learn something, if I can, about this organization.

Mr. HULL. I think we increase the captains by about sixty-

Mr. BUTLER of Pennsylvania. How many colonels are in the increase?

Mr. HULL. We increase the colonels altogether seven.

Mr. BUTLER of Pennsylvania. How many men will a colonel command?

That is owing to how full his regiment is. In Mr. HULL. the Coast Artillery he commands a section of a country or so many geographical divisions, so many batteries, and in the Field Artillery he commands six companies of artillery, each of

which may have 150 men. Mr. BUTLER of Pennsylvania. Of course my purpose is to

secure information

Mr. HULL. I understand. I think it increases the first lieutenants about ninety to ninety-five, as I remember now, and the second lieutenants about the same. That includes the lieutenants outside of the line for staff duties.

Mr. BUTLER of Pennsylvania. About how many officers and

men are usually stationed at one of these points?

It is owing to the number of guns. down to only sixteen or seventeen men, and may run up to 700 men or even a greater number. The Coast Artillery is entirely subject to the demands of the service. They have no organization except batteries, and a captain's command may extend over a hundred miles or more up and down the coast. It is owing to the demands of the service. They are assigned under the order of the President, that order being necessarily brought out by the demands of the service as figured out by the coast fortifications and recommended by the War Department.

Mr. BUTLER of Pennsylvania. Can the gentleman inform

me at how many points on the Atlantic seacoast these forts are

located?

I think the gentleman from Illinois [Mr. GRAFF] Mr. HULL. can answer that. He is on the coast fortifications subcommit-But it runs from the highest northern part of Maine clear along the Atlantic coast and the Pacific coast, every place where they have established seacoast fortifications.

Mr. BUTLER of Pennsylvania. Is it not a fact that it is not likely that at any one time a colonel will have in command as many as a thousand or twelve hundred men-that is, directly

in his command?

Mr. HULL. I would say in the Coast Artillery sometimes more than that and sometimes less than that. The colonel is not confined to one place in the Coast Artillery. He has a geographical part of the country to look over. Take it in New York, and there will be probably more than one colonel there; but take it up in some of the small places in Maine, and there will probably be no colonels at all. One place may have a lieutenant and no captain at all, and other places may have two or three captains. It is all owing to the demands of the service as laid out for the Government in the erection of the coast fortifications, and you can not have that organization in any other way on earth.

Mr. HEPBURN. Will the gentleman from Iowa [Mr. HULL] permit a question.

Certainly.

Mr. HEPBURN. Does this bill provide for or contemplate regimental organization of the Coast Artillery?

Mr. HULL. Not at all.
Mr. HEPBURN. Why, then, is there any necessity for field officers, officers who will never have control of a regimental organization?

Mr. HULL. One reason, as I have just stated, is that they will have jurisdiction over a scope of country involving as many men as a regiment, involving as much duty as that of a colonel of a regiment, receiving reports from all that geographical division; and if they have no organization, they can not discharge the duty as an artillery organization would probably do. If you provide for no field officer, you would not have command by an officer of the line of Field Artillery, because they would stop at the grade of captain.

Mr. HEPBURN. What is the reason and what is the necessity for a line officer of an organization where there never is to be a regimental organization, and where there would never be an assembly of that number of men that would at all approximate a regiment? Now, here is a provision for fourteen colonels and fourteen lieutenant-colonels and forty-two majors, men who will never command men at all. These men will be commanded, will they not, by the captains?

Mr. HULL. Under the supervision of superior officers, as

much as if they had regimental organization.

Mr. HEPBURN. What is the difficulty about these officers

commanding these batteries reporting directly?

Mr. HULL. My time will expire in about a minute, and I can not go into the details, but about the same thing could have been said about the infantry at the beginning of the Spanish war; they had never been assembled as regiments since the civil

Mr. HEPBURN. The reason for that was that it was expected that when these men should go into the field they would be in a regimental organization, and there would be a large number of men assembled, but this does not contemplate the assembling of a number of men, and they will be effective, if effective, in a small number. But here you have provided a very large number of high-grade officers who will never have command of men, but who must and will simply be bureau officers for the purpose of receiving and transmitting papers.

Mr. HULL. These men would have the supervision of the organization within the geographical division, which would amount in some cases to more than the number of men who would be in a regimental organization. They would inspect the work, and if you have no organization the force would be noneffective and utterly useless and utterly impossible to carry into effect the purpose for which there is to be an organization.

Mr. BUTLER of Pennsylvania. If the gentleman will permit me to ask him one further question. The gentleman stated that perhaps in one of these posts the usual number of men would not be more than sixteen. Will these sixteen men be under the command of a captain and two lieutenants?

Mr. HULL. Under the control of a lieutenant, unless it is a

very important place.

Mr. BUTLER of Pennsylvania. What is the largest number

of men that will likely be assigned to any one place?

Mr. HULL. New York would probably have two or three thousand men. The whole question is one that can not be gotten down to as to the number at every place, because the exigencies of the service would determine that entirely. It is impossible, I will state to the gentleman, to tell the exact number of men that would be needed at one place. The War Department has and can give that full information as to how it is to-day, but could not give it as it will be next year.

I reserve the balance of my time.

Mr. Speaker, I, together with the other members of Mr. HAY. the minority of the committee, are in favor of this bill. It meets a necessity which has existed for a long time, and it is made the more necessary by the large amount which has been expended on our coast defenses. As I understand it, there have been expended in the last few years \$119,000,000 for these coast defenses, and it is absolutely necessary, in order to keep them in proper condition, that there should be men to man these guns and take care of these coast defenses. This bill has been very carefully drawn and very thoroughly considered. If gentlemen will examine it, they will find that it does not increase the Army of the United States except as to officers. It provides for the better recruiting of the artillery service. The trouble has been

in obtaining men for the artillery, owing to the fact that after they had been enlisted for a term of three years they are trained in certain branches of electricity and machinery and can command better prices in civil pursuits. This bill cures that defect by giving them higher pay. I hardly deem it necessary to consume the time of the House in advocating a measure which is so manifestly important and so absolutely necessary for the interests of the country. I yield ten minutes, Mr. Speaker, to the gentleman from Texas. I do not see him, however, in the House, and reserve the balance of my time.

The SPEAKER. The gentleman from Iowa has one minute.

Mr. HULL. I have no desire to consume it. Mr. HAY. Mr. Speaker, the gentleman from Texas [Mr. Slay-DEN] desires to address the House, but has gone to the commit-

Mr. SLAYDEN. Mr. Speaker, this bill for the increase of the Artillery Corps, which chiefly provides for an increase of the Coast Artillery, is one that in the judgment of the committee has been made necessary by a series of appropriations covering a period of twenty-two years. During the first Administration of Mr. Cleveland, upon the recommendation of a board of officers appointed by Secretary Endicott, a general scheme of coast defense was inaugurated, which so commended itself to the judgment of the Congress and has so persistently met with the approval of the people that year by year liberal appropria-tions have been made for the development of the plan then adopted. As a partisan and as a Democrat I am proud of the fact that the scheme of coast defenses, then inaugurated on so large a scale, was inspired by a great Democrat. Mr. Samuel J. Tilden, who had the misfortune to be cheated out of the rights which he acquired by the suffrages of the people in 1876, retained his influence over the people, and about the time of the first inauguration of a Democratic President since the war, he wrote a letter to Mr. Carlisle, whom he knew would be chosen Speaker of the House, in which he recommended the system of coast defense which was shortly thereafter adopted. It is a remarkable instance of the influence of a private citizen, and it is worth noting that this letter from a citizen of the State of New York commanded more attention, and resulted in more legislation, and has had a greater and more continuous influence upon the policies of Congress, and upon the appropriations made in pursuance of that policy, than most of the messages sent by men actually filling the office of President, and we have had lots

Steady and large appropriations have been made in furtherance of the plan, which has been modified only when inventions of a mechanical or electrical nature made it evident that it should be so modified.

Up to this time there has been spent in the development in the plan of coast defenses \$126,000,000. If that plan is per-severed in and if Congress shall appropriate, as I have no doubt that Congress will appropriate, the money which will be required to complete it according to the recommendations of the experts, who consider and advise as to the development of the project, there will yet have to be spent \$50,000,000 to bring it a state of completion. In addition to that, Mr. Speaker, it will be necessary, if we persevere in our Asiatic folly, to spend many millions more. It will require the very large sum of \$22,000,000 to complete the coast defenses for the Philippines and for the Isthmus of Panama. Furthermore, and gentlemen who vote for this bill ought to remember that fact and ought to vote for it with the perfect knowledge of it, it will require a still more important increase in the Artillery Corps, if we persevere in the scheme of undertaking to defend about 1,400 islands, which many military experts believe it is impossible for us to defend against any strong and aggressive foe.

This increase will make the authorized size of our Artillery Corps about 26,000 men. We now have authorized by law a little more than 19,000 men, but because of the inadequacy of pay to the men who can take into civil life the skill which is required in the management, care, and manipulation of heavy guns and get a greater reward there for that skill, few reinlist, and we have not yet been able to fill up this corps to the authorized legal limit. It will therefore be necessary, Speaker, if we intend to maintain the corps in a state of absolute efficiency, to increase the pay of these men until to some degree at least the pay given them plus the advantages of retirement, medical treatment, and other care given by the Gov-ernment to all of its soldiers will balance the rewards which they might receive for an exercise of a similar degree of skill in civil pursuits.

Finally, Mr. Speaker, if we give all the personnel which military experts tell us will be necessary to man the guns which are erecting in these coast fortifications, we must have 55,000 men in the Artillery Corps of the United States Army

alone. It is a far cry, Mr. Speaker, from the peaceful and economical position which we occupied prior to the war with Spain, when our entire Army consisted of about twenty-five or twenty-seven thousand men, to the present day, when we see in sight and nearly approaching a condition that will require more than twice that many men to equip adequately one branch of the military service. This bill does not provide, however, that there shall be an increase by law of the maximum limit to the size of the Army now fixed by statute. Indeed it expressly provides that it shall not be exceeded; but it will be necessary, of course, to still more skeletonize other branches of the military service, like the cavalry and the infantry.

When we shall have completed the scheme of coast defenses

inaugurated twenty-two years ago we will give a desirable and necessary protection to nearly 6,000 miles of coast along the Pacific and Atlantic oceans. That project, I believe, meets with the hearty approval of all the American people. Certainly I can speak on behalf of a part of the people in the great State of Texas, and as their Representative I indorse the project.

We have on the coast of Texas one small city of about 35,000 people through which there was sent to the sea approximately \$125,000,000 worth of farm produce within the last six months. The city of Galveston is second in the United States in the value of its exports, and to-day there is practically nothing to prevent even an insignificant foe from coming into that port and putting a stop to that business unless we can fend them off

with a navy; and for the defense of a port two or three well-placed batteries are worth a fleet of ships.

This scheme is purely defensive. It will not excite the jeal-ousy or antagonism of our sister republics to the south, nor ought it to provoke the hostility and jealousy of any nation on earth. It is not like putting money into an overgrown navy for the purpose of sailing ships over the seas and engaging in inexcusable imperialistic ventures on the other side of the Pacific Ocean. Nor need these coast-defense projects excite the apprehension of any of the off-colored republics in the West Indies. Batteries which will adequately defend the great commercial centers of Boston, New York, Philadelphia, Baltimore, Savannah, and Galveston will not put in peril a single custom-house in Santo Domingo.

The question is on suspending the rules. The SPEAKER. The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. GAINES of West Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4563) to prohibit corporations from making money contributions in connection with political elections.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That it shall be unlawful for any national bank, or any corporation organized by authority of any laws of Congress, to make a money contribution in connection with any election to any political office. It shall also be unlawful for any corporation whatever to make a money contribution in connection with any election at which Presidential and Vice-Presidential electors or a Representative in Congress is to be voted for or any election by any State legislature of a United States Senator. Every corporation which shall make any contribution in violation of the foregoing provisions shall be subject to a fine not exceeding \$5,000, and every officer or director of any corporation who shall consent to any contribution by the corporation in violation of the foregoing provisions shall upon conviction be punished by a fine of not exceeding \$1,000 and not less than \$250, or by imprisonment for a term of not more than one year, or both such fine and imprisonment in the discretion of the court.

The SPEAKER. Is a second demanded?

The SPEAKER. Is a second demanded? Mr. RUCKER. I demand a second.

Mr. GAINES of West Virginia. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from West Virginia asks unanimous consent that a second may be considered as ordered.

Mr. WILLIAMS. Mr. Speaker, pending that, I would like to ask the gentleman from West Virginia whether or not the gentleman has any information to the effect that any order has been given by anybody to the Republican national executive committee to refund to the insurance companies the amount contributed by them to the late campaign?

The SPEAKER. The gentleman from Mississippi is out of order.

Mr. WILLIAMS. I was reserving the right to object until the question was answered.

The SPEAKER. The gentleman, under the guise of reserving the right to object, can not enter upon debate under this rule.

Mr. WILLIAMS. I was not debating; I was reserving the right to object until after the question was answered. usual, as the Chair well knows, and occurs every day.

Mr. MANN. I will object unless-

The SPEAKER. Under the operation of this rule, the remarks of the gentleman from Mississippi were not in order.

It is not like the ordinary proceedings, where unanimous consent It is a motion to suspend all rules.

Mr. WILLIAMS. I understand that; but the Chair had asked unanimous consent, which has been granted.

The SPEAKER. Unanimous consent has not been granted. Do I understand the gentleman from Illinois to object?

Mr. MANN. I do not object, if they propose to proceed.

The SPEAKER. The Chair hears no objection. The gentleman from West Virginia is entitled to twenty minutes and the gentleman from Missouri to twenty minutes.

Mr. GAINES of West Virginia. Mr. Speaker, this bill has vo provisions. The first will have the effect to make it unlawtwo provisions. ful for any national bank or any corporation authorized by any law of Congress to make a money contribution to any political campaign. That portion of the bill is limited in its effect to corporations authorized under the laws of the United States.

Unquestionably the Federal Government would have jurisdiction over its corporations and the right to enact, as this bill does propose to enact, that such corporations shall not make any contributions whatever to affect political elections. The second provision of the bill makes it unlawful for any corporation whether organized under the Federal Government or under the State-unlawful for any corporation of any character-to make a money contribution in connection with any election at which Presidential electors or a Representative in Congress is to be voted for, or any election by any State legislature for a United States Senator. The bill will perhaps do some good, tending to remedy an evil which has been very much complained of in the country. In my own personal opinion no measure of Federal legislation will do much good toward preventing corruption at the polls and the corrupt use of money in connection with political elections until the Federal courts are given the power to indict and convict for those offenses. However, Mr. Speaker, the bill should do some good, and, in my opinion, can not by any possibility do any harm. I reserve the remainder

of my time.

Mr. RUCKER. Mr. Speaker, I am heartily in favor of the passage of this bill. As stated by the gentleman from West Virginia [Mr. GAINES], the bill contains two very simple propositions. First, it prohibits any corporation organized act of Congress, or any national bank, from making a money contribution to any political campaign. The second clause pro-First, it prohibits any corporation organized under an hibits corporations of any character from making money con-tributions to any political campaign fund to be used at any election at which Presidential or Vice-Presidential electors or Representatives in Congress are to be elected. This bill has passed the Senate. The House committee amended it so as to fix a minimum punishment and provide a jail sentence, in the discretion of the court. I take it that discussion of the bill is not required in view of the fact that it is of Democratic origin and strongly indorsed by the President of the United States in his annual message presented to this session of Congress. I understand, however, the distinguished gentleman from Illinois [Mr. Mann] desires to be heard in opposition to the bill, and I therefore yield to him one minute, the time he asks, and reserve the balance of my time.

Mr. MANN. Mr. Speaker, I am not in favor of the passage of this bill for two reasons. First, I do not believe that the Government of the United States has the constitutional authority to regulate and control all of the elections in the country; and, second. I do not believe it ought to be the policy of the Government of the United States to provide that nobody but a rich man can run for office. This, properly labeled, would be labeled a bill to prevent a poor man from holding office in the United There is no more reason why a corporation should not contribute to political campaign funds than there is why an individual should not, and the same rule ought to be enforced against the individual as against the corporation. I can not see the consistency of providing that no corporation shall contribute to a campaign fund, while at the same time under various administrations of the Government individuals have been and will be rewarded, both here and abroad, for great cam-paign contributions, and that under the administrations of both political parties. Although I know of the popular demand of the country that we shall prevent the influence of corporations, and although doubtless that influence ought to be controlled, I shall have the courage of my convictions on this question as far as my vote is concerned.

Mr. GAINES of West Virginia. Mr. Speaker, unless some

Member of the House desires to address the House, I shall ask for a vote.

Mr. POWERS. Mr. Speaker, I want to ask the gentleman in

charge of the bill a question.

The SPEAKER. Does the gentleman yield?

Mr. GAINES of West Virginia. I yield.

Mr. POWERS. I want to ask the gentleman how he construes that portion of the bill on page 2 in which it is stated that every officer or director of any corporation who shall consent to any contribution by a corporation in violation of the foregoing, etc., shall be punished?

Mr. GAINES of West Virginia. I take it that that means to give his consent as a director, in his capacity as such director.

Mr. POWERS. It does not say consent by his vote.
Mr. GAINES of West Virginia. But it seems to me that the
language is reasonably clear, and that is what it means.

Mr. POWERS. Would the gentleman understand it to include a man who might be an officer in a corporation and who

did not enter a protest against it?

Mr. MANN. Why, certainly.

Mr. GAINES of West Virginia. Certainly not. Consent is active. The mere failure to register a protest would not mean consent within the meaning of this act. I take it that the old statement that "silence gives consent" is not a legal declara-

Mr. POWERS. I know that in these days of wonderful reform we are all very eager to get something of this kind passed. So far as my observation has gone, I never knew one of these banks to contribute a dollar, or any other corporation, but I should not want to pass an act that would provide that if I happened to be a director of a bank I would be held criminally liable unless I entered a protest against what was doing,

even though this is a time of great reform.

Mr. WILLIAMS. Why, one could just prior to each election send a certain protest to each corporation of which he was a director.

Mr. GAINES of West Virginia. How much time does the gentleman from Maine desire?

Mr. POWERS. I do not know that I care for any more. I apprehend that the House will pass the bill, and there is no use of my protesting against it.

Mr. RUCKER. Mr. Speaker, I yield three minutes to the gen-

tleman from Arkansas [Mr. Robinson].

Mr. ROBINSON of Arkansas. Mr. Speaker, I have had no opportunity to investigate the constitutional features or the unconstitutional features of this bill, but I want to say that the political history of this Republic during the last few years has emphasized the necessity for some such legislation as is provided for in this measure.

It is a step in the right direction; but it does not go far enough. We ought to include all corporations engaged in interstate commerce, and we ought also to provide an effective means for discovering violations of the law and for the enforcement of its provisions.

I would like to see this bill amended, if it were possible, so as to become retroactive and provide that both political parties should make an accounting to the people of the United States for the money which has been diverted and misappropriated during the last national campaign. [Applause.] I would like to see my friends of the other side of this Chamber come squarely up to the rack and say to the people of the United States that during the last Presidential campaign they took several hundred thousand dollars from the widows and orphans of this country whose ancestors had contributed in the way of premiums to insurance companies and misused them in illegitimate political expenditure, and that they are now willing to come up to the altar of repentance and not only do right in the future, but do right by paying back what has been taken from them wrongfully in the past. [Applause.]

Mr. Speaker, it is an undisputed fact to-day that some of the great corporations of this country, in order to corrupt the electorates of this Republic, took from their treasuries in the last national campaign many thousands of dollars. It is a fact that the money had been contributed by men who had desired to provide a means of support and maintenance to their widows and orphans when their strong arms had been paralyzed by the power of death. It is a fact, Mr. Speaker, that evidence has disclosed indisputably to the satisfaction of this body that the money was improperly received and improperly expended, and now to-day in our desire to do right let us do the proper thing. Let the secretaries and the chairmen of our national committees make an accounting that will show where we got the money, from whom we received it, and how we expended it.

Mr. WILLIAMS. Mr. Speaker, will the gentleman from Arkansas permit an interruption?

Cheerfully. Mr. ROBINSON of Arkansas.

Mr. WILLIAMS. Does the gentleman from Arkansas not believe that with his great power, influence, and popularity throughout this country one word from the President of the United States to the Republican national executive committee would cause them to refund to the widows and orphans the money of which the trustees of insurance companies robbed them during the last campaign? [Applause on the Democratic

The SPEAKER. The time of the gentleman has expired.

Mr. RUCKER. Mr. Speaker, how much time have I remain-

The SPEAKER. Thirteen minutes.

Mr. RUCKER. I yield three minutes more to the gentleman from Arkansas.

Mr. ROBINSON of Arkansas. Mr. Speaker, I had hoped when I was interrupted by the reception of the message by the House that the message was from the President of the United States explaining all about this matter. In answer to the question of the gentleman from Mississippi I will say that it is a significant fact that the chairman of the last national Republican committee who received these funds has been promoted in office, but no accounting and no restitution has yet been made or been asked for. [Applause on the Democratic side.] I think, Mr. Speaker, that it is also a significant fact that while the President of this Republic is reputed through the press and by an interview from Mr. Drake, the commissioner of insurance in the District of Columbia, to have inserted his powerful hand into the legislation of the different States of this Republic to prevent the reduction of the salaries of insurance officers that he has not seen fit as yet to call up to his desk and administer the proper instructions to the next Secretary of the Treasury, the present Postmaster-General, the last chairman of the national Republican committee, who received and administered this fund. The same effort on his part would have restored this misappropriated fund. Let us be honest, Mr. Speaker. There is no man in this great assembly who does not know that during the last national campaign this fund was received and expended in the interests of a great political party. While we now brand as criminal that which has heretofore been done, we recognize the fact that the necessity of this legislation which is now posed grows out of conditions which existed and occurred during the last great national campaign. [Applause.] Let us then in our inspiration and endeavor to do right, while we pass this legislation, pay back what has been stolen. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. ROBINSON of Arkansas. Mr. Speaker, I ask leave to

extend my remarks.

The SPEAKER. The gentleman from Arkansas asks leave to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. RUCKER. Does the gentleman from West Virginia de-

sire to use his time now?

Mr. GAINES of West Virginia. Mr. Speaker, how much time have I remaining?

The SPEAKER. Fifteen minutes.

Mr. GAINES of West Virginia. I yield three minutes to the

gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, I do not rise to discuss the question of the purity of the elections in the United States. is a great, big question, and far more important than the one that is directly involved here. I think it is fair to the national banks of this country to say that there are comparatively few of them that have ever made contributions to any election. They are interested in the prosperity of the country and in its success generally, and it would not hurt them, perhaps, in some cases to make small contributions, but I do not object to the bill so far as it relates to national banking associations. But we are all now on a virtuous footing. Substantially all of us, I think, are going to vote for this bill, although it has elements in it that suggest that it may be unconstitutional. The election of Members of the House of Representatives in the different States or in the general assemblies of the different States is pointed out as one of the cases where contributions are not to be made to aid in securing the election of anybody. How that comes within the purview of the Constitution I do not know. It is even doubtful about our right to prohibit corporations making contributions to control elections of the Members of this House. Under section 4 of Article I of the Constitution we find this provision:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or after such regulations, except as to the places of choosing Senators.

The effect of this article and its construction is considered in

Ex parte Seibold (100 U. S., 371, 382-385).

How are we by law to provide against contributions unless we have assumed to do that which we might do under the last clause of this section 4, to regulate the election of Representatives in different States. I only make this suggestion in the inc of having it understood that while I vote for the bill I do it

with the mental reservation as to the constitutionality of it. We should be as ready to enforce the Constitution and all its plain provisions as we seem to be ready to attempt to attack something that is very vague or doubtful as to its general existence; but that will do for general talk on the rostrums over the country. We heard in the last campaign talk about a failure to pass a law to prohibit corrupt contributions at elections, but we did not hear very much about the principal things that in some sections of this country prevent the great majority of voters, white and black, from voting at all. I have recently read a very excellent paper delivered before a university in Athens, Ga., by a distinguished southern man by the name of Fieming, that tells us about these evils, and I wish that we had time to devote ourselves to the things that he discusses.

Mr. RUCKER. Mr. Speaker, I yield ten minutes to the gen-

tleman from Georgia [Mr. Hardwick].
Mr. HARDWICK. Mr. Speaker, the gentleman from Ohio [Mr. Keifer] referred to a gentleman from my own State, who was my predecessor in this body, and who delivered the speech to which he referred, but at the University of Georgia, not of Alabama. However, that is immaterial. We have not time, under suspension of the rules, to take up the questions suggested by him for discussion, but at some future day I hope to make some remarks on that subject.

On this bill I desire to say this only, that the bill is right, in my judgment, and ought to pass. It has been carefully con-sidered by your committee. It came from the Senate, where it was introduced by the distinguished Senator from South Carolina, and passed without opposition. The President of the United States, the great leader of the Republican party, has himself recommended its passage in his message to this Con-

gress. He says:

I again recommend the law prohibiting all corporations from contributing to the campaign expenses of any party. Such a bill has already passed one House of Congress. Let individuals contribute as they desire, but let us prohibit in an effective fashion all corporations from making contributions for any political purposes, directly or indi-

Mr. KEIFER. If the gentleman will permit me, I want to correct my statement. I said "Alabama;" I meant "Georgia," and I want to make that correction.

Mr. HARDWICK. Certainly. I knew what the gentleman eant. Now, Mr. Speaker, the gentleman says that this bill meant. under discussion is of doubtful constitutionality because it proposes to prohibit any corporation or corporations from making contributions in any election. Now, the bill does not propose that, but it does propose what it can rightfully propose, and that is, that any corporation chartered under an act of Congress shall not be allowed to make contributions to political We can regulate the terms under which corporations of that character can live and move and have their being. We might only have the right to regulate corporations along certain lines if they are not national corporations, but when they are chartered under national laws we have the right to regulate the way in which they shall exercise the charter power

granted to them by this Government.

Mr. KEIFER. Will the gentleman allow me one suggestion:
That this bill provides that it shall be unlawful for any corpo-

ration, without regard to banking associations?

Mr. HARDWICK. The gentleman has not read the bill care-I have the bill before me.

Mr. HARDWICK. I can not yield any more. The provision is, "It shall also be unlawful for any corporation whatever to make a money contribution in connection with any election at which Presidential and Vice-Presidential electors or a Representative in Congress is to be voted for." Well, now, I will say Well, now, I will say that we clearly have the right to make laws applicable to the

government of all corporations, so far as contributions to elections for electors for President and Vice-President and Members of Congress are concerned, and that is all that this bill provides

as to that character of corporations.

But, Mr. Speaker, I arose not particularly to defend this bill, because it needs no defense from this side of the Chamber nor from that. Every honest man in this country is for it, and I doubt very much whether any Republican or Democrat can safely afford to face his constituency in opposition to it; but I do say this: That an effort ought to be made to get from the committee the bill to regulate the question of individual, as well as corporate, contributions and to provide for publicity of all contributions; and I am very much surprised that we have not given that subject proper consideration. The President himself, at the last session of Congress, recommended a measure of that kind, but he has virtually abandoned that position in this message. However, he has recommended the passage of this bill, and I assume that all my Republican friends will vote for it for that reason, and as it is based on good Democratic principles, the Democrats will support it. Therefore there principles, the Democrats will support it. ought not to be any trouble about its passage.

One thing further. The President has progressed a great deal since the last election. He was charged, in express terms, by the Democratic candidate with having received contributions from corporations, and with that charge was coupled the intimation that there were improper purposes in making these contributions, and there was, perhaps, an implied promise as to what these corporations should receive in return for these contributions. He denied it in one of the bitterest statements ever issued to the American public. He admitted in that statement that there were such contributions being made by corporations; but he denied absolutely that there was any improper motive or agreement, and he challenged Mr. Parker to prove it. It is a pretty easy thing to challenge proof about motives, because when you have to prove motive, the only way you can do it is by the facts and circumstances, just as fraud is shown, and that is always difficult to show, even when it exists, as I believe it did in this case.

In 1904 the President was not opposed to contributions by the corporations; at least he did not object to them. Now we have got him advanced a little further, because in this bill he has at least and at last objected to it, and said he was opposed to it, and if we keep on improving him we may make a pretty fair Democrat out of him, after all. [Applause and laughter on

the Democratic side.]

Now, Mr. Speaker, only one other thing. Reference has been made here to-day to what happened on the subject of campaign contributions in the last national campaign. I want to read to you the statement of a man named Andrew Hamilton, who was the legislative agent, lobbyist, or what not-I do not care what you call him-of the New York Life Insurance Company; a statement, not about some election long past, but about the last national election, the one about which Parker and Roosevelt got into their row, and the one about which the President was so free with his falsehood charges. Not long ago, when these insurance frauds and contributions first leaked out, and were exposed to public view, Mr. Hamilton said this, among other

I had nothing to do with the payment in 1900 and 1904.

Speaking of the payments to the Republican campaign committee, he said:

In the last campaign some of the trustees-

Listen to this, now-

Some of the trustees insisted upon having the honor of making the payment. I made no protest, as I was glad to get rid of the responsibility. The 1904 contribution, amounting to \$48,000, was paid to Mr. Bliss by G. W. Perkins, through J. P. Morgan & Co.

Now, I have seen it published in the papers as a boast and with all the pride and pomp of heraldry that the Republican party has a full treasury. I ask, as suggested by my friend from Mississippi and by my friend from Massachusetts and by my friend from Arkansas, why is it that with your overflowing coffers you do not give back to the widows and orphans this \$48,000 that these trustees of the New York Life Insurance Company have admittedly and confessedly paid, without warrant or authority of law or of right, into your campaign fund? Why don't you do it?

Mr. SHERMAN. Does the gentleman know what the politics

of Andrew Hamilton and John A. McCall were?

Mr. HARDWICK. If the gentleman will permit me, I know that, no matter what Mr. Hamilton's professions are, he is a real Republican, in his conduct, at least.

Mr. SHERMAN. Does the gentleman know that Mr. Hamilton was a judge, elected on the Democratic ticket, in the city of

Mr. HARDWICK. Well, he never will be again. He has turned Republican, as evidenced by his practices.

Mr. SHERMAN. The fact is as stated, and it is also a fact

that John A. McCall is a lifelong Democrat.

Mr. WILLIAMS. If the gentleman will pardon me, the very fact that he has intended to establish by his question makes this condition all the more sad a commentary, because it shows that even Democrats, when identified with great corporations, are compelled to contribute Democratic money to Republican campaign funds in order to expect justice from a Republican Administration. [Applause on the Democratic side.] Why, they have got the country in such a condition that the rottenness goes outside of the Republican party and permeates every-

body standing under the law.

Mr. HARDWICK. Now, Mr. Speaker, if the gentleman from New York [Mr. Sherman] will pardon me, he holds a high position in the management of Republican party affairs. I want to know why it is that with full coffers, with your money that the

papers brag about as being left over from the campaign of 1904, you do not give back to the New York Life Insurance Company the \$48,000 that this man Hamilton swears was given to you without warrant or authority of law, which no man can claim was right? You ought certainly to return that if you have it to spare, as is boasted. [Applause on the Democratic side.]
Mr. GAINES of West Virginia. I yield five minutes to the

gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, it is very delightful to witness the evidence of the approach of a sort of millennium of purity in the Democratic party. [Laughter.] I do not rise to discuss the merits or demerits of this bill. I shall vote for it. I want to suggest, however, as I shall not be here to point out the evidences later on, that no good will come of this legislation. It does not go far enough. If you want to purify the politics of this country by an assurance that there shall be no corrupting of the voters at the polls, you must go further than to suppress national corporations, and you must provide that no man shall contribute any money. The candidate shall not nor shall anyone else spend any money.

What is the necessity, what is the propriety, of picking out a corporation, which is an artificial person, which has not any conscience, is not capable of understanding the morals of the Democratic utterances that we have just heard, and forbid them to contribute to the corrupting of the populace of the country while you let the rich men put their money into the campaign?

Therefore you ought to go further and provide that no man shall be a candidate for office unless he can prove to a nonpartisan committee that he has not got a cent on God's earth and that he will not corrupt anybody. [Laughter.] You are making a long step in the direction of assembling in Congress a few years hence a club of millionaires and wealthy men, because if this operates successfully there is no possible reason why you should not forbid the contribution of individuals.

A corporation chartered under the laws of a State is just as much an individual as is a man, and Congress has just as much power over that individual, over all individuals, as it has over that corporation. Why not say that State corporations shall not earn more than a certain per cent upon their stock? Why stop? Why not legislate so that they shall not be able to con-

tribute anything?

This is a step in the direction of the abolition of State lines and State rights that is the most startling of anything we have heard in Congress. You provide what shall be done and what shall not be done with the possible surplus and income of a cor-poration that is the individual of a State and over which Congress has no more power than it has over the rising and the

setting of the sun.

But I did not rise solely for that purpose. This system of contributions to the national committees has been going on ever since we can remember. Why should you select the recent chairman of the Republican national committee to be attacked in the House of Representatives? What did he do more than any other man has done? I remember when one of the most efficient chairmen of the national committee of the Democratic party, and one who superintended some of the most unfortunate results, was a Senator of the United States, a gentleman of I never heard him criticised; I never heard high character. anybody try to find out how much money he got, although it was known that in the campaign of 1892 the campaign fund of the Democratic party was very large. He was a Senator. I never heard his relations to the Senate and the trust that was conferred upon him criticised. How does it happen that Mr. Cortelyou is assaulted here, and the fact that he is to be Secretary of the Treasury brought in here as re-flecting somehow, upon the passage of the bill and preventing the contribution and corruption of Presidential electors?

The SPEAKER. The time of the gentleman from Ohio has

expired.

Mr. GAINES of West Virginia. I yield three minutes more

to the gentleman from Ohio.

Mr. GROSVENOR. I point to that gentleman, as he has been assaulted on the floor of this House, as a demonstration of what conditions in America can produce. He is a young man that since I have been in Congress came here as a clerk, coming out of the custom-house in New York, where he had been a stenographer. He has made his way and has set an example to the young men of America that we ought to be proud of. [Applause.] In every position he has held he has won the praise of all fair-minded men. Every fair-minded man is proud of it. To-day he stands indorsed for the highest position, in many respects, in the Cabinet of this President that you are so fond of eulogizing, and whom we on this side also indorse and admire, by the united votes of the Republicans of the Senate and by the concurrent votes of the Democrats of the Senate.

So, if he has done wrong, you have condoned it. But he has not done wrong, and he stands to-day par excellence a citizen in the full light of American judgment and indorsed by the good sense

of the people of the country.
So now, Mr. Speaker, as we go ambling along, wabbling along, to the destruction of the independence of the States in the management of their own corporations, wabbling along in the direction of undertaking to purify the franchise of the country without striking a blow in the real direction where corruption comes from, we may as well stop slandering the men of the country and stop the imputations that have been cast out here. I shall vote for the bill, and I shall do it simply, as very often it has been my duty, to help give the American people an opportunity to test the thing which, in my judgment, will be a total and significant failure. [Applause.]

Mr. GAINES of West Virginia. I yield two minutes to the gentleman from Missourl [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, if it is proposed to return campaign-fund contributions, I should like to make a suggestion on behalf of the people of Missouri. [Laughter.] Why does not the great reform governor of that State return to the poor policemen of the city of St. Louis the \$28,000 that have been extorted from them for the purpose of electing the great reformer. [Applause on the Republican side.] This fact was ascertained by an official investigation of the Democratic senate at Jefferson City. At that time Mr. Vandiver was manager of the

Jefferson City. At that thise Mr. Vandiver was manager of the Democratic campaign committee, or of Mr. Folk's committee. Mr. RUCKER. Will the gentleman permit a question? Mr. BARTHOLDT. Not now; I have only two minutes. That gentleman was a Member of Congress at the time. Congress had adjourned, and it would have been very easy for him to go to Jefferson City, whither he had been summoned, and testify, but at the time it suddenly occurred to him that he had very important business in the city of New York. He went to New York for the purpose of avoiding the necessity of testifying about how he collected his campaign funds. As I say, a part of that fund was exterted from the poor policemen of the city of St. Louis to the extent of \$28,000. [Applause and laughter on

the Republican side.]

Mr. GAINES of West Virginia. Mr. Speaker, this discussion, brief as it has been, has been sufficient to call the attention of the House to the difficulty of passing effective and practical legislation of this character. In the first place, the Federal Government can give no relief whatever, even if the public product of the control of the product of the pro lic sentiment of the country has grown to a point where the people will aid in the enforcement of laws of this kind, people will aid in the enforcement of laws of this kind, maless gentlemen are willing to concede planny points and males gentlemen are willing to concede heavy portains and conceded the propertion of the control of t unless gentlemen are willing to concede plenary power to the

of the act approved June 10, 1880, governing the immediate transportation of dutlable merchandise without appraisement.

The message also announced that the Senate had passed the following Senate concurrent resolutions; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution No. 41.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 3671) granting an increase of pension to Louis Castinette.

Senate concurrent resolution No. 42.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 5073) granting an increase of pension to Daniel G. Smith.

Senate concurrent resolution No. 43.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be directed to submit to the Senate, from data already available, plan and estimates for improvement of the Sasanoa River, Maine.

The message also announced that the Senate had passed billof the following title; in which the concurrence of the House of Representatives was requested:

S. 3923. An act to reorganize and to increase the efficiency of

the artillery of the United States Army.

### ENROLLED JOINT RESOLUTION SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title; when the Speaker signed the

H. J. Res. 221. Joint resolution to fill a vacancy in the Board

of Regents of the Smithsonian Institution.

# SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following Senate concurrent resolution was taken from the Speaker's table and referred to its appropriate committee as indicated below;

Senate concurrent resolution 43.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be directed to submit to the Senate, from data already available, plan and estimates for improvement of the Sasanoa River, Maine.

To the Committee on Rivers and Harbors.

# INCREASE IN EFFICIENCY OF ABTILLERY.

Mr. HULL. Mr. Speaker, I move to suspend the rules, reconsider the vote by which the House passed the bill H. R. 17247, lay the said bill on the table, and take from the Speaksame as the House bill passed a few minutes ago, and which I send to the desk and ask to have read.

The bill S. 3923 is as follows:

one quartermaster-sergeant, two cooks, two mechanics, two musicians, and such number of sergeants, corporals, and privates as may be fixed by the President in accordance with the requirements of the service to which it may be assigned: Provided, That the total number of sergeants and corporals in the Coast Artillery so fixed shall not exceed 1,350 and 2,040, respectively, and that the total enlisted strength of the Coast Artillery, as provided under this act, shall not exceed 19,147, exclusive of master electricians, electrician-sergeants, first class, and electrician-sergeants, second class.

to which it may be assigned: Provided. That the total number of sergents and corporals in the Const Artillery so fixed shall not exceed from which it may be assigned: Provided. That the total number of sergents and corporals in the Const Artillery so fixed shall not exceed [1,500 and 2,04], respectively, and that the total callsted strength of exclusive of master electricians, electricians ergents, second class.

Ser. 7. That the Field Artillery and the consist of six regiments, each service of the constant of the constant of six regiments, each service and the constant of the consta

The SPEAKER. Is a second demanded? [After a pause.] If not, the question is on suspending the rules, reconsidering the vote whereby the bill H. R. 17347 was passed, laying the said bill on the table, and taking from the Speaker's table the bill S. 3923 and passing the same.

The question was taken; and two-thirds having voted in favor

thereof, the motion was agreed to.

AGREEMENT BETWEEN NEW JERSEY AND DELAWARE.

Mr. JENKINS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4975) giving the consent of Congress to an agreement or compact entered into between the State of New Jersey and the State of Delaware respecting the territorial limits and jurisdiction of said States, which I send to the desk and ask to have read.

The Clerk read as follows:

Imits and jurisdiction of said States, which I send to the desk and ask to have read.

The Clerk read as follows:

Whereas commissioners duly appointed on the part of the State of New Jersey and commissioners duly appointed on the part of the State of New Jersey and commissioners duly appointed on the part of the State of Delaware, for the purpose of agreeing upon and settling the jurisdiction and territorial limits of the two States, have executed certain articles, which are contained in the words following, namely:

"First. Whereas a controversy hath heretofore existed between the States of New Jersey and Delaware relative to the jurisdiction of such mile radius, an arc of which constitures the northern houndary of the State of Delaware, and it is the mutual desire of said States to so settle and determine such controversy as to prevent future compileations arising therefrom; and

"Whereas there is now pending in the Supreme Court of the United States a cause wherein the said State of New Jersey is the complainant junction has been issued against the State of Delaware restraining the execution of certain statutes of the State of Delaware restraining the execution of certain statutes of the State of Delaware restraining the execution of certain statutes of the State of Delaware restraining the execution of certain statutes of adjusting the differences between the State two States arising out. Familia Murphy, and Channeey G. Parker State two States arising out. Familia Murphy, and Channeey G. Parker have been appointed commissioners on the part of the State of Delaware by Joint resolution of the legislature of said State, and Preston Lea. Robert H. Richards, Herbert H. Ward, and George H. Bates have been appointed commissioners on the part of the State of Polaware by Joint resolution of the general assembly of said State, to frame a complete on the engineers of the State of Delaware whereas the property shall be under the exclusive jurisdiction of the amicable termination of said state, and are such property sh

side of said river between the said States, except so far as either State may have heretofore granted valid and subsisting private rights of fishery.

"ART. IV. Immediately upon the execution hereof the legislature of the State of New Jersey shall appoint three commissioners to confer with three commissioners to be immediately appointed by the general assembly of the State of Delaware for the purpose of drafting uniform laws to regulate the catching and taking of fish in the Delaware River and Bay between said two States, which said commissioners for each State, respectively, shall, within two years from the date of their appointment, report to the legislature of each of said States the proposed laws so framed and recommended by said joint commission. Upon the adoption and passage of said laws so recommended by the respective legislatures of said two States said laws shall constitute the sole laws for the regulation of the taking and catching of fish in the said river and bay between said States. Said laws shall remain in force until altered, amended, or repealed by concurrent legislation of the said two States where said dividing line extended shall intersect the said two States where said dividing line extended shall intersect the same, shall, at the Joint expense of said States, erect a suitable monument to mark the said dividing line. Said dividing line between said intersect the same, shall, at the Joint expense of said States, erect a suitable monument to mark shall be the division line between the said river and bay for the interpretation of and for all purposes of this compact, and of the concurrent legislation provided for therein.

"The faith of the said contracting States is herely pledged to the enactment of said laws so recommended by said commissioners, or to such concurrent legislation as may seem judicious and proper in the premises to the respective legislatures thereof.

"Each State shall have and exercise exclusive jurisdiction within said river to arrest, try, and punish its own inhabitants

"ART. V. All laws of said States relating to the regulation of fisheries in the Delaware River not inconsistent with the right of common fishery hereinabove mentioned shall continue in force in said respective States until the enactment of said concurrent legislation as herein pro-

vided.

"Arr. VI. Nothing herein contained shall affect the planting, catching, or taking of oysters, clams, or other shell fish, or interfere with the oyster industry as now or hereafter carried on under the laws of either

ART. VI. Nothing herein contained shall affect the planting, or taking of oysters, clams, or other shell fish, or interfere with the oyster industry as now or hereafter carried on under the laws of either State.

"ART. VII. Each State may, on its own side of the river, continue to exercise riparian jurisdiction of every kind and nature, and to make grants, leases, and conveyances of riparian lands and rights under the laws of the respective States.

"ART. VIII. Nothing herein contained shall affect the territorial limits, rights, or jurisdiction of either State of, in, or over the Delaware River, or the ownership of the subaqueous soil thereof, except as herein expressly set forth.

"ART. IX. This agreement shall be executed by the said commissioners when authorized to do so by the legislatures of the said States. It shall thereupon be submitted to Congress for its consent and approval. Upon the ratification thereof by Congress it shall be and become binding in perpetuity upon both of said States; and thereupon the suit now pending in the Supreme Court of the United States, in which the State of New Jersey is complainant and the State of Delaware is defendant, shall be discontinued without costs to either party and without prejudice. Pending the ratification hereof by Congress said suit shall remain in statu quo.

"Done in two parts (one of which is retained by the commissioners of Delaware, to be delivered to the governor of that State, and the other one of which is retained by the commissioners of New Jersey, to be delivered to the governor of that State, and March, A. D. 1905."

Edward C. Stokes.

Preston Lea.

Robert H. McCarter.

Prestor Lea.

EDWARD C. STOKES.

ROBERT H. MCCARTER.
FRANKLIN MURPHY.
CHAUNCEY G. PARKER.

And whereas the said agreement has been confirmed by the legislatures of the said States of New Jersey and Delaware, respectively: Therefore
Be it enacted, etc., That the consent of the Congress of the United States is hereby given to the said agreement and to each and every part and article thereof: Provided, That nothing therein contained shall be construed to impair or in any manner affect any right or jurisdiction of the United States in and over the islands or waters which form the subject of the said agreement.

The SPEAKER. Is a second demanded?

Mr. BURTON of Delaware, Mr. Speaker, I demand a sec-

Mr. BURTON of Delaware. Mr. Speaker, I demand a second.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Wisconsin is entitled to twenty minutes and the gentleman from New Jersey to

Mr. JENKINS. Mr. Speaker, this bill merely gives the consent of the Congress of the United States to an agreement entered into between the States of New Jersey and Delaware with reference to a question of boundary between those two States, a question having arisen between the States with reference to the boundary line and suit being brought in the Supreme Court of the United States on the part of the State of New Jersey as complainant against the State of Delaware as defendant. That suit is still pending. This agreement merely discloses that the two States have arrived at a settlement of the boundary question and agreed that the suit pending in the Supreme Court of the United States shall be discontinued. This bill protects the rights of the United States fully and completely. It is unanimously reported from the Committee on the Judiciary, and its passage is asked for by the legislatures and the executive officers of both States. I now yield, Mr. Speaker, ten minutes to the gentleman from Delaware [Mr. Burton].

Mr. BURTON of Delaware. Mr. Speaker, it is not my intention to oppose the passage of this act. I have held it up for a purpose and simply desire to make a statement in order that my position may be understood. A suit has been pending in the United States courts for more than a quarter of a century to deter-mine the boundary question here involved. Two years ago the legislatures of New Jersey and Delaware passed acts agreeing to appoint commissioners to settle this boundary dispute. In article 4 of that agreement the two States were to appoint three commissioners whose duty it should be to draft uniform fish-Those commissioners have assembled from time to eries laws. time, but until the 16th of this month had not been able to agree upon the laws to be submitted to the legislatures for their passage. Up to the time when those commissioners should agree I have requested that the bill be held up in the Judiciary Committee, it having passed the Senate some time during the first session of this Congress. So far as I am individually concerned I was opposed to that method of settling the dispute. The rights and privileges of the Delaware River in the location involved either belong to the State of Delaware or they do not belong to it. This suit has been pending in the Supreme Court of the United States, where the question of jurisdiction and ownership should be settled. So far as I am concerned I have always opposed any compromise short of such a decision.

I admit that in all probability my opposition to a compromise is largely sentimental, because my maternal ancestor arrived on the shores of the Delaware River and landed on the west side in 1682 as a member of the party brought over to this country by that great and good man William Penn. From that day down to the present we have always regarded the 12-mile circle forming the northern boundary of our State as something sacred to the Delawareans. But the legislature of my State agreed to this compromise. As I say, where principle is at stake I do not believe in any compromise and think matters of this kind should only be settled by a court of competent jurisdiction; but in obedience to the sentiment expressed by the Delaware legislature I now withdraw any further opposition to the measure, more especially as commissioners appointed by the two States have agreed upon uniform laws to govern the fisheries situation. My judgment is that those laws should have been passed by the two States before this agreement was ratified by this Congress. However, a joint resolution brought in the legislature of my State asking Congress to delay the ratification of this agreement was laid upon the table by a decisive Therefore I yield to the command of the proper authority and withdraw further objection to this bill.

Mr. JENKINS. Mr. Speaker, I ask for a vote.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

WOMAN AND CHILD WORKERS IN THE UNITED STATES.

Mr. BARTHOLDT. Mr. Speaker, I move to suspend the rules, to discharge the Committee on Labor from the further consideration of, and pass the bill S. 5469.

The SPEAKER. The gentleman from Missouri moves to suspend the rules, discharge the Committee on Labor from the further consideration of a Senate bill, and pass the same. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 5469) to authorize the Secretary of Commerce and Labor to investigate and report upon the industrial, social, moral, educational, and physical condition of woman and child workers in the United States.

United States.

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to investigate and report on the industrial, social, moral, educational, and physical condition of woman and child workers in the United States wherever employed, with special reference to their age, hours of labor, term of employment, health, illiteracy, sanitary and other conditions surrounding their occupation, and the means employed for the protection of their health, person, and morals.

Sec. 2. And for the purpose of this act the Secretary of Commerce and Labor is hereby directed to utilize in so far as they may be adequate the forces of the Bureau of Labor and Bureau of Census.

Sec. 3. That this act shall take effect immediately.

Mr. TAWNEY Mr. Speaker I demand a second

Mr. TAWNEY. Mr. Speaker, I demand a second.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent

that a second may be considered as ordered. The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Missouri is entitled to twenty minutes and the gentleman from Minnesota has twenty

minutes Mr. BARTHOLDT. Mr. Speaker, the only difference between the Senate bill, which I am asking the House to consider and pass at this time, and the bill which has been reported by the Committee on Labor and which is on the House Calendar, is that the bill we are now considering carries no apendar, is that the bill we are now considering carries no appropriation. It has been found expedient to leave the appropriation out for the reason that we do not know exactly how much the investigation will cost. To start the investigation the present force of the Department of Commerce and Labor might be sufficient; and if additional funds will be required, the Committee on Appropriations, upon the basis of this legislation can invest the recessory. lation, can insert the necessary item in an appropriation bill. As to the merits of this legislation there can be no doubt. civilized countries of the world have had investigations of this kind.

It is comparatively a new question, and in no country is it more important than in the United States, for the reason that proportionately more women are employed in the United States in industrial pursuits than in almost any other country on earth. We have never had a national investigation of this question. About twenty years ago the Bureau of Labor made a limited study of it, and then about five or six years after that the Industrial Commission took up this question, but merely touched upon it without going into details. The census reports, as you are all aware, merely give figures without going into the sociological aspect of the case whatsoever. The census figures, in other words, are merely statistical, while under this bill it is proposed to have a thorough investigation as to the effects of the employment of women and children upon their health and upon the social conditions of the people.

Mr. Speaker, I reserve the remainder of my time in order that may answer possible objections.

Mr. BARTLETT. May I ask the gentleman a question?
Mr. BARTLETT. Where do you get the power to authorize the Secretary of Commerce and Labor to make the investigation in manufacturing establishments or otherwise that employ women and children at labor in the States? In other words, where will you get the power to send the Secretary of Com-merce and Labor, or employees under him, into factories or stores not in the District of Columbia or in the Territories to make these investigations?

Mr. BARTHOLDT. Mr. Speaker, my answer to that is that that power was no doubt conferred at the time when the Department of Commerce and Labor was created. Surely that Department has not been created for the sole purpose of looking into the affairs of the District of Columbia and the Territories.

Mr. BARTLETT. No; not at all. The Department of Commerce and Labor, if the gentleman will permit me to say so in his time, now investigates the business of corporations engaged in interstate commerce, but there is no such restriction or provision in this bill. Now, what authority has Congress to send the Secretary of Commerce and Labor, or Government employees under him, to Missouri or to Georgia, and to authorize him to say, "Open your factories, open your stores, send for your employees, and let me now investigate what you did with reference to these particular subjects that Congress has au-thorized me to make investigation of according to the bill?"

Mr. BARTHOLDT. I do not think that by an investigation the rights of anyone will be invaded or abridged. This bill merely aims at securing knowledge and information, and certainly that does not affect the rights of anyone. My friend no doubt has in mind the question of State rights, and believes that there are matters which are reserved to the States. We do not object to the States supplementing the information which the United States will gather on this subject. On the contrary, it will be highly desirable for them to do so. And, more than that, the labor boards and labor commissioners in the several States of the Union are all asking for this information, because only under national control can it be gathered in a proper way, or along the same lines, and viewed from the same standpoint, while if you leave it to the individual States you will not get the exact information you desire and upon which you can base proper legislation.

Mr. BARTLETT. Granting all that the gentleman says is true as to the requirement for the information, suppose a factory or a store that employs women and children refused to permit the representatives of the Department of Commerce and Labor to come in to make an investigation, what power or au-

Mr. BARTHOLDT. Let such a case come up, Mr. Chairman, and the courts will pass upon it. I reserve the remainder of my time

Mr. BARTLETT. The gentleman has not answered the question.

May I ask the gentleman a question?

Mr. BARTHOLDT. Certainly.

Mr. MANN. Is there anything in the law that is compulsory

about the attendance of witnesses, or anything of that kind?
Mr. BARTHOLDT. There is no provision in the bill which Mr. BARTHOLDT. There is no provision in the bill which makes anything compulsory.

Mr. MANN. Nothing to compel the violation of legal rights?

Mr. BARTHOLDT. No, sir.

Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Speaker, I am heartily in favor of the pending bill, and I hope it will pass without any material opposition. The bill authorizes and directs the Secretary of Commerce and Labor to make a thorough and exhaustive investigation of the industrial, social, moral, educational, and physical conditions of women and children who are employed in shops, factories, mines, and other industrial establishments. The investigation will be one of incalculable value to the country and will no doubt result in the adoption of measures in the various States for the amelioration of the surroundings of women and children in the industries. Its influence will be educative, and it will doubtless attract the attention of the philanthropic sentiment of our people toward the improvement of industrial conditions all along the line. That women and children should be protected from the impositions and cruelties that are inflicted upon them by avaricious employers in some parts of the country is a question that will admit of no debate. The problem of child labor particularly is one of the vital social questions of the day, and it is engaging the thought

and attention of those who are interested in the welfare of the

people.

It is impracticable for the States, each acting for itself, to make an investigation along the lines proposed by the pending bill that will be of any considerable value. They would of necessity adopt different methods and standards for their investigations, and it would be exceedingly difficult, if not altogether impossible, to coordinate the results in such a fashion as to enable students of these problems to reach safe and intelligent con-While the Federal Government may not have the auclusions. thority to legislate for the States respecting conditions that are purely industrial and local, it may investigate conditions throughout the country and give them such publicity as will direct the public mind toward evils that imperatively demand cor-Public opinion is the most powerful remedial factor in rection. our civilization, and evils connected with the employment of women and children in gainful occupations will so excite public opinion and concentrate it upon such evils as to surely bring about wholesome and necessary remedies.

[Here the hammer fell.]

Mr. BARTHOLDT. I yield additional time to the gentleman.
Mr. CRUMPACKER. The Government has never provided for a thorough and exhaustive investigation of the subjects mentioned in the bill. There have been special reports in relation to labor conditions in one part of the country and the other and special reports upon women and children in the industries, but they have not involved so broad a scope as that contemplated by this bill. They have not been so broad and comprehensive as the proposed investigation will be.

The investigation contemplated by the bill is of infinitely greater importance than a merely statistical and economic examination could possibly be. The Government spends millions of dollars every year for the investigation of economic and commercial questions. Hundreds of thousands of dollars are spent annually to promote better methods of agriculture, to improve stock raising and fruit growing, and several bureaus of the great Departments are engaged exclusively in studying the effects of insects upon stock, fruit, and farm products and in devising ways and means to extirpate them. If we have money to use in this fashion, it seems to me there ought to be no hesitancy in appropriating a sufficient amount of money to make a thorough investigation of the condition of women and children in factories, mines, shops, and mercantile institutions, with a view of surrounding them with the best and most wholesome conditions practicable. The glory of our country is not in its Army and Navy, nor in its great cities, nor in its magnificent in-dustrial institutions, nor in its stupendous aggregate of wealth, but in the freedom and the sturdy, self-reliant character of its citizenry. The very object of wealth, honor, culture, and government itself is to elevate the standard of manhood and womanhood.

I believe in any policy that will tend to secure equality of opportunity, industrial as well as political, to all the citizens of the land. I believe in any policy that will tend to promote in a legitimate way a more equitable distribution of the products of labor and capital. Those problems must be solved largely by the intelligence and the independence of our citizens, and it is of vital importance to the future of the country to so surround the children of the land that they be permitted to develop into strong, self-reliant, worthy citizens—citizens that may become

helpful factors in the elevation of the race.

The distinguished chairman of the Committee on Labor of the House [Mr. Gardner of New Jersey] some time during the last session of the present Congress reported a bill from that committee, the first section of which was exactly like the first section of the pending bill. The second section of that bill contained some additional provisions, among others, an appropriation of \$300,000 to carry the bill into execution. On the 16th of last April that gentleman moved to suspend the rules and adopt a resolution giving the bill a privileged status upon the Calendar of the House for the balance of that session. manded a second for the purpose of putting in the Record a statement furnished me by the Director of the Census respect-ing an investigation upon the subject of women and children in the industries which the Census Office had taken in connection with the general census of 1900 and the special census of manufactures in 1905. I announced at that time that I had no obfactures in 1905. jection to the bill being given a privileged status upon the Calendar, but I said that the Census Office had collected information and was then engaged in the preparation of a report upon that subject, and my impression at that time was that the Census Office report was substantially of the same character as that contemplated by the Gardner bill. In order that the Members of the House and the country might know exactly

what the scope and character of the census report would be, I had the statement prepared by the chief of the division of review and results, furnished me by the Director of the Census,

printed in the RECORD.

The resolution giving the bill a privileged status on the Calendar was adopted without opposition, but the bill never was called up for consideration afterwards and stands upon the Calendar to-day. It was not my purpose to oppose the bill, but believing then that the subject had better rest until the census report was issued, and if any supplemental investigation should be necessary it could then be authorized and thus save a possible duplication of work, I interposed to call attention of the House to the question. On subsequent investigation I discovered that while the report in preparation by the Census Office was more than statistical, that it involved more than the economic and industrial side of the question, yet it was not complete in that it did not include the sanitary, moral, and social conditions and surroundings of women and children employed in gainful occupations, and it was not general. It did not include all of the large industries of the country. I would have supported the Gardner bill in the last session of Congress if it had been brought up for consideration. I have been ready at all times to contribute by speech and vote what I could to secure a thorough investigation of this vital question. I believe in statistics of all kinds, and I believe them to be valuable for sociological and moral purposes as well as political and economic.

I am informed by the Director of the Census that two reports will be made upon the subject, one upon children employed in gainful occupations and the other upon women. The child report, I am informed, will be ready for the public within a week or ten days.

I will append at the end of my remarks, with the consent of the House, the statement which I had published in the RECORD on the 16th day of last April, showing the character and scope of the investigation by the Census Office.

Mr. GAINES of Tennessee. Will the gentleman yield a minute or two to me?

Mr. BARTHOLDT. Are you against the proposition?
Mr. GAINES of Tennessee. Do you suppose I would be against a measure that would do anything to help women to make a living? Never in this world, if I could legally help her. I ask for two minutes to make some inquiries of the gentleman who has just taken his seat, because I know he is a good lawyer and has given this subject a great deal of investigation. Suppose, after we pass this law, an agent of the Government should go down, say, to Nashville, and go out to the cotton fac-tory to investigate and the manager of that factory should shut the door in his face. Now, I want you to tell me, under the law as it will be if this bill is passed, how could Congress compel that door to be opened to show how many and how women and children are being worked in that factory-sometimes, possibly, wrongfully.

Mr. CRUMPACKER. I will be frank with the gentleman and state that I doubt the power of Congress to compel private institutions, located in the States, to submit to any such investigation. I think the Department would be obliged to conduct this investigation just as it does the investigation for the collection of

statistics on cotton or any other industry.

Mr. GAINES of Tennessee. Suppose you apply it to cotton gins where there may be a number of women and children working, and Congress wants to investigate gins, and the owner

Mr. CRUMPACKER, Well, my judgment is Congress does not possess power to compel the manager or proprietor of such a factory to submit to any investigation. It is on the same basis as the cotton investigation.

Mr. GAINES of Tennessee. I have asked these questions for the purpose of eliciting the propositions of law if I could on which the bill may be based. We have never had a chance to investigate it or to have the attention of the courts drawn to it, and hence they have never passed upon the question, because it is new legislation. Whenever we pass this law, are we not making laws that do not equip our agents with power, and ought we then, after we get only such information as these people are willing to give, to take a half a loaf and build a law on that?

Mr. CRUMPACKER. Congress has conferred or will by this bill confer all the power it has. If Congress specifically authorizes special agents to go into the factories and compel their submission to an examination, I believe it would transcend its power. But any establishment that would refuse to be investigated would be under suspicion, and no reputable industry

The SPEAKER. The time of the gentleman has expired.

The statement referred to by Mr. Crumpacker is as follows:

DEPARTMENT OF COMMERCE AND LABOR, BUREAU OF THE CENSUS, Washington, April 5, 1906.

Memorandum in regard to the scope and character of the proposed report on employment of women and children.

Department of Commence and Lander,

Washington, April 5, 1966.

Memorandum in regard to the scope and character of the proposed report on employment of women and children.

The proposed report on the employment of women and children, according to the present plans, will embrace the following classes of data and the proposed report on the employment of women and children, according to the present plans, will embrace the following classes of data cach sex, 10 to 15 years of age, employed in each of the principal occupations for children. This will show the numbers of native willtee children, native white children, native white children, and the will be not not proposed to the children of the control of the control of the children of the children of the shown separately for the native white children, native white of native parentage, native white of foreign parentage, foreign white, and reprive parentage, native white of foreign parentage, foreign white, and reprive parentage, not end they over 150, the population.

3. A tabulation showing the number of women or girls engaged in occupations in each of the following age periods: Ten to 15 years, 10 to will be combined with a tabulation giving the same classification by age periods of the total number of women and girls in the entire population, so as to show what proportion or per cent of the women and girls in the entire population, so as to show what proportion or per cent of the women and girls in the entire population, so as to show what proportion or per cent of the women and girls in the entire population, so as to show what proportion or per cent of the women and girls in the entire population, so the proposed of the total number of women and girls in the entire population, so the proposed of the total number of women and girls in the entire population, so the proposed of the proposed of the proposed of the country in the proposed of the proposed o

manufacturing industries can be derived from the material collected by the recent census of manufactures.

This data will show, first, the relative importance of men, women, and children among the wage-earners of each manufacturing industry as indicated by the average number of wage-earners of each class employed in that industry during the year. These data can be shown for each State and Territory and for each individual city, so far as may be deemed advisable.

Second, the earnings of women and children as compared with those of men in the same industry. In connection with the census of manufactures a transcript of the pay roll for the busiest week of the year 1904 was obtained from each manufacturer if available. On the basis of this transcript the men, women, and children employed in that week are separately classified according to the scale of their earnings, so as to show the number receiving under \$3 per week; number receiving \$3 to \$4: \$4 to \$5, etc. Since this statement covers the busiest week in the year it is probable that most of the employees were working on full time, and that their earnings, therefore, will correspond closely to their wages or rates of pay.

The Bureau of the Census might, if thought best, collect data of a similar character showing the earnings of women and children in some of the more important mercantile pursuits not covered by the census of manufactures—for instance, in the department stores. This possibility is under consideration.

7. It may also be worth while to tabulate the number of children born to married women engaged in occusations for comperison with the part to married women engaged in occusations for comperison with the part to married women engaged in occusations for comperison with the part to married women engaged in occusations for comperison with the census of the constitutes.

7. It may also be worth while to tabulate the number of children born to married women engaged in occupations for comparison with the number born to other married women. The extent to which this tabulation should be carried would depend upon the results secured from

number born to other married women. The extent to which this tabulation should be carried would depend upon the results secured from experimental work.

All the above tabulations will present new data—that is, data never before published. A part of the data will be derived from the population schedules of the census of 1900, and a part from the schedules of the census of manufacturers taken in 1905. The fact that five years have elapsed since the census of 1900 was taken does not, it is believed, impair the value of the data for the purposes of this report. Economic conditions have not changed so rapidly as that, and human nature has not changed at all. Moreover, it is important to have knowledge of the conditions in 1900 as a starting point from which to measure the future changes, whether in the nature of progress or of retrogression, which may be revealed by the census of 1910 or later censuses.

S. Besides these original sources of information, the statistics published in the main census report on occupations and in other census publications will be utilized so far as they can be made to contribute to the completeness of the discussion by further analysis or new correlations. An illustration of the possible value of work of this character is presented by the recent census bulletin on Negroes, the statistical data for which were derived almost exclusively from reports already published.

9. A study will be made of the census statistics of other countries with a view to introducing international comparison, so far as comparison, so far as comparison.

published.

9. A study will be made of the census statistics of other countries with a view to introducing international comparison, so far as comparable statistics on this subject can be obtained.

It is hardly possible at this stage of progress to estimate very closely the size of the report. It is my expectation, however, that it will comprise between three and four hundred pages, making it about the size of the bulletin on Negroes.

Respectfully submitted.

I A HUL Chief of Division.

J. A. HILL, Chief of Division.

Mr. GAINES of Tennessee. I should like about one minute more.

Mr. TAWNEY. I yield the gentleman one minute of my time. Mr. GAINES of Tennessee. Under the census law, giving us the power to take the census every ten years, Congress may have the right to make these investigations, so that when the ten years come around we could have nearly all the information on this subject we require for a census.

Mr. CRUMPACKER. Any institution that would refuse to submit to such investigation would be under the suspicion of

the entire country.

Mr. GAINES of Tennessee. I understand that—
Mr. CRUMPACKER. All these institutions have voluntarily

submitted to the investigation of the Federal agents.

Mr. GAINES of Tennessee. I dare say that is true, and no doubt it would be so, but still I do not want to make a law that in a certain sense blackmails a man into letting you in his front door when he has the legal right to shut his door and keep it

I am going to vote for the bill. I doubt its constitutionality. We need for many purposes the information these agents may secure in considering other legislation. The courts can settle

the validity of the law.

Mr. TAWNEY. Mr. Speaker, my objection to this bill is, first, that under existing law the Department of Commerce, through the Bureau of Labor, has the power and the authority to make the investigation it authorizes. It can now make the investigation proposed without any additional authority. It is therefore unnecessary to duplicate this authority. The Bureau of Labor was established twenty-two years ago. It has for twentytwo years had the power and authority to make this investigation, but has never exercised it presumably because they did not deem it necessary. No estimate or request for an appropriation for this purpose was ever asked until a year ago, and it was not then included in the regular annual estimates. Not until the last session of Congress has it ever been proposed to make this investigation under the authority of the Labor Bureau. All propositions for that purpose have heretofore been submitted to and considered in connection with the Census Bureau, and investigations of this character have been made by that Bureau, as stated by the gentleman from Indiana [Mr. CRUMPACKER].

This proposition therefore merely authorizes a duplication of the service now being performed by that Bureau.

I can therefore see no justification for authorizing two different bureaus of the same Department to make identically the same investigation, and for that reason alone this bill should not pass. I have here the act of 1884 creating the Bureau of Labor and defining the scope of its authority, its jurisdiction, and its powers. It is "to collect information upon the subject of labor, its relation to capital, the hours of labor, and the earnings of labor of men and women, and the means of promoting their material, social, intellectual, and moral prosperity." Now, if the purpose of this investigation is as claimed by those who are advocating it, there is ample authority to-day for making it, provided Congress will appropriate the money necessary

Mr. BARTHOLDT. Have you done that?

Mr. TAWNEY. We have not done it. We have not been asked to do it prior to this Congress.

Mr. BARTHOLDT. Well, you are asked to do it now.

Mr. TAWNEY. We were asked to do it at the last session of this Congress. In proof of the fact that in the judgment of the Department they have authority to make this investigation under existing law, let me refer to the record. A supplemental estimate was submitted at the last session of Congress to defray the expenses of this investigation. This estimate was based upon the authority conferred upon the Bureau of Labor in the existing law. It was not favorably reported by the Committee on Appropriations to the House.

The appropriation was refused for the reason that the head

of the Bureau of Labor could give no intelligent iden—could give the committee no information whatever as to what the ultimate cost of this investigation would be, or as to how long it would take to complete; and also because Congress possesses no power under the Constitution to correct by legislation any abuses or other unfavorable conditions surrounding the employment of women and children by private individuals or domestic corporations. In fact, the Commissioner of Labor, when before the committee, said that in view of the constantly changing conditions under which women are employed, it would require a constant investigation to keep abreast of the conditions surrounding their employment in this country, without which the information first obtained would be of no value.

Now, as I say, we have the authority to do this. We have the Bureau of the Census engaged in the performance of this service. Why is it necessary for us to duplicate that service? It is not, unless it is the purpose of Members of this House to add unnecessary expense to the Government for the sake of gratifying the wishes of a social organization the influence of whose members is sufficiently potential to overcome our judgment.

Mr. Speaker, this matter has not originated here. It does not come to us as a result of complaints regarding the conditions surrounding the employment of women in the various industries of the country. When Mr. Neill, the Commissioner of Labor, was before the Committee on Appropriations in the last session he was asked about the origin of this proposition, and I will read what he said in reply:

Mr. TAWNEY. How long has it been since the Bureau of Labor was

Mr. Tawner. How long has it been since the Bureau of Labor was established?

Mr. Neill. About twenty years.

Mr. Tawner. How long has it been since industrial enterprises have commenced the employment of female labor in this country to any great extent?

Mr. Neill. I do not know. The employment of women has been almost

Mr. Neill. I do not know. The employment of women has been almost—
Mr. Tawney. The employment of female labor was going on in this country before the Bureau of Labor was established?
Mr. Neill. Undoubtedly.
Mr. Tawney. How long ago was the idea of gathering these statistics first suggested?
Mr. Neill. I do not know that.
Mr. Tawney. Was any suggestion made prior to the last annual message of the Preddent of the United States?
Mr. Neill. I do not know that, Mr. Chairman. I know that for many years I have constantly heard from various sources an expression of regret that there was not more information available in that field.
Mr. Tawney. Do you know whether any request was made prior to this time for that purpose?
Mr. Neill. No. sir.
Mr. Tawney. There has not been, as a matter of fact?
Mr. Bulleson. I would like to know where this suggestion emanated? Whose suggestion was it?
Mr. Courts. It was submitted to Congress as a supplemental estimate in a special document.
Mr. Tawney. I shall just ask you if it is not a fact that the suggestion was made subsequent to the submission of the estimates of your Bureau? Did not this new document come in as a supplemental estimate, showing that it was an afterthought on the part of somebody?
Mr. Neill. No: it was not at all, Mr. Tawney.
Mr. Neill. No: it was not at all, Mr. Tawney.
Mr. Neill. I might give you the history of the matter as I know it.

Mr. NEILL. I might give you the history of the matter as I know it. Probably a month after I took up the matter of the administration of

the Bureau of Labor I was written to by some ladies in Chicago and asked if our Bureau would not undertake an investigation of the conditions of working women in the United States. They had been interested in the subject for a number of years, and were anxious to have it done. I wrote back to them that it was a larger investigation than our Bureau could carry on with our scope and with our appropriation. A month or so later they came on to Washington and came to see me again, and asked if we could not possibly undertake that. I said it was a much larger investigation than we could attempt with the present force. They said, "Well, suppose we try to secure the passage of a bill directing that investigation. Could you undertake it then?" I said, "If Congress directs it and furnishes the means, we will undertake it," and there dropped the matter.

I believe they then went to see the President about the matter, and he agreed with them as to the importance of the investigation and recommended it in his message. I believe it was proposed at the time to introduce a special bill, and I gave no further attention to the matter, and said, when asked about it, that I had nothing to do with it. I said, "I do not want to be in the position of urging it along."

In the meantime a number of the women's clubs took the matter up, and shortly after the meeting of Congress several ladies came on here with the bill which they intended to have introduced. I am not sure, but I believe it was suggested to them that a bill was not at all necessary; that the Bureau of Labor already had the authority; it did not need further authority if an appropriation was available; and it was suggested to us, without having a special bill introduced—the suggestion was made to them to have an amount of that kind included in the appropriation measure. Then they came down to see the Secretary of the Department of Commerce and Labor about the matter, and called attention to the fact of the recommendation by the President. I think they were told up here th

Now, as to the purpose of the investigation, so far as these worthy ladies are concerned, I have nothing to say. They are mistaken, however, in assuming that it is the business of the Federal Government to make the investigation beyond obtaining the information concerning the employment of female labor which the law now authorizes. They are advocating this measure not because of any special knowledge they have regarding conditions surrounding female laborers in any particular line of employment, but because of their desire to demonstrate to the country the power of their organization, which is the women's clubs, in matters concerning which they are able to concentrate their influence. I continue reading from the hearings:

Mr. BRICK. It is for the benefit of the race. They have no definite

purpose. Mr. Neill. I think they expect to carry on a campaign in some of

the States.

Mr. Livingston. Against the employment of female labor under certain conditions?

Mr. Neill. Probably. Not so much against the employment as against their being surrounded by certain conditions. I think their idea is that in many of the lines of employment men have taken care of themselves, through their organizations; men have insisted upon many changes for the protection of health and of life and limb. In many factories those things are provided by the proprietors where women work as well as men. I think their idea was to find out where women and children are working in factories without the safeguards for their protection which are provided in factories where men work, and if it were found that they were without such safeguards they would endeavor to secure legislation to remedy those conditions.

But, Mr. Speaker, if this investigation is to extend beyond the authority the Bureau of Labor now has, it will enter upon

the authority the Bureau of Labor now has, it will enter upon a field of investigation which, as Mr. Neill says, these ladies propose beyond anything we have ever before undertaken. It must extend to all the conditions surrounding the employment of women and children in factories and all other lines of industry-the sanitary conditions, the safeguards to protect them against personal injury, the effect of their employment upon the home, upon matrimony, and every other phase of their Then, as these conditions are disclosed, they social existence. propose, where the report or result of the investigation justifies it, to come back to Congress and recommend legislation for the purpose of correcting and improving the conditions under which they are employed.

Mr. Speaker, if the Federal Government had the power under the Constitution to correct by legislation the evils these investigations may disclose respecting the conditions surrounding the employment of women, I would have no objection whatever to the investigation being made as proposed. In that case, however, I should want to know with some definite certainty the extent of the investigation and the probable time and amount of money necessary to complete it. The advocates of the measure admit that Congress has no power to impose any restrictions or limitations upon the employers of female or child labor where their employment is in industrial or in domestic service within the State. Legislative restriction of any kind respecting the employment of labor, whether male or female, adult or child labor, can be imposed only by the States. Why, then, I Why, then, I ask, should the Federal Government be compelled to embark upon an investigation the result of which it is powerless to deal with by either affirmative or negative legislation.

No matter what abuses the investigation may disclose, they can not be corrected or the condition of the laborer can not be ameliorated by Congressional enactment. It is the States alone that can act, and they would act if public sentiment was di-rected toward State legislatures instead of toward Congress. Mr. BARTLETT rose.

Mr. TAWNEY. I will yield to the gentleman from Georgia.
Mr. BARTLETT. The gentleman unintentionally, perhaps,
uses the words "child and female employees in the factories." That is not the sole intention of the bill, because it says wherever employed."

"wherever employed."

Mr. TAWNEY. Yes; it applies to female labor in whatever capacity employed—in the kitchen as well as in the factories.

Mr. BARTLETT. And in the stores.

Mr. BARTHOLDT. Will the gentleman allow me?

Mr. TAWNEY. I will yield to the gentleman.

Mr. BARTHOLDT. I want to ask my friend whether he thinks the information gathered by the National Government on the subject we are discussing might not be of value to the States, which have the right and the authority to legislate on States, which have the right and the authority to legislate on

the subject?

Mr. TAWNEY. I think the information, if it is of any value at all, would be of value to the State in legislating upon this question; but, Mr. Speaker, I want to ask what right have the States to thus encroach upon the Federal Treasury for the purpose of having the Federal Government do that which belongs to the States and which they have reserved the right to do? Under what authority can we appropriate money out of the Federal Treasury for the benefit of the States or for securing the information which is of benefit only to the States in so far as that information discloses irregularities or injurious conditions surrounding the employment of women, thus enabling the States to legislate or perform their duty to their own citizens upon information obtained by the General Government? What authority have we to appropriate money from the National Treasury for a purpose of that kind?

Mr. GAINES of Tennessee. If the gentleman will pardon me, the Government of the United States buys products from private industries, and possibly those produced by women; they do the stitching and sewing and so do some of the children, and possibly some of them may work in the Government factories or arsenals. Certainly we would have a right to investigate that. Can we not make an investigation based on the right that we have to take a census? That would give us a right to get information and get the facts. Of course we could not go down into the States and meddle with their matters. I agree with the gentleman in that. The States do not do enough for

themselves in this matter.

Mr. TAWNEY. The authority for all the investigations the Government of the United States has any right to make exists to-day under the present law. If that authority is to be extended or if this bill extends that authority, as is claimed by the gentlemen who are advocating it, then we are embarking upon a field of investigation the boundaries of which no man can contemplate, the end of which no man can see, the cost of which no man knows-not even the Department itself-and the results of which the Federal Government is powerless to deal with by the enactment of corrective legislation. When before the committee in the last session of Congress the Bureau of Labor was asked what the probable expense would be, and the answer was that it would run up into the millions; that \$200,000 would only provide for the beginning of the investigation. It would take a long series of years to complete it. The value of these statistics therefore would be far less, because of the magnitude of the investigation and the time consumed in making it.

Whereas every State in the Union can make this investigation as to employment of women within the State in a very short time, and those who are interested in it would then have the benefit of that information before the conditions surrounding the employment of women have changed.

Mr. CRUMPACKER. Will the gentleman allow me to ask him a question on the subject of the power of the Federal Gov-ernment to make this investigation. I want to ask him if the Federal Government has not as much power to make this investigation as it has to investigate the cattle tick in Texas and Louisiana, the gypsy moth in Massachusetts, and the San Jose scale in California? Has not the Government as much power to make this investigation as it has to make any of the inves-tigations made now by the Department of Agriculture?

Mr. TAWNEY. A distinction between the investigation here proposed and the investigation of the cattle tick is the difference between investigating an insect for the benefit of the general public and investigating conditions surrounding individual citizens of a State employed in a private institution. Mr. Speaker, I submit in the first place that the authority exists to-day for making all the investigation that is necessary or that they ostensibly want to determine sociological conditions or the physical conditions surrounding the employment of female labor, and that if we continue to encourage the doing of that by the

Federal Government which belongs to the States to do there is no telling where we will end. We are confronted to-day with measures in this House which if enacted into law will merely authorize that which belongs to the States to do and which will require the expenditure of more than \$150,000,000 from the

Federal Treasury.

I could refer to a great many propositions that are now pending before this House involving the expenditure of large sums of money for the doing of that which does not involve any Federal governmental function whatever, and it is only a question of how far we are going and when we are going to attempt to check this tendency or cease to encourage States to unload upon the Federal Treasury the cost of doing things which the States themselves should do and would do were it not for the fact that in that case the cost must be paid by the State through direct taxation, whereas if the States can impose this cost upon the General Government the expense is borne out of the Federal Treasury, which is supplied with funds by indirect taxation. [Applause.]

Mr. BARTHOLDT. Mr. Speaker, how much time have I left?

The SPEAKER. Seven minutes.

Mr. BARTHOLDT. I yield two minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. Speaker, if the gen-Mr. GARDNER of Massachusetts. tleman from Minnesota [Mr. TAWNEY] were correct in suppos-ing that the States could readily make this investigation at a low expense, I very much doubt whether the gentleman from Massachusetts [Mr. McNary] and I would have introduced the resolutions on which this bill is founded. The fact is that all the State reports on this subject are inadequate and must necessarily be inadequate, for the reason that they are never prepared on the same basis. A minor means one thing in New York and quite another thing in South Carolina.

The question of child labor has been investigated to some extent by individual sociologists and by several States of the No investigation worthy of the name has ever been undertaken in order to determine the facts relative to woman labor.

The State of Massachusetts published the results of Doctor Sewall's investigations of child labor in 1904. We think highly of the treatise, although it only deals with thirteen of the States. After all, no individual and no State can extract reluctant testimony as well as the United States.

State statistics are most unsatisfactory. Often every boy and girl under 16 years of age is included, without further specification, in the list of "children." Such information is

valueless as a basis for legislation.

To draw laws intelligently we must know whether the children employed are 10 years of age or 15 years of age, whether they are employed at night or during the school season, whether the surrounding conditions are sanitary, etc.

There is a vast difference of principle involved between the

case of an ignorant girl of 11 working in a cotton mill during the school season and a strapping lad of 15 weeding onions in summer. Yet many State statistics make no distinction be-

tween these two classes of child workers.

The gentleman on the left asks what object is to be obtained by this investigation. He says that we have not the constitutional right to limit the hours of labor in any State of the Union, and he evidently believes that the statement of this fact ends the argument.

Now, I am not such a humbug as to pretend that I believe that the regulation of commerce clause of the Constitution gives us the right to regulate child labor. I know just as well as the gentleman that such power is reserved for the States by our instrument of Government. But the world moves, and the American people may change the Constitution, as they have done before.

Even if we have no power to legislate on the hours of labor in the factories of our States, we have nevertheless most distinctly and undoubtedly the power to legislate with regard to the hours of child labor in the District of Columbia and the Does the gentleman on the left think we can do so Territories.

intelligently without this investigation?

Does the other gentleman there believe that model childlabor laws for the Territories and the District of Columbia would not be followed promptly by the enlightened States? Does he not know that the lead of the progressive States would promptly be followed by their neighbors, until even the most backward of our communities would feel the beneficent

Purposely I have said nothing about woman labor, although exactly the same reasons exist for its investigation. As you know, the time allowed me is short and has even now expired. The gentleman who reported this bill will deal with that part of it which relates to women.

The SPEAKER. The time of the gentleman has expired.

Mr. BARTHOLDT. Mr. Speaker, I yield one minute to the
gentleman from Missouri [Mr. Hunt].

Mr. HUNT. Mr. Speaker, as a member of the committee having this bill under consideration, or a similar bill, which I would rather have seen reported than the present one, because it contains a limit upon the amount of money that might be expended in making this investigation, and in order not to take up the time of the House, and also in order that the good people who are interested in bringing this matter before the attention of Congress may be heard, I ask permission to have the Clerk read a brief argument which they have prepared and which I send to the desk.

The SPEAKER. The Clerk will read in the gentleman's time.

The Clerk proceeded to read.

The SPEAKER (interrupting the reading). The time of the gentleman has expired.

Mr. HUNT. Mr. Speaker, I would ask unanimous consent that time be allowed the Clerk to read the argument for the benefit of Members of the House. It will only take a minute or two.

The SPEAKER. The gentleman asks unanimous consent that time may be extended to read the argument for the benefit of the House.

Mr. TAWNEY. Mr. Speaker, if the gentleman will extend the time on the other side correspondingly, in case it is desired, I have no objection.

Mr. HUNT. I have no objection to that.

The SPEAKER. The Chair is informed the reading will require about fifteen minutes.

Mr. BARTHOLDT. Mr. Speaker, I ask that it be printed in the RECORD.

The SPEAKER. The gentleman from Missouri asks that the article be printed in the RECORD.

Mr. HUNT. Mr. Speaker, I did not understand that the good gentleman from Minnesota objected. He did not object.

The SPEAKER. But the other gentleman from Missouri asks unanimous consent that it may be printed in the RECORD, which is equivalent to an objection.

Am I to consider that the gentleman from Mis-Mr. HUNT. souri objects?

Mr. BARTHOLDT. I do not object, Mr. Speaker, if the House is willing to listen to it.

Mr. TAWNEY. I understand it will take fifteen minutes to

Mr. HUNT. No; it will not; it will not take three minutes. Do you object?

Mr. MANN. Mr. Speaker, I move that it be printed in the RECORD.

The SPEAKER. The gentleman from Illinois asks that it may be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The argument is as follows:

# THE ARGUMENT.

The argument is as follows:

THE ARGUMENT.

The rapid increase in the gainful employment of women has given rise to many serious social questions, which are of national importance because they threaten the vigor of coming generations. Such problems as these can be dealt with properly only after a careful investigation of the conditions of the employment of women. The last census showed that more than 5,000,000 women were engaged in gainful occupations, and that their average wage was less than \$270 a year, and that more than 50 per cent of them were not 24 years old. The census also stated that "the proportion of women employed in manufactures is increasing more rapidly than that of men." (Census of manufactures, vol. 9. CXNVI.) For such facts we can properly look to the census, but it is beyond the province of the census to show what the sanitary conditions of their employment are, their hours of labor, what the effect of this work is upon the morals of young girls, upon the health of women, upon their homes, upon their children, upon the wage-earning power of their husbands, upon family desertion, upon the birth rate and marriage rate, upon the industrial displacement of men by women. Moreover, while the census can properly show the number of women engaged in various industries, it can not show what work women are really doing, whether they are running heavy machinery or working side by side with men under improper conditions, whether men and women are getting equal pay for equal work. The census, for example, can show how many thousand women are employed in the cotton mills or packing houses, but it can not show what a single woman employed is really doing or earning.

Such an investigation is needed not merely to point out social facts and tendencies, but also as a basis for sane legislation in regard to women's work. Protective legislation for women has already been undertaken in many States on the ground that their presence in certain employments causes immorality or injuriously affects the leath of women

women's work in England, Ireland, and Scotland, and since 1893 the labor department of the board of trade has published several additional reports on the employment of women and girls in England on women's work in the flax and jute mills, etc.

The inadequacy of the work of the census on this subject of the census data has been shown by Miss Breckinridge and Miss Abbott, of the University of Chicago, in a study published in the January number of the Journal of Political Economy. For example, it is pointed out with regard to the zewing trades that the census statistics show them to be a declining occupation for women, a more strikingly declining occupation for men, while the number of children employed has increased more than 100 per cent. The census does not and can not explain these changes. The census further shows that the number of men in dressmaking is increasing and the number of women decreasing, but again this is not explained.

In order to get at causes and conditions and results as well as mere numbers, it is asked that this work be done by the Bureau of Labor, whose work is investigation, rather than by the Census, whose work is enumeration.

enumeration.

enumeration.

However earnestly we may deplore the fact that women are in factories instead of homes, we must squarely face conditions as they exist. There are hundreds of thousands of helpless, untrained, unorganized women without the power of legislating for themselves, who are forced by stress of circumstances to earn their livelihood, and it is of vital importance that they be given the chance to be decently self-supporting under conditions which will not unfit them for wifehood and mother-hood and the care of homes.

Mr. BARTHOLDT. Mr. Speaker, in answer to the argument of the gentleman from Minnesota, I desire to state briefly that if this investigation were asked when an appropriation bill is under discussion in the House an amendment to that effect would be subject to a point of order, because it would be new legislation, and for that reason we are here now asking this legislation, so that at the proper time an appropriation might be made for this purpose.

Mr. TAWNEY. Will the gentleman permit?

Mr. BARTHOLDT. I have only two minutes left.
Mr. TAWNEY. I wanted to point out the fact that in au-

thorizing the Bureau of Labor to have this investigation made

you duplicate

Mr. BARTHOLDT. Now, as to the cost about which exaggerated statements have been made here, I wish to say that other and poorer countries than the United States have made such national investigation, and it seems to me that the United States can afford to make it. If it is left to the individual State, what does it mean? Each State will attempt to protect its own industries and we will have as a result one-sided and partial statements which do not convey the exact truth to the country, but if the investigation is undertaken und auspices of the National Government, which does n individualize between the States and will not discriminate a favor of one against the other industry in the several States, we can be sure of a fair and impartial investigation. I hope, Mr. Speaker, that this bill will pass the House.

Mr. TAWNEY. Will the gentleman permit an inquiry?

Mr. BARTHOLDT. Yes, sir.

Mr. TAWNEY. Why is it necessary to have this investigation duplicated by the Bureau of Labor, which is identically the in-

vestigation the Census Bureau has made and has

Mr. BARTHOLDT. Mr. Speaker, in answer to that I will say that there is no duplication involved here. The Department of Labor has not made the investigation. The Census Office has not made the investigation. Here it is proposed merely by Congress to give directions to a bureau of the Government to make it, and surely every man who has given any attention to this

subject knows how necessary and important it is.

Mr. CRUMPACKER. Will the gentleman allow a suggestion?

Mr. BARTHOLDT. Certainly.

Mr. CRUMPACKER. This bill does not require the Bureau of Labor to make an investigation. The Secretary of Commerce and Labor is authorized to investigate, and he may utilize the Bureau of Labor or the Census Bureau or both of them.

Mr. BARTHOLDT. One more suggestion, Mr. Speaker. The Department of Agriculture is making investigations every day concerning bugs and insects. It seems to me that the life of a human being is about as important as an insect. [Applause.] And furthermore let me call attention to the fact that we are having investigations into the value and quality of coal and of building material all over the country. We are having investigations on the subject of cotton raising in the South; we are having investigations in all lines of industries, and why should not we ascertain whether women and children are employed un-der proper conditions in this country? [Applause.]

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were sus-

pended and the bill was passed.

# LUCRETIA WILLIAMS.

Mr. BENNET of New York. Mr. Speaker, by direction of the Committee on Private Land Claims, I move to suspend the rules and pass the bill (H. R. 15242) to confirm to the legal repre-

sentatives of Lucretia Williams the title to 1 square league of land in Louisiana.

The SPEAKER. The gentleman from New York [Mr. BEN-NET] moves to suspend the rules and pass the bill, which the Clerk will report.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent that the amendments only be read, the original bill hav-

ing been entirely stricken out.

The SPEAKER. The gentleman from New York asks unanimous consent that the amendments in the nature of a substitute be read in lieu of the original bill. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill as amended.

The Clerk read as follows:

The Clerk read as follows:

A bill (H. R. 15242) to confirm to the legal representatives of Lucretia Williams the title to one square league of land in Louisiana.

Be it enacted, etc., That the titles to all lands for which patents have heretofore been issued by the United States, and all lands for which bona fide homestead entries have heretofore been allowed, lying within that portion of township 6 north, range 13 west, which was segregated and surveyed under the order of the surveyor-general of Louisiana as the private land claim of Isaac Crow, assignee of Vincent Michele, embracing in whole or in part sections 9, 14, 15, 16, 17, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 33, and 34 of said township, be, and the same are hereby, confirmed.

SEC. 2. That the remaining portion of the land embraced within the limits described in the foregoing section upon which bona fide homestead entries have not been allowed prior to the approval of this act be, and the same is hereby, confirmed to the heirs, assigns, or legal representatives of Lucretia Williams, and that all the right, title, and interest of the United States in and to the same be, and are hereby, granted and confirmed to the heirs, assigns, or legal representatives of the said Lucretia Williams.

SEC. 3. That the heirs, assigns, or legal representatives of Lucretia Williams shall have the right to enter upon any of the public lands of the United States, not mineral, and subject to homestead entry, a quantity of land equal in extent to that heretofore patented or entered under the laws of the United States within the sections described in the first section of this act, under such rules and regulations as the Commissioner of the General Land Office may prescribe.

Amend the title so as to read: "A bill to confirm titles to certain lands in the State of Louisiana."

The SPEAKER. Is a second demanded?

The SPEAKER. Is a second demanded?

No second was demanded; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

### EXPATRIATION AND PROTECTION OF CITIZENS.

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 24122) in reference to the expatriation of citizens and their protection abroad, with the amendments reported from the committee.

The SPEAKER. The gentleman from New York [Mr. Per-KINS] moves to suspend the rules and pass the bill as amended, which the Clerk will report.

The Clerk read as follows:

which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 24122) in reference to the expatriation of citizens and their protection abroad.

Be it enacted, etc., That the Secretary of State shall be authorized to issue passports to persons not citizens of the United States as follows: Where any person has made a declaration of intention to become such a citizen as provided by law and has resided in the United States for three years a passport may be issued to him entitling him to the protection of the Government in any foreign country: Provided, That such passport shall not be valid for more than six months and shall not be renewed, and that such passport shall not entitle the holder to the protection of this Government in the country of which he was a citizen prior to making such declaration of intention.

Sec. 2. That the Secretary of State may issue, under such regulations as the President may prescribe, certificates of nativity to nativeborn American residents, setting forth the place and date of birth and place of permanent residence in the United States.

Sec. 3. That any American citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign state in conformity with its laws, or when he has taken an oath of allegiance to any foreign state.

When any naturalized citizen shall have resided for five years continuously in a foreign state it shall be presumed that he has ceased to be an American citizen: Provided, however, That such presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the United States, under such rules and regulations as the Department of State may prescribe: And provided also, That no American citizen shall be allowed to expatriate himself when this country is at war.

Sec. 4. That any American woman who marries a foreigner shall take the nationality of her husband. At the termination of the marital relation she may resume her American citizenship, if abroad, by registering as an America

relation.

SEC. 6. That a child born without the United States of alien parents shall be deemed a citizen of the United States by virtue of the naturalization of or resumption of American citizenship by the parent: Provided, That such naturalization or resumption takes place during the

minority of such child: And provided further, That the citizenship of such minor child shall begin at the time such minor child begins to reside permanently in the United States.

SEC. 7. That all children born outside the limits of the United States who are citizens thereof in accordance with the provisions of section 1993 of the Revised Statutes of the United States and who continue to reside outside the United States shall, in order to receive the protection of this Government, be required upon reaching the age of 18 years to record at an American consulate their intention to become residents and remain citizens of the United States and shall be further required to take the oath of allegiance to the United States upon attaining their majority.

SEC. 8. That duplicates of any evidence, registration, or other acts required by this act shall be filed with the Department of State for record.

The SPEAKER. The Chair will suggest to the gentleman the propriety of striking out the word "bill," in section 8, line 9, and inserting the word "act."

Mr. PERKINS. Mr. Speaker, I move the amendment that

the word "bill" be stricken out and that the word "act" be

inserted.

The SPEAKER. Is a second demanded?

Mr. BONYNGE. Mr. Speaker, I demand a second. Mr. PERKINS. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York [Mr. Per-KINS] is entitled to twenty minutes and the gentleman from Colorado [Mr. Bonynge] is entitled to twenty minutes

Mr. BONYNGE. Mr. Speaker, I demanded a second for the purpose of getting an explanation from the gentleman in regard to the bill and a comparison of this bill with the naturalization law that was passed at the last session. As I heard it read, I want to make one statement now before the gentleman from New York [Mr. Perkins] makes an explanation. I think that there are some provisions in this bill that conflict with the

naturalization law that passed at the last session.

Mr. PERKINS. Mr. Speaker, I think the gentleman will find that there are no provisions in this law that conflict with the naturalization laws. This bill was unanimously reported from the Committee on Foreign Affairs at the request of the Department of State, and in answer to a report made, which the gentleman may have seen, by a committee appointed by the Secretary of State to investigate and report upon certain evils which have arisen in the Department of State, chiefly in reference to the issue of passports and the protection exercised by this Govern-

ment in favor of its citizens in other countries.

The first section meets an evil of this character. man comes to this country and files his naturalization papers. By that act he renounces his allegiance to the country from which he came, and therefore has no right to ask its protection. Under the present law the Department of State can not issue a passport, and therefore can grant no protection until the man has been fully naturalized—that is, until at the expiration of five years. Very many of these young men have occasion to go to other countries and many of them are sent to other countries by their employers as traveling agents, for which purpose they are often specially adapted. It results that until the five years have expired they must go, for instance, to a country like Asia and other eastern countries where a passport is required, without being able to have any protection from any country. meet that evil the Secretary of State is authorized-he is not directed-when a man has lived here three years after filing his naturalization papers, to issue a passport that shall be good for six months. I think there can be no objection to this provision.

Mr. RYAN. Will the gentleman permit a question right at

Will the gentleman permit a question right at

that point?

Mr. PERKINS. Certainly.

Mr. RYAN. Suppose a man filed his application for papers, as you call it, and lived here ten or fifteen years afterwards with-

out completing his citizenship, what would be done in his case?

Mr. PERKINS. He would be entitled to receive a temporary passport, good for six months, and not good in the country from which he originally came. The Government would extend no protection except that brief protection.

Other provisions, Mr. Speaker, cover this question. Under the law as it now is, because in large part this act is merely declaratory, a woman who marries a foreigner takes the citizenship of her husband. It is not infrequently the case that such a woman may desire to return to her American citizenship, alike for her own sake and for the sake of her children. The bill provides that where the marital relation has terminated-which may either be by the death of her husband or by absolute di-vorce—the woman shall have the right, either by returning to this country or by filing a declaration before proper officers, to retake her citizenship in the United States. I think the justice of that provision, Mr. Speaker, will be evident to the entire House; and we have extended a corresponding provision, as of | zens in their residence abroad.

course we should, to foreigners who take American citizenship by reason of marrying Americans.

Mr. CRUMPACKER. Will the gentleman answer a question

with reference to section 3?

Mr. PERKINS. I am coming to section 3 in a moment. The other provision, and the most important one in the bill, is sec tion 3, which was drawn at the request of the State Department to meet a very serious evil. We all desire that the full protection of the United States should be extended everywhere and at all times over every man who is a bona fide citizen of this land; but the protection of the flag is intended for those who intend to dwell under it. It should not be perverted to a fraudulent shield under which those who do not intend to share our lot seek to escape from the responsibilities they may be under to other governments. A large number of persons, larger than many Members of this House would suppose, come to this country; they become naturalized at the expiration of five years; they then return to their own country, to some other foreign country, without any intention of bearing their share in our lot, without any thought of returning to this land, with the intention of spending their entire days in a foreign land, but under the fraudulent protection of the United States. And, Mr. Speaker, when there is any question arising, when any one of these men who has come from Asia Minor, or no matter where else, is involved in any difficulty he shouts and shrieks for the protection of the American flag with more clamor than if his ancestors had fought and bled in every battle from the days of the Revolution down to this day.

Now, Mr. Speaker, as I have said, we desire to exercise full protection, the State Department desires to exercise full protection, to every man who is really one of us, but this act puts into the statute what has been suggested by the courts frequently, a fixed, definite provision to prevent abuses. The act provides that where a naturalized citizen shall for five continuous years absent himself from this country, the presumption shall arise that he intends to renounce his citizenship. He may overcome that presumption if he can convince the proper officers that there is sufficient reason for his act, that he still intends to be one of us; that he intends to return here; that he is a citizen and expects to remain a citizen of the United States. But this bill provides that the presumption shall arise at the expiration of five years; and I think the same provision is in

the naturalization bill.

Mr. BONYNGE. I want to ask the gentleman if he has considered in connection with section 3 section 15 of the naturalization law passed last session?

Mr. PERKINS. I wish to state, Mr. Speaker, that not only myself, but the committee which had the special investigation of this subject did consider it. But let me suggest to the gentleman that this bill is intended especially for the assistance of the State Department to save our Government becoming involved in any trouble or question with foreign countries where there is no just reason. The naturalization law provides that if a person resides abroad for five years proceedings may be had.

Mr. BONYGNE. That if within five years after the issuance of a certificate he goes abroad to remain permanently, that then the presumption arises that he did not bona fide make his application for naturalization, and provides for the cancellation of the certificate when issued under these circumstances.

Mr. PERKINS. Precisely.

Mr. BONYGNE (continuing). Which is a different proposi-tion to that contained in section 3 of your bill.

Mr. PERKINS. There are two reasons why this bill is required for the State Department. In the first place the provision of the naturalization bill merely authorizes the proceedings to be taken for the cancellation of the naturalization papers.

A man formerly living here goes to Asia Minor and becomes involved in some complication and calls upon this Government to send its war ships to protect him. There is no opportunity to have proceedings taken in court by which, after due notice to him, his naturalization may be canceled. But the Department can say, "For five years you have been absent from this country. Therefore, in the absence of evidence furnished by you, we shall presume that you have ceased to be a citizen, and we shall not extend to you the protection of the United States." Any legal rights, any rights of children, any rights of property, of course, still remain to be disposed of by the courts; but the State Department can say, "We decline to mingle in your contest, because there is a presumption that you have renounced the citizenship you obtained."

Mr. LACEY. I should like to ask the gentleman in charge of the bill whether the motion is to pass the bill as amended?

Mr. PERKINS. Yes. Mr. LACEY. So that it does not affect American-born citi-

Mr. PERKINS. No; that was stricken out.

Mr. BENNET of New York. Suppose a case like this: An American-born woman marries abroad and subsequently separates from her husband and returns to this country. this bill she has forever forfeited her American citizenship, has she not?

Mr. PERKINS. No; but she has forfeited her American citizenship unless her husband dies.

Mr. BENNET of New York. But during his lifetime?

Mr. PERKINS. During his lifetime. That is not this bill; that is the present law. The courts have decided that a woman takes the citizenship of her husband, only the decisions of the courts provide no means by which she may retake the citizen-ship of her own country on the expiration of the marital rela-This bill contains nothing new in that respect, except a provision that when the marital relation is terminated the woman may then retake her former citizenship.

Mr. BENNET of New York. Then this is simply declaratory

of existing law?

Mr. PERKINS. As to the first part, that she takes the citizenship of her husband, it is declaratory of existing law.

I reserve the balance of my time.

Mr. BONYNGE. Mr. Speaker, I am not familiar with the provisions of the bill now before the House, never having had an opportunity to examine the bill until this afternoon. It does seem to me, however, Mr. Speaker, that there is a very material conflict between the provisions of section 3 of the proposed bill and section 15 of the naturalization law passed in the last session of Congress. Section 3 of the bill now under con-sideration provides that when any naturalized citizen shall have resided for five years continuously in a foreign state it shall be presumed that he has ceased to be an American citizen, and then it throws the burden upon him to establish that it was not his intention to give up his American citizenship. been held by the courts that the granting of naturalization by the courts is in effect a judgment. This provision of section 3, therefore, is to the effect that a judgment of a court, solemnly entered, shall be set aside upon a mere presumption, and it shall become the duty of the party in whose favor that judgment has been entered to establish by satisfactory evidence that the judgment ought not to be set aside.

Under the provisions of the bill passed at the last session it has been now provided that there shall be kept a record of every person in whose favor naturalization certificates are issued, and one of the main arguments in favor of that provision of the law was to guide the Department of State in just such cases as the gentleman from New York [Mr. Perkins] has called to the attention of the committee. Under section 15 of the bili passed at the last session the party in whose favor the naturalization certificate has been issued is given an opportunity to be heard before the certificate is canceled. It raises the presumption, it is true, under section 15 of the law passed at the last session, that if he goes abroad within five years after the certificate has been issued to him, and goes abroad with the intention to remain there, that he had not bona fide made his

application for naturalization.

But then the section gives him an opportunity, as I remember it, to be heard before that certificate is canceled. The bill as now presented does not give him that opportunity at all, but provides simply that if he has been abroad and has been living abroad permanently for five years, without any sort of proceedings being instituted, the American consul abroad shall have the right to say that this man has lived in a foreign country five years, and having lived there for five years cancel the judgment of the court issued in the United States upon the presumption that his certificate was issued illegally, and thereby throw the burden upon him to establish its legality.

Mr. CRUMPACKER. Will the gentleman allow a suggestion?

Mr. CRUMPACKER. I will.
Mr. CRUMPACKER. The provision contained in the naturalization bill passed at the last session of the present Congress for the cancellation of certificates for citizenship held by those who have been abroad for five years is predicated on the theory that the certificate was fraudulently obtained in the first place, and therefore there never was any naturalization in the sense of the law.

Mr. BONYNGE. I see that distinctly.

Mr. CRUMPACKER. Now, the Constitution determines the question of citizenship, and after one has become a citizen by naturalization that status has attached; and I understand the judgment of some of the officers in the State Department is that Congress itself can not decitizenize him; he can only expatriate himself in a formal manner by renouncing his allegiance to this country and announcing his allegiance to some for-eign country or doing something irreconcilable with his status

as a citizen. I think this section intends to enact into law the practice carried on in the State Department in relation to citizens in foreign countries, and that is to withhold from them-not decitizenize them, but to withhold from them—the ordinary protection of a citizen if they have become permanent residents abroad. I think it is a proper practice, and I think it ought to be enacted into law; but this section goes beyond that, because it says that one ceases to become an American citizen by simply residing abroad.

Mr. BONYNGE. Yes; that he has ceased to be an American

citizen.

Mr. CRUMPACKER. He may abandon his citizenship simply by residing abroad.

Mr. MANN. Does that apply to anyone but a naturalized

Mr. CRUMPACKER. It only applies to naturalized citizens; but when one is naturalized he is a citizen as completely and thoroughly as if he were a native. The Constitution and laws of the country make no difference between native and naturalized citizens.

Mr. MANN. If this becomes a law, then, it does make a difference.

Mr. CRUMPACKER. Then it will conflict with the Constitution.

Mr. MANN. We are not talking about the authority to naturalize a person, but under what terms and by which he may lose his citizenship.

Mr. BONYNGE. Once he becomes a citizen, all the rights under the Constitution and the law attach to him as they do to a native-born citizen.

Mr. PERKINS. What difference of principle between this provision and that in the naturalization act, which says that if he goes abroad-

Mr. BONYNGE. And lives there permanently, it shall be presumed that his application was not made in good faith.

Mr. PERKINS. That does not apply to a man born in this

Mr. BONYNGE. No; but there are proceedings by which this naturalization certificate is set aside under the law passed at the last session, and he is given an opportunity to be heard in court, whereas under the provisions of the gentleman's bill as now presented he has no opportunity to be heard.

Mr. PERKINS. It merely raises a presumption as the result which the State Department would not exercise protection. If he had any legal rights, those would be disposed of in court before the State Department would be relieved from obligation

of affording him protection.

Mr. CRUMPACKER. Fraud vitiates all proceedings, and the provision of the naturalization bill passed last winter was that one guilty of fraud in the proceeding was never legally a citizen of the United States.

Mr. BONYNGE. Mr. Speaker, section 6 of the bill I do not know that I thoroughly understand. That section provides that a child born without the United States of alien parents shall be deemed a citizen of the United States by virtue of the naturalization, or the resumption of American citizenship by the

parents. In what respect does that change existing law, I will ask the gentleman from New York?

Mr. PERKINS. Mr. Speaker, that only changes existing law to meet the provision of this bill which gives to the woman who has married a foreigner, where the marriage relations have been terminated, the right to resume her citizenship. Under this act the children of such a woman would have the same right as the children of aliens to take American citizenship by coming to this country to reside permanently. Otherwise I do not think

it changes the law.

Mr. BONYNGE. Mr. Speaker, I do not know that I have any serious objections to this bill except to section 3. I believe there is a conflict between the provisions of that section and section 15 of the law-a conflict at least in the proceeding by which the party is to be deprived of the benefits of the naturalization certificate. It is true, as the gentleman from Indiana [Mr. Crumpacker] says, that section 15 of the law passed at the last session provides for cases instituted to set aside the certificate of naturalization, whereas section 3 of the present bill relates more especially to the benefits or the advantages that he acquires by virtue of his naturalization. I believe, however, that there ought to be some proceeding by which he could be deprived of those benefits and an opportunity to be heard exactly as is provided in the bill of the last session-that the proceeding ought to be instituted in court to set aside the certificate of naturalization. For that reason, while approving the other sections of the bill, I shall feel compelled to vote against it at this time. I reserve the balance of my time.

Mr. PERKINS. How much time have I remaining?

The SPEAKER. Seven minutes.

Mr. BONYNGE. How much time have I left, Mr. Speaker? The SPEAKER. Ten minutes.

Mr. BONYNGE. I yield three minutes to the gentleman from

New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Speaker, I entirely agree with the gentleman from Colorado [Mr. Bonynge] as to section I think it is too broad. In addition to the consideration that he urged upon the House, there is also the consideration of property rights and of property rights inhering in Americanborn citizens who might take through these foreign-born naturalized citizens. This bill will apply to a man who has now been abroad four years and eleven months, and if he remain abroad the other month he would be forced, under this statute, to become no longer a citizen of the United States, but a citizen of the country where he was.

Mr. PERKINS. Allow me to correct the gentleman. That

Mr. PERKINS. Allow me to correct the genteman. That certainly is not the result of the statute at all.
Mr. BENNET of New York. Why not?
Mr. PERKINS. The statute provides that, having remained there five years continuously, there shall be a presumption which, unless he satisfies the officers of the State Department, their consuls, or ministers to the contrary, would authorize the State Department to refuse to extend him protection. It can not affect any other rights, which of course he can present in court. No presumption is conclusive on a court. It is a mere presumption, but the presumption would protect the State De-That is the object of the bill and the result of the partment. bill and the only result of it.

Mr. BENNET of New York. Here is the situation: A man lives abroad to-day. He lives abroad for four years and eleven month. He never hears of this act, and two days after the next month he dies, and it might be two or three years just as well, because the diffusion of the knowledge of the passage of this act will probably be slow. The only right this bill gives him is a personal right. His heirs can never prove that he had not ceased to be an American citizen, and yet you deprive his

American-born heirs

Mr. MANN. Not his American-born heirs. Mr. BENNET of New York. Why, yes.

Mr. MANN. Why, American-born heirs have their own citi-

Mr. BENNET of New York. Well, yes; but there is the question of taking through an alien. In our own State of New York there is a difference between land descending through a itizen and land descending through an alien.

Mr. PERKINS. The gentleman knows that even in our State

that has been practically done away with.

Mr. BENNET of New York. My colleague will pardon me for disagreeing with him.

Mr. McNARY. I would like to ask the gentleman a question.

Will the gentleman yield?

Mr. BENNET of New York. Yes.

The SPEAKER. The time of the gentleman has expired.

Mr. BONYNGE. I yield so much time to the gentleman as he

may desire of my remaining time.

I would like to ask the gentleman a question. Mr. McNARY. As I understood him, he contended that this act would apply to a man who is now living abroad, who has lived there for four years and eleven months continuously. Does he wish the House to understand that that is his idea of the law, that it would work backward?

Mr. BENNET of New York. It would not have to work back-

ward.

Mr. McNARY. Why not?

Mr. BENNET of New York. The man's term of residence has commenced abroad, but it concludes after the act. act says when any naturalized citizen shall have resided five years continuously in a foreign country it shall be presumed he is, etc., and therefore one month from the date of the passage of this act he will become in a condition where he "shall have" resided five years abroad and ceased to be a citizen, and you take away American citizenship from that large class of people who are abroad and know nothing of this and give them no chance. Further than that, it seems to me very doubtful whether a man once naturalized can have any more rights taken away from him than can be taken away from a native-born citizen, for citizenship is citizenship whether citizenship through being born here or having been naturalized here. I grant we had the power to pass what we did in the naturalization law, saying that a man must swear when he makes his declaration of intention and petition that he intends to reside here permanently, and then, if within five years he went abroad and remained abroad, that was presumptive evidence that his initial oath was perjury, and the courts could declare after notice that

he never had become a citizen. There is decision after decision with which my colleague from New York is unquestionably familiar, that we can make no distinction between the rights and privileges granted a native-born citizen and a naturalized citizen, and I think, with all due respect, that he has made section 3 too broad. The rest of the bill, I think, is all right, but section 3 has too much to it.

Mr. McNARY. Mr. Speaker, I will only take a few minutes'

The SPEAKER. How much time does the gentleman yield? Mr. PERKINS. I yield three minutes to the gentleman from

Massachusetts

It seems to me, Mr. Speaker, that the objec-Mr. McNARY. tions to this bill are rather finical. As a matter of fact, it does not lay down a hard and fast rule. It only does what the gentlemen who are on the Committee on Immigration and Naturalization did themselves last year in the bill they reported, raise the presumptive question whether or not a man had forfeited his citizenship, and that presumption is in the cognizance of the State Department. Now, as a matter of fact, the committee does not consider that this bill is a retroactive bill, or it is apparent that the State Department would not so apply the bill to those who are now living abroad; that it would only apply the bill to those men who would hereafter take up their residence abroad. The bill has been very carefully considered. I do not think it conflicts in any degree at all injuriously with the provisions of the naturalization bill of last year, and I do not feel the objections brought against it are of great weight, At least they have not convinced me, and I would have been perfectly willing for my part, as a member of the committee, to an amendment bringing this bill into entire harmony with the bill of last year if it were necessary, but I do not feel that the bill conflicts in any way with the provisions of that bill. It is a fact, as shown to the members of the Foreign Affairs Committee, that a bill of this character is necessary, in view of what has taken place in the countries of the Orient and in view of the troubles our State Department has had, particularly in the case of certain naturalized citizens who, after receiving their citizenship papers here, have gone to those countries, remained there, and have caused our State Department and this country much needless embarrassment. I believe the bill is proper, and with proper reasoning and common sense on the part of our State Department, it will work well, and I think it should be passed.

Mr. BONYNGE. Mr. Speaker, I demanded a second for the purpose of bringing out a discussion on those two particular sections of the bill, sections 3 and 6. I am not satisfied myself that section 3 does not conflict with the naturalization laws. and I shall therefore have to vote against the bill. I do not desire to take up any further time in argument. If some gentleman on the floor desires me to yield him time, I shall be glad

Mr. CRUMPACKER. I would like two or three minutes. Mr. BONYNGE. I will yield such part of my time to the gentleman from Indiana [Mr. CRUMPACKER] as he may desire.
Mr. CRUMPACKER. Now, Mr. Speaker, I am inclined to

I want to support it, for I believe in its purfavor this bill. The practice of the State Department is, as I understand it, to extend the protection that goes along with a citizen abroad and that is implied by an American passport. The practice is to extend that protection to all citizens except those who have gone abroad and have taken up permanent domicile, who have practically left this country permanently, and to that class of citizens only passport rights and protection are withheld. It does not deprive them of the rights of citizenship at home, the right of inheritance under our law. It recognizes those rights and, of course, would of necessity, because the State Department would not have the right to deprive a citizen of those rights, the property rights of citizenship at home. It simply withholds from them the protection that is usually accorded citizens in foreign countries. Now, this section provides that if one who has been naturalized goes abroad and remains for five years, it shall be presumed that he ceases to be an American What does that mean? He is no longer a citizen. It involves all of his rights. It involves the right of protection while he is abroad; it involves the rights he may have acquired under the property and inheritance laws of the United States here at home. It decitizenizes him, while the policy of the State Department does not do that excepting in so far as it relates to the protection of citizens while they are in foreign countries, and still leaves to them all of the rights as citizens that the property and inheritance laws of this country and various States of this country may confer upon them.

The criticism that I have of this section is that it does take away from this class of citizens the individual rights that pertain to citizenship in this country. I believe that the practice of the State Department ought to be enacted into law, and if section 3 could be so reframed as to provide that with men who have gone abroad, native as well as naturalized, who have lived abroad five years, at least, showing no evidence of returning, the State Department is not required to afford the usual protection of citizens.

The SPEAKER pro tempore (Mr. Sterling). The time of

the gentleman has expired.

Mr. PERKINS. Mr. Speaker, how much time have I re-

The SPEAKER pro tempore. Five minutes.

Mr. PERKINS. I yield five minutes to the gentleman from

Illinois [Mr. Lowden].

Mr. LOWDEN. Mr. Speaker, I rise to correct what seems to me a misapprehension as to existing law. Under the law as it is enforced now there are other methods of surrendering citizenship besides swearing allegiance to some other country. decisions are numerous that either a native-born American or a naturalized alien may by his own act voluntarily surrender his American citizenship. The decisions are numerous that a native-born American who goes abroad with the intention to abide there permanently does lose his citizenship in America without any other act whatever. It has also been held in numerous decisions that a foreign-born citizen who leaves this country after an absence of a number of years will be pre-sumed to have abandoned his citizenship. No distinction is made between the American-born citizen and the foreign-born citizen beyond this, that a presumption has been indulged in in the case of the foreign-born citizen that he intends to remain away permanently. And whenever that fact is made clear with reference to either a native-born American or a naturalized American, he has forfeited under the laws his right to American citizenship and therefore the protection of the United States. And this section 3, as a matter of fact and law, is only declaratory of the unwritten law, making it a little more definite as to the exact time when the presumption attaches.

Why, I remember to have read that it was very warm around the Capitol here almost a hundred years ago because we urged the right of any man of any country to expatriate himself if he wanted to, and that has been the recognized law of this country

ever since.

rer since. [Loud applause.]
Mr. PERKINS. I yield one minute to the gentleman from

Mr. LACEY. Mr. Speaker, I would like to call the attention of the House to just one feature of the law of citizenship of our sister Republic across the Rio Grande. If a man buys a piece of land or a piece of real estate it is necessary for him to say in the deed that he does not desire to be a Mexican citi-The mere fact of recording the deed otherwise makes him a citizen of Mexico. I would like to ask my friend how far we would recognize that peculiar state of the Mexican law?

Mr. PERKINS. It does not go so far. In the remaining minute I wish to say that I entirely agree with the gentleman from Illinois that this law is substantially declaratory, except it does distinctly state the terms under which any man, for the

purposes of protection, may make claim on this country.

Mr. OLMSTED. I want to ask the gentleman whether in his opinion section 3 would apply to a man whose five years ex-

pired on yesterday?

Mr. PERKINS. No law is presumed to be retroactive.
Mr. OLMSTED. Would it be sufficiently retroactive as to apply to four years and ten months, or two months after the passage of this act?

Mr. PERKINS. The general provision is, and no one knows better than the gentleman, that no laws are presumed to be retroactive in the absence of express provision in the bill.

Mr. OLMSTED. I think there is a pretty serious question as

to that in the way in which this bill is drawn.

The question was taken on the motion to suspend the rules and pass the bill.

Mr. BONYNGE. Division, Mr. Speaker.

The House divided, and there were—ayes 89, noes 10. So, two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

BRIDGE ACROSS POTOMAC RIVER AT SHEPHERDSTOWN, W. VA.

Mr. PEARRE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 24111, with the amendments recommended by the committee.

The bill was read, as follows:

A bill (H. R. 24111) to authorize the Norfolk and Western Railway Company to construct a bridge across the Potomac River, at or near Shepherdstown, W. Va.

Be it enacted, etc., That the Norfolk and Western Railway Company, a corporation organized under the laws of the State of Virginia, its successors and assigns, be, and they are hereby, authorized, in the improvement and relocation of its line, to construct, maintain, and op-

erate a bridge and approaches thereto across the Potomac River, at or near Shepherdstown, W. Va., where the Potomac River forms the boundary line between the States of West Virginia and Maryland, as the said company may deem suitable for the passage of its road over the said river, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That this act shall be null and void unless the actual construction of the bridge authorized by this act be commenced within two years and completed within three years from the date of the passage of this act.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

expressly reserved.

SEC. 4. That this act shall take effect from the date of its passage.

The amendments recommended by the committee were read, as follows:

On page 1, in lines 10, 11, and 12, strike out the following: "As the said company may deem suitable for the passage of its road er the said river."

Strike out sections 2 and 4 and change section 3 to section 2.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. Pearre, a motion to reconsider the vote by which the bill was passed was laid on the table.

RECALL OF BILLS FROM THE PRESIDENT.

The SPEAKER laid before the House the following concurrent resolution, which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES, January 21, 1907.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 3671), entitled "An act granting a pension to Louis Castinette."

The SPEAKER also laid before the House the following concurrent resolution, which was read, considered, and agreed to:

IN THE SENATE OF THE UNITED STATES

Resolved by the Senate (the House of Representatives concurring), that the President be requested to return the bill (S. 5073) entitled An act granting an increase of pension to Daniel G. Smith."

### DISTRICT APPROPRIATION BILL.

Mr. GILLETT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the District appropriation

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. Mann in the chair.
The CHAIRMAN. The House is in Committee of the Whole
House on the state of the Union for the further consideration of

the bill H. R. 24103, the District of Columbia appropriation bill. Mr. GILLETT. Mr. Chairman, there was one clause which had been adopted by the subcommittee, but which by accident was not printed as a part of the bill, and in order that that may

be adopted as an amendment, I ask unanimous consent that the committee return to page 29, line 22, to offer an amendment.

The CHAIRMAN. Is there objection?
Mr. UNDERWOOD. I ask the gentleman to have his amendment sent to the desk and have it read, so that we will know what it is.

The CHAIRMAN. The gentleman from Alabama reserves the right to object, and the amendment will be read for information.

The Clerk read as follows:

Page 29, at the end of line 22, insert: "Provided further, That no street railway company shall use the bridge herein authorized by its tracks until such company shall have paid to the Treasurer of the United States a sum equal to one-sixth of the total cost of said bridge, one half thereof to be credited to the United States and the other half to the credit of the District of Columbia."

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. UNDERWOOD. Reserving the right to object, I would like to ask the gentleman from Massachusetts whether this right has been granted or whether it is a limitation upon a power already granted?

Mr. GILLETT. I do not know that the general power has not already been granted. This is a new bridge across the Baltimore and Ohio Railway, and at present the street railway company's track terminates at that crossing. When this bridge is built, so that there will be no grade crossing, the street railway company will undoubtedly wish to extend its tracks across the We are told on investigation that if it is to be used for bridge. that purpose the expense would be increased 16g per cent by reason of the additional width and strength necessary in order to enable the street railway to go over, and we thought it was

no more than fair that if they do so that they should pay a sixth part of the expense.

Mr. UNDERWOOD. Is this a highway bridge or a railroad bridge?

Mr. GILLETT. It is a highway bridge over a railroad.

Mr. UNDERWOOD. Will that interfere in any way with the

travel of vehicles going over?

Mr. GILLETT. Oh, no; but it is always true that where a highway bridge is put across a railway the street railways may This bridge, in order to allow them to do so, would have to be built wider and stronger, and therefore we say it is but fair that they should pay a part of the expense.

Mr. UNDERWOOD. Does this provide that on the building of the bridge they shall be allowed to go across on condition

that they pay this?

Mr. GILLETT. We do not say they shall be allowed to go That question will have to be settled hereafter. neross will have to apply to the proper authorities and be granted the right. This simply makes provision that if they are permitted to go across they must pay that portion of the cost of the bridge which we thought was caused by them.

Mr. UNDERWOOD. Then the question whether the street-

railway companies shall hereafter be allowed to cross the bridge

is not determined now?

Mr. GILLETT. Not determined now.

The CHAIRMAN. Is there objection to returning to the paragraph for the purpose of offering this amendment? There was no objection.

Mr. GILLETT. I offer the amendment. The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 29, at the end of line 22, insert:
"Provided further, That no street-railway company shall use the bridge herein authorized for its tracks until such company shall have paid to the Treasurer of the United States a sum equal to one-sixth of the total cost of said bridge, one half thereof to be credited to the United States and the other half to the credit of the District of Columbia."

The amendment was agreed to. The Clerk read as follows:

For twelve heads of departments in high schools, a \$2,000 each,

The CHAIRMAN. The Chair will call the attention of the gentleman from Massachusetts to a typographical error at the end of line 12, page 39.

Mr. GILLETT. I move that the letter "t" be added at the

end of the line.

The CHAIRMAN. If there be no objection, the word "a" will be changed to the word "at."

There was no objection. The Clerk read as follows:

For fuel, gas, and electric light and power, \$85,000.

Mr. JOHNSON. Mr. Chairman, I move to strike out the last

word. I desire to ask the gentleman in charge of the bill with reference to contracts for fuel, gas, and electric light and power in the school buildings. Do the Commissioners of the District make these contracts, or the school authorities?

Mr. GILLETT. The Commissioners of the District do it. Mr. JOHNSON. I should like to ask further what rate are

they paying for the use of gas in the public schools?

Mr. GILLETT. At the regular rate of \$1 a thousand.
Mr. JOHNSON. Did the committee look into the question as to whether that was an excessive charge?

Mr. GILLETT. No; they did not. Mr. JOHNSON. There is no law fixing the rate at \$1 a thou-

sand, is there?

Mr. GILLETT. That is the regular rate. The gentleman will remember that at the last session of Congress we went at length into the question of the expense of the gas. The gentleman read the hearings, which were published. This year we did not go into that question at all.

Mr. JOHNSON. Does the gentleman know whether the Commissioners have made any effort to find out whether these prices

were excessive or whether they could do any better?

Mr. GILLETT. The gentleman knows, of course, that there has recently been a hearing before the Commissioners on the general subject of the price of gas. We may get the benefit of any action which results from that, but at present that is the price fixed by law.

If the proposition to reduce the price of gas, Mr. JOHNSON. which I understand is now before another committee, should be finally acted on before the 4th of March, does this provision contemplate that they shall pay for the ensuing year under the existing law or under the law as it will then stand?

Mr. GILLETT. This, of course, makes a gross appropriation, which will be paid under whatever law is in force at the time.

Mr. JOHNSON. This is based upon the idea of \$1 a thousand?

Mr. GILLETT. Yes; it is based on the present law. We could not base it on anything else.

Mr. JOHNSON. I withdraw the pro forma amendment.

The Clerk read as follows:

For contingent expenses, including furniture and repairs of same, stationery, printing, ice, purchase and repair of equipments for high school cadets, and other necessary items not otherwise provided for, including an allowance of \$300 livery of horse or garage of automobile for the superintendent, and including not exceeding \$1,000 for books, books of reference, and periodicals, \$40,000.

Mr. OLCOTT. Mr. Chairman, I offer the following amend-

The Clerk read as follows:

After line 6, page 53, insert the following:
"For free evening lectures, to be given in the public school buildings or such halls as may be designated under rules and regulations of the board of education, \$1,500."

Mr. BURLESON. To that amendment, Mr. Chairman, I make

the point of order that it is not authorized by existing law.

The CHAIRMAN. The gentleman from Texas makes the point that it is not authorized by existing law. Does the gentleman make the point or reserve it?

Mr. BURLESON. I will reserve it if the gentleman from

New York desires to discuss it.

Mr. OLCOTT. I would like to be heard on the point of order. The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. OLCOTT. There was an appropriation in last year's bill for free lectures, and such lectures are a part of the educational system provided for in the city of Washington. I scarcely think that the amendment suggests any new matter or is contrary to existing law. As far as the merits of the question are con-cerned, it seems to me that anyone who has considered it can appreciate the value of free lectures as a part of the public educational system, and must believe that they are matters of very great importance. Numbers of people who are dependent for their education and the continuance of their education upon the public school system are unable by reason of employment during school hours to obtain the benefits and advantages of the day schools. To such people these lectures are of great benefit. The lectures have been in existence not only in Washington, but in most of the cities, and always have been most beneficial in their results. I know that in the city of New York it is a part of the educational system of the community which under no circumstances would be dispensed with by the well-thinking people of that community.

Now, the amount asked for in this amendment is only \$1,500. and in my mind, and I think in the minds of those who have carefully considered it, it is of great importance, and it will be a mistake on the part of this Congress to decline to make the appropriation, and I therefore hope that the point of order will

be overruled and the amendment passed.

The CHAIRMAN. Will the gentleman from New York inform the Chair whether under existing law the curriculum or course of study as prepared for the schools is controlled by the board of education or by the officials in the District?

Mr. OLCOTT. I do not quite understand the question of the

Chair.

The CHAIRMAN. Under existing law, who has authority to determine as to the course of instruction and policy to be pursued in the schools; does the board of education have that control over the school curriculum?

Mr. OLCOTT. The board of education has control over the schools; it is given certain powers by Congress to control schools and to appoint a superintendent.

The CHAIRMAN. Would this be a limitation on the power of the board of education?

Mr. OLCOTT. It would direct a certain amount of money to

be expended for a special purpose.

The CHAIRMAN. The Chair is asking for information, whether, under existing law, a specific direction to the board of education does not change the authority which they now have under the law over the schools and courses to be pursued in the schools?

Mr. OLCOTT. I think this merely gives them the money to provide for specific instruction that Congress has determined

heretofore is a part of the public instruction.

The CHAIRMAN. The Chair will ask the gentleman how Congress has determined that this is a part of public instruction?

Mr. OLCOTT. By putting such provision in previous appropriation bills, such appropriation to be expended for such specific use under the general authority that Congress has given to the board of public education.

The CHAIRMAN. Then the contention might be that it was a work in progress?

Mr. OLCOTT. It is a work in progress.

The CHAIRMAN. The fact that it is in a previous appropriation bill would not make it law for the ensuing year.

Mr. OLCOTT. But this is merely continuing an appropriation for, as the Chair just remarked, a work which is now in

Mr. CRUMPACKER. It seems to me, Mr. Chairman, that the committee would have a right to make an appropriation for a branch of instruction that the board of education may not have provided for in its course of instruction, and that is all this amendment is. General control over the public schools has been vested by a general law in the board of public education, and that general authority includes the authority or power to provide for this branch of instruction, that and the other, and among other things doubtless a course of lectures, because it is essentially a branch of discipline and instruction in the public schools. It seems to me that the committee would have the right to say that \$1,500 or \$15,000, or any other sum, shall be used for the maintenance of a course of lectures. It is making an appropriation and directing its application, and there is authority for this course of instruction under the law. no doubt about that. Therefore there is authority for the appropriation, and the committee has the right to direct how the appropriation shall be used. It is a sort of general limitation. It seems to me that we have not surrendered the right to say that a particular branch of instruction shall be provided for in an appropriation bill, that there shall be so much money used for a particular branch or line of instruction, because it comes within the general law. The general law authorizes it. The amendment does not control the discretion of the board any more than any other limitation would control a discretion. A limitation of necessity does in a degree control the discretion of the officer who expends the money, and it is allowable if it controls the discretion within the legal authority of the board or officer. It can not go outside of that power, but it can specifically control within the power that already exists. Therefore it would strike me, without giving the subject a great deal of thought, that this amendment is in order.

Mr. FITZGERALD. Mr. Chairman, I wish to call the attention of the Chair to the fact that there is no specific authority under the law for such power in the board of education. As a matter of fact, there is a limitation upon the power of the board of education to admit pupils to public schools. A law that was enacted at the last session of Congress specifically prohibits free tuition in the public schools to any pupils except certain designated pupils. This is an attempt, at least, to take out of the limitation upon the power of the board fixed in that act the power to permit certain instruction for the benefit of all persons. Nothing in the school act of the last session provides for free lectures under the control of the board in the There is no law which authorizes free lecdifferent schools. tures. This provision itself contains the authority as well as makes the appropriation. The mere fact that in the present act making appropriations for the current fiscal year an item is carried for this purpose does not under the practice of the House make it an authorization to incorporate such a provision in this bill as if there were authority in the law for purpose. So that this provision is contrary to existing I call the attention of the Chair to the act approved that purpose. law.

April 4, 1966.

Will the gentleman from New York [Mr. The CHAIRMAN. FITZGERALD] allow the Chair to call his attention to the wording of the amendment which provides for lectures in buildings as may be designated under the rules and regulations of the board of education.

Mr. FITZGERALD. But there is no statutory authority for the board of education to make any such rules and regulations to have free lectures for any person in the District. As a matter of fact, the law specifically prohibits certain classes of persons from receiving free tuition in the public schools of the District of Columbia.

trict of Columbia.

Mr. CRUMPACKER. Does the law specifically authorize the teaching of grammar or geography? Does it not put the whole subject under the control of the board of education?

Mr. FITZGERALD. But this is different.

Mr. CRUMPACKER. I do not see why it is.

Mr. FITZGERALD. I am pointing out the difference. The public schools of this District are not free to all classes of parsons. persons.

The CHAIRMAN. Will the gentleman from New York inform the Chair whether under this sort of a provision it would not be the duty of the board of education to make rules and regula-

tions so that the lectures should be free only to those persons

who are entitled to free tuition?

Mr. FITZGERALD. There is no doubt about it; but in that respect it changes the existing law, which prohibits the board from receiving pupils or giving tuition to certain classes of persons in the District except upon the payment of certain fees.

The CHAIRMAN. Of course the power of Congress over the public schools is plenary, and Congress has provided by law for the government of the schools of the District through the board of education. As the Chair understands, the board of education has power under that law to provide in reference to the curriculum and has full authority within the limitations of the law. It seems to the Chair that it would not be within the province of Congress on an appropriation bill to add a provision requiring the board of education to teach a particular thing or use a particular text-book. On an appropriation bill an item limiting or changing the authority of the board of education would be subject to a point of order, and the Chair thinks that this item is for something not provided by law directly; that it is a limitation upon the power of the board of education not proper on an appropriation bill, and that it can not be called a work in progress, because the appropriation one year for that fiscal year does not indicate that it shall be continued by Congress. The Chair, therefore, sustains the point of order.

The Clerk read as follows:

Hereafter every male pupil in attendance at the high schools shall be admitted to and shall serve in the high school cadets unless excused from such service by the principal, on certificate of one of the medical inspectors of schools that he is physically disqualified for such service, or on the written request of his parent or guardian.

Mr. JOHNSON. Mr. Chairman, I wish to make the point of order on that paragraph, beginning on line 7 and ending on line

The CHAIRMAN. Does the gentleman make the point of order?

Mr. JOHNSON. I will reserve the point of order.

The CHAIRMAN. The gentleman from South Carolina reserves the point of order on lines 7 to 12, inclusive, page 53.

Mr. GILLETT. If the gentleman will allow me to explain the reason for that clause, I am in hopes he will withdraw his point of order. There is now in the high schools a cadet corps in each school. There is a good deal of rivalry in the different companies in the different schools as to who shall have the best drilled and the best appearing company, and consequently in some of the larger schools it has been the custom, prompted thereto by the desire to have the best appearing company, to try to prevent the small boys of the school from belonging to the company, who are very apt to be the ones who need the exercise and drilling more than any other; but in order that they may have a company of large boys, uniform in size, and consequently of excellent appearance, with a better chance of winning the prize, they kept the small boys out. Now, we thought that it was best that every boy should at least have the right to belong to a company; that if the physician thought he ought not join, or if his parents did not want him to join, it could be arranged that he need not be obliged to join, but that he had the right to join if he desired to do so, and for that reason we put in this clause.

Mr. JOHNSON. Will the gentleman permit me?
Mr. GILLETT. Certainly.
Mr. JOHNSON. To this extent I would be willing to go. As I read this language, it makes it obligatory upon every boy In other entering the high school to join these cadet companies. words, it forces the boy, unless he furnishes a certificate from the doctor or the written consent of his parents or guardian, to go into this military organization.

Mr. GILLETT. If his parents do not object. Mr. JOHNSON. Now, I would be willing to do this: To employ language so that any boy can be permitted, not that it shall be obligatory on his part, to go into this cadet organization, and it shall be obligatory on the part of the cadet organization of the schools to accept him if he does go. In other words, it would prevent them from keeping out the small boys.

Mr. GILLETT. It is the only purpose we are aiming at, Mr. Chairman, and if the gentleman can suggest any language which he thinks will provide better than this, I am perfectly willing to accept it; but I think if the gentleman will consider he will see we have to make it obligatory upon these boys who are officering the companies that they must accept the small boys. All we say is they shall be admitted, and we provide that if his parents or guardian excuse him he need not become a member thereof. Now we are aiming at the very purpose the gentleman has in mind, but I am perfectly willing, if he does not think this exactly effects that end, to accept any amendment

that does; but I think the gentleman, if he reads the paragraph more carefully, will see it accomplishes what is desired.

Mr. JOHNSON. Am I correct in my impression of this language, that every boy in a high school shall join these companies? Mr. GILLETT. He shall be admitted unless the medical

inspector or his parents ask that he be excused, and if his parents do not want him to join, then he is not compelled to do All they have to do is to say so. We do not leave it to the boy himself; we leave that to his parents; and I think the gentleman will recognize that the parents rather than the boy ought to decide.

Mr. JOHNSON. I withdraw the point of order.

The Clerk read as follows:

For apparatus for the equipment and maintenance of school play-grounds, \$1,500.

Mr. NORRIS. Mr. Chairman, I offer the amendment which

I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 54, line 6, after the last word, insert: "For purchase of additional playgrounds, \$75,000."

Mr. JOHNSON. Mr. Chairman, I make the point of order against that

The CHAIRMAN. The gentleman from South Carolina makes the point or order.

Mr. NORRIS. I desire to be heard briefly on the point of

order.

Mr. JOHNSON. I will reserve it, of course.

Mr. NORRIS. I take it, Mr. Chairman, from the decision of the Chair that was made the other day when we had this bill under consideration, that this amendment in the words in which I have offered it, and in the place in the bill where I have offered it, obviates all of the objections that were made by the Chair man in his reasons given for his decision when this amendment was offered to a prior paragraph. This comes in in the bill where the bill itself is speaking of and making provisions for the equipment and maintenance of playgrounds connected with the public schools. I think there can be no doubt that as the amendment is offered it is a part of the public school system of this city, just as much so and to the same extent as the paragraph which immediately precedes it, which provides for the maintenance and equipment of playgrounds, and to the same extent and in the same way as is provided a little later on in the bill for the purchase of sites for additional school buildings and the erection of school buildings thereon. So that it seems to me that in the same sense that these other items are considered as a work in progress, this would be likewise considered. I take it also from the decision that was made by the present occupant of the chair when we had under consideration the fortification appropriation bill, that certainly this item, coming as it is offered in this particular place in the bill, would be considered as a part of the school system and as a work in progress

The CHAIRMAN. Will the gentleman from Nebraska permit

the Chair to ask a question?

Mr. NORRIS. Yes, sir.
The CHAIRMAN. Under his amendment does the gentleman from Nebraska think that the persons in authority would have the right to purchase ground for playgrounds anywhere within

Mr. NORRIS. Now that, of course, is a question, as I look at it, Mr. Chairman, that does not arise in the consideration of this amendment, even on its merits or on the technical proposition as to whether it is new legislation. I presume we might say in the amendment that it should be within a certain distance of the school building or something of that kind, but I do not see, as a technical proposition, how that would make it any less subject to a point of order than in the words in which I have offered it. I take it, Mr. Chairman, it does not necessarily have to be on the same lot or the same block. I take it that if there is a playground provided for the school children that the board of education would have the legal authority to make rules and regulations so that it can be used, when as a matter of fact the school itself might not be adjacent or be in session. A playground should not be only for the purpose of being used during the noon intermission or recess intermission, or something of that kind. It does not follow that it must be located right exactly contiguous to the school building. I take it that it could be as far as the technical proposition is concerned about its being in order or out of order, located anywhere, and provision could be made for allowing the children to play thereon without regard to whether school is actually in session or not.

Mr. BANNON. I would like to ask the gentleman a ques-

The CHAIRMAN. Does the gentleman yield?

Mr. NORRIS. I am pleased to do so. Mr. BANNON. Does not the gentleman think there is less necessity for playgrounds in the city of Washington for the children than in cities that are devoted largely to commercial business and manufacture, and where the streets are more crowded than they are here and where there are not so many parks as there are here? In other words, does the same argument that applies in the larger cities, where they have manufacturing and commercial businesses, apply with the same effect in the city of Washington?

Mr. NORRIS. I would like to say, Mr. Chairman, in reply to my friend from Ohio [Mr. Bannon] that I think he asked a very pertinent and proper question as far as the merits of the bill are concerned, but, as I understand it, he just came in, and I will say that it is on a question of order that we have this matter up now. I will be glad, if the point of order is overruled, to answer that question at length, but I do not care, Mr. Chairman, at the present time to indulge in any discussion that does not properly come under the question of the point of order.

The CHAIRMAN. The Chair does not feel called upon to ex-

press any opinion as to whether an item would be in order to enlarge any present playground or the purchase of land adjacent to them. It has been held in a number of cases that where the Government owns land for a particular purpose, that it has bought or otherwise has, it was in order to add to the amount of ground by an appropriation as a work in progress. The Chair thinks that it has been the uniform ruling that the purchase of a new piece of ground for a new project, unless authorized by existing law, is subject to the point of order. While the present occupant of the chair is very much in sympathy with the idea of an appropriation for playgrounds, he feels constrained, as Chairman, to hold that the item is not authorized by law, and is not in order. The Chair therefore sustains the point or order.

Mr. BOUTELL. I offer an amendment at this point.

The Clerk read as follows:

Strike out, in line 6, page 54, after the word "playgrounds," the word "one" and insert "seventy-six;" and at the end of line 6 add: "provided none of this sum shall be available unless \$75,000 are spent in purchasing new sites for playgrounds."

Mr. JOHNSON. Mr. Chairman, I make the point of order against that.

The CHAIRMAN. The gentleman from South Carolina makes the point of order upon the amendment. Does the gentleman

from Illinois desire to be heard on the point of order?

Mr. BOUTELL. I do not; I leave that to the Chair.

Mr. NORRIS. I would like the Clerk to read the paragraph as it would read if amended.

The CHAIRMAN. If there be no objection, the Clerk will read the paragraph as it would read if amended by the amendment of the gentleman from Illinois.

The Clerk read as follows:

For apparatus for the equipment and maintenance of school play-grounds, \$76,000, provided none of this sum shall be available unless \$75,000 are spent in purchasing new sites for playgrounds.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

That the plans and specifications for school buildings shall be prepared under the supervision of the inspector of buildings of the District of Columbia, and shall be approved by the Commissioners of the District, and shall be constructed by the Commissioners in conformity therewith; and the plans and specifications for all other buildings provided for in this act shall be prepared under the supervision of the inspector of buildings of the District of Columbia, and shall be approved by the superintendent of the Capitol building and the Commissioners of the District, and shall be constructed in conformity therewith.

Mr. OL COUTE. Loffer the following amount after line 19.

Mr. OLCOTT. I offer the following amendment, after line 19. The Clerk read as follows:

Amend by inserting after line 19, page 56, the following:
"Provided, That no part of the appropriations to provide for the exmses of the public schools shall be available, and that no warrant
all be drawn against these appropriations, unless the meetings of
the board of education and all its committees shall be open to the public.

Mr. GILLETT. I reserve the point of order upon that. Mr. OLCOTT. Mr. Chairman, my object in offering that amendment is because after a report from the District of Columbia Committee last year, which embodied practically a reorganization of the entire school system of the District, a bill was passed which contained a proviso for public hearings in all sessions of the board of education and the several committees of the board. It has been generally reported that in several in-stances hearings have been held which were not public, but, on the contrary, which were purposely held behind closed doors, so that the public could not know exactly what was going on in the committees and, in some instances, the board itself. It seemed to me that at least the spirit of the law which we passed at the last session has been violated by the board of education. It therefore seemed to me a proper time to offer an amendment to ask the committee in appropriating for the board

of education to indicate to that body that the action of this House at its first session was worthy of some consideration by the board of education.

The CHAIRMAN. Does the gentleman from New York desire

to be heard upon the point of order?

Mr. OLCOTT. I think it is simply a limitation upon the appropriation. I have no particular remarks to make upon the point of order.

The CHAIRMAN. Under the rule a limitation is in order. Under the rules, however, an amendment in the form of a limitation which is not a limitation of expenditure, but is an affirmative change of law, is not in order. The Chair thinks this is not a limitation upon expenditures of money, but a change of The Chair therefore sustains the point of order.

The Clerk read as follows:

In all, \$6,180.

Mr. GILLETT. I offer an amendment.

The Clerk read as follows:

Page 16, line 22, after the word "all," strike out "six thousand one hundred and eighty," and insert in lieu thereof "four thousand two hundred and twenty."

Mr. GILLETT. That simply corrects the total.

The question was taken; and the amendment was agreed to. The Clerk read as follows:

For general incidental expenses of the service, \$500.

The CHAIRMAN. The Chair assumes that the notes in the bill are only there for convenience.

For the information of the House.

The CHAIRMAN., And not to be considered as a part of the bill and will be stricken out by the Clerk.

The Clerk resumed and completed the reading of the bill. Mr. GILLETT. Mr. Chairman, I move that the committee do now rise and report the bill and amendments favorably to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Mann, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24103—the District of Columbia appropriation bill, and had directed them to report the same back to the House with sundry amendments, and with recommendation that the amendments be agreed to, and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded upon any amendment? If not, the vote upon the amendments will be

taken in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed. On motion of Mr. GILLETT, a motion to reconsider the last vote

was laid on the table.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint

H. R. 121. An act authorizing the extension of Seventeenth

H. R. 128. An act for the opening of a connecting highway between Water Side drive and Park road, District of Columbia; H. R. 8435. An act for the opening of Fessenden street NW.,

District of Columbia; H. R. 10843. An act authorizing the extension of Kenyon

street NW .: H. R. 14815. An act for the extension of Harvard street, Co-

lumbia Heights, District of Columbia;

H. R. 14900. An act to extend Fourth street NE. H. R. 16944. An act to amend section 878 of the Code of Law

for the District of Columbia; H. R. 21689. An act to increase the limit of cost of five lighthouse tenders heretofore authorized; and

H. J. Res. 221. Joint resolution to fill a vacancy in the Board of Regents of the Smithsonian Institution.

# ADJOURNMENT.

Mr. GILLETT. I move that the House do now adjourn. The motion was agreed to.

Accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, submitting an

estimate of appropriation for rent of temporary quarters for the post-office at Watertown, N. Y .- to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Surgeon-General of the Public Health and Marine-Hospital Service submitting an estimate of transfer of appropriation for employees-to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Hudson River with a view to extending the existing project to Watertown, N. Y.—to the Committee on Rivers and Harbors, and ordered to be printed, with illustra-

A letter from the Secretary of the Treasury, recommending an appropriation for temporary quarters for Government offices at Richmond, Va.-to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, recommending an appropriation for temporary quarters for the post-office, e.g., at Rochester, N. Y.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, recommending an appropriation for temporary quarters for the post-office and other offices at Peoria, Ill.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, recommending an appropriation for temporary quarters for the post-office at South Bend, Ind.—to the Committee on Appropriations, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bill of the following title was reported from committee, delivered to the Clerk, and referred to the Calendar therein named, as follows:

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 24363) to protect the public lands on the lower Colorado River, and for other purposes, reported the same with amendment, accompanied by a report (No. 6585); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bill of the following title was reported from committee, delivered to the Clerk, and referred to the Calendar therein named, as follows:

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22842) granting an increase of pension to William H. Hodges, reported the same with amendment, accompanied by a report (No. 6443); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15136) granting an increase of pension to George H. Justin, reported the same without amendment, accompanied by a report (No. 6444); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15012) granting an increase of pension to Oliver Curry, reported the same with amendment, accompanied by a report (No. 6445); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12095) granting an increase of pension to Atticus Lewis, reported the same with amendment, accompanied by a report (No. 6446); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2777) granting an increase of pension to Albert F. Durgin, reported the same without amendment, accompanied by a report (No. 6447); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12033) granting an increase of pension to George W. Irwin, reported the same without amendment, accompanied by a report (No. 6448); which said bill and report were referred to the Private Cal-

Mr. FULLER, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 8673) granting an increase of pension to Marcena C. S. Gray, reported the same with amendment, accompanied by a report (No. 6449); which said bill and report were referred to the Private Calendar. Mr. EDWARDS, from the Committee on Invalid Pensions, to

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7918) granting an increase of pension to John M. Buxton, reported the same without amendment, accompanied by a report (No. 6450); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7538) granting an increase of pension to Thompson H. Hudson, reported the same with amendment, accompanied by a report (No. 6451); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6589) granting an increase of pension to M. W. Dunkin, reported the same with amendment, accompanied by a report (No. 6452); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1373) granting an increase of pension to Florence Bacon, reported the same with amendment, accompanied by a report (No. 6453); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20684) granting an increase of pension to William M. Neal, reported the same with amendment, accompanied by a report (No. 6454); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20616) granting an increase of pension to Isaac Fornwalt, reported the same with amendment, accompanied by a report (No. 6455); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20446) granting a pension to Andrew H. Groves, reported the same with amendment, accompanied by a report (No. 6456); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19131) granting an increase of pension to Edward K. Mull, reported the same with amendment, accompanied by a report (No. 6457); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18344) granting an increase of pension to William Todd, reported the same with amendment, accompanied by a report (No. 6458); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions,

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13960) granting an increase of pension to Thomas B. Manning, reported the same without amendment, accompanied by a report (No. 6459); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22601) granting an increase of pension to John J. Clark, reported the same with amendment, accompanied by a report (No. 6460); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22318) granting an increase of pension to James D. Cox, reported the same without amendment, accompanied by a report (No. 6461); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22297) granting an increase of pension to Hugh L. Dicus, reported the same with amendment, accompanied by a report (No. 6462); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22285) granting an increase of pension to Dennis Remington, reported the same with amendment, accompanied by a report (No. 6463); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22240) granting an increase of pension to James M. Ping, reported the same with amendment, accompanied by a report (No. 6464); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22215) granting an increase of pension to Eliza A. Hughes, reported the same with amendment, accompanied by a report (No.

6465); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22099) granting an increase of pension to Libbie D. Lowry, reported the same with amendment, accompanied by a report (No. 6466); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22089) granting an increase of pension to Adaline G. Bailey, reported the same with amendment, accompanied by a report (No. 6467); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21769) granting a pension to Emma Aiken, reported the same with amendment, accompanied by a report (No. 6468); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21718) granting an increase of pension to Franz Z. F. W. Jensen, reported the same with amendment, accompanied by a report (No. 6469); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21462) granting an increase of pension to William Wickham, reported the same with amendment, accompanied by a report (No. 6470); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21433) granting an increase of pension to George W. Lasley, reported the same without amendment, accompanied by a report (No. 6471); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21425) granting an increase of pension to Jasper N. Brown, reported the same with amendment, accompanied by a report (No. 6472); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21426) granting an increase of pension to John J. Ross, reported the same without amendment, accompanied by a report (No. 6473); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21374) granting an increase of pension to Charles H. Hornan, reported the same with amendment, accompanied by a report (No. 6474); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21316) granting an increase of pension to Samuel Rhodes, reported the same with amendment, accompanied by a report (No. 6475); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21301) granting an increase of pension to John Goodier, reported the same with amendment, accompanied by a report (No. 6476); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21097) granting an increase of pension to Harry Martin, reported the same with amendment, accompanied by a report (No. 6477); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21022) granting an increase of pension to Thomas N. Gootee, reported the same with amendment, accompanied by a report (No. 6478); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20740) granting an increase of pension to Guthridge L. Phillips, reported the same with amendment, accompanied by a report (No. 6479); which said bill and report were referred to the Private Calcardor.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23810) granting an increase of pension to Ira J. Everson, reported the same with amendment, accompanied by a report (No. 6480); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23645) granting an increase of pension to Isaac L. Griswold, reported the same with amendment, accompanied by a report (No. 6481); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the

bill of the House (H. R. 20413) granting a pension to Eva Louise Eberlin, reported the same with amendment, accompanied by a report (No. 6482); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23608) granting an increase of pension to John Manley, reported the same with amendment, accompanied by a report (No. 6483); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23593) granting an increase of pension to Charles M. Buck, reported the same with amendment, accompanied by a report (No. 6484); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23549) granting an increase of pension to Isaiah Carter, reported the same without amendment, accompanied by a report (No. 6485); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23526) granting an increase of pension to Stephen D. Jordan, reported the same with amendment, accompanied by a report (No. 6486); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2781) granting an increase of pension to Martin V. B. Wyman, reported the same without amendment, accompanied by a report (No. 6487); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22034) granting an increase of pension to James A. Wonder, reported the same with amendment, accompanied by a report (No. 6488); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22990) granting an increase of pension to Francis A. Lander, reported the same with amendment, accompanied by a report (No. 6489); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15189) granting an increase of pension to Sidney S. Skinner, reported the same with amendment, accompanied by a report (No. 6490); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13769) granting an increase of pension to David Angle, reported the same with amendment, accompanied by a report (No. 6491); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12250) granting an increase of pension to Samuel Naus, reported the same with amendment, accompanied by a report (No. 6492); which said bill and report were referred to the Private Calendar.

said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11098) granting an increase of pension to Joseph A. Robinson, reported the same with amendment, accompanied by a report (No. 6493); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10598) granting an increase of pension to Robert W. Mills, reported the same with amendment, accompanied by a report (No. 6494); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8718) granting a pension to William T. Rowe, reported the same with amendment, accompanied by a report (No. 6495); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2878) granting a pension to John M. Cheevers, reported the same with amendment, accompanied by a report (No. 6496); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20688) granting an increase of pension to Joseph M. Storey, reported the same with amendment, accompanied by a report (No. 6497); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20493) granting an increase of pension to Charles F. Connery, reported the same without amendment, accompanied by a report (No. 6498); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19175) granting an increase of pension to Josiah B. Arnott, reported the same without amendment, accompanied by a report (No. 6499); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22428) granting an increase of pension to Dora T. Bristol, reported the same with amendment, accompanied by a report (No. 6500); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22282) granting an increase of pension to Edward H. Lunn, reported the same with amendment, accompanied by a report (No. 6501); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22279) granting an increase of pension to Thomas M. Griffith, reported the same without amendment, accompanied by a report (No. 6502); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22035) granting an increase of pension to Benjamin Swayze, reported the same with amendment, accompanied by a report (No. 6503); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21604) granting an increase of pension to William Girdler, reported the same with amendment, accompanied by a report (No. 6504); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21508) granting an increase of pension to Samuel Barber, reported the same with amendment, accompanied by a report (No. 6505); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23508) granting an increase of pension to William M. Veach, reported the same with amendment, accompanied by a report (No. 6506); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23475) granting an increase of pension to T. J. Green, reported the same with amendment, accompanied by a report (No. 6507); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23481) granting an increase of pension to John G. Price, reported the same with amendment, accompanied by a report (No. 6508); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23365) granting an increase of pension to William Seitz, reported the same with amendment, accompanied by a report (No. 6509); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23357) granting an increase of pension to James M. Houston, reported the same with amendment, accompanied by a report (No. 6510); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23339) granting an increase of pension to Martha Louise Burnham, reported the same with amendment, accompanied by a report (No. 6511); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23281) granting an increase of pension to William T. Fisher, reported the same without amendment, accompanied by a report (No. 6512); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23234) granting an increase of pension to James W. Walsh, reported the same with amendment, accompanied by a report (No. 6513); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23195) granting an increase of pension to Aurora G. Ellis, reported the same with amendment, accompanied by a report (No. 6514); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23187) granting a pension to Jennie Luckenback, reported the same with amend-

ment, accompanied by a report (No. 6515); which said bill and

report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23135) granting a pension to Rosanna King, reported the same with amendment, accompanied by a report (No. 6516); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22820) granting an increase of pension to George S. Schmutz, reported the same with amendment, accompanied by a report (No. 6517); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22764) granting an increase of pension to Samuel V. Carr, reported the same with amendment, accompanied by a report (No. 6518); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22762) granting an increase of pension to John M. Gilbert, reported the same with amendment, accompanied by a report (No. 6519); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22750) granting an increase of pension to William Jenkins, reported the same with amendment, accompanied by a report (No. 6520); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22642) granting an increase of pension to John Gregory, reported the same with amendment, accompanied by a report (No. 6521); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20577) granting a pension to Mary Kaisted, reported the same with amendment, accompanied by a report (No. 6522); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20957) granting an increase of pension to William Chagnon, reported the same without amendment, accompanied by a report (No. 6523); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22985) granting an increase of pension to Henry Bauerlin, reported the same with amendment, accompanied by a report (No. 6524); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16855) granting an increase of pension to Milton H. Peden, reported the same with amendment, accompanied by a report (No. 6525); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13920) granting an increase of pension to Oren D. Curtis, reported the same with amendment, accompanied by a report (No. 6526); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12458) granting an increase of pension to Thomas J. Saylor, reported the same without amendment, accompanied by a report (No. 6527); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11740) granting an increase of pension to R. R. Dill, reported the same with amendment, accompanied by a report (No. 6528); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9576) granting an increase of pension to Henry Wagner, reported the same without amendment, accompanied by a report (No. 6529); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6575) granting an increase of pension to Rawleigh M. Monin, reported the same with amendment, accompanied by a report (No. 6530); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5709) granting an increase of pension to Mary Patterson, reported the same with amendment, accompanied by a report (No. 6531); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19369) granting

an increase of pension to John F. G. Cliborne, reported the same without amendment, accompanied by a report (No. 6532); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22434) granting an increase of pension to Peter McCormick, reported the same with amendment, accompanied by a report (No. 6533); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22284) granting an increase of pension to George Ruhle, reported the same with amendment, accompanied by a report (No. 6534); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21588) granting an increase of pension to Robert Medworth, reported the same with amendment, accompanied by a report (No. 6535); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21506) granting an increase of pension to Jacob Howe, reported the same with amendment, accompanied by a report (No. 6536); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22609) granting an increase of pension to Thomas Bayley, reported the same with amendment, accompanied by a report (No. 6537); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23858) granting an increase of pension to Hugh M. Cox, reported the same with amendment, accompanied by a report (No. 6538); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23846) granting an increase of pension to Sarah Ann Kendig, reported the same with amendment, accompanied by a report (No. 6539); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23845) granting an increase of pension to George W. Cassle, reported the same without amendment, accompanied by a report (No. 6540); which said bill and report were referred to the Private Calendar

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23795) granting an increase of pension to Patrick McMahon, reported the same with amendment, accompanied by a report (No. 6541); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23781) granting a pension to Honora Higgins, reported the same with amendment, accompanied by a report (No. 6542); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23792) granting an increase of pension to Zenrial McCullock, reported the same with amendment, accompanied by a report (No. 6543); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23783) granting an increase of pension to George W. Buzzell, reported the same without amendment, accompanied by a report (No. 6544); which said bill and report were referred to the Private Calendar

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23777) granting an increase of pension to James Marshall, reported the same with amendment, accompanied by a report (No. 6545); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23773) granting an increase of pension to Samuel H. Pierce, reported the same with amendment, accompanied by a report (No. 6546); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23764) granting an increase of pension to Joseph C. Fisher, reported the same with amendment, accompanied by a report (No. 6547); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23762) granting an increase of pension to Adelaide Wagner, reported the same with amendment, accompanied by a report (No. 6548); which said bill and report were referred to the Private CalMr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23705) granting an increase of pension to Frederick P. Gaudineer, reported the same with amendment, accompanied by a report (No. 6549); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23699) granting an increase of pension to Joseph Countryman, reported the same without amendment, accompanied by a report (No. 6550); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23686) granting an increase of pension to William H. Kehlbeck, reported the same with amendment, accompanied by a report (No. 6551); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23656) granting an increase of pension to John Kilpatrick, reported the same with amendment, accompanied by a report (No. 6552); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23653) granting an increase of pension to Dewit C. Chapman, reported the same with amendment, accompanied by a report (No. 6553); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23652) granting an increase of pension to William H. Zimmerman, reported the same with amendment, accompanied by a report (No. 6554); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22846) granting an increase of pension to Martin Holmes, alias George Langin, reported the same with amendment, accompanied by a report (No. 6555); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16978) granting a pension to J. Max Mueller, reported the same with amendment, accompanied by a report (No. 6556); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10188) granting an increase of pension to James L. Conn, reported the same with amendment, accompanied by a report (No. 6557); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6161) granting an increase of pension to Horatio Ernest, reported the same without amendment, accompanied by a report (No. 6558); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20687) granting an increase of pension to John M. Dixon, reported the same with amendment, accompanied by a report (No. 6559); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19775) granting an increase of pension to Greenup Meece, reported the same with amendment, accompanied by a report (No. 6560); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19499) granting an increase of pension to Thomas Milson, reported the same with amendment, accompanied by a report (No. 6561); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22239) granting an increase of pension to Elizabeth T. Hays, reported the same with amendment, accompanied by a report (No. 6562); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21476) granting an increase of pension to Hiram A. Winslow, reported the same with amendment, accompanied by a report (No. 6563); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23651) granting an increase of pension to John W. Wilson, reported the same with amendment, accompanied by a report (No. 6564); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24099) granting

an increase of pension to Benjamin J. Puckett, reported the same with amendment, accompanied by a report (No. 6565); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24096) granting an increase of pension to Oscar F. Peacock, reported the same with amendment, accompanied by a report (No. 6566); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20953) granting an increase of pension to James D. Walker, reported the same without amendment, accompanied by a report (No. 6567); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24078) granting an increase of pension to Warren J. Sevey, reported the same with amendment, accompanied by a report (No. 6568); which said bill and report were referred to the Private Calendar.

which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to
which was referred the bill of the House (H. R. 24023) granting
an increase of pension to Joseph H. Clark, reported the same
with amendment, accompanied by a report (No. 6569); which
said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23969) granting an increase of pension to William Morson, reported the same with amendment, accompanied by a report (No. 6570); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23915) granting a pension to William Stegal, reported the same with amendment, accompanied by a report (No. 6571); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23899) granting an increase of pension to James P. Hanna, reported the same with amendment, accompanied by a report (No. 6572); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23877) granting an increase of pension to Mary A. Edwards, reported the same with amendment, accompanied by a report (No. 6573); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23872) granting an increase of pension to Charles Blacker, reported the same with amendment, accompanied by a report (No. 6574); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23874) granting an increase of pension to William R. Horn, reported the same without amendment, accompanied by a report (No. 6575); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23870) granting an increase of pension to America J. Austin, reported the same with amendment, accompanied by a report (No. 6576); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23778) granting an increase of pension to Henry Clapper, reported the same with amendment, accompanied by a report (No. 6577); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 24360) granting an increase of pension to Jeremiah F. Pittman, reported the same with amendment, accompanied by a report (No. 6578); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24321) granting an increase of pension to Belah H. Wilcox, reported the same with amendment, accompanied by a report (No. 6579); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24259) granting an increase of pension to H. A. Johnson, reported the same with amendment, accompanied by a report (No. 6580); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24208) granting an increase of pension to Albert Sunderland, reported the same with amendment, accompanied by a report (No. 6581); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24182) granting

an increase of pension to John Delaney, reported the same without amendment, accompanied by a report (No. 6582); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24155) granting a pension to Richard N. Porter, reported the same with amendment, accompanied by a report (No. 6583); which said bill and report were referred to the Private Calendar.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 23993) for the relief of Harry A. Young, reported the same without amendment, accompanied by a report (No. 6586); which said bill and

report were referred to the Private Calendar.

Mr. ROBINSON of Arkansas, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 5869) for the relief of Larvan Gordon, reported the same without amendment, accompanied by a report (No. 6587); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24185) granting an increase of pension to William S. Weller, reported the same with amendment, accompanied by a report (No. 6588); which said bill and report were referred to the Private Calendar.

### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows

By Mr. GARDNER of Michigan, from the Committee on Appropriations: A bill (H. R. 24640) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1908, and for other purposesto the Union Calendar.

By Mr. STEPHENS of Texas (by request): A bill (H. R. 24641) to regulate pipe lines in the Indian Territory, and for

other purposes-to the Committee on Indian Affairs.

By Mr. RHINOCK (by request): A bill (H. R. 24642) to amend the practice in suits for divorce and maintenance in the District of Columbia-to the Committee on the District of Co-

By Mr. CHARLES B. LANDIS: A bill (H. R. 24643) to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to install, equip, and maintain upon their lines of railroad a block protecting system and to protect their stations and terminals therewith, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK: A bill (H. R. 24644) to amend section 653 of the Code of Law for the District of Columbia, relative to assessment life insurance companies or associations-to the

Committee on the Judiciary.

Also, a bill (H. R. 24645) to regulate the inspection and sale of flour within the District of Columbia-to the Committee on the District of Columbia.

By Mr. DENBY: A bill (H. R. 24646) to amend section 9 of an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903—to the Committee on Immigration and Naturalization.

By Mr. McCALL: A bill (H. R. 24647) to provide rebate of latter and lateral immortal into the United States.

duty on all coal imported into the United States-to the Com-

mittee on Ways and Means.

By Mr. SMITH of Arizona: A bill (H. R. 24648) ratifying an act of the Arizona legislature providing for the erection of a court-house at St. Johns, in Apache County, Ariz.—to the Committee on the Territories.

By Mr. SHEPPARD: A bill (H. R. 24649) for a survey and examination to determine the advisability of constructing a dam at the foot of Caddo Lake, on the waterway connecting Jefferson, Tex., with Shreveport, La.-to the Committee on Rivers and Harbors.

Also, a bill (H. R. 24650) for a survey of upper Red River from Fulton, Ark., to the mouth of the Washita, in Oklahoma-

to the Committee on Rivers and Harbors.

By Mr. MANN: A bill (H. R. 24651) to provide for thirty light-keepers' dwellings—to the Committee on Interstate and Foreign Commerce.

By Mr. DUNWELL: A bill (H. R. 24652) fixing the compensation of the assistant weighers at the port of New York-

to the Committee on Ways and Means.

Also, a bill (H. R. 24653) to increase the salaries of the deputy appraisers of merchandise at the port of New York—
to the Committee on Ways and Means.

By Mr. BEDE: A bill (H. R. 24654) for the establishment of Bullock—to the Committee on Invalid Pensions.

By Mr. BEDE: A bill (H. R. 24654) for the establishment of Bullock—to the Committee on Invalid Pensions.

a light-house and fog-signal station at the easterly end of Gull Island, Apostle group, westerly end of Lake Superior, Wis.to the Committee on Interstate and Foreign Commerce.

By Mr. McGUIRE: A bill (H. R. 24655) to authorize the legislature of Oklahoma to dispose of a certain section of school

land—to the Committee on the Public Lands.

By Mr. ENGLEBRIGHT: A bill (H. R. 24656) to amend an act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907-to the Committee on the Public Lands.

By Mr. LOWDEN: A bill (H. R. 24657) to authorize the Albany Railroad Bridge Company or the Chicago and Northwestern Railway Company to reconstruct a bridge across the Mississippi River—to the Committee on Interstate and Foreign Commerce.

By Mr. VOLSTEAD: A bill (H. R. 24658) for the relief of certain settlers on the public lands, and for other purposes-

to the Committee on the Public Lands.

By Mr. BURLESON: A bill (H. R. 24659) to prohibit interference with commerce among the States and Territories and with foreign nations and to remove obstructions thereto-to the Committee on Agriculture.

By Mr. MARSHALL: A bill (H. R. 24660) to extend the time within which entrymen may make and establish residence upon the public domain in the State of North Dakota-to the Committee on the Public Lands.

By Mr. DE ARMOND: A bill (H. R. 24661) to provide for

securing interests upon deposits of public funds, and for other purposes—to the Committee on Ways and Means.

By Mr. McNARY: A bill (H. R. 24745) to increase the compensation of the civil officers and employees and of the military and naval officers and enlisted men of the Government of the United States—to the Committee on Appropriations.

By Mr. OLCOTT: A bill (H. R. 24746) for free lectures-

the Committee on the District of Columbia.

By Mr. FOSTER of Vermont: A joint resolution (H. J. Res. 223) relating to the holders of medals of honor—to the Committee on Military Affairs.

By Mr. LILLEY of Pennsylvania: A resolution (H. Res. 780) to increase the pay of the assistant file clerk of the House-to

the Committee on Accounts.

By Mr. McKINLEY of Illinois: A resolution (H. Res. 781) to increase the pay of the eight assistants in the document room of the House-to the Committee on Accounts.

By Mr. BURLEIGH: A resolution (H. Res. 782) increasing the pay of the assistant enrolling clerk of the House-to the

Committee on Accounts.

By Mr. WATSON: A resolution (H. Res. 783) increasing the compensation of the messenger to the Speaker-to the Committee on Accounts.

# PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 24662) granting an increase of pension to William P. Bane-to the Committee on Invalid

Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 24663) granting an increase of pension to Alvernous Barnhart-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24664) granting an increase of pension to Sherwood Tackett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24665) granting an increase of pension to Sebasten Abrams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24666) granting an increase of pension to Allen Bocook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24667) granting an increase of pension to George Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24668) granting an increase of pension to Lives River, to the Committee on Invalid Pensions.

James Biven—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24669) granting an increase of pension to

John L. Miner-to the Committee on Invalid Pensions Also, a bill (H. R. 24670) granting an increase of pension to

Burton Vaughn-to the Committee on Invalid Pensions. Also, a bill (H. R. 24671) granting an increase of pension to

Augustine Sorrell—to the Committee on Pensions. Also, a bill (H. R. 24672) granting a pension to Darkie War-

ren-to the Committee on Pensions.

Also, a bill (H. R. 24673) granting a pension to Garrad T. Short-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24674) granting a pension to Sarah aggs—to the Committee on Invalid Pensions. Also, a bill (H. R. 24675) granting a pension to Eliza H.

Also, a bill (H. R. 24676) granting a pension to Mary A. Jacobs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24677) for the relief of Daniel Porter-to the Committee on Military Affairs.

Also, a bill (H. R. 24678) for the relief of Enoch Edens-to the Committee on Military Affairs.

Also, a bill (H. R. 24679) for the relief of William A. Goble-to the Committee on War Claims.

By Mr. BONYNGE: A bill (H. R. 24680) granting an increase of pension to Ella B. Deweese-to the Committee on Invalid Pensions.

By Mr. BUTLER of Tennessee: A bill (H. R. 24681) granting an increase of pension to Lewis M. Jarvis—to the Committee on Invalid Pensions.

By Mr. COUDREY: A bill (H. R. 24682) granting a pension to Mary A. Laurient-to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 24683) granting an increase of pension to Walter P. Davis—to the Committee on Invalid Pensions.

By Mr. DAVEY of Louisiana: A bill (H. R. 24684) granting an increase of pension to Esther M. Noah-to the Committee on Invalid Pensions.

By Mr. FOSTER of Indiana: A bill (H. R. 24685) granting an increase of pension to Mary A. Defendall-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24686) granting an increase of pension to Eliza J. Corn-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24687) granting an increase of pension to John Arnold-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24688) granting an increase of pension to

-to the Committee on Invalid Pensions. Also, a bill (H. R. 24689) granting an increase of pension to

Henry Hermann-to the Committee on Invalid Pensions. By Mr. FOWLER: A bill (H. R. 24690) granting a pension to

Harriet P. Porter-to the Committee on Invalid Pensions. Also, a bill (H. R. 24691) granting an increase of pension to

Edward Burtch-to the Committee on Invalid Pensions. By Mr. FULLER: A bill (H. R. 24692) granting a pension to

Lucia M. Beard-to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 24693) granting an increase of pension to Bazel Hall-to the Committee on Invalid

By Mr. HALE: A bill (H. R. 24694) granting an increase of pension to John Johnson—to the Committee on Invalid Pensions. Also, a bill (H. R. 24695) granting an increase of pension to Prior P. Baird—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24696) granting a pension to Andrew Goddard—to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 24697) granting an increase of pension to Amelia M. Salmon-to the Committee on Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 24698) granting an increase of pension to Lydia Hunt-to the Committee on Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 24699) granting an increase of pension to Rufus G. Tole-to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 24700) granting an increase of pension to Joseph Brooks-to the Committee on Invalid Pen-

By Mr. KLINE: A bill (H. R. 24701) granting an increase of pension to Joseph Strasburger—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 24702) granting an increase of pension to Perry Tawney—to the Committee on Invalid Pen-

By Mr. CHARLES B. LANDIS: A bill (H. R. 24703) to remove the charge of desertion from the military record of David A. Lindsay—to the Committee on Military Affairs.

By Mr. FREDERICK LANDIS: A bill (H. R. 24704) granting an increase of pension to Amelia C. Kloenne-to the Committee on Invalid Pensions.

By Mr. LAW: A bill (H. R. 24705) granting an increase of pension to Ida W. Maples—to the Committee on Pensions.

By Mr. LEE: A bill (H. R. 24706) for the relief of the congregation of the Kingston Baptist Church, of Kingston, Ga.—to the Committee on War Claims.

By Mr. LOUD: A bill (H. R. 24707) granting an increase of pension to Peter Campbell-to the Committee on Invalid Pen-

By Mr. McCALL: A bill (H. R. 24708) for the relief of John P. Hart-to the Committee on War Claims.

Also, a bill (H. R. 24709) granting a pension to James O. Taylor—to the Committee on Invalid Pensions.

crease of pension to Jacob Riner-to the Committee on Pen-

By Mr. McMORRAN: A bill (H. R. 24711) to correct the military record of John L. Rogers, alias John Moore-to the Committee on Military Affairs.

Also, a bill (H. R. 24712) granting an increase of pension to Henry S. White-to the Committee on Invalid Pensions.

By Mr. McNARY: A bill (H. R. 24713) for the relief of Michael Curley-to the Committee on Claims.

Also, a bill (H. R. 24714) for the relief of Joseph Manningto the Committee on Claims.

Also, a bill (H. R. 24715) for the relief of William W. Stewart-to the Committee on Claims.

By Mr. MOON of Pennsylvania: A bill (H. R. 24716) granting a pension to Hannah Tomlinson-to the Committee on Pensions.

Also, a bill (H. R. 24717) granting a pension to Christina Brown—to the Committee on Invalid Pensions.

By Mr. REID: A bill (H. R. 24718) granting an increase of pension to Eveline Taylor-to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 24719) granting an increase of pension to Alpheus L. Woodard-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24720) granting an increase of pension to Thomas Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24721) granting an increase of pension to. E. A. H. Beyland-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24722) granting an increase of pension to Michael Oberle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24723) granting an increase of pension to Coleman Reynolds—to the Committee on Pensions.

Also, a bill (H. R. 24724) granting a pension to Herbert Montgomery—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 24725) granting an increase of pension to John H. Hayes-to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 24726) granting an increase of pension to S. R. Sanders-to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: A bill (H. R. 24727) granting a pension to Mary F. Bitely—to the Committee on Invalid Pensions.

By Mr. SAMUEL: A bill (H. R. 24728) granting an increase of pension to George W. Moyer—to the Committee on Invalid Pensions.

By Mr. SCROGGY: A bill (H. R. 24729) granting an increase of pension to Ezra Davison—to the Committee on Invalid Pen-

By Mr. SHERMAN: A bill (H. R. 24730) for the relief of John Smith and Jane Isaac-to the Committee on Indian Af-

By Mr. SAMUEL W. SMITH: A bill (H. R. 24731) granting pension to Almira Clark-to the Committee on Invalid Pensions.

By Mr. SNAPP: A bill (H. R. 24732) granting an increase of pension to Rosa A. Penfield-to the Committee on Invalid Pen-

Also, a bill (H. R. 24733) granting an increase of pension to John H. Morrison-to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 24734) granting an increase of pension to Charles Green-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24735) granting an increase of pension to John J. Whitacre—to the Committee on Invalid Pensions. By Mr. TYNDALL: A bill (H. R. 24736) granting a pension

to the Committee on Invalid Pensions. to Emma B. Mitchell-

Also, a bill (H. R. 24737) granting a pension to Wiett Bilyeu. to the Committee on Invalid Pensions.

Also, a bill (H. R. 24738) granting an increase of pension to Samuel Hilton-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24739) granting an increase of pension to Francis M. Kirkpatrick—to the Committee on Invalid Pensions. By Mr. WASHBURN: A bill (H. R. 24740) granting an increase of pension to William E. Chase—to the Committee on Invalid Pensions.

By Mr. WELBORN: A bill (H. R. 24741) granting a pension to Mary Brady—to the Committee on Invalid Pensions.

By Mr. LILLEY of Connecticut: A bill (H. R. 24742) granting a pension to John D. Benjamin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24743) granting an increase of pension to Mary E. Starr—to the Committee on Invalid Pensions. By Mr. BELL of Georgia: A bill (H. R. 24744) for the re-

By Mr. McKINNEY: A bill (H. R. 24710) granting an in- lief of the heirs of William Woods-to the Committee on Claims.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 9140) granting a pension to Amanda Hoover—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 23311) granting an increase of pension to Jeremiah Burke—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 23312) granting an increase of pension to William Lewis—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 24621) granting an increase of pension to Elizabeth P. Hargrave—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Henry Well et al., citizens of Greater New York, against intervention in the affairs of the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of the legislature of Illinois, for protection of the interests of the Chicago Sanitary District in its drainage canal in any legislation relating to deep water—to the Committee on Rivers and Harbors.

Also, petition of the legislature of South Dakota, for legislation to extend time within which persons may lawfully establish reservations on certain homestead claims within that State—to the Committee on the Public Lands.

Also, petition of Drago E. Proskowetz, of Johnstown, Pa., for national assistance in familiarizing Slavic immigrants with the English language—to the Committee on Education.

By Mr. ACHESON: Petition of the Consumers' League of Philadelphia, for the Beveridge-Parsons bill relative to child labor—to the Committee on Labor.

By Mr. BARCHFELD: Petitions of citizens of Mount Pleasant, Tex.; Montrose, Colo.; Grant Pass, Oreg.; Pulaski, Ill.; Greencastle, Ind.; Portland, Me.; Elmira, N. Y.; Pike, Miss.; Rapid City, S. Dak.; Barron, Wis.; Clarksburg, W. Va.; Drew, Ark., and Everett, Wash., against bill S. 5221, to regulate the practice of osteopathy in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BENNET of New York: Petition of Thomas J. Dillon, against interference in the affairs of the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of William A. Goble—to the Committee on War Claims.

Also, papers to accompany bills for relief of Mary A. Jacobs, John Riddle, Eliza H. Bullock, Alvernous Bernhart, John L. Miner, Sarah Stagg, and Burton Vaughan—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Darkee Warren and Augustine Sorrell—to the Committee on Pensions.

By Mr. BRICK: Petition of Rev. N. E. Buchanan, of Elkhart, Ind., for closing United States post-offices on Sunday—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLEIGH: Petition of three women's clubs of Skowhegan, Me., for enactment of a child-labor law—to the Committee on Labor.

Also, petition of the Skowhegan (Me.) Board of Trade, for reclassification and increase of salaries of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. CRUMPACKER: Petitions of M. T. Didlake et al., of Monticello, Ind., for an amendment of the copyright law—to the Committee on Patents.

By Mr. DRAPER: Petition of the National Private Commercial School Managers' Association, favoring legislation to revise the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: Petition of the Wisconsin Retail Implement and Vehicle Dealers' Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. FITZGERALD: Petition of the Chamber of Commerce of New York City, for an increase of the Coast Artillery—to the Committee on Military Affairs.

Also, petition of John Nutzel, against interference in the affairs of the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of the Twenty-sixth Ward Board of Trade, of Brooklyn, N. Y., for increase in the salaries of postal clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Private Commercial School Managers'

Association, for revision of the postal laws—to the Committee on the Post-Office and Post-Roads,

By Mr. FLOYD: Paper to accompany bill for relief of Samuel S. Smith—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Elizabeth Jenkins to the Committee on War Claims.

Also, petition of citizens of Kingdon Springs, Ark., for permission to use the water of White River for electrical power purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER of Indiana: Petition of Cigar Makers' Union No. 54, of Evansville, Ind., against employment of Asiatic coolies within the Canal Zone—to the Committee on Labor.

Also, petition of the Prisoners of War Association of Evansville, Ind., for a just and equitable pension for ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. FOWLER: Petition of Thomas Klinedinst, of Morristown, N. J., against amendment to the copyright bill inimical to photographers—to the Committee on Patents.

Also, petition of the New Jersey State Federation of Women's Clubs, for regulation of child labor in the District of Columbia—to the Committee on the District of Columbia.

to the Committee on the District of Columbia.

By Mr. FULLER: Petition of W. W. Wood, of Belvidere, Ill., for the McCumber (Senate) pension bill—to the Committee on Pensions.

Also, petition of the National Private Commercial School Managers' Association, for legislation to revise the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAFF: Petition of citizens of Pekin, Ill., against the Lodge-Gardiner immigration bill—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Petition of the Tarentum (Pa.) Board of Trade, for increase in salaries of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Keystone Powder Manufacturing Company, of Emporium, Pa., for a law to expend \$3,000,000 to establish plants for smokeless powder—to the Committee on Military Affairs.

Also, petition of the Keystone National Bank, of Pittsburg, Pa., favoring bill H. R. 23017, for improvement of the currency—to the Committee on Banking and Currency.

Also, petition of H. R. Fuller, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Consumers' League of Philadelphia, for the Beveridge-Parsons bill regarding child labor—to the Committee on Labor.

Also, petition of the Private Commercial School Managers' Association, for revision of the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Elizabeth Coates—
to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Paper to accompany bill for relief of

By Mr. GROSVENOR: Paper to accompany bill for relief of Frank S. Lowry—to the Committee on War Claims.

By Mr. HAYES: Petition of A. L. Jones et al., against the

By Mr. HAYES: Petition of A. L. Jones et al., against the employment of Asiatic labor on the Panama Canal and that the terms of Chinese-exclusion act be extended to cover Japanese and other Asiatic laborers—to the Committee on Foreign Affairs.

By Mr. HERMANN: Petition of Indian war veterans, of Linn County, Oreg., for increase of pension for said veterans to the Committee on Pensions.

By Mr. HIGGINS: Petition of Horeb Lodge, No. 25, Independent Order B'nai Brith, of New Haven, Conn., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. HILL of Connecticut: Petition of Horeb Lodge, No. 25, Independent Order B'nai Brith, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. HOWELL of Utah: Petition of C. R. Savage et al., against amendment to the copyright law inimical to photographers—to the Committee on Patents.

Also, petition of the Black Hawk Indian war veterans, of Utah, for extension of the pension laws to include Indian wars in Utah in 1867–1878—to the Committee on Pensions.

Also, paper to accompany bill for relief of Lydia Hunt—to the Committee on Pensions.

By Mr. JENKINS: Petition of citizens of River Falls, Wis., for amendment of the free-alcohol law—to the Committee on Ways and Means.

By Mr. KENNEDY of Nebraska: Paper to accompany bill for relief of F. H. Loud—to the Committee on Military Affairs.

By Mr. KINKAID: Petition of the Swine Breeders' Association, against free seed distribution—to the Committee on Agriculture.

By Mr. KNAPP: Paper to accompany bill for relief of Rosa A. Penfield—to the Committee on Invalid Pensions.

By Mr. KNOPF: Paper to accompany bill for Amanda Hoover (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. LAFEAN: Petition of the Vermont Dairy Associa-tion, for raising the rank of the dairy division to that of a bureau under the Secretary of Agriculture—to the Committee on

Also, petition of the Fruit Growers' Association of Bedford County, Pa., for legislation securing admission of American fruits into German markets under minimum duties-to the Committee on Ways and Means.

By Mr. LAW: Papers to accompany bills for relief of John D. Lane and Benjamin T. Horton—to the Committee on Invalid Pensions.

By Mr. LILLEY of Connecticut: Papers to accompany bills for relief of Mrs. Elisha R. Starr and John D. Benjamin—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of the National Private Commercial School Managers' Association, for revision of the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of Adam J. Bennett, against interference in Kongo Free State affairs—to the Committee on Foreign Affairs. Also, petition of La Motte Hartshorn, favoring the Navy personnel bill—to the Committee on Naval Affairs.

Also, petition of the Twenty-sixth Ward Board of Trade, of Brooklyn, N. Y., for increase of salaries of postal clerks (H. R. 9751, the Wilson bill)-to the Committee on the Post-Office and

By Mr. LOUD: Petition of citizens of Cheboygan County, Mich., for October 12 as a legal holiday (Columbus Day, commemorating the discovery of America)—to the Committee on the Judiciary.

Also, petition of J. E. Betz et al., for an appropriation for survey and improvement of the Au Sable River at or near its outlet into Lake Huron-to the Committee on Rivers and Har-

Also, paper to accompany bill for relief of Peter Campbell-to the Committee on Invalid Pensions.

By Mr. McCALL: Paper to accompany bill for relief of Carlos L. Buzzell—to the Committee on Invalid Pensions.

By Mr. McCARTHY: Petition of the Nebraska State Swine Breeders' Association, against free seed distribution-to the Committee on Agriculture.

Also, petition of the Nebraska Duroc Jersey Breeders' Association, against free seed distribution-to the Committee on Agriculture.

By Mr. McMORRAN: Papers to accompany bills for relief of Rev. Henry S. White and John Rogers, alias John Moore-to the Committee on Invalid Pensions.

By Mr. MOORE: Petition of H. Allen Knips, Pott & Faltz, and others, against amendment to the copyright law abridging rights of photographers-to the Committee on Patents.

By Mr. PAYNE: Paper to accompany bill for relief of William Hawley-to the Committee on Invalid Pensions.

By Mr. POLLARD: Petition of the Nebraska Duroc Jersey Breeders' Association, against free distribution of garden seedsto the Committee on Agriculture.

By Mr. ROBINSON of Arkansas: Papers to accompany bill for an appropriation to enlarge the public buildings at Hot Springs, Ark .- to the Committee on Public Buildings and

Also, paper to accompany bill for relief of David Hurbertto the Committee on Invalid Pensions.

By Mr. RYAN: Petitions of Fred. Buechsenschuety et al. and Robert Stier et al., of Buffalo, N. Y., against certain clauses in the immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SCHNEEBELI: Paper to accompany bill for relief of Mrs. Alice O'Connor—to the Committee on Military Affairs.

Also, petition of the Private School Managers' Association, of Cleveland, Ohio, for revision of the postal laws-to the Committee on the Post-Office and Post-Roads.

By Mr. SHEPPARD: Petitions of citizens of Lawton, Okla.; Fulton, Ark., and Texarkana, Tex., for an appropriation to improve upper Red River-to the Committee on Rivers and Harbors.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of Dennis T. Kirby et al .- to the Committee on War Claims.

Also, paper to accompany bill for relief of Robert H. Gulick et al.-to the Committee on War Claims.

By Mr. SOUTHARD: Petition of the New Immigrant Pro-

tective League, against the Lodge-Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of the Association of Army and Navy Nurses of the Civil War, for pensions to all nurses of the war as per the Dalzell bill—to the Committee on Invalid Pensions.

Also, petition of Samuel Holmes, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. STANLEY: Paper to accompany bill for relief of Absalom R. Shacklett (previously referred to the Committee on Invalid Pensions)--to the Committee on Pensions.

By Mr. VAN WINKLE: Petition of the Board of Trade of Hoboken, N. J., for higher salaries for postal clerks-to the Committee on the Post-Office and Post-Roads.

By Mr. WEEMS: Petition of the German Society, against the Dillingham bill-to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of the Bridgeport (Ohio) National Bank-to the Committee on Claims.

#### SENATE.

# Tuesday, January 22, 1907.

Prayer by Rev. WILLIAM LAWRENCE, D. D., Bishop of the Diocese of Massachusetts.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Hansbrough, and by unanimous consent, the further reading was dispensed with. The VICE-PRESIDENT. The Journal stands approved.

#### EDWIN S. HALL.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives to return the bill (H. R. 1050) for the relief of Edwin S. Hall; and by unanimous consent the request was ordered to be complied with.

### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Finance:

H. R. 5. An act to provide for the refunding of certain money,

H. R. 8. An act for the relief of the Harbison-Walker Company, of Pittsburg, Pa.;

H. R. 1371. An act to refund to J. Tennant Steeb certain duties erroneously paid by him, without protest, on goods of domestic production shipped from the United States to Hawaii and thereafter returned:

H. R. 2326. An act for the relief of J. W. Bauer and others; H. R. 8685. An act for the relief of Charles E. Danner & Co.; H. R. 8727. An act for the relief of James W. Kenney and the

Union Brewing Company; H. R. 8749. An act to refund a fine of \$200 paid by Charles H.

Marsden, owner of the tug Owen; H. R. 10305. An act to provide for the repayment of certain customs dues;

H. R. 14125. An act for the relief of The Nebraska Mutual Life Insurance Company, of Stromburg, Nebr.; H. R. 14464. An act for the relief of Wiley Corbett;

H. R. 16085. An act for the relief of Gordon, Ironsides & Fares Company (Limited);

H. R. 16581. An act for the relief of George W. Schrover; and H. R. 19275. An act for the relief of T. E. Boyt,

The following bills were severally read twice by their titles, and referred to the Committee on Naval Affairs:

H. R. 1561. An act authorizing the Secretary of the Navy to grant a discharge to Peter O'Neil;

H. R. 13605. An act to satisfy certain claims against the Government arising under the Navy Department;

H. R. 17875. An act waiving the age limit for admission to the Pay Corps of the United States Navy in the case of W. W. Peirce

H. R. 19284. An act for the relief of James Behan; and H. R. 22291. An act to authorize the reappointment of Harry

McL. P. Huse as an officer of the line in the Navy. The following bills were severally read twice by their titles,

and referred to the Committee on Post-Offices and Post-Roads:

H. R. 4271. An act for the relief of Patrick J. Madden; H. R. 5169. An act for the relief of W. B. Sutter; H. R. 6104. An act to reimburse John Waller, late postmaster at Monticello, N. Y., for moneys expended in carrying the mails; H. R. 8699. An act for the relief of James A. Carroll;

H. R. 13418. An act for the relief of W. S. Hammaker; and H. R. 14381. An act authorizing and directing the Secretary of the Treasury to pay to the Holtzer-Cabot Electric Company the amount due said company from the Post-Office Department.

The following bill and joint resolution were severally read twice by their titles, and referred to the Committee on Military

H. R. 17285. An act for the relief of Second Lieut, Gouverneur V. Packer, Twenty-fourth United States Infantry; and

H. J. Res. 195. Joint resolution authorizing the Secretary of War to furnish two condemned cannon to the mayor of the town of Preston, Iowa.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

H. R. 12124. An act granting an increase of pension to Howard Brown: and

H. R. 16222. An act granting an increase of pension to Napoleon B. Ferrell.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce

H. R. 17099. An act to authorize the refund of part of fines imposed on the vessels Sotie R., Mathilda R., and Helen R.:

H. R. 23383. An act to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved June 25, 1906;

H. R. 23939. An act to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Calumet River in the State of Indiana; and

H. R. 24275. An act permitting the building of a dam across the Flint River at Porter Shoals.

H. R. 24104. An act transferring Phelps County to the eastern division of the eastern judicial district of Missouri, was read twice by its title, and referred to the Committee on the Ju-

H. R. 1443. An act for the payment of Robert D. Benedict for services rendered was read twice by its title.

The VICE-PRESIDENT. The bill will be referred, without

objection, to the Committee on the Judiciary.

Mr. KEAN. A similar bill is on the Calendar, reported by the Committee on Claims, I think, and this bill should go to the Committee on Claims.

The VICE-PRESIDENT. The bill will be referred to the Committee on Claims.

The following bills were severally read twice by their titles, and referred to the Committee on Indian Affairs

H. R. 19930. An act referring the claim of S. W. Peel for legal services rendered the Choctaw Nation of Indians to the Court of

Claims for adjudication; and H. R. 22362. An act for the relief of Esther Rousseau. The following bills were severally read twice by their titles,

and referred to the Committee on Public Lands:

H. R. 23889. An act authorizing the Secretary of the Interior to issue deed of conveyance to Lyman Ballou to certain lands in Custer County, S. Dak.; and

H. R. 23927. An act excepting certain lands in Pennington County, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves.

H. R. 24541. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

# FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of The Trustees of the Missionary Baptist Church, of Huntsville, Ala., successor to the Primitive Baptist Church, of Huntsville, Ala., v. The United States;

In the cause of Harriet Camp, William A. Camp, Olive M. Allen, Mary B. Brown, Margaret E. Bowie, Clarence Camp, Carrie Camp, Hattie Brannan, and Thomas Brannan, heirs of Adam Camp, deceased, v. The United States;

In the cause of Archibald A. Griggs, administrator of the estate of Archibald P. Griggs, deceased, v. The United States; and

In the cause of Ludger Lemelle, administrator of the estate

of Clarisse Donato, deceased, v. The United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed. CREDENTIALS.

Mr. BURROWS presented the credentials of William Alden SMITH, chosen by the legislature of the State of Michigan a Senator from that State for the term beginning March 4, 1907; which were read and ordered to be filed.

Mr. HALE presented the credentials of William P. Frye, chosen by the legislature of the State of Maine a Senate? from that State for the term beginning March 4, 1907; which were read and ordered to be filed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 5469) to authorize the Secretary of Commerce and Labor to investigate and report upon the industrial, social, moral, educational, and physical condition of woman and child workers in the United States.

The message also announced that the House had passed the bill (S. 4563) to prohibit corporations from making money contributions in connection with political elections, with an amendment; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 15242. An act to confirm titles to certain lands in the State of Louisiana;

H. R. 24103. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1908, and for other purposes

H. R. 24111. An act to authorize the Norfolk and Western Railway Company to construct a bridge across the Potomac River, at or near Shepherdstown, W. Va.; and

H. R. 24122. An act in reference to the expatriation of citi-

zens and their protection abroad.

The message also announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return the bill (S. 5073) granting an increase of pension to Daniel G. Smith.

The message further announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return the bill (S. 3671) granting a pension to Louis Castinette.

### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint resolution of the legislature of South Dakota, praying for an extension until the 1st of April, 1907, of the time in which persons who have here-tofore filed homestead claims in counties west of the Missouri River in the State of South Dakota may lawfully establish their residence upon these claims; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA, DEPARTMENT OF STATE, SECRETARY'S OFFICE.

UNITED STATES OF AMERICA, State of South Dakota:

I, D. D. Wipf, secretary of state of South Dakota and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of senate joint resolution No. 5, as passed by the legislature of South Dakota, 1907, and of the whole thereof, and has been compared with the original now on file in this

In testimony whereof I have hereunto set my hand and affixed the reat seal of the State of South Dakota. Done at the city of Pierre dis 17th day of January, 1907.

D. D. WIPF, Secretary of State. [SEAL.] joint resolution memorializing the President and the Congress of the United States to extend until April 1, 1907, the time within which persons who have heretofore filed homestead claims in counties west of the Missouri River in the State of South Dakota may lawfully establish their residence upon said claims.

establish their residence upon said claims.

Whereas large numbers of persons, many of whom are women, have during the summer of 1906 filed homestead claims upon the public lands west of the Missouri River in the State of South Dakota, in the belief and with the understanding that the extensions of the Chicago and Northwestern and the Chicago, Milwaukee and St. Paul railways, now being built over and across said lands from the Missouri River west to the Black Hills country, would be completed prior to January I, 1907, and would thus furnish means for said persons to go upon their several homestead claims and establish a residence as required by law; and

Whereas neither of said railroad extensions will be completed until some time during the summer of 1907; and

Whereas heavy snows have fallen and now lie over all of said country, rendering travel with building material, household goods, fuel, and supplies an impossibility, and extreme and unusually cold weather prevails throughout this and the northwestern country generally, making it dangerous to human life to attempt to go upon said claims at this time; and

whereas it is impossible to establish a residence or reside upon said lands under the present conditions of severely cold winter weather without comfortable houses to protect the lives and the health of said persons and their families: Now, therefore, be it

\*Resolved by the senate of the legislature of the State of South Dakota (the house of representatives concurring), That the President and the Congress of the United States be, and they are hereby, respectfully requested and urged to extend until the 1st day of April, 1907, the time within which all such persons may lawfully establish their residence upon said claims.

[Indorsed.]

[Indorsed.] A joint resolution memorializing the President and the Congress of the United States to extend until April 1, 1907, the time within which persons who have heretofore filed homestead claims in counties wert of the Missouri River in the State of South Dakota may lawfully establish their residence upon said claims.

M. J. CHANEY, Speaker of the House.

JAMES W. CONE. Chief Clerk.

Howard C. Shober, President of the Senate.

Attest: L. M. Simons, Secretary of the Senate.

I hereby certify that the within resolution originated in the senate and was known in the senate files as senate joint resolution No. 5. STATE OF SOUTH DAKOTA.

Office Secretary of State, ss:

Filed January 17, 1907, at 2.40 o'clock p. m.

Secretary of State.

The VICE-PRESIDENT presented a petition of Columbia Typographical Union, No. 101, American Federation of Labor, of Washington, D. C., praying for the enactment of legislation to increase the salaries of Members of Congress; which was ordered to lie on the table.

Mr. TELLER presented petitions of sundry citizens of Grand Junction, Salida, Akron, Delta, and Fort Collins, all in the State of Colorado, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were

referred to the Committee on the Judiciary

He also presented petitions of Local Union No. 139, of Painters' Local Union No. 79, of Union Label League, of the United Brewery Workers' Union, of the Brewers and Coopers' Union, of Apprentice Lodge No. 16, of the International Association of Bridge and Structural Iron Workers' Union, of Typographical Union, of Carpenters' Local Union No. 55, of the United Brotherhood of Leather Workers' Union, of Local Union No. CS, of the Glass Workers' Local Union No. 53, and of Local No. 121, all of the American Federation of Labor, of Denver, in the State of Colorado, praying for an extension of the provisions of the present Chinese exclusion law so as to include Japanese and Koreans; which were referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Delta and Colorado Springs, in the State of Colorado, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. DU PONT presented a petition of sundry citizens of Newcastle, Del., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. BULKELEY presented a memorial of Horeb Lodge, No. 25, Independent Order of B'nai Brith, of New Haven, Conn., remonstrating against the enactment of legislation to restrict immigration; which was referred to the Committee on Immi-

He also presented a petition of the Republican Club of Danbury, Conn., praying for a reclassification and increase of salaries of postal clerks in all first-class and second-class postoffices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Young People's Society of Christian Endeavor of the First Church of Christ of New Britain, Conn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented the petition of G. R. Armstrong, of Littleton, N. H., praying for the passage of the so-called "Crumpacker bill;" which was referred to the Committee on

Post-Offices and Post-Roads.

He also presented the petition of Frank W. Hackett, of Washington, D. C., praying that an appropriation be made to provide fireproof files for the preservation of the papers of the supreme court of the District of Columbia; which was referred to the Committee on Appropriations.

He also presented a petition of the Council of the Civic Center, of Washington, D. C., praying for the enactment of legislation providing for the control of tuberculosis in the District of Columbia; which was referred to the Committee on the District of

Mr. PLATT presented the memorial of W. B. Rockwell, of Elmira, N. Y., remonstrating against the enactment of legisla-tion to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of the Woman's Christian Temperance Union, of Jamestown, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judi-

Mr. DEPEW presented petitions of the congregation of the First Methodist Episcopal Church of Jamestown, of sundry citi-

zens of Middleport, and of the Woman's Christian Temperance Union of Westerleigh, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. NELSON presented the memorial of J. G. Butler, editor of the Lutheran Evangelist, of Washington, D. C., remonstrating against the enactment of legislation to increase the postage rate on religious and other bona fide newspapers; which was referred

to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Duluth, Norman, Atwater, and Wood Lake, all in the State of Minnesota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. ANKENY presented a memorial of sundry citizens of North Yakima, Wash., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the

Committee on the District of Columbia.

Mr. HANSBROUGH presented petitions of the congregations of the Methodist Episcopal Church of Leonard and of the Congregational Church of Valley City, in the State of North Dakota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

Mr. CULBERSON presented a petition of the Woman's Christian Temperance Union of Tyler, Tex., and a petition of sundry citizens of Tyler, Tex., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Ju-

diciary

Mr. KITTREDGE presented a petition of sundry citizens of Huron, S. Dak., praying for the establishment of a permanent international congress; which was referred to the Committee

on Foreign Relations.

Mr. LONG. I present a memorial of the Cherokee Indians, relative to their rights of property as Cherokee citizens of tribal lands and tribal funds belonging to the Cherokee people. I move that the memorial be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. LONG (for Mr. CLAPP) presented petitions of the congregation of the First Methodist Episcopal Church of Owatomie, the congregation of the Universalist Church of Owatomie, of the congregation of the Congregational Church of Cambria, of the Woman's Christian Temperance Union of Vernon Center, and of the Woman's Christian Temperance Union of Rice County, all in the State of Minnesota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also (for Mr. Clapp) presented a memorial of sundry citizens of Fergus Falls, Minn., remonstrating against the enactment of legislation providing for an elastic currency; which was re-

ferred to the Committee on Finance.

Mr. McCREARY presented a petition of the Woman's Christian Temperance Union of Louisville, Ky., praying for an investigation into the charges made and filed against Hon. Reed SMOOT, a Senator from the State of Utah; which was ordered to lie on the table.

He also presented the petition of John H. Davis and sundry other citizens of Barboursville, Ky., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. DANIEL presented a paper to accompany the bill (S. 6893) for the relief of the heirs of Thomas N. Towson, deceased;

which was referred to the Committee on Claims.

Mr. PILES presented petitions of sundry citizens of Elma and Seattle, in the State of Washington, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

Mr. KNOX presented a petition of the congregation of the First Baptist Church of Newcastle, Pa., and a petition of the congregation of the Church of God, of Pittsburg, Pa., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of M. D. Lichliter, of Harrisburg; John W. Calver & Co., of Philadelphia; R. J. McKibbin, of Landisburg; John P. Brewer, of Williamsport; William J. Berkey, of Johnstown; B. Wilkinson, of Coal Valley; S. E. Haas, of Herndon; William Weand, State secretary of the

Patriotic Order Sons of America, of Philadelphia; Patriotic Order Sons of America of Blandburg; Patriotic Order Sons of America of Mount Carmel; Hancock Commandery, Patriotic Order Sons of America, of Scranton; Washington Camp, No. 333, Patriotic Order Sons of America, of Scranton; Council No. 514, Junior Order United American Mechanics, of Watsontown; Council No. 75, Junior Order United American Mechanics, of Dickerson Run; Saratoga Council, Junior Order United American Mechanics, of Pittsburg, all in the State of Pennsylvania, praying for the enactment of legislation to restrict immigration with the educational test included; which were referred to the Committee on Immigration.

Mr. PERKINS presented petitions of the Improvement Club of Paso Robles, and of the Board of Trade of Templeton, in the State of California, praying for the enactment of legislation providing for the purchase of the so-called "Henry Ranch" in San Luis Obispo County, Cal., for a brigade post or Army maneuvering camp; which were referred to the Committee on Mili-

tary Affairs.

He also presented a petition of the Associated Charities of San Francisco, Cal., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. BLACKBURN presented a paper to accompany the bill (S. 5273) for the relief of the estate of Mary Rendy Cammack,

deceased; which was referred to the Committee on Claims.

He also presented a paper to accompany the bill (S. 5268) for the relief of the estate of R. W. Hawkins, deceased; which was referred to the Committee on Claims.

Mr. PROCTOR presented a petition of the Women's Review Club of Chester, Vt., praying that an appropriation be made for a scientific investigation into the industrial condition of woman and child workers in the United States; which was referred to the Committee on Education and Labor.

Mr. LODGE presented a petition of the Woman's Christian Temperance Union of Millville, Mass., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on

the Judiciary.

### REPORTS OF COMMITTEES.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (S. 7467) to provide for the division of a penalty recovered under the alien contract-labor law; reported it without amendment, and submitted a report thereon.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 6544) for the relief of Durham W. Stevens, reported it without amendment, and submitted a report thereon.

Mr. MORGAN, from the Committee on Interoceanic Canals, submitted a report to accompany the bill (S. 6539) to control the direction and management of the Panama Railroad, heretofore reported by him from that committee. Mr. OVERMAN, from the Committee on Pensions, to whom

were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15193) granting an increase of pension to Fred-

erick W. Studdiford A bill (H. R. 15150) granting an increase of pension to John

O'Connor A bill (H. R. 14862) granting an increase of pension to Ann

E. White

A bill (H. R. 14767) granting an increase of pension to Henry Simon

A bill (H. R. 14690) granting an increase of pension to Henrietta Hull:

A bill (H. R. 14689) granting an increase of pension to Herman G. Weller ;

A bill (H. R. 16249) granting an increase of pension to Thomas Miller;

A bill (H. R. 16087) granting an increase of pension to Charles

A bill (H. R. 16002) granting a pension to Theodore T. Bruce; A bill (H. R. 15980) granting an increase of pension to John T. Smith;

A bill (H. R. 15890) granting an increase of pension to Hiram

C. Barney; A bill (H. R. 15790) granting an increase of pension to Nicholas W. Dorrel;

A bill (H. R. 15580) granting an increase of pension to James P. Hudkins

A bill (H. R. 15430) granting an increase of pension to Oliver Lawrence

A bill (H. R. 15421) granting an increase of pension to Paul Diedrich;

A bill (H. R. 15455) granting an increase of pension to John D. Brooks:

A bill (H. R. 14985) granting an increase of pension to Mary Gramberg

A bill (H. R. 15297) granting an increase of pension to Nelson Hanson; and

A bill (H. R. 15202) granting a pension to Henry Peetsch.

Mr. OVERMAN, from the Committee on Pensions, to whom was referred the bill (H. R. 21579) granting an increase of persion to Sarah R. Harrington, reported it with an amendment, and submitted a report thereon.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without

amendment, and submitted reports thereon:

A bill (H. R. 19541) granting an increase of pension to Job A bill (H. R. 19553) granting an increase of pension to James

Robertson; A bill (H. R. 19510) granting an increase of pension to

Richard B. West

A bill (H. R. 19426) granting an increase of pension to George N. Griffin;

A bill (H. R. 19479) granting an increase of pension to George W. Savage;

A bill (H. R. 19420) granting an increase of pension to Eliza A. McKean

A bill (H. R. 19412) granting an increase of pension to Jefferson K. Smith;
A bill (H. R. 19386) granting an increase of pension to Robert

Stewart

A bill (H. R. 19363) granting an increase of pension to Theodore Bland;

A bill (H. R. 19281) granting an increase of pension to Mary J. Gillem :

A bill (H. R. 19280) granting an increase of pension to Peter J. Williamson:

A bill (H. R. 19117) granting an increase of pension to Mary E. Higgins

A bill (H. R. 20061) granting an increase of pension to Caswell York

A bill (H. R. 19603) granting an increase of pension to Jacob Farner

A bill (H. R. 19584) granting an increase of pension to Joseph B. Pettey :

A bill (H. R. 19579) granting an increase of pension to Robert

F. Mayfield; A bill (H. R. 19490) granting a pension to Estelle I. Reed; A bill (H. R. 19237) granting an increase of pension to James

Rout: A bill (H. R. 19216) granting an increase of pension to Theo-

phil Brodowski; A bill (H. R. 19048) granting an increase of pension to Alfred

Branson; A bill (H. R. 19044) granting an increase of pension to Samuel

McCormick ; A bill (H. R. 19577) granting an increase of pension to Mary

L. Patton : A bill (H. R. 19023) granting an increase of pension to John

T. Lester A bill (H. R. 19045) granting an increase of pension to Mary A. Agey

A bill (H. R. 19629) granting an increase of pension to Oliver Morton; and

A bill (H. R. 19648) granting an increase of pension to Sarah A. Wilson.

Mr. GEARIN, from the Committee on Pensions, to whom was referred the bill (H. R. 20060) granting an increase of pension to Anna E. Hughes, reported it with an amendment, and

submitted a report thereon. Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally with-

out amendment, and submitted reports thereon: A bill (H. R. 17486) granting an increase of pension to Rudolph Papst;

A bill (H. R. 18295) granting an increase of pension to Joshua B. Casey

A bill (H. R. 18218) granting an increase of pension to Joseph

A bill (H. R. 18114) granting an increase of pension to Henry

A bill (H. R. 18474) granting an increase of pension to Robert

A bill (H. R. 18089) granting an increase of pension to Daniel J. Harte;

A bill (H. R. 18031) granting an increase of pension to Daniel H. Toothaker;

A bill (H. R. 17958) granting an increase of pension to Alexander Dixon

A bill (H. R. 17864) granting an increase of pension to Mary E. Austin :

A bill (H. R. 17770) granting an increase of pension to Julia P. Grant :

A bill (H. R. 18247) granting an increase of pension to William Baird;

A bill (H. R. 18179) granting an increase of pension to William G. Baity;

A bill (H. R. 18155) granting an increase of pension to Frank S. Hastings

A bill (H. R. 17969) granting an increase of pension to Charles Walrod;

A bill (H. R. 17646) granting an increase of pension to James M. Sheak

A bill (H. R. 17539) granting an increase of pension to Ambrose D. Albertson

A bill (H. R. 17172) granting an increase of pension to John Short

A bill (H. R. 16895) granting an increase of pension to William M. Baker;

A bill (H. R. 16546) granting an increase of pension to Louis

F. Beeler; and A bill (H. R. 16488) granting an increase of pension to Charles Hopkins.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 18884) granting an increase of pension to Weymouth Hadley;

A bill (H. R. 18871) granting an increase of pension to Emanuel Raudabaugh;

A bill (H. R. 18797) granting an increase of pension to John M. Defoe

A bill (H. R. 18791) granting a pension to Michael Bocoskey; A bill (H. R. 18771) granting an increase of pension to William G. Bailey

A bill (H. R. 18761) granting an increase of pension to Benjamin Bolinger

A bill (H. R. 18758) granting an increase of pension to Mary A. Daniel

A bill (H. R. 18637) granting an increase of pension to Henry

A bill (H. R. 18634) granting an increase of pension to Mary Sullivan

A bill (H. R. 18608) granting an increase of pension to Mary E. Strickland:

A bill (H. R. 18494) granting an increase of pension to Emmagene Bronson

A bill (H. R. 18582) granting an increase of pension to Sarah E. Hoffman;

A bill (H. R. 10916) granting an increase of pension to Charles H. Shreeve

A bill (H. R. 18261) granting an increase of pension to John T. Mitchell; and

A bill (H. R. 4351) granting an increase of pension to George

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 7762) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Spokane and Inland Empire Railroad Company, its successors and assigns, reported it without amendment, and submitted a report thereon.

COURTS IN IOWA.

Mr. CLARK of Wyoming. I report back favorably from the Committee on the Judiciary, without amendment, the bill (S. 7793) to fix the time of holding the circuit and district courts of the United States in and for the northern district of Iowa. At the request of the senior Senator from Iowa [Mr. Allison], I ask for the immediate consideration of the bill.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

# BILLS INTRODUCED.

Mr. HOPKINS introduced a bill (S. 7989) for acquiring a te and the erection of a Federal building for the post-office at range and the erection of a Federal building for the post-office at range and referred to be Committee on Post-Offices and Post-Roads.

Mr. TALIAFERRO introduced a bill (S. 7990) granting an analysis of the committee on the Library.

Mr. LA FOLLETTE introduced a bill (S. 8013) reserving from entry and sale the mineral rights to coal and other matesite and the erection of a Federal building for the post-office at Duqoin, Ill.; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

increase of pension to Ishem Sheffield; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. ALGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7991) granting an increase of pension to Adella Washer; and A bill (S. 7992) granting a pension to Sarah Harrison.

Mr. HANSBROUGH introduced a bill (S. 7993) granting an increase of pension to Ishem Sheffield; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7994) authorizing the State of North Dakota to select other lands in lieu of lands erroneously entered in sections 16 and 36, within the limits of the abandoned Fort Rice and Fort Abraham Lincoln military reserva-tions, in said State; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. GEARIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7995) granting an increase of pension to Ashley White; and

A bill (S. 7996) granting an increase of pension to Robert B.

CULLOM introduced a bill (S. 7997) authorizing the President of the United States to confer rank upon Maj. Joseph W. Wham, United States Army, retired; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 7998) granting an increase of pension to George N. Julian; which was read twice its title, and referred to the Committee on Pensions.

Mr. LONG (for Mr. CLAPP) introduced a bill (S. 7999) to authorize the purchase from Karl A. Torgerson and Charles E. Heyn of 80 acres of land, more or less; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HEMENWAY submitted the following bills, which were severally read twice by their titles, and referred to the Committee on Pensions

A bill (S. 8000) granting an increase of pension to Hezekiah Allen; and

A bill (S. 8001) granting an increase of pension to Valentine Thompson.

Mr. FULTON introduced a bill (S. 8002) granting an increase of pension to Thomas H. Webley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 8003) granting an increase of pension to Isaac N. Sheffield; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 8004) for the relief of the estate of Edward H. Green, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PILES introduced a bill (S. 8005) granting an increase of pension to Garrett F. Cowan; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. ANKENY introduced a bill (S. 8006) granting an increase of pension to Epaminondas P. Thurston; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DICK introduced a bill (8, 8007) to authorize the reap-pointment of Harry McL. P. Huse to the active list of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HALE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (S. 8008) to remove the charge of desertion from the naval record of Michael McLaughlin, alias Charles L. Smith; and A bill (S. 8009) to correct the naval record of Charles H. Haswell

Mr. HALE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 8010) granting an increase of pension to Charles E. Jordan; and

A bill (S. 8011) granting a pension to Joel P. Osgood.

Mr. BEVERIDGE introduced a bill (S. 8012) to erect a monument on the Tippecanoe battle ground in Tippecanoe County,

rials mined for fuel, oil, gas, or asphalt, upon or underlying the public lands of the United States, and providing for the sale of the surface of public lands underlaid with or containing coal or other minerals mined for fuel, oil, gas, or asphalt, and providing for the leasing of the mineral rights in such lands; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. ANKENY introduced a joint resolution (S. R. 87) extending the time in which to make homestead settlement upon lands entered upon in the State of Washington; which was read twice by its title, and referred to the Committee on Public Lands.

### AMENDMENTS TO APPROPRIATION BILLS.

Mr. NELSON submitted an amendment authorizing the extension to the Federal building at Duluth, Minn., and proposing to appropriate \$105,000 for the purpose of acquiring a new Federal building site, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate \$10,000 for grading Albemarle street east from Connecticut avenue extended to Broad Branch road, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and

ordered to be printed.

He also submitted an amendment providing that all tracts of land, except parking areas, heretofore or hereafter acquired for use as public highways in the District of Columbia shall be opened for the use of the general public, etc., intended to be proposed by him to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. FORAKER submitted an amendment proposing to appropriate \$2,000 for the purchase of flags for use on Memorial Day in suitably decorating the graves of soldiers and sailors of the Union Army buried in national cemeteries, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. DANIEL submitted an amendment proposing to appropriate \$1,000,000 for the purpose of aiding in the payment of the cost of the construction, completion, and opening of the James-town Ter-Centennial Exposition, etc., intended to be proposed by him to the urgent deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. TALIAFERRO submitted an amendment relative to an appropriation to assist in the industrial education of the negro youth of the Southern States, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Education and Labor, and ordered to be printed.

# OMNIBUS CLAIMS BILL.

Mr. PLATT submitted an amendment intended to be proposed by him to the omnibus claims bill; which was referred to the Committee on Claims, and ordered to be printed.

# DEALING IN COTTON FUTURES.

Mr. CULBERSON. Mr. President, yesterday I introduced a bill—Senate bill 7988—regulating the use of telegraph lines and the mails in matters affecting gambling in cotton. In that connection I ask to have reprinted as a Senate document the text of the report of the Committee on Agriculture and Forestry of 1895, which will be found in the volume I have here, from page 2 to page 44, inclusive. I do not ask that the whole report, including the exhibits, be printed, but merely the text of the report.

Ordered, That so much of Senate Report No. 986, part 1, Fifty-third Congress, third session, on Cotton Production and Consumption, and Prices and the Remedy, as is contained on pages 2 to 44, inclusive, be reprinted. There being no objection, the order was agreed to, as follows:

PANAMA CANAL ZONE.

Mr. MORGAN. Mr. President, I desire to have printed in the RECORD an opinion of the Supreme Court of the United States, delivered on the 7th of January, 1907, in which opinion the Supreme Court settled finally and forever the question of the sovereignty of the United States over the Panama Canal Zone, affirming the sovereignty of this country absolutely over that I ask to have it printed in the RECORD. territory.

There being no objection, the opinion was ordered to be printed

in the RECORD, as follows:

SUPREME COURT OF THE UNITED STATES.

(No. 43.—October Term, 1906.)

Warren B. Wilson, appellant, v. Leslie M. Shaw, Secretary of the Treury. Appeal from the Court of Appeals of the District of Columbia.

[January 7, 1907.]

In a general way it may be said that this is a suit brought in the Supreme Court of the District of Columbia by the appellant, alleging

himself to be a citizen of Illinois and the owner of property subject to taxation by the United States, to restrain the Secretary of the Treasury from paying out money in the purchase of property for the construction of a canal at Panama, from borrowing money on the credit of the United States, from issuing bonds or making any payments under the act of Congress, June 28, 1902 (32 Stat., 481), providing for the acquisition of property and rights from Colombia and the canal company and the construction and operation of the canal and the Panama Raliroad. The Republic of Panama and the New Panama Canal Company of France were named parties defendant, but they were not served with process and made no appearance. A demurrer to the bill was sustained, and the bill dismissed. This decree was affirmed by the Court of Appeals, from whose decision this appeal was taken.

Mr. Justice Brewer delivered the opinion of the court.

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If the bill was only to restrain the Secretary of the Treasury from paying the specific sums named therein, to wit, \$40,00,000 to the Panama Canal Company, and \$10,000,000 to the Republic of Panama; it would be sufficient to note the fact, of which we may take judicial notice, that those payments have been made and that whether they were rightfully made or not is, so far as this suit is concerned, a moot question. Cheong Ah Moy v. United States, 113 U. S., 216; Mills v. Green, 159 U. S., 651; American Book Company v. Kansas, 193 U. S., 49; Jones v. Montague, 194 U. S., 147.

But the bill goes further and seeks to restrain the Secretary from paying out money for the construction of the canal, from borrowing money for that purpose, and issuing bonds of the United States therefor. In other words, the plaintiff invokes the aid of the courts to stop the Government of the United States from carrying into execution its declared purpose of constructing the Panama Canal. The magnitude of the plaintiff is demand is somewhat startling. The construction of a canal between the Atlantic and Pacific somewhere across the narrow strip of land which unites the two continents of America has engaged the attention not only of the United States, but of other countries for many years. Two routes, the Nicaragua and the Panama, have been the special objects of consideration. A company chartered under the laws of France undertook the construction of a canal at Panama. This was done under the superintendence and guidance of the famous Ferdinand de Lesseps, to whom the world owes the Suez Canal. To tell the story of all that was done in respect to the construction of this canal, prior to the active intervention of the United States, would take volumes. It is enough to say that the efforts of De Lesseps failed. Since then Panama has seceded from the Republic of Colombia and established a new republic, which

them in silence must not be taken as even an implied ruling against their sufficiency. We prefer to rest our decision on the general scope of the bill.

Clearly there is no merit in plaintiff's contentions. That, generally speaking, a citizen may be protected against wrongful acts of the Government affecting him or his property may be conceded. That his remedy is by injunction does not follow. A suit for an injunction is an equitable proceeding, and the interests of the defendant are to be considered as well as those of the plaintiff. Ordinarily it will not be granted when there is adequate protection at law. In the case at bar it is clear not only that plaintiff is not entitled to an injunction, but also that he presents no ground for any relief.

He contends that whatever title the Government has was not acquired as provided in the act of June 28, 1902, by treaty with the Republic of Colombia. A short but sufficient answer is that subsequent ratification is equivalent to original authority. The title to what may be called the Isthmian or Canal Zone, which at the date of the act was in the Republic of Colombia, passed by an act of secession to the newly formed Republic of Panama. The latter was recognized as a nation by the President. A treaty with it, ceding the Canal Zone, was duly ratified. (33 Stat., 2234.) Congress has passed several acts based upon the title of the United States, among them one to provide a temporary government (33 Stat., 429); another, fixing the status of merchandise coming into the United States, from the Canal Zone (33 Stat., 843); another, prescribing the type of canal (34 Stat., 611). These show a full ratification by Congress of what has been done by the Executive. Their concurrent action is conclusive upon the courts. We have no supervising control over the political branch of the Government in its action within the limits of the Constitution. (Jones v. United States, 137 U.S., 202, and cases cited in the history of the United States to question the right of acquiring territory b

202, and cases cited in the opinion; In re Cooper, 143 U. S., 472, 499, 503.)

It is too late in the history of the United States to question the right of acquiring territory by treaty. Other objections are made to the validity of the right and title obtained from Panama by the treaty, but we find nothing in them deserving special notice.

Another contention, in support of which plaintiff has presented a voluminous argument, is that the United States has no power to engage in the work of digging this canal. His first proposition is that the Canal Zone is no part of the territory of the United States, and that, therefore, the Government is powerless to do anything of the kind therein. Article 2 of the treaty, heretofore referred to, "grants to the United States in perpetuity the use, occupation, and control of a zône of land and land under water for the construction, maintenance, operation, sanitation, and protection of said canal." By article 3 Panama "grants to the United States all the rights, power, and authority within the Zone mentioned and described in article 2 of this agreement, \* \* which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located, to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority."

Other provisions of the treaty add to the grants named in these two articles further guaranties of exclusive rights of the United States in the construction and maintenance of this canal. It is hypercritical

to contend that the title of the United States is imperfect, and that the territory described does not belong to this nation, because of the omission of some of the technical terms used in ordinary conveyances of real estate.

Further, it is said that the boundaries of the Zone are not described in the treaty; but the description is sufficient for identification, and stomations alone interested in the matter. The fact that there may possibly be in the future some dispute as to the exact boundary on either side is immaterial. Such disputes not infrequently attend conveyances of real estate or cessions of territory. Alaska was ceded to us forty years ago, but the boundary between it and the English possessions of certification, and the side is immaterial. Such disputes not infrequently attend conveyances of real estate or cessions of territory. Alaska was ceded to us forty years ago, but the boundary between it and the English possessions one ever doubted the title of this Republic to Alaska.

Again, plaintiff contends that the Government has no power to engage anywhere in the work of constructing a rallroad or cannl. The decisions of this court are adverse to this contention. In California v. Particle Rallroad Company (127 U. S. J. 35) it was said.

Practic Rallroad Company (127 U. S. J. 35) it was said, sunder the power of postal accommodations and military exigencies, had authority to pass these laws. The power to construct or to authorize individuals or corporations to construct national highways and bridges from State to State is essential to the complete control and regulation of interstate commerce. Without authority in Congress to established to the construct of the propersist of the conference of the power to establish ways of communication by land. The power in former times was exerted to a very limited extent, the Cumberland or National road being the most notable instance. Its exertion of the subject of the subject of commerce was then mostly conducted by water, and many of our statesmen entertained d

True copy.

Clerk Supreme Court, United States.

ALLEGED CONDITIONS IN KONGO FREE STATE.

Mr. MORGAN. I ask for a reprint of 2,000 copies of Senate Document No. 316, Fifty-ninth Congress, first session, being papers relating to conditions alleged to exist in the Kongo Free State. The demand for that document has been very great, I am told.

The VICE-PRESIDENT. Without objection, it is so ordered.

FIVE CIVILIZED TRIBES.

On motion of Mr. CLARK of Wyoming, it was

Ordered, That 500 additional copies of Senate Report 5013, Fifty-ninth Congress, second session, be printed for the use of the Senate.

COLOMBIAN PANAMA CANAL STOCK.

Mr. MORGAN. Yesterday I introduced a resolution in regard to the ownership of the 5,000,000 francs of stock of the Panama Canal. The papers have not yet been printed, and I ask that the resolution may go over without prejudice.

The VICE-PRESIDENT. Without objection, it is so ordered.

POTOMAC RIVER BRIDGE AT SHEPHERDSTOWN, W. VA.

Mr. DANIEL. I ask unanimous consent for the consideration of the bill (S. 7800) to authorize the Norfolk and Western Railway Company to construct a bridge across the Potomac River at or near Shepherdstown, W. Va.

I may be permitted to state that it is a brief bill, introduced by the Senator from Maryland [Mr. RAYNER].

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, page 2, line 2, after the word "Maryland," to strike out the words "as the said company may deem suitable, for the passage of its road over the said river;" so as to make the section read:

the said river;" so as to make the section read:

That the Norfolk and Western Railway Company, a corporation organized under the laws of the State of Virginia, its successors and assigns, be, and they are hereby, authorized, in the improvement and relocation of its line, to construct, maintain, and operate a bridge and approaches thereto across the Potomac River at or near Shepherdstown, W. Va., where the Potomac River forms the boundary line between the States of West Virginia and Maryland, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 11, to strike out the word "passage" and insert the word "approval;" so as to make the section read:

That this act shall be null and void unless the actual construction of the bridge authorized by this act be commenced within two years and completed within three years from the date of the approval of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ASSISTANT APPRAISERS AT THE PORT OF NEW YORK.

Mr. BURROWS obtained the floor.

Mr. PLATT. Mr. President—
The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from New York?

Mr. BURROWS. Certainly.

Mr. PLATT. I ask unanimous consent for the consideration of the bill (S. 7147) to amend section 2536 of the Revised Statutes, relative to assistant appraisers at the port of New York, and further defining their powers, duties, and compen-

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, preceded to its consideration.

The bill was reported from the Committee on Finance with an amendment, in section 2, page 2, line 6, after the word "approval," to insert the words "or by the direction;" so as to make the section read:

to make the section read:

That of such assistant appraisers, one shall be designated by the appraiser of merchandise in the district of New York, with the approval of the Secretary of the Treasury, as special deputy appraiser, and two, with like approval, as deputy appraisers; and any such designation may be revoked by the appraiser, with the approval or by the direction of the Secretary of the Treasury, at any time, and another designation made in place thereof. Such special deputy and deputies, respectively, shall at all times, in addition to the duties of assistant appraiser, exercise and perform such functions, powers, and duties appertaining to the office of appraiser as the said appraiser shall, under his hand and seal, respectively assign to them. Such special deputy and deputies shall be subject to the control and direction of the appraiser in the exercise of the functions, powers, and duties appertaining to the office of appraiser, and the said appraiser may revise and correct the reports of such special deputy and deputies as he may judge proper, and he may at any time revoke the authority so conferred on them to exercise the functions of appraiser. Such special deputy and deputies shall each receive during the time they are so designated, in addition to the salary as assistant appraisers, compensation at the rate of \$500 per annum.

The amendment was agreed to.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PLAT'I. I also ask for the consideration of the bill—
Mr. CULLOM. Mr. President, I call for the regular order of

The VICE-PRESIDENT. Objection is made.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

Mr. BURROWS. The junior Senator from Utah [Mr. SUTH-ERLAND] gave notice the other day that he would address the Senate to-day on Senate resolution 142. I ask that that resolution may be laid before the Senate.

Mr. FORAKER. Before the request of the Senator from Michigan is complied with, I want to have some understanding as to Senate resolution No. 208—the Brownsville matter. It was made the special order for to-day immediately after the close of the morning business, and it is in order now. I do not want it displaced without an agreement that it shall be taken

up immediately after the Senator from Utah shall have concluded his remarks. I do not wish to interfere with his speech. He gave notice that he would address the Senate at this time, and he is prepared to speak. I want to show him the courtesy we extend to everybody else, and therefore I do not insist upon taking up the resolution at this time, but I do wish that an understanding shall be agreed to that it shall be taken up immediately after he concludes.

The VICE-PRESIDENT. The Senator from Ohio asks unanimous consent that resolution No. 208 be taken up immediately after the conclusion of the remarks of the junior Senator from Utah. Is there objection? The Chair hears none. It is so

ordered.

### SENATOR FROM UTAH.

Mr. BURROWS. I ask that the resolution reported from the Committee on Privileges and Elections may be laid before the Senate.

The VICE-PRESIDENT. The Secretary will read the resolution called up by the Senator from Michigan.

The Secretary read the resolution reported by Mr. Burrows from the Committee on Privileges and Elections, June 11, 1906, as follows:

Resolved, That REED SMOOT is not entitled to a seat as a Senator of the United States from the State of Utah.

Mr. SUTHERLAND obtained the floor.

Mr. PILES. Mr. President-

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Washington?

Mr. SUTHERLAND. Certainly.

Mr. PILES. Mr. President, I desire at this time, because of their great importance to my State, to ask first for the consideration of the bill (H. R. 23561) to authorize the construction of a bridge across the Columbia River between Walla Walla and Benton counties, in the State of Washington, by the North Coast Railroad Company, and then for the consideration of the bill (H. R. 23560) to authorize the construction of a bridge across the Columbia River between Benton and Franklin counties, in the State of Washington, by the North Coast Railroad Company.

The VICE-PRESIDENT. The Senator from Washington asks unanimous consent for the present consideration of the bills

named by him.

Mr. BACON. Is not that a violation of the rule of the Senate,

Mr. President?

The VICE-PRESIDENT. The request is for unanimous consent. The Chair submits the question to the Senate. Is there

Mr. BACON. Mr. President, I do not want to object, but I think that the purpose of the rule will be defeated if it can be evaded in that way. I do not like to object; but I think when a Senator rises to make a speech he ought not to be interrupted for the ordinary business of the Senate. I know that is the object of the rule, for I wrote it myself, although it was incorporated in another rule. I, however, suggested it, and I think I

know what is its intention.

Mr. PILES. I withdraw the request, Mr. President.

The VICE-PRESIDENT. The Senator from Washington withdraws his request. The Senator from Utah is recognized.

Mr. SUTHERLAND. Mr. President, the resolution just laid before the Senate declaring that my colleague is not entitled to his seat is a matter of such profound concern not only to him personally, but to the people of the State which I have the honor in part to represent as well, that I enter upon the discussion of it with a feeling of more than passing interest. I have no desire to unnecessarily occupy the time of the Senate, and I shall be as brief as the gravity of the issue and the wide range which the investigation itself has taken will permit.

In my own State the people are by no means united in their opinion respecting the merits of this controversy. There are extremists upon both sides holding widely divergent views. Neither side is necessarily wanting in honesty or in sincerity. Fanaticism may be entirely consistent with the love of truth and the desire for justice, although I have never discovered that it is any aid to the ascertainment of the one or the administration of the other. The fanatic in Utah, as elsewhere, does not look at the facts through his natural eyes. He uses a tele-

scope—which is another name for his prejudices.

When he views the shortcomings of his neighbors he looks through the big end of the instrument, and when he looks at his own shortcomings he reverses the operation. The result is that to the eyes of the anti-Mormon extremist the evils of which he complains are, perhaps quite unconsciously to himself, exaggerated and magnified, and sometimes distorted, while to the eyes of the pro-Mormon extremist these same evils are minimized or not revealed at all. In what I shall have to say I do not expect and I shall not attempt to satisfy either of these extreme

classes. I shall undertake to discuss the various questions involved with candor and state the facts and vindicate the truth according to my understanding.

I am not here, Mr. President, to justify wrongdoing in my own State, any more than I am here to justify wrongdoing in any other State. Whoever may be thus employed must bear his own responsibility. On the other hand, I shall not condemn simply because somebody else condemns, except where I believe

condemnation to be justly due.

I do not understand it is the duty of this Senate in this investigation to ascertain whether Brigham Young was a model citizen or the reverse, or whether the keys of the Gospel are in the possession of the Utah branch of the church or the Josephite branch of the church, nor to ascertain whether the creed or the doctrines of the Mormon Church are in accordance with the twentieth-century standards of theology. While all of those questions may be interesting, they do not seem to me to be pertinent. Neither do I understand that we are here to try the Mormon Church or the Mormon leaders or lawbreakers generally or lawbreakers specially in the State of Utah or elsewhere, except in so far as those matters may reflect legitimate light upon the question which we are here to try and determine, namely, Is Senator Reed Smoot entitled to retain his seat in this Senate?

So far as that question is concerned, it has always seemed to me that the issue was clear-cut and simple. If Senator Smoot is a lawbreaker, either as principal or accessory; if he owes or recognizes allegiance to any power paramount to the allegiance which he owes to his flag and country; if by reason of his conduct he is so morally unfit that his continued presence in this Senate will bring shame and reproach upon it, he ought not to retain his seat. If he is not a lawbreaker, either in his own person or as aider or abettor of others; if he places his love of country, his devotion to his Government, his duty as a Senator of the United States above every other consideration; if he is not morally unfit, he ought not to be deprived of his seat in obedience to any feeling of prejudice within or popular demand from without this Chamber. His case ought to be determined upon broad considerations. Technicalities should not be invoked nor hair-splitting distinctions indulged either in favor of his retention or his expulsion.

In one sense the power of this Senate to deal with the accused Senator is plenary. It may be exercised arbitrarily. In a legal sense, the Senate is not accountable to any other authority or tribunal for its action. Right or wrong, wise or unwise, just or unjust, its decision becomes the unappealable law of the case. But, in another sense, and in a higher and a better and a juster sense, its action is restricted by those considerations of fundamental justice which find an abiding place in the

conscience of every just man.

The distinguished Senator from Idaho [Mr. Dubois], in his speech the other day, called the attention of the Senate to the fact that a very large number of petitions had been presented by the good women of this country, and it seemed to be in the mind of that Senator that these petitions should be regarded as of controlling force.

I do not intend to express any opinion upon the question as to whether petitions addressed to this Senate, suggesting or demanding that a particular judgment should be rendered in a case involving the right of a Senator to his seat, are as much out of place as would be similar petitions addressed to a court of justice engaged in a purely judicial inquiry. Perhaps something could be said upon either side of that proposition.

The Constitution of the United States provides that Congress shall make no law abridging the right of the people to petition the Government for a redress of grievances. The language is peculiar. It does not confer a new right, but recognizes a preexisting right, with which Congress is forbidden to interfere. Whether the framers of the Constitution had in mind a case like this, which is at least quasi judicial in character, which has to do with the privileges of the Senate, which does not involve any question of legislation or of governmental policy, is at least questionable. However that may be, the privilege, if not the right, of petition has been freely exercised by the people in this case; and, whatever may be the proprieties of the matter, one thing seems certain—that Senators can not permit themselves to be swayed in the slightest degree from a just determination of this case upon the merits by petitions, however numerous or by whomsoever signed.

The fathers of the Constitution intended that this great Senate should be a conservative force, a deliberative body, that should neither blindly follow nor impatiently reject the demands of the multitude. I can conceive of cases—cases involving questions of legislation, questions of political or governmental policy—where the demands of the people should not only be heeded, but

should be obeyed. But I respectfully submit that this is a case where the right of one individual is more sacred than the mere

demand of all the people.

Mr. President, I yield to no man in my respect for that great body of Christian and patriotic women who have brought to us these vast petitions praying for Senator Smoot's expulsion. to their good faith, as to their desire that only justice should be done, I make no question, and I have no doubt but the responsibility of the decision of this case is with us and not with them. Whether they are familiar with the facts, we know not; whether they have read the mass of testimony taken before the Committee on Privileges and Elections, we know not; whether they are seeking to hold the Senator from Utah accountable only for his own acts, or to punish him vicariously for the sins of others, for which he is not responsible and with which he does not sympathize, we know not. But this much we do know, that whether the prayer of these petitions be based upon an actual knowledge and a calm review of the facts, or upon a misconception of the facts, each of us must render his judgment after a passionless consideration of the evidence and a judicial determination of the truth, else in the high court of his own conscience he stands forsworn.

Mr. President, this investigation has been in progress before the Committee on Privileges and Elections for a period exceeding two years. It has been conducted with great care, great deliberation, and great diligence. The results are to be found in four large volumes of closely printed matter, aggregating some 3,000 pages. I think it is fair to assume that whatever could be said either for or against the position of the Senator from Utah must be found somewhere in that record. To travel outside into the domain of idle gossip or mere rumor, to invoke sensational and perhaps unfounded articles contained in newspapers, magazines, or books would seem to be not only unneces-

sary, but unfair.

I repeat, Mr. President, and emphasize-because it is an important fact-that this investigation has been in progress before this committee for a period exceeding two years. Eminent counsel have appeared upon both sides of the controversy. Large sums of money have been expended in the search for and the production of evidence. Something more than 100 witnesses personally appeared before the committee and gave tes-

timony under oath. The books and the publications of the Mormon Church, the sermons and the declarations of the Mormon leaders, the statements of friends and opponents-sometimes authentic and sometimes not-from the foundation of the church, more than seventy years ago, to the present time, have been produced and are to be found in these pages. Everything, however trivial; everything, however unimportant; everything that could reflect the slightest light, and very much that by no possibility could reflect any light at all, upon the question with which we have to deal has been searched out and produced and spread upon the pages of this record. I submit that if justification can not be found somewhere in these pages for the expulsion of the Senator from Utah, it is fair to presume, con-

Clusively presume, that no such justification exists.

Mr. President, it would tend to a better understanding of this case, as it does to every case, if we were able first of all to accurately determine and precisely define the issues which we are called upon to adjudicate, but this no one can do except in a more or less tentative fashion. Some of the charges originally made were so vague; others have become so clouded and uncertain and indefinite by being first asserted, afterwards withdrawn, and then partially reinstated, that no man can read this record and determine from it precisely what are the grounds relied upon by those representing the protestants. Two protests have been presented to the Senate and have been considered by the Committee on Privileges and Elections-the first a general protest signed by nineteen citizens of Salt Lake, the second a special protest signed by one John L. Leilich alone. The first or general protest contains this significant statement:

We charge him-

Meaning Senator SMOOT-

with no offense cognizable by law.

That statement means, if it means anything, that it is not pretended that Senator Smoot has ever violated the law against polygamy or any other law; it means, if it means anything, that he has not aided or abetted any other person in the violation of the law against polygamy or any other law; it means, finally, if it means anything, that he has not engaged in any conspiracy with others for the violation of the law against polygamy or any other law, because, I do not need to say to the Senate, that to

engage in such a conspiracy would be an offense cognizable by the law of every State in the Union.

Mr. President, I emphasize that last phase of this matter because it has been asserted here with more or less earnestness that the proof establishes that Senator Smoot has engaged in some such conspiracy. The gentleman who prepared this general protest was a witness before the committee. It appears from the testimony that he prepared the protest after very careful study and thorough consideration of all the facts. I happen to know that gentleman—Mr. Critchlow—very well indeed. I have known him intimately. He has been my warm personal friend for a great many years. I know him to be a lawyer of exceptional ability and of ripe and accurate judgment upon a proposition of law.

Another of the signers of the protest is Mr. P. L. Williams, also a resident of the State, who has lived there for the past thirty or more years. Mr. Williams is also a lawyer whom I know well. I was a law partner of his for many years, and I know that in ability as a lawyer he stands second to no man in

the West.

This protest is also signed by other lawyers of ability and

standing at the bar of that State.

When these lawyers put into that protest the language which I have quoted—"We charge him with no offense cognizable by law"—they were not indulging in some idle or meaningless phrase. They were stating deliberately precisely what they meant to state. I shall have occasion as I go along to show that they are entirely correct in that statement; but for the present I content myself by saying that I will place the judgment of these lawyers, with full and accurate knowledge of the facts, against the judgment of anybody who asserts to the contrary, that Senator Smoot has violated any law himself, that he has aided or abetted any other person in the violation of law, or that he has engaged in any conspiracy for the violation or subversion of the law.

One of the signers of this original protest is John L. Leilich, who also signed the special protest. It appears from the evidence that Mr. Leilich signed this original protest after having read it over and thoroughly considered it. He therefore asserted, as did the other petitioners, that Senator Smoot was not guilty of any offense cognizable by law. Then Mr. Leilich, with unexplained and unexplainable inconsistency, immediately turns about and makes his special protest, in which he alleges in specific and detailed terms that Senator Smoot is a polygamist and therefore has made himself amenable to the laws of the State of Utah. That charge in Mr. Leilich's protest is in this language, and I desire to read it to the Senate:

Thirteenth. That the said REED SMOOT is a polygamist, and that since the admission of Utah into the union of States he, although then and there having a legal wife, married a plural wife in the State of Utah in violation of the laws and compacts hereinbefore described, and since such plural or polygamous marriage the said REED SMOOT has lived and cohabited with both his legal wife and his plural wife in the State of Utah and elsewhere, as occasion offered, and that the only record of such plural marriage is the secret record made and kept by the authorities of the Church of Jesus Christ of Latter-Day Saints, which secret record is in the exclusive custody and control of the first presidency and the quorum of the twelve apostles of the said church, of which the said REED SMOOT is one, and is beyond the control or power of the protestants.

Protestants in the plural.

Evidently Mr. Leilich expected in the beginning that somebody else was going to sign this protest with him. It appears that he was unable in the whole State of Utah to find anybody who would agree with his statement.

Your protestants respectfully ask that the Senate of the United States or its appropriate committee compel the first presidency and the quorum of the twelve apostles and the said Reed Smoot to produce such secret record for the consideration of the Senate. Your protestants say that they are advised by counsel that it is inexpedient at this time to give further particulars concerning such plural marriage and its results or the place it was solemnized or the maiden name of the plural wife.

And there, Mr. President, so far as this investigation before the committee or before the Senate is concerned, this matter with reference to the charge of polygamy rested, except that from time to time during the progress of the investigation before the committee this charge of Mr. Leilich was repudiated by the counsel for the protestants, Mr. Tayler, and by members of the committee, as, for instance, the Senator from Idaho [Mr. Dubois] and by other members of the committee. For example, Mr. Tayler, in making his opening statement to the committee, made use of this expression:

I merely say, respecting the charge made in the supplemental protest, that I do not know, and therefore can not say to the committee, that proof will be made sustaining the charge of what is called "the Leilich protest," to the effect that Mr. Smoor is a polygamist.

And again, upon at least three separate and distinct occasions

Mr. Tayler repeated that he did not stand, nor did the protestants whom he represented, stand for that charge.

In the course of the proceedings before the committee this occurred after a colloquy between the Senator from Indiana [Mr. BEVERIDGE] and the Senator from Idaho [Mr. Dubois]. The Senator from Idaho stated:

Senator Dubots. No; I do not include the Senator from Vermont, who thought that we were trying Mr. Smoot upon the charge of his being a polygamist, or of his having taken an oath as an apostle which was incompatible with his oath as a Senator. That charge was not preferred by the committee of nineteen from Salt Lake City, Utah. That charge was preferred by an individual named Leilich, and was repudiated instantly by telegram from the protestants—the nineteen—and no one ever appeared here, and it was stated in the first meeting, in answer to a direct question, that no one was present to press those charges.

One of the witnesses who was called before the committee was Doctor Buckley, a gentleman who is known by reputation probably to every member of the Senate. Doctor Buckley testified that he had gone to Salt Lake while this investigation was in progress. He was asked, I think by the Senator from Ohio [Mr. FORAKER], to state if he had any personal knowledge with regard to Senator Smoot, and Doctor Buckley answered:

No. While I was there I asked all sorts of people, Mormons and others, whom I met how Senator Smoor stood in the whole community, the whole general community, and I got plenty of answers. Would it be proper for me to say that not a syllable was breathed against him; that many commended him highly?

And again, further on, Doctor Buckley proceeded:

And again, further on, Doctor Buckley proceeded:

Every person I saw—and the number was as many as I could see at the principal hotel, at a church to which I went, where there were more than a thousand people, with scores of whom I spoke afterwards—wherever I asked the question, "What kind of a man is Mr. SMOOT?" whether he was a polygamist or anybody believed he was a polygamist, I am compelled to say that I did not find, either in California, where I had been for months at a convention, or while I was in Utah, a single person who said one word against Mr. SMOOT. Nor did I find one person who believed that he had ever been married to anyone but his wife or had otherwise lived with any woman who was not his wife. That is the fact in the case. Republicans and Democrats, Mormons and Gentiles, all talked in that way. How many I saw I can not tell, for I did not expect ever to keep that fact in mind as of any importance.

Mr. DULJINGHAM. Doctor Buckley is the editor of the

Mr. DILLINGHAM. Doctor Buckley is the editor of the

Christian Advocate.

Mr. SUTHERLAND. I am reminded by the Senator from Vermont that Doctor Buckley is editor of the Christian Advo-

Mr. DILLINGHAM. The New York Christian Advocate. Mr. SUTHERLAND. He went there upon this special errand and to make this inquiry among others, and was therefore engaged in this very investigation. This was the result of his inquiries.

Mr. President, this record is full of similar statements. am not going to take the time of the Senate to read any of them or to call further attention to them. Of course, there is to-day in the United States no well-informed person who believes or contends that Senator Smoot is a polygamist, but this charge, originally made by Mr. Leilich, has been repeated and reiterated by irresponsible persons and irresponsible newspapers from one end of this country to the other, until it has gained wide circulation and has been given general credence throughout the country.

A lie travels fast; the truth crawls slowly; and so, while it is true that this charge of Mr. Leilich was instantly repudiated by the other signers of this protest, and while it is true that Mr. Tayler, representing the protestants, repudiated it before the committee, and while there is not a syllable of testimony before the committee that even raises a suspicion that Mr. Smoot is a polygamist, while there is an abundance of testimony to the precise contrary, still this charge of polygamy is even to this day believed by a very large number of people in the United States.

As late as March 13, 1906, less than a year ago, the New York World contained in its columns an article upon this subject, and I call attention to that simply as illustrative. Practically the same article appeared or the same pretended facts were stated in scores of papers throughout the country. I am not going to read the article entire. It covers nearly a whole column in length. It asserts, upon the statement of one Rev. N. E. Clemenson, a Presbyterian minister, residing in the State of Utah, that Senator Smoot is a polygamist, and goes on to give the details and undertakes to give the names of his wives. It says that one of the wives has borne him a son, and gives the name of that son. It declares that these wives have been spirited out of the State, and goes into sensational details with reference to that, all of which is utterly false, of course. Let me read the headlines:

Reveals names of polygamous wives of SMOOT. Rev. N. E. Clemenson, of Logan, Utah, tells the confession made to him by wife No. 2, who was Rose Hamilton, of Milwaukee, of her marriage and her flight from a United States marshal. Spirited away at time of Senate in-

Fled from State to State when investigation was on foot to unseat the Senator—had borne a son to her Mormon husband—wife No. was one Lottie Greenwood.

Under those sensational headlines the New York World proceeds to give in detail the story I have stated, upon the authority of this man Clemenson.

Clemenson was evidently not content with stating this in the New York World, because he proceeded to make a business of going up and down the country delivering lectures upon this subject, declaring in those lectures substantially the same pretended facts that are stated in the New York World article. For example, I find in the Troy (N. Y.) Times, dated April 5, 1906, the account of a meeting which was addressed by the Rev. Dr. Newton E. Clemenson, pastor of the Presbyterian Church at Logan, Utah. The lecture was delivered in a church to a congregation of men and women, and in the course of his lecture, as appears by this account, he again made these statements. I have in my possession a number of other clippings, where he has made similar statements in other parts of the country. The papers were full of it. It has been reprinted over and over again from one end of the country to the other.

Now, of course, this question as to Senator Smoor's being a polygamist is no longer of any consequence here in this inquiry, but to my mind it reflects a world of light upon the attitude of these good women and these good men who have brought to us these great petitions. Of course there is no way of accurately determining the fact, but I venture to say that if the truth could be known, a very large majority of the women who have signed these petitions have done so in the firm belief, induced by slanderous and libelous statements such as these, that Senator Smoot is a polygamist, having anywhere from two to a dozen wives.

I have had occasion myself during the last few weeks-and other Senators have told me that they have had similar occasion—to deny stories of this kind. People have said to me, "Senator Smoot ought to be expelled." I have asked, "Why?" They have said, "Because he is a polygamist." I have nevered in portion of the said. them, "You are entirely mistaken. Senator Smoot is not a polygamist. I know him intimately. I know his family. I know his neighbors. I think I know all about it; and I know as well as I know anything concerning another that he is not a polygamist." Then these people have said to me, "Then what in the world is all the row about?

To show how fixed this opinion is in the minds of the people, I call attention to an editorial contained in the Wheeling (W. Va.) Intelligencer of date January 12, 1907, after the Senator from Illinois [Mr. Hopkins] had delivered his speech upon this question. It would be supposed that the editor of that paper-because he speaks of the speech of the Senator from Illinois—would have had before him that speech. But he proceeds editorially to deliver himself as follows under the caption,

"The Smoot Case:

Mr. Hopkins, of Illinois, is the first Senator to raise his voice in favor of Smoot. According to Hopkins, Smoot is an apostle of a high grade of Mormonism that abominates polygamy. The evidence is that Smoot himself has been guilty of plural marriage. It seems to the Intelligencer that this is the only point at issue. With Mr. Smoot's religious views and practices, so long as those views and practices are not in violation of the law, the United States Senate has no interest. Does he or does he not practice polygamy? That is the question. The evidence submitted thus far indicates that he is a practicer of polygamy and a lawbreaker. As such he should not hold his seat in the Senate. Senate.

And, Mr. President, this paper is called the Intelligencer. It seems to me the name is slightly overdrawn.

Another charge which is made by Mr. Leilich and not contained in the general protest, and therefore discredited prima facie, is that Senator Smoor, as an apostle or otherwise, has taken an oath inconsistent with his obligations as a Senator of the United States.

Mr. BURROWS. Mr. President-

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Michigan?

Mr. SUTHERLAND. Certainly.
Mr. BURROWS. I think in justice to the committee, in view of what the Senator has quoted from the public press, it ought to be publicly stated in this connection that the committee in its report fully exonerated the senior Senator from Utah from the charge of polygamy, and if the Senator will allow me I will

read from page 7 of the report:

As regards the charge that Mr. Smoot has a plural wife, this fact, if proved, is conceded by Mr. Smoot and his counsel to be sufficient to disqualify him from holding a seat in the Senate. But this accusation seems to have been made by Mr. Lellich unadvisedly and on his own responsibility, and without any sufficient evidence in support of the same. This charge is not made in the main protest, and counsel for the protestants at the outset of the investigation very frankly admitted that they had no proof to offer in support of this allegation.

The public ought to have known that if they had read the re-

port. And if the Senator from Utah will pardon me a moment further, in the remarks which I had the honor of making on this case, at page 4, I stated:

Let me say at the outset, touching the charge that the Senator from Utah is a polygamist, and for that reason disqualified from holding a seat in this body, no evidence was submitted to the committee in support of such allegation, and, so far as the investigation discloses, the Senator stands acquitted of that charge. This relieves the inquiry of its personal character, always distressing, and the Senator stands before the Senate in personal character and bearing above criticism and beyond reproach, and if found disqualified for membership in this body it must be upon other grounds and from other considerations.

I wanted to state this in order that it should be known that the charge that the senior Senator from Utah [Mr. Smoot] is a polygamist has been absolutely repudiated by the committee and also in the remarks I had the honor of making.

Mr. SCOTT. Will the Senator from Utah, before he resumes

his remarks, allow me to say a word?

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from West Virginia?

Mr. SUTHERLAND. I do.

Mr. SCOTT. The Senator in his remarks referred to an editorial in a paper in my home city. I hope the Senator has a recent editorial in which the editor quoted the language just now read by the Senator from Michigan [Mr. Burrows] and in which he corrects the editorial which the junior Senator from Utah has just read.

Mr. SUTHERLAND. I will say to the Senator from West Virginia that I have not that article, but my attention has been I have been told that there is such an editorial. called to it. Of course, the difficulty with matters of that kind is that ordinarily a thousand people read the original charge because there is something bad about a man in it, and perhaps only one reads That is the great difficulty with that sort of

I am very glad that the Senator from Michigan has made the statement he has. He is entirely correct about it. The committee did exonorate Senator Smoor of this charge and the Senator from Michigan in his speech did the same. I am not complaining about the committee. I thought I had made my-self clearly understood about that. I am speaking of this matter with reference to the attitude of the public, with reference cuse any member of the committee of desiring to do anything unfair. Such men as the Rev. Mr. Clemenson, of Logan, Utah, are the people who are responsible. Mr. Clemenson, who is referred to in these various articles and who, by making the charge that the Senator from Utah has violated the seventh commandment, himself so shamelessly disregards the ninth commandment, is a resident of the State of Utah, where he has lived, as I understand, practically all his life.

It is to be presumed that he knows what every well-informed

person in the State knows, namely, that Senator Smoot is not even suspected of being a polygamist. The Reverend Buckley, to whose testimony I called attention, has stated that, although he inquired of scores of people in Salt Lake, he failed to find a single one who believed that Senator Smoot was a polygamist or had otherwise lived with any woman other than his wife.

Mr. President, it may seem a harsh thing to say, but I believe it to be a just thing to say, that when Mr. Clemenson made this charge he deliberately stated what he knew to be false, or at least what he had no reason to believe was true. There are no words sufficiently severe with which to characterize that kind of a man. Any man, and particularly any man who wears the cloth of the profession of God, who would deliberately make a false statement of that character about another, and especially when that other was engaged in a contest before the Senate and before the country for the preservation of his good name, deserves to be cast out of decent society and pilloried with the contempt of honest men for all time to come.

But, Mr. President, I had begun to discuss the question of this inconsistent oath, and, as I have said, that charge is made by Mr. Leilich alone. So far as that allegation is concerned, it is not made by anybody else. To my mind it is a significant fact that this charge is not contained in the general pro-Most of the men who signed the general protest are residents of Utah who have lived there for upward of a quarter of a century. At the time this protest was made and for many years prior thereto, there were in the State of Utah hundreds, if not thousands, of persons who had prior to that time been adherents of the Mormon Church, but who had severed their connection with or had been excommunicated from the church. Those people, or at least a very large number of them, have gone through the endowment-house ceremonies, where it is said this oath is taken. If such an oath as that is administered in those ceremonies, these men and women have taken it and they

know it. With these hundreds and thousands of men and women living in the State of Utah-informed about this matter, having severed their connection with the church and therefore not having any undue friendship for the church-it would be a remarkable thing if this fact had not been spoken about by them so often as to become notorious in the State-a matter of common knowledge-and it would be still more remarkable if some of the signers of this protest should not have heard of that and have made some allegations concerning it, at least upon information and belief. So it is significant that the general protest upon which Senator Smoot has thus far been tried does not contain this charge at all, either upon information and belief or otherwise.

Now, this charge, like the others, was repudiated in the committee by the counsel for the protestants as many as three or four different times. As I recall it, it was stated before the committee that the other signers of the protest had repudiated

this charge by telegraph.

The Senator from Idaho [Mr. Dubois] during the course of the examination, speaking both with respect to the charge of Mr. Smoot being a polygamist and the charge of his having taken an inconsistent oath, said:

Mr. Chairman, I want to bear my testimony as to what occurred. Both of those contentions were set aside entirely. It was not contended that they should be attempted to be proven by the attorneys representing the protestants. Those two questions being entirely eliminated, the counsel for the protestants announced what he would attempt to prove, which is set forth in the proceedings of the committee, and on that the hearing was ordered. It was not ordered at all either upon the charge that Mr. Smoor was a polygamist or that he had taken an oath incompatible with his oath as a Senator.

That charge having been repudiated by the counsel for the protestants, it having been repudiated by the protestants themselves, it being conceded that there was no such issue before the committee, the Senate will probably be curious to know how the question has arisen. It came about in this way: When Mr. Lyman, an apostle of the church, was upon the stand he said something with reference to the endowment-house ceremonies. The Senator from Michigan [Mr. Burrows], chairman of the committee, then asked him if he would not state to the committee the endowment-house ceremonies. Mr. Lyman answered that he could not do so, and said further along—some witness did, and I think it was Mr. Lyman—that they were of a sacred and secret character and that he did not care to discuss them. But Mr. Lyman did state:

I remember that I agreed to be an upright and moral man, pure in my life. I agreed to refrain from sexual commerce with any woman except my wife or wives as were given to me in the priesthood. The law of purity I subscribed to willingly, of my own choice, and to be true and good to all men. I took no oath ror obligation against any person or any country or government or kingdom or anything of that kind. I remember that distinctly.

Further along, when another witness was upon the stand, the chairman of the committee again asked the question, and similar replies were made. Some other witnesses were also examined with reference to it, always, as I remember, by the chairman of the committee and never by the counsel for the protestants.

Now, after that had occurred three witnesses were brought from Salt Lake to testify upon this subject. Those three witnesses were Mr. Wallis, Mr. Lundstrom, and Mrs. Elliott. Mr. J. H. Wallis testified that he had gone through these ceremonies, and he gave upon the first occasion when he was called to the stand this version of the oath:

Mr. Wallis (standing up). "That you and each of you do promise and yow that you will never cease to importune high heaven to avenge the blood of the prophets upon the nations of the earth or the inhabitants of the earth." ants of the earth

I could not tell you exactly which it was.

Now, after having had a night to sleep on the subject, he came back the next morning and said he was mistaken in the version he had given, and he then proceeded to give this version of it:

Mr. Wallis. "That you and each of you will never cease to importune high heaven for vengeance upon this nation for the blood of the prophets who have been slain." That is as near as I can get at it; that is the substance of it.

Mr. Worthington. Was there anything in that obligation about inhabitants?

inhabitants?

Mr. Wolffington, was there anything in that obligation about inhabitants?

Mr. Wallis, Nothing about inhabitants, I found I was wrong about that.

So he states when he first comes upon the stand that the oath was to ask vengeance upon the nations of the earth or the in-habitants of the earth, and he did not know which, and the next morning it was upon "this nation."

The next witness who was called was Mr. Lundstrom. His version of the oath is as follows:

"We and each of us solemnly covenant and promise that we shall ask God to averge the blood of Joseph Smith upon this nation." There is something more added, but that is all I can remember verbatim. That is the essential part,

Mrs. Elliott gave this version of the oath:

One I remember. They told me to pray and never cease to pray to get revenge on the blood of the prophets on this nation, and also teach it to my children and children's children.

Now, as to these three witnesses, and taking them up in their order, first as to Mr. Wallis: Witnesses were brought from Salt Lake and testified before the committee—and although more than a year elapsed before the case was finally closed the testimony remained absolutely uncontradicted—that they knew Mr. Wallis, that he lived in Salt Lake, that they knew his reputation in that companies for the contradiction in that companies for the contradiction in the companies of the contradiction in the contradicti in that community for truth and veracity, and that it was bad. Other witnesses testified that he was a drunkard; that he had been convicted before the police court for drunkenness. Another witness testified that he was of unsound mind, and that he had claimed personally that he had communication with the devil.

The next witness, Mr. Lundstrom, was also shown to be a person unworthy of belief. Witnesses, also absolutely uncontradicted, of good repute and standing in the community, testified that they knew his reputation for truth and veracity, and that it was bad.

Mrs. Annie Elliott, after giving her version of the oath, said she had never made this statement to any other person; that when she stated it upon the stand it was the first time she had made any statement regarding it, and she said that if Mr. Tayler, the counsel, was examining her from a memorandum, she had not the least idea where he had obtained it.

Mrs. Elliott also testified that she was then living with her second husband. She was asked what had become of her first husband. She replied that he was dead. Upon cross-examination she gave the date of his death as being October, 1897. The Senate will be interested and somewhat surprised to know that later on in that investigation this husband who was declared to be dead himself appeared before the committee in the flesh and gave the committee to understand that the statements regarding his death made by his wife were considerably exaggerated.

That is the character of the testimony which is brought here to show that this oath is taken. I am not going to stop to read to the Senate the testimony to the contrary. A large number of witnesses were called, among them four or five who had formerly been members of the church and who had severed their connection with the church, and each of them testified that no such oath was taken at all. They had gone through these ceremonies; they had taken whatever obligations were taken by anybody; and they swore positively that no such obligation was

Mr. HOPKINS. Mr. President-

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Illinois?

Mr. SUTHERLAND. Certainly.

Mr. HOPKINS. I desire to call the attention of the Senator to the fact, as I now remember it from the testimony, that the first husband of Mrs. Elliott testified that he had been in constant communication with the children of Mrs. Elliott, who were living with her. So she could not have been misled as to the fact that he was alive.

Mr. SUTHERLAND. The Senator from Illinois is en-tirely correct about that. She did testify that the children had

been in communication with the father, so that she knew absolutely that what she was stating was not the fact.

Now, as I said, four or five of these witnesses--I do not recall just how many-were at the time they testified not members of the church. Of course they had to be members of the church at the time they went through the endowment-house ceremonies.

Thus the case was when it was rested upon both sides and submitted to the final determination of the committee, on It was supposed by everybody to be closed, January 27, 1905. but to the astonishment of at least some people it was reopened more than a year later, namely, on February 6, 1906. This was after all the arguments had been made and after the whole case had been submitted to the committee. The case was reopened and four witnesses were produced to testify with reference to this oath. Those four witnesses were Prof. Walter M. Wolfe, William J. Thomas, John P. Holmgren, and Henry W. Lawrence.

Professor Wolfe gave his version of the oath as follows:

Mr. Wolfe. The law of vengeance is this: "You and each of you do covenant and promise that you will pray, and never cease to pray, Almighty God to avenge the blood of the prophets upon this nation, and that you will teach the same to your children and your children's children unto the third and fourth generations."

Mrs. Elliott said it was to teach it to their children and their children's children, but Professor Wolfe adds unto the third and fourth generations. It was shown that Professor Wolfe had joined the Mormon Church ten or twelve years before he testified; that immediately after joining the church he had gone

through the endowment house ceremonies; and he testified that although he believed the very first time he took this obligation that the seeds of treason were planted in it, he yet testified that he took it eleven times again, the last time within a year or two before he appeared before the committee. He continued to be a member of the church until three weeks before he appeared upon the stand, at which time he was excommunicated for drunkenness. He lost his professorship in one of the col-leges and was excommunicated from the church.

I have not the testimony of Mr. Thomas here, but Mr. Thomas testified that some such oath was administered. There was a cross-examination of Mr. Thomas that is somewhat interesting. On pages 71 and 72 of the fourth volume he was examined and some questions were asked him by the Senator from Pennsylvania [Mr. Knox].

John P. Holmgren, the third witness, in his version did not use the word "nation" at all.

Henry W. Lawrence was a member of the church away back in the sixties, and left the church about that time and, by the way, he is a man of excellent repute in Salt Lake City; I know him well, and am glad to testify to it here. Mr. Lawrence testified that he had not only taken these obligations himself, but that he had been one of those who administered the ceremony; that he had administered the oaths or the obligations, whatever they were which were given, hundreds of times, and Mr. Law-rence swore positively that the word "nation" was not mentioned at all in the oath.

Mr. DILLINGHAM. He is not a Mormon now?

Mr. SUTHERLAND. He is not a Mormon now. As I said, he left the church away back in the sixties. He swore there was no such word named at all in the oath.

So we have the testimony of five witnesses who say the word "nation" is used, and of those five witnesses, four of them are shown to be utterly unworthy of belief-drunkards and of unsound mind-and one of them says that he has communications with His Satanic Majesty.

Mr. FORAKER. And one is a perjurer. Mr. SUTHERLAND. Yes; and one whose perjury is shown by her own testimony.

Mr. President, that there is some sort of an archaic obligation taken in these ceremonies I have no doubt. I do not know just what it is. But that there is any obligation that is hostile to this Government in any sense whatever there is not a shred

of testimony worthy of belief in this record to establish. It is probably explained by the testimony of Mr. Lawrence. Mr. Lawrence says that in the ceremony two verses of the New Testament are read. I thought I had them here, but I find I have not. One of them is in Revelation and reads:

And they cried with a loud voice, saying, How long, O Lord, holy and true, dost Thou not judge and avenge our blood on them that dwell on the earth?

Probably the whole thing arose from that. Some such obligation, founded upon that verse of Scripture, may be administered.

Now, Mr. President, that disposes of the two charges of polygamy and of having taken an inconsistent oath, and it seems to me it is shown beyond question-

Mr. CULBERSON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Texas?

Mr. SUTHERLAND. I do.

Mr. CULBERSON. Some of us regard the proposition which the Senator from Utah is now discussing as exceedingly important. I have not had the pleasure, on account of having been called out of the Chamber, to hear all the Senator has said. I should like to ask him what the testimony of Senator

Smoot was upon that subject, as to the oath.

Mr. SUTHERLAND. I am very glad, indeed, that the Senator has called my attention to that matter. I had overlooked it. Senator Smoot denied in positive terms that any such oath was taken. If the Senator is curious to look at his testimony, he will find it in the third volume, at pages 184 and 185 of the record. There the Senator from Texas will find that Senator Smoot positively denied that any such obligation as that was taken or any obligation that imported in any way hostility to the Government.

Mr. BURROWS. Mr. President—
The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Michigan?

Mr. SUTHERLAND. I do.

Mr. BURROWS. Ought not the Senator to state in this connection that the Senator from Utah absolutely refused to disclose what the oath was?

· Mr. SUTHERLAND. Mr. President, I have not the slightest objection to stating in this connection that that is correct. The

Senator from Utah declined to state what these obligations were, and so did other witnesses; and they declined to state it upon precisely the same theory that a member of the Masonic order or any other secret society would decline if called to testify about the ceremonies of his order. Unless he were compelled, he would absolutely decline to state what were in those ceremonies. would be perfectly willing to state what was not in them. Any Mason would be willing to state that there is nothing in the Masonic ceremonies or ritual that in any way imports hostility to the Government, but if he were asked to state in detail what those ceremonies were, in all probability he would decline to state them. Upon precisely the same ground Senator Smoot and these other witnesses who are still members of the church declined to state them.

Mr. GALLINGER. A Mason would absolutely decline to state them.

Mr. HOPKINS. I desire to call to the attention of the Senator.

ator now addressing the Senate the fact that the witnesses who declined to give the oaths did state that they were of a religious character and that there was nothing in them that was hostile to the Government in any form.

Mr. SUTHERLAND. Yes; that is quite correct. I think I

have substantially stated it.

Now, Mr. President, it seems to me that this charge of polygamy and this charge of having taken an inconsistent oath are both absolutely unfounded in fact. That brings us back to this general protest, which contains, as I have already said, the significant statement, "We charge him with no offense cognizable by law." What, then, are the offenses not cognizable by law which are deemed to be sufficiently grave to justify the Senate in depriving a Senator of his seat?

I think everyone who will read this record will discover that it evidences a good deal of confusion of mind on the part of those representing the protestants as to the precise nature or extent of these offenses. It must be manifest that any offense which would warrant the Senate in declaring that a duly elected, duly accredited, and constitutionally qualified Senator was not entitled to retain his seat must be of the gravest possible character, and such as to evidence beyond all cavil that

he was utterly unfit to sit here.

This Senate is not a voluntary association from which members may be expelled because we do not like them, or because other people, however numerous, do not like them. Membership in this body is a matter not of grace, but of right, and who-ever challenges the right takes upon himself the burden of establishing beyond all reasonable question the justice of his challenge.

It seems to me that the offenses not cognizable by law may be discussed under two propositions: First, that polygamy and polygamous cohabitation are still practiced by some members of the Mormon Church, of which church Senator Smoot is an apostle; second, that this church claims the right and exercises the authority of dictating to its members in political and temporal affairs.

I shall first discuss the question of polygamy, and it will probably tend to a better understanding of that subject if I shall begin by stating some facts and pointing out some distinctions well enough understood in Utah, but which are often

lost sight of elsewhere.

Until 1862, although polygamy had been openly practiced in the Territory for twelve or fourteen years before and had been openly proclaimed by the president of the church ten years be-fore, there was no law, either Federal or Territorial, upon the So far as penal consequences were concerned, polygsubject. amy in Utah was just as lawful as monogamy, because while it may be true, as some have contended and about which I do not express any opinion myself, that bigamy or polygamy was a crime at common law, there are no common-law crimes against the United States, and from the Mexican treaty of Guadalupe Hidalgo in 1848 until the admission of the State in 1896 the Territory of Utah was under the sole and exclusive jurisdiction of the Government of the United States.

In 1862 a law was passed defining and providing for the punishment of the crime of bigamy. It will thus be seen that for a period of at least ten years Congress and the Government acquiesced in this practice with positive and official knowledge of the fact. In 1850 Capt. Howard Stansbury, having been directed by the Government to do so, went to Utah for the purpose of making a survey and reconnoissance of that then little-known section. He spent something like a year among the Mormon people, making a rather close study of their social and religious institutions. Early in 1852 he made a report, in the course of which he called the attention of the Government to the fact that polygamy was being openly practiced in that Territory.

In 1852 the president of the church, in a great public meeting held in the Salt Lake tabernacle, openly proclaimed to the world that polygamy was a doctrine and a practice of the church. Yet, not only did the Government fail to do anything in the way of suppressing that practice, but Brigham Young was actually appointed governor and reappointed governor of that Territory by the President of the United States once before and once after he had made this public proclamation.

The law was passed in 1862, but it remained practically a dead letter upon the statute books. Substantially nothing was done in the way of enforcing it. Personally I have always regarded that as being a distinct misfortune, because I believe that had the Government at once and vigorously enforced the law and supplemented it by such legislation as might have been found necessary we would not be here to-day discussing this question. Polygamy would long since have ceased to be any-

thing but an unpleasant memory.

There was never a prosecution at all under the law until fourteen years after it was passed. In 1876 a prosecution was instituted against one George Reynolds. Mr. Reynolds himself furnished the testimony necessary to bring about his own conviction, contenting himself by defending upon the sole ground that the law was invalid and unconstitutional, as being an interference with his mode of religious worship. He was convicted, and he appealed to the Supreme Court of the United That tribunal very promptly held that his position was untenable and that the law was valid and constitutional-a holding which it is a little difficult to understand how anybody could have expected would be otherwise. There were probably one or two other prosecutions under the law.

In 1882 Congress passed the so-called "Edmunds law," which, in addition to reenacting the provisions of the law of 1862 on the subject of polygamy, defined and provided for the punishment of the crime of polygamous cohabitation. By section 6 of that act the President was authorized to grant amnesty to offenders under the law upon such terms and conditions as he might see fit to prescribe. By section 7 of the act, children born of these polygamous marriages—and Congress was careful to say in the legislation "Mormon marriages or marriages performed according to the ceremonies of the Mormon sect "—prior to the passage of the law and for some definite period afterwards

were legitimated.

In 1884, about two years after the passage of the Edmunds law, prosecutions under it began in earnest, and so vigorously was it enforced—more than 2,000 persons in Utah being convicted and sent to prison—and so strong became the pressure, not only from without, but from within the church, that in the comparatively short space of six years the church issued its famous manifesto forbidding polygamy for the future, which manifesto was subsequently ratified by the Mormon people in conference assembled.

In 1891, following this manifesto, the pro-church or so-called people's party" was disbanded and political parties were organized throughout the State upon national political lines.

In 1896 the Territory was admitted on a footing of equality with the other States of the Union. By the enabling act, which was adopted by Congress in 1894, it was provided that the constitution of the new State by an irrevocable ordinance should provide "that there shall be perfect toleration of religious sentiment; that no inhabitant of the said State shall ever be molested in person or in property on account of his or her mode of religious worship, provided that polygamous or plural mar-riages are forever prohibited." This provision of the enabling act, to my mind, is significant in two respects.

In the first place, it will be observed that the prohibition of polygamous or plural marriages is in the form of a proviso to the paragraph or section which guarantees perfect toleration of religious sentiment and noninterference with the mode of religious worship. The office of a proviso is perfectly well under-stood and settled. It has the effect to carve out of the main provision to which it is a proviso an exception which but for the proviso might be held to be included within the terms of the paragraph or section to which it is attached. Ordinarily a proviso is to be strictly construed. Ordinarily it is to be construed with strict reference to the subject-matter of the paragraph to which it is attached.

Congress knew when this enabling act was adopted, as the country knew, that the Mormon people, who would constitute the majority of the inhabitants of the new State, had for many years insisted and stubbornly contended that polygamy was a part of their religious faith, and that any interference with the practice of polygamy was an interference with their mode of religious worship.

Congress desired to guarantee, or rather to permit the people of the State to guarantee to themselves, by their fundamental law, perfect toleration of religious sentiment and noninterference with the mode of religious worship; but Congress also desired that that guaranty should never be construed so as to include polygamous marriages in the future. It was therefore as though Congress had said: "You may theorize as you please; you may believe as you please; you may assert such opinions as you please upon the subject of polygamy; but you shall not practice it."

I speak of this because it has been said that some of the Mormon people, some of the leaders, still believe and still assert a belief in polygamy. Whatever we may have to say about the good taste or the propriety or the wrongfulness of that kind of a belief or that kind of an assertion (and I have as positive opinions about that as anybody here), they are within their rights in believing it and in asserting the belief, if they choose to do so. The only thing this enabling act or this compact made between the Government of the United States and the State inhibits is the practice of polygamy.

And so no man can be punished and no man can be deprived of a right because he may believe or because he may assert a belief, or the people or some of the people with whom he may be associated may believe or assert a belief in the abstract rightfulness of polygamy. He can only be held responsible for what he does or at most for what they do in that respect.

In another respect this language is significant. It is "provided that polygamous or plural marriages"—not polygamous cohabitation—"are forever prohibited." When that language was adopted by Congress, Congress knew, as the people of the State knew, and as the people of the country who had paid any attention to the subject knew, that there was a difference between polygamy and polygamous cohabitation.

A man committed the crime of polygamy when, having a wife living and undivorced, he went through the ceremony of marriage with another woman. He committed the crime of unlawful cohabitation or polygamous cohabitation when, having previously married two or more wives, he continued to live with them in the habit and repute of marriage.

At the time the enabling act was adopted there were more than 2,000 polygamous households in the State of Utah, 2,000 men whose status as polygamists had already been fixed and established. Congress must have known that under a law simply prohibiting polygamy every one of those men might have returned to living with his wives, and not a single one of the could be punished. Under a constitutional provision simply declaring that polygamous marriages should be prohibited not one of those men could be interfered with. It required something else in addition. But understanding that, Congress deliberately omitted from this provision any requirement whatever upon the subject of polygamous cohabitation, contenting itself with putting into the enabling act a requirement simply that polygamy or polygamous marriages should be prohibited.

So if the legislature of the State of Utah, immediately after the State came in, had seen fit to pass a law legalizing every one of these existing polygamous marriages, I do not well see how it could have been charged that in doing so they were violating the compact made between the United States and the Territory of Utah, whatever might have been said as to the wrongfulness, and I think a great deal might well have been said against the rightfulness of that kind of legislation. It is sufficient, however, to say that the legislature of Utah never attempted to do that, but, on the contrary, not only adopted the previous provision of the law with reference to polygamy, but also incorporated in the statutes of Utah, where it remains to this day, a provision prohibiting polygamous cohabitation and kindred offenses as well.

Mr. President, in this rather brief review that I have given of this situation it will be seen that Congress in dealing with this question has dealt with it in its social rather than in its criminal aspect. The object of Congress seems to have been to get rid of the institution of polygamy rather than to punish individuals who were guilty of the practice. In other words, the desire was not so much to punish the sinner as it was to eradicate the sin. This is borne out by a variety of considerations. I will not stop to mention more than a few of them

In the first place, the penalties of the Edmunds law are visited upon the husband only. The plural wife is not made guilty of any offense whatever.

In the second place, children that were born of these polygamous marriages, these "Mormon marriages," prior to the passage of the law and for a definite period thereafter are legitimated.

In the third place, the President is authorized to grant amnesty to offenders against this particular law on such terms and conditions as he may prescribe, and in granting amnesty

either to individuals or to classes the condition which he did prescribe was that they should refrain from violating the law in the future.

In the fourth place, in the administration of the law in the courts, whenever a man was brought before a judge for sentence it was the invariable custom and practice to inquire of him whether he would promise to obey the law in the future. If he gave the promise, he was permitted to go invariably without any punishment at all. If he declined to give the promise, almost invariably the full penalty of the law, both as to fine and imprisonment, was visited upon him.

Mr. President, this was also the feeling of the people of that State. The thing which we demanded—and I say "we" because I was one of them from the time I was old enough to have any opinion on the subject at all—the thing which we demanded was that the institution of polygamy, the system of polygamy, should be abandoned, and the punishment of the offender was of secondary importance. It was adopted, I might say, rather as a means to the end of getting rid of the system than as the end itself.

And so when the church issued this manifesto forbidding polygamy in the future and the people ratified the manifesto, and it was believed by the Gentile people in that State that it was issued in good faith and that future plural marriages would no longer occur, there was a pretty general disposition to overlook a good many things in the conduct of those who were already in this relation.

It is a pretty difficult thing for people to understand—there are a great many people in this world who are unable to understand—how any pure-minded person can conscientiously believe in the doctrine of polygamy. It is contrary to their teaching and training, as it is to mine. It is contrary to their fixed, to their instinctive feelings and opinions, as it is to mine. And yet there is absolutely no doubt that the people who entered into this relationship did so believing in its rightfulness, and not only that, but believing that it was ordained by the Almighty Himself. They were as sincere in their belief in its rightfulness as I was sincere in my belief in its wrongfulness.

Mr. President, an erroneous religious idea is the most difficult thing in the world to combat. It submits to no rule of logic. It fits into no syllogistic form. It is major and minor premise and conclusion rolled into one dogmatic declaration—"thus saith the Lord."

Civilization from the beginning of history has been covered with the crazy patchwork of the unreasoning foibles of theology. A thousand years ago Peter the Hermit set all Europe in a blaze of religious fervor with the demand that the Holy Sepulchre should be wrested from infidel hands. The mad crusades which followed resulted in immeasurable suffering and in the loss of hundreds of thousands of lives, Christian as well as infidel. Carrying aloft the banner of the cross of that Christ whose very birth signalized "peace on earth, good will toward men," and whose imperative command was "love your enemies," the Christian armies of the crusades threw themselves with savage and bloody fury upon the Moslem world in response to an appeal to their religious passions.

Almost within the memory of our grandparents old England and New England were lashed into a superstitious frenzy over witchcraft. The belief filled a century with gloom and horror. The story of its cruelties makes a dark and sinister chapter in the otherwise magnificent history of Massachusetts. If some poor woman, borne down by poverty, filled by a sense of injustice, walked the path of life apart; if some child, undersized, crippled, deformed, exhibited unusual precocity of mind, at once the finger of public suspicion was pointed and the horrifying cry of witchcraft was raised.

As late as 1768, less than one hundred and forty years ago, within the memory of some men living at the time the Mormon Church was organized, John Wesley solemnly declared that the giving up of the belief in witchcraft was in effect the giving up of the Bible. From that time, Mr. President, when the King of Moab, besieged by the armies of Israel, offered his eldest son, that should have reigned in his stead, as a burnt offering upon the walls of the city-from that far day when the Hindoo mother, stifling the earliest as well as the holiest and strongest passion of the human heart, consigned to the sacred waters of the Ganges the loved child of her body in obedience to a religious delusionto this hour of enlightenment and civilization, the melancholy fact runs through all history that nothing has been too absurd, nothing too cruel, to be believed and taught and done in the name of religion. And even in our own day, at the very noon time of sane and rational thought, a score of illogical religious fads have their thousands of fatuous adherents.

So I say, Mr. President, that you can not reason with a false religious belief any more than you can argue with a case of typhoid fever. It simply runs its course and mental health returns, not when the intellect has been convinced by the appeal of reason, but when by the process of time and by the slow attrition of opposing thought the intellect has so far changed that the false belief no longer appeals to it. So the fact that polygamy has been opposed to practically the unanimous thought of the American people—has been opposed to the almost unani-mous thought of the Christian world—is no argument whatever that the people who practiced it and taught it did not believe sincerely in its rightfulness.

Mr. President, polygamy having been abandoned by this manifesto, and there being in the State of Utah this large number of polygamous households, these men whose status had already been fixed, the question at once arose what was the wise thing to do about it, and the feeling which was entertained by the Gentiles generally, while they did not approve, while they would have infinitely preferred that it should have been otherwise, nevertheless the feeling was that, all things considered, the wisest and best thing was to see as little of it as possible, to let those people live out their lives, and thus get through with it. This is practically the unanimous testimony in this record. For example, I call attention to the testimony of two witnesses on the part of the protestants. Mr. Critchlow, who prepared this protest and who was the principal witness against Senator Smoot in the hearings upon that subject, testified as follows:

ness against Senator Smoot in the hearings upon that subject, testified as follows:

Mr. Van Cott. Mr. Critchlow, is it not the fact that the general feeling in Utah, among non-Mormons—leaving the Mormons out of view—has been that if all plural marriages had ceased since the manifesto, these relations of unlawful cohabitation they were practically willing to close their eyes to?

Mr. Cattchlow: I think so, except in cases where they were really absolutely offensive, or where they occurred in such a manner as to be really examples to the people. Amongst the higher officials, and even with them, I think it would be fair to say that people were inclined to minimize these things as much as possible for the peace of the State and the community and for its upbuilding, and to remove the reproach of it before the country.

Mr. Van Cott. Now, as to John Henry Smith, the fact that a child was born to one of his plural wives during the time of the constitutional convention, non-Mormons, as a general rule, were disposed to overlook if they felt satisfied that there were no more plural marriages?

Mr. Cattchlow. Yes, sir; I think so, and felt that the thing would work itself out in the future.

Mr. Van Cott. Now, the other matter that you spoke of—this offensive flaunting. I wish you would give to the committee a little more in detail what you understand by that, and I call your attention now to the language used by the Supreme Court of the United States where it has quoted that particular phrase.

Mr. Cattchlow. What would be offensive to one person of course might not be to another. If a man had a polygamous wife and family right by my door side, and his children associated with mine, and he visited a half or a third of his time there and a half or a third of his time somewhere else, and it was placed there under my face, it might be offensive to me, while to you or to somebody else, living in another part of the town, it might not be offensive and a half or a third of his time somewhere a man takes two sisters under the

fected.

Mr. Van Cott. But where the polygamists have had their wives living in separate houses, and have simply kept up the old relations without an offensive flaunting before the public of the relations, it has been practically passed over, has it not?

Mr. Critchlow. Yes, sir; as a matter of fact it has been. A

Mr. Van Cott. Is not this the fact also, that you did not deem yourself as being lowered in the community in any way when you went on the stump with John Henry Smith?

Mr. Cattchlow. I certainly did not, or I should not have gone.

Mr. Van Cott. No; I mean that was the general feeling with the non-Mormons?

Mr. Cattchlow. Yes, sir; I think so.

Mr. Van Cott. And in the questions I have put to you, you understand that I do not mean to say that you belittled yourself or that you lowered yourself in any way by doing those things. You did not consider it so?

Mr. Cattchlow. I did not.

Then Mr. Critchlow goes on and says:

Mr. Cetterlow goes on and says:

Mr. Cetterlow. I think that in all probability, as near as I can get at my state of mind at that time, it was, that very shortly after the manifesto, under the conditions that existed and that we thought were going to exist, there was no inclination on the part of the prosecuting officers to push these matters as to present cohabitation—I think that is so—thinking it was a matter that would immediately die out.

Mr. Van Cott. John Henry Smith was there?

Mr. Cattellow. I think so.

Mr. Van Cott. It was well known that he was living in unlawful cohabitation?

Mr. Cattellow. That was our understanding of the

cohabitation?

Mr. CRITCHLOW. That was our understanding of it.
Mr. VAN COTT. So well known was this, was it not, to non-Mormons there generally, that where they knew that a prominent Mormon was living in unlawful cohabitation they made no objection to it in the way of protesting to the officers? Is not that true?

Mr. CRITCHLOW. Do you mean the non-Mormons generally?
Mr. VAN COTT. I mean the non-Mormons generally.
Mr. CRITCHLOW. I think that is true.
Mr. VAN COTT. They were disposed to let things go?

Mr. Critchlow. Yes, sir; I think so.
Mr. Van Cott. That was the general feeling?
Mr. Critchlow. Yes, sir; I think so.
Senator Overman. When was that?
Mr. Critchlow. During the time of the manifesto, in September, 1890, on down to very recent times; pretty nearly up to date, or practically up to date. Perhaps even now, if I was going to say what was the general inclination—
Senator Overman. The general inclination in Utah is not to prosecute Mr. Smith?
Mr. Critchlow. The general inclination in Utah is not to prosecute Mr. Smith.
Senator Beveringe. Then what more have you to say on that point as showing the great popular indignation?
Mr. Critchlow. There is no inclination on the part of the non-Mormons, and I suppose the Senator refers to non-Mormons, rather than to Mormons—there is no sentiment there in Utah, no great amount of sentiment there in Utah, that would favor putting Joseph F. Smith in the attitude of being persecuted for his religion.
Mr. Van Cott. You speak of the general disinclination to prosecute Mr. Smith at the present time. That is true generally of polygamists who were such before the manifesto, is it not?
Mr. Critchlow. Yes, sir; it is so.
I have extracts from the testimony of some twelve or fifteen

I have extracts from the testimony of some twelve or fifteen other witnesses, perhaps thirty, who all testified about it. These extracts are from the testimony of Gentile witnesses, all substantially testifying to the same thing with reference to this matter. I will ask, Mr. President, to incorporate those extracts in my remarks, without stopping to read them now.

The VICE-PRESIDENT. Without objection, permission is

The extracts referred to are as follows:

Judge O. W. Powers, a Gentile Democrat, and one of the principal witnesses against Senator Smoot, testified as follows:

cipal witnesses against Senator Smoot, testified as follows:

The Chairman. Will you state why it is that those who live in polygamous cohabitation to-day are not prosecuted?

Mr. Powers. I will do so as well as I can, and I simply state here the views, as I know them, of what are termed the "old guard" of the Liberal party, Republicans and Democrats, who fought the church party in the days when it was a power. Those men have felt, and still feel, that if the church will only stop new plural marriages and will allow this matter to die out and pass away, they will not interfere with them. First of all, of course, we want peace in Utah. We would like to be like the rest of the country. We want to make of it a State like the States of the rest-of the Union. We want the Mormon people to be like the rest of the American people; but we realize that there is a condition there which the people of the East do not—and, I presume, can not—understand. You can not make people who have been brought up under our system of government and our system of marriage believe that folks can sincerely and honestly believe that it is right to have more than one wife, and yet those people believe it. They are a God-fearing people, and it has been a part of their faith and their life.

Now, to the eastern people their manner of living is looked upon as importal.

and their life.

Now, to the eastern people their manner of living is looked upon as immoral. Of course it is, viewed from their standpoint. Viewed from the standpoint of a Mormon it is not. The Mormon wives are as sincere in their belief in polygamy as the Mormon men, and they have no more hesitation in declaring that they are one of several wives of a man than a good woman in the East has in declaring that she is the single wife of a man. There is that condition. There are those people.

single wife of a man. There is that condition. There are those people—

Senator Hopkins. Do you mean to say that a Mormon woman will as readily become a plural wife as she would a first wife?

Mr. Powers. Those who are sincere in the Mormon faith—who are good Mormons, so called—I think would just as readily become plural wives (that has been my experience) as they would become the first wife. That condition exists, There is a question for statesmen to solve. We have not known what was best to do. It has been discussed, and people would say that such and such a man ought to be prosecuted. Then they would consider whether anything would be gained; whether we would not delay instead of hastening the time that we hope to live to see; whether the institution would not flourish by reason of what they would term persecution. And so, notwith-standing a protest has been sent down here to you, I will say to you the people have acquiesced in the condition that exists.

Mr. Van Cott. You mean the Gentiles?

Mr. POWERS. Yes; the Gentiles.

The CHAIRMAN. Have you any knowledge of the extent to which polygamous cohabitation exists in the State to-day?

Mr. POWERS. I have tried not to know about it. When it has come under my immediate observation I have known about it. I do not know to what extent it exists. I want to see it pass away.

The CHAIRMAN. Does it exist outside of the city of Salt Lake?

Mr. POWERS. No; I could not give an idea as to the extent, because, as I tell you, I have honestly tried not to know about it.

Mr. McConnell, formerly governor of the State of Idaho, testified that the foregoing extracts from the testimoy of Mr. Critchlow and Judge Powers also expressed the state of feeling.

tified that the foregoing extracts from the testinoy of Mr. Critchlow and Judge Powers also expressed the state of feeling in Idaho.

Mr. Holzheimer, also a Gentile resident of the State of Idaho, testified as follows:

Mr. Holzheimer. At the time the manifesto was issued and up to that time the question of polygamy had caused considerable agitation. It brought about a very peculiar state of affairs, because the rank and file of the Mormon people had been taught that polygamy was right, and many of them believed it was right; and it left a condition of affairs after the issuance of the manifesto—family affairs—that was an anomaly, to say the least, and the question of how to handle and take care of the problem was one which confronted the people of that State, and I do not believe they ever did really solve the problem. It was a very difficult one, as to what should be done for the best interests of all concerned.

The consensus of opinion at that time was that those who had contracted marriages prior to the manifesto should be left alone. It was not, however, believed that they should openly violate the law and

unlawfully cohabit with their numerous wives. I will say this, that where that has occurred it has been mostly in isolated cases. There have been a number of cases where children have been born, but in no case that I know of has it been done openly. It is true it is against the law, but it has not been done in such an open, lewd manner as has been intimated, nor has it been general. And because of the peculiar state of affairs it was the opinion that the whole thing would die out; that it was only a matter of a short time when the question would be entirely settled, because there would be no new marriages. I do not know; possibly there are some. I do not know how many cases there are in Idaho—possibly twenty or thirty; maybe more.

Mr. Martin, another Contile resident of Idaho, testified:

Mr. Martin, another Gentile resident of Idaho, testified:

I wish to say for myself that I would punish, if I was doing it, those old cases. I believe they ought to be punished; but a majority of our people seem to think that the best way, as far as concerns those old fellows who contracted these relations before the manifesto, as long as they stop it and do not take any new wives, or as long as no new wives are taken, is to let it go, to let it gradually die out, to let the old ones die. the old ones die.

Mr. Brady, another Gentile resident of Idaho, testified:

Mr. Van Corr. What is the sentiment in Idaho regarding disturbing or leaving undisturbed those men who went into polygamy prior to the manifesto of 1890?

Mr. Braddy. To be absolutely frank in the matter, my judgment is that a majority of the men in Idaho would favor leaving those old men to live out their lives just as they have started in.

The following witnesses among a very large number of the Gentile residents of the State of Utah gave the following testimony. Mr. J. W. N. Whitecotton said:

mony. Mr. J. W. N. Whitecotton said:

While the people of Utah—all the Mormons; I will speak with reference to them rather than Gentiles in that regard—are sick and tired and disgusted with polygamy; they want to be rid of it; they want to wipe it out and get it under their feet; at the same time when it comes, for instance, to myself or any other person going and making complaint against a neighbor because he is living in unlawful cohabitation, it calls up to us all these things of an unpleasant character among neighbors; throwing the only support the women have into the penitentiary maybe, or taking the substance of the man to pay the fine. It makes a man hesitate, and a man who would do that must be a Javert. No other man can do it. That is what I mean by taking nerve. He must recognize nothing but the law. He must be a Javert. No other man can do it. That is what I mean by taking nerve. He must recognize nothing but the anangke of the law. Nothing else must appear. He can not take into account the surrounding circumstances and the atmosphere in which he lives.

Mr. Hyrum E. Booth testified:

Mr. Hyrum E. Booth testified:

Mr. Hyrum E. Booth testified:

Mr. Worthington, Now, I want to ask you, Mr. Booth, to explain why it is that if the people of Utah, and the Mormon people included, a large part of them, are so opposed to polygamy, how you account for what is the acknowledged fact here, that a good many of them are living in polygamous relations and are not interfered with.

Mr. Booth, Well, my explanation of that is that the principal fight of the Gentiles has been to do away with polygamous marriages. While, during many years, there were numerous prosecutions for unlawful cohabitation, it was not for the purpose of punishing, so much, those people who lived in unlawful cohabitation, as it was to bring about a cessation of polygamous marriages. That was the principal for which we strived, to stop people from marrying in polygamy. This was finally brought about in 1890 by the manifesto of the president of the church, which was affirmed, or sustained as they call it, by the conference on October 6, 1890, and again in 1891. We did not accept that in good faith at that time. That is, we were somewhat skeptical about it; but later he did. Now, there has been since that time a disinclination to prosecute men and women who live in unlawful cohabitation. One of my own reasons—the way I looked at it—was this: My sympathy was with the plural wife and her children. By these prosecutions she suffered more really than the husband did. In nearly all of the cases I may say the plural wife is a pure-minded woman, a woman who believed that it was right according to the law of God for her to accept that relation, and that she can not be released from her obligations, when they are once entered upon.

Mr. Worthington, You mean by the rule of her church?

Mr. Booth, By the rule of her church, not by law. I am looking at it from her standpoint now—that when once that relation is entered upon there is no way of divorcing her from it.

Mr. Worth, The church can, but I mean in no legal way. There is no legal way out of it. So that to enforce rigorousl

matter how much you might prosecute people for unlawful constitution, it would continue.

Mr. Worthington. Mr. Booth, you say that is the way you felt about it, and the way many other Gentiles felt. What do you say as to the proportion of the people of your State who feel that way on that subject?

Mr. BOOTH. I should say, with Judge Powers and Mr. Critchlow, that the general sentiment among the Gentile people in Utah is a disinclination to prosecute those cases.

Judge William M. McCarty, who was a United States district attorney in Utah and prosecuted many of these cases and who is now chief justice of the supreme court of the State of Utah, testified:

Mr. McCarty. Well, this question was being agitated, and the air was filled with rumors that men were violating the spirit of the manifesto. Some Gentiles were insisting that prosecutions ought to

follow, and, as I stated, I called a special grand jury a short time before to investigate this in connection with a few other matters; and the attitude of the press—or rather the failure of the press to assume any attitude—on the question was an indication to me that the press was against it. And, in fact, the public prosecutor, whose attention I had invited to those rumors, refused to proceed in the matter, stating that he had talked with his brother, who was then manager of the Heraid, and his brother advised him to let those cases alone; that they would soon die out; that he believed it was the best and most practical solution of the question. My reason for calling the grand jury was the refusal of the public prosecutor to proceed.

Mr. Worthington. You referred just now to something that took place subsequently which confirmed your conclusion that the general sentiment was against prosecuting for polygamous cohabitation when the parties were married before the manifesto. What was that that

the parties were married before the manifesto. What was that that took place subsequently?

Mr. McCart. Well, those parties, so it was rumored, continued to live in those relations, and then I got expressions from some of the leading Gentiles of the State, some of whom were Republicans and some of whom were Democrats, that the most practical solution of the question was to let these old men die off and not molest them.

Mr. WORTHINGTON. It appears here that Senator SMOOT became an apostle of the Mormon Church in April, 1900. I understand, then, from what you have said, that at that time that was the status of opinion in Utah, the body of the people, Mormons and non-Mormons, that these people who were married before the manifesto ought not to be interfered with, although they were continuing to live together?

Mr. McCart. Mr. Worthington, there have been a few who insisted on a vigorous enforcement of this law. Some have been decidedly against it, but the consensus of opinion has been that the better way was to close our eyes to what was going on and let the matter die out.

Mr. Glen Miller, former United States marshal, testified as

Mr. Glen Miller, former United States marshal, testified as

Mr. Van Cott. Now, in your knowledge of the State and in traveling over the State and everything of that kind, I wish you would state what the sentiment is among the Mormons in regard to new polygamous marriages; that is, since the manifesto.

Mr. Miller. The general impression has been, both among the Mormons and Gentiles, that there have been no polygamous marriages sanctioned by the church.

Mr. Van Cott. I wish to know particularly the sentiment in regard to whether it is in favor of polygamy or against it.

Mr. Van Cott. What is your opinion as to whether a sentiment of that kind existed against polygamy in the Mormon Church before the manifesto?

Mr. Miller. Yes, sir; it did. I know that.

Mr. Van Cott. And also as to whether the church could restore the practice of polygamy if it should so attempt.

Mr. Miller. I do not believe it would be possible to ever restore polygamy in the State of Utah.

Mr. Van Cott. Do you know by repute of men living in unlawful cohabitation?

Mr. Miller. I do.

Mr. Miller. I do.

Mr. Miller. I do.

conabitation?

Mr. Miller. I do.
Mr. Van Cott. What is the sentiment of Gentiles in regard to complaining or informing in regard to such matters?

Mr. Miller. Well, there has been a sentiment against that, as there has been against any informing against any of the infractions of law generally. They felt that it was only a question of time that the practice would die out through the death of those who practiced it, and the removal of that generation. It was getting less and less all the time.

Mr. SUTHERLAND. Considering this testimony, Mr. President, it must be seen that this situation, which confronted us out in Utah after the manifesto was issued, was one which bristled with difficulties, was one which must be approached from the standpoint of practical statesmanship rather than from the standpoint of the religious reformer. Those men and women who entered into these marriages were not inspired by lust. They were good men; they were pure women. Any man who has lived in the State of Utah, who has mingled with them in their daily life, who has sat at their firesides, and who has talked with them must admit that this is a fact.

Mr. President, that is the crux of this whole situation. man who attempts to judge of the existing conditions without that fact before him will inevitably not judge with justice. If it had been the ordinary case of meretricious living, there would have been no difficulty in dealing with it; but it was not. It was a case where these people had entered into these relations believing the relations were just as pure as the relations existing between a man and his one wife. In the ordinary affairs of life they are good citizens, law-abiding citizens, self-respecting members of the community, and we felt, when the church issued that manifesto forbidding the practice for the future, that the time had come when we could afford to bear with the situation with some degree of patience until it finally worked itself out; in other words, we felt that we could afford to cover this remaining remnant of a passing generation with the mantle of charity (which covers a multitude of sins) until, in the course of a few years, they should be covered with the everlasting mantle of the grave. So much for the old

cases of polygamy.

But it has been claimed that since the manifesto there have been instances of polygamous marriages. Of course I have not the means of knowing how many such cases there may have been, but I would not be honest with myself nor candid with the Senate if I did not say that, in my judgment, there have been some cases of that character. So far as those cases are

concerned, no word of justification or excuse or toleration can, in my judgment, be uttered by any honest man either in this country or out of it.

Mr. McCUMBER. Were those marriages in this country or

out of it?

Mr. SUTHERLAND. I will discuss the question of where those marriages took place in a moment. Of course, as I say, I do not know how many such cases there may have been, but the testimony is to the effect that they have been somewhat limited. The Senator from Illinois [Mr. Hopkins] called attention to the testimony the other day, and I have a reference to the same, that there has not been to exceed twenty cases since the manifesto was issued in 1890 in Utah; and it appears that in those cases, so far as anything appears on the subject at all, the marriages were celebrated somewhere else-in Mexico, in Canada, or somewhere out of the jurisdiction of the United States.

One Charles Mostyn Owen, who has seemed to be a sort of master of ceremonies in this whole investigation, who for many years has been conducting an investigation into this subject, and who tells the committee that he has visited personally from time to time practically every Mormon settlement in Utah and most of the settlements in Idaho and Wyoming, that he has agents practically in every settlement in those three States, gives us a list of eleven men whom he thinks have entered into polygamy since the manifesto. I think later in his testimony he gives one or two others, and there is some testimony which indicates that there are some additional ones, which brings the total number up to about, as I say, twenty. In this list of twenty there are the names of five apostles. Those apostles are Mr. Teasdale, Mr. Abraham H. Cannon, Mr. Merrill, Mr. Taylor, and Mr. Cowley.

As to Mr. Teasdale, the testimony shows that he married his wife under such circumstances as would render the marriage absolutely void. It was afterwards declared by a court of competent jurisdiction by a decree to be void. So that it seems to me, when we come to consider the entire record, his case should

be laid out of consideration.

With reference to Apostle Merrill, the charge was made against him while he was lying upon what afterwards proved to be his deathbed, but before he died he made an affidavit, which was sworn to, in which he positively denied this charge and said it was utterly false, and that he had not married any wife at all since the manifesto. I believe what Mr. Merrill said about that. The testimony to the contrary was only in the

nature of hearsay and rumor.

With reference to Abraham H. Cannon-Abraham H. Cannon was an apostle and married a plural wife in 1896. He died within thirty days after that marriage-I think it was twenty His legal wife was a witness before the committee, and she said that upon his deathbed he asked her forgiveness, and that, in her judgment-he was a conscientious man, she saidthe fact that he had violated the law and violated the mandate of the church preyed upon his mind so that it worried him into his grave. What would have happened to Mr. Cannon if he had lived, of course, we do not know. He died, as I say, within a

comparatively short period.

That leaves two of the apostles; and with reference to those two, if we were to consider the testimony in this record alone, I think no judge would probably hold it was sufficient to warrant a verdict of conviction by a jury. Still I have absolutely no doubt in my own mind that both those apostles have taken plural wives since the manifesto, and I think there are no words in the English language that are sufficiently severe with which to con-

demn their conduct.

It appears, however, that when the attention of Senator SMOOT was called to the testimony before the Senate committee, he preferred charges against those apostles to the first presidency of the church and demanded an investigation. vestigation was had, and it resulted in the removal of those two men from their offices, and they are to-day fugitives from justice in a foreign jurisdiction.

As to the character of these cases, Judge Powers, one of the witnesses for the protestants, testified that they were sporadic in character. I will not stop to read the testimony, but I will incorporate it in my remarks.

The VICE-PRESIDENT. In the absence of objection, permission is granted.

The matter referred to is as follows:

Senator McComas. Have there been many polygamous marriages lately? Of course polygamous marriages are forbidden, and it is difficult to ascertain whether there have been.

Mr. POWERS. If there are any polygamous marriages at the present time, my opinion is they are sporadic cases.

Judge McCarty, a Gentile and chief justice of the supreme bench of the State, testified to substantially the same thing, that

there were only about a dozen or so of such cases. He further testified that it was his opinion that when the manifesto came there would be fanatics in the church whom no law and no church rule could keep from engaging in this kind of offense, and he expected there would be an occasional case of this character. Judge McCarty testified that the people who had violated the law in that respect were fugitives from justice.

Mr. Worthington. What town is that to which you refer?
Mr. McCarty. That is Monroe.
Mr. Worthington. So that there polygamy is practically extinct?
Mr. McCarty. Yes; and what can be said of Monroe can be said of most other towns in the State.
Mr. Worthington. Most other towns in the State?
Mr. McCarty. Yes.
Mr. Worthington. You think the increase [decrease], as you say, has been phonoment.

Mr. WORTHINGTON. You think the increase [decrease], as you say, has been phenomenal?

Mr. McCarty. It is only a matter of a short time until it will disappear, provided there are no new marriages.

Mr. WORTHINGTON. That is what I was going to ask you about. From your knowledge—and when I speak of knowledge I mean that gained by general reputation—what is the fact as to whether there are new plural marriages in any considerable degree?

Mr. McCarty. It is rumored that there have been a few—some few, a dozen or more.

a dozen or more.

a dozen or more.

Mr. Worthington. As a general thing they are comparatively few—the rumors of recent plural marriages?

Mr. McCarty. Yes; very few. The people contracting them are keeping pretty well under cover.

Mr. Worthington. Are they not as a general thing out of the State?

Mr. McCarty. Yes; they are out of the State.

Mr. Worthington. Fugitives from justice?

Mr. McCarty. In Alberta, Canada, or down in Mexico.

My view is this: Knowing and having lived in a Mormon community all my life; having associated with them and worked with them—in fact, it was the only community that I had associated with, with the exception that there were a few Gentiles interspersed throughout the entire State—I knew there were a great many fanatics on this question of polygamy, and I believed that some of them would still hold out, no matter what the heads of the church would say or do, and that they would insist upon living, as they termed it, their religion, and that there would probably be occasionally a case of polygamy. That was the way I regarded the situation, and, as I have already suggested, that there would be an occasional violation of the law against unlawful cohabitation and occasionally a child born.

Mr. SUTHERLAND. Mr. President, as I say, the anostles who

Mr. SUTHERLAND. Mr. President, as I say, the apostles who were guilty of this thing were removed from their offices in the church, and they are to-day fugitives from justice beyond the jurisdiction of the United States. When that action of the church was taken the Salt Lake Herald, a Gentile newspaper published at Salt Lake, which has always been opposed to the practice of polygamy, had the following editorial upon the subject:

# A STEP FORWARD.

A STEP FORWARD.

One of the most notable of the Mormon Church conferences concluded its session on Sunday with the resignation of two apostles and the appointment of three new members of the quorum. Most significant of the conference acts was the retirement of Apostles Cowley and Taylor, who have been conspicuous in the public eye by their evasion of the summons to testify before the Smoor committee of the Senate. Their retirement is significant because it is accepted as an evidence that the church authorities were dissastisfied with their failure to appear before the committee as well as with their disobedience of the manifesto of President Woodruff which forbade church members to take plural wives or perform plural marriages.

While no detailed explanation of the abdication is made, these are the reasons generally accepted as the basis of the official announcement that Cowley and Taylor were "out of harmony" with their quorum. Although the critics of the church will not concede any good motive in the action of the authorities, there is no doubt but that the discipline of the two recalcitrant apostles will be taken by the country generally as an evidence of good faith and a desire to enforce the laws of the church against further polygamous marriages. Whether their retirement was meant to influence the decision in the case of Senator Smoor, as his opponents affect to believe, or whether it was a matter of church discipline alone, it must produce a favorable impression throughout the country as well as here in Utah, where the public is familiar with the circumstances leading up to the climax.

That the action is approved by members and nonmembers of the church here goes without saying. Messrs. Cowley and Taylor were charged with what amounted to flagrant defiance of civil and church laws since the manifesto. They were wanted as witnesses before the Senate, but choose to evade service and thus defy the Federal authorities. That they have been disciplined ought to be sufficient proof that the church maps take sho

Mr. President, every one of these men who has taken a plural wife since the manifesto, in addition to being a violator of the law, is an enemy of his own people, who has done them a more grievous wrong than any open and avowed opponent could possibly do, because he has set them in a false light before the country and compelled every one of them, in the eyes of a large portion of the American people, to share the shame of his lawlessness. Such a man has not only broken the law of the land and the law of the church, but he has broken his own pledges, if not expressly, at least impliedly, and none the less

solemnly given to the nation. As I say, there can be no word of toleration uttered for that kind of an individual. If I had my way, every one of them would be in jail serving out the extreme penalty of the law; and, Mr. President, in my deliberate judgment, that is the feeling and the sentiment of the vast majority of the Mormon people themselves. The Mormon people are opposed to polygamy being restored. The Mormon people themselves are opposed to these violations of law. a number of extracts from the testimony upon that subject, and, with the permission of the Senate, I will incorporate them in my remarks without stopping to read them.

The VICE-PRESIDENT. In the absence of objection, per-

mission is granted.

The extracts referred to are as follows:

Mr. Booth, already referred to, testified as follows:

I wish to say in that connection that I have among my acquaintances many prominent young Mormons, politicians and others, about my age and younger, and I have heard many of them say, with great emphasis, that if they believed the church sanctioned any plural marriages since the manifesto, they would leave the church immediately: that they would not continue as members of the church if the manifesto should be violated by the officers of the church. I believe them to be just as sincere as men can be sincere.

Mr. J. C. Lynch, a resident of Salt Lake City, also a Gentile, testified:

Mr. Van Cott. What is your opinion as to the sentiment among young Mormons with respect to the perpetuation of polygamy?
Mr. LYNCH. Their opinion is that they want to do away with it.

Mr. A. A. Noon, a Gentile resident of Provo, said:

Mr. Noon. The young people that I talked with, and my family, and we talk occasionally, and most of my family—our daughters, and they are around amongst the young women more or less—from my knowledge and information and impressions, gained from remarks casually now and again, they do not indorse anything of the kind. They are glad to get rid of it. They consider it an incubus. They are glad it has gone.

Mr. John P. Meakin, a Gentile, testified:

Mr. John P. Meakin, a Gentile, testified:

Mr. Worthington. What have you ascertained as to the feeling of the Mormon people on the subject of polygamy of late years?

Mr. Meakin. Well, I have entered into conversation very much with the people, and I find that they are all very pleased that polygamy is a thing of the past; and they welcome the emancipation from the system. I speak not only for the young Mormons, but for the middleaged. It is a matter of general pleasure, or rejoicing, that it is being obliterated.

Mr. Worthington. What would you think, from your knowledge, obtained in this way, would be the effect if the president of the church should undertake now to promulgate a new revelation, reestablishing polygamy in Utah?

Mr. Meakin. Knowing the men, I think it is rather a question that is not supposable; but I do not believe that the people of Utah would stand for it a minute.

Mr. Worthington. I speak of the Mormon people. Is that what you mean?

Mr. Meakin. I am speaking of the Mormon people.

Mr. Cole, a Gentile, testified:

Mr. Van Cott. In going over Boxelder County, and from what you know there since you have been in office, I will ask you whether, in your opinion, the sentiment is for polygamy or against it?

Mr. Cole. Oh, it is against it, decidedly. Everywhere that I have ever been, or anything I have ever heard spoken of, it is certainly

ever been, or anything I have ever heard spoken of, it is certainly against polygamy.

Mr. Van Cott. How is it with the younger element—the younger generation?

Mr. Cole. Well, they in particular are against polygamy.

Mr. Van Cott. How is it with Mormons who are more advanced in years since the manifesto?

Mr. Cole. I have not heard that matter discussed very much. I do not know that there are any persons there—I never heard a person express himself in favor of polygamy since I have been in Utah.

Judge James A. Miner, former supreme court judge and a Gentile, testified:

Mr. Worthington. What have you observed as to the feeling of the Mormons themselves as to this subject of polygamy?

Mr. Miner. The younger class of Mormons are, I think, very much opposed to it.

Mr. Worthington. Do you find that to be well-nigh universal among them?

Mr. Miner. I think it is.

Mr. Worthington. What would you say would be the future of polygamy in that respect, without reference to any law on that subject?

Mr. Miner. I think in time, when these old people who are now in polygamy die off, it will entirely end. That has been my hope.

I have noticed another thing. Since the manifesto we have had Mormon jurors. Before that we had no Mormon jurors. The marshals would select Gentiles to the exclusion of Mormons. But after the manifesto we commenced having Mormon jurors instead of all Gentiles, and I found that in many cases a Mormon jury would convict anyone for adultery or unlawful cohabitation quite as well as a Gentile—that is, the feeling kept growing in that direction. And so far as the violation of the marital obligation is concerned, the Mormon people would convict a man who broke it as readily as a Gentile, and I think more so. They seem to have a feeling against Mormons who would violate that obligation, and I think among that class of young people there is more virtue than among almost any other class.

Elias A. Smith, bank cashier and business man, testified:

Mr. Van Cott. Calling attention to any rumors that you may have heard regarding alleged plural marriages since the manifesto, I should like to know what is your position, and the position generally taken by

the young Mormons on that question, and by all the Mormons on that question

Mr. SMITH. The position of the members of the Mormon Church is that it is in violation of the spirit of the manifesto and contrary to the

law.
The CHAIRMAN. What is?

Mr. Worthington. Having plural wives.
Mr. Smith. Taking plural wives; and I have yet to talk with a Mormon who approves of it; and in every instance where I have talked with them it has been disapproved of in very strong terms.

Maj. Richard W. Young, a Mormon, and prominent in social and business circles, testified as follows:

and business circles, testified as follows:

Mr. Van Cott. What is the sentiment of the Mormon people regarding the entering into polygamy since the manifesto?

Mr. Young. It is decidedly hostile.

Mr. Van Cott. What would you say as to whether the mere issuance of the manifesto created a sentiment against polygamy, or whether the manifesto was the mere expression of a sentiment already existing in Utah?

Mr. Young. I should say that it was the result both of a sentiment and the creation of a sentiment—an additional sentiment.

Mr. Van Cott. What are your own views 2s to whether it is right to practice polygamy, since the manifesto?

Mr. Young. I believe it is not right.

Mr. Charles Do. Moisy a Gentile and a former resident of

Mr. Charles De Moisy, a Gentile and a former resident of Provo, Utah, testified:

Mr. Van Cott. What is the sentiment among the Mormons as to new polygamous marriages since the manifesto, and what is the sentiment also of the younger Mormons as to polygamy?

Mr. DE Moisy. I think there is a growing sentiment—I have noticed it for some time—not only among the younger, but among a good many other Mormons, that they are opposed to the practice of polygamy; not only opposed to the marriage, but opposed to the unlawful cohabitation.

Mr. John W. Hughes, a newspaper man of wide experience in Utah, also a Gentile, testified as follows:

Mr. Hughes. The Mormon people generally are as much against new polygamous marriages as the Gentiles, I believe as a rule, especially the younger Mormons that I meet. I meet a good many of the younger Mormons, and they are absolutely against it. They would not tolerate it.

Mrs. W. H. Jones, a resident of Salt Lake City, testified:

Mrs. Jones. I have talked to a great many. I have traveled over the State a great deal with my husband in his business and in our outings, and I have talked with a great many, especially of the younger Mormons, on that subject. They have been very much opposed to it. In fact, some of them have said to me that they would like to be called

on a jury.

The CHAIRMAN. Like to be what?

Mrs. Jones. Called on a jury, to convict a man who might be arrested for going into polygamy since the manifesto.

Mr. Frank B. Stephens, a Gentile lawyer and former city attorney of Salt Lake City, testified:

Mr. Stephens. So far as plural marriages, additional marriages, are concerned, the sentiment is unanimously against them, both Mormon and Gentile.

mon and Gentile.

The general feeling is that no punishment could be too severe to be visited either upon the solemnizing officer or the contracting parties, and it is very much more pronounced in the matter of additional marriages than it is upon unlawful cohabitation.

The reason is obvious. Unlawful cohabitation will cease when these men die, if there are no more plural marriages; but if there are more plural marriages the institution will be continuous and the situation intolerable.

Mr. VAN COTT. Is that the sentiment among the Mormons themselves in regard to it?

Mr. STEPHENS. It is. I have never heard anything but words of condemnation for one who would solemnize a plural marriage, or for a contracting party. It is regarded as the grossest breach of good faith. faith.

Mr. Worthington. You mean since the manifesto?

Mr. Stephens. Since the manifesto.

Senator FORAKER. What is your judgment as to plural marriages? I understand you to have expressed one, but I want you to express it

again.

Mr. Stephens. As to whether there will be more?
Senator Foraker. Yes.

Mr. Stephens. I think they would be just as rare as bigamy among people generally. Oh, I would not say quite as rare as that; very rare. It would be only in the case of an utter fanatic, who would perhaps impose upon the officiating officer in order to get a plural

Senator FORAKER. But there will be no trouble to prosecute in such

cases?
Mr. Stephens. Not the slightest.
Senator Foraker. In cases of that kind?
Mr. Stephens. No. If I were district attorney, I would be willing to submit a case of that kind to a jury of Mormons.
Senator Foraker. To a jury of Mormons?
Mr. Stephens. I would, so far as that is concerned. I feel the sentiment is so general—that the contracting of new plural marriages is so generally execrated both by Mormons and Gentiles.

Mr. Martin, previously quoted, testified:

Mr. Worthington. From your acquaintance with the Mormon people in the State, have you learned anything as to their position in reference to this matter of polygamy—the younger people especially?

Mr. Martin. Yes; I have discussed it a good deal with them, being among them and with them in the campaign. They all expressed themselves against it—as glad that the church stopped it, and are against it.

On this subject Mr. Whitecotton testified as follows:

Mr. Van Cott. In traveling over the State, and in your acquaintance with the Mormon people, I will ask you to state what you have

found to be their sentiment now in regard to the practice of polygamy—that is, I mean the contracting of new polygamous marriages?

Mr. Whitecotton. I think the decided sentiment of the Mormon people in Utah is hostile to polygamy.

All of those quoted above are Gentiles except Mr. Smith and Major Young, and all are reliable and trustworthy persons of

long residence in the State.

Mr. SUTHERLAND. So much for polygamy and polygamous cohabitation. There have been two complaints which have been most strenuously urged by the opponents of the Mormon Church—polygamy and church interference in political affairs. I have already discussed the former, and I shall now direct the attention of the Senate to the remaining one of these propositions. That these complaints were well founded in the past I have no doubt; but the Senate is interested in knowing what the conditions are now, and we are only concerned with past conditions to the extent that they may reflect light upon the present.

When the Mormon pioneers, in 1847, went to Utah their movement possessed all the characteristics of a religious exodus. They met suffering and hardships and dangers at the hands of savage men and savage nature with a courage born of religious exaltation. The story of their pathetic march into the wilderness and of their early sufferings and hardships has few par-

allels in the history of pioneer struggles.

To them Brigham Young was more than the leader of their expedition. He was the new Moses pointed out by the finger of God to lead them through many perils to the promised land. With serene confidence in his God-given ability to conduct them in safety they followed him into the unknown with song and

In the beginning it is probable that they did not feel the need of a civil government at all. They were of one faith. Their religion was their main consideration. Everything else was of subordinate importance. When they established a civil government their religious leaders became the civil officers. time went on the rule of the church became more and more pronounced. The disposition of the leaders to advise, counsel, and direct, and that of the people to accept direction, counsel, and advice in all things, grew stronger and stronger as time went on. In those days the government in Utah was a virtual theocracy. There was a practical union of church and state. In this document that I have called attention to before by Captain Stansbury, at page 131, there is a somewhat graphic description of this situation, which I desire to read:

description of this situation, which I desire to read:

While, however, there are all the exterior evidences of a government strictly temporal, it can not be concealed that it is so intimately blended with the spiritual administration of the church that it would be impossible to separate the one from the other. The first civil governor under the constitution of the new State, elected by the people, was the president of the church, Brigham Young; the lleutenant-governor was his first ecclesiastical counselor, and the secretary of state his second counselor, these three individuals forming together the "presidency" of the church. The bishops of the several wards who, by virtue of their office in the church, had exercised not only a spiritual but a temporal authority over the several districts assigned to their charge, were appointed, under the civil organization, to be justices of the peace, and were supported in the discharge of their duties not only by the civil power, but by the whole spiritual authority of the church also. This intimate connection of church and state seems to pervade everything that is done. The supreme power in both being lodged in the hands of the same individuals, it is difficult to separate their two official characters and to determine whether, in one instance, they act as spiritual or merely temporal officers.

And so he proceeds. I will incorporate the rest of it, if the

And so he proceeds. I will incorporate the rest of it, if the Senate please, without reading further.

The VICE-PRESIDENT. Without objection, permission is

granted.

The matter referred to is as follows:

The matter referred to is as follows:

In the organization of the civil government nothing could be more natural than that, the whole people being of one faith, they should choose for functionaries to carry it into execution those to whom they had been in the habit of deferring as their inspired guides and by whom they had been led from a land of persecution into this far-off wilderness, which, under their lead, was already beginning to biossom like the rose. Hence came the insensible blending of the two authorities, the principal functionaries of the one holding the same relative positions under the other. Thus, the bishop, in case of a dispute between two members of the church, would interpose his spiritual authority as bishop for its adjustment, while in differences between those not subject to the spiritual jurisdiction and who could not be made amenable to church discipline, he would act in the magisterial capacity conferred upon him by the constitution and civil laws of the State. Thus the control of the affairs of the colony remained in the same hands, whether under church or State organization, and these hands were, in a double capacity, those into which the constituents had, whether as citizens or as church members, themselves chosen to confide it. (From Stansbury's Expedition to the Valley of the Great Salt Lake, 1852, p. 132.)

Mr. SUTHERLAND. The Government of the United States

Mr. SUTHERLAND. The Government of the United States itself gave unconscious credit to the situation by appointing and reappointing as governor of the Territory the spiritual head of the church, Brigham Young himself. In 1870 the Gentiles who had gathered in that Territory, though very few in number, organized what was called the "Liberal party." It had for its object the overthrow of polygamy and church interference in governmental matters. The Mormon people in opposition had a party called the "People's party." These two parties were purely prochurch and antichurch in character. In the Liberal party there were no Mormons; in the People's party there were no Gentiles. The fight which ensued and which lasted for the next twenty years was of the bitterest possible description. In 1891 the "People's party," so called, was disbanded, and the Democratic and Republican parties were organized throughout the Territory. Prior to that time, however, beginning probably as early as 1886, there became manifest a growing restlessness and dissatisfaction on the part of the younger men in the church, and some of the older ones as well, with reference to this condition of affairs. gan to be demands that the church should give up polygamy, and that a system of politics should be inaugurated in the State in harmony with that which existed in other communi-

As illustrative of this, in 1888 a number of young men of the church organized a Democratic party, which was called in derision the "Sage Brush Democracy," but which name they afterwards adopted in earnest themselves. This party nominated a candidate for Delegate in Congress and conducted a campaign against both of the old parties. In 1890 there occurred another instance. I happened to be living in the town of Provo, where Senator Smoot then resided and now resides. I was nominated as the candidate for mayor of the Liberal party. A number of the younger men in the church revolted against the People's Party and supported my candidacy. Among the leaders in that revolt was Senator Reed Smoot himself.

Since 1891 it has been charged, and there is some testimony in the record tending to show, that there has been interference on the part of some of the high officials of the church in political matters. I am not going to review the instances which are referred to, because, in the first place, I have not the time, and, in the second place, in view of the general statement which I shall make, it does not seem to me important to do so. Many of the instances which are mentioned by these witnesses are based wholly upon rumor and hearsay, which is always an unsafe kind of testimony. Some of them are absolutely disproven; but there still remain some cases, and, in my judgment, there have been some instances since the division on national party lines where high officials of the Mormon Church have interfered in political matters.

But the great and important fact to me—and it seems to me it ought to be also to the Senate-is that while there have been occasional instances of this kind there has been a steady improvement in that direction; and my deliberate judgment is that since 1900 there has been no instance of that kind in the State of Utah at all. I do not mean to say that some president of a stake or some bishop in some outlying locality may not have done something; but, so far as the leaders of the church are concerned, since 1900 there has been, to my mind, no well-

authenticated case of interference.

Some reference has been made to the city election of 1903, when Mr. Knox, candidate on the Republican ticket, was defeated, and it was claimed that that was due to the interference of the church. The testimony is overwhelming, to the effect that it was not due to that at all. It was charged that Mr. Knox was nominated in the convention by improper and corrupt methods. It was insisted that delegates in the convention had been purchased, and there was a general revolt against those kinds of methods. I do not think that Mr. Knox himself was charged with having been a party to those transactions; but those charges were made, and there was a very bitter feeling in the Republican party with reference to them, and Mormons and Gentiles alike revolted and voted against Mr. Knox's candidacy.

Judge Charles S. Zane, who was one of the judges all through the prosecution of these polygamy cases, and who certainly can not be charged with being in any manner under the control of the Mormon Church, was one of the men who fought Mr. Knox's candidacy, and did it openly. O. J. Salisbury, a Gentile and national committeeman, was another. There were scores of prominent Gentiles who did the same. So I might go on with these other instances in the testimony as to the facts. But I will incorporate some extracts from four or five witnesses to the effect that since the present head of the church has been president he has not only kept out of politics himself, but he has kept the church out of politics; and my observation as to what has been going on in that State during the last five or six years—and it has been a somewhat close observation leads me to believe that that is true. Since that president has been at the head of the church the church and the president of the church have been kept out of politics.

There has been an advance in other respects. Mr. President,

I will ask to incorporate in my remarks, without reading, some extracts from the testimony of Judge Powers, Judge McCarty, Mr. Cole, Mr. Candland, and Mr. Stephens with reference to this advance, and also some extracts with reference to President Smith having kept out of politics.

The VICE-PRESIDENT. In the absence of objection, per-

mission is granted.

The testimony referred to is as follows:

Judge Powers testified:

Judge Powers testified:

Mr. Powers. Well, there has been progress made that to me is, in view of the conditions that existed prior to that time, somewhat surprising as well as satisfactory. For instance, along about 1892 and prior to that time, and after that, but not to so great an extent, it was not an unusual thing; in fact, it was expected by those living in Utah that at the religious meetings held on Sunday nights preceding the election there would be political talks, and an indication given by the tenor of those talks as to how the people should vote. Now, we do not have those Sunday night talks just prior to the election. Of course we still have an editorial in the Deseret Evening News on the Saturday preceding the elections, generally, that we look for, but we do not have those talks. The people have progressed politically. They have progressed socially. The bitterness that was so intense between Mormons and Gentiles that it is hard to describe it, has in a great measure passed away, although it exists, unfortunately, to some extent yet. Take it socially. Prior to 1892 I do not know that any Mormons were members of the Alta Club, the leading social club of that city. At the present time there are Mormon members of that club, and as I say there has been an advance.

Mr. Van Cott. What have you to say, in your judgment, as to the honesty and sincerity of the Mormon men and women?

Mr. Powers. I believe the Mormon men and women are as honest and as sincere—I am speaking of the great mass of the people now—as any other people on earth.

Judge McCarty testified:

Judge McCarty testified:

Judge McCarty testified:

Mr. McCarty. I say the Mormon people, if they were to combine, would have the absolute control of the State and could nominate whomsoever they desire. They could exclude every Gentile from the tleket if they were so disposed. Realizing that they have this power, Gentiles are somewhat cautious about their candidacy, or somewhat apprehensive until they know whether there is going to be a fight against them or not. Now, I think a great deal too much prominence is given the church in these matters. I do not think the church is taking or has been in the last few campaigns taking the active part that has been attributed to the church; but candidates usually want to know whether there is going to be a fight made against them, realizing that if the church so desires or the people who compose it they could defeat them. A great many of them, I understand, have solicited and gone and conversed with the first presidency and others, but those Gentiles have proved to be generally the weakest candidates that have been placed on the ticket.

Senator Dubois. But they are anxious, are they not; they are solicitous to find out whether the church is going to oppose them or whether they will favor their candidacy?

Mr. McCarty. Yes. Owing to this continual agitation there and recognizing that the church is a factor that must be reckoned with, there is always an air, an atmosphere of uncertainty in every campaign.

Senator Dubois. What, in your judgment and in the judgment of men like you, is now and has always been the greater evil there, polygamy or church dictation in politics?

Mr. McCarty. Well, I do not know of any direct church dictation in politics. Of course I have always thought that this question of polygamy has been used a great deal as a mask with which to attack the church for supposed or alleged interferences, and so forth, in those matters. The only instance that I know of in the way of church interference, if it could be called such, was the Thatcher episode.

Mr. Samuel N. Cole, Gentile, o

Mr. Samuel N. Cole, Gentile, of Corinne, Utah, testified as follows:

Mr. Van Cott. How did you hold up in your vote with the Republican Mormons on the same ticket?

Mr. Cole. I ran right along with them, as near as I could make out, with the exception of this Petersen on the Democratic ticket against me. He was a Brigham City man. That is the greatest vote that is cast, at Brigham City. In his ward, the ward he lives in, I understand he ran a little ahead, but outside of that I ran with the ticket, right through the county.

Mr. Van Cott. Did you run a little ahead of your own ticket in Corinne precinct, where you live?

Mr. Cole. Yes; a little.

Mr. Van Cott. While you have lived in Boxelder County, have you seen any interference on behalf of the Mormon Church with the politics of the people or of the voters of either party?

Mr. Cole. No; I have not.

Mr. Van Cott. How have you found the Republican Mormons and the Democratic Mormons in regard to being independent in politics?

Mr. Cole. You mean whether they stay by the ticket?

Mr. Van Cott. I believe they will, certainly. There is no question about that. They stay by the ticket in our county as well as any people I know.

Mr. Van Cott. Calling attention to the time that you have been in

Mr. Cole. I believe they win, certainly. There is no question about that. They stay by the ticket in our county as well as any people I know.

Mr. Van Cott. Calling attention to the time that you have been in Utah, what is your opinion as to the manner in which the Gentiles have been treated in the Mormon county you refer to, namely, Boxelder County, in regard to offices and officers?

Mr. Cole. Well, they have been treated real well. The fact of the matter is, I can't notice where they make any distinction. Of course, there are generally some Mormons on the ticket. In fact, there are always some Mormons on the ticket, but there is a big majority of Mormons in the county. There are always some Gentiles on the ticket ever since I have been there.

'Mr. Van Cott. Are the principal affairs of the county administered by what are called "county commissioners?"

Mr. Cole. Yes.

Mr. Van Cott. Is one of them a Gentile?

Mr. Cole. We have one a Gentile, one a Mormon, and one that seems to be neither one, I believe.

Mr. Van Cott. The Gentile that is known as a Gentile—does he belong to any church?

Mr. Cole. Yes; I think he is a Baptist.

Mr. Van Cott. Do you know whether this is his first term?
Mr. Cole. No; this was his second term. He was elected last fall to his second term.
Mr. Van Cott. How did he go along with his comrades on the Republican ticket? Did he hold up with them?
Mr. Cole. He held right up with the ticket everywhere as near as I can make out. I inquired into it a little just to see how it was running.

Mr. Candland, Mormon, of Mount Pleasant, Utah, testified:

Mr. Van Cott. Calling your attention now to politics, what is your opinion as to the independence of the Mormon people in voting?

Mr. Candland. I know that they are independent, judging others

Mr. Candland. I know that they are independent, judging others from myself.

Mr. Van Cott. Well, from your observation?

Mr. Candland. My observation has been that they voted as they pleased, without any interference; that they would brook no inter-

pleased, without any interference; that they would brook no interference.

Mr. VAN COTT. Now, in the actual conduct of political campaigns, have there been Gentiles elected over Mormons in that county?

Mr. CANDLAND. In some instances, yes.

Mr. VAN COTT. Will you give a few of them, please?

Mr. CANDLAND. I remember where bishops or presidents of stakes have been on the ticket and have been defeated by Gentiles who were quite bitter anti-Mormon at times. I remember that Mr. J. D. Page was elected to the constitutional convention over Mr. C. N. Lund, a very prominent Mormon, who was a Democrat.

Mr. VAN COTT. Any others?

Mr. CANDLAND. I know that Mr. George Christensen, a member of the stake presidency, has been repeatedly defeated by Gentiles. If you like, I can give you several instances.

Mr. VAN COTT. I would like you to name a few more.

Mr. CANDLAND. In 1895, I think—I am not quite positive as to that year; it was a city election—Mr. Andrew Neilson, a Gentile Republican, was elected over Bishop Lund, a Democrat, for justice of the peace. In 1902 Mr. A. L. Larsen, a Republican, was elected over George Christensen, of the stake presidency, for superintendent of schools.

Mr. VAN COTT. What was Larsen?

Mr. CANDLAND. Larsen was a Mormon, I think. I am not positive as to that, I never knew whether he was a Mormon or not.

Mr. VAN COTT. All right.

Mr. CANDLAND. In 1902 Mr. Owen, a Mormon holding no particular office, was elected over Mr. Petersen Mattson, of the stake presidency, for justice of the peace. In 1903 Mr. Bowman, a Gentile, was nominated for mayor over Mr. Mattson, and he was elected over George Christensen, a member of the stake presidency, for the office of mayor. That year we also elected two Republican councilors—one of them was the principal of a Presbyterian high school—over Mormons.

Mr. Stephens testified:

Mr. Stephens testified:

Mr. Stephens testified:

Mr. Stephens I would say that there are various kinds of church influence. There is, first, the influence which any man has. I would say "influence" without saying "church." There is, first, the influence that any man has who is respected in the community and whose judgment is respected by those who know him; and when it comes to a church, if he is a member of a church, undoubtedly he would have an additional influence among the members of that church by reason of being a member; and that would be true in the Mormon Church, and, perhaps, to some extent a little greater than in the other churches. I would call that, perhaps, legitimate church influence. That is the natural influence which follows from a man's standing in the community. If, however, a question came up which involved the interest of the Mormon Church, I would say, for instance, take the election of 1900, when the question of protection was quite prominent, and the Mormon Church is interested in the sugar business—I think if the leaders of the church would go out and say "We feel that our interest is in having the protective tariff continued," it would have great weight; and I would compare it, I think, to the influence of a manufacturer who would say to his workmen, "I can not dictate to you how you shall vote, but I think our interests lie this way;" and I think it would have its influence.

I think there are probably 25 per cent of the Mormon voters who could be swung one way or the other, and possibly might be, where there was something vital that came up.

Mr. Van Cort. You think that 75 per cent are beyond any kind of influence at all?

Mr. Stephens. No; I would not say that they were beyond any kind of influence at all. I do not think any man is beyond any kind of influence.

Mr. Van Cort. You mean.—

of influence at all. I do not think any man is beyond any kind of influence.

Mr. VAN COTT. You mean—
Mr. STEPHENS. I would say this: I believe the great majority of the members of the Mormon Church are opposed to church domination in politics and want it to be a thing of the past. They are very much opposed to it, and resent it, I think.

Mr. VAN COTT. And—
Mr. STEPHENS. Excuse me.
Mr. VAN COTT. Proceed. I thought you had finished.
Mr. STEPHENS. I was going to say, I think if the first presidency should openly advocate or dictate to the people how they should vote it would be resented and sat down upon. I think, as I said, that their influence would have weight in matters which affect the church or its interests.

influence would have weight in matters which affect the church or its interests.

Mr. Van Cott. Now, referring to the practical side of voting, what have you noticed in regard to Mormon voters being independent in politics?

Mr. Stephens. You mean with reference to voting for a Gentile?

Mr. Van Cott. Yes.

Mr. Stephens. Where a Mormon was on the ticket?

Mr. Van Cott. Yes.

Mr. Stephens. A case simply of two men—a Mormon on one side and a Gentile on the other?

Mr. Van Cott. Yes.

Mr. Stephens. In cases of that kind they are loyal to the ticket. I think at the time when Judge Morse was a candidate for city attorney against me that was quite apparent. He and I analyzed the vote together with that idea in view. I think a Mormon votes for a Gentile, where there is nothing else to influence him, just as readily as he would vote for a Mormon, and possibly in some cases more readily than a Gentile would vote for a Mormon.

Mr. VAN COTT. You have expressed yourself along the line from the time you went to Utah up to the present, in a general way. What is your opinion now, after the experiment of fourteen years, as to the

result that has been attained up to this time in the solution of the difficulties that have existed in Utah?

Mr. Stephens. I think the progress has been very satisfactory.

Mr. Worthington. I should like to ask a question or two.

Mr. Stephens. Just a moment, Colonel Worthington, on the matter of church influence.

I do not want to be understood as saying that there have not been some notable instances of what I would term "church influence," but I will say they are deprecated, and we very strongly disapprove of anyone seeking it, whether it be a Mormon or Gentile.

Mr. Van Cott. What is the feeling of the Mormon people themselves on that point?

Mr. Stephens. I think they resent it fully as strongly as do the Gentiles. It was promised them that they should be independent in politics when the manifesto was issued, and when we divided upon party lines, and I think that having tried their wings they do not want them clipped.

Mr. Arthur Pratt, a Gentile, testified:

Mr. Van Cott. What is your opinion as to the sincerity of Joseph F. Smith to keep the church out of politics, and his resolution to accomplish it?

Mr. Pratt. I think it has been his intention from the first, from the time that he assumed the reins of government—that is, his position as president of the church.

Mr. Van Cott. Yes.

Mr. Pratt. That it has been his intention, and that he has directly followed it, to keep the church out of politics.

The Chairman. I want to ask you one question. I understand you to say "When the present president, Mr. Smith, took the reins of government." When was that? Do you remember?

Mr. Pratt. I think about three years ago.

The Chairman. In 1901?

Mr. Pratt. Yes; I think so.

The Chairman. Since that time, since he took the reins of government, he has attempted to keep the church out of politics?

Mr. Pratt. I think so.

The Chairman. How was it before?

Mr. Pratt. Well, as far as he was concerned—

The Chairman. I am speaking about the attitude of the church.

Mr. Pratt. The head of the church?

The Chairman. Yes, and the attitude of the church previous to that time.

Mr. Pratt. Well, I do not think the

time.

Mr. Pratt. Well. I do not think they were as particular about it some years before that.

The Chairman. What do you mean by not being particular about it?

Mr. Pratt. Well, I think there were a great many Gentiles who were seeking that influence, and I do not think President Snow was near as particular as President Smith has been.

The Chairman. Before that time it was a factor in politics, I suppose

Mr. Pratt. I am inclined to think so.

The Chairman. But since Mr. Smith has taken the reins of government there has been a change?

Mr. Pratt. There has been a change;

Mr. H. M. Dougall, Gentile, of Springville, Utah, testified as follows:

Mr. Worthington. Let me ask you, particularly during the last few years, since Joseph F. Smith became president of the organization, whether you have observed any indication at all that the church, as a church, has interfered in politics?

Mr. DOUGALL. The reputation in our end of the country is that Joseph F. Smith keeps strictly out of polities.

Mr. Worthington. According to what you have learned by common repute, is that true?

Mr. DOUGALL. Yes, sir.

Mr. Worthington. How do you find the Mormons as voters, so far as regards standing by their party?

Mr. DOUGALL. They usually stand pat.

Mr. WORTHINGTON. You can usually count upon a Mormon Republican to vote the Republican ticket?

Mr. DOUGALL. Yes, sir.

Mr. WORTHINGTON. And a Mormon Democrat to vote the Democratic ticket?

Mr. Dougall. Yes, sir.

Mr. W. P. O'Meara, a Gentile, testified:

Mr. W. P. O'Meara, a Gentile, testified:

Mr. Van Cott. What is the sentim at there, and your own opinion, as to the sincerity of Joseph F. Smith to keep the church out of politics, to do away with new polygamous marriages and to prohibit them, and also of his resolution and ability to execute what you believe is his good faith in the matter?

Mr. O'Meara. So far as Joseph F. Smith is concerned interfering in politics, I think it is generally understood that when Gentiles, or even Mormons, go to him for support they get anything but encouragement; and as far as carrying out his own intentions is concerned, I have always found him in a business way—in the business I have had to do with him—a very fair, honest, and conscientious man. So far as carrying out the mandates of the church, of course I know nothing about that.

Mr. Hughes testified.

Mr. Hughes testified:

Mr. Van Cott. Do you know Joseph F. Smith or do you know of him?
Mr. Hughes. I know him by sight, and have known him for years. I
never spoke to Mr. Smith.
Mr. Van Cott. What is the sentiment among Gentiles as to whether
he is sincere in keeping the church out of politics?
Mr. Hughes. The sentiment is that he is exceedingly sincere and
very honest in that regard, and in all regards, in fact. They think he
is a fanatic in religion, but very honest, and that he is determined to
keep the church out of politics, and has done so since he has been president. That is a strong feeling among the Gentiles.

Mr. Stephens testified:

Senator Overman. Will you tell me, Mr. Stephens, why it was that the church interfered in behalf of Kearns when he was elected and why hey were not for him this time? Was there any reason?

Mr. Stephens I can not say why President Snow, if he was for him, was for him; but at the present time there is a different president.

President Smith is generally understood to be unfavorable to the church mixing in political affairs.

Mr. SUTHERLAND. Now, in another respect the progress has been exceedingly satisfactory. In the constitutional convention which assembled in 1895, out of a total membership of 107, there were 30 polygamists. In the first State legislature, out of a total membership of 63, there were 6 polygamists. In the first State legislature, In 1899 there were 5 polygamists in the legislature. In 1903 there were 3 polygamists, and in 1905, two years ago, there was only 1 polygamist, and in the present legislature, according to the information I have, which I think is reliable, although I do not absolutely vouch for it, there is no polygamist at all

The same progress is manifest in the church. It is true, as the Senator from Michigan [Mr. Burrows] said the other day, that when Senator Smoot was elected a member of the apostolate a majority of the apostles were polygamists. In 1896, out of the 15 who constitute the governing heads of the church—the presidency and the twelve apostles—there were only 3 monogamists. In 1900 a majority of them were polygamists, while to-day out of the 15 members there are only 5 polygamists, while 10 are monogamists.

The same radical change is to be seen in the subordinate offi-cers of the church. Out of something over 800 subordinate officials of the church, presidents of stakes and bishops, there were two years ago, when the testimony was given, only 53 polygamists. There are to-day probably, according to my information, not to exceed about thirty-five.

Mr. President, the Mormon Church, like every other church and every other thing in the universe, is subject to the law of evolution. I am glad to believe that in some way I do not understand there is at the very heart of things some mighty power which silently and surely, if slowly, works for the exaltation and uplifting of all mankind. I am not religious in the ordinary acceptation of the term; I have no patience with mere forms or mere creeds or mere ceremonies; but I do believe with all the strength of my soul that "there is a power in the universe, not ourselves, which makes for righteousness." I am an optimist in all things. I do not believe that the world is growing worse. I feel sure it is getting better all the time.

I am no believer in the doctrine of the fall of man. Man has

not fallen. He has risen and will rise. In the process of evolu-tion he has so far progressed that he is able to stand erect and look upward, but his feet are still upon the earth, and so while he sees the heights he ascends them only with slow and toilsome effort. But he does ascend.

In that great masterpiece of imaginative writing, Les Misérables, the immortal Victor Hugo, with marvelous and consummate skill, has traced for us the gradual uplifting of his principal character from a condition of sordid poverty and sin and misery and crime and vileness to a position of honor and trust and confidence and power for good and purity of life, and thence to his final apotheosis in an act of sublime self-sacrifice which challenges the profoundest admiration of our souls. To my mind the most magnificent figure in all the literature of fiction is that of Jean Valjean, not because he finally stood upon the heights, but because with infinite toil and struggle he came upward from the abyss. And so, in measuring the progress of any man, as it seems to me, the question is not so much upon what height does he stand as it is, How far has he climbed?

would apply the same test to a community.

I do not say that conditions are perfect in Utah; they are not perfect anywhere; but I do say that conditions to-day are immeasurably better than they have ever been before, and that, in my judgment, they will be better to-morrow than they are to-day. I do not claim that there are no evils among the people. Some remnants of the old objectionable conditions still exist. But I do claim that those evils are fewer in number and less in extent by far to-day than they have ever been before, and, in my judgment, it will be but a short time until they are eradicated altogether.

A community, Mr. President, like an individual, does not overcome its bad habits without a struggle. Indeed, the struggle is more difficult because the number of individuals who are concerned, with their varying degrees of self-restraint and desire for reform and strength of purpose, renders the problem more complex. As with an individual, so with a community. There are the occasional lapses, the goings forward and the slippings back, the fallings down and the risings up, and, thank God, the same ultimate triumph if the resolution be sound at the core.

Mr. President-

I hold it truth, with him who sings To one clear harp in divers tones, That men may rise on stepping-stones Of their dead selves to higher things.

Upon stepping stones of its old self Utah has risen and will We must not forget that the conditions of which the American people justly complained were nearly fifty years growing the wrong way; they have been only fifteen years growing the right way, but the great and important and splendid fact is that they have been growing the right way. And I say to you, Mr. President, and to the Senate, and to the country, with what I believe to be the words of soberness and truth, that the people of that State are ridding themselves of these objectionable conditions just as rapidly and just as effectually as any far-sighted man, knowing the circumstances, could reasonably have expected they would, and that we are to-day far beyond the slightest danger of any successful reactionary movement.

And let me say further— Mr. DUBOIS. Mr. President-

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. Yes.

Mr. DUBOIS. Will it disturb the Senator if I ask him a question?

Mr. SUTHERLAND. I hope the Senator will make it as short as possible. I am very tired and am anxious to get

Mr. DUBOIS. The Senator said that the People's Party and the Liberal party disbanded, and that the members of those parties joined the Republican and Democratic parties, which condition continued for a number of years. But is it not true that recently the Gentiles have been uniting again in Utah? In Salt Lake City, where the Senator lives, there is an American party, and I understand 80 per cent of that party is composed of Republicans. That party has been organized, as I understand and as is understood out there, to protest against the domination of the Mormon Church in political affairs, to bring about a separation of church and state.

I would be glad if the Senator would explain what his idea is in regard to the organization of this American partisan party and of the tendency of the Gentiles in Utah to revert to the old

Liberal party. Is there any justification for it?

Mr. SUTHERLAND. The American party was organized after my predecessor in the Senate, who came here, in my deliberate judgment, partly as the result of the assistance given him by the then president of the Mormon Church—that is one of the instances of church interference that I have in mind-that party was organized after this, and after that ex-Senator had endeav-ored to get the help of the Mormon Church again and it had been refused. There are Senators within the sound of my voice who know, or have every reason to believe, that what I say about it is true.

Mr. DUBOIS. Mr. President-

Mr. SUTHERLAND. I hope the Senator will not interrupt me. Let me answer his question.

Mr. DUBOIS. I beg pardon. Mr. SUTHERLAND. When the ex-Senator, my predecessor and I should not have spoken of this but for the question of the Senator from Idaho-when that ex-Senator desired to come back to the Senate, according to the statements which are made in Utah, and which I have no reason to doubt, he went to the present head of the church and sought his aid, and that president told him that he was not in politics, that the church was not in politics, and that neither of them would be dragged into politics by him. The head and front of the American party in Utah is ex-Senator Thomas Kearns, and the Salt Lake Tribune and the Salt Lake Telegram are his personal organs.

Mr. DUBOIS. Mr. President-The VICE-PRESIDENT. Does the Senator from Utah yield further to the Senator from Idaho?

Mr. SUTHERLAND. I will yield for a question only.

Mr. DUBOIS. Very well.

Mr. SUTHERLAND. I want to get through.
Mr. DUBOIS. I should like to ask the Senator if the most splendid Gentiles in Salt Lake do not belong to this party and

if it is not the dominant party in Salt Lake?

Mr. SUTHERLAND. That some of the most splendid Gentiles in Salt Lake do belong to that party I think is true. There are a great many Gentiles who have carried along their bitterness from the old days and who have always been waiting for an opportunity-they are unreconstructed and never will be reconstructed-to slap the Mormon Church, and they have taken advantage of this situation. They are good men, among the best citizens we have there. The rank and file of the American party are good people, but I say the leadership, the people responsible for the American party, are this man whom I have mentioned and his lieutenants.

Mr. DUBOIS. To return-

Mr. SUTHERLAND. I do not care to yield further.

The VICE-PRESIDENT. The Senator from Utah declines to yield further.

Mr. SUTHERLAND. I wish to finish what I have to say on this matter.

The other branch of the question which the Senator asked me was whether they were not the dominant party. They are not the dominant party. At the last election there were in the neighborhood of 35,000 Gentile votes cast—

Mr. DUBOIS. I said in Salt Lake City.

Mr. SUTHERLAND. I say in Utah. I am not speaking of Salt Lake. I speak of Utah. The Gentiles in other parts of the State are just as good as the Gentiles in Salt Lake. Out of 35,000 Gentile votes cast in the State of Utah, the American party cast 11,000. The American party did not elect a single candidate in Salt Lake County at the last election. Two years ago there was a division between Democrats and Republicans—this was the third party—and it slipped in be-tween and elected a city ticket. But at the last county But at the last county election which we held there it did not elect a single man upon its ticket. The American party is growing less and less all the time. At the last school election, which was held in Salt Lake City within the last two or three months, it did not elect, although it had candidates in every precinct, a single candidate to the board of education. The American party is not the dominant party either in Salt Lake County or in the State of Utah.

Mr. President, let me resume where I left off. I want to say further that any man who asserts—and I care not who he may be-that there is any feeling of hostility on the part of the people or any of the people of the State of Utah toward this Government either speaks with inexcusable ignorance or he mis-

states the facts.

When the war broke out with Spain, and the call for volunteers was made, Utah was among the first of all the States to respond. Mormons and Gentiles alike freely offered their services to their country. Mormons and Gentiles together marched away to the music of the same drum tap, with the same love and reverence for the flag, which floated impartially above them both and found equal loyalty beneath its folds. The Utah batteries—commanded by Maj. Richard W. Young, himself a Mormon, a grandson of Brigham Young, a graduate of West Point, and as brave and loyal and splendid a gentleman as ever wore the uniform of a soldier-won for themselves in the Philippines a name of heroic and imperishable glory. Mormon and Gentile fought side by side in the swamps and the rice fields, and gave up their lives and lay with their silent white faces upturned to the pitiless sun of Luzon with the same patriotic devotion to the cause of their country. Not a man of them— Mormon or Gentile—but honored and glorified the uniform he

In the terrible flood and cyclone which occurred in the Society Islands within a year the young Mormon missionaries stationed in those islands, at the risk of their lives, helped save the property of the Government, the archives and records of the Government. I have here a copy of a letter written by the consul in those islands to President Smith, and published in a newspaper in Salt Lake, in which he speaks of that incident. He says:

dent. He says:

Dear Sir: It gives me great pleasure to inform you that during the cyclone and high water at Papeete, Tahiti, February 8, the Mormon elders rendered conspicuous service at the American consulate, at the risk of their lives, to rescue the archives. The elders were Messrs, Hail, Peck, Clawson, Pierson, Tibbetts, Miner, Wilkinson, Noall, and Huffaker. Mrs. Hall and Mrs. Wilkinson also were kind and hospitable to myself and my relatives during three days while we were their guests.

The elders have produced a splendid example of loyalty to the interests of their country abroad. I have reported their bravery and successful service to the Department of State.

I congratulate you upon such noble representatives in this insular community.

Respectfully, yours,

WM. F. Dory,

Consul.

WM. F. DOTY, Consul.

In the report to the War Department he states:

In the work of rescue conspicuous service was rendered, at the risk of life, by the following American Mormon missionaries—

And then he names the same ones named in the letter to the president of the church.

Mr. President, it is time that the voice of calumny should be silent. It is time that the tongue of slander should cease. Let us have the truth about Utah by all means, but in God's name let it be the truth; and when any man says that the people of the State are not loyal, that they are not patriotic, that they have any feeling of hostility toward this Government, that life or property is unsafe in any part of the State, that any of them teach their children to disrespect the flag, he utters a falsehood as cruel and as foul and as foundationless as any ever concocted by the father of lies himself.

Mr. President, just a word or two personal to Senator Smoot. It is shown by the testimony that not only is Senator Smoot not a polygamist, but it is also shown that he has been opposed to the practice of polygamy since he was a young man. There is testimony in this record to that effect, and there is no testimony from any witness that I recall to the contrary.

I wish very briefly to call attention to one or two extracts, taking first the testimony of Judge James A. Miner, a Gentile, who was a judge on the bench, appointed by Mr. Harrison, from Michigan, and who went there as early as 1889. At page 831

of the second volume Mr. Miner says:

Mr. Van Cott. Do you know anything about the reputation he bore-Referring to Senator SMOOT-

Referring to Senator Smoot—
in those early days in regard to the practice of polygamy?
Mr. Miner. Yes, sir.
Mr. Van Cott. What was it?
Mr. Miner. My deputies were deputies for that district, which included Mr. Smoot's residence—that is, Utah County, and those deputies, during the year 1890, from July on, were over the entire district, and before I personally became acquainted with Mr. Smoot—during the time of these prosecutions or about the time of the manifesto—they reported to me, and I obtained from that reputation and from others, in speaking of him, that he was an active, bright young man from Provo, and his leanings were strongly in favor of the enforcement—that is, the people should obey the law. He was against the practice of polygamy. They regarded him as the coming young man of the State. He was so regarded, I think, from that time on as a bright, active, lawabiding man, of excellent character and habits.

Mr. Whitecotton a Gentile lawver, who lives at Provo tes-

Mr. Whitecotton, a Gentile lawyer, who lives at Provo, testified upon the same subject. After he had explained that one of Senator Smoor's heresies was that he belonged to the Republican party and believed in protection, he was asked this ques-

Senator Foraker. What are some of the other heresies he had?

Mr. Whitecotton. That is the chief one; and he always voted the Republican ticket. It is a kind of an unpleasant thing for us Democrats to have too many fellows do that. But they do it.

Mr. Van Cott. Speaking of the other heresies that Mr. Smoot had, what was the general understandling in the community in Provo about any heresy that Mr. Smoot had as being opposed to the practice of polygamy in those early days?

Mr. Whitecotton. He was a heretic on that, too.

Mr. Van Cott. He was opposed to polygamy; he was understood so to be. He was looked upon as one of the young men in Utah who were to redeem Israel.

I call attention to the testimony of Mrs. Coulter to the same

effect, on page 173 of volume 3, without stopping to read it.

I also have here a piece of testimony that is peculiarly and strongly corroborative of the testimony of these witnesses. 1892 there was a hearing before the Senate Committee on Territories with reference to whether or not a bill for the local government of the Territory of Utah should be passed. Among the witnesses who appeared before that committee was Judge John Judge Judd was a Gentile, a Democrat, who had been appointed by President Cleveland back in 1885 to go to Utah as judge, and he remained there for a great many years. As I say, this was in 1892, fourteen years ago. As the Senator from Vermont [Mr. Dillingham] suggests, a very large number of these cases came before him, and he probably personally sentenced to imprisonment hundreds of persons convicted of polygamous cohabitation.

Judge Judd, in the course of his testimony given fourteen years ago, when Mr. Smoot was a young man, said:

years ago, when Mr. Smoot was a young man, said:

Now the facts. The Mormon people, when they settled that country out there, settled it with an attempt to plant upon American soil a civilization of three thousand years ago. Their system of priesthood, for I have studied their theology, and their system from their own standpoint, reading their own literature, was undertaken to be patterned after that of the ancient Jewish priesthood, and included in it, like the latter, the polygamic relation. When they undertook this thing, of course, in the estimation of the civilization of America and of its laws—the first one being passed, however, in 1862—it became a criminal institution. No one recognized that more thoroughly than did Brigham Young, the leader of the Mormon people, and the Mormon people themselves.

Now, omitting some:

Now, omitting some:

I began then to talk to the younger men and the younger women, and to see if I could discover whether there was back of that an absolute sentiment in favor of polygamy. I had been told, and the estimates demonstrated beyond doubt that there was probably not over 25 or 3 per cent of the male population in polygamy. The settlement of Utah was forty or forty-five years old, and many of the men and women born there were grandfathers or grandmothers. I could not understand how it was that those people were consenting to such continual attacks, to such deprivations, and to such odding in the estimation of their fellow-citizens in the United States in this condition of things. And, gentlemen, I discovered as clearly a marked line between those who favored polygamy and those who did not as the banks of the Mississippi River.

The younger people would come to me in my room in private and talk to me about it. I could give names and incidents of Mormons high in life, some of whom the chairman of this committee is acquainted with, who came to me and urged me, saying, "Judge, for God's sake, break this thing up. We have had enough trouble. We have had all we can possibly stand of it. We have had one right after another taken from us. We have been put in an awkward attitude before our fellow-citizens of the United States, and for God's sake break

it up." Others said to me, notably REED SMOOT, son of the president of a stake, and the Republican candidate for mayor, and himself the product of a polygamous marriage, "Judge, we can not stand this thing, and we will not stand it; it must be settled."

Judge Judd is quite correct about that. When polygamy was given up by the church, it was owing to a demand coming from within the church quite as much as it was to a demand coming from without, and among the men who stood in favor of that sort of thing, in favor of compelling the church to conform its practices to the law, none stood more firmly than did Senator REED SMOOT.

Reduced to the last analysis, then, we have a man here who has never violated any law so far as we know; whose conduct in every respect is above reproach; who has been opposed to the practice of polygamy ever since he was a boy, and yet whose expulsion from the Senate is demanded upon the ground that he shall not be permitted from this exalted place to make war upon the American home. Such a demand to me seems hysteria pure and simple.

Mr. President, there are many things that ought to be discussed in this connection—many things that I intended originally to discuss—but I have already taken too much of the time of the Senate. I have spoken to my own weariness and no doubt to the weariness of the Senate as well. Just a word

more and I am through. Mr. President, it is asserted by this original protest in the most positive terms that Senator Smoot is not charged with any offense cognizable by law. In all the things which constitute the decencies and moralities of life he stands here, as he stands everywhere he is known, beyond criticism and above reproach. Day after day and month after month for nearly four years he has met the shafts of ridicule, falsehood, and slander that have been directed against him, and he has faced them all with se-rene and patient courage. However much he may have chafed inwardly, he has borne himself outwardly with rare composure and self-restraint. He believes that the day of his vindication is at hand. But if it shall be otherwise, if the verdict of this great jury shall be against him, if the long strugglo shall end not in vindication, sweeter than the honey of paradise, but in a pitiful defeat more bitter than death itself to an honorable man, he will, in my judgment, step from this august Chamber with anguish unspeakable in his heart, but with no stain upon his

soul, because no man's soul can be stained save by himself. During the delivery of Mr. Sutherland's speech, The VICE-PRESIDENT. The Senator from Utah will kindly

suspend while the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The Secretary. A bill (S. 7709) to revise, codify, and amend the penal laws of the United States.

Mr. FULTON. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Oregon asks unanimous consent that the unfinished business of the Senate be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered. The Senator from Utah will proceed.

Mr. SUTHERLAND. I thank the Senator from Oregon for his courtesy.

After the conclusion of Mr. Sutherland's speech,

# HOUSE BILLS REFERRED.

H. R. 15242. An act to confirm titles to certain lands in the State of Louisiana was read twice by its title, and referred to the Committee on Public Lands.

H. R. 24103. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1908, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

H. R. 24111. An act to authorize the Norfolk and Western Railway Company to construct a bridge across the Potomac River, at or near Shepherdstown, W. Va., was read twice by its title, and referred to the Committee on Commerce.

H. R. 24122. An act in reference to the expatriation of citizens and their protection abroad was read twice by its title, and referred to the Committee on Foreign Relations.

FORT WRIGHT MILITARY RESERVATION, WASH.

The bill (H. R. 24048) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Spokane and Inland Empire Railroad Company, its successors and assigns, was read the first time by its title.

Mr. PILES. I ask for the present consideration of the bill, inasmuch as a similar bill has been favorably reported by the Committee on Military Affairs.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The bill was read the second time at length, as follows:

The bill was read the second time at length, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and empowered to locate a right of way, not exceeding 100 feet in width, through the lands of the Fort Wright Military Reservation, if, in his judgment, it can be done in such a manner as not to interfere with the uses of said reservation for military purposes by the United States; and when said right of way shall be so located it is hereby granted during the pleasure of Congress to the Spokane and Inland Empire Railroad Company, a corporation organized under the laws of the State of Washington, its successors and assigns, for the purpose of constructing a railroad and telegraph line thereon: Provided, That the said right of way and the width and location thereof through said lands, the compensation therefor, and the regulations for operating said railroad within the limits of the said military reservation so as to prevent all damage to public property or for public uses shall be prescribed by the Secretary of War prior to any entry upon said lands or the commencement of the construction of said works: Provided, also, That whenever said right of way shall cease to be used for the purposes aforesaid the same shall revert to the United States.

Sec. 2. That Congress reserves the right to alter, amend, or repeal this act.

this act.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONTRIBUTIONS FOR POLITICAL ELECTIONS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4563) to prohibit corporations from making money contributions in connection with political elections, which was, on page 2, line 2, to strike out all after the word "shall" down to and including dollars," in line 3, and insert "upon conviction be punished by a fine of not exceeding one thousand and not less than two hundred and fifty dollars, or by imprisonment for a term of not more than one year, or both such fine and imprisonment, in the discretion of the court."

Mr. FORAKER. I move that the Senate concur in the House

amendment.

Mr. BURROWS. I should like to inquire if that is the bill which was reported originally by our Committee on Privileges and Elections?

Mr. FORAKER. Yes; it came originally from the Committee on Privileges and Elections, and there is an amendment from the House which is in entire harmony with the bill.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Ohio to concur in the amendment of the House.

The motion was agreed to.

DONATION OF OBSOLETE CANNON.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4423) providing for the donation of obsolete cannon with their carriages and equipments to the University of Idaho, which was, to strike out all after the enacting clause and insert:

That the Secretary of War be, and he is hereby, authorized to deliver to the University of Idaho, at Moscow, Idaho, two obsolete cannon, with their carriages and equipments, now in possession of said University of Idaho, to become the property of the said university for ornamentation of the grounds of the said university: Provided, That no expense shall be incurred by the United States in the delivery of said cannon.

Mr. HEYBURN. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution, which will be stated.

The Secretary. Senate resolution 208, by Mr. Foraker.

Mr. TELLER rose.

Mr. CULLOM. If the Senator will allow me, I understand that the Senator from Ohio is bringing up the resolution about which there has been a long discussion. I have yielded the appropriation bills, so far as I am concerned, so that this subject may be taken up and gotten out of the way.

Mr. TELLER. I do not know what the order is. I am try-

ing to find out.

The VICE-PRESIDENT. By virtue of the unanimous-consent agreement made this morning, the Chair has laid before the Senate resolution No. 208, introduced by the Senator from Ohio, respecting the Brownsville matter. The Senator from Colorado is recognized.

Mr. TELLER. I yield to the Senator from Florida [Mr. Mal-

LORY

Mr. MALLORY. Mr. President, the questions presented by the various resolutions that have been pending for several weeks past relating to what is commonly known as the Brownsville

incident involve a question of the power of one of the coordinate branches of the Government, the authority and power of the President to do what was done by his order, namely, the discharge of the enlisted men of a battalion of the Twenty-fifth Infantry, stationed at Brownsville at the time of the attack The Senate has had the benefit of the on that sleeping town. views of some of its ablest members upon that question. The discussion has revealed not only a great diversity of view, but has revealed the fact that views here are entertained regarding the power of the President that are utterly inconsistent with and contradictory of each other.

A portion of the membership of this body believe that the President has the power, under the authority conferred on him by the Constitution in making him Commander in Chief of the Army, to discharge a soldier at any time, whenever, in the judgment of the President, it is for the good of the service that such action should be taken. Another part of the membership of this body hold the view that under the fourth article of war, an enactment of Congress, the President possesses the same power, vested in him by the will of both bodies of the Congress of the United States; that he has been invested with a discretion to act or not act, as in his judgment seems proper; and that when he does exercise that discretion it is beyond the power of anyone or any set of men to question his authority and his right to so act.

This proposition, Mr. President, is one that is not confined to the personality of any Executive. It is a broad question of power to be exercised by one of the coordinate branches of the Government. If that coordinate branch possesses that power, then I have no hesitation in laying down as a proposition which can not be disputed that it is beyond the scope and authority of either of the other branches of the Government to question that authority.

Therefore, Mr. President, it becomes a most important step to be taken at the outset to determine whether the President in acting as he did was within the scope of his power and authority.

A third element of the composition of this body hold the view that the President has no power, either under his constitutional designation as Commander in Chief or under the fourth article of war, unlimited and unqualified as it is, to dismiss a single enlisted man of the Army without giving him an opportunity to be heard.

Those of us who stand in the second category I have indicated and those who stand in the first can not, in my judgment, consistently vote for this resolution. If they believe, as they claim they do believe, that the President acted within the scope of his power and authority, then they will place themselves in an attitude that can not be justified or explained if they vote for this resolution.

But, Mr. President, there is another point of objection to it, and that lies in the fact that whether it is in fact or not an equivocal use of language, it nevertheless has impressed Senators of great learning and ability, lawyers of standing and reputation, as being susceptible of two very different and conflicting interpretations. To illustrate that I will read an extract from some remarks made by the brilliant Senator from Ohio [Mr. Foraker] on yesterday, when called upon to give his construction of the meaning of his resolution. He said:

Mr. President, I want to say, in answer to the suggestion of the Senator from Massachusetts [Mr. Lodge], that my understanding of this language is that it does not commit the Senate on this proposition in any sense whatever, except only to let the whole matter stand in abeyance so far as this investigation is concerned. That is the theory upon which I am willing to modify the resolution, with that understanding. In other words, the effect will be precisely the same as though we were to say "neither affirming nor denying the legality."

There is a clear-cut exposition of the meaning, purpose, and intent of this resolution, and, coming from the distinguished gentleman who has offered the modification, which seems to have met the approval of a majority of this body, it must be given the weight which it necessarily derives from such a source.

On the opposite page of the RECORD I read from the remarks of the very able and clear-headed Senator from North Dakota [Mr. McCumber], who, after discussing at some length the meaning of the resolution, closes his remarks in the following language:

I can vote for this, not on the false assumption that it means something else than what its words are, but I can vote for it upon the assumption that it means that we do not question in any way, so far as this case is concerned, the legal power or the constitutional power of the President of the United States to dismiss without honor either in time of peace or in time of war.

Mr. President, it is true, if we are to believe the statements made in the press, that the amicable arrangement whereby this resolution seems to have been accepted by a majority of this body has been inspired by information received to the effect that the Executive is willing for it to be adopted in its present shape. I for one do not wish to be understood as permitting an Executive or anyone else to shape my action in this body on a matter of this supreme importance. We are not legislat-ing here for any particular Executive; we are not legislating here in the interests of any particular party; we are enacting laws and passing resolutions for the purpose of doing all that is necessary for the good and the welfare of the people of the country. Our action upon this resolution is not limited and will not stop at Theodore Roosevelt. It goes beyond and will stand as a guide and a mark for his successors for generations to come. Therefore, viewing it as I do, I have no hesitation in saying that I would feel that I had stultified myself if when this vote is had it would appear that I had cast my vote in favor of the

Viewing it, therefore, Mr. President, 'as I do, and desiring to give an opportunity to those who agree with me to give an expression to their best judgment upon those views, I have drawn up a resolution which at the proper time I shall propose as a substitute for that of the Senator from Ohio, and for the information of the Senate I will read it now:

Resolved, That in the judgment of the Senate the recent action of the President in discharging without honor enlisted men of Companies B, C, and D of the Twenty-fifth Infanty was within the scope of his authority and power and a proper exercise thereof.

Resolved further, That the Committee on Military Affairs is hereby authorized and directed, by subcommittee or otherwise, to take and have printed testimony for the purpose of ascertaining all the facts with reference to or connected with the recent attack on the town of Brownsville, Tex., on the night of August 13-14, 1906. Said committee is authorized to send for persons and papers, to administer oaths, to sit during the sessions of the Senate, and, if deemed advisable, at Brownsville or elsewhere, the expenses to be paid from the contingent fund of the Senate.

Mr. President, I have thought proper to authorize the committee to go into an inquiry into the facts after I have provided for a declaration that, in the judgment of the Senate, the President has acted within the scope of his powers and has acted properly. My reason for doing that is that the Senator from North Dakota [Mr. McCumber] said yesterday it is possible that in a case of the importance this one is it may be proper and right for the Senate to investigate the facts, not for the purpose of hereafter questioning the power and authority of the President, but for the purpose of gaining all information that may hereafter be useful in legislation pertaining to the Army; and with that purpose in view and with that purpose only justifying such an addendum to the first part of the resolution, I have thought proper to permit the investigation.

Mr. President, I offer the resolution I have just read as a sub-

stitute for that of the Senator from Ohio.

Mr. TELLER obtained the floor.

Mr. FORAKER. I move to lay the resolution on the table. Mr. BACON. I ask the Senator to withhold that a moment. I wish to say a few words.

Mr. FORAKER. I will do so. I enter the motion, but I

will withhold it.

The VICE-PRESIDENT. The Secretary will read the amendment proposed as a substitute by the Senator from Florida.

The Secretary read as follows:

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\*\*Resolved further,\*\* That the Committee on Military Affairs is hereby authorized and directed, by subcommittee or otherwise, to take and have printed testimony for the purpose of ascertaining all the facts with reference to or connected with the recent attack on the town of Brownsville, Tex., on the night of August 13-14, 1906. Said committee is authorized to send for persons and papers, to administer oaths, to sit during the sessions of the Senate, and, if deemed advisable, at Brownsville or elsewhere, the expenses to be paid from the contingent fund of the Senate.

Mr. FORAKER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. TELLER. I yield for a moment.

Mr. FORAKER. It has been suggested that I made my motion out of order, the Senator from Colorado having the floor and it not having been yielded to me. Now that he yields to me the floor for that purpose, I enter my motion to lay the resolution on the table.

Mr. BACON. I wish to suggest that the entering of a motion

necessarily would preclude debate.

Mr. TELLER. That is a fact.

Mr. FORAKER. I withhold the motion.

Mr. BACON. The Senator can reoffer it at any time.

Mr. FORAKER. I enter the motion, but withhold it until Senators can discuss the amendment.

The VICE-PRESIDENT. The Senator from Colorado will proceed.

Mr. TELLER. The amendment of the Senator from Florida [Mr. Mallory] is to do what it has been claimed the resolution which the Senator from Ohio [Mr. Foraker] offered yesterday would do. I wish to call the attention of the Senate for a moment to the wording of his resolution:

That, without questioning the legality or justice of any act of the President, etc.

That is a negative form of indorsing the President's action, in my judgment. The Senator from Ohio, who sits some distance from me, shakes his head; but it certainly was claimed on the floor of the Senate here yesterday that those words meant or were equivalent to saying, "We do not question your authority; we leave that; we admit your authority.

Mr. President, this debate began about the 3d of December, and every resolution that was put in here except one proceeded upon the theory that they only wanted the facts, and the ques-tion of law was not to be and ought not to be considered. I made up my mind in the beginning that I would vote for getting the facts, and I am not concerned about the law at the present time. I thought at a later time we might determine

that phase.

I read over some of the arguments made by the friends of the President's authority, and I was particularly struck by a statement made by the senior Senator from Massachusetts [Mr. Lodge], that the President had the authority without any statutory or constitutional authority by way of inheritance from the King of Great Britain. I have an idea myself that there is not anybody in any official position anywhere who can fall back upon the inherited right to do certain things. when we cut loose from Great Britain we cut loose from the prerogatives of the King; and if we did inherit them, we certainly inherited them by mistake, because we did not intend to If anyone will take the Declaration of Independence and read it over, he will see that the authors of the Declaration certainly were not anxious to inherit anything from the King, whom they denounced from the beginning to the close of the Declaration.

Mr. President, it is a new doctrine that you are inheriting from the King, though I expect to live long enough to see that doctrine become popular in certain circles and in certain politi-cal parties. A year ago last fall I was present in the supreme court of Colorado when a lawyer of great ability, who could make a speech on one side as good as he could on the other, who could defend a law that he did not believe in as well as he could one that he did, stated to the court that they had inherited all the prerogatives of the King's court. He said that when we went into the organization of the United States in the shape we did the King's prerogative, or the King's court's prerogative, was floating around and that it had to lodge somewhere, and so it had lodged in the supreme courts of the several

Mr. President, it seems to me that any lawyer making that statement to the supreme court ought to have been rebuked, either for his ignorance or for his unfairness. The court seemed to take it all in and looked on with great pleasure when he said to them: "It is not in the power of the legislature to limit your authority at all; they can give you authority; but what you get by inheritance they can not interfere with." That being received by the court rather graciously, he added: "Nor is it possible for the people of this State to take it away from you even by constitutional amendment." And, Mr. President, six of that court held that that is good law.

I have not much patience with anybody who talks about inherited prerogatives or inherited rights. This is a country of law, and every man who has the power to do anything, whether Federal or State, derives it either from the Constitution or from If the President had the authority to dismiss these men-and I do not intend to discuss that question, because I am not able to do so to-night—he derived it from some positive statute or from some provision of the Constitution.

do not know whether he had that authority or not; I have not looked into the question, and I do not want to look into it, because it is not necessary to do so; but I do not want to commit myself to the statement that I do not question his right. I am ready to meet any legal question when it comes before me, but I have never been in the habit of volunteering my judgment on such questions when there is no occasion for it.

I have looked over some of the speeches which have been made on this subject. The Senator from Pennsylvania [Mr. Knox] quoted the case of Blake v. The United States, which is found in 103 United States Reports. It has been quoted by nearly every Senator who has spoken, I think—I am not certain whether the Senator from Wisconsin [Mr. Spooner] quoted it or not—but it has been quoted by others on the floor. That is the only case at which I have looked. I thought I had some

recollection of that case, because that case involved a question which we had before us when Mr. Cleveland was President, upon the right of the President to make removals; and while I am pretty hoarse and do not wish to talk for more than a moment or two, I want to say that that case was simply this: A chaplain, who is not strictly a military officer, but a civil officer, thought he had been improperly treated. So he wrote to the Department stating that if they could not rectify the treatment he had received, he would resign, and he sent in his resignation. The President thereupon accepted his resignation, sent the name of his successor to the Senate, and the Senate confirmed him. Later the friends of the former chaplain concluded that he was insane when he sent in the resignation, and so could not have properly resigned, and that he was still in the Army. What did the court say? The court simply said that when the President made the nomination and this body confirmed it, the chaplain was out of the Army, and that was all there was of it. That has nothing in the world to do with the question of the dismissal of private soldiers. I presume a little attention to some of the other quotations might show that they were more applicable to this case than was that decision. But that is not what I want to talk about.

Mr. President, I want to know what this resolution means? I understood the Senator from Ohio [Mr. Foraker] to say that it was simply a declaration that we did not intervene; that we did not say anything about it—hands off. I can not read it in that way. I could understand very well if the Senator had said "without asserting or denying the legal right of the President," it might have been left for future consideration; but when some lawyer raises a question and I say "I do not question your law," I think I admit that the law is as he quotes it. I do not want any examination of the question whether the President was correct or not. That can be done at another time. I only want to say we have so often provided by statute as to how the President should act in such cases that it seems to me pretty late to say we can not do it, or that we could not have done it in that case.

I have sometimes been pretty free in my criticisms of the Executive; especially I have felt that I had the right to criticise his legal statements, as every lawyer has, but I can imagine a case very readily, and so can any Senator if he will think for a moment. Suppose that something is done by the President, and we take it up and declare with solemnity that he has not transcended the law. The House of Representatives takes it up and concludes that he has. They send over articles of impeachment, and the President is to be tried by a tribunal that has already adjudicated the case.

Suppose we should say, on the other hand, that he had not transcended the law, that he had not committed any wrongful act—because it is not a mere question of law; you can have the same thing and the same necessity for supporting the President's acts when the law has nothing to do with it—suppose we say the President is right, and we all agree to it, and the other House sends over a message to the effect that they do not think so. We should then witness the spectacle of the Senate sitting down gravely to consider what it had determined beforehand. It seems to me that a little consideration would indicate that unless a case is exceedingly important and we should be obliged to intervene—and I am not able to imagine a case where we ought to be required to do that—we ought to let the President alone.

I would not vote, Mr. President, for a resolution saying that the President had not the right to do what he has done, nor would I vote to say he has the right, and that is what I think this resolution means.

I want to say that I desired to vote for the other resolutions. They all went upon the theory that we wanted the facts. There was only one resolution, and that was formed by the Senator from Massachusetts [Mr. Lodge], which indicated that we were declaring that the President had the constitutional and legal authority to do these things. That, I think, did not meet the approbation of the Senate, and it was withdrawn. So up to yesterday, or perhaps I ought to say up to the time the Senator from Kentucky [Mr. Blackburn] offered his amendment, there had been no question before the Senate of the President's being right or wrong in the matter. Of course it was debated extensively by the Senator from Ohio [Mr. Foraker] and by the Senator from Wisconsin [Mr. Spooner] in response, and by several Senators on this side of the Chamber; but I supposed that that was simply an oratorical display or a display of their knowledge of the law, and that all the resolutions, with the exception of that offered by the Senator from Massachusetts, simply called for an investigation of the facts.

Now, do we want the facts? We do not want the facts so as to pass upon the question whether or not the President is right. The very act itself is all we need to know. We can then look

at the law and determine that question for ourselves. I repeat, do we need the facts?

Here is a most remarkable case. The Army is supposed to be in extreme cases the support of the law. In a town of a neighboring State, where this battalion was stationed—and it is immaterial whether the troops were white or black—they got into an émeute. They "shot up" the town, as it would be called in the western part of the country; and in shooting up the town they killed one man and wounded others. So far as I am concerned I do not want any facts as to who did that shooting. I have not the slightest idea in the world but that those soldiers did it; but, Mr. President, I do want the facts in order to determine what particular men were guilty of that crime. I want those facts, because I want adequate punishment meted out to those murderers; for, under the law, we all know that, having been participants in an illegal transaction which resulted in murder, every man connected with it is guilty of murder.

Mr. President, we are told that the murderers would not admit that they had been engaged in this émeute, and the men who knew who had been engaged in it would not admit it. Who knows how many men knew about it? I believe I have heard it said once or twice that probably twenty men were engaged in the affray and that perhaps twenty more were cognizant of the fact that these soldiers had been out on this shooting expedition. Does anybody here say that there has been such an investigation made as ought to have been made, not in the interest of the colored man, but in the interest of the American Army? We want to know whether we are putting into the American Army men of that character, and we want to punish the men who did the shooting. Does anybody here pretend that there might not have been an investigation that would have brought out the facts?

Mr. President, is it not our duty to go to the fullest possible extent to find out who the guilty men are?

I have never been a criminal lawyer, but I have seen a great many criminal cases tried, and in my youth I have tried a few; but I will guarantee that I could select agents who would have gone there, if the soldiers had been retained, or would have gone in after they had left, and ascertained all the facts. Twenty men were guilty as principals, it is stated, and 20 more were guilty as accessories, who should be punished if they should fail to disclose the facts—40 men in all out of 167 men, citizens of the United States. I do not care what their color is, Mr. President. Every citizen of the United States is entitled to the same protection of the law, whether he is white or black or red. Now, those 167 men are sent out, branded as murderers; and is it not the duty of this Senate to provide some method, if a method is available, by which we may determine the facts, so that we may punish the guilty, and, Mr. President, what is important to me, that we may acquit the innocent?

Mr. President, I was brought up under the old idea that it was as much the duty of the Government to protect the man who was put in the box to be tried for a crime as it was to prosecute him; that it was the duty of the judge, and that it was the duty of the district attorney, if he found during the trial that a man was not guilty, to insist upon his discharge. But, Mr. President, that may not be the law; and I presume it is not now, but it ought to be the law. It has been the law of our English-speaking people ever since civilization fairly began in Great Britain. It likewise was the law in Normandy, whence the ancestors of many of our people came.

ancestors of many of our people came.

It is said that the dismissal of these soldiers was not a punishment. I understand one of the men had been twenty-seven years in the public service and had had a good record during all of that time. I think, Mr. President, the Government owes it to him to provide, if possible, some method to find out whether he had guilty knowledge of the facts. Nobody, I believe, claims that he was engaged in the émeute; and if he is turned out of the Army and disgraced, he will be turned out and disgraced simply because it is not considered of sufficient importance to send a committee down there to investigate this case as it ought to be investigated. I do not suppose anybody thinks that dismissal from the Army is a proper punishment for the men who have been guilty of murder, nor is it a proper punishment for the men who concealed the murderers' guilt.

Mr. President, since this debate began I heard some Senator say—I do not remember who it was—that the Army was a posse comitatus. I want to enter my protest against that statement. It is not a posse comitatus at all. The Army of the United States can only be used where the statutes or the Constitution provide that it may be used. The posse comitatus consists of the people themselves who are called upon to support the sheriff. My friend from Wisconsin [Mr. Spooner] will agree with me, I know, that that is the law.

Mr. SPOONER. It is the power of the county.
Mr. TELLER. Yes; some years ago, Mr. President, right after the civil war, the Army was used as a posse comitatus, and one day there came from the House of Representatives a bill providing that the Army should not be used except when there was positive authorization of law for it. The Democrats had a majority in the House then and the Republicans had a majority in the Senate; but yet that bill became a law, and it is on the statute book to-day. Nobody, I believe, would question it.

Mr. President, we must have an army, I suppose, and probably we shall always have some colored men in it as well as some men who probably ought to be dismissed, whether they be white or black; but there is one thing that ought to be understood, and that is that we have got to maintain the character of the Army for order and for decency, or else the time will come when the people of the United States will see to it that you do not have an army.

Mr. BACON. Mr. President, as I will favor the substitute proposed by the Senator from Florida [Mr. MALLORY], I deem it proper to say that, while that is so, I do not agree with the Senator as to all the reasons which he urges in advocacy of that resolution. I agree that the President has the power. think, however, that he has the power subject to the lawmaking power of the land, and that he has no power in the command of the Army, except the right to be its commanding officer, which is not under the control of the lawmaking power.

I do not desire, Mr. President, to go into that, because I expressed my views—not at length, but succinctly—in the debate which I had with the Senator from Wisconsin [Mr. Spooner] a few days ago, and since then the Senator from Ohio [Mr. For-AKER] has discussed the question with more elaboration. I simply mention it now in this connection in order that, voting, as I shall, for the resolution of the Senator from Florida, I may not be considered as agreeing with the proposition announced by him in regard to the source from which the President derives the power.

I am the more particular, Mr. President, to do so because I regard it as one of the gravest questions which could possibly be submitted for the consideration either of the President or of the Houses of Congress. I think if the President of the United States is not bound to recognize as meaning in its full extent what is recited in the clause which I read in the former debate to the Senate, that there is no limit to be set to his power in the use of the Army, except such limit as he himself may construe to be that limit. There is no place to draw the line. will again read the section of the Constitution upon which I base my contention. In the enumeration of the powers of Congress there is, in the first article of the Constitution, this sen-

To make rules for the government and regulation of the land and naval forces.

I believe that to be a grant of power without limitation. believe it to be a grant of power intended to be exclusive of the exercise of that power by any other department, unless with the consent and under the direction of the lawmaking power.

Mr. President, the other day when I announced that view the Senator from Wisconsin said that he had heard me make that speech before. I do not think there is anything to be gained in iteration and reiteration, but there are some things so essential that their assertion can not be made too often, certainly not too often whenever there is any contradiction of them, and if it be necessary daily to make assertion in favor of the exercise of the power of the lawmaking department of the land and in contravention of the claim of the exercise of the power by any one man, then it can not be made too often if it is made every day. And, Mr. President, I want no higher encomium, so far as my public career is concerned, than that I was always opposed to the exercise of one-man power and in favor of the exercise of power by the legislative department, which the Constitution set up for that purpose. That is the branch of the Government which is the distinctive republican feature. Both the executive and the judicial departments are found even in unlimited monarchies where the legislative branch is frequently wanting. But, Mr. President, I shall not dwell upon that.

I want to say something with reference to the propriety of the adoption of the substitute proposed by the Senator from Florida. This matter originally was brought before the Senate by resolu-tions—I am speaking now of when it was first brought here to the Senate-by resolutions which reflected the sentiments of those who condemned the action of the President. That condemnation was put upon several grounds. In the first place, that, as a legal proposition, he had no right to make the order discharging the soldiers of these three negro companies; that he had no right to discharge without honor; but that that was the function of a court-martial. In the second place, that the

order involved the innocent as well as the guilty. That as a question of law it should be said that the President had no right to make the order, and that in the exercise of the power, whether he possessed it rightfully or not, there was injustice done by indiscriminately confounding the guilty with the inno-Those are the two propositions, and around those two propositions this debate for weeks has revolved.

When that proposition was first announced there was no doubt about the fact that there was a distinct cleavage in the Senate, not only among the Democrats in some degree, but in a still more pronounced manner among the Republican Senators. There were Senators who did not believe that the President had the power, whether he drew it as an inherent power from the Constitution or whether he received it by power granted by Congress. There were other Senators on the other side of the Chamber who believed directly to the opposite, that the President did have the power, some of them thinking that it was a power drawn directly from the Constitution and others thinking that it was a power granted to him by the action of Congress, or at least not denied to him, and in the exercise of the usual functions of every commanding officer.

Mr. President, Senators on the other side of the Chamber are to-day giving an illustration of their extreme dexterity in framing measures for which they can all vote, although among themselves directly opposed in sentiment and opinion as to the matter to which the measures relate. The Senators who believed in the beginning that the President did not have the power, from whatever source it was derived, to promulgate that order, believe The Senators who in the beginning believed that the so to-day. President did have the power, believe so to-day. They are in opinion divided as distinctly and as radically as they were two weeks ago, and yet they have agreed upon-I say they have agreed, but possibly all have not-but, speaking generally, it is understood that they have agreed upon a resolution for which they can all vote. Why? Because it is a resolution framed in ambiguous language, under which those who believe that the President did have the power can construe it according to their opinion and vote for it, and those who believe that the President did not have the power can also construe it to mean their way and vote for it.

Mr. President, I am not saying that haphazard; I am saying it because Senators have so announced on the floor. ceed to read to show that Republican Senators on the one side and the other of this contention have so stated.

Senators will remember that on yesterday when the Senator from Massachusetts [Mr. Lodge] was on the floor giving reasons why he would support the modified resolution which had been introduced by the Senator from Ohio [Mr. FORAKER], which is in these words:

Resolved, That without questioning the legality or justice of any act of the President in relation thereto, the Committee on Military Affairs is hereby authorized and directed, etc.

I asked the Senator from Massachusetts whether that meant the same thing as the amendment which had been offered by the Senator from Kentucky, which is in these words:

Without questioning or denying the legal right of the President to scharge without honor enlisted men from the Army of the United

And the Senator from Massachusetts made a reply, to which I rejoined as follows:

Mr. Bacox. So I understand, then, that the Senator construes the modified substitute proposed by the Senator from Ohio to mean all that the amendment proposed by the Senator from Kentucky means and to go still further?

Mr. Lodge. I do.

That was as emphatic and as explicit and as unqualified as the Senator could make a reply in language. The Senator from Ohio was not content with the answer made by the Senator from Massachusetts, so he interjected:

Mr. Foraker. I want to suggest to the Senator from Massachusetts that, according to my understanding, the two amendments do not mean the same thing.

There, in direct opposition, are the statements of the two Senators, and the Senate will remember that the Senator from Massachusetts had in this debate previously avowed his opinion that the President did have the power, and that the Senator from Ohio had as emphatically and as explicitly avowed that, in his opinion, the President did not have the power. That was the condition before this resolution was framed, the modified resolution offered by the Senator from Ohio, and, as disclosed by that colloquy, that is the position they occupied after the resolution was framed.

In other words, the one who believed in the beginning that the President did not have the power avows that he believes so still, and the one who believed and had announced beforehand that the President did have the power announces that that is still his opinion, and yet the two Senators, directly opposed and in this avowal asserting still that opposition, agree upon that single resolution. Why? Because, as I say, the language is ambiguous. One Senator can construe it one way and vote for it and another Senator can construe it directly in the opposite and vote for it.

I read further to show that that is the construction of the two Senators

Mr. SPOONER. Mr. President-

Mr. BACON. Let me read this first. On the same page the Senator from Massachusetts [Mr. Lodge] said:

The resolution as it stands

That is, the modified resolution-

is absolutely satisfactory to me. It states-

Now, listen-

It states that we do not question the President's right either to discharge the troops or in any act relating thereto. Nothing can be plainer than that, in my judgment.

Now, in the same colloquy, on the next page, the Senator from Ohio [Mr. FORAKER] used this language. Without reading it all. I will read his concluding sentence:

In other words

Speaking of the modified resolution proposed by him-

In other words, the effect will be precisely the same as though we were to say "neither affirming nor denying the legality."

In one case the words "not questioning" are construed by

the Senator from Massachusetts to mean there is no doubt about it, and in the other case the Senator from Ohio says that "not questioning" means that we are not passing on that at all, himself asserting that the reason why he does not pass upon it or does not favor a resolution which will admit of the construction put upon it by the Senator from Massachusetts is that he believes directly opposite to the Senator from Massachusetts. The Senator from North Dakota [Mr. McCumber], with the candor which always characterizes him, says that he believes that this "not questioning" means that it is beyond question, and not to be doubted or denied.

Mr. President, I am very much in sympathy with the suggestion made, I think, first by the Senator from Wisconsin and repeated by the Senator from Colorado to-day, that the investigation is, from some points of view, not a proper thing for us to make, and I would be willing to pass it without any resolution whatever and leave it where it is. But the Senate does not propose to do that. Here, with a challenge in the Senate as to the power of the President to discharge these soldiers, as to the propriety of it, this resolution proposes to pass that challenge and at the same time pursue the course which is proposed by those who deny the right, to wit, to make an investigation for the purpose of establishing the propositions which were announced originally in the resolution, that the President has not the right, and if he has the right that it has been improperly

I have no interest in this matter so far as it may relate to the personality of the President. Certainly if he is willing that those who particularly represent him in this Chamber shall agree to an ambiguous resolution, to a resolution the language of which can be construed directly the opposite by those who support him and by those who oppose him, a resolution not only susceptible of that, but as to which Senators on this floor announce these opposing views—if the President is content with that, it is not for me to stand in the breach or to attempt to do so in his defense. But there is a great question and a great principle involved which goes beyond the question of the personal fortunes of any man who may occupy the White House.

Mr. ALDRICH rose. Mr. BACON. If the Senator from Rhode Island will pardon me, I think it is a strained construction that action upon these questions is to be considered as an indorsement or condemnation of the Administration in other matters which have no relation to it whatsoever.

Mr. ALDRICH. Mr. President-

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. BACON. With much pleasure.

Mr. ALDRICH. Do I understand the Senator from Georgia to say that the question whether the President is content with this language should be the main question to be decided?

Mr. BACON. I did not hear the Senator plainly. I heard him

partially only.

Mr. ALDRICH. Do I understand the Senator from Georgia to contend that whether the President of the United States is content with the language is the main question to be decided by the Senate?

Mr. BACON. The Senator from Rhode Island could scarcely have heard any words from me which would be susceptible of any such construction. On the contrary, I said it was a ques-

tion far superior to the personal fortunes or the personal wishes of the President: that if the President is content with the resolution as it has been drafted by his friends upon this floor, it did not become me to attempt to stand in the breach for the defense of his prerogative. I think I have made myself quite plain on that, and I flatter myself that my distinguished friend the Senator from Rhode Island had but one purpose in asking me the question, and that was to enable me to emphasize what I had said to the contrary of what he suggested. however, a most remarkable fact that through the dextrous management of somebody on the Republican side, all of the adherents of that party in this Chamber have been put in a position where, by agreeing to support a certain resolution, they will be compelled to vote against an unreserved and unlimited endorsement of the President's action, as expressed in the substitute of the Senator from Florida.

But, Mr. President, I was saying that this is an important question. The Senator from South Carolina [Mr. Tillman] in his speech yesterday said that southern Senators had tumbled over each other, or he knew they would tumble over each other, to go to the defense of the President in this case, because they were opposed to having any negroes in the Army at all, thereby, I think, impugning motives and the good faith of those of us

who occupy that position, not intentionally, of course.

Mr. President, I desire to say frankly that when this debate began I very gravely doubted the right of the President to make the order, and if the inclination of my mind had continued I should have voted in favor of saying that he did not have the right to make the order. It had never been my fortune or duty to examine particularly law questions relating to the Army, especially as to the effect of Army regulations and the rules for the government of the Army, and the first inclination of my mind and impression, I may say, was that in discharging without honor the President had inflicted a punishment, and I did not believe that in that case or any other it was according to the genius and spirit of our law, to say nothing of its explicit provisions, that any one man should have the right to be judge and jury and executioner.

It was only after the debate had progressed, particularly after I had heard my learned friend the Senator from Texas [Mr. Culberson] as to that legal proposition, that I became convinced that the first impression of my mind was wrong and that the discharge without honor is not a punishment; that it is simply the exercise of a power necessary in a great many instances and on a great many occasions, but particularly necessary as a fundamental proposition for the good of the Army, for the good of the public, and for the protection of the public, and that the discharging of a man without honor from the Army was no more than turning off a servant and failing to give a certificate of character. So the Senator from South Carolina is unjust, I say again, unintentionally so, in attributing any such disposition and unworthy motive to Senators on this side.

I wish to say that the reason why I desire that there shall be an expression of opinion in this matter is somewhat twofold. In the first place, I have no belief that there will be any other occasion which will furnish an opportunity for the Senate to say that it thought the President acted within his power and acted properly, and I am unwilling for the opportunity to pass without so saying.

Mr. SPOONER. Will the Senator allow me to ask him a ques-

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. As I always do, with pleasure. Mr. SPOONER. I understood the Senator from Georgia to say that he is in favor of the Senate expressing an opinion, as this is probably the only opportunity which would be afforded for the Senate to do so. I understood the Senator a few moments ago to express very grave doubt as to the propriety of the expression of any opinion by the Senate as to the legality of the Executive act.

Mr. BACON. I did not express it quite so strongly as the Senator does. I did not say I very gravely doubted. I think my exact language was that I was very much in sympathy with the suggestion that there might be such impropriety in the gen-

eral investigation proposed.

Mr. SPOONER. Is not the Senator just as much in sympathy with the suggestion that we ought not to pass a resolution approving expressly an executive act, with reference to his power, as he is with respect to one disapproving it? If it is proper to pass one approving it is proper to pass one disapproving. Is not really the right thing for the Senate to do—
Mr. BACON. Will not the Senator allow me to answer one question at a time?

Mr. SPOONER. I will add only this little question.

Mr. BACON. Well.

Mr. SPOONER. Is not really the proper thing for the Senate to do to express no opinion and to limit itself to an investigation of the facts? I think my friend-

Mr. BACON. You ask me a question, and then you go on to

argue it.

Mr. SPOONER. No.

Mr. BACON. I would be more than glad to hear the Senator argue it afterwards, but I want the question and the argument

The Senator will remember that when I said that with reference to what was the inclination of my mind, or the presentation with which my mind was in sympathy, I accompanied it with the further statement that while that might be the proper course to pursue and might be the one which would most commend itself to my mind, that is to say nothing, that it was also true that the matter had been brought into the Senate by those who were hostile to the act of the President, and they had assumed two positions here. One was that there was no legal power vested in the President to issue the order, and the other was that in the issuance of the order and in the action taken under it there had been great injustice done to these men.

Mr. FORAKER. Mr. President-

Pardon me a moment until I finish the remark. Mr. BACON.

will yield to the Senator from Ohio in a moment.

Therefore I said that it was not proper that there should be an elimination of the consideration and enunciation by the Senate on the question of the existence of power, when the Senate proposed to adopt a resolution which was in furtherance of the motion of those who were unfriendly to this act, based upon the ground that it was an abuse of power, if the power existed, and that it confounded the guilty with the innocent. That was my proposition.

If the Senate is willing to accept what has been done by the President and say no more about it. I will join hands. But if you are going to say anything, then for reasons which I will give later if I have an opportunity, we ought to speak here emphatically as to the propriety of that conduct, both as to law

and as to fact.

Mr. FORAKER. Mr. President-The VICE-PRESIDENT. Do yield to the Senator from Ohio? Does the Senator from Georgia

Mr. BACON. I do, with pleasure.

Mr. FORAKER. I understood the Senator from Georgia to say two or three times in the course of his remarks, and particularly just when I rose to interrupt him, that this question as to the power of the Executive had been introduced into the debate by those Senators who denied this power to the President, or words to that effect. I call the Senator's attention to

the Record in that respect.

On the 19th day of December the President sent us his message transmitting information in answer to resolutions which had been previously adopted by the Senate. A motion was then made to refer that message, with all exhibits and documents attached, to the Committee on Military Affairs for consideration, and the committee was directed, in connection with that consideration, by the resolution which was then offered, which, of course, has not been adopted, if it deemed it advisable to do so, to take further testimony in regard to the discharge of the

members of these companies.

What was before the Senate, therefore, was the President's message, coming up in the way I have indicated, and it was in that message that the question about the President's power was first raised, and it was because of what was said in that message that, in discussing the motion then offered, that question was properly up for discussion. In other words, the question was not introduced into this debate by Senators who questioned that power. I did not introduce it. My resolution then offered was modified, I believe, on the following day—it has been modified two or three times—but in every modification it has been restricted to an inquiry as to facts. But when it came up for consideration the next time, although it was confined strictly to facts, the Senator from Massachusetts [Mr. Lodge] offered an amendment, which again raised the question of power; and then when it came up again after that had been withdrawn and was modified the second or third time, on the 17th day of this month, the question of power was again raised by the amendment offered by the Senator from Kentucky [Mr. Blackburn].

So it is. We have had that question and have had debate on that proposition, but the proposition itself was not embodied in the resolution I offered and was not precipitated in this debate by anything I said, except only what was in answer to what

had been said by others. Mr. BACON. Of course, I do not want to misrepresent the Senator in any particular. Mr. FORAKER. I am sure of that.

Mr. BACON. And I will accept the full statement of what he said as to the particular way in which the matter came before the Senate. But I do not think there can be any question of the fact that the Senator from Ohio has been recognized as the champion, and the very formidable champion, the untiring champion, of these soldiers who have been thus discharged, and that he has been, with the utmost earnestness, constantly insistent upon the fact that the President did not have the power, and that he had exceeded his power.

Mr. FORAKER. I have not changed my mind about it.

Mr. BACON. He has not changed his mind, and in that connection he demands the investigation.

Mr. FORAKER. Of the facts.

Mr. BACON. Now, it makes no difference, so far as this particular presentation is concerned, whether he is the first one who brought it in issue in this Chamber, but he has based his most powerful advocacy of the cause of these colored soldiers upon the proposition which I have stated, that the President did not have the power, and even if he had the power it had been abused, in meting out punishment both to the innocent and the

Mr. President, when in the course of this debate as the matter goes along there is gradually an evolution in which there is an attempt to separate those two questions, with this assault upon the act of the President, this denial of the right and of the propriety of his action, and there is an endeavor made to break the force of what there might be in an indorsement of the act of the President, and simply a direction for an investigation at the instance of those who deny the power, while I am not an advocate or defender of the President, I say it is an injustice to the

President.

Mr. President, what makes the matter important to my mind. again disavowing any effort on my part to stand as the champion or defender of the President, even if I had the adequate power to do so, is that there has never been an incident connected with the American Army in time of peace which has so challenged the attention and awakened the interest of the American people as this particular incident and the questions that grows out of it. I am very frank to say that there is not a section of the country in which that interest is deeper than in the section of country which I have the honor in part here to That section of the country is not inflamed, as the Senator from South Carolina would suggest, simply by the fact that this outrage was committed by negroes, and with hostility to the race, and for that reason, this attitude is assumed. The southern people have no such blind, unreasoning race hatred. It matters not whether they are white or black. The action was taken by a battalion of the United States Army, which was, as the President has denounced it, the most brutal act of savagery ever known to the American Army, and, I may say, the most brutal act of savagery ever known to the United States by any band of people legally organized together.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia

yield to the Senator from South Carolina?

Mr. BACON. I do.

Mr. TILLMAN. The Senator, I know, does not want to misrepresent me. I did not say, because I have never thought it, that the attitude of the South toward the discharge of the negro soldiers was due to hatred of the race, but due to hatred of negro soldiers as negro soldiers because of the infamies perpetrated by them upon the southern people in 1866 and 1867.

Mr. BACON. I will accept the Senator's direct statement, in his own words. I say that is an injustice, and it matters not whether these men are white or black. I am frank to say that in my opinion the southern people think it better that for good reasons there should be no negro soldiers, and in that view I personally concur; but that is not the reason of the attitude of the South relative to this action by the President. It is a matter, after what has occurred, of the supremest importance for the peace and security of the country and for the confidence of the country in the fact that they will not be subjected to such outrages, to know, as alone it can know by the utterance of the Senate after what has occurred here, that the power does rest in the President, and that whenever a proper man is in that office it will be exercised promptly, without a word and without hesitation, to rob such men of the power to commit such outrages in communities in which they may be stationed.

That is the thing which makes it important, Mr. President, that the Senate, after the denial of that power, after the controversy that has been had here, after the attention of the whole country has been attracted to it, that these negro soldiers and white soldiers, knowing that that question is in issue and in the balance, shall not permit to go forth the impression that, after

all, the Senate was in doubt and refused to say the President did right. For myself one principal objection that I had to the resolution of the Senator from Ohio was that it would deprive me of the opportunity to say to the country and to the Army that it was the opinion of the Senate that the President did have the power and had rightfully exercised it.

Mr. TILLMAN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. BACON. I do.

Mr. TILLMAN. Does not the Senator think that it is of a great deal more importance that the people of the country should be made to understand that the law of the country, the civil law which deals with such crimes, shall not be interfered with by Executive orders, and that troops, black or white, who shoot up towns and murder citizens shall be subjected to those instrumentalities to detect the true criminals and punish them?

Mr. BACON. There are two questions in one, which I will answer. I think if the Senator from South Carolina or I had had the direction of those matters we might have pursued the course which would have more readily led to a detection of those who were guilty, and I wish to God they could be detected and could be hanged as high as Haman, as they ought to be, a spectacle and an example for all others who might so betray and abuse a trust as those soldiers did. But it does not end there.

Mr. President, in my opinion, if it could to-day be ascertained who these twenty men were, and if they could be hanged, as they should be, none the less would it be the duty of the President to say that the balance of these soldiers should no longer wear the uniform of the United States. Why? Because I myself have not the shadow of a doubt that every single enlisted man of those three companies knows who those guilty parties are, and any man who is familiar with the race characteristics will agree with me, I think, in greater or less degree as to the fact that there is not a man in either of these three companies who does not know who it is of his comrades who perpetrated this monstrous and unspeakable outrage of savage cruelty and brutality upon a peaceful community. And, Mr. President, if they know it, even though the guilty should have a greater punishment, they should no longer be allowed to wear the uniform of the Army, no not for one day or hour.

It is for that reason, Mr. President, and with that response that I think the Senator's suggestion does not controvene the propriety and correctness of the proposition which I make, that it is due to the country, that is is due to the future peace of the country, that it is due to the confidence which our people will have in troops stationed in their midst, that there should be an announcement in no uncertain terms by the Senate, after all this controversy and after all the attention which has been drawn to it, and after the direct challenge which has been made to the power, that, in the opinion of the Senate, the President

had the power and properly exercised it.

I am glad of the opportunity, which I feared had been lost when it appeared we were going to vote simply upon the modified resolution of the Senator from Ohio, now presented for me to vote directly on that question. I wish Senators would have the nerve to let us vote on the question and not move to lay it on the table. Let us vote on it direct. Is it true that the President had the power and that he properly exercised it? If so, like men let us say so and not evade it and get under the

cover of a motion to lay on the table.

If the motion of the Senator from Ohio to lay on the table is pressed, I hope it will be voted down, even by those who propose to vote against the substitute offered by the Senator from Florida, in order that unflinchingly we may face our duty and say to the American people and say to the American Army—for the future confidence and security of the public, on the one hand, and for the admonition and guidance of the Army, on the otherwhether we believe that the President under such circumstances has the power under the law to discharge summarily, and whether under such circumstances as this he has properly exercised it.

Mr. FORAKER. I ask that my motion to lay on the table

may be put.

The VICE-PRESIDENT. The Senator from Ohio moves to lay the amendment of the Senator from Florida [Mr. MALLORY]

Mr. MALLORY. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TILLMAN. I ask that the resolution may be read again. The VICE-PRESIDENT. The Secretary will again read the amendment, at the request of the Senator from South Carolina.

The Secretary. It is proposed to insert as a substitute for the resolution offered by the Senator from Ohio the following: Resolved, That in the judgment of the Senate the recent action of the President in discharging without honor enlisted men of Companies

B, C, and D of the Twenty-fifth Infantry was within the scope of his authority and power and a proper exercise thereof.

Resolved further, That the Committee on Military Affairs is hereby authorized and directed, by subcommittee or otherwise, to take and have printed testimony for the purpose of ascertaining all the facts with reference to or connected with the recent attack on the town of Brownsville, Tex., on the night of August 13-14, 1906. Said committee is authorized to send for persons and papers, to administer oaths, to sit during the sessions of the Senate, and, if deemed advisable, at Brownsville or elsewhere; the expenses to be paid from the contingent fund of the Senate.

The VICE-PRESIDENT. The Secretary will call the roll on the motion of the Senator from Ohio to lay the amendment of the Senator from Florida on the table.

The Secretary proceeded to call the roll.

Mr. ALDRICH (when Mr. Allison's name was called). The Senator from Iowa [Mr. Allison] is necessarily detained from the Chamber. He requested me to announce his pair with the Senator from Alabama [Mr. Morgan].

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I

transfer that pair to the junior Senator from Iowa [Mr. Dol-LIVER], and will vote. I vote "yea."

Mr. SPOONER (when Mr. ELKINS's name was called). The Senator from West Virginia [Mr. ELKINS] is required by a lawsuit in which he is involved to be absent from the Chamber, and requested me to announce that he is necessarily absent. He is paired with the Senator from Texas [Mr. BAILEY].

Mr. HANSBROUGH (when his name was called). paired with the senior Senator from Virginia [Mr. DANIEL],

and I withhold my vote.

Mr. KITTREDGE (when his name was called). general pair with the junior Senator from Colorado [Mr. Pat-TERSON]. If he were present, I should vote "yea."

Mr. McENERY (when his name was called). I am paired with the junior Senator from New York [Mr. DEPEW].

were present, I should vote "nay."

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. Proctors], who is not present. If he were present, I should vote "nay."

Mr. PETTUS (when Mr. Morgan's name was called). Mv colleague [Mr. Morgan] is paired with the senior Senator from

Iowa [Mr. Allison].
Mr. TALIAFERRO (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. Scorr]. He is not on the floor, and I withhold my vote. If he were present, I should vote "nay."

The roll call was concluded.

Mr. KITTREDGE. By agreement I transfer my pair with the junior Senator from Colorado [Mr. Patterson] to the junior Senator from New Jersey [Mr. DRYDEN], and will vote.

Mr. MALLORY. I transfer my pair with the Senator from Vermont [Mr. Proctor] to the Senator from Mississippi [Mr. McLaurin], who, I understand, is not paired. I vote "nay."

Mr. ALDRICH. I have been requested to announce that the senior Senator from New York [Mr. Platt] is paired with the Senator from Oregon [Mr. Gearin].

The result was announced—yeas 43, nays 22, as follows:

Y	EAS-43.	
Clapp Clark, Wyo. Crane Cullom Dick Dillingham Du Pont Flint Foraker Frye Futon	Gallinger Hale Hansbrough Hemenway Heyburn Hopkins Kean Kittredge Knox Lodge Long	Nelson Nixon Perkins Piles Smoot Spooner Sutherland Teller Tillman Warren
N.	AYS-22.	
Dubois Foster Frazier La Follette Latimer McCreary	McCumber Mallory Money Overman Pettus Rayner	Simmons Stone Warner Whyte
NOT	VOTING-25.	
Dolliver Dryden Elkins Gamble Gearin McEnery McLaurin	Martin Millard Morgan Newlands Patterson Penrose Platt	Proctor Scott Taliaferr Wetmore
	Clapp Clark, Wyo. Crane Cullom Dick Dillingham Du Pont Fiint Foraker Frye Fulton  N. Dubols Foster Frazier La Follette Latimer McCreary NOT Dolliyer Dryden Elkins Gamble Gearin McEnery McLaurin	Clark, Wyo. Crane Crane Cullom Dick Dick Dillingham Du Pont Foraker Frye Foraker Fulton  NAYS—22.  Dubois NAYS—22.  Dubois Nays—22.  Dubois McCumber Foster Frazier La Foliette Latimer McCreary McCreary McCreary Money McCreary Mallory Frazier Agyner NOT VOTING—25.  Dolliver Martin Dryden Millard Elkins Morgan Gamble Gearin McEnery McLaurin Heyburn Heyburn Hopkins McCumber Knox Frye Long NAYS—22.  Dubois McCumber Mallory Frazier Money McCumber Mallory Martin Dryden Millard Elkins Morgan Gamble Gearin Petrose McLaurin

So Mr. MALLORY'S substitute was laid on the table.

Mr. FORAKER. I ask now for a vote on the main resolution. Mr. McCUMBER. Mr. President, I wish to say just one word before voting upon the main proposition, and to introduce a resolution, as a substitute, which I think more nearly conforms to the views that have been expressed on the floor.

In the first instance, I desire to say that I believe that with pen and paper I can generally make that paper reflect my own ideas and what I want to do in the matter of a resolution. want a resolution to say that I shall investigate a matter for a certain purpose I will be able to make that resolution declare the purpose for which the investigation is to be made; and if I intend that the investigation shall exclude some other purpose I will be able to so word the resolution that it will clearly exclude the thing I do not wish to have considered.

If I was going to do that I certainly would adopt a form of words which everyone must admit has practically, in the general use of the words, but one meaning. If I say to a Senator that I question his authority to act in a given way, he understands and I understand that that means that I have doubts about his authority; that I doubt it. If I say I do not question it, then it means that I have no doubt as to what was his authority. If I state in a resolution for an investigation of this matter that without questioning the authority of the President we direct that an investigation be made, that carries exactly the opposite meaning that it would carry if I said "questioning the authority of the President," which would mean doubting his authority we would direct the investigation.

Mr. President, as has been stated, and as I would at least draw the inference from the statement of the Senator from Ohio, he wants an investigation not for the purpose of determining whether or not the President has acted within his legal authority, not for the purpose of determining whether or not that action has been absolutely just, but for the purpose of ascertaining whether or not men connected with this division of the Army were guilty; and that is not all; not only for that purpose, but for the further purpose of ascertaining whether

or not other than these twenty men were guilty.

There can be but one purpose in this investigation, and that is, first, to determine who are guilty and ought to be punished; second, to determine who are not guilty and therefore ought not to endure the punishment they are now suffering. If that is the object of the resolution, why not embody that object; and if, in addition to that, we want to eliminate the entire question of the authority of the President in the premises, so that we will not put ourselves on record one way or the other, either in affirming the fact that he has acted within his legal authority or by denying the fact of it, why not say so in so many words?

Mr. President, with that in view, and with the idea that we were not attempting to juggle with words in the matter of this investigation in order to make us all agree upon some point, I have prepared a further resolution. I do not think, as I stated before, that this matter is so important above all matters that we need to go outside of our regular use of language and adopt we need to go outstate of our regular use of language and author some character of questionable diplomacy to get all Senators to vote for the resolution, some understanding it one way, some understanding it another way, or assuming that it is to be understood in another way, when we all agree practically that it has but one meaning.

I believe, Mr. President, that after we have cast a vote upon this matter and have had our investigation, the good sense of the people of the United States will be such that none of them be fooled in the slightest degree by the language we have used, and afterwards we will resume our normal condition in the Senate, as that normal condition exists even to-day in the country. I for one will not attempt in any way to support a resolution designed to carry a meaning other than that which its

words clearly imply.

Now, I ask for the reading of the resolution as a substitute. If the Senator from Ohio thinks it does not conform to his view, he can so state. He moved to lay upon the table a resolution that less nearly conforms to just exactly the opposite of his views than this one or any other one. Why? Because the res-olution of the Senator from Florida simply asserted the legal right of the President to so act. The resolution which has been adopted here by a few of the Senators not only asserts that the President acted legally, but it asserts that his act was a just act as well, without questioning either the legality or the justice of Therefore you admit not only that his act was legal, but also that in discharging all the soldiers guilty and innocent alike his act was also just.

I am not willing to go that far. I admit that the President of the United States probably could not have done otherwise than he did. He had before him a condition. The condition was that an investigation was made by the Army and it was without success. The matter was brought before the local au-thorities there. No indictments were found. He either had to continue those soldiers in the Army or dismiss them, waiting until some time in the future possibly he might get at the truth of the matter and then reinstate those against whom an injustice might have been done. From the arguments which have

been given here it is certain that no two Senators would have done exactly the same under the conditions that confronted the President at that time.

It is not surprising, therefore, that the President of the United States would not have done what any one of the Senators would have done under like conditions. On my own part I think he acted honestly and justly, within his legal authority; but I do think that an injustice has been done to at least 137 or 147, or whatever the number may be, out of the entire battalion. I would rather not say in the resolution that no injustice has been done.

With that statement, Mr. President, I simply ask for the reading of the resolution I offer as a substitute, and then if the Senate desires to lay it upon the table they can do so, and I will vote for the other resolution, because I believe clearly that the President acted within his legal authority. I want an investiga-tion not so much to establish the guilt as to prove the innocence of those who I believe are suffering for an offense that they are not responsible for in any way whatever.

Mr. BLACKBURN. Before the Senator takes his seat will he allow me a moment?

Mr. McCUMBER. Certainly.
Mr. BLACKBURN. Apprehensive that a motion may be made to table the resolution the Senator offers, I simply want to say that on yesterday I announced to the Senate my entire satisfaction with the resolution as offered in its latest form by the Senator from Ohio. I stand to that declaration now; and how-ever much any proposed substitute now offered may commend itself to my judgment, I will not depart from the announcement I made on yesterday of my perfect satisfaction with the resolu-tion now pending. I shall stand by it, and my votes will be tion now pending. I shall stand by it, and my votes will be understood in the light of this declaration.

Mr. McCUMBER. I certainly believe, Mr. President, that any

Senator who believes that the President of the United States has acted within his authority and further believes that he has acted justly in this matter can conscientiously vote for the resolution in the form that it was presented here as a substitute

yesterday.

Mr. FORAKER. Mr. President— Mr. ALDRICH. Let the proposed substitute be read.

Mr. McCUMBER. I ask for the reading of the resolution I have offered as a substitute.

Mr. FORAKER. I will withhold the motion for that purpose. The VICE-PRESIDENT. The Secretary will read the substitute proposed by the Senator from North Dakota.

The Secretary read Mr. McCumber's substitute, as follows:

The Secretary read Mr. McCumber's substitute, as follows:

Resolved, That for the purpose of ascertaining what enlisted men or officers of Companies B, C, and D, Twenty-fifth United States Infantry, were engaged in the affray at Brownsville, Tex., on the night of August 13, 1906, or were accessories thereto, either before or after the fact, and also for the purpose of ascertaining what enlisted men or officers thereof were not implicated therein, either by overt act, assistance, negligence, or suppression of knowledge or information relating thereto, and wholly independent of the question as to whether the President of the United States acted within the scope of his constitutional and legal authority in discharging members of said companies, the Committee on Military Affairs be, and hereby is, authorized to make inquiry and to take testimony in regard to said affray, and that it be, and hereby is, authorized to send for persons and papers and administer oaths, and report thereon by bill or otherwise.

The committee or any subcommittee thereof is further authorized, if deemed necessary, to visit Brownsville, Tex., inspect the locality of the recent disturbance, and examine witnesses there.

Mr. FORAKER. I move to lay the substitute on the table.

Mr. FORAKER. I move to lay the substitute on the table.
The VICE-PRESIDENT. The Senator from Ohio moves to lay the proposed substitute upon the table. Mr. HEYBURN. I ask the Senator from Ohio to withhold

his motion for a moment.

Mr. FORAKER. I will withhold it for a moment.

I desire to take this occasion, Mr. Presi-Mr. HEYBURN. dent, to state my position in regard to this and the other pending resolutions. I think the Senator from North Dakota certainly has accomplished that which he says he professes to be able to accomplish, by stating in an affirmative manner the things that the committee proposes to do. But I do not think-I have not at any time thought—that I would support any resolution that undertook to inquire or promised not to inquire in affirmative terms into the action of the President of the United States. Ever since this discussion began I have been interested more in considering the question of the power of the Senate than I have in considering the question of the power of the President. I was convinced early that we had absolutely no power to investigate, to criticise, or to approve or disapprove the act of the President when that act was a completed act, and my opinion on that matter has not been changed. It would not be appropriate that we should, merely for the purpose of complimenting the President upon his action, indorse it. It is not appropriate that we shall take up official acts of the President to pass upon them either affirmatively or negatively, except that in doing so we are performing some legitimate function of this body.

I therefore was satisfied with the resolution as it stood upon adjournment on last Friday, which eliminated that question, and would have been justifiable upon the ground that either branch of Cengress may and should at all times inquire, through methods determined upon, into any condition of facts that may be useful for consideration in future legislation in regard to the subject of the inquiry. We may want to inquire in the future, near or distant, whether or not the Articles of War should be amended in order to meet such emergencies; but we can not, by any act of ours, undo or modify the completed act of the President.

Therefore I have objected and shall be compelled to express that objection by my vote to the words "without questioning the legality or justice of any act of the President in relation thereto." The words "without questioning" are equivalent to waiving our right to question. That is the synonym given by the authorities. It is the recognized synonym for that word. It is equivalent to waiving our right to question. We have no right to waive; there is nothing to waive. It carries with it the implication that we have a right, if we should see fit to exercise it, and I can not concede that.

So I say that my vote will be governed more by the consideration of the powers of the Senate than by the consideration of the powers of the President. I shall not vote upon the powers of the President nor upon the question whether he has exercised them wisely or unwisely. I shall not vote upon the question as to whether or not he has exceeded his authority, no matter in what shape it may be presented in a resolution.

If this incident is of sufficient importance as to promise profitable results from an investigation of those occurrences for our future use, to have on hand, if I may use the expression, in the event that we should take up the consideration of the question of a revision of the Articles of War or military law, well and good; let us investigate; but if it is for the purpose, directly or indirectly, or by implication or otherwise, of criticising the President, then I shall vote against all resolutions. I shall be compelled to vote against any resolution that would intimate that we had a right to inquire into this matter at all or that we needed to do it.

Mr. FORAKER. I move to lay the proposed substitute on the table.

Mr. STONE. Mr. President-

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. FORAKER. I will withhold the motion if the Senator desires.

Mr. STONE. Yes; I do. Mr. President, I think it very clear that under the programme manifestly agreed upon the substitute proposed by the Senator from North Dakota [Mr. McCumber] will be tabled, and that the reconstructed resolution offered by the Senator from Ohio [Mr. FORAKER] will be adopted. For my

purpose, I accept that situation.

I desire to say a word, Mr. President-and I will only occupy the time of the Senate a very few moments—about the compromise resolution before it is finally adopted. But, before doing that, I wish in passing to advert for a moment to that part of the speech made on yesterday by the Senator from South Carolina [Mr. TILLMAN], which he has eliminated from the RECORD. I do this that I may say in the open Senate that, although I am as sensitive as most men, I did not feel offended at what that Senator said of me. Without assuming to pass on the merits of the Senator's composition or the timeliness of his utterance, I regarded what he said as an effort at facetious-ness and good-natured humor. I was not offended, because I was sure no offense was intended. I venture to say, Mr. President, that except for the gravity with which the Senate treated the incident no importance would have been attached to the Senator's deliverance. The solemnity of the Senate's action gave to a trivial circumstance its only dignity. I could not have congratulated the Senator perhaps for making such a speech in this presence, but having made it, I do regret that it has been withheld from the RECORD-and this I say, despite the opinions to the contrary of our elder statesmen, whose judgment on Senatorial proprieties I regard, as in duty bound, with deference. There is an old saying that

A little nonsense now and then Is relished by the wisest men.

I am not sure that I have the quotation exactly right, but it

Mr. CLAPP. "By the best of men."

Mr. STONE. My friend from Minnesota suggests that the quotation should be "best of men" instead of "wisest."

Mr. CLAPP. "Best" is the proper word.

Mr. STONE. Of course the proprieties of debate should be observed and the business of the Senate orderly conducted, but I should hate to see the Congressional Record converted into a ponderous tome of platitudes without a sparkle of fun or flash of humor to relieve its dull monotony. If ever it is to be read by anybody except some patient digger after serious data, there must be something in it to tempt the lips into smiling or the heart into quicker beating. Although the first effort of the Senator from South Carolina to be humorous was not a shining success [laughter], I can not but hope that he will abandon his announced resolution never to try it again. That first effort created such a stir in the Senate and in the world that there is no telling what he might accomplish with patient practice and a little softening of his tone. No one can measure the possibilities of the Senator in this direction. [Laughter.] If he adheres to his resolution to quit, who can tell what a light the Senator from Tennessee [Mr. CARMACK] and the Senate snuffed out on yesterday; a light, it may be, that would have warmed the world into laughing if only it had been permitted to burn. I devoutly hope the Senator from South Carolina will reconsider his resolution, and again and again illuminate the RECORD with the scintillations of his wit. If he does not, there is no telling how deep the grievance may be which posterity may justly hold against this Senate. With this hope and invocation, Mr. President, I leave this weighty matter with the Senator

from South Carolina.

Mr. President, a word now, and only a word, about this newly constructed resolution. It is manifestly a compromise between the warring factions on the other side of this Chamber. When I addressed the Senate several days ago I predicted that their differences would be adjusted and a compromise resolution agreed upon. This eventuation should establish my claim to prophesy. The Senator from Ohio, speaking for the "antis," and the Senator from Massachusetts, speaking for the President, have shaken hands across the bloody chasm, and the cohorts of both are at peace. But, Mr. President, although everybody is agreed, we know that nobody is satisfied. It is a drawn battle. But then, Mr. President, our friends over there are at peace. Watching and waiting with muffled daggers, they are at peace; but with the next gale that blows from the White House we may again hear the clash of resounding arms. Happily this investigation is to go on, and the end is not yet. I am for the investigation, Mr. President, wholly, as a matter of course, from disinterested, unselfish, and purely public considerations; but while I shall cheerfully vote for the resolution, I desire to say that I for one do question the legality but not the justice of the President's act in disbanding the battalion in question as he did. I shall vote for the resolution, but I wish now in advance to avow that in doing so I do not commit myself to the proposition that the President, in all respects, acted within the limits of his constitutional and legal powers. I do not think he did. At the same time I think it perfectly clear that the Senate can not revise or modify, much less revoke, the orders or acts of the President, and this is true whether the orders or acts of the President were legal or illegal. But the Senate has an undoubted right to make this investigation for its own information and for its own purposes. This much I desired to say, Mr. President, and no more.

Mr. FORAKER. I move to lay the substitute offered by the Senator from North Dakota [Mr. McCumber] on the table, and

on that I ask for a vote.

The VICE-PRESIDENT. The Senator from Ohio moves to lay the proposed substitute offered by the Senator from North Dakota on the table.

The motion was agreed to.
The VICE-PRESIDENT. The question recurs on the adoption of the resolution offered by the Senator from Ohio [Mr. FORAKER].

Mr. CULBERSON. Mr. President, notwithstanding the lateness of the hour, I feel it my duty to offer a substitute for the resolution which has been agreed upon by certain Senators on the other side of the Chamber. I will read the proposed sub-

Resolved, That in the judgment of the Senate the President was authorized by law and justified by the facts in discharging without honor, with only the legal consequences incident to such discharges under existing law and Army regulations, the enlisted men of Companies B, C, and D, Twenty-fifth United States Infantry, on account of occurrences at Brownsville, Tex., on the night of August 13-14, 1906, and subsequently.

Mr. President, it will be remembered by perhaps all Senators present that for several days prior to the meeting of the Congress it was suggested in the newspapers of this city that the Senator from Ohio [Mr. Foraker] intended to offer in this body a resolution of inquiry questioning and attacking the discharge of this battalion of infantry by the President. Notwithstanding that publication and the apparent foundation for it, on the first day of the session of the Senate, December 3, the Senator from Pennsylvania [Mr. Penrose], with manifest haste, proposed a resolution of inquiry on the subject. We were informed by the press that it was done on the part of the Administration, so that whatever inquiry was made with reference to this transaction should be made by the friends of the President.

On the same day, December 3, but subsequently, the Senator from Ohio [Mr. FORAKER] offered his resolution of inquiry. It was modified on December 4 and modified again on December 5. On December 5 the Senator from Wyoming [Mr. WARREN], chairman of the Committee on Military Affairs, also offered a resolution on the same subject, and on the 6th day of December the Senator from Ohio, from his place in this Chamber, not only attacked the validity of the act of the President, but the sufficiency of the testimony upon which it was based. I read from the RECORD, on page 105:

The broader question is one of constitutional right-

Said the Senator from Ohio-

The broader question is one of constitutional right. The President does have power, as the Secretary of War says in the statement published in the papers this morning, to grant discharges without honor in contradistinction to discharges that are dishonorable and to discharges that are honorable. But running through all authority, and necessarily so because of the spirit of our institutions as well as the letter of the law, is this rule, that no such discharge can be granted by any order, from the President down, when it rests upon a conviction of a felony punishable with imprisonment in the penitentiary under the laws of the United States and when as a result of such discharge punishment is inflicted as though it had been in pursuance of the sentence of a courtmartial.

Whenever it comes to the point where men are charged with the

martial.

Whenever it comes to the point where men are charged with the commission of a criminal act they are entitled to a trial before they are condemned, and they have that right, although they may be enlisted men in the Army of the United States. They have it under our constitutional guaranties, and they have it according to the letter of the statute that is applicable. I shall point out, when the proper time comes, that the Congress of the United States has been careful, in enacting the Articles of War and other statutes for the government and regulation of the Army, to provide that there shall be no conviction of any enlisted man of any offense upon which a discharge can be predicated until he has had a trial before a court-martial or some other duly constituted tribunal.

constituted tribunal.

So we have, Mr. President, the friends of the Administration in this Chamber seeking at the outset to take charge of this inquiry in preference to the Senator from Ohio, who announced that the President acted upon testimony insufficient and flimsy and in violation of the Constitution of the United States.

Now, what else? On December 19 the Senator from Ohio modified his resolution, or rather submitted another one. December 20 he modified his last resolution, and on the 3d of January, Mr. President, when the Senate reconvened after the holiday recess, the Senator from Massachusetts [Mr. Lodgs], representing the President, sought to ingraft an amendment upon the resolution of the Senator from Ohio by inserting, after the word "discharge," the words:

By the President of the United States in the exercise of his constitutional and legal authority as Commander in Chief.

There we see the race between the leading opponent of the Administration on this subject and, as we have been told, the best friend of the President in the Senate. Not only that, Mr. President, but the Senator from Massachusetts, as I have shown, insisted upon an amendment which would justify the legal position of the President.

Without following in detail the various resolutions and amendments further, I invite the attention of the Senate to the fact that subsequently the Senator from Massachusetts withdrew his amendment, retreated from his position of expressly justifying the President under the law, and the Senator from Ohio introduced still another resolution, which went further than his original one, further in that all the other resolutions authorized the committee to make this inquiry, whereas this one on the part of the Senator from Ohio not only authorized but directed the committee to make the inquiry, taking away their discre-

What does all this signify? At the outset the friends of the Administration assumed charge of the inquiry. Later the Senator from Massachusetts, the personal friend of the President, sought by amendment to justify his act as to the law. this was abandoned and the resolution of the Senator from Ohio

was made wide-reaching both as to law and as to fact.

More than that, Mr. President. Instead of taking charge of the inquiry, instead of justifying the legal position of the President, the forces of the Administration in this Chamber have surrendered on the law and permitted the inquiry to pass under the absolute control of those who are leading the fight against this act of the President.

Then came the amendment suggested and proposed by the Senator from Kentucky [Mr. BLACKBURN], which in itself was

an advance, it is true, but the merit of which has been largely subtracted from by the absence of the words "or denying."

Now, what we propose, at least what I propose, though I be the only Senator who will vote for it, is, after the full discussion of the constitutional and legal powers of the President, after the full and exhaustive inquiry into the facts, and after that authority has been challenged and the propriety of the act has been questioned, to pass the substitute resolution justifying the

act in law and sustaining the act under the facts. Mr. President, only a word more, because I recognize in a degree the impropriety of speaking at this hour. The Senator from Colorado [Mr. Telber] has suggested that we want the testimony. There was an inquiry by Major Blocksom. was an inquiry by the grand jury of Cameron County. was an inquiry by General Garlington. There has been a sub-sequent inquiry by the Department of Justice. There has been an inquiry exhaustive and lengthy by the friends of these soldiers—the Constitutional League of the State of New York. Every person in Brownsville or contiguous thereto who knows anything about the facts in this case, every officer, whether commissioned or noncommissioned, and every private soldier stationed at Brownsville has either made a statement or made

an affidavit in this case.

Let me call attention to the fact that under Major Blocksom's report the affidavits of the noncommissioned officers were taken as well as the statements of the five commissioned officers. Under Colonel Lovering's report, which I had almost forgotten, first, there was the sworn testimony of the commissioned offi-cers; second, the sworn testimony of the soldiers, running from page 114 to 163, inclusive, and third, the affidavits of the soldiers. from page 163 to page 174, inclusive, as shown in the Senate document. Under General Garlington's report, first, the accused soldiers who were under arrest were carefully examined at Fort Sam Houston, Tex.; second, many of the men were examined at Fort Reno, and third, all of the officers and enlisted men of the battalion were paraded at Fort Reno and asked to make statements. As taken by the Constitution League of the State of New York, what testimony is here on the part of these The affidavit of every soldier connected with this soldiers? battalion at Fort Brown will be found from pages 222 to 234, inclusive, of Document 155, published by the Senate.

So, recapitulating somewhat what I have said, we have the testimony of the commissioned officers; we have the testimony of the noncommissioned officers; we have the testimony of every private soldier; we have the testimony of every citizen in and about the city of Brownsville who knows anything in the world

about this question.

I have here, Mr. President, a telegram from Capt. William Kelly, of Brownsville, which I will read. He was the chairman of the citizens' committee of that city, is a Republican, and was an officer on the Union side in the civil war. It is directed to me from Brownsville, Tex., and dated January 15, 1907:

Our people believe no additional facts obtainable by further investiga-m. Purdy exhausted every clew.

WILLIAM KELLY, Chairman of Committee.

For these reasons, Mr. President, which I have hurriedly presented, I feel it my duty to offer the substitute in lieu of the resolution offered by the Senator from Ohio, so that this incident, so far as the Senate and the discharge of these soldiers are concerned, will be closed. It will not be closed so far as the soldiers are concerned, because the President has declared that it is open to any man to show that he is not guilty either of participation in this crime or of having knowledge of the guilty parties, and that when such a showing is made to him he will permit a reenlistment under the law.

The VICE-PRESIDENT. The Secretary will read the substitute offered by the Senator from Texas [Mr. Culberson].

The Secretary read as follows:

Resolved, That in the judgment of the Senate the President was authorized by law and justified by the facts in discharging without honor, with only the legal consequences incident to such discharges under existing law and Army regulations, the enlisted men of Companies B, C, and D, Twenty-fifth United States Infantry, on account of occurrence at Brownsyille, Tex., on the night of August 13-14, 1906, and subsequently

Mr. FORAKER. I move to lay the substitute on the table.

Mr. BACON. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. have transferred the pair to the Senator from Iowa [Mr. Dolliver] and will vote. I vote "yea."

Mr. KITTREDGE (when his name was called). I have a gen-

eral pair with the junior Senator from Colorado IMr. Patter-

son], which has been transferred to the junior Senator from New Jersey [Mr. Dryden], and I will vote.

ew Jersey [Mr. DRYDEN], and I will vote. I vote "yea."
Mr. MALLORY (when his name was called). I am paired with the senior Senator from Vermont [Mr. Proctor]. I transfer the pair to the Senator from Arkansas [Mr. Berry], and will vote. I vote "nay."

Mr. PETTUS (when Mr. Morgan's name was called). The senior Senator from Alabama is paired with the senior Senator

from Iowa [Mr. Allison].

Mr. TALIAFERRO (when his name was called). I am paired with the junior Senator from West Virginia [Mr. Scort]. I transfer the pair to the Senator from Oregon [Mr. Gearin],

and will vote. I vote "nay."

Mr. WHYTE (when his name was called). I am paired with the junior Senator from Michigan [Mr. Alger]. I understand there has been a transfer of the pair, and I will vote. I vote

The roll call was concluded.

Mr. CARMACK. I have been authorized to announce that the Senator from Nevada [Mr. NEWLANDS] is paired with the Senator from South Dakota [Mr. GAMBLE].

The result was announced—yeas 46, nays 19, as follows:

	YE	AS-46.	
Aldrich Allee Ankeny Benson Blackburn Brandegee Bulkeley Burkett Burnbam Burrows Carter Clapp	Clark, Wyo. Crane Cullom Daniel Dick Dillingham Du Pont Flint Foraker Frye Fulton Gallinger	Hale Hemenway Heyburn Hopkins Kean Kittredge Knox La Follette Lodge Long McCumber Millard	Nelson Nixon Perkins Piles Smoot Spooner Sutherland Tillman Warner Warren
20044		AYS—19.	
Bacon Carmack Clarke, Ark. Clay Culberson	Dubois Foster Frazier Latimer McCreary	Mallory Money Overman Pettus Rayner	Simmons Stone Tallaferro Whyte
	NOT Y	OTING-25.	
Alger Allison Bailey Berry Beveridge Clark, Mont. Depew	Dolliver Dryden Elkins Gamble Gearin Hansbrough McEnery	McLaurin Martin Morgan Newlands Patterson Penrose Platt	Proctor Scott Teller Wetmore

So Mr. Culberson's substitute was laid on the table.

The VICE-PRESIDENT. The question is on agreeing to the resolution of the Senator from Ohio [Mr. FORAKER].

Mr. FORAKER. I move that the resolution, under the rule, be referred to the Committee to Audit and Control the Contin-

gent Expenses of the Senate.

The motion was agreed to.

Mr. KEAN. By the Committee to Audit and Control the
Contingent Expenses of the Senate I am directed to report the resolution favorably, and I ask unanimous consent for its present consideration.

The resolution was considered by unanimous consent, and agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM. I desire to give notice that to-morrow morning, after the routine morning business, I shall call up the legislative, executive, and judicial appropriation bill, so called, in which is the item concerning the pay of Representatives and

The VICE-PRESIDENT. Notice will be entered.

# EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, January 23, 1907, at 12 o'clock meridian.

# NOMINATIONS.

Executive nominations received by the Senate January 22, 1907. APPOINTMENT IN THE REVENUE-CUTTER SERVICE.

William C. Besselievre, jr., of Massachusetts, to be constructor in the Revenue-Cutter Service of the United States.

# MARSHAL.

M. Hubert O'Brien, of Michigan, to be marshal of the United States court for China, vice Orvice R. Leonard, resigned,

### PROMOTION IN THE NAVY.

Lieut. Henry B. Price to be a lieutenant-commander in the Navy from the 1st day of January, 1907, to fill a vacancy created in that grade by the act of Congress approved March 3,

### RECEIVER OF PUBLIC MONEYS.

Alfred C. Steinman, of Ellensburg, Wash., to be receiver of public moneys at North Yakima, Wash., vice Harry F. Nichols,

### REGISTER OF LAND OFFICE.

Lee Fairbanks, of Colorado, to be register of the land office at Del Norte, Colo., to take effect March 3, 1907, at the expiration of his present term. (Reappointment.)

## POSTMASTERS.

#### CALIFORNIA

John W. Short to be postmaster at Fresno, in the county of Fresno and State of California, in place of John W. Short. Incumbent's commission expired December 20, 1906.

### COLORADO.

George S. Mott to be postmaster at Telluride, in the county of San Miguel and State of Colorado, in place of George S. Mott. Incumbent's commission expired December 15, 1906.

#### DELAWARE.

Douglass C. Allee to be postmaster at Dover, in the county of Kent and State of Delaware, in place of Douglass C. Allee. Incumbent's commission expires March 16, 1907.

### FLORIDA.

John H. Hibbard to be postmaster at De Land, in the county of Volusia and State of Florida, in place of John H. Hibbard. Incumbent's commission expires January 29, 1907.

William H. Northup to be postmaster at Pensacola, in the county of Escambia and State of Florida, in place of William H. Northup. Incumbent's commission expires February 19, 1907.

#### GEORGIA.

Henry C. Newman to be postmaster at Eastman, in the county of Dodge and State of Georgia, in place of William S. Waite. Incumbent's commission expired June 11, 1906.

# ILLINOIS.

Adolph Fehrman to be postmaster at Pekin, in the county of Tazewell and State of Illinois, in place of Christian A. Kuhl. Incumbent's commission expired February 10, 1906.

Theodore A. Fritchey to be postmaster at Olney, in the county Richland and State of Illinois, in place of Theodore A. Fritchey. Incumbent's commission expired February 13, 1906.

William A. Hardy to be postmaster at Springvalley, in the county of Bureau and State of Illinois, in place of Edward G.

county of Bureau and State of Illinois, in place of Edward G. Thompson. Incumbent's commission expired March 14, 1906. William C. Heining to be postmaster at Red Bud, in the county of Randolph and State of Illinois, in place of William C. Heining. Incumbent's commission expires February 3, 1907.

Andrew J. Pickrell to be postmaster at Anna, in the county of Union and State of Illinois, in place of Andrew J. Pickrell. Incumbent's commission expires February 9, 1907.

George C. Roberts to be postmaster at Greenview, in the county of Menard and State of Illinois, in place of George C. Roberts. Incumbent's commission expires January 23, 1907.

Incumbent's commission expires January 23, 1907.

Charles Scofield to be postmaster at Marengo, in the county of McHenry and State of Illinois, in place of Charles Scofield. Incumbent's commission expires January 23, 1907.

Allen T. Spivey to be postmaster at Shawneetown, in the county of Gallatin and State of Illinois, in place of Henry M. Peebles. Incumbent's commission expires January 23, 1907.

Edwin L. Welton to be postmaster at Centralia, in the county of Marion and State of Illinois, in place of Edwin L. Welton. Incumbent's commission expires February 3, 1907.

# IOWA.

Edward C. Brown to be postmaster at Dewitt, in the county of Clinton and State of Iowa, in place of Edward C. Brown. Incumbent's commission expires February 9, 1907.

Charles C. Burgess to be postmaster at Cresco, in the county of Howard and State of Iowa, in place of Charles C. Burgess. Incumbent's commission expires January 29, 1907.

Gilbert Cooley to be postmaster at Strawberry Point, in the county of Clayton and State of Iowa, in place of Gilbert Cooley.

Incumbent's commission expired January 14, 1907.

John J. Heverly to be postmaster at Center Point, in the county of Linn and State of Iowa. Office became Presidential January 1, 1907.

Isaac Hossler to be postmaster at Battle Creek, in the county of Ida and State of Iowa, in place of Isaac Hossler. Incumbent's commission expired January 7, 1907.

Emery Westcott to be postmaster at Iowa City, in the county

of Johnson and State of Iowa, in place of Henry D. Overholt. Incumbent's commission expired January 7, 1907.

James E. Wheelock to be postmaster at Hartley, in the county of O'Brien and State of Iowa, in place of James E. Wheelock. Incumbent's commission expired December 15, 1906.

James S. Alexander to be postmaster at Florence, in the county of Marion and State of Kansas, in place of James S. Alexander. Incumbent's commission expires February 3, 1907.

#### MARYLAND.

Sewell M. Moore to be postmaster at Cambridge, in the county of Dorchester and State of Maryland, in place of Sewell M. Moore. Incumbent's commission expires January 29, 1907.

# MINNESOTA.

Alfred J. Gebhard to be postmaster at Lamberton, in the county of Redwood and State of Minnesota, in place of Alfred J. Gebhard. Incumbent's commission expired January 13, 1907.

Thomas T. Gronlund to be postmaster at Tyler, in the county of Lincoln and State of Minnesota, in place of Thomas T. Gronlund. Incumbent's commission expires March 2, 1907.

Dwight C. Pierce to be postmaster at Goodhue, in the county of Goodhue and State of Minnesota. Office became Presidential October 1, 1906.

#### MISSOURI.

John L. Schmitz to be postmaster at Chillicothe, in the county of Livingston and State of Missouri, in place of John L. Schmitz. Incumbent's commission expired January 13, 1907.

### NEW JERSEY.

Thomas E. Hunt to be postmaster at Penn Grove, in the county of Salem and State of New Jersey, in place of Joseph D. Whitaker. Incumbent's commission expired December 9, 1906.

Adam Kandle to be postmaster at Elmer, in the county of Salem and State of New Jersey, in place of Adam Kandle. Incumbent's commission expired January 19, 1907.

#### NEW YORK.

Jay Farrier to be postmaster at Oneida, in the county of Madison and State of New York, in place of John J. Hodge. Incumbent's commission expires February 12, 1907.

Huet R. Root to be postmaster at De Ruyter, in the county of

Madison and State of New York, in place of Henry P. Mitchell. Incumbent's commission expired January 7, 1907.

# NORTH CAROLINA.

Thomas H. Dickens to be postmaster at Enfield, in the county of Halifax and State of North Carolina, in place of Elijah C Shearin. Incumbent's commission expired December 20, 1906.

Erwin G. Chamberlin to be postmaster at Caldwell, in the county of Noble and State of Ohio, in place of Erwin G. Chamberlin. Incumbent's commission expired January 13, 1907.

Van R. Sprague to be postmaster at McArthur, in the county of Vinton and State of Ohio, in place of Van R. Sprague. Incumbent's commission expires February 12, 1907.

Joseph V. Martin to be postmaster at Lone Wolf, in the county of Kiowa and Territory of Oklahoma. Office became Presidential January 1, 1907.

John P. Richert to be postmaster at Gotebo, in the county of Kiowa and Territory of Oklahoma. Office became Presidential January 1, 1907.

# OREGON.

George W. McQueen to be postmaster at Cottage Grove, in the county of Lane and State of Oregon, in place of Charles J. Howard, resigned.

# PENNSYLVANIA.

William F. Brittain to be postmaster at Muncy, in the county of Lycoming and State of Pennsylvania, in place of William F. Brittain. Incumbent's commission expires February 5, 1907.

James S. Kennedy to be postmaster at Grove City, in the

county of Mercer and State of Pennsylvania, in place of James S. Kennedy. Incumbent's commission expires March 2, 1907.

J. C. Lauffer to be postmaster at Portage, in the county of Cambria and State of Pennsylvania. Office became Presidential October 1, 1906.

William H. H. Lea to be postmaster at Carnegie, in the county of Allegheny and State of Pennsylvania, in place of William

H. H. Lea. Incumbent's commission expires February 11, 1907. Luther P. Ross to be postmaster at Saxton, in the county of Bedford and State of Pennsylvania, in place of Luther P. Ross. Incumbent's commission expires January 26, 1907.

George C. Wagenseller to be postmaster at Selinsgrove, in the county of Snyder and State of Pennsylvania, in place of George

C. Wagenseller. Incumbent's commission expires January 26,

# RHODE ISLAND.

Warren W. Logee to be postmaster at Pascoag, in the county of Providence and State of Rhode Island, in place of Warren W. Logee. Incumbent's commission expires January 26, 1907.

# SOUTH CAROLINA.

Thomas B. McLaurin to be postmaster at Bennettsville, in the county of Marlboro and State of South Carolina, in place of Frank M. Emanuel. Incumbent's commission expired December 17, 1906.

#### TEXAS.

Isham H. Nelson to be postmaster at Snyder, in the county of Scurry and State of Texas, in place of Isham H. Nelson. Incumbent's commission expired January 20, 1907.

Laura M. Poe to be postmaster at Santa Anna, in the county of Coleman and State of Texas. Office became Presidential October 1, 1906.

Jacob J. Utts to be postmaster at Canton, in the county of Van Zandt and State of Texas. Office became Presidential January 1, 1907.

Wilber H. Webber to be postmaster at Lampasas, in the county of Lampasas and State of Texas, in place of Wilber H. Webber, Incumbent's commission expired January 20, 1907.

David M. Wilson to be postmaster at Bridgeport, in the county of Wise and State of Texas. Office became Presidential January 1, 1907.

#### WISCONSIN.

Alex Archie to be postmaster at Waterloo, in the county of Jefferson and State of Wisconsin, in place of Cornelius E. Dono-Incumbent's commission expires February 4, 1907.

Ole Erickson to be postmaster at Grantsburg, in the county of Burnett and State of Wisconsin, in place of Ole Erickson. Incumbent's commission expired January 7, 1907.

John G. Gorth to be postmaster at Oconomowoc, in the county of Waukesha and State of Wisconsin, in place of John G. Gorth. Incumbent's commission expired June 30, 1906.

Fred R. Helmer to be postmaster at Clinton, in the county of Rock and State of Wisconsin, in place of William A. Mayhew. Incumbent's commission expired January 7, 1907.

John Vilberg to be postmaster at Mount Horeb, in the county of Dane and State of Wisconsin, in place of John Vilberg. Incumbent's commission expired January 7, 1907.

# CONFIRMATIONS.

Executive nominations confirmed by the Senate January 22, 1907.

# PROMOTIONS IN THE ARMY.

# Corps of Engineers.

Lieut. Col. Clinton B. Sears, Corps of Engineers, to be colonel from January 11, 1907.

Maj. Curtis McD. Townsend, Corps of Engineers, to be lieutenant-colonel from January 1, 1907. Capt. Charles Keller, Corps of Engineers, to be major from

January 11, 1907.

First Lieut. Albert E. Waldron, Corps of Engineers, to be captain from January 11, 1907.

Second Lieut. De Witt C. Jones, Corps of Engineers, to be first lieutenant from January 11, 1907.

# Cavalry Arm.

Second Lieut. Robert L. Collins, Second Cavalry, to be first lieutenant from October 2, 1906.

# Infantry Arm.

First Lieut. Lawrence D. Cabell, Fourteenth Infantry, to be captain from January 9, 1907.

# POSTMASTERS.

# ARKANSAS.

Carl O. Freeman to be postmaster at Berryville, in the county of Carroll and State of Arkansas.

Alexander Jackson to be postmaster at Hoxie, in the county of Lawrence and State of Arkansas.

Robert C. Vance to be postmaster at Benton, in the county of Saline and State of Arkansas.

# FLORIDA.

Edwin N. Bradley to be postmaster at Green Cove Springs, in

the county of Clay and State of Florida.
Fred M. Taylor to be postmaster at Titusville, in the county of Brevard and State of Florida.

#### GEORGIA.

Halbert F. Brimberry to be postmaster at Albany, in the county of Dougherty and State of Georgia.

John B. Crawford to be postmaster at Cairo, in the county of Grady and State of Georgia.

Alamo B. Harp to be postmaster at Jackson, in the county of Butts and State of Georgia.

Christopher E. Head to be postmaster at Tallapoosa, in the county of Haralson and State of Georgia.

Frank P. Mitchell to be postmaster at Americus, in the county of Sumter and State of Georgia.

#### KENTUCKY.

Offa A. Stump to be postmaster at Pikeville, in the county of Pike and State of Kentucky.

#### NEW MEXICO.

James A. Duff to be postmaster at Farmington, in the county of San Juan and Territory of New Mexico.

#### NEW YORK.

Joseph A. Douglas to be postmaster at Babylon, in the county of Suffolk and State of New York.

Frank W. Higgins to be postmaster at Wellsville, in the county of Allegany and State of New York.

Charles C. Horton to be postmaster at Silver Creek, in the county of Chautauqua and State of New York.

Benjamin C. Moore to be postmaster at Pleasantville Station, in the county of Westchester and State of New York.

Robert Murray to be postmaster at Warrensburg, in the

county of Warren and State of New York. .

James L. Taylor to be postmaster at Dobbs Ferry, in the county of Westchester and State of New York.

Fred A. Upton to be postmaster at Charlotte, in the county of Monroe and State of New York.

#### OKLAHOMA.

Elmer E. Brown to be postmaster at Oklahoma, in the county of Oklahoma and Territory of Oklahoma.

#### PENNSYLVANIA.

John H. Bishop to be postmaster at Millersville, in the county of Lancaster and State of Pennsylvania.

Joseph M. Brothers to be postmaster at Knox, in the county of Clarion and State of Pennsylvania.

Joseph J. Delp to be postmaster at Windgap, in the county of Northampton and State of Pennsylvania.

Silas E. Dubbel to be postmaster at Waynesboro, in the county of Franklin and State of Pennsylvania.

Samuel H. Jackson to be postmaster at Claysville, in the county of Washington and State of Pennsylvania.

J. G. Lloyd to be postmaster at Ebensburg, in the county of Cambria and State of Pennsylvania.

John G. McCamant to be postmaster at Tyrone, in the county

of Blair and State of Pennsylvania.

Charles A. Passmore to be postmaster at Gap, in the county of Lancaster and State of Pennsylvania.

William H. Pennell to be postmaster at Duncannon, in the county of Perry and State of Pennsylvania.

Thomas K. Pullin to be postmaster at Confluence, in the county of Somerset and State of Pennsylvania.

Rosella M. Russell to be postmaster at Glassport, in the county of Allegheny and State of Pennsylvania.

Robert B. Thompson to be postmaster at Freeport, in the county of Armstrong and State of Pennsylvania.

Sylvester B. Wollet to be postmaster at McConnellsburg, in the county of Fulton and State of Pennsylvania.

# SOUTH CAROLINA.

James P. Bodie to be postmaster at Leesville, in the county of Lexington and State of South Carolina.

Levi S. Bowers to be postmaster at Prosperity, in the county of Newberry and State of South Carolina.

Benjamin H. Massey to be postmaster at Fort Mill, in the county of York and State of South Carolina.

Carrie E. Hoke to be postmaster at Taylor, in the county of Williamson and State of Texas.

# VIRGINIA.

Willard B. Alfred to be postmaster at Clarksville, in the county of Mecklenburg and State of Virginia.

Robert A. Anderson to be postmaster at Marion, in the county of Smyth and State of Virginia.

# WEST VIRGINIA.

Fannie E. Helmick to be postmaster at Thomas, in the county of Tucker and State of West Virginia.

# HOUSE OF REPRESENTATIVES.

# Tuesday, January 22, 1907.

The House met at 12 o'clock, noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D. The Journal of the proceedings of yesterday was read and approved.

MRS. ALBERTA DE LARIO.

Mr. CASSEL. Mr. Speaker, I submit the following report from the Committee on Accounts.

The SPEAKER. The gentleman from Pennsylvania submits a privileged report, which will be read by the Clerk.

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby authorized and directed to pay Mrs. Alberta De Lario, widow of Louis De Lario, deceased, late clerk of the Committee on Irrigation of Arid Lands, of the House of Representatives, a sum equal to six months' pay at the rate of compensation received by him at the time of his death, and a further sum, not exceeding \$250, on account of the funeral expenses of said Louis De Lario, said amounts to be paid out of the contingent fund of the House.

The resolution was agreed to.

#### CLARA MORGAN.

Mr. CASSEL. I also submit the following.

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby authorized and directed to pay, out of the contingent fund of the House, to Clara Morgan, granddaughter of James M. Kenney, deceased, late messenger in the office of the Sergeant-at-Arms of the House, a sum equal to six months' pay at the rate of compensation received by him at the time of his death, and a further sum, not exceeding \$250, on account of the funeral expenses of said Kenney.

The resolution was agreed to.

### MESSENGERS TO DISBURSING CLERK.

Mr. CASSEL. Also the following.

The Clerk read as follows:

Resolved. That from the date of their employment, and until otherwise provided for by law, there shall be paid out of the contingent fund of the House, for the services of two messengers in the offices of the disbursing clerks of the House, a sum equal to the rate of \$900 each, payable monthly.

The resolution was agreed to.

# NELLIE M. WAKEFIELD.

Mr. CASSEL, from the Committee on Accounts, also presented House resolution 599, which was read by the Clerk, as follows:

Resolved, That the Clerk of the House is hereby authorized and directed to pay, out of the contingent fund of the House, to Nellie M. Wakefield, the sum of \$900. for services rendered as assistant to the docket clerk in tracing legislation and notifying Members of the House of the status and progress of legislation.

The resolution was agreed to.

# EDWIN S. PIERCE.

Mr. CASSEL, from the Committee on Accounts, also presented House resolution 679, which was read by the Clerk, as follows:

Resolved, That there shall be paid, out of the contingent fund of the House, miscellaneous items, fiscal year 1907, payable in equal monthly installments, a sum equal to the rate of \$500 per annum, as additional compensation to Edwin S. Pierce, as Deputy Sergeant-at-Arms of the House, until his salary, at the rate of \$2,500 per annum, shall be otherwise provided for by law.

Mr. MANN. Mr. Speaker, I would like to know what this is. Mr. CASSEL. This is an increase of \$500 to the Deputy Sergeant-at-Arms, equalizing his salary with other employees of this character.

The resolution was agreed to.
On motion of Mr. Cassel, a motion to reconsider the last vote was laid on the table.

# ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, re-ported that they had examined and found truly enrolled bill and joint resolution of the following title; when the Speaker signed

H. R. 23114. An act extending to the subport of Bellingham, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

S. R. 13. Joint resolution authorizing the Secretary of War to award the Congressional medal of honor to Roe Reisinger.

# DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. COUSINS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the diplomatic and consular appropriation bill.

Mr. WILLIAMS. Mr. Speaker, I would like to inquire if

points of order have been reserved?

Mr. COUSINS. They have. Pending that motion, Mr.

Speaker, I wish to make a proposition for unanimous consent. I will ask if Mr. Howard, of Georgia, is present, and if not, I will inquire of Mr. Flood, of the minority of the committee, how much time is thought necessary for general debate on that side?

Mr. FLOOD. I think that Mr. Howard thought that an hour

and a half would be ample.

Mr. COUSINS. Then, Mr. Speaker, I ask unanimous consent that general debate on this measure may be terminated in three hours, one-half of the time to be controlled by the leader of the minority of the committee on that side and one-half by myself.

The SPEAKER. Is there objection to the request of the gen-

tleman from Iowa?

There was no objection.

The motion of Mr. Cousins was then agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the diplomatic and consular appropriation bill, with Mr. Sterling in the chair.

Mr. COUSINS. Mr. Chairman, I ask unanimous consent that

the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. COUSINS. Mr. Chairman, this measure proposed by the committee carries a total of \$3,138,477, which is \$67,816 less than the bill of last session and \$146,000 less than the estimate. The occasion for the reduction in this measure below that of the former measure is largely represented in one item of that act. The fact that we purchased or provided for the purchase of the legation premises at Constantinople at the last session at a cost of \$150,000 naturally makes the necessary appropriation this year less than that of last year. There are a few items of increase, however, proposed in this measure which I

shall very briefly explain.

The most important matter of legislation is the proposed increase in salaries of certain ministers now receiving less than \$10,000 a year. There are quite a number of these cases. is a prevailing opinion in your committee, and I think in this House, that our diplomatic positions should not all be commanded by millionaires, and in order that representative citizens of the middle classes, coming from the people of the country, may be enabled to occupy these positions, it is necessary, as you will all agree, I think, that at least their expenses should be paid. In many of the legations at the present time the \$7,500 salary is not sufficient to meet the expense. Your committee believe that men who are competent and worthy to represent this Government should not only have their expenses paid, but that they should receive at least a fair compensation for their time and services. Therefore your committee have agreed with the recommendation of the Secretary of State that these positions below \$10,000 should go into the ten-thousand class. At present we have three classes, so far as salaries are Six of our ministers receive \$12,000. Seven receive concerned. \$10,000 salary, and fourteen of them receive only \$7,500. I shall not at this time go into details concerning any of these missions, nor offer special reasons in the several cases until we reach the items on reading the bill.

There are a few other propositions that your committee deems of importance. There is the increase for additional interpreters. The Department has the very best information that the service is very greatly crippled or embarrassed by reason of not having sufficient interpreters. There is another important proposition involved in the bill which your committee offers, and that is this: In the last appropriation bill the allowance for clerk hire

was divided into two different sums.

Clerk hire for one hundred and sixty odd of these consulates was provided for specifically and about 128 of the smaller consulates were provided for in bulk, to be paid in the discretion of the Secretary of State. Under the rulings whenever an amount of money is specifically appropriated for clerk hire at certain named consulates, it must all be paid at the particular places named, even though the necessity for it might not exist at the end of the year or at any time during the year. Your committee, after thinking the matter over carefully and considering it well. and without any suggestion of the Department on that particular subject, concluded that it would be wise to put the entire appropriation for clerk hire in the discretion of the Secretary of State, so that the Department can apportion it wherever the actual need occurs during the year, as it does now among the 138 minor consulates, thereby making the administration more flexible, and if all of the money appropriated for particular consulates for clerk hire is not needed in that particular year, that it may be used at some other place to greater advantage, thereby putting the responsibility upon the State Department, for we are necessarily dependent for our information in regard to the necessities of the service upon the State Department. Therefore it has been considered best by your committee to put the responsibility on the Department and let them use the money appro-

priated for clerk hire to the best advantage.

There is practically no other innovation in the bill offered at this time. There is an appropriation recommended of \$5,000 for a new cipher code. The code we are now using, I think, was made in 1874. It is practically useless, and it is said by those who ought to know that it is the belief of the Department that this sum offered to be appropriated, \$5,000, will be saved in a single year by reason of the enonomy of a new system and a much more readily interpreted code. I think I have nothing further to say at this time.

Mr. SCOTT. Mr. Chairman, I notice on page 3 that the minister resident and consul-general to the Republic of Santo Domingo is paid \$10,000 and the minister resident and consulgeneral to Liberia is paid \$5,000. Could the chairman of the committee explain briefly the condition in the difficulties or obligations of these two stations which seems to warrant so great

a difference in the compensation?

Mr. COUSINS. Mr. Chairman, I have not thought that I should go into these particular missions in detail now, but I will answer the gentleman temporarily that the position at Santo Domingo is one of the most important from a diplomatic point of view in the service. It is one of the most expensive places to live; it is one of the most undesirable places for a representative to go. There is little of diplomatic importance at Liberia. It is a mere question of living there and having a representative there. In Santo Domingo everything excepting fruits and fresh meats is practically high—double in cost what it is in the United States—occasioned, no doubt, by the large import duties which they levy. Those import duties probably were not levied for the purpose of encouraging industries, but rather in times past for the purpose of being made away with by corrupt officials.

I yield now to the gentleman from Georgia [Mr. HOWARD].

Mr. HOWARD. Mr. Chairman, I yield one hour, or so much thereof as he may desire, to the gentleman from Kentucky [Mr.

SHERLEY].

Mr. SHERLEY. Mr. Chairman, there have recently been made in the House and in the Senate several interesting speeches on the extent of the treaty-making power conferred in the Constitution of the United States upon the President and the Senate. In this discussion, however, there has been omitted one rather striking fact that I desire to call to the attention of the committee before proceeding to the larger discussion of the extent of the treaty-making power. is to-day no law upon the Federal statute books that enables the National Government to punish violations of treaty rights I hold it to be a position not to be controverted that to the extent that there is responsibility there ought to be power; and inasmuch as the National Government can and does confer rights upon aliens, it follows that it should have the power to enforce recognition of those rights and to punish any efforts to disregard them. If at any time some citizen of a foreign country resident in America should be injured or his rights violated, the foreign country would look not to the particular State where the injury occurred, but to the National Government for a redress of the wrong. been the history in the past and it will be so in the future. When this country was confronted by a claim by Italy, growing out of the disturbances in the State of Louisiana, Italy declined to receive the suggestion of the National Government that that was a matter that should be taken up with the State of Louisiana, and while the National Government did disclaim responsibility, it nevertheless made payment in satisfaction of that claim. During the term of President Harrison in a message to Congress attention was called to this absence of Federal law.

He said:

It would, I believe, be entirely competent for Congress to make offenses against treaty rights of foreigners domiciled in the United States cognizable in the Federal courts. This has not, however, been done, and the Federal officers and courts have no power in such cases to intervene, either for the protection of the foreign citizen or for the punishment of his slayers.

President Roosevelt has also called attention to the need for this legislation, saying that—

One of the great embarrassments attending the performance of our international obligations is the fact that the statutes of the United States are entirely inadequate. They fail to give to the National Government sufficiently ample power, through the United States courts and by the use of the Army and Navy, to protect aliens in the rights secured to them under solemn treaties which are the law of the land.

So far as his message seems to call attention to the need of giving jurisdiction to the Federal courts I am entirely in accord with him. So far as he suggests the need of giving powers to the Army and Navy in the matter I disagree with him, believ-

ing that there can be given ample power to the Federal courts to control the situation, and I accordingly introduced in the early part of this session the following bill:

A bill (H. R. 20540) punishing conspiracy to injure or intimidate any person in the exercise of a right under the Constitution or laws of the United States.

Be it enacted, etc., That if two or more persons conspire to Injure, oppress, threaten, or intimidate any person in the free exercise or enjoyment of any right secured to him by the Constitution or laws of the United States, or because of his having so exercised the same, they shall be fined not more than \$5,000, or imprisoned not more than ten years, or both.

That is an exact copy of section 5508 of the Revised Statutes, except that it changes the word "citizen" to the word "person." It was held by the Supreme Court, in the case of Baldwin v. Frank, reported in 120 U. S., 678, that the word "citizen" in that section did not embrace an alien and that an indictment brought under that section which charged certain men with a conspiracy to deprive Chinese aliens, resident in California, of the right of residence there could not be sustained, because the word "citizen" was used in the narrow sense of citizen of the United States or of the States and not in the broad sense of "person;" but the court said that, while there was no law covering such an offense, Congress had ample power to provide for the punishment of an offense against rights given by treaty to aliens. Now, it is manifest that this may become at any time a very serious matter. I do not believe that we need to apprehend at present any difficulties, but the fact that there has been much discussion relative to the rights under existing treaties of aliens residing in America and that there have been, in certain parts of the country, pronounced views relative to the matter, make it evident that there may arise at any time a situation where irresponsible men, disregarding the law and the obligations imposed upon us toward aliens residing in America, might commit some act of violence, might do something that would involve this nation in a very serious controversy with some foreign power. For this nation, then, to be put in the humiliating posi-tion of being held responsible by another power for a wrong done upon an alien residing in America and yet be unable to punish the perpetrators of that wrong would be a matter of grave concern to us all and place America in a pitiful position in the eyes of the world. I am not one of those who believe that the treaty-making power is unlimited, and I shall take occasion later on to state my views relative to that power, but I plant myself upon this firm proposition, that to the extent that we can confer a right upon an alien, to that extent the National Government that confers it ought to have the machinery by which it can punish any violation of that right, and I hope that very shortly this Congress will consider the advisability of passing this or similar legislation. The bill is purposely drawn in general terms, so as to leave to the proper department the power to determine what rights can be conferred by treaty. Under it any man indicted would have the right to raise the constitutional question of whether the right that he is alleged to have conspired against is such a right as could be conferred by treaty, and it would thus enable the Supreme Court in any given case to determine how far the treaty power goes and what rights are conferred under any particular treaty, because I do not believe that there is anyone now who will seriously contend that the Federal courts have not the power to declare a treaty unconstitutional, the same as they might declare any law of Congress unconstitutional.

It is true that one of the most recent writers on the treaty-making powers, a gentleman who has gathered together much useful information and data concerning it, does doubt that power and bases the doubt upon the fact that Judge Chase, in rendering the decision in the case of Ware v. Hylton, said that if the court had the power it would not exercise it except in a clear case; and upon that filmsy ground he contends that the court itself has disposed of the idea that it would have such power, forgetful of the fact that that decision was rendered at a time when the Supreme Court had not determined its right to declare any law unconstitutional. And of course it is manifest that in regard to a treaty, as in regard to a law, even more so perhaps, the courts would be very slow to declare unconstitutional such a solemn compact. But that it has the unquestioned power no thinking man, acquainted with the theory of our Government, can long doubt.

And this brings me properly to a discussion of what rights can be conferred, because while I do not believe that the opinion gentlemen may have as to the extent of the power ought to in any wise influence their judgment relative to the proposition to give the National Government the power to enforce treaty rights, still it is probable that some, dreading the extreme power that is claimed under the treaty-making clause, would hesitate to give to the National Government the power to en-

force offenses against such rights, because they think that even though the right may exist it ought not to be exercised.

In the House but a few days ago a very elaborate speech was made by my friend from Vermont [Mr. Foster] dealing with this whole question. I did not have the pleasure of hearing it, but I have read it with great care. It is full of learning, but it proceeds upon a theory of government to which I must give my most emphatic dissent. The gentleman in his remarks stated that he considered that the question of whether the treaty-making power rests in sovereignty or rests in grant is an immaterial question, or, as he puts it, an academic question. To my mind it is a fundamental question. Once admit that the treaty-making power exists not by virtue of the grant in the Constitution, but as an inherent part of the nationality of the United States Government, and you then admit that there is no limitation that can be put upon that power. If it is true the treaty-making power arises from the sovereignty of the nation, and if it be true that this nation has all powers that any nation can possess, then it must follow absolutely that the treaty-making power extends to every subject without regard to our division of powers among the States and the nation and among the different departments of the nation. It follows for this reason, because while the Constitution declares the power, the power is not born of the Constitution, but is born of a right inherent in national sovereignty.

Now, the fundamental mistake in that argument, as it is in many that proceed upon a similar theory, relative to power in the Federal Government not declared in the Constitution, is that the sovereignty of the American people rests in the National Government. The sovereignty of the American people rests neither in the national nor State governments nor in all together. It rests in the people, and only to the extent that they have given to the State and to the National Government a part of that sovereignty do those governments possess it. I can not state the case better than to quote a statement made by Justice Brewer in an address before the Virginia Bar Association, in which he says:

I fully believe that this nation as a nation has all the powers which any nation possesses, but I as fully believe that those powers are vested in the people and that only such as they have enumerated in the Constitution have they granted to the Government.

And again, in delivering the opinion of the Supreme Court in the recent case of Hodges v. United States, reported in 203 United States Reports, he says:

The National Government still remains one of enumerated powers, and the tenth amendment, which reads, "the powers not delegated to the United States are reserved to the States respectively or to the people," is not shorn of its vitality.

In very truth it may be said that upon these two statements hang all the law and the prophets. They represent to my mind the right theory of this Government. The National Government has only the powers delegated to it. Now, it is true that the treaty-making power is delegated in general terms; but it is not the only power delegated in general terms. It says "that the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur," and it also declares that "this Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land." In regard to treaties the phrase is used "under authority of the United States," and some have claimed that the words "under authority" give greater power than if the Constitution had said, as it does in regard to the laws, "in pursuance thereof." But the reason for using the phrase "under authority" is easy to be ascertained.

At the time of the adoption of the Constitution there were many treaties in effect. It was desired to validate all of these treaties and give them binding effect so far as they were in accord with the theory of the Government as set forth in the Constitution. If it had simply said "made under the Constitution" or "made in pursuance of the Constitution," it would have excluded treaties already in existence, and therefore there was used the phrase "under authority." It was not used in the sense of meaning that once you determine that the President and Senate had acted in making a compact with a foreign nation the question of its validity could not be raised. To assume that was to assume that the great fight in the Constitutional Convention had been waged in vain. They undertook to counterbalance the great States with the little ones. All the States were given equal representation in the Senate. They were given this as a safeguard against the fear that the great States would soon swallow them up. But as counteracting that there was given to the House of Representatives, which has its representation based not upon the State but upon population, the exclusive right to raise revenue bills, and it was further de-clared that no appropriation of money shall be made except by

authority of Congress. Now, if the treaty-making power was given supreme power, it, in its power, could assert both of these prerogatives, and then we would have the Executive and simply two-thirds of the Senate (who might represent a minority of the people, because even to-day there can be found two-thirds which represent much less than a majority of the people) able to enter into treaties with other nations, by which this vital right given to the House of Representatives, to hold the purse strings of the nation, would be abrogated and done away with.

Most students of the Constitution now agree that the treatymaking power is limited by this right in the House of Representatives, though some insist that when a treaty requires an appropriation of money Congress is morally bound to make the appropriation, but this House has ever maintained the right to freely decide for itself whether the appropriation should be made, and one has but to read the elaborate reports of the House Judiciary Committee, written by that great constitutional lawyer, Randolph Tucker (H. Repts. Nos. 2680–2721) to have all doubts removed. And it is also generally conceded that what is especially prohibited by the Constitution can not be done under the treaty-making power. It is manifest that no title of nobility could thus be conferred. It may also be considered as settled that where the right to do a given thing is given to Con--as to coin money, regulate the militia, establish bank--Congress alone can act, and the treaty-making power can not touch such subjects. But while these limitations are admitted by all save a few extremists, it is now being urged that the tenth amendment is in no sense a limitation upon the treaty-making power. The basis for this position I am unable to find. As said by Mr. Tucker, "The instant it is admitted that the power has limitations, even as to what is rightfully subject to it, the question at issue is narrowed to determining all these limits on principles of justice and of fair interpretation of the Constitution."

There is no reason that is good in logic that I know of that justifies you in taking part of the Constitution as superior and

above the rest of the Constitution.

The very fact that the tenth amendment was adopted after the treaty-making power was conferred would indicate that it was intended that that power, along with all national powers, was to be exercised subject to the reservation stated in the tenth amendment. When this amendment was proposed the friends of the Constitution declared that it stated nothing that was not already the law, but those who were fearful of the power that was being given to the National Government said: "If that is true, it could do no harm, and we insist on an affirmative declaration; and inasmuch as you have got in the Constitution as already drawn many affirmative declarations of the rights of the people, we insist on this additional one; we insist that except to the extent power is expressly given it is reserved to the States and

people, respectively."

Now, the treaty-making power is unquestionably a very extensive one. It is unquestionably true that the very most pro-nounced evil in connection with the Confederacy as it existed, aside from its inability to tax, so necessary an attribute of a virile government, was its inability to enforce the treaties then made and existing with foreign nations. It is true that there was constant complaint on the part of the Federal Government that the States disregarded these treaty obligations, and it is true that some of the States claimed that, while the treaties might be morally binding upon them, they were not legally binding, and claimed the privilege to regard or disregard them, as they saw fit, That proposition was effectually denied when it was put into the Constitution that not only the laws, but the treaties, should be the supreme law of the land, anything in the constitutions or the laws of the States to the contrary notwithstanding. That clause determined that question, and only that question. It determined that a legal treaty—that is, a treaty which is not ultra vires; a treaty made within the power-is the supreme law of the land. Nobody can dispute that. Nobody now claims that it is not. But it is the supreme law of the land in no other sense than any law made by Congress that is within its constitutional limitations the supreme law of the land. And the best proof of that fact is the fact that Congress can, by enactment, repeal a treaty. If a treaty possessed a power peculiar to itself, if the treaty rose superior to a law and was supreme in any other sense, then it would follow inevitably that, being superior to the lawmaking body, it could not be repealed by the lawmaking body, and only the power warranted in making the treaty would be warranted in annulling it. And yet the Supreme Court decided, in the Chinese-exclusion cases, that the acts passed by Congress, in so far as they were in conflict with the treaty then in existence with China, abrogated that treaty, the rule being that a treaty of later date abrogates a law in conflict with it and a law of later date abrogates the treaty.

Now, if the treaty has only the power and none other than the law, it becomes important to determine, as we have determined many questions relating to the power of legislation in Congress, what are the limitations upon it. This is not an easy task. It is easy in general terms to recite limitations, but it is exceedingly difficult to determine the exact line and say, "Thus far shalt thou go and no further." It is true that there has never been a treaty declared by the Supreme Court to be unconstitutional, although there have been very many reviewed by that Court, and it is true that some of the decisions of the Supreme Court as to one subject-matter would seem in their logic to carry the conclusion that the clause relative to the reserved rights of the States did not apply; because they have held that it is within the power of the treaty-making power to remove by treaty the alienage of a foreigner, so as to enable him to inherit and transmit real estate. I should have said, as an original proposition, that that was a matter that remained within the States. I should have said, as Mr. Bayard when Secretary of State said, that if the question was to arise anew, he doubted very much whether the Supreme Court would hold as it has held; but I am faced with the fact, I recognize that they have decided; and in Chirac v. Chirac, and in many other decisions by that court, they have held that a treaty which conferred upon an alien the right to inherit and dispose of real estate overrode any State law or constitution. I realize that in the first great case of Ware v. Hylton, the Supreme Court held that where the State of Virginia had passed acts escheating the property of aliens who were British subjects, and had also undertaken to put impediments in the way of their right to recover debts, that the treaty overrode those acts of the legislature and the constitution of the State of Virginia; but I am unwilling to concede any more in that line than needs to be conceded. The proposition that is involved in the present case, growing out of the controversy between Japan and California, is that the treaty-making power is not only able to remove alienage so far as it relates to residence, and so far as it relates to inheritance and transmission of property, but that it can go to the extent of conferring upon an alien every right enjoyed by a citizen of the United States or of any particular State. That I deny. It is manifest that no treaty could undertake to confer upon an alien the right to hold office within a State. is manifest that no treaty could confer upon an alien the right to the suffrage within a State; because, gentlemen, the treaty-making clause must always be held subject to the general purpose and scope of our Government, State and National. It is unthinkable that the makers of the Constitution, who were so careful to guard the powers of every particular department, to offer check against check, and counterbalance against counterbalance, were yet so impressed with the necessity of having facility of contract with foreign nations that they were willing to give to one man and two-thirds of the Senate present-not even two-thirds of all elected—the power to make a law that could override all State enactments and rule. The National Government could, if it saw fit, as it did see fit in the Chinese treaty, give to the citizens of a foreign country the right to education in the public schools of the National Government, because that is a matter that rests with the nation.

The burden is upon the nation in maintaining these schools, and it might be proper that the nation should impose the additional burden of education of aliens. But how can it be said, where the obligation is one that belongs to the State primarily, that is subject to the State's will, so subject that the State could to-morrow, if it saw fit, do away with its public-school system, make what appropriation it saw fit, or none at all, that the National Government could confer upon an alien such right? Once you concede that right, I see no reason in a logical way why you should not concede any other particular right that may be desired in regard to the internal affairs of a State.

Now, I desire to draw the attention of the committee to another argument, and I do it with a great deal of hesitancy and some reluctance. What I am about to say may seem foolish, and I confess it is novel. I am not satisfied in my own mind, but I am unable to detect the flaw in the logic if it be there. The Constitution provides that the President, with the consent of the Senate, may make treaties and also provides that "no State shall enter into any treaty, alliance, or confederation." Now, if this was all, it would be manifest that whatever agreement might be had with other nations would have to be had by virtue of a treaty made by the National Government. But this is not all. The prohibition upon the States to make treaties is contained in the beginning of section 10 of Article I of the Constitution, and in the last division of that section it is declared that "no State shall, without the consent of Congress, \* \* enter into an agreement or compact with another State, or with a foreign power." Of course it is clear that the negative form of this declaration admits the affirmative, and a State can with the consent

of Congress enter into an agreement with another State or with a foreign power. But yesterday this House passed a bill giving the consent of Congress to an agreement between two of the Now, if an agreement can be made between a State and a foreign power, it follows that such an agreement must be one not included within the scope of a treaty, because a State is, as

we have seen, prohibited from making any treaty.

That of itself is a further indication that the treaty-making power does not embrace all contracts of every kind which can be thought of between the people of one country and the people of What seems to my mind to have been the view of the makers of the Constitution was that the treaty power should relate to those subjects naturally belonging to treaties; relate to those subjects that pertain to the country as a whole. It was proper-aye, it was necessary-that one voice should speak as to its contracts with other nations when it spoke on behalf of all the people, and it was further manifest that when that voice spoke within its domain, the voice of every State must be silent, that no discordant note might be heard to limit or deny the solemn compact of the General Government. But it is evident that there are many things that may pertain peculiarly to one locality, to one section of the country, and to its relationship to foreign nations that do not pertain to the balance of the country and should not be embraced within a treaty. We have States adjoining Canada, we have States adjoining Mexico, and it might be proper-and I do not know but what it has been done: I was unable to find any case-for one of those States, by consent of Congress, to enter into an agreement with a foreign nation relative to such matter local to it. I even consider that this very subject-matter that has given rise to this discussion is a case that would more properly fall into an agreement between a State and a foreign power than it would under the treaty-making power. It might well be that one State would be willing to concede to the citizens of a foreign country the right of education within the schools of that State in consideration of the same right, for instance, being given to the citizens of that State in the country with which the agreement is made, but that the National Government should have the power to confer upon a foreigner a right which imposes an obligation not upon the nation, but upon an individual State, seems to me utterly illogical. There is to my mind a distinction in an agree-ment removing a disability from one creating an affirmative The Supreme Court has said, and therefore I accept it, that the treaty-making power can confer the right, or, to put it more accurately, that it can remove the disability of allenage so that the foreigner may inherit what he would inherit if it were not for his alien birth. That is simply the removal of a disability and confers no burden upon the State; it simply declares an equity, does away with the old harsh view that the outsider, the barbarian, as the Greeks called all that lived outside of their borders, should have no right of property within a state. Modern international law does not recognize such treat-It says foreigners should be treated in their rights of property as if they did not have the disability of alienage. To hold, however, that our treaty-making power goes to the extent of giving an affirmative right that imposes an obligation not upon the United States, but upon a particular State; that requires the taxation not of all the people; seems to my mind to carry it very much too far. This I do know, that if that be the extent of the treaty-making power, the sooner the people of the United States demand of their representatives in the other branch of Congress a strict and careful limitation of the contracts that are entered into with foreign nations the better. I hold very much to the theory that the less of contact between nations and the more of contact between people the better. I believe that a treaty does not always help, but is very apt to hamper, the friendly relations between nations. Certainly if the construction that is being put by the Administration upon this particular treaty be the true one, and I shall not discuss that question, though it seems to me to be open to much question, then it follows that a right that was not considered by the parties at the time it was given, at least not considered to the extent of having an express declaration about it, is liable to be made the cause of disturbing relations that have existed harmoniously for more than half a century between the two countries. a result flowing from ill-considered treaties is to be greatly deplored, and the people of America should demand of the treaty-making power the most careful scrutiny of any treaty entered into

Mr. Chairman, an examination of the decisions and the text writers on this subject will, I believe, confirm these views of mine. It so happens that the debates at the time of the adoption of the Constitution are singularly silent in regard to the matter, but when the Constitution came before the various State conventions for adoption there occurred considerable debate, particularly in Virginia. Patrick Henry, opposed to the Constitution, believing sincerely that it was robbing the States of

all their rights and depriving the people of liberty, seized upon every possible thing as an argument against ratifying the Constitution. Among other things he took hold of the treaty-making power. He made then the very claim that is made by the advocates of an unlimited power now. He declared that the treaty-making power was sufficient to swallow up all the rights of the States and of the National Government; that all they needed to do was to enter into some agreement with a foreign country, and what they could not do by ordinary act of legis-lation they then became empowered to do. He was answered by Madison, Randolph, Nicholas, and several others of the members of the convention, and in answering him they declared that such reasoning was not warranted; that the treaty-making power was limited, must be considered as being subject to the express limitations in the Constitution, and further limited by the nature and character of our dual form of government. The gentleman from Vermont [Mr. Foster] quoted Calhoun as authority for his position. Some seem to think that because Calhoun enumerates certain limitations, therefore all other limitations not enumerated do not apply. This does not follow; because he does, in the enumeration of specific cases, also put as a limitation the nature and the character of our Government, and the Supreme Court, when quoting Calhoun in the case of Geoffroy v. Riggs (133 U. S., 258), a case growing out of the treaty made with France, where the court again confirmed the power of a treaty to give an alien the right to inherit and transmit property. said that the treaty-making power was not only limited by these express provisions, but limited "by the nature of the Gov-ernment itself and of that of the States." If it be limited by the character of the government of the States, what conclusion can you draw other than that the reserved powers of the States are a limitation upon the treaty-making power? For if it does not mean that, it means nothing.

I might continue to cite cases and writers, and I had originally intended so to do, but within a few days a gentleman of my city, a distinguished lawyer, the judge of our chancery court, and a professor in our law school, has delivered an elaborate lecture upon this subject. He has summarized so well all of the opinions of the writers, from the adoption of the Constitution down, that for me to undertake it would be either to repeat what he has said or to poorly do what has been superbly done. So I shall content myself with filing as a part of my remarks, with the permission of the committee, this elaborate lecture upon that question, and I trust the House will read it most carefully. I have spoken without manuscript, save a few notes, and of necessity have not therefore been always accurate or concise, but there will be found the exact quotations from the men who made the Constitution and from the great writers and judges who have construed it ever since. In conclusion, may I be pardoned for saying that it seems to me that in this day, when we are told that if the exigencies of the case demand it we must either give to the National Government more power or the National Government must in some way take it to itself, the House should view with particular care the claim that is being made that this power extends over all others. I utterly abhor the man who is so narrow, whose love of his State is so petty, that he can not rise to a realization of the obligations and duties imposed upon all of us as members of the nation, but I abhor in even greater degree the man who, out of pressure of the immediate moment, out of the exigencies of the case, is willing to twist and pervert the fundamental law of the land in order to have his way and in order to give the National Government unwarranted power. [Applause.] I believe more and more each day that the salvation of America and of America's people lies in getting back to the old doctrine of self-dependence and independence [applause], of teaching the people that not by statute can they be made upright, but out of themselves must come the grace that is to reform and redeem. I believe we must have the people check the constant tendency to put off somewhere else the doing of an obligation that rests at home. It has been my fortune in this House to frequently oppose the power of the National Government. Sometimes it may have seemed that in doing so I would wish to take away from it all of its real strength, but this is in no sense true. If I had been a member of a State legislature I should most likely have been just as pronounced in my opposition to much of the legislation there. I believe that the States should only do those things that the individual can not do, and that the nation should only do those things that the State and the individual can not do, and I always approach every proposition of legislation with a feeling of hostility. The burden is also he asks me to support it. The burden is also on the man proposing legislation when

I think we are a law-ridden Government. We have so much law that we have ceased to obey any law. Why, it has gotten to the point where our very notices give an indication of our disregard of the law. We publish not only that a thing is prohibited, but in order to make somebody really believe that we mean it we say that such and such a thing is positively prohibited, as if there could be degrees of prohibition in a law-abiding com-And it all grows out of the fact that we pass laws that result in bringing about a condition that, being obeyed, would not be livable under. It is one of the great eternal truths of life that the remote results of legislation are always greater, more far-reaching in their effect upon people, than the immediate results. We pass some act for a particular purpose, and after we have passed it for that purpose we awake to find that the effect of it is being felt in a hundred other directions that were never contemplated, and we are forced either to disregard the law or to repeal it, and then the inertia of Government in regard to the repealing of laws makes us disregard them, and we become a nation of lawbreakers.

Therefore I believe that one performs no higher duty than when he insists on the strict construction of powers; not with the idea of detracting from the vigor of the nation, but because he believes, as said by Justice Brewer, that this nation as a nation has all the powers that any people have, but that those powers rest with the people, and only to the extent that they have delegated them do they rest in the National Government, and that we have made provision for the extension of those powers; and because it would be better to wait until that extension was legally given and suffer the particular evil that exists than

to disregard the highest law of the land.

Gentlemen, if you permit the disregard of your Constitution, how, in the name of common sense, can you expect the people to regard the law supposedly made under the Constitution? [Loud applause,]

### APPENDIX.

APPENDIX.

In accordance with the permission granted me by the committee, I append the lecture delivered by Judge Shackleford Miller, of Louisville, Ky., before the Jefferson School of Law:

The recent disturbance in California, brought about by the action of the school authorities of San Francisco in closing the doors of the public schools of that city against Japanese students residing there, naturally provokes a discussion of the treaty-making power under the Constitution of the United States. The Japanese claim the right to attend the San Francisco public schools under the treaty of 1894 between Japan and the United States, which provides as follows:

"The citizens or subjects of either of the two high contracting parties shall have full liberty to enter, travel, or reside in any part of the territories of the other contracting party, and shall enjoy full and perfect protection for their persons or property. In whatever relates to rights of residence and travel, to the possession of goods and effects of any kind, to the succession to personal estate by will or otherwise and the disposal of property of any kind and in any manner whatsoever which they may lawfully acquire, the citizens or subjects of each contracting party shall enjoy in territories of the other the same privileges, liberties, and rights, and shall be subject to no higher imposts or charges in these respects than native citizens or subjects of the most-favored nation."

It will no doubt readily be conceded that the right of the Japanese students to attend the public schools must be founded upon this treaty right of residence or it does not exist. There is no other right or privilege mentioned in the treaty which could even be remotely claimed to embrace the right of attending the public schools. It would seem, however, that a fair construction of the treaty would searcely extend the privilege of the public schools of a State to unnaturalized foreigners. If the Federal Government had so intended, it is but reasonable to assume that the treaty

selves and their children educated at the public schools and at the public expense.

But the larger question arises: Can the President and Senate constitutionally make a treaty with Japan that would confer this right upon the Japanese residents of California?

The answer to this question turns upon the extent of the treaty-making power granted to the Federal Government under the Federal Constitution.

This power is found in the following provision:

"He [the President] shall have power, by and with the advice and

Constitution.

This power is found in the following provision:

"He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senate present concur." (Const., Art. II, sec. 2, cl. 2.)

"This Constitution and the laws of the United States which shall be made in pursuance thereof, and all the treaties made or which shall be made under the authority of the United States shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary not-withstanding." (Ib., Art. VI, cl. 2.)

It may be interesting to consider briefly the origin of the clause and how it has been viewed in the light of American history.

# NOT DISCUSSED IN CONVENTION.

Strange though it may now appear, the question of the extent of the treaty-making power was not discussed at all in the Federal convention of 1787. The right to enter into "treaties and alliances," under some slight restrictions upon treaties relating to commerce, was given to the Congress under the Articles of Confederation (art. 9). The clause relating to the subject of treaties originated in the "committee of detail" and in the later stages of the convention. Prior to that time the subject had not come up for action, but had only been referred to incidentally in the consideration and discussion of other subjects. It first formally appeared as the first clause of article 9 in the committee's report of August 6, 1787, wherein "the power to make treaties" was lodged in the Senate alone. (5 Elliott's Debates, 379.) After a short consideration on August 23, the clause was referred back to the

"committee of detail;" but as that committee made no further report, the clause went to the "committee on unfinished portions," which reported it on September 4 substantially as we now have it, by transfering the power to the President, with the advice and consent of the

ring the power to the President, with the advice and consent of the Senate.

At no time, however, did the convention discuss the scope or extent of the power; it merely considered the question as to where the power should be lodged—who should exercise it. The same is true as to the "Federalist," written in support of the proposed constitution while it was before the State convention for ratification. The authors of that able work confined their discussion of the subject of the treaty-making power not to its extent, but to an effort tending to show that it had been properly lodged in the President and Senate. (Nos. 64 and 75.)

But when the Constitution came on for ratification by the State conventions it was to be expected that its opponents would carefully scan it with the view of determining, if possible, precisely what powers the several provisions carried and what limitations they imposed.

The scope and extent of the provisions of the Constitution were more elaborately discussed in the Virginia ratifying convention of 1788 than in any of the other similar conventions.

In the Virginia ratification of 1788 it was strongly contended by Patrick Henry, William Grayson, George Mason, and the other leading opponents of the Constitution that the treaty-making power was unlimited and therefore unwise and inconsistent with the proclaimed theory of its friends that the proposed Federal Government was one of delegated powers, specifically defined or necessarily implied. In the course of the debate Mr. Henry said:

"We are so used to speak of enormity of powers that we are familiar with it. To me this power appears still destructive, for they can make any treaty.

"If Congress forbears to exercise it, you may thank them, but they

"If Congress forbears to exercise it, you may thank them, but they may exercise it if they please and as they please. They have a right from the paramount power given them to do so."

It fell to the lot of Madison, Governor Randolph, and George Nicholas to meet this argument, and in doing so Nicholas said:

# NOT REPUGNANT TO CONSTITUTION.

"The worthy Member says that they can make a treaty relinquishing any rights and inflicting punishments, because all the treaties are declared paramount to the constitutions and laws of the States. An attentive consideration of this will show the committee that they can do no such thing. The provision of the sixth article is that this Constitution and the laws of the United States which shall be made under the authority of the United States shall be the supreme law of the land. They can by this make no treaty which shall be repugnant to the spirit of the Constitution or inconsistent with the delegated powers. The treaties they make must be made under the authority of the United States to be within their province. It is sufficiently secured because it only declares that in pursuance of the power given they shall be the supreme law of the land, notwithstanding anything in the constitution or laws of the particular States." (3 Elliott's Debates, 507.)

In closing the debate Mr. Madison said:

"I am persuaded that when this power comes to be thoroughly and candidly viewed it will be found right and proper. As to its extent, perhaps it will be satisfactory to the committee that the power is precisely in the new Constitution as it is in the Confederation. In the existing confederacy Congress is authorized indefinitely to make treatles. Many of the States have recognized the treatles of Congress to be the supreme law of the land. Acts have passed within a year declaring this to be the case. I have seen many of them. Does it follow because the power is given to Congress that it is absolute and unlimited? I do not conceive that power is given to the President and Senate to dismember the empire or to alienate any great essential right. I do not think the whole legislative authority have this power. The exercise of the power must be consistent with the object of the delegation. One objection against the amendment proposed is this, that by implication it would give power to the legislative authority to dismember the empire—a power that ought not to be given but by the necessity that would force assent from every man. I think it rests on the safest foundations as it is. The object of treaties is the regulation of intercourse with foreign nations and is external. I do not think it possible to enumerate all the cases in which such external regulations would be necessary. Would it be right to define all the cases in which Congress could exercise this authority? The definition might and probably would be defective. They might be restrained by such a definition from exercising the authority where it could be essential to the interest and safety of the community. It is most safe therefore to leave it to be exercised as contingencies may arise." (3 Elliott's Debates, 514.)

First IMPORTANT DISCUSSION. In closing the debate Mr. Madison said:

# FIRST IMPORTANT DISCUSSION.

The Constitution went into operation in 1789. The first important discussion of the treaty-making power arose in connection with Jay's treaty concluded with Great Britain on November 19, 1794. It was approved by the Senate on August 18, 1795; proclaimed by the President on February 29, 1796, and this proclamation was communicated to both Houses of Congress on March 1, 1796. Money was necessary to carry its provisions into effect, and as money could be only appropriated by both Houses of Congress, differences of opinion at once arose as to the extent of the treaty-making power and the obligation it imposed upon the House of Representatives:

"On the one side it was maintained that the power of the President and Senate as to treaties was absolute, and that the House of Representatives was bound, under the Constitution, to make the appropriations necessary to carry the treaty into effect. On the other side it was contended that, under the Constitution, the consent of the House was requisite to pass appropriations to carry the treaty into effect, and that this was as much known to the other contracting party as was the consent of the Senate to the preliminary adoption of the treaty." (Wharton's Int. Law Dig., 17.)

On March 21, 1796, Jefferson wrote to Monroe, then in France, as follows:

"The British treaty has been formally at length laid before Con-

On March 21, 1796, Jeherson wrote to Monroe, then in France, as follows:

"The British treaty has been formally at length laid before Congress. All America is a tiptoe to see what the House of Representatives will decide on it.

"We conceive the constitutional doctrine to be that, though the President and Senate have the general power of making treaties, yet wherever they include in a treaty matters confided by the Constitution to the three branches of legislature, an act of legislation will be requisite to confirm these articles, and that the House of Representatives,

as one branch of the legislature, are perfectly free to pass the act or to refuse it, governing themselves by their own judgment whether it is for the good of their constituents to let the treaty go into effect or not. On the precedent now to be set will depend the future construction of our Constitution, and whether the powers of legislation shall be transferred from the President, Senate, and House of Representatives to the President, Senate, and Piaminigo, or any other Indian, Algeriae, or other chief." (4 Jefferson's Works, 134.)

Henry Adams, a grandson of that stout old Federalist, John Quincy Adams, has written a life of Albert Gallatin, who was then a Member of Congress from Pennsylvania. In describing the debate in the House of Representatives, Henry Adams says:

## CHECK ON TREATY-MAKING POWER.

of Congress from Pennsylvania. In describing the debate in the House of Representatives, Henry Adams says:

"The debate began on March 7, 1796, and on the 10th Mr. Gallatin spoke attacking the constitutional doctrine of the Federalists and laying down his own. He claimed for the House, not a power to make treaties, but a check upon the treaty-making power when clashing with the special powers expressly vested in Congress by the Constitution; he showed the existence of this check in the British constitution, and he showed its necessity in our own, for if the treaty-making power is not limited by existing laws, or if it repeals the law shat clash with, or if the legislature is obliged to repeal the laws so clashing, then the legislative power in fact resides in the President and Senate, and they can by employing an Indian tribe, pass any law under the color of treaty.

"The argument was irresistible; it was never answered; and, indeed, the mere statement is enough to leave only a sense of surprise that the Federalists should have hazarded themselves on such preposterous ground. Some years later, when the purchase of Alaska brought this subject again before the House on the question of appropriating the purchase money stipulated by the treaty, the Administration abandoned the old Federalist position; the right of the House to call for papers, to deliberate on the merits of the treaty, ento refuse appropriations if the treaty was from the merits of the treaty, even to refuse appropriations if the treaty was found to be clearly within the Constitution or with the established policy of the country, was fully conceded. The Administration only made the reasonable claim that if, upon just consideration, a treaty was found to be clearly within the constitution apowers of the Government, and consistent with the national policy, then it was the duty of each coordinate branch of the Government to shape its action accordingly. See the speech of N. P. Banks of June 30, 1868. Cong. Globe, vol. 75, appendix, p. 385."—(Life of A

REASON FOR RESTRAINT.

"The Constitution thought it wise to restrain the Executive and Senate from entangling and embroiling our affairs with those of Europe. Besides, as the negotiations are carried on by the Executive alone, the subjecting to the ratification of the Representatives such articles as are within their participation is no more inconvenient than to the Senate. But the ground of this exemption is denied as unfounded. For example, e.g., the treaty of commerce with France, and it will be found that out of thirty-one articles there are not more than small portions of two or three of them which would not still remain as subjects of treaties, untouched by these exceptions." (Jefferson's Works, IX, 80.)

The first formal treatise upon the Constitution of the United States.

per found that out of thirty-one articles there are not more than small portions of two or three of them which would not still remain as subjects of treaties, untouched by these exceptions." (Jefferson's Works, IX, 80.)

The first formal treatise upon the Constitution of the United States was published by Judge St. George Tucker in 1803 as an appendix to his edition of Blackstone. In that work Judge Tucker says:

"Treaties, as defined by Puffendorf, are certain agreements made by sovereigns between one another, of great use both in war and peace. Of these there are two kinds: The one such as reenforce the observance of what by the law of nature we were before obliged to, as the mutual exercise of civility and humanity, or the prevention of injuries on either side; the second, such as add some new engagement to the duties of natural law, or at least determine what was before too general and indefinite in the same, to something particular and precise. Of those which add some new engagements to those duties which natural law imposes upon all nations, the most usual relate to, or in their operation may affect, the sovereignty of the state, the unity of its parts, its territory or other property, its commerce with foreign nations, and vice versa; the mutual privileges and immunities of the citizens or subjects of the contracting powers, or the mutual aid of the contracting nations, in the case of an attack or hostility from any other quarter. To all these objects, if there be nothing in the fundamental laws of the state which contradicts it, the power of making treaties extends and is vested in thee conductors of states, according to the opinion of Vattel.

"In our Constitution there is no restriction as to the subjects of treaties, unless perhaps the guaranty of a republican form of government and protection from invasion, contained in the fourth article, may be construed to impose such a restriction in behalf of the several States against the dismemberment of the Federal Republic. But whether this restriction may

"The President has power to nominate and, with the advice and consent of the Senate, to appoint ambassadors, judges of the Supreme Court, and, in general, all the other officers of the United States. On this subject there is a very striking and important difference between the Constitution of the United States and that of Pennsylvania. By the latter the first executive magistrate possesses, uncontrolled by either branch of the legislature, the power of appointing all officers whose appointments are not, in the constitution itself, otherwise provided for. On a former occasion I noticed a maxim which is of much consequence in the science of government—that the legislative and executive powers be preserved distinct and unmingled in their exercise. This maxim I then considered in a variety of views, and in each found it to be both true and useful. I am very free to confess that with regard to this point the proper principle of government is, in my opinion, observed by the constitution of Pennsylvania much more correctly than it is by the Constitution of the United States. In justice, however, to the latter, it might be remarked that, though the appointment of officers is to be the concurrent act of the President and Senate, yet an indispensable prerequisite—the nomination of them—is vested exclusively in the President.

"The observations which I have delivered concerning the appointment of officers apply likewise to treaties, the making of which is another power that the President has with the advice and consent of the Senate."—(2 Wilson's Works, 191.)

It seems strange that this total failure to discuss either the nature or extent of the treaty-making power in a formal set of lectures which covered the whole field of the Constitution, could be the omission of one extent of the treaty-making power in a formal set of lectures which covered the whole field of the Constitution, could be the omission of one who was a distinguished member of the Federal Convention of 1787, and a justice of the Supreme Court of the Unite

MUST BE SOUGHT FOR IN PRINCIPLE.

"The most general terms are used in the Constitution. The powers of Congress in respect to making laws we shall find are laid under several restrictions. There are none in respect to treaties. \* \* \* To define them in the Constitution would have been impossible, and therefore a general term could alone be made use of, which is, however, to be scrupulously confined to its legitimate interpretation. Whatever is wanting in an authority expressed must be sought for in principle, and to ascertain whether the execution of the treaty-making power can be supported we must carefully apply to it the principles of the Constitution from which alone the power proceeds. \* \* \* "There is a variance in the words descriptive of laws and those of treaties. In the former it is said those which shall be made in pursuance of the Constitution, but treaties are described as having been made, or which shall be made, under the authority of the United States.

"The explanation is that at the time of adopting the Constitution is that at the time of adopting the Constitution is that at the time of adopting the Constitution is that at the time of adopting the Constitution is that at the time of adopting the Constitution is that at the time of adopting the Constitution is that at the time of adopting the Constitution to th

treaties. In the former it is said those which shall be made in pursuance of the Constitution, but treaties are described as having been made, or which shall be made, under the authority of the United States.

"The explanation is that at the time of adopting the Constitution certain treaties existed, which had been made by Congress under the Confederation, the continuing obligations of which it was proper to declare. The words 'under the authority of the United States' were considered as extending equally to those previously made and to those which should subsequently be effected. But, although the former could not to be considered as made pursuant to a constitution which was not then in existence, the latter would not be 'under the authority of the United States' unless they are conformable to its Constitution" (p. 66).

In 1833 Judge Story published his "Commentaries upon the Constitution of the United States," in which he says:

"The power to make treaties is by the Constitution general, and it, of course, embraces all sorts of treaties, for peace or war, for commerce or territory, for alliances or success, for indemnity for injuries or payment of debts, for the recognition and enforcement of principles of public law, and for any other purposes which the policy or interests of independent sovereigns may dictate in their infercourse with each other. But though the power is thus general and unrestricted, it is not to be so construed as to destroy the fundamental laws of the State. A power given by the Constitution can not be construed to authorize a destruction of other powers given in the same instrument. It must be construed, therefore, in subordination of it and can not supersede or interfere with any other of its fundamental provisions. Each is equally obligatory and of paramount authority within its scope, and no one embraces a right to annihilate any other. A treaty to change the organization of the Government or annihilate its sovereignty, to overturn its republican form, or to deprive it of its constit

"More general and extensive terms, also, are used in vesting the power with respect to treaties than in conferring that relative to laws; and, while the latter is laid under several restrictions, there are none imposed on the exercise of the former, notwithstanding it is committed to

the President and Senate, in exclusion of the House of Representatives, and is executed through the instrumentality of agents delegated for that purpose. And, although the President and Senate are thus invested with this high and exclusive control over all those subjects of negotiation with foreign powers, which in their consequences may affect important domestic interests, yet it would have been impossible to have defined a power of this nature, and, therefore, general terms only were used. These general expressions, however, ought strictly to be confined to their legitimate signification; and, in order to ascertain whether the execution of the treaty-making power can be supported in any given case, those principles of the Constitution, from which the power proceeds, should carefully be applied to it. The power must, indeed, be construed in subordination to the Constitution; and, however in its operation it may qualify, it can not supersede or interfere with any other of its fundamental provisions, nor can it ever be so interpreted as to destroy other powers granted by that instrument." (2d ed., 228.)

Probably the best attempt at formulating a general rule for the exer-

any other of its fundamental provisions, nor can it ever be so interpreted as to destroy other powers granted by that instrument." (2d ed., 228.)

Probably the best attempt at formulating a general rule for the exercise of the treaty-making power is that framed by Mr. Calboun, in 1851, in his "Discourse on the Constitution and Government of the United States." It reads as follows:

"Although the treaty-making power is exclusively vested, and without enumeration or specification, in the Government of the United States, it is nevertheless subject to several important limitations. It is, in the first place, strictly limited to questions inter alios; that is, to questions between us and foreign powers which require negotiation to adjust them. All such clearly appertain to it. But to extend it beyond these, be the pretext what it may, would be to extend it beyond its allotted sphere, and thus a palpable violation of the Constitution. It is, in the next place, limited by all the provisions of the Constitution which inhibit certain acts from being done by the Government or any of its departments, of which description there are many. It is also limited by such provisions of the Constitution as direct certain acts to be done in a particular way, and which prohibit the contrary, of which a striking example is to be found in that which declares that 'no money shall be drawn from the Treasury but in consequence of appropriations to be made by law.' This not only imposes an important restriction on the power, but gives to Congress, as the law-making power, and to the House of Representatives as a portion of Congress, the right to withhold appropriations; and thereby, one important control over the treaty-making power, whenever money is required to carry a treaty into effect, which is usually the case, especially in reference to those of much importance.

MORE IMPORTANT LIMITATION.

reary-marking power, whenever money is required to carry a treaty much importance.

MORE IMPORTANT LIMITATION.

There still remains another and more important limitation, but of a more general and indefinite character. It can enter into no stipulation calculated to change the character of the Government, or to do that which can only be done by the Constitution-making power, or which is inconsistent with the nature and structure of the Government, or the objects for which it was formed. Among which it seems to be settled that it can not change or alter the boundary of a State or cede any portion of its territory without its consent. Within these limits all questions which may arise between us and other powers, be the subject-matter what it may, fall within the limits of the treaty-making power and may be adjusted by it. (Calbour's Works, I, 203.)

This definition was used in Hauenstein v. Lynham, 100 United States, 483, and in People v. Gerke, 5 California, 381.

Perhaps the ablest and most accurate law writer of the past fifty years was Judge Thomas M. Cooley, of Michigan. He always undertook to state the law as it had been settled by the decisions of the courts. Writing in 1880, he reached this conclusion:

"The President has power, by and with the consent of the Senate, to make treaties, provided two-thirds of the Senators concur. The Constitution imposes no restriction upon this power, but it is subject to the implied restriction that nothing can be done under it which changes the Constitution of the country or robs a Department of the Government or any of the States of its constitutional authority." (Constitutional Law, 3d ed., p. 117.)

A more extended discussion of this subject is found in the late work of John Randolph Tucker on "The Constitution of the United States," published in 1899. After stating the question to be "Whether the exclusive power of treaty making, vested in the President and Senate, is unlimited in its operation upon all the objects for which a treaty may provide," he gives the respect

POWER NOT ABSOLUTE.

"Congress has, under the Constitution, the right to lay taxes and imposts as well as to regulate foreign trade; but the President and the Senate, if the treaty-making power be regarded as absolute, would be able to evade this limitation by adopting treaties which would compel Congress to destroy its whole tariff system. According to the Constitution Congress has the right to determine questions of naturalization, of patents, and of copyright. But, according to the view here contested, the President and Senate, by a treaty could on these important questions utterly destroy the legislative capacity of the House of Representatives. The Constitution gives Congress the right of declaring war. This right would be illusory if the President and Senate could by a treaty launch the country into a foreign war. The power of borrowing money on the credit of the United States resides in Congress; this power would cease to exist if the President and Senate could by treaty bind the country to the borrowing of foreign funds. By the Constitution 'no money shall be drawn from the Freasury but in consequence of appropriations made by the law;' but this limitation would cease to exist if by a treaty the United States

could be bound to pay money to a foreign power. \* \* \* Congress would cease to be the law-making power as is prescribed by the Constitution. The law-making power would be the President and the Senate. Such a condition would become the more dangerous from the fact that treaties so adopted, being on this particular hypothesis superior to legislation, would continue in force until superseded by other treaties. Not only, therefore, would a Congress consisting of two houses be made to give way to an oligarchy of President and Senate, but the decrees of this oligarchy when once made could only be changed by concurrence of President and of senatorial majority of two-thirds."—(Ueber den Abschluss von Staats vertragen.)

As a conclusion to this résumé of the views of authors and publicists upon this subject the following review by Prof. von Holst, the well-known German-American historian, is both pertinent and instructive:

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CAN NOT BE UNLIMITED.

incists upon this subject the following review by Prot. von Holst, the well-known German-American historian, is both pertinent and instructive:

\*\*CAN NOT BE UNLIMITED.\*\*

"As to the extent of the treaty power the Constitution says nothing, but it evidently can not be unlimited. The power exists only under the Constitution, and every treaty stipulation inconsistent with a provision of the constitutional law is just facto null and void. Simple and self-evident as this principle is in theory, yet it may be very difficult under certain circumstances to decide whether or not it has been transgressed in fact. Indeed, the chief difficulty arises from the question of the relation of the treaty power of the President with the concurrence power of the Senate bears to the legislative power of Congress. The question is answered by saying that these powers must be coordinate, for treaties, like laws, are 'sovereign acts,' which differ from laws only in form and in the organs by which the sovereign will expresses itself. It follows from this principle that a law can be repealed by a treaty (Foster v. Neilson, 2 Peters, 253) as well as a treaty by a law (The Cherokee Tobacco, 11 Wallace, 616). If a treaty and a law are in opposition, their respective dates must decide whether the one or the other is to be regarded as repealed (Foster v. Neilson, 2 Peters, 253, 314; Doe v. Braden, 16 Howard, 635). \* \* Neither the principle nor the correctness of these conclusions from it can well be disputed, and they are, at any rate, valid constitutional law. But in spite of this, it must be admitted that the doctrine has its doubtful side both in theory and practice. It must be called at least an anomaly that, by the ex parte action of the President and two-thirds of the House of Representatives with the Senate and President, or a two-thirds majority of each House of Congress. The repeal of a treaty by the enactment of a law may, however, lead the more easily to serious consequences, because the incompatibility of the law and of the treaty

CONFINED BY DECISIONS OF COURTS.

CONFINED BY DECISIONS OF COURTS.

The text of a sound treatise on any subject of law is based upon and confined by the decisions of the courts upon that subject. I have followed this historical treatment of the treaty-making power from the Constitutional Convention of 1787 to the present time, purposely quoting any direct mention of the decisions in order that we might see what effect those decisions had from time to time upon the definitions and descriptions of the power as given by subsequent writers. The result is interesting and peculiar. In 1802 Tucker, the first author, cited no authority except the text of the Constitution; thirty years later Story cited Tucker, Rawle, and Jefferson, while in 1880 Cooley cites Tucker and Story, as herein quoted, in support of his text. The reason for this is plain, since the judicial decisions have been only so many applications of general rule to specific states of fact. For it is readily seen that while many of the decisions contain broad general statements to the effect that treaties are the supreme law of the land, there is always the accompanying qualification that it must be a constitutional treaty in order to be so considered.

It is clear that there may be an unconstitutional treaty, just as there may be an unconstitutional act of Congress. This point is well illustrated by the treaty negotiated in 1854 at Caracas by the United States minister and the Venezuelan Government, which provided, in its twenty-fifth article, that in case a citizen of either country should accept a commission in the service of an enemy at war with the other country he should be deemed a pirate and so punished. Mr. Marcy, Secretary of State, promptly repudiated the treaty, which was satisfactory in other respects, upon the ground that the Constitution provided that Congress should define the crime of piracy and its punishment, and that it could not be made the subject of a treaty. If the treaty had been ratified, there can be no doubt that the courts would have sustained Mr. Marcy's view.

view.

Cooley recognizes the right of the House of Representatives to annul such a treaty in the following express terms:

"An unconstitutional or manifestly unwise treaty, the House of Representatives may possibly refuse to aid; and this, when legislation is needful, would be equivalent to a refusal of the Government, through one of its branches, to carry the treaty into effect. This would be an extreme measure, but it is conceivable that a case might arise in which a resort to it would be justifiable." (Constitutional Law, 3d ed., 175.) Some of the opinions go further and expressly declare that treaties, like laws, are bound by the provisions of the Constitution. Thus, in 1847, in the License Cases (5 How., 613), Mr. Justice Daniel said:

"By the sixth article and second clause of the Constitution it is thus declared: 'That this Constitution and the laws of the United States made in pursuance thereof and treaties made under the authority of the United States shall be the supreme law of the land.'

"This provision of the Constitution, it is to be feared, is sometimes applied or expounded without those qualifications which the character of the parties to that instrument and its adaptation to the purpose for which it was created necessarily imply."

applied of expounded without those qualifications which the character of the parties to that Instrument and its adaptation to the purpose for which it was created necessarily imply."

IS COINCIDENT WITH RIGHTS OF STATES.

"Every power delegated to the Federal Government must be expounded in coincidence with a perfect right in the States to all they have not delegated; in coincidence, too, with the possession of every power and right necessary for their existence and preservation, for it is impossible to believe that these ever were, in intention or in fact, ceded to the General Government. Laws of the United States, in order to be binding, must be within the legitimate powers vested by the Constitution. Treaties to be valid must be made within the scope of the same powers, for there can be no authority of the United States save what is derived mediately or immediately and regularly and legitimately from the Constitution. A treaty, no more than an ordinary statute, can arbitrarily cede away any one right of a State or of any citizen of a State."

It therefore makes little difference whether the power is restricted "in subordination to the Constitution and can not supersede or interfere with any of its fundamental provisions," as Judge Story puts it, or to "the principles of the Constitution from which alone the power proceeds," as Mr. Rawle says; or we agree with Judge Duer that "those principles of the Constitution from which the power proceeds should carefully be applied to it;" or with Justice Field that the power is limited "by those restraints which are found in that instrument against the action of the Government or of its departments and those arising from the nature of the Government to the Hule that the power "is subject to the implied restriction that nothing can be done under it which changes the Constitution of the country or robs a department of the Government or any of the States; for they, in substance, are all equivalent to Cooley's statement of the rule that the power must, under our form of gov

TREATY-MAKING POWER.

TREATY-MAKING POWER.

In the actual exercise of the treaty-making power it has been construed to extend to the acquisition of property belonging to the citizens of each in the territory of the other: (U. S. v. Forty-three Gallons of Whisky, 93 U. S., 197); provisions for inheritance by aliens (Hauenstein v. Lynham, 100 U. S., 489; Geofroy v. Riggs, 133 U. S., 266; Bohand v. Bize, 105 Fed., 485; People v. Gerke, 5 Cal., 381); the establishment of consular tribunals (In re Ross, 140 U. S., 463); to enable aliens to purchase and hold lands (Chirac v. Chirac, 2 Wheat., 259); to create a judicial system (Forbes v. Scannell, 13 Cal., 242); the acquisition of territory by the United States (Am. Ins. Co. v. Canter, 1 Pet., 511; Philippine cases, 182 U. S., 197; 183 U. S., 181); the settlement of boundaries between States (U. S. v. Texas, 162 U. S., 38; R. I. v. Mass., 12 Pet., 725); the granting and accepting of awards for injuries (Frevail v. Bache, 14 Pet., 97; Bachman v. Lawson, 109 U. S., 660); and the conferring of citizenship on Indians (Cross v. Harrison, 16 How., 164; U. S. v. Rhodes, Fed. Cas. 16, 151).

I have not attempted to cite all the decisions in point, but only some of the lending cases that support the statement. It will be noticed that all of these instances are properly within the fair exercise of the power, and neither interferes with a department of the Federal Government nor robs a State—to use Judge Cooley's phrase—of its constitutional authority.

It is hardly necessary to cite authority to show that the Federal Government nor robs a state—to use Judge Cooley's phrase—of its constitutional authority.

of the power, and neither interferes with a department of the Federal Government nor robs a State—to use Judge Cooley's phrase—of its constitutional authority.

It is hardly necessary to cite authority to show that the Federal Government is one of enumerated powers, and that the States retain control of their domestic and local affairs. But if it be thought necessary, the fellowing language of Mr. Justice Brewer, in the current number of the advance sheets of the United States Supreme Court Reports, may suffice. In referring to the effect of the thirteenth, fourteenth, and fifteenth amendments, Judge Brewer said:

"Notwithstanding the adoption of these three amendments the National Government still remains one of enumerated powers, and the tenth amendment, which reads 'the powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively, or to the people,' is not shorn of its vitality." (Hodges v. United States, 203 U. S.)

To what extent, then, may a State control its public schools in the admission or exclusion or separation of different races of pupils?

In People v. Gerke (5 Cal., 381), and that class of cases which permit aliens to finerit contrary to the provisions of State laws, it was contended that the treaty, in effect, nullified the State laws, it was contended that the treaty, in effect, nullified the State laws upon that subject. But in the Gerke case this objection was answered as follows:

"One of the arguments at the bar against the extent of this power of treaty is that it permits the Federal Government to control the internal policy of the States, and, in the present case, to alter materially the statutes of distribution. \* \* I think, however, that no such consequence follows as is insisted. The statutes of distribution are not altered or affected. Allenage is the subject of the treaty. Its disability results from political reasons which arose at an early period of the history of civilization, and which the enlightened adv

Treaties of this kind do not confer any thing or right upon the for-algner; they merely permit foreigners to take that which is their own.

But the granting to unnaturalized foreigners the right to attend the public schools of a State, either with or without charge, is something more. Does it, in Judge Cooley's language, "rob the State of its constitutional authority," and is it in the language of Justice Field, within those restrictions "arising from the nature of the Government itself and of that of the States?" Are the local public schools of a city, maintained exclusively by local taxation and presumably for the exclusive use of citizens, "properly the subject of negotiation with a foreign country?" (Geofroy v. Riggs, 133 U. S., 258.) The answers to these questions all turn upon the nature of our Government and the relation of the State governments to the United States Government under the Constitution.

It may be considered as fairly well settled that the establishment of separate schools for white and for colored children does not violate the constitutional right of either class to the equal privileges and immunities guaranteed by the Federal Constitution, provided equal advantages are provided for each class. (People v. Gallagher, 93 N. Y., 488; 45 Am. Rep., 232; Cory v. Carter, 48 Ind. 327; 17 Am. Rep., 738; McMillan v. School Committee, 107 N. C., 609; 10 L. R. A., 823; State v. McCann, 21 Ohio St., 198; Martin v. Board of Education, 42 W. v., 514; Lehew v. Brummell, 103 Mo., 546; 11 L. R. A., 828; State v. Maryland Institute, etc., 87 Md., 643; Roberts v. City of Boston, 5 Cush., 198.)

Equality, and not identity, of privileges and rights is what is guaranteed to the citizen. If the right claimed be not guaranteed by the Federal Government can constitutionally control it either by treaty or otherwise.

Likewise it has been repeatedly decided that State laws requiring separate coaches for white and for colored passengers.

(L., N. O. & F. R. Co. v. Mississippi, 133 U. S., 537; Ex parte Plessy, 45 La. Ann., 80; 18 L. R. A., 639; Plessy v. Ferguson, 163 U. S., 537; Civil Rights cases, 109 U. S., 3; Ohio Valley R. R. Co. v. Lander, 104 X., 53

Mr. COUSINS. Mr. Chairman, I yield five minutes to the gentleman from Vermont [Mr. Foster].

Mr. FOSTER of Vermont. Mr. Chairman, in the course of my remarks last week upon the treaty power of the Government, in response to a question from the gentleman from West Virginia [Mr. Gaines], I stated that aside from the disability affecting the right of suffrage the Government had undertaken to deal with nearly all the disabilities of alienage by treaty stipulations. I did not make myself quite clear in that statement. I was not quite accurate. What I meant to say was that aside from those disabilities of alienage which affect political rights the Government had dealt with nearly all, if not quite all, of the disabilities of alienage. That is to say, Mr. Chairman, there are two classes of disabilities of alienage. The first class relates to civil rights, and the second class relates to political rights. Our Government has dealt with and has undertaken to remove by treaty stipulation the disabilities of allenage affecting civil rights; but it has never, so far as my knowledge goes, undertaken to deal with or to relieve foreigners of the disabilities of alienage affecting political rights. litical rights I mean those which enable one to participate in the management of the Government. I wish to make myself clear upon this subject. I claim that the National Government through its treaty powers has the right to remove the first class of disabilities. I deny that it has the power to remove the disabilities of alienage of the second class. In this respect we can not differ from that constitutional government which confessedly exercises its treaty-making power as the result of sover-eignty, for no one would claim, I believe, that such a govern-ment through its treaty-making power could admit foreigners to participate in the management of its government.

Mr. GARRETT. Why? Mr. FOSTER of Vermont. Because, among other reasons and I have not the time now to go deeply into the subject—that subject is not a proper one for international agreement. The other disabilities of alienage, as has been shown, I think, by myself—certainly has been shown by my distinguished friend the gentleman from Kentucky [Mr. Sherley]—are proper subjects for international negotiation.

Mr. GARRETT. The gentleman's reasons, then, are not found in the structure of the Government?

Mr. FOSTER of Vermont. Yes. I could go further and point out that the limitation of the treaty power which Mr. Calhoun mentioned, and which I quoted—that is, the form of

our Government-would prohibt the treaty-making power of the Government from attempting to say by treaty stipulation that foreigners might participate in the management of the Government, either State or nation. This is a government by the people, a government by people who owe allegiance to the National Government, and therefore to the State governments.

Mr. STEPHENS of Texas. Will the gentleman permit me

to ask him a question?

Mr. FOSTER of Vermont. Certainly.

The CHAIRMAN. The time of the gentleman has expired.
Mr. COUSINS. I yield five minutes more to the gentleman.

Mr. STEPHENS of Texas. I ask the gentleman whether he does not think it to be the duty of one of the Members of Congress to introduce a bill, and the Foreign Affairs Committee to report it, declaring that this Government will not stand by any treaty, or will revoke any treaty, that permits the States to be required to educate any children of any citizen of any other government, and declaring that no person shall have any right that is not guaranteed to the citizens of the State in which the foreigner may reside?

Mr. FOSTER of Vermont. Mr. Chairman, I would hardly undertake to say what bills Members should introduce; but I will say that the Foreign Affairs Committee as now constituted will carefully consider all bills which are introduced by any

Member of the House and referred to that committee.

Mr. STEPHENS of Texas. I will try to furnish the gentle-

man with a bill.

I would like to ask the gentleman from Ver-Mr. McNARY. mont, in view of the fact that nine States of the Union now allow foreigners to vote and participate in the political management of their affairs without being naturalized, merely having made the formal declaration, whether or not, if these States have the power to do that now, they would not have power to do it under an agreement with a foreign nation?

Mr. FOSTER of Vermont. I should very much doubt it. They might with the consent of Congress.

Mr. SHERLEY. If the gentleman will permit me. You say that a State can, with the consent of Congress, make such an agreement with a foreign government.

Mr. FOSTER of Vermont. I said they might, if you are cor-

rect in your position.

Mr. SHERLEY. Assuming that the State could do it, would not the fact that the State could do it preclude the idea that the treaty-making power could do it?

Mr. FOSTER of Vermont. Oh, not at all.
Mr. SHERLEY. Will the gentleman answer this question? If an agreement to do a certain thing might be stated and made to have all the binding force of a treaty, then in that particular instance a treaty and an agreement would be the same, would it not? It does not matter whether you call that an agreement or a treaty, if they both accomplish the same purpose they are exactly the same thing. Well, if that be true, how does the gentleman get around the proposition that a State can not make a treaty?

Mr. FOSTER of Vermont. I have not said at any time during my remarks that it can not make an agreement with the con-

sent of Congres

Mr. SHERLEY. But the Constitution so states. The Constitution says that no State shall enter into any treaty, and it could not be put any clearer than when it says that no State, without the consent of Congress, shall enter into an agreement. The point I make is this: That this necessarily shows that a treaty and an agreement were different things, embracing different subjects.

Mr. FOSTER of Vermont. I so understand it. Mr. SHERLEY. Does the gentleman consider it a fair construction of one provision of the Constitution that will deny the

validity of another provision of the Constitution?

Mr. FOSTER of Vermont. I shall not undertake to say what the fathers had in mind when they provided that a State should enter into no such agreement without the consent of Congress. There are text-book writers and distinguished members of the legal profession who claim that every international agreement is a treaty. Whatever they may have intended by that provision, it is plain that the fathers placed the treaty-making power in the National Government.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent to

print, as a part of my remarks, the address referred to in the

RECORD.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. COUSINS. Mr. Chairman, I yield to the gentleman from Ohio such time as he may desire.

Mr. GROSVENOR. Mr. Chairman, I had intended to trespass upon the good nature of the House by submitting some remarks this afternoon upon a subject somewhat new to the Congress of the United States, the subject of the tariff in its various forms and developments; but I am not in a physical condition to do myself justice, and therefore, with very many feelings of obligation to the gentleman from Iowa [Mr. Cousins], chairman of the committee, who has yielded this time, I will yield back my time to him, and to-morrow, if opportunity offers, I will proceed with my remarks.

Mr. COUSINS. Mr. Chairman, I will now ask the gentleman from Georgia [Mr. Howard] to use such time as he may desire. Mr. HOWARD. We are not in a position on this side to use any further time now, and unless the gentleman from Iowa can

go on on his own side we will have to yield back the time. Mr. COUSINS. There is no further request for time on this side. I therefore ask that we take up the bill for consideration

under the five-minute rule.

The CHAIRMAN. The Clerk will read the bill.

The Clerk, proceeding with the reading of the bill, read as follows:

For the payment of the cost of tuition of student interpreters at the legation to Japan, at the rate of \$125 per annum each, \$750.

Mr. CAMPBELL of Kansas. I should like to ask, Mr. Chair-

man, in what manner these student interpreters are chosen, as a matter of fact.

Mr. COUSINS. They are chosen by the President of the United States.

Mr. CAMPBELL of Kansas. Is there any sort of examina-

Mr. COUSINS. All consular appointees, and all other appointees to the foreign service now, except ambassadors, are required to be examined, and have been for some time.

Mr. CAMPBELL of Kansas. And are these students ex-

Mr. COUSINS. They are.

Mr. CAMPBELL of Kansas. How are they called to the attention of the President?

Mr. COUSINS. They are appointed directly by him, and then appear at the State Department, where they are examined as to their fitness

Mr. CAMPBELL of Kansas. Their appointment is entirely in the discretion of the President.

Mr. COUSINS. Undoubtedly.

Mr. MANN. Is it not provided by a recent order that these consular positions, and positions of that sort, shall be distributed to a certain extent according to the population of the different States?

Mr. COUSINS. In the new regulations I understand there is some such provision.

Mr. SOUTHARD. By whom are these examinations conducted?

Mr. COUSINS. There is a committee, and I think one of the Civil Service Commissioners is included in that committee.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GROUND RENT OF LEGATION AT TOKYO, JAPAN.

Annual ground rent of the legation at Tokyo, Japan, for the year ending March 15, 1908, \$250, or so much thereof as may be necessary. Mr. SLAYDEN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

After the word "necessary," in line 8, page 9, amend by adding: "For the purchase of ground and the erection of an embassy building in the City of Mexico, \$60,000."

Mr. COUSINS. Mr. Chairman, of course I must reserve a point of order against that. But I should like to hear what the

gentleman has to say on the subject.

Mr. SLAYDEN. I thank the gentleman from Iowa for his courtesy. The City of Mexico is the one capital of a foreign and friendly country with which I have great personal familiarity. In the prosecution of business enterprises I have occasion to visit the Republic of Mexico frequently, and almost annually I am in the City of Mexico and spend some time there. It has been a source of some mortification to me when I have found that other governments less important—in my view, of course, which may be a partial one—than the United States have splendid residences in which to house their legations, while whenever there is a change of ambassador from the United States the new ambassador must go house hunting. And, Mr. Chairman, it is not an easy thing in the City of Mexico to find a comfortable or suitable residence for the American ambassador.

Now, some time or other we will undoubtedly rise to the right plane and do our duty in this matter. Some time or other

we will unquestionably provide for the purchase of ground and the erection of buildings in which to house our ambassadors abroad, and this, I think, sir, is as good a time as any to begin. The City of Mexico, for many reasons it seems to me, is the most desirable capital in which to make that beginning.

Last fall sensational newspaper correspondents and timid travelers came flocking out of Mexico with the cry of an impending revolution. They stated that this revolution was more aimed at American citizens than at the Government of Mexico. I happened to be in the country at the time, spent some weeks there, and was there when the outbreak was expected. I never saw a more peaceable country; I never saw a more orderly people; and in all my visits to Mexico I never received more consideration nor was I ever more courteously treated than on that occasion.

Recently, and indeed at the present time, in my own home a trial is being had of some revolutionists who were charged with conspiring against a friendly government, the Republic of Mexico. Now, our laws, which make this Government a haven for political agitators, are not thoroughly understood by the Latin people who direct the destinies of Mexico. They can't see why a friendly country should harbor their avowed enemies. I think it is due them that we should make some recognition of their importance as a friendly people, and we can not do it better than by giving to our embassy the advantage of a house of its own. There ought to be in the great City of Mexico a piece of territory belonging to the United States. The compensation of the ambassador is not very great, as he is compelled out of his limited official income to hire a house for himself. That ought not to be the case.

Mr. Chairman, the commerce between this country and Mexico is large and is growing marvelously. Our commercial and social relations with that country are upon a closer and closer basis from year to year. Our railways cross the river on the border of Texas and through Arizona into Mexico without interruption and without vexatious delays at the custom-houses. Mexico realizes the importance of our commerce and the desirability of maintaining closer relations with us. This will be a grateful compliment and concession to that Government and put our embassy on a proper plane. I sincerely hope the gentleman from Iowa will not make a point of order against the amendment.

Mr. COUSINS. Mr. Chairman, I am in duty bound to make the point of order. I will say further to the gentleman from Texas that on the request of your Committee on Foreign Affairs at the last session the State Department, only a day or two ago, furnished a report on the probable expense of building buildings for some of our legations, but that report is not yet printed. When we come to consider that subject we shall consider it on its merits altogether. I think the gentleman will agree with me that that will be the better way to do it. I am quite agreeable to the idea of our country owning its premises at the various embassies and legations, but I think we should take it up at some time and consider it aside from the general appropriation bill.

Mr. SIAYDEN. Does not the gentleman think it will be more difficult to get a general plan adopted than it would be to provide one location in one capital where it is urgently needed, for comfortable and suitable houses are scarce there?

Mr. COUSINS. It might or might not be more difficult, but it would certainly be more intelligent to consider it on its merits. The idea of slipping in one here and there from time to time would not result. I think, in the end favorably.

time would not result, I think, in the end favorably.

Mr. SLAYDEN. Well, Mr. Chairman, the amendment calls for a very modest expenditure. It will not build a palace, and it is needed, and I wish the gentleman would give the House an opportunity to vote upon it.

Mr. COUSINS. I have no doubt that in the near future, in the next session, we shall consider that subject, and it is the intention of your committee to take it up and present it to the House for consideration.

Mr. SLAYDEN. I want these buildings built before the 4th of March, 1909.

The CHAIRMAN. The Chair sustains the point of order. The Clerk read as follows:

For salary of consul-general at Boma, Kongo Free State, class 5, \$4,500.
For salary of consul at Calgary, Canada, class 9, \$2,000.

Mr. MANN. I would like to ask the gentleman in charge of the bill whether this is a new consul-general's office?

Mr. COUSINS. To which one does the gentleman refer?

Mr. MANN. Well, you provide in the bill a paragraph under
the act of reorganization of last year, and then provide for a
salary of a consul-general at Boma, and also for the salary of a
consul at Calgary, Canada. If these were provided for in the
reorganization act, why are they segregated here?

Mr. COUSINS. They were not provided for in the reorganization act, but were in the appropriation bill.

Mr. MANN. But they are not provided in the reorganization act. There is no law for their provision.

Mr. COUSINS. The law is in the appropriation act.

Mr. MANN. The law of an appropriation act is not sufficient law for next year.

Mr. COUSINS. Oh, I think so, as a basis for another appropriation,

Mr. MANN. Well, let the Chairman rule on that, if necessary. What is the reason for this? It is true that last year, immediately following the reorganization act, where everything was included as consulates and consuls-general that anybody could think of at the time, the bill went over to the Senate and some additions were made, almost before the ink was dry on the President's signature. What is the occasion for that?

Mr. COUSINS. I will say to the gentleman that it very

Mr. COUSINS. I will say to the gentleman that it very often happens it becomes necessary to place men at new points. For instance, we abandoned eight last year. We expect to abandon many others. I am told by the Department that certain consulates can be from time to time abandoned. It became necessary, in the opinion of the President, to send a man to Boma to make certain investigations now going on, and that was the reason it was provided for at the last session.

Mr. MANN. The gentleman says they abandoned eight at the last session. There were not eight abandoned except in the reorganization of the consular department.

Mr. COUSINS. Well, that was at the last session.

Mr. MANN. I understand—a law was passed providing for the omission of certain consulates and the addition of certain consulates. That law was a very late expression of opinion on the part of the Department of State as to the necessities, and gentlemen say that the President advised this. As a matter of fact, the item was added in the Senate, and I have often seen items added in appropriation bills in various legislative bodies that were not asked for by the Executive and not asked for by anyone, except somebody in interest.

for by anyone, except somebody in interest.

Mr. COUSINS. I will say to the gentleman that there was a very great influx of Americans to this point in Canada, and it was deemed necessary that we should have a representative there. I was very much surprised that more were not proposed, that only two were added to the entire list provided for in the so-called "consular reform bill;" and it seems to me that these two that were added were absolutely needed. As I said before, from time to time it is thought by the Department that other consulates can be discontinued. Our service must necessarily be to a greater or less extent flexible, and wherever the interests of our own citizens require it and the interests of the country we should have at least enough flexibility to establish a consulate if necessary or a consular agency.

Mr. MANN. What the gentleman says is entirely true; but, on the other hand, here is a bill reorganizing the service that is approved on April 5, and immediately thereafter recommendation is made to add two new consulates that nobody had thought of up to that time. That is very rapid work.

Mr. PERKINS. Will the gentleman allow me to make a suggestion, which I think will appeal to him?

Mr. MANN. Certainly.

Mr. PERKINS. Let us take the consul-general in the Kongo Free State. The gentleman is certainly familiar with the very considerable degree of agitation there has been in this country in reference to the condition of the Kongo. This body has been flooded with petitions asking for action in reference to situations existing in the Kongo. Questions of considerable diplomatic delicacy have arisen, and it was to furnish further information, to furnish further facilities for dealing with the question, which was a new question and which had risen in its importance since the consular bill was passed, that this new station was established. That illustrates the way in which, in the constant changes of trade and of diplomatic relations between different governments, new situations arise which require the action of new officials. I am sure that, in view of all the farreaching questions that are raised with reference to it, the gentleman will thoroughly agree in the wisdom of the Government's action in sending to the Kongo a special representative of the United States. I am not familiar with the one in Canada, but doubtless, as has been suggested by the gentleman from Iowa [Mr. Cousins], exigencies have arisen there or necessities of trade have suggested it.

Mr. MANN. Does the gentleman recall that there was any special difference in the situation as concerning the Kongo Free State between the 5th of April and the adjournment of the last session of Congress?

Mr. PERKINS. Yes.

Mr. MANN. I would be very glad to have the gentleman's

recollection refresh mine. I had, and I have no doubt the gentleman had, stacks of petitions and letters upon the subject long before the consular reorganization bill was brought into the House at all. I do not recall any special consideration of the subject between the time of the passage of that bill and the adjournment of Congress.

Mr. PERKINS. We all of us had stacks of correspondence and many missives prior to the passage of that bill, and those have continued to follow in not lessening volume. Perhaps it might have been well a year ago to have decided upon the appointment of this officer, which has since been made, but the State Department at that time had not reached the point of thinking it was judicious to have this special examination made. Since then, in view of the continued agitation, in view of the continued interest in questions in reference to the internal condition of the Kongo, it has decided upon this appointment, and surely the gentleman does not think that if a step is thought to be wise now the fact that it had not been decided upon a year ago should for all time bar the Government from adopting a measure the wisdom of which I am quite sure will appeal to the gentleman himself.

Mr. MANN. May I ask the gentleman a question? Has he ever made any investigation of the subject, and is he prepared to say, upon his investigation, it is a wise step to take?

Mr. PERKINS. Yes; I think it is.

Mr. MANN. From personal investigations or simply be-

cause it is in the bill, which?

Mr. PERKINS. Oh, no; not because it is in the bill, but because I have read with great care volumes of evidence bearing upon this question, and I have also read documents and petitions innumerable from citizens of the United States, to whose requests we are certainly bound to yield proper deference.

Mr. MANN. Let us see what the situation is. Here is a bill—I do not remember now whether the consular reorganization bill as it came to the House was a Senate or House bill.

Mr. PERKINS. It was a Senate bill. Mr. MANN. It passed the Senate; it was a Senate bill, and it came to the House and was largely amended. Reasons were given for the action in the Senate in the first instance and for the action in the House making the amendments. The amendments were numerous. It went back to the Senate, went into conference, and changes were made in conference. Reasons were given. The bill became a law. No reason has ever been given to either House of Congress for inserting either one of these items in the bill. The gentleman assumes that there be reason for it. No reason has ever been communicated by the Executive to either House of Congress showing any necessity for putting these items in the bill. Now, I am assuming that if the Executive asked for it there may be reason for it, but the gentleman knows as well as I, and we all know, that often places are created not because there is a necessity for the position from the public-service standpoint, but because there is a necessity for the position to put somebody in.

Mr. PERKINS. Well, that is not at all applicable to this The gentleman is wrong in his statement. There have been abundant reasons for the appointment of this consul-general to the Kongo Free State given to the Committee on Foreign

Relations, which reported the bill.

Mr. MANN. Well, if the committee had any hearings we will

be glad to have them.

Mr. PERKINS. Now, I am endeavoring in a weak and ineffectual way to transmit the information which the committee has received to the House when this item comes on for consideration, and it seems to me that in every way it is properly brought before the House. It was the opinion of the State Department, it is the committee's opinion now, I think it will be the opinion of the entire community, and I hope it will be the opinion of this House that, in view of the conditions existing in the Kongo Free State, it is proper for this Government to appoint a consul-general there whose duty shall be to look into and consider these questions, and also to have under his charge the largely increasing American interests in the Kongo Free The gentleman, a careful student of every political ques-

Do not get sarcastic.

Mr. PERKINS. Knows that important contracts have been made between the Belgian Government and American citizens in reference to very important branches of trade in the Kongo Free State, contracts of great size and importance, and I am sure the gentleman will see the eminent propriety of the appointment of this officer. There may have been offices created not for public need but for private advantage, but surely there has been no addition made to the force of consuls for a long time which it seems to me was more justified alike by political and by

business considerations than this particular appointment to which the gentleman calls attention.

Mr. MANN. The gentleman from New York has my entire confidence at all times. I am perfectly willing to take the judgment of the Committee on Foreign Affairs as to the needs of consular places, but I do not believe myself that the Committee on Foreign Affairs has expressed or has any judgment in reference to this office or this place.

It is put in the bill this year simply because it was in the bill last year. It was inserted in the bill last year because the committee in charge of it had to yield in conference, not because they inserted it, not because they asked for it, not because they thought it was right. It was yielding to another body. Now, if the gentleman can give us any statement that his committee has considered the matter, I am perfectly willing to take the judgment of the committee.

Mr. PERKINS. The gentleman's remarks, although he has always been most courteous, are to me very painful, because when I had endeavored as best I could to state reasons for the appointment of this consul-general in the Kongo Free State which seemed to me to be very satisfactory the gentleman says

we had no reasons and we give no reasons.

Mr. MANN. The gentleman has the ability to give reasons on any subject, and at any time that he has to do so. But that is not the question. The question with me is whether the committee had any reason and gave any consideration to this question. Of course the gentleman can give reasons based upon some petitions they had.

Mr. PERKINS. The committee had reasons, which I have

endeavored to state to the gentleman from Illinois [Mr. MANN], and those reasons by the committee were deemed sufficient, as I

hope they will be by the gentleman.

Mr. MANN. I withdraw the point of order upon that item.
Mr. CLARK of Missouri. Mr. Chairman, I would like to
ask the chairman of the Committee on Foreign Affairs [Mr. Cousins] or the gentleman from New York [Mr. Perkins] a question for information. Having served a long time on that committee, I take a great deal of interest in its affairs. Has anybody observed any improvement in the consular system of the United States since that consular bill was passed here remodeling it?

Mr. COUSINS. The time of its operation being so very limited perhaps very little can be observed so soon. However, I will say to the gentleman that the Chief of the Consular Bureau has stated that largely by reason of the elimination of fees and turning them over to the Government instead of letting them be retained by the consuls has resulted in a situation which places

it about \$19,000 ahead so far.

Mr. CLARK of Missouri. One more question. As to these numerous papers that the gentleman from New York [Mr. Per-KINS] and the gentleman from Illinois [Mr. Mann] were talk-ing about receiving, it was constantly stated by boards of trade and other self-constituted advisers that the consular service in the United States was loaded up with a lot of weaklings and Now, have any of those undesirable consuls been incapables. weeded out of the system since this law was passed?

Mr. COUSINS. I do not concede the truth of those statements that were made from time to time by the gentleman and by the papers referred to. I have saved some of those utterances, and the difference of opinion that existed at that time concerning our consular service is remarkable. There was one gentleman who used to appear before the committee, when the gentleman from Missouri [Mr. Clark], now upon the floor, was a member of the committee, and whose name I do not care to mention in connection with his words which I shall quote, who spoke in a city not far from Washington along about that time in this fashion:

As now conducted, although it possesses some virtues and includes a few good men, our service, as a whole, is a blot on the political and commercial records of this country.

Mr. CLARK of Missouri. The chances are that that man

has learned a good deal better since then.

Mr. COUSINS. It is to be hoped he has. However, there was another class of men that appeared in the city of Washington when they had their meeting a year or more ago, and I will read the utterances of one of those gentlemen, which I think is far more of a credit to the association he represented and to our country and to the truth than the miserable utterance I read a moment ago. This gentleman, who is from the city of Brooklyn, said:

From personal observation and acquaintance with many consuls abroad, I believe that in intelligence and faithful performance of duty our consuls compare well with those of other nations. However, we should strive to improve this standard and endeavor to obtain adequate compensation for our consuls, which compensation seems to be at present meager.

This convention, representing the leading commercial interests of this country, is called for the purpose of carefully considering the sub-ject and urging Congress to adopt measures which will prove beneficial to the consular service.

That is the character of utterance that is worthy of the organization and of the gentleman who made it. It is worthy of this country, and it comes more nearly representing the truth at that time and at the present time than the wild utterances of other gentlemen contemporaneous with these that I have quoted.

I could go on further and give the opinion of foreigners concerning our consular service, and I think that since the subject has been raised I will read briefly from Doctor Vosberg-Rekow, a well-known economist. He has this to say of American consuls:

The Americans have acted judiciously in establishing a system which is of the greatest advantage to themselves, but costly and inconvenient to their competitors. In all countries with which it has trade relations the United States has stationed consuls and consular agents. Every shipment of goods to a United States port must pass through the hands of these officials, and the amount, value, place of origin, market price ruling in the country of production, method of production, etc., are noted. The consuls thus dive deeply into the economic condition of their districts and obtain information the result of which is discernible in the steadily increasing exportations of their home country.

I read further from the Frankfürter Zeitung commenting on our system and on our foreign service:

our system and on our foreign service:

The American does not wait until a report is "due," but makes it when an occasion occurs. These opportune reports, which are being adopted in England more and more, may be inferior to ours in scientific thoroughness and accuracy, but their practical value is twice as great. The Commercial Museum of Vienna gives some examples of the promptness of these reports. On the 10th of June a German vessel was plundered by pirates at Maracaibo. On the 20th of June the American consul sends a report about the equipment of a ship necessary to evade the pirates. The consul in Venezuela notices that there is an excellent opening for American coal at La Guaira and writes his report, exactly a page long, but containing all necessary information. Those interested receive prompt and exact information. Can not our officials do the same? Certainly they can do it, if they are informed as to the real needs of home industries, but it requires, of course, special training.

I quote further from the London Dally Mail of September 27:

I quote further from the London Daily Mail of September 27: One can not fail to notice the admirable business promptitude of American consuls, who are so alert that within a few weeks of the opening of a new establishment they pay a visit, and immediately report to their countrymen new openings that are arising in countries where they are located. How many of our consuls would take such steps as these? Possibly the solution is to be found in commercial attachés to the consulates. Certainly something should be done to keep home manufacturers as much abreast of foreigners and as well informed on foreign openings as our American cousins are kept by their alert consuls.

I guide further from Mr. Bohert P. Vates, chairman of the

I quote further from Mr. Robert P. Yates, chairman of the Birmingham Chamber of Commerce, After expressing his ap-preciation of American consuls, etc., Mr. Yates was asked by the reporter:

the reporter:

"So you think the American consuls make themselves more useful to their country than the British do to theirs?"

"Yes; there can be no doubt of it. The United States consul, to begin with, has fewer traditions. That is a great advantage. He has also, in my experience, a far keener eye to industrial and commercial affairs and a better capacity for details, technical and otherwise. In, I believe, sixty towns and cittes of the British Isles there is an American consulate. About half of these are in charge of American citizens, the others being English; but these latter are mostly at the unimportant places. The thirty Americans have taken to the duties of ambassadors of commerce with a zeal which can not, I think, be too closely followed by British consuls in foreign countries. Of course it is only of late years that manufacturers of the United States have generally laid themselves out for a foreign trade. But, like new beginners at most things, they have put a lot of enthusiasm into the work and have spared no trouble. This enthusiasm is shared by the consuls, and they take a pleasure in acquiring information likely to be useful, even though it may entail a good deal of trouble and expenditure of a lot of time. Yet the American consuls are not given to the writing of long-winded reports or to explaining at length the principles upon which American merchants should conduct their export business."

"But," I inquired, "in what way do the United States consuls get better information than the British?"

"I should say they take a great deal more trouble over getting information and go to work in a different fashion. The American consul, as a rule, is the sort of man to cultivate the acquaintance of business men in his district, and of course we know that the citizens of the Stars and Stripes are champions at the gentle art of questioning, and their questions are usually, very much to the point. If a man in a large way of business is willing to 'open out' at all, the American consul will stick to him until

I might go on and read numerous expressions of foreigners concerning the American consular service and American officers that represent us. I am very glad that this question has been raised. I believe that by reason of the consular reform bill of last session and by what we are doing from time to time by way of appropriations our service will be very greatly improved.

It had been characterized by one whose opinion is very good, in my judgment—the Secretary of State—as "uneven." I think that came nearer describing our foreign service than any other term I have heard.

Mr. CLARK of Missouri. One more question. Was not that consular bill, or bill reforming the consular service, gotten through both Houses of Congress by reason of just exactly such articles as you have been reading, condemning the consular service as then existing?

Mr. COUSINS. I think that the agitation at the time, perhaps, aided in hastening the legislation which the committee

had formerly recommended.

Mr. SLAYDEN. I move to strike out the last word. Mr. Chairman, I would like to have the consent of the House to proceed for ten minutes. It is entirely possible that I would not use all that time, but I would like to have the privilege of proceeding ten minutes.

Mr. COUSINS. I hope that the gentleman will be given that privilege. The gentleman had asked for time in general debate, but was not given it, and I hope that he will have that privilege extended to him now.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SLAYDEN. Mr. Chairman, any man who occupies the position of President of the United States is an object of interest to the people at large. The present occupant of that high office would be a striking figure even if he did not have the aid

of the pomp and circumstance of the Presidency. commonplace; he is always interesting and usually picturesque.

Mr. MANN. And right. Mr. SLAYDEN. Picturesque. Indeed, there have been times in which I would like him to have been less picturesque than he was. He is a leader among men, takes his rightful station as a leader of men, and seems to be equally at home in a prayer meeting or a political powwow. Recently he made an extremely interesting speech here in the city of Washington to the national convention for the promotion of foreign commerce. Among other interesting things which he said upon that occasion was that he had by rules promulgated by the Department of State put the consular and diplomatic service upon a nonpartisan basis. He even went further and made the more surprising statement that it had been put upon a nonsectional basis.

Now, Mr. Chairman, that statement is interesting if true; but the President of the United States, like all men who talk a great deal and vehemently, is occasionally apt to get his facts all wrong. I do not believe that he means to be inaccurate; but any man who talks volumes can not always be accurate, and he certainly has been inaccurate in some instances.

Impressed by the importance of his statement that the consular and diplomatic service had been put upon a nonsectional and nonpartisan basis, I went to the Department of State to make an inquiry as to the facts, and this is a memorandum, Mr. Chairman, of the facts which I discovered in my visit to the Department of State. I submit this list, which is an enumeration of the diplomatic and consular service. In this list there is a record of 743 diplomatic and consular employees. It also shows that they were appointed from the various States and Territories as follows: Alabama, 2; Arkansas, 0; Florida, 3; Georgia, 2; Louisiana, 10; Mississippi, 1; Tennessee, 9; Texas, 10; Virginia, 4.

On the other hand, Mr. Chairman, leaving these orphan children of the South and crossing the river, we find the following to be the facts as to appointments. But first I will have to run over to the Pacific coast, because it comes alphabetically at the head of the list. California has 21, Connecticut 19, Indiana 19, Illinois 40, Iowa 23, New Jersey 25, Ohio 28, Pennsylvania 61, Massachusetts 53, New York 134.

Mr. PAYNE. Is that based on the population of the States or the voting population of the States, or is it on merit?
Mr. SLAYDEN. That, I think, Mr. Chairman, is based purely

upon political prejudice. [Applause on the Democratic side.]

Mr. PAYNE. It would seem to me to be apportioned on merit.
Mr. SLAYDEN. Mr. Chairman, if the gentleman will take
the pains to investigate the census returns, he will either admit that he spoke in jest or was ill informed when he advanced the idea that it was probably done on the merit basis according to population.

Mr. MANN. Will the gentleman yield for a question?

Mr. SLAYDEN. Mr. Chairman, I have only ten minutes, and want to know before I yield to my friend from Illinois whether can get an extension or not.

Mr. MANN. We will get the gentleman an extension.

Mr. SLAYDEN. Go on.

Mr. MANN. Would the gentleman feel happier if we should say that in the South they send their best men to Congress, while in the North we send our best abroad?

Mr. SLAYDEN. Mr. Chairman, it would probably be less embarrassing to those of us who have been sent to Congress if we could send some of our talent abroad. There would be less competition. I shall not take the time to read all of these figures, because I could not get these remarks into my ten minutes, but I will ask the privilege of printing them in the RECORD.

I ask my friend the distinguished chairman of the Committee on Ways and Means [Mr. PAYNE] to listen to these figures. Of these 733 employees, 134, or about one-fifth, were appointed from the State of New York, which has approximately onetwelfth of the population of the United States. Six States— New York, Pennsylvania, Illinois, Ohio, California, and Massachusetts-have 377 appointees in the consular and diplomatic service, or twenty-one more than half of the total, while Pennsylvania and New York combined have 195 of their citizens in this foreign service, twelve more than one-quarter of the entire number. And it is a comparatively easy matter to turn to the census tables and see what proportion of the population of the country these two great States have. The Southern States, with nearly one-third of the total population of the United States, are credited with only forty-nine appointees out of the 733 in the service, or about one-fifteenth of the whole. forty-nine, eleven were born in Northern States and nine are from foreign countries. Mr. Chairman, even when they come to dole out the very slender slices of pie that they give to the South in the consular and diplomatic service they give them to carpetbaggers rather than to the home-grown talent.

The relative importance of these appointments is shown in the fact that from the South we find one ambassador at a salary of \$17,500 per year; two ministers at salaries of \$7,500 per year; one consul at \$5,000, one at \$4,500, four at \$4,000, and then there are others running on down until finally there are ten consular

agents out of the forty-nine.

Mr. BENNET of New York. Will the gentleman yield for a question? How many appointments does the gentleman know to have been made to the consular service since the 27th of June last, and how were they divided?

Mr. SLAYDEN. Mr. Chairman, I am reading from a bul-

letin issued by the State Department since that time.

Mr. BENNET of New York. But that covers the entire consular service, no matter how far back they were appointed.

Mr. SLAYDEN. That is my information. Among the other appointees from the South were ten consular agents who live upon fees ranging from \$2,684.50 a year down to \$310. There were ten consular agents, vice and deputy consuls, who received no salaries and collected no fees during the year which it was

intended to cover by that report.

But even in the appointments made in the Southern States themselves there is a certain degree of discrimination manifested. Tennessee, which State elects two Republican Congressmen always, and has occasionally sent three, has one ambassador at \$17,500 per year, one consul at \$4,500, one at \$3,500, one at \$2,500, two at \$2,000 per year, and two consular clerks at \$1,200 per year. This is quite the lion's share of southern at \$1,200 per year. This is data appointments. North Carolina, another State which has a Republican Representative upon this floor, is treated fairly well, having one minister with a salary of \$7,500, one consul at a salary of \$5,000, one whose salary is \$3,000, two consular agents who collected fees last year amounting to \$2,064. Texas, with a population greater than Massachusetts, with her fifty-three appointments in this service, or California, with its forty-one appointees in the consular and diplomatic service, is rewarded, possibly because of her persistent and large Democratic majorities, with ten appointments, the importance of which is shown by the following table

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks for the extension of the gentleman's time five minutes. Is there objection?

There was no objection.

Mr. RHODES. Mr. Chairman, I would like to inquire of the gentleman if he knows how many appointments Missouri has?

Mr. SLAYDEN. I will put that in the RECORD in the morn-These appointments from Texas are of some interest to me, and therefore I wish to call the attention of the House to the appointments from that State. There are two consuls, one at \$4,000 and one at \$4,250. There are three consular agents, whose fees are as follows: The largest one was \$689 for the last \$309 for the man who had the second best place, and \$123 for the man who had the least profitable office. There

were three vice and deputy consuls who received no salaries and collected no fees. Fifty per cent of the appointees of Texas may have enjoyed the honor of an appointment, but certainly had no emoluments to enjoy.

Arkansas, one of the great States in this Union, important for the high character of her people and the great value of her contribution to the commerce of the country, has no appoint-

ment in either the diplomatic or consular service.

Mr. BOUTELL. In justice to the State of Arkansas it ought to be stated to the country that she has been singled out to receive for one of her distinguished citizens, U. M. Rose, of Little Rock, one of the greatest gifts in the diplomatic service, the appointment as a representative at the great Hague peace conference that is soon to meet.

Mr. SLAYDEN. I understand that, and I have no doubt the bar and the people of the South are grateful for the honor

that was bestowed upon the State of Arkansas.

Mr. LACEY. Mr. Chairman, I would like to add in this connection that Arkansas has had for a great many years—up

to a short time ago—the ambassador to Mexico.

Mr. SLAYDEN. Yes; she has. Mr. Chairman, Nevada, like Arkansas, is shut out entirely; she has no representative in either the consular or diplomatic service. I presume that as the service has been put on a nonsectional and a nonpartisan basis it is a mere oversight of the State Department, just as the vast preponderance of appointments in the persistently and overwhelmingly Republican States is a mere accident.

Mr. Chairman, I do not complain of this state of affairs; I am simply reciting them as being of interest. I would, if I had the power enjoyed by the President, do just what he has done. It is a Republican Administration, and very properly the appointees are Republicans. If I had the power I would turn them all out, bag and baggage, and in six months the Federal pay rolls in the consular and diplomatic service, as well as other branches of the Government, would be a sweet and faint memory to all the Republicans in the country. [Laughter and applause on the Demo-

cratic side.1

Mr. PAYNE. Mr. Chairman, I want to say to the gentleman that the whole matter is easily explainable. When Mr. McKinley was first elected President he adopted the policy of examination for every candidate for a consular appointment, and unless that candidate could pass an examination he was not appointed. Now, since the beginning of McKinley's Administration down to the present time it has been the policy of the President and of the State Department to make these appointments depend more and more upon the qualifications of the various candidates; and when this principle is understood I presume even my friend from Texas will understand why there is such a great pre-ponderance of appointments from New York and so few from his own State. [Laughter and applause on the Republican side.]

Mr. SLAYDEN. Mr. Chairman, I want to say to the gentleman from New York that if he opens the door of hope based on an intellectual, competitive, and academic examination it will forever bar Republicans from the South anywhere. [Laughter.]

The following are the diplomatic and consular appointments by States and Territories:

Alabama, 2; Arkansas, 0; California, 41; Colorado, 2; Connecticut, 19; Delaware, 1; Florida, 3; Georgia, 2; Idaho, 1; Illinois, 40; Indiana, 19; Iowa, 23; Kansas, 9; Kentucky, 11; Louisiana, 10; Maine, 21; Maryland, 19; Massachusetts, 53; Michigan, 15; Minnesota, 18; Mississippi, 1; Missouri, 12; Montana, 2; Nebraska, 7; Nevada, 0; New Hampshire, 6; New Jersey, 25; New York, 134; North Carolina, 5; North Dakota, 2; Ohio, 48; Oregon, 5; Pennsylvania, 61; Rhode Island, 11; South Carolina, 3; South Dakota, 5; Tennessee, 9; Texas, 10; Utah, 2; Vermont, 13; Virginia, 4; Washington, 9; West Virginia, 9; Wisconsin, 16; Wyoming, 0; Arizona, 2; Hawaii, 2; New Mexico, 0; Oklahoma, 1; District of Columbia, 21.

Mr. BENNET of New York. Mr. Chairman, I move to strike out the last word for the purpose of saying that, as far as New York is concerned, during the last two years there have been only two appointments to the consular service from that State. One of them was appointed at the request of the pottery in-terests from the interior of the country, and the only backing that man had of a political character was that of a Senator from West Virginia. The other one was a colored man, appointed to a very inconsiderable post in South America to succeed another colored man.

Within the last two weeks the question came up in the State Department as between a man from New York State and a man from Louisiana, both equally qualified, and because of the fact that New York is more abundantly represented in the service than Louisiana the appointment was given to the Louisiana man.

I think it only fair to the Secretary of State to say that this policy of promotions within the service, so far as it is a regular and determined thing, has been in existence only since the 27th of June last, and that there has been no further opportunity of carrying out the present purpose of the President and of the Secretary of State of putting the whole matter on a nonpartisan and nonsectional basis; that that one instance that I cite, where the decision was against the State of the President and of the Secretary of State and in favor of Louisiana, looks to me as though the President and Secretary of State were carrying out their express purpose of putting this service on just the basis that the President in that speech which the gentleman from Texas [Mr. Slayden] has quoted said the service would

Mr. COUSINS. Mr. Chairman, I also wish to say for the information of the gentleman from Texas that four of the ministers whose salaries have been this day raised by your committee come from the Southern States-a very fair apportion-

ment, I should think.

Mr. GROSVENOR. Mr. Chairman, I should like to supplement what has been said about the various States with a reference to the statement often heard that Ohio monopolizes most of the Federal patronage. Ohio to-day has not a single representative in the diplomatic service of the United States, unless it be a secretary of one of the legations, perhaps an assistant, whose name I do not know and whose whereabouts I can not That is the situation in that great office-seeking State. We did have a representative at one of the European courts, but he was retired some time ago from the public service, and we are left absolutely without any representative whatever. We are satisfied with the situation, however, from the fact that we do not rise in rebellion for the "last of the Mohicans," and the fact that New York has so nobly and so successfully borne substantially all the burden of the diplomatic work of the

Mr. MANN. Mr. Chairman, I move to strike out the last two When the President made the remarks which have been referred to by the gentleman from Texas [Mr. Slayden] in reference to putting the consular service upon a nonpartisan and nonsectional basis, he told the truth, and it seems peculiar that in receiving this act of courtesy and propriety on the part of the President the gentleman from Texas should now repeat the speech of the other gentleman from Texas [Mr. Burleson], who originally called attention to the gross injustice in the way of distribution. What is the fact? Does the gentleman from Texas [Mr. SLAYDEN] expect that the President of the United States, in putting the consular service upon a nonpartisan and nonsec tional basis, proposes at once to put it upon a sectional basis and thereby discharge from the public service men now in office because they come from a certain State-men who are performing the duties of their offices well and faithfully-in order to put men into office from another State who now know nothing about the subject? That would be something that the gentleman from Texas [Mr. SLAYDEN] himself would be one of the last men in the House to indorse. What is the situation? The President has, by an order through the Department of State, provided that hereafter in the appointments to the consular service they shall be made from a competitive examination; that there shall be assigned certain persons to take that competitive examination; that in making the assignment of these persons preference shall be given to those States which do not now have their numerical proportion of the consular appointments.

Mr. CLARK of Missouri. Mr. Chairman, if the statement of the gentleman from Illinois [Mr. Mann] be correct, that these people that are now in the consular service-and they are substantially the same ones who were in there prior to June 27 last-are discharging their duties faithfully and intelligently, then does not the bottom fall out of the propaganda we had here that this thing ought to be remodeled, because we have the con-

sular service stocked with a lot of incapables?

Mr. MANN. I made no statement to begin with that they all are performing their service intelligently, although I have no doubt that that is, in the main, the fact. What I said was, Would the gentleman have a person who is performing the service intelligently discharged from the service merely because he comes from New York in order to place in the office a raw recruit from Texas or Missouri or any other State in the Union?

Mr. SLAYDEN. Mr. Chairman, I would like to suggest to the gentleman that I was told in the Department of State some time prior to that date in June to which he refers, as to the period of the adoption of this policy, that such a policy was in practice; that, as a matter of fact, they then made their selections upon a nonpartisan basis and a nonsectional basis. knew of several gentlemen from Texas who had special qualifications, who made an effort to get into the consular service and who failed to do it, and in my travels I have never seen a man in any of those posts anywhere in any country who was not a Republican.

Mr. MANN. Mr. Chairman, I have no doubt that in the past it has been the practice of a Democratic Administration to ap-

point Democrats to consular offices and of a Republican Administration to appoint Republicans. But it is the very reason that the President has now initiated a new proposition, that these men shall be selected for examination regardless of politics, the only limitation on the selection being capacity, and local preference being given to those States which do not have their numerical proportion. The gentleman from Texas [Mr. Slayden] in all sincerity ought to be here speaking words of praise about the first President, in recent times at least, who has endeavored in any way to put the consular service upon a nonsectional basis.

I think he is right. Now, it is the fact if to-day you go to the Department of State and ask for the assignment for examination of a person from New York State you will be told that he has no chance at all, because New York State's quota is overfilled. The gentleman complains about Illinois. I will say to the gentleman that forty-one representatives in the service is not in greater proportion than twenty-five Members of the House of Representatives in this body, so that the only place probably where there has been an excess has been in certain States where people are possibly a little more ambitious to go abroad; but the President, in the very purpose of making the consular service an able body, in aid of a commercial enterprise, has endeavored to remove from it a partisan and sectional aspect, and the gentlemen on this side of the House ought to be praising him for what he has done and is endeavoring to do and hold up his hands in this matter, as they would be doing in some other matters at present, instead of condemning him for doing the thing which they want him to do.

The Clerk read as follows:

REWRITING CONSULAR REGULATIONS.

For services, rewriting the consular regulations as authorized by the act of March 3, 1905, provided that the provisions of sections 170, 1763, 1764, and 1765, Revised Statutes, and section 3, act of June 20, 1874, shall not be applicable, the \$3,000 appropriated by the said act of March 3, 1905, is hereby made available.

Mr. MANN. Mr. Chairman, I reserve the point of order on this paragraph for the purpose of asking a question. Is it intended that this rewriting of the consular regulations shall be completed within the cost of \$3,000?

Mr. COUSINS. Yes.

Mr. MANN. Is there any objection to so stating in the bill? Mr. COUSINS. None whatever.

Mr. MANN. Would the gentleman be willing to accept an amendment of this kind: "Provided, That the said work shall be completed within the limit of the said appropriation?"

Mr. COUSINS. I will accept that amendment.

Mr. MANN. I withdraw the point of order and offer that amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "available," in line 18, page 21, add the following words:
"Provided, That said work shall be completed within the limit of this appropriation."

The amendment was agreed to.

The Clerk read as follows:

CIPHER CODE.

Cipher code, \$5,000.

Mr. JOHNSON. Mr. Chairman, I make the point of order against that paragraph. I will reserve the point of order.

The CHAIRMAN. The gentleman from South Carolina

makes the point of order.

Mr. JOHNSON. There is no law providing for it, and I want to get some information. I will reserve the point of order. Mr. COUSINS. I will state frankly to the committee that this paragraph is subject to the point of order, technically speaking, being new legislation.

Mr. JOHNSON. Now, what I want to find out from the chairman of the committee is this: Is it contemplated that this cipher code shall be prepared by somebody who has now employ-

ment in the State Department?

Mr. COUSINS. It is contemplated to employ an expert to assist those in the State Department. It is designed to have the very best and most modern code that can be devised.

Mr. JOHNSON. Is this expert already on the pay rolls of the Government?

Mr. COUSINS. No; there is no expert of that kind on the pay rolls of the Government. It will be necessary to employ somebody outside.

Mr. JOHNSON. I want to say I have no objection to the preparation of the new code, but if anybody who is connected with the State Department is to have the work I desire to enter my protest against it. I believe that the practice of allowing men who are already on the pay rolls of the Government to prepare digests, indexes, codes, and such work as that under special appropriations is wrong in principle and damnable in practice.

Mr. COUSINS. I will say to the gentleman that such is not contemplated in this at all. I will read what the Secretary says on that subject:

The cipher code of the Department was published in 1874, and is now entirely unfit for such a purpose. The two great needs for a cipher code, namely, secrecy and economy, are not served by the use of our present code. The great need is for a code on the model of the best commercial codes now in use, made with special reference to the particular needs of the Government, which is now scarcely served at all by the Department code. It is confidently believed that the saving to the Government in one year by the use of an up-to-date code will pay for the expense of preparing a new code. It is desired to employ experts in preparing a new code, and the appropriation of \$5,000 for this purpose is earnestly urged.

Mr. JOHNSON. I am in perfect sympathy with the proposition to prepare a code, but I wanted to know whether somebody who is already in the employ of the Government is at Government expense to prepare this code and then receive double pay.

Mr. COUSINS. No; it could not be done.

Mr. MANN. I take it that the \$5,000 is sufficient to complete the work?

Mr. COUSINS. We hope so.
Mr. MANN. Would the gentleman be willing to accept an amendment providing that said cipher will be completed in the limit of the appropriation hereby made?

Mr. COUSINS. Personally I would; but I think that might not be wise, as it might cost a little more and we would find the

work crippled. It may cost less.

Mr. MANN. It appeals to me, from the reason that they are going to employ somebody on the outside to do this work. they find they can not do it, then it is a matter that Congress will still have jurisdiction over.

Mr. COUSINS. It would simply hold the matter up; that is

Mr. MANN. They think they can do it for \$5,000, and we make an appropriation of \$5,000, and we have a right to know whether that is the beginning of an expenditure or whether it

is a completion of an expenditure. Mr. COUSINS. Oh, no; it is not a work of that character. It is not a work like the erecting of a building or anything of that sort. It is a simple matter that they think can be done for that money. I hope the gentleman will not ask for that amend-

ment.

Mr. MANN. Very well; I will not. Mr. JOHNSON. Mr. Chairman, I withdraw the point of order.

Mr. LONGWORTH. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. Long-WORTH] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 22, at the end of line 5, insert:

"For the acquisition in foreign capitals of proper sites and buildings, which shall be used by the embassies and legations of the United States and for the residences of the ambassadors and envoys extraordinary and ministers plenipotentiary of the United States to foreign countries, to be expended by the Secretary of State, \$500,000."

Mr. MANN. Mr. Chairman, I raise a point of order upon that. Mr. JOHNSON. Mr. Chairman, I make a point of order against that,

Mr. LONGWORTH. Is the gentleman willing to waive his point of order for an amendment?

Mr. MANN. Mr. Chairman, I reserve the point of order.

Mr. SHACKLEFORD. Mr. Chairman, a parliamentary inquiry. Did not the gentleman from New York [Mr. FITZGERALD] make a point of order against it?

Mr. FITZGERALD. No.

Mr. SHACKLEFORD. I thought that the Chair did not happen to hear it.

The CHAIRMAN. The Chair understands that the point of order was made by the gentleman from Illinois [Mr. MANN].
Mr. FITZGERALD. That is right.

Mr. Chairman, of course I admit that Mr. LONGWORTH. the point of order is well taken, and yet I think I am justified in asking the gentleman from Illinois [Mr. Mann] to refrain from making it. It is a matter of history that practically all the improvements in the diplomatic service have been made by legislation on the diplomatic and consular appropriation bill. We even went so far as to raise our ministers to the rank of ambassadors by legislation on the diplomatic appropriation bill, and I think that for these reasons and because of the fact that so many Members of this House are convinced that this Government should own its legations and embassies, or, at least, provide leased premises for the use of our ministers and ambassadors, that we should be allowed to vote on this amendment. Of course the amount provided in this amendment is absolutely inadequate to provide more than possibly one or two residences. It is the principle of the Government owning and main-

taining these residences that I advocate. I do not intend to spend more than a moment or two in advocacy of this amendment, because I have already on several occasions spoken at considerable length upon this subject. It would, in my opinion, take not less than ten times the amount provided in my amendment to do the thing that we are ultimately striving to do.

So I shall confine myself to discussing a few facts with rela-tion to our diplomatic service to-day. There is not a nation on earth anywhere approaching our wealth and power that does not pay to its diplomatic envoys from two to six times as much as we do to ours. One of two things must be true—either that their system is right or that our system is right. Either the system of compensation provided by foreign countries is grossly excessive or our compensation is grossly inadequate. Now, this is no longer a matter of argument, for it is a fact that many ministers and ambassadors from the great European nations have retired from the service simply and solely because they could not afford, with the compensation paid to them, to remain in it.

Only last year the English ambassador for this country asked for and received an increase of \$5,000 a year in his salary, bringing it up, so I am informed, to \$45,000 a year, in addition to which he receives his residence rent free, the costs of the upkeep of the embassy being paid by the British Government, and in addition to all this a substantial amount for entertaining. Whatever may have been said in the newspapers against the late ambassador, certainly it has never been charged that he lived with any undue display or in any other manner than as a dignified gentleman and in a manner to properly represent a great and friendly power. When we compare the compensation of the British ambassador here with that of our ambassador to England, who is paid \$17,500 a year, with no other allowances whatever, the comparison becomes utterly and outrageously absurd, and simply brings us to the fact, which has not been and can not be denied, that under our system no one but a man of great wealth can under any conceivable circumstances represent this Government in high diplomatic office. It is a system that is utterly un-American, indefensible, and abhorrent to all our institutions.

We have spent some time this year in the discussion of the salaries of various Government officials, including our own. We have raised the salaries of the Vice-President, the Speaker of the House, and members of the Cabinet to \$12,000 a year, and we have raised the salaries of Senators and our own to \$7,500 a year. These increases, in my opinion, are just and proper. No salary paid to any official of this Government should be so large that the office should be sought for the money to be made out of it, and on the contrary no salary should be so small that men of ability, learning, and patriotism should be deterred from taking public office because they can not live properly upon their The test of fitness of any man to hold public office should be his intellectual parts, not his financial circumstances. While it is true that the salaries to-day paid to many of our important public officials are inadequate, and that many men otherwise eminently well fitted are deterred from going into public life because of the very small salaries attached to these offices, yet it is also true that these offices have always been held and are to-day held by men of limited financial resources.

The great men in the history of our country have been almost without exception poor men, or at least men of very moderate means. This is as it should be. It is in accord with the spirit means. of our institutions, that it is the man and not his money that should determine his fitness for public service. It is utterly abhorrent to our institutions that wealth should ever be a necessary qualification to holding any public office, and yet there is one office under this Government for holding which wealth and wealth alone is the one absolutely necessary qualification. No man, however great be his ability, however profound his learning, or of however great distinction in the service of his country, can be chosen to represent this country as ambassador or minister to any great power unless he be a rich man, and not only rich, but very rich. In other words, under our system, we have to-day a class of offices reserved only for men of wealth, the only absolutely necessary qualification for which is wealth. If George Washington or Thomas Jefferson or Abraham Lincoln were alive to-day, they could not hold the office of ambassador

to Great Britain or to any other great post.

Is there any possible defense for such a system? Is it not time that Congress should do something to remedy this condition? Can we much longer continue to vote to support, or, rather, to neglect to vote to abolish, an office-holding aristocracy, an aristocracy more repugnant than one of blood, an aristocracy of wealth and wealth only?

If we are prepared to do this, the way is simple. We have only to provide compensation sufficient to pay the cost of our ambassadors or ministers living in foreign capitals in a way that the Americans demand that they shall live—in other words, a compensation large enough to pay the difference between the salary he now gets and his necessary expenses.

This could be done either directly or indirectly. The plan that I advocate would indirectly increase his compensation. It would provide a suitable and dignified residence and eliminate the item of rent, which is the principal expense to which he is The advantages of this method are that it would involve little, if any, ultimate cost to the Government, for suitable buildings which we would acquire in foreign capitals could not fail to advance in value.

This is true of all the legation property that we own to-day. It has, without exception, since its acquisition increased in And permit me to call attention to the fact that it was all acquired by legislation on appropriation bills. The same is true in the experience of almost every other country. To give one instance, I am informed on good authority that the ground upon which the British embassy in this city stands was purchased some years ago at the rate of 40 cents a square foot, and that property to-day, I think, in the estimation of experts, is valued at not less than \$10 a square foot.

Another advantage of this plan would be that it would pro-Another advantage of this plan would be that it would provide a building which would always be the residence of the American minister or ambassador, a building over which the American flag would always fly, and which would properly represent the power and dignity and influence of this nation in the affairs of nations. The residence of the representative of this nation would then always be the same, and externally, at least, would not reflect the condition of the pocketbook of each particular incumbent. And last and most important of all, it would enormously enlarge the range of eligibility for these offices. It would create a condition under which men of moderate means might represent us abroad. It would go far toward making it possible for men of ability, learning, and patriotism to hold these offices, among the most important and dignified in the gift of the American people, regardless of what their financial circumstances may be

Mr. Chairman, I will again ask the gentleman from Illinois if he does not think that it is consistent with his duty as a

Member not to press his point of order? [Applause.]

Mr. MANN. Mr. Chairman, the gentleman from Ohio on this subject is always interesting, and he may be right. I do not propose to discuss at this time the question as to the advisability of housing our foreign ambassadors. I wish the gentleman from Ohio would stop for a moment and remember this: Our ambassadors abroad probably have no more expensive duty to perform in the way of living than ambassadors from abroad here. The ambassadors from abroad in Washington are put to no greater expense than the Cabinet officers of the President of the United States. A few years ago a young man without money and without influence came over from New York and went into one of the Departments here in a very humble capacity. He has been a Cabinet officer representing one Department of the Government, is a Cabinet officer representing another Department of the Government, and is about to be a Cabinet officer representing the chief Department of the Government. He is leading the simple life, and I often wish that some of the American representatives abroad would show to the world that they could lead the simple life. I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. COUSINS. Mr. Chairman, I move that the committee do now rise and report the bill, with amendments, favorably to the

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Sterling, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24538, the diplomatic and consular appropriation bill, and had directed him to report the same back to the House with an amendment. and with the recommendation that as amended the bill do pass.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. Cousins, a motion to reconsider the last vote was laid on the table.

# UNITED STATES COURTS, SOUTH CAROLINA.

Mr. LEVER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 22334) to amend an act to regulate the sitting of the United States courts within the district of South Carolina.

The bill was read, as follows:

Be it enacted, etc., That the regular terms of the circuit court of the United States for the district of South Carolina shall be held in each

year as follows: In the city of Greenville, on the third Tuesday in April and on the third Tuesday in October; in the city of Columbia, on the third Tuesday in January and on the first Tuesday in November, the latter term to be solely for the trial of civil cases; in the city of Charleston, on the first Tuesday in April, and in the city of Florence, on the first Tuesday in March.

SEC. 2. That the regular terms of the district court of the United States for the western district of South Carolina shall be held in each year in the city of Greenville, on the third Tuesday in April and on the third Tuesday in October.

SEC. 3. That the regular terms of the district court of the United States for the eastern district of South Carolina shall be held in each year in the city of Charleston, on the first Tuesday in June and on the first Tuesday in December; in the city of Columbia, on the third Tuesday in January and on the first Tuesday in November, the latter term to be solely for the trial of civil cases, and in the city of Florence, on the first Tuesday in March.

SEC. 4. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

With the following amendments recommended by the Com-

With the following amendments recommended by the Committee on the Judiciary:

Strike out the word "first," in line 9, and insert the word "third." Strike out the word "April," in line 10, and insert the word "March." The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

### CHICAGO DRAINAGE CANAL.

Mr. MANN. Mr. Speaker, I hold in my hand a joint resolution passed by the legislature of the State of Illinois on the subject of limiting the flow of water from the Great Lakes through the Chicago Drainage Canal. I ask unanimous consent

to have it printed in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to print in the Record a joint resolution of the legislature of the State of Illinois. Is there objection?

There was no objection.

The joint resolution is as follows:

[Forty-fourth general assembly, special session, Chicago Drainage Canal.]

Canal.]

Whereas the Congress of the United States is now considering the report of the International Waterways Commission; and

Whereas said report contains a recommendation that the amount of water to be diverted from the Great Lakes through the Chicago Drainage Canal be limited to 10,000 cubic feet per second; and

Whereas said limitation would in the future render futile the expenditure of \$50,000,000 already expended by the sanitary district of Chicago and render impossible the completion of said project and endanger the health of the people of Illinois and of the city of Chicago; and

Chicago and render impossible the completion of said project and endanger the health of the people of Illinois and of the city of Chicago; and

Whereas the amount of water to be diverted for domestic and sanitary purposes should under no circumstances be limited by a treaty with a foreign power, or by any legislation to be enacted by Congress, thus placing the sanitary district of Chicago—organized to preserve the health of the people—upon the same plan as commercial enterprises organized for private gain: Now, therefore,

Be it resolved by the senate of the forty-fourth general assembly of the State of Illinois, convened in extraordinary session (the house of representatives concurring therein). That in any treaty to be hereafter entered into, no statement whatever, binding the trustees of the Sanitary District of Chicago, shall be made, and the local conditions of such canal and the volume of water to be accommodated therein should be left wholly and solely to the regulation of the Federal Government, as the conditions of the canal's drainage may require; and be it further Resolved. That in any legislation to be hereafter enacted by Congress a provision should be included permitting the Sanitary District of Chicago to use such water as may be necessary in the discretion of the Secretary of War, and such legislation, if any, should specifically provide that that portion of the report of the said International Waterways Commission referring to the Sanitary District of Chicago and the amount of water to be diverted through its channels should be entirely ignored; and be it further

Resolved. That the two Senators and the Members of Congress, representing this State be, and they are hereby, respectfully requested to do all in their power to incorporate the provision above referred to in any legislation to be passed by Congress and prevent the incorporation of any statement in any treaty to be entered into with a foreign power placing any restriction upon the amount of water to be withdrawn through the drainage ca

through the drainage canal of the Sanitary District of Chicago; and be it further Resolved, That a copy of this resolution be forwarded immediately by the secretary of state to each Senator and Representative in Congress from this State and to the President of the United States.

Adopted by the senate May 15, 1906.

Concurred in by the house of representatives May 15, 1906.

OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, STATE OF ILLINOIS, 88:

I, James A. Rose, secretary of state of the State of Illinois, do hereby certify that the foregoing joint resolution of the forty-fourth general assembly of the State of Illinois, passed and adopted at the second session thereof, is a true and correct copy of the original joint resolution now on file in the office of the secretary of state.

In witness whereof I hereunto set my hand and affix the great seal of state, at the city of Springfield, this 14th day of June, A. D. 1906.

[SEAL.]

# CHANGE OF REFERENCE.

By unanimous consent, the reference of House bill 23571, to ratify and confirm elections held under and by virtue of the provisions of an act to amend an act to prohibit the passage of special or local laws in the Territories, to limit the Terri-

torial indebtedness, etc., was changed from the Committee on the Territories to the Committee on the Judiciary.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 24537) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1908, and for other purposes

Mr. HAY. Mr. Speaker, I reserve all points of order on the

Mr. HULL. All points of order have been reserved.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CRUMPACKER in the chair.

Mr. HULL. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. HULL. Mr. Chairman, I have no desire to take the time of the House on this bill. It has been very carefully considered by the committee. There is one item, however, that I would like to call the attention of Members to before the reading begins, and that is the provision at the beginning of the bill on the top of page 2, as follows:

Provided, That hereafter cadets appointed to the Military Academy at West Point, N. Y., may be admitted on the 1st day of March in place of the 1st day of June.

I want to call the attention of Members to the fact that now cadets go there at the time of the graduating exercises, when there is a great deal of confusion at the Academy, when one class is going out and all classes are engrossed in passing examinations, and then they go into camp for the summer months. The evidence was that if we would admit them the 1st of March it would cost the Government the pay of the cadets from the 1st of March to the 1st of June additional to what they now pay, but it gives the cadets three months of attendance which is of the greatest value in the preliminary studies at a time when they can lay the foundation for their course. The professors state that they believe it would be worth more to the cadets than any six months' time that they might have afterwards in the Academy. There are large numbers of these cadets all over the country who have not had the advantages that those cadets have from the city of being thoroughly pre-pared to enter the Academy. This would largely equalize that by being in the nature of preliminary instruction so that they would be entirely fitted to enter their course, and from the testimony given before us we would have fewer failures at the January examination than we have to-day.

I have no desire to take up any more time unless some gentle-

man desires to ask a question.

Mr. KEIFER. Mr. Chairman, I want to ask the gentleman a question.

Mr. HULL.

Mr. KEIFER. I notice that the clause to which the gentleman referred, near the top of page 2, reads as follows:

Provided, That hereafter cadets appointed to the Military Academy at West Point, N. Y., may be admitted on the 1st day of March in place of the 1st day of June.

I want to inquire whether that would require cadets for this year to go there the 1st of March, or whether it was intended to

have this apply after the year 1907?

It would apply after this year, for this bill may Mr. HULL. not become a law before the 1st of March. It does not prohibit their coming the 1st of June. The testimony was that if they had the privilege of being admitted in March they would all come that could possibly get there. I will say to the gentleman from Ohio that if he thinks there is any question about this I would be willing to say "after the 1st day of June, 1907, all cadets may be admitted," etc.

Mr. KEIFER. I think some amendment of that kind should be offered, because there are appointees to cadetships at the Military Academy at West Point who are expecting to take their examinations in June, and probably they would feel unprepared

to take it as early as the 1st of March.

Mr. HULL. There was no idea that they should be taken the 1st of March this year; this bill is for the fiscal year beginning July 1, 1907.

Mr. KEIFER. As the bill reads the bill may become a law in February, and I am not sure but the construction would be that they should go the 1st of March, 1907.

Mr. HULL. Well, if there is any doubt about it, it can easily

be corrected.

Mr. KEIFER. I think it ought to be corrected.
Mr. HULL. Mr. Chairman, I will ask that the bill be read.
Mr. HAY. Mr. Chairman, I do not care to occupy any time myself, but I yield five minutes to the gentleman from Tennes-

see [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, for ten years I have had a great deal of trouble in getting a country boy to go to West Point or to Annapolis. He must advance the cash to go, and if he falls all the expense of his going to the academy from Tennessee and back to Tennessee comes out of that country boy's pocket. He returns home broken-hearted and "broke. While making many speeches on this tobacco-tax question and against the tobacco trust last year, not only in the edge of Kentucky that touches on Tennessee, but in Tennessee and in my district, I on each occasion announced from the platform that I was looking for a farmer boy, regardless of whether the boy was a Democrat or Republican or whether his father was a Democrat or Republican, to appoint to West Point who was capable of entering West Point.

Finally away over in Stuart County, where Fort Donaldson is situated, away in the edge of that county somewhere, I heard of such a young man who was recommended as a highly ambitious boy and wanted the appointment. He had gone through the course at the Cumberland City Academy—a very bright young fellow and who was very ambitious to go. I immediately appointed him. I told him to "rub up" in his studies. His old professor kindly and with pride agreed to teach him and did so, so that he might be better prepared to enter West Point. When the time came for the young man to go to his examination he did not have money enough to pay his expenses to and from West Point. The result of it was that the young man was deeply disappointed. I knew nothing of his financial trouble until he wrote and told me-after the day to appear had passed. Stuart County, over 100 years old, had never received a Federal appointment or Federal recognition of any kind. I did not know the boy's politics, I do not know now and do not care. I can not even recall the young man's name. The alternate went. He was another country boy, from Robinson County, which had never received a Federal appointment before that I recall. All of the appointees from my district, except one, I believe, since the civil war have come from the city of Nashville or near Nashville, because they were educated and able to pay their way.

This young alternate went up to West Point, took his entrance examination, and passed except as to a physical defect, caused by being hurt once when a boy at school—a little dent on the side of his eye socket. He was "turned down," and went home to help take care of his father, who has reared sixteen or eighteen children on a farm at the edge of Robertson and Davidson counties. He paid his son's expenses. And now

to my point.

I do think that Congress should provide a reasonable allowance for transportation and necessary expenses to cover such cases—that is, when these appointees fail. Here is that splendid young fellow, of fine character and high morals, with a firstrate country education, who had been "rubbed up," as it were, by this kind teacher at the academy, and yet who fails because, as he wrote me, he did not have money enough to go to West Point and pay expenses. This game and manly alternate failed—both tried to help their country and themselves incidentally.

Now, whenever we have had a war we have always had to go to the country to get a large portion of our soldiers, and some of the best soldiers that we have ever had have come from the counties of Stewart and Robertson.

The soldiers who fought the battle of New Orleans in a large measure came from this section of the country. They came from the mountains of East Tennessee and middle Tennessee, and their fathers were poor people. They have had large families, and it is a hard thing for them to educate their children sufficiently high for the boys to even have a plain education and at the same time take care of their wives and families. college country-reared boy is the exception. I have alluded to this condition in a general way before. To aid such appointees would not take very much public money. It would only be done in the cases of the boys who are not able to pay their expenses and fail. Suppose the boy is an orphan boy—and I would rather appoint an orphan boy than one who was not an orphan what chance has he to go to West Point if appointed? God knows I have tried for ten years to get a boy appointed from my district, one who was reared and educated in the country and who wants to educate himself to fight for his country. For ten years I have tried and failed. I have made five or six appointments from the country, and one of the reasons why the boys fail if educated is that the country boy has not the means to defray the expense of going to and from West Point or Annapolis and at the same time pay some teacher to coach him in the five or six months that intervene between the time of his appointment and the date that he must stand his examination.

I hope that the intelligent and patriotic and industrious chairman of this committee and its members will think about what I have said and cure this evil. I speak from my own personal knowledge and experience as a Member of this House, and I do think that a great Government that calls on these boys, whose parents have been called on ever since the beginning almost of the Government, should pay a reasonable sum for necessary expenses to these young men, who, in the morning of their ambition and the heyday of their hope, wish to prepare to serve their country in fighting its battles upon land and sea. [Applause.] We call on them in time of war to defend our homes and the flag, bear the burdens of war, let us make it possible for them to share in the honors we distribute in time of peace. [Applause, 1

The CHAIRMAN. The Clerk will read the bill.

The Clerk proceeded with the reading of the bill.

The Clerk read as follows:

For pay of cadets, \$260,000: Provided, That hereafter cadets appointed to the Military Academy at West Point, N. Y., may be admitted on the 1st day of March in place of the 1st day of June.

Mr. KEIFER rose.

Mr. MANN. Mr. Chairman, I reserve the point of order on

Mr. KEIFER. I propose to amend it.

I want to ask a question, if I may.

Mr. KEIFER. I think the gentleman had better ask the question before I make my proposition.

Mr. MANN. What effect will this have this spring in reference to appointments to West Point?

Mr. KEIFER. That is the very question that I am dealing

Mr. HULL. We have the impression that it would have none, that it would apply after this year, but the gentleman from Ohio [Mr. Keifer] wants to guarantee that, and he proposes to amend it so as to fix the date.

Mr. MANN. Is that satisfactory? Mr. HULL. Absolutely. No one expected it to apply this year.

Mr. MANN. So that there will be no question about the amendment.

Mr. HULL. No; it would be impractical to make it apply this year. This bill probably will not pass before the 1st of

Mr. MANN. The reason I ask is because the bill in effectof course it is not mandatory-says that the cadets may be appointed the 1st of March, and I did not know whether the gentleman had a construction from the War Department as to whether they would be required to be appointed or not.

Mr. HULL. No; 'I have not. I want to answer this one We had a construction from the superintendent of the academy that it would apply after this year. That is all.

Mr. MANN. I withdraw the point of order. Mr. HULL. This will do no harm.

Mr. KEIFER. Mr. Chairman, my proposition is to amend line 2 on page 2, the proviso, by striking out of that line the word "hereafter," and then to add in line 4, after the words "New York," the words "after the year 1907."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 3, strike out the word "hereafter;" and in line 4, after the words "New York," insert "after the year 1907;" so that the paragraph will read:

"Provided, That cadets appointed to the Military Academy at West Point, N. Y., after the year 1907 may be admitted on the 1st day of March in place of the 1st day of June."

Mr. KEIFER. Mr. Chairman, I have no disposition to discuss at any length-

Mr. HULL. That is entirely satisfactory.

The amendment was agreed to.

The Clerk read as follows:

For purchase of one counting machine for use in the office of the quartermaster and disbursing officer, United States Military Academy, and cabinet for same, to be immediately available and to be purchased without advertising, \$425.

Mr. HOLLIDAY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After line 8, page 26, amend by inserting an additional item, as fol-

lows:
"For maintaining the children's school, the Superintendent of the Military Academy being authorized to employ the necessary teachers, \$3,520."

Mr. HAY. Mr. Chairman, I make the point of order against the amendment.

Mr. HULL. Mr. Chairman, I raise the point of order on that. Mr. HOLLIDAY. Will the gentleman reserve the point of order?

Mr. HULL. I will reserve the point of order if the gentle-

man desires to speak on his amendment.

The CHAIRMAN. The gentleman from Iowa reserves the point of order on the amendment.

I raise the point of order.

Mr. HOLLIDAY. Do I understand the gentleman from Virginia makes the point of order?

Mr. HAY. If the gentleman wishes to make a speech, I will reserve the point of order.

Mr. HULL. . I reserved the point of order on account of the gentleman's desire to make a speech.

Mr. HAY. I did not know that.

Mr. HOLLIDAY. Mr. Chairman, I do not desire to make a speech, but I simply wanted, in this connection, to present a few facts in regard to this school at West Point. There are 250 children of school age. Nearly all of those children are the children of enlisted men. They have a schoolhouse there, and the only teachers they have are enlisted men who are detailed to teach. The nearest schoolhouse from that is at Clinton Falls, about 1.6 miles from the place where the soldiers' barracks are at West Point. The authorities there have been notified frequently that the school authorities at Clinton Falls are not willing to take the children of West Point. They have not the facilities for them, and they have not room for them, and they protested not only to the authorities at West Point, but to the Board of Visitors last year against the children of the reservation going to the Clinton Falls school, and there is no other in that vicinity.

Now, Mr. Chairman, it seems to me that this Government of ours is big enough and rich enough to hire teachers for these 250 children. It is inconceivable to me that little girls of tender age should have to be taught by enlisted men. There is no other such condition in the United States, so far as I can learn, and we ought to have women teachers there, especially for the little children. And for a mere paltry sum we can hire them. The only argument I have heard against the proposition is that these soldiers, who are paid sometimes extra-duty pay, ought to hire the teachers themselves. Well, Mr. Chairman, this argument could be made anywhere. The workingmen are now receiving good wages, and we could make the argument that we ought to abolish taxation for maintaining schools and let everybody hire his own teacher. I believe that the education of the young of this country is a governmental function. I think a State, where it is possible to do so, should take care of the education of the young, and when it is not possible for the State to do it, when it becomes a part of the nation, then the nation ought to take care of the children of its defenders.

It has been sometimes said that this may involve the building of schools at other places. I do not know whether it will or not, and I do not care. If it is necessary, we should make an appropriation to build a school at every post where there are children of soldiers to be educated and to hire teachers to edu-

cate those children.

Mr. Chairman, there is a schoolhouse at West Point now built by Government funds. The plan which we have adopted and for which we are making appropriations to-day contemplates building a very fine schoolhouse and an elaborate one, not for the purpose of educating cadets, but for the purpose of teaching the children upon the reservation, and yet we have the anomalous condition, after putting several thousand dollars into a schoolhouse, of refusing to appropriate to pay the teachers. Now, I hope the gentleman will withdraw his point of order. This is a small sum, a mere trifle, a bagatelle. We are appropriating in a lump sum twelve hundred thousand dollars for buildings at West Point, and it seems to me that it is not a proper thing for the Government to keep the children of those soldiers in ignorance, and that we ought to make an appropria-

Mr. SLAYDEN. Mr. Chairman-

The CHAIRMAN. Does the gentleman from Indiana [Mr. HOLLIDAY] yield to the gentleman from Texas [Mr. SLAYDEN]?

Mr. HOLLIDAY. Yes.

Mr. SLAYDEN. I would like to ask my colleague on the committee if he would be willing to accept an amendment providing similar appropriations for every post throughout this country and begin the policy thereby of establishing schools at

Mr. HOLLIDAY. I would say in answer to my colleague from Texas that I am willing to support a proposition to build a school at every Army post in the United States where there is a sufficient number of children to warrant it. I do not think it would be appropriate or germane to add that to this proposition, because we are legislating now upon the academy bill and not for the Army at large. It is a governmental function, as I said before; it is a part of the general plan. It is a part of the theory of this Government that the Government should educate those children, and the Government of the United States is setting a mighty bad example when it refuses to educate the 250 children of soldiers who are now at West Point. [Applause.]

Mr. HULL. Mr. Chairman, just one word and not to go into the matter fully. The whole theory of Army legislation has always been that we legislated for those belonging to the Army and not for the families of those who are in the Army, and if you are going to extend it now and include in the Army all the women and children who may hereafter be attached to it by marriage or otherwise, you are entering upon a very broad

scope of legislation.

The gentleman says it is a function of the Government to provide education. I think that is true, but his mechanics in his district own their little homes, pay their taxes, and help to support the common schools of his section of the country, and so with every other section. These soldiers at West Point are while every other section. These soldiers at West Point are almost invariably extra-duty men, getting not only the pay of the soldier, but they get quarters for themselves and their wives, something that is not done at other places, and they get their rations, they get their allowances, and they get their extra-duty pay; and they are better paid one year with another without loss of time than the average workingman in the United States of America. That does not apply so much to other posts as it does to this, but if you will look at this bill you will see there is one whole detachment on extra-duty pay, and a large part of the bill deals with extra duty.

Mr. WILLIAMS. Will the gentleman pardon a question?

Mr. HULL. Yes.

WILLIAMS. Has not the State of New York some

schools right there to which these people can go?

Yes; but it is a hardship on the little village to take them. The Government has a building now assigned, and all the expense these men would have, in lieu of paying taxation—for they have nothing to pay for medical attendance for themselves and families—would be to pay these teachers. Now, if you commence it at West Point, where the conditions are away beyond favorable conditions of soldiers in any other part of the country, you might as well recognize that you are entering upon Army legislation that will not stop at West Point, but will gradually absorb every woman and child connected with the Army. I am not in favor of it, and I insist upon my point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For continuing the work of increasing the efficiency of the United States Military Academy, West Point, N. Y., and to provide for the enlargement of buildings, and for other necessary work of improvement in connection therewith, authorized in acts of Congress approved June 28, 1902 (Public, 181), April 28, 1904 (Public, 192), March 3, 1905 (Public, 137), and June 28, 1906 (Public, 310), in accordance with the general plan approved by the Secretary of War January 27, 1904, to remain available until expended, \$1,200,000.

Mr. FITZGERALD. I move to strike out the last word. wish to inquire whether the rebuilding and enlargement of this

building will be completed within the limit of cost?

Mr. HULL. These buildings are part of the plan adopted by Congress, and I suppose the buildings will all have to be completed within the estimate formed for the whole and for each of the buildings. The committee has only had a submission made on the building they wanted to build this year. They asked for \$1,500,000, but, after hearings, we have only provided for \$1,200,000, which will be ample for the next fiscal year. Now, whether all the buildings will be completed within the estimate or not the gentleman is as able to say as I. We can only say this, that the bill limiting the total cost of the improvement of the academy provided it should not go beyond the amount of the plan which was adopted.

Mr. FITZGERALD. That was in the original provision.

Mr. HULL. Yes.

Mr. FITZGERALD. And after the plans were prepared, it necessitated an increase in the limit of cost by several millions

Mr. HULL. We increased last year the total amount of cost for the entire completion of the plans and provided it should not exceed the amount so fixed. Now, these buildings will not all be completed under this appropriation. It is a continuing contract.

Mr. FITZGERALD. Is there any indication that it will be necessary to increase the limit of cost of these buildings?

Mr. HULL. No, sir; but this appropriation will not complete

the buildings begun now. This is all that can be used in the next fiscal year.

Mr. FITZGERALD. When is it contemplated these buildings

will be completed?

Mr. HULL. No time has been fixed, but the number of buildings and the character of improvements were settled upon by the adoption of the plan the Secretary of War submitted to us, and the total cost of the entire improvement is limited.

Mr. FITZGERALD. Does the gentleman from Iowa have any idea when these improvements will be completed?

Mr. HULL. I should say, taking the rate at which they are

going on, it will be two years after this.

Mr. KEIFER. Mr. Chairman, after a conference with the chairman of the committee, I ask unanimous consent to go back to page 2 of the bill, and ask unanimous consent to insert before the words that I asked before to have inserted, and which were inserted, in line 4, the words "for admission;" so that it will read "that cadets appointed to the Military Academy at West Point, N. Y., for admission after the year 1907 may be admitted on the 1st day of March instead of the 1st day of June."

The CHAIRMAN. Will the gentleman restate his request?
Mr. KEIFER. I only desire to make clear what I supposed was clear, but about which some doubt is expressed as to the amendment which was inserted on page 2, line 4. The object is to make the cadets appointed to go to the academy after this year and fix it so that they go on there on the 1st of March. year and hx it so that they go on there on the 1st of March. My amendment allowed it to apply to persons appointed after this year. So I desired it to be. They may be appointed to the academy the next year, and this is only to make it clear, so that it will apply to cadets appointed to the Military Academy, at West Point, N. Y., for admission after the year 1907, may be admitted on the 1st day of March in place of the 1st day of Lyne.

The CHAIRMAN. The Clerk will first conclude the reading of the bill.

The Clerk read as follows:

Total buildings and grounds, \$1,236,025.

The CHAIRMAN. The gentleman asks unanimous consent to recur to page 2 of the bill and submit an amendment, which the Clerk will read.

The Clerk read as follows:

Page 2, line 4, after the word "New York," insert the words "for admission;" so that it will read:
"Provided, That cadets appointed to the Military Academy at West Point, N. Y., for admission after the year 1907, may be admitted on the 1st day of March in place of the 1st day of June."

The CHAIRMAN. Is there objection?

Mr. CLARK of Missouri. I want to ask the gentleman from Ohio a question.

The CHAIRMAN. Does the gentleman reserve the point of order?

Mr. CLARK of Missouri. I do not even reserve the right to object.

The CHAIRMAN. Well, is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Missouri. What I wanted to ask the gentleman from Ohio was this: Why do you want the thing done?

Mr. KEIFER. Mr. Chairman, in answer to that question, I find that the Military Committee has left this proviso, which left it in doubt as to whether it would apply generally to the appointments that were made in this year. But I do not want it to apply, because some of us have cadets appointed that would not be prepared to go there until June, and if this goes into effect as amended let it go into effect next year.

Mr. CLARK of Missouri. I agree with the gentleman, if the thing is to be done at all. I should like to ask the gentleman

from Iowa why he wants it done at all?

Mr. HULL. I tried to explain that, when the matter was up, and succeeded well enough so that no point of order was made on it, and it was agreed to by the Committee of the Whole House. The reason is that if cadets can enter on the 1st of March, they will get the benefit of three months' extra tuition, and the evidence was that this would be in the nature of a pre-paratory school for those who have not had the advantages of the best education, and that they would have more benefit from their summer studies in camp than if they went there on the 30th of May, entered on the 1st of June, and immediately went into camp without the preparatory three months' study.

Mr. CLARK of Missouri. Must they not already have the qualifications to enter before they can get in?

Mr. HULL. Yes; and I will say to the gentleman that a great many who have entered heretofore on the 1st of June. when it has come to the 1st of January, on account of not having the benefit of proper preparatory studies, have failed to pass the mid-winter examinations. The instructors all believe that

with this additional three months there will be a considerable decrease in the number of those unable to keep up with their classes. A great many go there who are barely able to enter. They are boys who have not had the advantages of the best schools. They are ambitious and anxious. They strain a point to get in and then fall down at the end of the first six months. It is believed this will make it so that they will—a much larger proportion of them—be able to continue through their course.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Ohio [Mr. Keifer].

The amendment was agreed to.

Mr. HULL, Mr. Chairman, I ask unanimous consent to go

Mr. HULL. Mr. Chairman, I ask unanimous consent to go back to line 23, page 5, to strike out the word "of" and insert the word "on." It is a misprint.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to recur to line 23, page 5, for the purpose of offering an amendment, which the Clerk will report.

The Clerk read as follows:

Page 5, line 23, the second word, change "of" to "on."

The amendment was agreed to.

Mr. HULL. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments and with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRUMPACKER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24537 the Military Academy appropriation bill, and had directed him to report the same to the House with sundry amendments and with the recommendation that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amend-

ment? If not, the vote will be taken in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and

On motion of Mr. Hull, a motion to reconsider the last vote

was laid on the table.

# ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6898. An act concerning licensed officers of vessels;

S. 6299. An act for the relief of Pollard & Wallace;

S. 6166. An act for the relief of Edwin S. Hall;

S. 5675. An act for the relief of Maj. Seymour Howell, United States Army, retired;

S. 5560. An act for the relief of Matthew J. Davis;

S. 5531. An act for the relief of Francisco Krebs; S. 5446. An act for the relief of John Hudgins; S. 4948. An act for the relief of W. A. McLean;

8. 4926. An act for the relief of Etienne De P. Bujac; 8. 4860. An act for the relief of Peter Fairley;

S. 4348. An act for the relief of Augustus Trabing; S. 3820. An act for the relief of Eunice Tripler

S. 350. An act for the relief of the heirs of Joseph Sierra,

S. 319. An act to reimburse Abram Johnson, formerly post-

master at Mount Pleasant, Utah;

S. 4975. An act giving the consent of Congress to an agreement or compact entered into between the State of New Jersey and the State of Delaware respecting the territorial limits and jurisdiction of said States;

S. 3923. An act to reorganize and increase the efficiency of

the artillery of the United States Army;

S. 2724. An act for the relief of Delia B. Stuart, widow of

John Stuart:

S. 1231. An act to reimburse the Becker Brewing and Malting Company, of Ogden, Utah, for loss resulting from robbery of the United States mails;

S. 1218. An act for the relief of Louise Powers McKee, ad-

ministratrix;

S. 538. An act for the relief of Charles T. Rader;

S. 1169. An act for the refund of certain tonnage duties;

S. 505. An act for the relief of Jacob Livingston & Co.;

S. 503. An act to reimburse James M. McGee for expenses incurred in the burial of Mary J. De Lange

S. 2262. An act for the relief of Pay Director E. B. Rogers, United States Navy;

S. 1933. An act for the relief of George T. Pettengill, lieuten-

ant, United States Navy; S. 1668. An act for the relief of the administrator of the estate of Gotlob Groezinger;

S. 1648. An act for the relief of the Hoffman Engineering and Contracting Company;

S. 1344. An act for the relief of John M. Burks;

S. 1236. An act to authorize payment to the Henry Philipps Seed and Implement Company for seed furnished to and accepted by the Department of Agriculture during the fiscal year

S. 3581. An act providing for the payment to the New York Marine Repair Company, of Brooklyn, N. Y., of the cost of the repairs to the steamship *Lindesfarne*, necessitated by injuries received from being fouled by the U. S. Army transport *Crook* in May, 1900:

S. 3574. An act for the relief of John H. Potter;

S. 2964. An act for the relief of the L. S. Watson Manufacturing Company, of Leicester, Mass.;

S. 2578. An act for the relief of Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford;

S. 2368. An act for the relief of the Postal Telegraph Cable Company; and

S. 1894. An act for the relief of P. S. Corbett.

# FRANK G. HAMMOND.

The SPEAKER laid before the House the bill (H. R. 3980) granting a pension to Frank G. Hammond, with a Senate amendment thereto.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

## WILLIAM W. BENNETT.

The SPEAKER also laid before the House the bill (H. R. 15769) granting an increase of pension to William W. Bennett,

with a Senate amendment thereto.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

Mr. HULL. Mr. Speaker, I move that the House do now ad-

The motion was agreed to; and accordingly (at 4 o'clock and 23 minutes p. m.) the House adjourned.

# EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred

A letter from the Secretary of the Treasury, submitting an estimate of additional appropriation for temporary quarters for public offices at Cedar Rapids, Iowa-to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the president of the Spanish Treaty Claims Commission submitting an estimate of appropriation for certain awards-to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the president of the Spanish Treaty Claims Commission submitting an estimate of appropriation for taking testimony abroad—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting an estimate of appropriation for additional compensation in the assistant custodian and janitor service of the Department-to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Raleigh Sherman, administrator of the estate of William P. Leaman, against The United Statesto the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of George W. Pearson, administrator of estate of Charles Gotthardt, against The United States-to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting a memorial of agriculturists of La Carlota, province of Negros Occidental, P. I., praying for repeal of the Dingley tariff law and the establishment of an agricultural bank—to the Committee on Ways

and Means, and ordered to be printed. A letter from the Secretary of the Treasury submitting a draft of proposed legislation in relation to the inspection of accounts of clerk and marshal of the Supreme Court and of the officers in the District of Columbia by the Comptroller and Auditor of the Treasury-to the Committee on the Judiciary, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, resolution of the following title was reported from committee, delivered to the Clerk, and

referred to the Calendar therein named, as follows:

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the joint resolution of the House (H. J. Res. 207) declaring Sturgeon Bay, Illinois, not navigable water, reported the same with amendment, accompanied by a report (No. 6595); which said joint resolution and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ROBINSON of Arkansas, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 20490) for the relief of Frank J. Ladner, reported the same with amendment, accompanied by a report (No. 6589); which said bill and report were referred to the Private Cal-

Mr. HOLLIDAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 11279) to remove the charge of absence without leave from the military record of Oscar O. Bowen, reported the same with amendment, accompanied by a report (No. 6596); which said bill and report were referred to the Private Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. HUMPHREY of Washington: A bill (H. R. 24747) providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit-to the Committee on the Judiciary.

By Mr. FULLER: A bill (H. R. 24748) granting pensions to certain enlisted men, soldiers and officers, who served in the

civil war-to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 24749) for the resurvey of township 27 north, range 16 west, sixth principal meridian, in the county of Holt and State of Nebraska-to the Committee on the Public Lands.

By Mr. OLCOTT: A bill (H. R. 24750) amending section 553 of the Code of Law for the District of Columbia-to the Com-

mittee on the District of Columbia.

By Mr. SCROGGY: A bill (H. R. 24751) making an appropriation for the erection of a monument to Gen. U. S. Grant at

Point Pleasant, Ohio—to the Committee on the Library. By Mr. CALDER: A bill (H. R. 24752) to regulate the issue of certain stocks and bonds of common carriers engaged in interstate commerce—to the Committee on the Judiciary.

By Mr. SCHNEEBELI: A bill (H. R. 24753) for the recognition of the military service of the officers and enlisted men of certain Pennsylvania military organizations—to the Committee on Military Affairs.

By Mr. McGUIRE: A bill (H. R. 24754) to authorize the Secretary of the Treasury to accept a building erected upon a piece of land known as the land office reserve, in the city of Perry, Okla .- to the Committee on the Public Lands.

By Mr. HUMPHREY of Washington: A bill (H. R. 24755) to encourage private salmon hatcheries in Alaska-to the Committee on the Merchant Marine and Fisheries.

By Mr. SCROGGY: A bill (H. R. 24756) for the erection of a public building at the city of Xenia, in the State of Ohio-to the Committee on Public Buildings and Grounds.

By Mr. DAVIS of Minnesota: A bill (H. R. 24757) to provide an annual appropriation for industrial education in agricultural high schools and in city high schools and for branch agricultural experiment stations, and regulating the expenditure thereof-to the Committee on Agriculture.

By Mr. SULLOWAY: A bill (H. R. 24758) granting pensions to certain enlisted men, soldiers and officers, who served in the

war of the rebellion—to the Committee on Invalid Pensions.

By Mr. WILEY of Alabama: A bill (H. R. 24759) to amend the acts to regulate commerce so as to provide that interstate railroads may grant free or reduced transportation to bona fide members of the Old Time Telegraphers' and Historical Association and the Society of the United States Military Telegraph Corps while attending annual reunions-to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Washington: A bill (H. R. 24760) authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes-to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNE: A bill (H. R. 24761) to amend section 46 of the act of Congress approved August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes"—to the Committee on Ways and Means.

By Mr. OLCOTT: A bill (H. R. 24762) making an appropriation for the erection of a new post-office in the city of New York-to the Committee on Public Buildings and Grounds.

By Mr. ANDREWS: A bill (H. R. 24763) granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico-to the Committee on Pensions.

By Mr. FOWLER: A bill (H. R. 24764) to amend section 9 of the act approved July 12, 1882, entitled "An act to enable national banking associations to extend their corporate exist-ence, and for other purposes"—to the Committee on Banking and Currency.

By Mr. CLARK of Missouri (by request): A bill (H. R. 24765) in relation to costs of proceedings in error in certain

to the Committee on the Judiciary.

By Mr. BATES: A resolution (H. Res. 784) increasing compensation of the House printing and document clerk to \$2,500

per annum-to the Committee on Accounts.

By Mr. SMITH of Iowa: A joint resolution (H. J. Res. 224) directing the Secretary of Commerce and Labor to investigate and report to Congress concerning existing patents granted to officers and employees of the Government in certain cases—to the Committee on Patents.

### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 24766) for the relief of

Louis Kahn-to the Committee on War Claims.

By Mr. BANNON: A bill (H. R. 24767) granting an increase of pension to Samuel Nickel-to the Committee on Invalid Pen-

sions. Also, a bill (H. R. 24768) granting an increase of pension to

W. H. Stevens-to the Committee on Invalid Pensions. By Mr. BEALL of Texas: A bill (H. R. 24769) granting an increase of pension to John George-to the Committee on Pen-

By Mr. BEIDLER: A bill (H. R. 24770) granting an increase of pension to Joseph A. Fretter-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24771) granting an increase of pension to William H. Polhamus—to the Committee on Invalid Pensions. By Mr. BROWN: A bill (H. R. 24772) granting an increase

of pension to John B. Gardner—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 24773) granting a pension to Jacob Bell-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24774) granting an increase of pension to James Amick-to the Committee on Invalid Pensions. By Mr. CAMPBELL of Kansas: A bill (H. R. 24775) grant-

ing a pension to R. J. Hiner—to the Committee on Pensions. By Mr. CROMER: A bill (H. R. 24776) granting an increase

of pension to David T. Taylor-to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 24777) granting an increase of pension to John R. Miller-to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 24778) granting an increase of pension to John Wikel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24779) granting an increase of pension to Jonathan Curtis-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24780) granting an increase of pension to N. C. Rucker—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 24781) granting a pension to John S. Woods-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24782) granting an increase of pension to George W. Willis, jr.—to the Committee on Invalid Pensions. By Mr. FOWLER: A bill (H. R. 24783) granting an increase

of pension to Sarah Jackson-to the Committee on Invalid Pen-

By Mr. GAINES of Tennessee: A bill (H. R. 24784) granting an increase of pension to Willis W. Wilkerson-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24785) granting an increase of pension to Cynthia C. Pickard—to the Committee on Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 24786) granting an increase of pension to Mary J. Merwin-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24787) granting an increase of pension to Thomas T. Phillips—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 24788) granting an increase of pension to Joseph A. Brown-to the Committee on Invalid Pen-

By Mr. HAYES: A bill (H. R. 24789) granting an increase of pension to James T. Bonnifield—to the Committee on Invalid Pensions.

By Mr. HEFLIN: A bill (H. R. 24790) granting an increase of pension to Margaret E. Lewis—to the Committee on Pensions.

Also, a bill (H. R. 24791) for the relief of John L. Hayesto the Committee on War Claims.

By Mr. HUMPHREY of Washington: A bill (H. R. 24792) granting an increase of pension to William H. Penfield—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 24793) granting an increase of pension to Joseph Brown-to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 24794) granting an increase of pension to Margaret J. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24795) granting an increase of pension to

Benjamin D. Arris—to the Committee on Invalid Pensions. By Mr. LORIMER: A bill (H. R. 24796) granting a pension to Fred M. Mason—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 24797) providing for the removal of the legal disabilities of James Terrapin, a member of the Cherokee tribe of Indians in the Indian Territory—to the Committee on the Public Lands.

Also, a bill (H. R. 24798) to reimburse Thomas P. Tobin for excess postage paid on the Indiahoma Union Signal—to the Committee on Claims.

By Mr. MURPHY: A bill (H. R. 24799) granting an increase of pension to Samuel K. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24800) granting an increase of pension to Septimus Roberts—to the Committee on Invalid Pensions.

By Mr. POU: A bill (H. R. 24801) granting an increase of pension to George G. Martin-to the Committee on Invalid Pen-

By Mr. RAINEY: A bill (H. R. 24802) granting an increase of pension to William C. Hall—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 24803) for the relief of the estate of Enoch R. Kennedy, deceased—to the Committee on War Claims.

Also, a bill (H. R. 24804) for the relief of the estate of Marcus M. Massengale, deceased-to the Committee on War

Also, a bill (H. R. 24805) for the relief of Burwell J. Curryto the Committee on War Claims.

Also, a bill (H. R. 24806) for the relief of the heirs of A. E.

Mills, deceased—to the Committee on War Claims. By Mr. SHERMAN: A bill (H. R. 24807) granting an increase of pension to Horace E. Heath—to the Committee on Invalid

Pensions. By Mr. STERLING: A bill (H. R. 24808) granting an increase of pension to Nathan E. Skinner—to the Committee on Invalid

Pensions. By Mr. TALBOTT: A bill (H. R. 24809) authorizing the President to nominate and appoint William Lay Patterson a captain and quartermaster, United States Army-to the Committee on Military Affairs.

By Mr. TYNDALL: A bill (H. R. 24810) for the relief of J. T. Blackman-to the Committee on Claims.

By Mr. WEISSE: A bill (H. R. 24811) granting an increase of pension to Samuel W. Bird-to the Committee on Invalid Pensions.

By Mr. WILSON: A bill (H. R. 24812) granting an increase of pension to Alfred Douglas Proctor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24813) granting an increase of pension to James E. Chadwick—to the Committee on Invalid Pensions.
Also, a bill (H. R. 24814) granting an increase of pension to

Dennis Hurley-to the Committee on Invalid Pensions.

### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 1556) granting an increase of pension to Susan Wigley-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11669) granting a pension to William J. Records-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14384) granting an increase of pension to John Miller—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22636) granting an increase of pension to Isaac Williams-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23532) granting an increase of pension to Jacob Slemp-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23971) granting an increase of pension to Mary E. C. Butler-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3215) granting a pension to Raymond P. Snow— Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

# PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of T. Hoeninghausen, of New York City, against interference in the Kongo Free State af--to the Committee on Foreign Affairs.

By Mr. ADAMSON: Petition of the Atlanta (Ga.) Wholesale Grocers' Association, for legislation to secure reciprocal demurrage on railway cars-to the Committee on Interstate and Foreign Commerce.

By Mr. BANNON: Petitions of Lawrence Council, No. 193; Rockwood Council, No. 105; Portsmouth Council, No. 38, and Gallipolis Council, No. 269, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)-to the Committee on Immigration and Naturalization.

By Mr. BARCHFELD: Petitions of citizens of Lawrence, Ind.; Cook County, Ill., and Westmoreland County, Pa., against bill S. 5221, regulating the practice of osteopathy in the District of Columbia-to the Committee on the District of Columbia.

By Mr. BEALL of Texas: Paper to accompany bill for relief of John Palmer—to the Committee on Pensions.

By Mr. BEIDLER: Paper to accompany bill for relief of J. Fretter-to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: Paper to accompany bill for relief of Michael Evert-to the Committee on Pensions.

By Mr. CROMER: Petition of Bethel congregation, of Muncie, Ind., against restriction of immigration-to the Committee on Immigration and Naturalization.

By Mr. DOVENER: Papers to accompany bills for relief of Horatio N. Peabody, William L. Snider, and Lucinda F. Slater-to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of the Massachusetts board of agriculture, for an appropriation to suppress the gypsy mothto the Committee on Agriculture.

By Mr. DRESSER: Paper to accompany bill for relief of John Maginnis—to the Committee on Invalid Pensions. By Mr. EDWARDS: Paper to accompany bill for relief of

C. B. Kinnett-to the Committee on War Claims.

Also, paper to accompany bill for relief of William McGeeto the Committee on Claims.

Also, papers to accompany bills for relief of Monroe Godby and Sarah Davidson-to the Committee on Invalid Pensions. By Mr. FITZGERALD: Paper to accompany bill for relief of

George W. Willis, jr.—to the Committee on Invalid Pensions. By Mr. FOSTER of Vermont: Petition of the Evening News,

against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FULKERSON: Paper to accompany bill for relief of Hiram King—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Samuel Holmes, for the ship-

subsidy bill-to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the legislature of Illinois, for protection cl the interest of the Chicago sanitary drainage district in its drainage canal in any legislation relating to deep water-to the Committee on Rivers and Harbors.

Also, petition of John G. Tiff, for an annual appropriation of

\$50,000,000 for improving waterways and for a deep waterway from the Lakes to the Gulf-to the Committee on Rivers and Harbors

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of W. W. Wilkerson-to the Committee on War Claims.

By Mr. GOULDEN: Petition of the Chamber of Commerce of New York City, for bill H. R. 17347, increasing the efficiency of the artillery arm of the service-to the Committee on Military Affairs

Also, petition of women principals of New York City public schools, for appointment of a Secretary of Education-to the Committee on Education.

By Mr. GROSVENOR: Paper to accompany bill for relief of Basel Hall—to the Committee on Invalid Pensions.

By Mr. HALE: Paper to accompany bill for relief of Frank Maloney—to the Committee on War Claims,

By Mr. HAYES: Paper to accompany bill for relief of James

T. Bonnifield—to the Committee on Invalid Pensions.

Also, petition of the Board of Trade of Templeton, Cal., and the Paso Robles Improvement Club, for purchase of the Henry ranch, San Luis Obispo County, as a military reservation—to the Committee on Military Affairs.

Also, petition of J. K. Bryant et al., citizens of California, against employment of Asiatic coolies on the Panama Zone and

for the Chinese-exclusion law to apply to Japanese—to the Com-

mittee on Foreign Affairs.

By Mr. HENRY of Connecticut: Petition of the Graduate Nurses' Association of Connecticut, for the bill providing for regulation and control of professional nurses—to the Committee on the District of Columbia.

By Mr. HOWELL of New Jersey: Petition of Samuel Gompers, favoring restriction of immigration and for an educational test in the immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of the New Jersey Society, Sons of the Revolution, for an appropriation to preserve the records of the Continental Congress-to the Committee on Appropriations.

By Mr. KENNEDY of Nebraska: Petition of the Nebraska Duroc Jersey Breeders' Association, against free distribution of seeds—to the Committee on Agriculture.

Also, petition of the Nebraska State Swine Breeders' Association, against free distribution of seeds-to the Committee on Agriculture.

Also, petition of 85 citizens of Omaha, indorsing the Hamilton prisoners-of-war bill-to the Committee on Invalid Pensions.

By Mr. KENNEDY of Ohio: Petition of Frank W. Gratten et al., against employment of Asiatic coolies on the Canal Zone to the Committee on Foreign Affairs.

Also, petition of the Trades and Labor Council of East Liverbool, Ohio, against the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Elbel Company, of Canton, Ohio, for an appropriation for a waterway from the Lakes to the Gulf—to the Committee on Rivers and Harbors.

Also, petition of Parlett Lloyd, of Baltimore, Md., against any claim of pension attorney for securing pension—to the Commit-

tee on Invalid Pensions. Also, petition of the joint executive committee on the improve-ment of Philadelphia Harbor, for an appropriation to deepen Delaware River to a 30-foot channel—to the Committee on Riv-

ers and Harbors. Also, petition of the National Private Commercial School Man-

agers' Association, for revision of the postal laws-to the Committee on the Post-Office and Post-Roads.

Also, petition of the Review, Alliance, Ohio, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. KNAPP: Paper to accompany bill for relief of Calvin

J. Ripley—to the Committee on Invalid Pensions

By Mr. LAW: Paper to accompany bill for relief of Henry C. Vedder-to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of the Massachusetts State Board of Agriculture, for an appropriation to suppress the gypsy moth—to the Committee on Agriculture.

Also, petition of Bertrand Rockwell, for legislation to increase the pay of the Regular Army-to the Committee on Military Affairs.

By Mr. LOUDENSLAGER: Petition of the New Jersey Society, Sons of the Revolution, for an appropriation to print and publish papers of the Continental Congress—to the Committee on Appropriations.

By Mr. McMORRAN: Petition of citizens, churches, Woman's Christian Temperance Union, and Epworth League, of Richmond, Mich., for the Littlefield bill, to limit the effect of the regulation of commerce between the States-to the Committee on Alcoholic Liquor Traffic.

By Mr. NORRIS: Petition of the Nebraska State Swine Breeders' Association, against free distribution of garden seeds to the Committee on Agriculture.

By Mr. PARKER: Petition of the National Encampment of the United Spanish War Veterans, for restoration of the canteen

in the Army-to the Committee on Military Affairs.

By Mr. RANDELL of Texas: Petition of citizens of Black Bridge, Grayson County, Tex., for an appropriation for the upper Red River—to the Committee on Rivers and Harbors.

By Mr. RAINEY: Petition of citizens of Sangamon County, Ill., for reciprocal demurrage on cars—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Business Men's Association of Win-Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads,

By Mr. RICHARDSON of Alabama: Papers to accompany bills for relief of estate of Enoch R. Kennedy, Burwell J. Curry, heirs of A. A. Mills, and estate of Marcus M. Massengale—to the Committee on War Claims.

By Mr. RIXEY: Paper to accompany bill for relief of heirs of Joseph W. Robertson-to the Committee on War Claims.

By Mr. RYAN: Petition of the Massachusetts board of agriculture, for an appropriation to stay the gypsy moth-to the Committee on Agriculture.

By Mr. SCOTT: Pétition of the Department of Kansas, Grand Army of the Republic, urging equalization of pensions—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: Petition of citizens of Garvin, Okla., for an appropriation to improve upper Red River-to the Committee on Rivers and Harbors.

By Mr. SPIGHT: Papers to accompany bills for relief of heirs of Charles T. Alexander and Jane B. Alexander, Nancy P. Garrison, estate of W. M. Ham, and estate of John Houstento the Committee on War Claims.

By Mr. STERLING: Paper to accompany bill for relief of Laura A. McKesell—to the Committee on Invalid Pensions.

By Mr. VAN WINKLE: Petition of the New Jersey Society, Sons of the Revolution, for preservation of records of the Continental Congress—to the Committee on Appropriations.

By Mr. WILSON: Paper to accompany bill for relief of Minnie Mae Blackburn—to the Committee on War Claims.

nie Mae Blackburn—to the Committee on War Claims.
Also, petition of William McKinley Camp, No. 12, Spanish
War Veterans, for restoration of the Army canteen—to the
Committee on Military Affairs.

# SENATE.

# Wednesday, January 23, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

Mr. Anselm J. McLaurin, a Senator from the State of Mississippi, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's

proceedings, when, on request of Mr. Gallinger, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

# THE PHILIPPINE TARIFF.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a cablegram from the governor-general of the Philippine Islands containing an appeal of the agriculturists of La Carlota, province of Negros Occidental, for the repeal of the Dingley tariff and for the establishment of an agricultural bank in that province; which was referred to the Committee on the Philippines, and ordered to be printed.

# MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 3980. An act granting a pension to Frank G. Hammond;

H. R. 15769. An act granting an increase of pension to William W. Bennett.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 22334. An act to amend an act to regulate the sitting of the United States courts within the district of South Carolina:

H. R. 24537. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1908. and for other purposes; and

H. R. 24538. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1908.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

S. 319. An act to reimburse Abram Johnson, formerly postmaster at Mount Pleasant, Utah;

S. 350. An act for the relief of the heirs of Joseph Sierra, deceased:

S. 503. An act to reimburse James M. McGee for expenses incurred in the burial of Mary J. De Lange;

S. 505. An act for the relief of Jacob Livingston & Co.;

S. 538. An act for the relief of Charles T. Rader;

S. 1169. An act for the refund of certain tonnage duties;

S. 1218. An act for the relief of Louise Powers McKee, administratrix:

S. 1231. An act to reimburse the Becker Brewing and Malting Company, of Ogden, Utah, for loss resulting from robbery of the United States mails;

S. 1236. An act to authorize payment to the Henry Philipps Seed and Implement Company for seed furnished to and accepted by the Department of Agriculture during the fiscal year

S. 1344. An act for the relief of John M. Burks;

S. 1648. An act for the relief of the Hoffman Engineering and

Contracting Company; S. 1668. An act for the relief of the administrator of the estate of Gotlob Groezinger;
S. 1894. An act for the relief of P. S. Corbett;

S. 1933. An act for the relief of George T. Pettengill, lieutenant, United States Navy

S. 2262. An act for the relief of Pay Director E. B. Rogers, United States Navy;

S. 2368. An act for the relief of the Postal Telegraph Cable

Company; S. 2578. An act for the relief of Alice M. Stafford, adminis-

tratrix of the estate of Capt. Stephen R. Stafford; S. 2724. An act for the relief of Delia B. Stuart, widow of

John Stuart:

S. 2964. An act for the relief of the L. S. Watson Manufacturing Company, of Leicester, Mass.

S. 3574. An act for the relief of John H. Potter;

S. 3581. An act providing for the payment to the New York Marine Repair Company, of Brooklyn, N. Y., of the cost of the repairs to the steamship Lindesfarne, necessitated by injuries received from being fouled by the U.S. Army transport Crook in May, 1900;

S. 3820. An act for the relief of Eunice Tripler;

S. 3923. An act to reorganize and increase the efficiency of the artillery of the United States Army;

S. 4348. An act for the relief of Augustus Trabing;
S. 4860. An act for the relief of Peter Fairley;
S. 4926. An act for the relief of Etienne De P. Bujac;
S. 4948. An act for the relief of W. A. McLean;
S. 4975. An act giving the consent of Congress to an agreement or compact entered into between the State of New Jersey and the State of Delaware respecting the territorial limits and jurisdiction of said States;

S. 5446. An act for the relief of John Hudgins; S. 5531. An act for the relief of Francisco Krebs;

S. 5560. An act for the relief of Matthew J. Davis;

S. 5675. An act for the relief of Maj. Seymour Howell, United States Army, retired;

S. 6166. An act for the relief of Edwin S. Hall;

S. 6299. An act for the relief of Pollard & Wallace; S. 6898. An act concerning licensed officers of vessels;

H. R. 23114. An act extending to the subport of Bellingham, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement;

S. R. 13. Joint resolution authorizing the Secretary of War to award the Congressional medal of honor to Roe Reisinger.

# CREDENTIALS.

Mr. GALLINGER presented the credentials of HENRY E. BURNHAM, chosen by the legislature of the State of New Hampshire a Senator from that State for the term beginning March 4, 1907; which were read and ordered to be filed.

Mr. MILLARD presented the credentials of Norris Brown, chosen by the legislature of the State of Nebraska a senator from that State for the term beginning March 4, 1907; which were read and ordered to be filed.

# PETITIONS AND MEMORIALS.

Mr. PLATT presented a petition of Washington Camp, No. 17, Patriotic Order Sons of the American Revolution, of Elmira,

N. Y., praying that an educational test be included in the immigration bill; which was referred to the Committee on Immigration.

He also presented a petition of the American Federation of Labor, praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of New York City, N. Y., and a petition of the Albany Ministerial Association, of Albany, N. Y., praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Woman's Christian Temperance Unions of Lyon Mountain and Hopkinton, N. Y., and a petition of the congregation of the First Baptist Church of Jamestown, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. GEARIN presented petitions of sundry citizens of Union, Oreg., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Portland, Sheridan, Lake Creek, Svenson, Clackamas County, and Multnomah County, all in the State of Oregon, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be already as Swider Columbia. of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. CULBERSON presented a petition of the Woman's Christian Temperance Union of Ennis, Tex., praying for the enactment of legislation to regulate the transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Improvement Club, of San Miguel, Cal., praying for the enactment of legislation authorizing the purchase of the so-called "Nacimento ranch," for Army maneuvers; which was referred to the Committee on Military Affairs.

Mr. DILLINGHAM presented a petition of sundry citizens of Barnet Village, Vt., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Rupert and Dorset, in the State of Vermont, praying for an investigation into existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a petition of sundry citizens of Nashua, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which

was referred to the Committee on the Judiciary.

He also presented a petition of the West Washington Citizens' Association, of the District of Columbia, praying for the enactment of legislation to divert the extension of Prospect avenue NW. so that it will form a junction with the Foxhall and Conduit roads; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Southwest Citizens' Association, of the District of Columbia, praying for the enactment of legislation to amend the existing smoke law so as to include locomotives of steam railroad companies operating within the District of Columbia, etc.; which was referred to the Committee on the District of Columbia.

Mr. BURKETT presented a petition of the congregation of the United Evangelical Church, of Verdon, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. PILES presented a petition of the Woman's Christian Temperance Union of Satsop, Wash. praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the

Mr. OVERMAN presented a memorial of sundry citizens of Hildebran, N. C., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented the petition of Hugh Kirkman, of North Carolina, praying for the enactment of legislation for the re-lief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

He also presented petitions of sundry citizens of Caldwell County and Blowing Rock, in the State of North Carolina, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. CARMACK presented a petition of sundry citizens of Tazewell, Tenn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of the Woman's Christian Temperance Union of Waltham, Mass., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented the petition of Thomas G. Grandfield, of Massachusetts, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

Mr. SPOONER presented petitions of sundry citizens of Madison and Albany, in the State of Wisconsin, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

### REPORTS OF COMMITTEES.

Mr. HALE. I report back from the Committee on Appropriations the bill (H. R. 24541) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes, with an amendment. I shall call up the bill the first thing after the routine morning business to-morrow morning.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. BERRY, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 23383) to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved June 25, 1906; and

A bill (H. R. 23939) to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Calumet River in the State of Indiana.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 19758) granting an increase of pension to Josefita Montano:

A bill (H. R. 19807) granting an increase of pension to John W. Marean;

A bill (H. R. 19818) granting an increase of pension to William F. Clinkscales;

A bill (H. R. 19858) granting an increase of pension to Richard E. Clapper;

A bill (H. R. 19871) granting an increase of pension to John G. Kean, alias Cain;

A bill (H. R. 19872) granting an increase of pension to Richard E. Hassett;

A bill (H. R. 19873) granting an increase of pension to Robert Webb;

A bill (H. R. 19891) granting an increase of pension to Edwin D. Bates;

A bill (H. R. 19915) granting an increase of pension to Greenleaf W. Crossman;

A bill (H. R. 19923) granting an increase of pension to Bettie Ferguson;

A bill (H. R. 19949) granting an increase of pension to Charles Van Ostrand;

A bill (H. R. 19963) granting an increase of pension to Charles Carter:

A bill (H. R. 19990) granting an increase of pension to Susan F. Christie:

A bill (H. R. 19998) granting an increase of pension to Eunice Cook;

A bill (H. R. 19651) granting an increase of pension to Joseph H. Prendergast:

A bill (H. R. 19661) granting an increase of pension to Jacob McWilliams;

A bill (H. R. 19639) granting an increase of pension to Lucy A. Kephart;

Thomas McDermott;
A bill (H. R. 19703) granting an increase of pension to Seth

Chase;
A bill (H. R. 19708) granting an increase of pension to Wil-

liam A. Lefler;
A bill (H. R. 19713) granting an increase of pension to Mary B. Mason:

A bill (H. R. 19715) granting an increase of pension to Susan M, Brunson;

A bill (H. R. 19716) granting an increase of pension to Mary F. Johnson:

A bill (H. R. 19722) granting an increase of pension to William H. Burns;

A bill (H. R. 19738) granting an increase of pension to Benjamin St. Clair; and

A bill (H. R. 19885) granting an increase of pension to Frank Scherer.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 20029) granting an increase of pension to John B. Maison:

A bill (H. R. 20064) granting an increase of pension to William C. Arnold;

A bill (H. R. 20078) granting an increase of pension to Walter M. English;

A bill (H. R. 20085) granting an increase of pension to Robert Lafontaine;

A bill (H. R. 20087) granting an increase of pension to Cassia C. Tyler;

A bill (H. R. 20088) granting an increase of pension to Mary J. Thurmond; A bill (H. R. 20096) granting an increase of pension to The-

resia Bell;
A bill (H. R. 20117) granting an increase of pension to Pres-

ton J. Michener;
A bill (H. R. 20129) granting an increase of pension to John

A bill (H. R. 20129) granting an increase of pension to John Lemly;

A bill (H. R. 20146) granting an increase of pension to Harriet C. Kenney;
A bill (H. R. 20154) granting an increase of pension to

George H. Dyer;

A bill (H. R. 20166) granting an increase of pension to Sarah Salmon;

A bill (H. R. 20198) granting an increase of pension to Mary E. Maddox;

A bill (H. R. 20199) granting an increase of pension to Joseph N. Cadleux;

A bill (H. R. 20219) granting an increase of pension to Ellen Downing; A bill (H. R. 20222) granting an increase of pension to Henry

C. Joseph:
A bill (H. R. 20229) granting an increase of pension to Jehn

F. Wotring;
A bill (H. R. 20250) granting an increase of pension to

Thomas McBride;
A bill (H. R. 20269) granting an increase of pension to Sarah

A. Galloway;
A bill (H. R. 20272) granting an increase of pension to James L. House;

A bill (H. R. 20279) granting an increase of pension to Edmund Hostetter:

A bill (H. R. 20292) granting a pension to Howard William Archer;

A bill (H. R. 20303) granting an increase of pension to John Crowley;

A bill (H. R. 1144) granting an increase of pension to Franklin McFalls;

A bill (H. R. 20327) granting a pension to Elizabeth A. Downie;

A bill (H. R. 20350) granting an increase of pension to Theodore F. Reighter;

A bill (H. R. 20351) granting an increase of pension to Peter M. Simon; and

A bill (H. R. 20357) granting an increase of pension to Jane Auldridge.

Mr. BURKETT. The bill (H. R. 12560) for the relief of John C. Lynch was referred to the Committee on Indian Depredations. The committee have been unable to get a quorum, I may say, and the Senator who introduced the bill is very anxious that it shall be considered at the present session. I therefore report back the bill and ask that the Committee on Indian Depredations be discharged from its further consideration and that it be referred to the Committee on Claims.

it be referred to the Committee on Claims.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 7495) to define the status of certain patents and pending entries, selections, and filings on lands formerly within the Fort Berthold Indian Reservation in North Dakota;

A bill (H. R. 23889) authorizing the Secretary of the Interior to issue deed of conveyance to Lyman Ballou to certain lands in Custer County, S. Dak.; and

A bill (H. R. 23927) excepting certain lands in Pennington County, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves."

#### PROTECTION OF CERTAIN ENTRYMEN.

Mr. FULTON. I am directed by the Committee on Public Lands, to whom was referred the joint resolution (H. J. Res. 190) extending protection of second proviso of section 1 of the act of December 21, 1904, to certain entrymen, to report it favorably without amendment, and I submit a report thereon. I ask for the present consideration of the joint resolution.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that where entries were allowed by the local land office prior to December 21, 1904, of lands purchased from persons who were bona fide settlers on March 5, 1904, such entrymen shall be entitled to the protection extended by the second proviso of section 1 of the act of December 21, 1904, if they have continued to comply in good faith with the requirements of the settlement laws.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and

passed.

#### LEAVES OF ABSENCE FOR HOMESTEAD SETTLERS IN IDAHO.

Mr. CARTER. I am directed by the Committee on Public Lands, to whom was referred the joint resolution (S. R. 85) authorizing temporary leaves of absence for homestead settlers, to report it favorably without amendment. I call the attention of the Senator from Idaho [Mr. HEYBURN] to the report.

Mr. HEYBURN. I ask unanimous consent for the present consideration of the joint resolution.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It grants homestead settlers upon the public domain in the State of Idaho a leave of absence from their land for a period of three months, and provides that the period of actual absence under the resolution shall not be deducted from the full time of residence required by law.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read

the third time, and passed.

# BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 8014) to authorize the National Safe Deposit, Savings and Trust Company of the District of Columbia to change its name to that of National Savings and Trust Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HALE introduced a bill (S. 8015) granting an increase

of pension to Samuel B. Hunter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURKETT introduced a bill (S. 8016) to increase the pension of Wesley Coppock; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STONE introduced a bill (S. 8017) granting an increase

of pension to Watson L. Corner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 8018) to limit the hours of employment of telegraph and telephone operators on all railroads engaged in interstate commerce in the United States to eight hours in each day of twenty-four hours, and to prescribe the time of their eligibility; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. MALLORY introduced a bill (S. 8019) granting a pension to Dempsy Hill; which was read twice by its title, and, with the accompanying paper, referred to the Committee on

Mr. PETTUS introduced a bill (S. 8020) for the relief of John D. Toppin and George W. Beard, United States Navy, retired; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PILES introduced a bill (S. 8021) granting an increase of pension to John F. Martine; which was read twice by its title, and, with the accompanying papers, referred to the Com-

mittee on Pensions.

Mr. BERRY introduced a bill (S. 8022) for the relief of the Baptist Church of Dardanelle, Ark.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. McCUMBER introduced a bill (S. 8023) granting an increase of pension to Harry N. Medbury; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced the following bills; which were sever-

ally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8024) granting a pension to Susan J. Rogers; and A bill (S. 8025) granting an increase of pension to Jedediah S. Cronkhite.

Mr. TALIAFERRO introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 8026) for the relief of the First Baptist Church of Jacksonville, Fla.;

A bill (S. 8027) for the relief of the trustees of the Bethel Baptist Church (colored) of Jacksonville, Fla.; and

A bill (S. 8028) for the relief of the First Presbyterian Church

of Jacksonville, Fla.

Mr. TALIAFERRO introduced a bill (S. 8029) granting an increase of pension to Martin B. Bartholomew; which was read twice by its title, and, with the accompanying paper, referred to

the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 8030) to correct the military record of Hezekiah A. Wood; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions

A bill (S. 8031) granting an increase of pension to Smith F. Carroll;

A bill (S. 8032) granting an increase of pension to George W. Barnhardt;

A bill (S. 8033) granting an increase of pension to Henry A.

A bill (S. 8034) granting an increase of pension to Jacob M. F. Roberts; and

A bill (S. 8035) granting an increase of pension to William

Mr. CLAPP introduced a bill (S. 8036) for the relief of S. Kate Fisher; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 8037) for the relief of Bernice Farrell; which was read twice by its title, and referred to the Committee on Claims.

Mr. BULKELEY introduced a bill (S. 8038) granting an increase of pension to John F. Ackley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SCOTT introduced a joint resolution (S. R. 88) author-

izing the building of dams and locks Nos. 9, 10, and 12 in the Ohio River, West Virginia and Ohio; which was read twice by its title, and referred to the Committee on Commerce.

# AMENDMENTS TO APPROPRIATION BILLS.

Mr. DILLINGHAM submitted an amendment proposing to appropriate \$7,200 to purchase certain land for park purposes in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$9,000 for paving Second street NW. from U street to Bryant street, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MONEY submitted an amendment relative to the employment by the Court of Claims of additional employees, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and or-

dered to be printed.

Mr, GALLINGER submitted an amendment proposing to appropriate \$3,000 for the purchase of additional ground for a site for a municipal almshouse, etc., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. TELLER submitted an amendment proposing to grant increased rank to certain officers on the retired list of the Army, etc., intended to be proposed by him to the Army appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Military Affairs.

# AMENDMENT TO OMNIBUS CLAIMS BILL

Mr. TELLER submitted an amendment intended to be proposed by him to the omnibus claims bill; which was referred to the Committee on Claims, and ordered to be printed.

# CHANGES IN DISTRICT STREET RAILWAY TRACKS.

Mr. GALLINGER. Mr. President, I desire to give notice that on Monday next, immediately after the routine morning business, if there shall be no appropriation bill under consideration, I will ask the Senate to further consider the bill (S. 6147) authorizing changes in certain street-railway tracks within the District of Columbia, and for other purposes. This is the bill which proposes to extend the street railway tracks to the Union Station. It is a matter which has become acute, and I hope to be able to have the bill passed at that time.

APPRAISER OF MERCHANDISE AT PORT OF NEW YORK.

Mr. PLATT. I ask unanimous consent for the present consideration of the bill (S. 7146) to provide for the compensation of the appraiser of merchandise at the port of New York, which was reported favorably from the Committee on Finance.

There being no objection, the bill was considered as in Com-

mittee of the Whole.

The bill was reported from the Committee on Finance with amendments, in line 3, after the first word "That," to strike out the words "from and after the approval of this act;" in line 5, after the word "be," to strike out the words "the same as that paid to the naval officer and the surveyor of said port, to wit;" and in line 6, after the word "dollars," to insert "per annum;" so as to make the bill read:

Be it enacted, etc., That the compensation of the appraiser of mer-chandise at the port of New York shall be \$8,000 per annum.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### HOUSE BILLS REFERRED.

H. R. 24538. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1908, was read twice by its title, and referred to the Committee on Appropriations.

H. R. 24537. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1908, and for other purposes, was read twice by its title, and referred

to the Committee on Military Affairs. H. R. 22334. An act to amend an act to regulate the sitting of the United States courts within the district of South Carolina was read twice by its title, and referred to the Committee on the Judiciary.

#### PRESIDENTIAL APPROVAL,

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had approved and signed the following act:

On January 22:

S. 6578. An act to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, and to amend an act amendatory thereof approved June 20, 1906.

# LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CULLOM. I ask that the appropriation bill now on the table be taken up for consideration.

The VICE-PRESIDENT. The Chair lays before the Senate the action of the House of Representatives on the legislative,

etc., appropriation bill.

Mr. CULLOM. If that bill is up, I desire to state that the Senator from Indiana [Mr. Beveridge] has given notice that he wishes to speak this morning, but in view of this appropria-tion bill being on the table, and as it has been here for some time, he has very kindly consented to defer his speech until after the bill is disposed of.

Mr. BERRY. I can not hear the Senator from Illinois. Mr. BACON. There is so much conversation in the Hall it is impossible to hear what is going on.

The VICE-PRESIDENT. Business will be suspended until

the Senate is in order.

Mr. CULLOM. The Senator from Arkansas says he did not hear what I said. I stated that the Senator from Indiana [Mr. BEVERIOGE] desires to speak this morning, but the appropriation bill having been here for some time, he has very kindly con-sented to allow the appropriation bill to be disposed of before he enters upon the speech he desires to make. Of course I understand that the appropriation bill has the right of way, but I like to be accommodating to Senators, as I was yesterday, when they ask such favors.

Mr. BERRY. Do I understand that the appropriation bill goes on now or does the Senator from Illinois yield to the

Senator from Indiana?

Mr. BEVERIDGE. Yes; it goes on now. Mr. CULLOM. The appropriation bill is now up for consideration.

bill did not have the right of way, of course, in view of the fact that it has been on the table so long, I would be very glad to yield. I would yield, under the circumstances, even if it was not a matter of right upon the part of the Senator from Illinois. I have been assured, however, by the Senator from Illinois and Senators on both sides of the Chamber that the bill will probably not take very long, probably not more than until half past 1 o'clock. I merely desire to express the hope that that is true, for the reason that the remarks which I wish to submit to the Senate were to have been submitted a week ago, and were then postponed until Monday on account of the absence of the Senator from Iowa [Mr. Dolliver], and from Monday until to-day because of the Brownsville discussion.

I am very glad to yield to the Senator, but I again express the hope that the appropriation bill will not take longer than

until half past 1.

Mr. CULLOM. Mr. President, I desire to make a remark or

two.

This bill passed the House and was considered by the committee of the Senate and reported to the Senate and passed the Senate and again went to the House. The House made an amendment to it, which is in the nature of an increase in the salaries of Cabinet officers, Speaker of the House, and Vice-President, and the Members of both Houses of Congress. first part of that provision was in the bill as sent to the Senate, and was disagreed to by the Senate. The House has amended it, and disagreed to the other amendments of the Senate. It is back here in that shape.

So far as our committee is concerned, we desire that that subject shall be submitted to the Senate itself for consideration, and it is before the Senate on the question of agreeing to the House amendment respecting these several salaries, and on my motion. I moved that the Senate concur in the House amendment as made, and that is the question now before the Senate.

Mr. PATTERSON. Let it be read.

Mr. BERRY. The Senator from Colorado desires to have the amendment read.

The VICE-PRESIDENT. The Secretary will read the action of the House of Representatives.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, January 18, 1907.

Resolved, That the House disagrees to all the amendments of the Senate, except amendment No. 222, to the bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes, and agrees to amendment No. 222 with the following amendment:

Omit the matter stricken out by the said amendment and insert the

Omit the matter stricken out by the compensation of the Speaker following:

"That-on and after March 4, 1907, the compensation of the Speaker of the House of Representatives, the Vice-President of the United States, and the heads of Executive Departments, who are members of the President's Cabinet, shall be at the rate of \$12,000 per annum each, and the compensation of Senators, Representatives in Congress, Delegates from the Territories, and the Resident Commissioner from Porto Rico shall be at the rate of \$7,500 per annum each."

Mr. MALLORY. Will the Senator from Arkansas permit me to make a parliamentary inquiry?

Mr. BERRY. Certainly.
Mr. MALLORY. I should like to inquire if the report is now open to an amendment in this body-that is, that particular part of it which has just been read relating to the increase of salaries?

The VICE-PRESIDENT. The Chair is of opinion that it is open to amendment.

Mr. MALLORY. I have an amendment to offer, which I will offer now

Mr. BERRY. I trust the Senator will not offer the amendment until after I finish my remarks.

sires me to wait until he finishes his speech before I offer the amendment. I will do so. Mr. MALLORY. Very well. The Senator from Arkansas de-

Mr. BERRY. Mr. President, I saw it stated in one of the city papers this morning that I was going to speak in favor of an increase of the salaries of Members of Congress. In view of the fact that I have always been opposed to such an increase and have stated it more than once on the floor of the Senate-one time, I remember, as long as five years ago-and that I have been against it continually, and on Monday last, when the bill was up, I stated—and it is in the Record—that I was opposed to it, I regret that the newspaper men were misinformed. What remarks I shall make, and it can hardly be called a speech, shall be against an increase of the salaries.

I regret that the Senator from Illinois has determined to have this amendment disposed of in a way different from the usual method of the Committee on Appropriations. So far as I re-Mr. BERRY. Very well, Mr. President.

member, wherever a general appropriation has come to the Senmr. BEVERIDGE. Even if under the rules the appropriation ate and amendments were offered to it—and there always are numerous amendments-and went back to the House and they disagreed to the amendments in whole or in part or agreed to an amendment with an amendment, in all such cases, I think, heretofore when the bill came back to the Senate the rule was for the Senate to insist upon its amendments and let the bill go Why a difference should be made in this parto conference. ticular bill I do not understand.

Mr. CULLOM. Mr. President, if the Senator will allow

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Illinois?

Mr. BERRY. Certainly

Mr. CULLOM. As I understand it, the same course has been frequently followed. I want to say that, so far as I was concerned in having anything to do with it, my chief purpose in taking this course is to have the Senate settle the question whether this increase of salary shall be made. Instead of going to conference to be considered by the conferees, it is only open and fair that the Senate itself should have a vote on that particular question, so as to settle it.

Mr. BERRY. Mr. President, I entirely agree with the Senator from Illinois that it ought to be settled by the Senate and by a vote of the Senate; but after the bill had gone to conference and the other amendments to it had been disposed of it would have been easy to have reported back this amendment, leaving it to the Senate, the conferees declining to take the responsibility. However, that is not very material except that it has precipitated this matter somewhat, and it looks like in a hurried way at a time before it was generally expected.

Mr. President, I wish to state the history of the bill as connected with this amendment. I presume it is in order for me to state, as they appear in the RECORD proceedings of the House of Representatives. This is the general legislative appropriation bill which was passed by the House of Representatives. tives. While it was pending in the House an amendment was offered to increase the salaries of Senators and Members to \$7,500 a year, not to take effect, however, as I remember it, until the Sixty-first Congress. There was a yea-and-nay vote had upon that proposition in the House of Representatives, and it was beaten by a majority of eighty-one, I think. The House, however, did put a provision in the bill which provided for the increase of salaries of the Vice-President, the Speaker of the House, and the Cabinet officers to \$12,000. When the Senate committee met there was no question before that committee in regard to the increase of salaries of Senators and Members, but the committee unanimously disagreed to the provision in the bill providing for an increase of the salaries of the Vice-President, the Speaker, etc. The bill was reported back to the Senate, and the Senate made no effort whatever to place this provision in regard to Senators and Members of the House upon There was no amendment offered in the committee, none offered in the Senate, to make this increase.

When the bill went back to the House they disagreed to all other amendments of the Senate, except the amendment which struck out the increase of salary for the Vice-President and Speaker, etc. To that they agreed with an amendment. They proceeded to strike it all out, to retain the provisions in regard to the increase for the Vice-President, the Speaker, and the Cabinet officers exactly as they were put there before, and to add to it the provision that is now under consideration-to increase the salaries of Senators and Members of the House to

\$7,500.

The RECORD shows that on the question of adopting this amendment in the House of Representatives no yea-and-nay vote was taken; that only 34 Members, I think, rose to second the demand for the yeas and nays; the Speaker declared that was not a sufficient number, and it passed without a yea-andnay vote, the difference between the other amendment which they had voted down and this being that the other amendment, I think, did not go into effect until the Sixty-first Congress, while this takes effect in the Sixtieth Congress, on the 4th day of March next. Those are the facts connected with this bill.

It seems to me, Mr. President, in a matter so delicate as the one of Members of Congress raising their own salaries, it would have been far better if it had been in a separate bill, thoroughly considered, and a direct vote by the yeas and nays taken in each of the Houses to see how they stood on the ques-tion. That is my view of it. However, I have no desire to criticise the other House, because they have a right to take such procedure in regard to the passage of amendments to bills as they desire.

I wish to say, Mr. President, that I am opposed to this increase, and have always been opposed to it, for several reasons. In the first place, I deny that \$5,000 is grossly inadequate as compensation to a Senator or Member of the House. I deny in the other House and in the Senate than we have to-day?

the statement so often made that they can not live on it. Numbers of them have lived on it for years. But a few years ago, I do not remember how many, Senators and Members received the same compensation and were compelled out of their own pockets to pay for the clerk hire and for the messenger service, whatever it was, that their business demanded. Since that time in the Senate a clerk with a salary of \$1,800 a year is allowed each Senator, and each Senator is allowed a messenger at \$900 a year; so the least of them-those who are not chairmen of committees—have a secretary and a messenger, whose pay combined amounts to \$2,700. That has taken off each Senator the burden of paying for his clerk hire and for his messenger

In this bill there is a provision for an allowance of \$1,500 for each Member of the House of Representatives for clerk hire; so that Representatives, as well as Senators, do not any longer have to pay out money, as they once did, for the services of a clerk.

I repeat that, while there are a number of Senators here who doubtless could make more than \$5,000 a year, yet, Mr. President, I am inclined to the opinion that, taking the other House and the Senate together, there is not one-half of them who ever has made or who ever could make \$5,000 a year if engaged in any other business. That is my judgment about it, though I may be wrong.

As I said before, while it is true that a Senator or a Member of the other House can not save money from his salary, it is

not true that he can not live upon it.

Besides that, Mr. President, it ought to be remembered that, as a rule, it is scarcely otherwise than that we are not in session for more than twelve months in every two years. The short session lasts but three months, and the long session rarely ever lasts over nine months. That would make but one-half the time of a Congress only that Senators and Members of the other House are required to be here. In the meantime they have the right, or at least they exercise the right, of practicing law or engaging in any other business which they may see proper. They are enabled in that time to increase the amount of their salary.

Again, when I am told that for members of the Senate and of the other body the salary of \$5,000 a year is wholly insufficient, I will say that I do not think the statement is borne out by the facts. But even if the salary be too small, I insist that an increase of 50 per cent on that salary can not be justified.

It is often said that there has been an increase in the cost of living. That is true; but every clerk in the Government Departments, every carrier of rural mail throughout the United States, all mail clerks, many of whom stand on their feet for ten or twelve hours continuously during the twenty-four, have likewise to pay for the increased cost of living. They, too, can come with the same complaint and say that their salaries ought to be increased. Indeed, I see that the Department clerks are now asking for an increase of 20 per cent, as are also the carriers engaged in the rural free-delivery service. If the cost of living has been increased to Senators and Members of the other House, it has also been increased to every other man engaged in any kind of business, Government employees as well as others; but though the cost of living has increased, Mr. President, those men have not the power to increase their salaries as we propose in this bill, and have the power to do, to increase our salaries. I think that is another reason why this amendment should not be adopted.

But the main reason, the principal reason, the greatest reason for my opposition to the proposition is that, as to any man who knew what the salary was when he came here, who sought the office and urged the people to elect him to it, who knew precisely what the law allowed, I do not believe that it lies in his mouth to say, "I can not live on this salary, and I propose to vote to take money out of the Treasury to increase it.

It seems to me that it is not a proper thing for any man to say that he will take this money while others claim that they are equally entitled to an increase; that we alone should have increased salaries, although we agreed to serve at the salary fixed at the time of our election, and every man here and in the other House knew what it was at the time he accepted the position. I say, under the circumstances, that everyone ought to be held and bound by that understanding.

Besides that, there is no reason on earth, so far as I can see, why any man here who is unable to live on the salary and who it is claimed can make so much more money at home should remain here. If he does not desire to stay, he can resign at any minute or any hour.

Will any Senator stand upon this floor and say that he believes that a salary of \$7,500 per annum will get a better class of men

Does he think that the ability of Senators or Representatives or the efficiency of the service here will be increased by increasing salaries? I do not think so.

Mr. President, this is a matter for each Senator to settle for himself. I have felt constrained to give my reasons because of the peculiar surroundings. I wanted it known and have it go into the Record that this is no new idea with me, as I think every member of the Committee on Appropriations will bear witness. For years I have always opposed such an increase on every occasion, even when I had five years of service ahead of me in the Senate at the time when I made such opposition.

But it is said, Mr. President, that the people of the country are demanding this increase; that they are urging it; that they are pressing their representatives in this body and in the other to vote for it. Some of the men who voted "nay" on the first vote in the House of Representatives, when the yeas and nays were called, have told me that they thereby incurred the displeasure of their constituents at home, who did not approve of their voting "nay." It may be, Mr. President—I do not know— that the fear if they continued to vote "nay," as no doubt their judgment dictated was the right vote, may have been one reason why there were only 34 Representatives who then stood up on the demand for the yeas and nays—the fear that they might be criticised for voting "nay" on this proposed increase of compensation. I do not say that that is the reason, but I say that the RECORD shows the fact to be as I have stated.

I simply desire to repeat once more, Mr. President, that I want each and every Senator to understand that I am not here to try to dictate in any way or to assume the right to criticise his action, whatever his vote may be. I could have, and can have, but one purpose in view, and that is the good name of the Senate and the House of Representatives. I think that this proposed amendment ought not to be passed and I think, if it is passed, the Senate would be flooded with applications for increase of salaries by every clerk and every mail carrier, by all the officials in the consular service, and practically by every man who is in the service of the United States. It is impossible for me to see how any Senator who supports this amendment can refuse to give to them the same increase on the ground that the cost of living is increased, that being the reason why he votes it to himself.

But, Mr. President, the Senate must settle this matter for itself. I simply wanted to give the reasons why I will not vote for the amendment. There has never been a day in the twentytwo years I have served here when I would have voted for such a proposition.

Mr. NELSON. Mr. President, I move to amend the amendment—and that motion takes precedence of the motion to agree to it—by striking out all after the word "each;" that is, all that part of the amendment which relates to the salaries of Senators, Representatives in Congress, Delegates from the Territories, and the Resident Commissioner from Porto Rico. send the amendment to the desk, and upon that amendment I shall have a few words to say, and only a few.

The VICE-PRESIDENT. The amendment proposed by the

Senator from Minnesota will be stated.

The Secretary. It is proposed to strike out from the amendment of the House of Representatives the following language:

and the compensation of Senators, Representatives in Congress, Delegates from the Territories, and the Resident Commissioner from Porto Rico shall be at the rate of \$7,500 per annum each.

Mr. NELSON. Mr. President, I have been curious and somewhat interested in looking into the compensation paid to the members of various legislative bodies in different countries of the world. I find, by examining into this question, that we are to-day receiving a higher rate of compensation than is allowed to the members of any legislative body in the world.

To the members of Parliament in Great Britain, as is well known, no compensation is paid, while in the Congress of the United States Senators and Representatives receive \$5,000 per annum each, with 20 cents mileage, counting each way, coming to Washington and returning to their homes.

Washington and returning to their homes.

The senators and deputies of France receive only \$1,800 per the senators and deputies on the state railroads. The annum, with free transportation on the state railroads. members of the upper and lower houses of Hungary receive \$1,000 per annum and \$333.33 for house rent. In the Netherlands the members of the first chamber who do not reside at The Hague during the sessions receive \$4 a day, and the members of the second chamber receive \$800 per annum and actual traveling expenses. In the German Parliament or Reichstag the members are allowed a compensation of \$800 per annum, provided they are in attendance. In Italy there is no compen-sation for the members, but free transportation is given them. In Sweden the compensation of the members is \$327 per annum, with mileage for each session. In Greece the members receive

a compensation of \$360 per annum. In Belgium the members of the lower house receive a compensation of \$800 per annum, of the lower house receive a compensation of \$800 per annum, with free transportation, while the members of the senate serve without compensation. In Portugal the members receive no compensation. In Austria actual traveling expenses are allowed, and a per diem compensation of \$4.16. In Switzerland the members of the lower chamber receive a per diem of \$3.80 and have free transportation. In Norway the members of the Odelsthing and Lagthing receive a per diem allowance of \$4.29, with their actual traveling expenses and medicines and medical attendance while they are in session. In Denmark the members of the Landsthing and Folkething are allowed a per diem compensation of about \$2.40. In Roumania the members of the senate and house receive a per diem of \$4.75 when in actual attendance. In Bulgaria, if living at the place of session, the members receive a per diem of \$3, and, if living out of the place of session, traveling expenses are allowed and a per diem of \$4.

Mr. SCOTT. Mr. President—
The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from West Virginia?

Mr. NELSON. Certainly.
Mr. SCOTT. In comparing the salaries paid to members of legislative bodies in foreign countries and the salaries paid here, does not the Senator find the proportion to be about the same as that between the wages paid to laborers in foreign countries and the wages paid to laborers in this country?

Mr. NELSON. Not at all. Mr. President, I have called attention to these figures not so much to compare the amount of salaries paid in each of these different countries with the amount paid here, but for the purpose of calling the fact to the attention of the Senate that throughout all these rates of compensation runs the same central idea, that it is not intended to pay the members of these legislative bodies a salary, as you would to a hired man or a clerk or employee or the head of a department, but it is simply to give them a sufficient compensation to pay their actual expenses.

The position we occupy is distinct from that of perhaps any ther public functionaries. We are not simply here hired out to other public functionaries. We are not simply here hired out to work for the Government for a given amount of salary, but we are here because, first of all, we feel our position to be a post of honor, one of public duty; and if the Government of the United States gives us sufficient compensation for a modest living, I think we are amply compensated. Our position in this respect is very much like that of the soldier in our Volunteer Army in time of war. No one will contend that the compensation which the Government pays the soldier in such an emergency is a sufficient compensation for the actual work he performs and the danger he incurs. Most of them would receive more if engaged in almost any other employment. But they agree to accept it because it is a great public duty, and the Government gives them a modest and moderate compensation not at all commensurate with the work, but by way of aiding them to support their families in comfort.

In our case I am aware of the fact-and we can not disguise it or mince matters here—that we are not here like great diplomats from foreign countries, who feel it to be a part of their duty to enter into the social field, expend liberally in various directions and in great social functions, thereby incurring large expense. There are some of our brethren here who are fortu-nate enough to be able to enter that field and to follow in the course of such diplomats. We are very glad that we have such members in our body; we are very glad that they are able to occupy that position; but the most of us are not in that position, and we ought to be content that the Government of the United States gives us a compensation to provide us with a modest and respectable living, and not be ambitious to shine like diplomats in the social world.

There are other fields, Mr. President, where we could increase salaries, in my opinion, to much better advantage. our poor rural mail carriers, who only receive a paltry compensation of \$720 a year for their services, and they have each to furnish from two to three horses. We had better take the amount it is proposed to confer upon members of this body in the way of increased salary and confer it upon the rural mail carriers, instead of adding it to our salaries.

If this had been a modest increase of a thousand dollars a year, so as to make the compensation \$6,000, it would not have been so bad; but it is proposed by this amendment to increase our salaries 50 per cent, to add to them \$2,500 per annum each. I feel, Mr. President, in view of the position I occupy here, in view of the honor that the people of my State have conferred upon me, that, if the Government pays me a sufficient compensation so that I can live here and at home in a modest way, I should be quite content. I do not want to be degraded into the

mere position of an employee who is simply working for the sake of a salary.

There is another thing that came to my attention in connection with the Panama Canal. It seems to run through some spheres of this Government and through other circles that a man's usefulness, a man's value in the public service, is measured by the compensation you give him; that the bigger the salary you put up the greater the results you will obtain. I think our experiences go to show that it is not always the highest-priced men or the men who get these enormous salaries who perform the most valuable service for the Government. We find many times in the Departments here an humble clerk, receiving a salary of from twelve to fourteen or fifteen or sixteen hundred dollars a year who performs more valuable service than the head of his division, or the bureau officer, or even the head of the Department, in some instances.

To my mind, Mr. President, above all things else, it seems to me degrading the high status of the position of a Senator or Representative in Congress to put us on such a basis that we are simply here working to get a salary, simply seeking the office for the sake of getting a large salary. I can not for the

life of me concur in that idea.

As I said at the outset, this is a post of honor. We are not here as mere hired men of the Government. Our value here and the efficiency of our service is never measured by the amount of salary. In the early days of the Republic, when the salaries were much more modest than they are to-day, I think nobody would contend that the public service was not as faithfully performed by the Members of the two Houses of Congress as it is to-day.

Mr. President, I trust the amendment that I propose may be adopted. I have no intention to take up the time of the Senate further, though there is a good deal I should like to say on the subject; but in view of the fact that my friend from Indiana [Mr. Beveridge] is about to enter upon the discussion of a very important bill, I feel unwilling to delay the Senator any further

on account of this matter.

Mr. GALLINGER. I trust, Mr. President, that the amendment submitted by the Senator from Minnesota [Mr. Nelson] may not be agreed to. I am one of those who have no fear of doing justice to myself and my associates as I see the matter of justice. I have been of opinion all through my public career, and especially of late years, that the compensation given to members of the two Houses of Congress was utterly inadequate, and I have never hesitated to give expression to that view.

Mr. President, it must be remembered that if added compensation is to be given it can only be given by the Congress itself.
That is the only remedy within our reach. The First Congress That is the only remedy within our reach. submitted a proposed amendment to the Constitution in these

No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representa-tives shall have intervened.

That proposed amendment, Mr. President, was defeated in the First Congress, and it was defeated by the votes of some men who had helped make the Constitution itself.

Salaries of Members of Congress were first fixed by the act of September 22, 1779. Salaries were changed March 10, 1796, March 19, 1816, June 22, 1818, August 16, 1856, and again in 1866, when the present compensation was fixed. The act of July 28, 1866, reads as follows:

That the compensation of each Senator, Representative, or Delegate in Congress shall be \$5,000 per annum, to be computed from the first day of the present Congress, and in addition thereto mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session, etc.

Mr. President, every one of the acts to which I have called attention were retroactive acts. That, I think, is a matter that has possibly not been called to the attention of Senators as a rule. The act under which we are now drawing our salaries provided retroactive pay from March of one year to July 28 of That feature is eliminated from the bill now under consideration, and if the proposed increase is allowed it will be the first law on the subject that has ever received the approval of Congress and the Chief Executive that did not carry back pay in some form or to some extent.

It will be remembered that on the 3d day of March, 1873, an act was passed known as the "salary-grab act," which increased the compensation from \$5,000 to \$7,500. That act was approved on the 3d day of March, one day before the adjournment of Congress, as I remember, and it carried back pay for that Congress. It attracted the attention of the country because of that fact. A great uproar was raised, and at the next

Congress the act was repealed and the act of 1866 was reenacted, under which act we are now receiving our compensation. The First Congress, Mr. President, fixed its salary; the Second

Congress fixed its salary, and so on from the foundation of the Government until the present time. That being the fact, it will be seen that the proposed legislation is no innovation.

Mr. President, I have been a somewhat attentive student so far as this matter is concerned. I have read the papers of the country, and I think I have some knowledge of the public sentiment on this question. Perhaps I ought not to undertake to speak for any other State than the one which I in part represent, but I am pleased to be able to state that so far as I know there has been no discordant sound in the State of New Hampshire. The people of that State and the press of that State have, with a unanimity that has been exceedingly gratifying, stated that the proposed increase was an act of simple justice and that the law ought to pass.

I have here a little country newspaper, Mr. President, edited by an old soldier—the Bristol Enterprise—published in a small town in my State, and in a brief editorial I find this:

Senator Gallinger has opened the fight in the Senate for the increase of the salaries of Members of Congress to \$7,500. This is none too large, and, indeed, \$10,000 would only be reasonable.

I think that every newspaper in New Hampshire, certainly every one that has come to my attention, has said that the proposed increase was one that ought to be granted and to which

no exception ought to be taken.

We have been increasing salaries, Mr. President, all along the line except our own salaries. There is a proposition before the present Congress to increase the salaries of our ministers to foreign countries, or of those of them who are receiving the same salaries that we propose to give ourselves, to \$10,000. Why, Mr. President, there are some private secretaries receiving almost as large salaries as Members of the two Houses of Congress are, and that will be found by an examination of the bill that is now under consideration. The heads of various bill that is now under consideration. The heads of various bureaus of the Government get more than Senators are re-The members of the Interstate Commerce Commission get twice as much. So do certain judges, and their pay continues during life, whether they are on the bench or not.

I will not call attention to the salaries that are being paid in connection with the building of the Panama Canal, because

they are rather startling in some instances.

Mr. President, there is one feature of this matter that I think it is well to say a word about, and that is that the expenses members of the two Houses of Congress must necessarily meet are not to be measured by hotel bills, or by the cost of travel, or by any of the ordinary expenses of life. There are political expenditures that we can not escape. It would be of interest, I think, to some people outside who are criticising this proposed legislation if they could examine the check books of some Senators and see what expenditures they have been called upon to meet and which they could not refuse.

The members of the Interstate Commerce Commission, the judges on the bench, those who represent us in foreign countries are not required to make political contributions, but there is not a Senator or a Representative in Congress who has not to do so at every election, and it is right that he should do it, but it takes a very considerable amount out of the small salary he re-

ceives.

I think I am stating the exact truth when I say that there are on my desk now three calls for money that I can not refuse to give—small in amount in each case, but nevertheless a burden. The delegation" are always the ones who are called upon first to contribute to all sorts of things in their States, and they have, as a matter of fact, to treat those calls with the consideration that a man who owes his position to his fellow-men must of necessity do. The proposed increase, as I said, Mr. President, is an act of simple justice to ourselves, and we ought not to further discriminate against ourselves.

It is said by some that we can resign. Of course we could. Mr. President, I venture to say that if every official of this Government from the President down should resign to-day the places could be filled by men who would not exact one dollar in the matter of salary. I think I am not mistaken in saying that every place in this body can be filled by men without salaries. The Presidency itself can be filled by men who would not count the salary a matter worth considering for a moment. But that is not any argument why when men are called to high official positions they should not be adequately paid for their services

Mr. President, I talked more than once with the late Senator Hoar concerning this matter. He was very insistent upon securing what, I think, was a proper increase in the salaries of the judges, and he gave a great deal of time to that matter and succeeded in getting the salaries of the judges increased. He said to me not long before his death that he intended to offer a bill in the Senate increasing the salaries of the members of the two Houses of Congress, and it is interesting to refer to his Autobiography of Seventy Years, where, in volume II, page 267, is found the following:

The satary of Senators and Representatives is shamefully small. This is a great injustice, not only to members of the two Houses, but it is a great public injury, because the country can not command the service of able men in the prime of life unless they have already acquired large fortunes. It can not be expected that a lawyer making from \$25,600 to \$50,000 a year, or a man engaged in business whose annual income perhaps far exceeds that amount, will leave it for \$5,000 a year. In that way he is compelled not only to live frugally himself, but, what is more disagreeable still, to subject his household to live in the humblest style in a costly and fashionable city into which wealthy persons are coming from all parts of the country.

The Members of Congress have a great many demands upon them which they can not resist.

The English aristocracy understands this pretty well. They give no salary at all to the members of their House of Commons. The result is that the poor people, the working people, and people in ordinary life can not get persons to represent them from their own class. That will soon be true in this country, if we do not make a change. I suppose nearly every member of either House of Congress will tell you in private that he thinks the salary ought to be raised.

Mr. President, those were the views of a great Senator who served his country long and who left this body a much poorer man than he was when he entered it. I think the words on this subject of Senator Hoar, whom we all loved and whose memory we all revere, ought to have great weight with us in determining

our votes on this question.

I do not think there is any argument whatever in the statistics of the Senator from Minnesota [Mr. Nelson] showing that those who represent other countries are getting even less salary than we are getting at the present time. The conditions are all different; the circumstances are all different, just as they are different in every other department of life; and it seems to me that the only thing we ought to look at in this connection is the question whether or not our experience has taught us that we ought to have a salary adequate to enable us to meet the obligations of life in this great city, where everything is ex-ceedingly expensive, and where we ought as Senators of the United States to be put in a position where we can at least do the decent thing toward our families and toward those who have a right to exact from us some consideration when they come to the great capital of the nation.

trust that all amendments to the House amendment will be voted down, and that the Senate will agree to the motion made by the Senator from Illinois to concur in the amendment made

by the House of Representatives.

Mr. LODGE. Mr. President, I desire merely to say a few words, as I am obliged to go to a conference committee; but I do wish to say something on this subject, because it is one which I have had much at heart for a good many years, from my observation of the extreme inadequacy of the present salary in very many cases, and in both branches of Congress.

In England, as the Senator from Minnesota [Mr. Nelson]

pointed out, they do not pay their members of the House of Commons at all. It is the tradition—

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. Certainly.

Mr. TILLMAN. The Senator is usually so accurate that I dislike to question his statement, but unless I am very much mistaken, since the last election and the entry into Parliament of a very large number of representatives of labor unions or what are known as the "working classes," I recall having seen in some paper a statement that Parliament has passed a law giving salaries for the first time in the history of their Parliament. I may be mistaken. It may have been merely introduced and not passed.

Mr. LODGE. The Senator, I am certain, is mistaken. No

such act has passed.

The English system came down from the time when the House of Commons was made up almost exclusively of landowners, men of considerable income. In later times poor men have entered the House of Commons, notably among the Irish members, and many of the Irish members in the House have been paid by contributions from their own countrymen and from their sympathizers in this country. Now, they have a large number of labor members, and those men are at this moment paid, unless I am greatly misinformed, by contributions of their labor unions. That seems to me the worst possible system, and it is bound to come in any representative government where there is a large democratic representation, because otherwise poor men can not serve in the representative bodies, and I think we shall find that England will perceive under present conditions the mistake that has been made and will come to the system of paying.

We have always paid in common with all the other represent-

ative bodies, and it seems to me perfectly plain that what we want to do and what we should aim at doing is to pay to Senators and Representatives a salary which will enable them to live becomingly, in accordance with the great position of trust which they hold, which may relieve them, if they desire to be relieved, of the effort to make money in other ways.

Mr. President, we have not raised the salaries for forty years. The salary was fixed at \$5,000 in 1866, and except for a brief interregnum of the bill of 1873 it has not been raised. It is perfectly clear, I think, that to the great body of Representa-tives and Senators \$5,000 is a wholly inadequate salary. There may be a few here and there to whom it is entirely sufficient. To undertake to pay men for Government service what they could earn outside, at the bar or in business, would of course be an absurdity and no one would suggest it for a moment. But it is proper, and it is not only proper but merely decent, to my mind that Senators and Representatives should have a salary which would enable them to live here as they ought to live, and not feel as my colleague, Mr. Hoar, felt at the close of his life, when he had come to be an old man, the continual pressure of a narrowness. He gave his entire life to the service of the country. He laid aside a great practice at the bar in order to continue in that service. I never knew a man who cared less about money than he did, and yet I know that in his latter years it was a continual pressure, living even as simply as he

did in this city, to get along with the salary that was allowed.

The scale of living has advanced greatly since 1866. V pay more to our Representatives and Senators than is paid abroad, because the whole scale of wages in this country is much higher and it is more expensive to live in this country. I hope that the amendments will be voted down, and that the Senate will concur with the House. The American people are a generous people. They have no desire that men whom they consider fit to represent them should scramble along as best they may with a pittance in Washington. I am certain they desire them to be justly and properly paid, and I think, Mr. President, that it is for the dignity and the decency of official life here to pay a salary proportionate to the importance of the office which is held by Senators and Representatives, and which will enable them to live not extravagantly, but simply and decently with their families in a manner becoming to their situation.

Mr. CULBERSON. Mr. President, in view of the situation in which the Senate finds itself this morning, if I knew the yeas and nays on these questions would be ordered, I should perhaps say nothing. As it is uncertain, however, whether such a vote will be ordered by the Senate, I simply desire to say, without stating reasons or elaborating those reasons, that I favor the amendment offered by the Senator from Minnesota [Mr. Nelson], and am opposed to the amendment proposed by the Committee on Appropriations.

Mr. RAYNER. Mr. President, I rise simply for the same pur-

If a yea-and-nay vote shall be taken, I shall vote against the entire amendment of the House of Representatives. not think I have a right to come here upon a salary of \$5,000 and then vote to raise that salary. I am opposed to it upon

principle and on policy.

Mr. DUBOIS. Mr. President, this is a very important question, and more important to the country, in my judgment, than it is to the individual Senators. I hold to the opinion, which has guided me during almost twenty years of life here, that a Senator ought not to be engaged in any business which can be affected by his vote, and if he finds himself confronted here with a proposition in the determination of which he is pecuniarily interested, if his private business is such that it will be affected by his vote on that proposition, I think he ought to withhold his vote.

The country is entitled to the best service we can give it and to our undivided attention. I do not agree with the Sena-tor from Arkansas [Mr. Berry] that the vacation belongs to Senators and during those vacations they can engage in some other business in order to make additional money.

Will the Senator from Idaho permit me? Mr. BERRY.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Arkansas?

Mr. DUBOIS. Certainly. Mr. BERRY. I said that, at any rate, they did engage in other business during the vacation, and I say again that they will equally do so if the salary is raised. It would not prevent them from doing so.

Mr. DUBOIS. There is not a time during the year when a Senator ought not to think of the public business. There are 90 men here to legislate for 80,000,000 people. They are selected men. They are picked men. But it has now come to the pass where every Senator is forced to make money outside of

the salary which he receives unless he has an income from some other source.

There are, I am sorry to say, not a great many left who belong to the class of Senator Hoar who go into public life early and devote their undivided attention to public questions and not to the amassing of a fortune. I think our legislation ought to be in the line of getting that class of men when young into the public service and keeping them there. Every Senator here knows that you can not properly live on the present salary. There is not a Senator here who is married and has a family whose family has not occupied in his community a good social status. They have been the leaders at home almost in every instance in all social matters. By that I mean that the wife has interested herself in charitable and worthy things at home. She has helped to upbuild, the same as the husband has, and it is not fair that when she comes here she shall be excluded entirely through lack of funds. She must accept social atten-She must discharge the obligations which are imposed upon her by the office which her husband occupies.

A young man now properly hesitates, if he is engaged in a business which is bringing him several thousand dollars a year, in the law, or any other, to accept this high position, knowing that his business will be dissipated and that at the end of his service he will be left without anything, either money or busi-I think the twenty-five hundred dollars additional would enable a Senator to live comfortably and also to keep up his social obligations in a creditable way. I am talking now of poor Senators. I know, of course, that the salary is nothing to a great many, but I do not want it to come to pass that no one can aspire to a seat here or enter upon a public career which will be permanent unless he has money. The tendency is too strongly in that direction. We should employ all proper means

to check it.

Mr. GALLINGER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. DUBOIS. Certainly.

Mr. GALLINGER. I interrupt the Senator from Idaho simply for the purpose of stating what I meant to state when I occupied the floor before, and that is that the proposed increase to members of the two Houses of Congress will impose a per capita burden upon the people of this country of just 1 cent and 4 mills. If we make this increase, each person in the United States will be taxed 1 cent and 4 mills more than each person is taxed at present.

Mr. RAYNER. How much is the whole annual amount-the

whole annual increase?

Mr. GALLINGER. About \$1,000,000.

Mr. DUBOIS. I do not think the people will figure this out in dollars and cents. If I read the signs of the times correctly and accurately measure the trend of events, the people want good service, undivided service, and honest service. not want to force their Representatives to go on the lecture platform, to write magazine articles, or to look around here and there for a business opening to eke out the salaries which they receive here. They want them to devote their attention to the interests of the people, with a mind free, so that they will not belong to this class or to the other and can legislate equally for all of them.

I think the \$2,500 a year will make a tremendous difference to Senators. They can not live on \$5,000 a year, because they must maintain two homes. They must contribute, as the Senator from New Hampshire [Mr. Gallinger] says, to campaign expenses. Their friends come here. Our western people appreciate that more than those who live close by. Good friends, close friends, call on us. The least we can do is to ask them to take luncheon with us or to take them to the theater, and every time a little church is to be built we are called upon for a small contribution. There are innumerable things which confront us in the way of demands for money, owing solely to the position we occupy, and the additional \$2,500 would not only enable us to meet those as we should meet them and to meet our social obligations as we should meet them, but it would also enable that class of Senators to carry a fair life insurance.

In my opinion, it is of more interest to the people of the country than it is to individual Senators and Members that this bill

should pass as reported by the Senator from Illinois.

Mr. MALLORY. Mr. President, for the same reason that actuated the Senator from Texas [Mr. Culberson] and the Senator from Maryland [Mr. RAYNER] to state how they proposed to vote upon this amendment, I beg the indulgence of the Senate for a few moments.

Mr. President, this is an exceptional piece of legislation. It affects every Senator very intimately and affects him in a pecuniary way. I do not propose to set up my judgment in a

matter of that kind against the judgment of my colleagues in this body, but I think, nevertheless, that by reason of the peculiar character of the question it is one which can be judged

of only by ourselves individually, each one for himself.

I will say that I am inclined to think that under existing conditions in this country the present salary of Senators and Representatives is insufficient for the majority of those gentlemen. I will go further and say that were I to vote for the pending amendment, I do not believe any considerable number of my constituents would find fault with me for so doing. Nevertheless, Mr. President, I feel under obligations to myself, without reference to anybody else or to my constituents, to vote against the amendment.

It occurs to me that we are here in a position somewhat analogous to that of a trustee. The people of the United States have confided to Congress the power to invade the Treasury and to appropriate the money therein for any purpose that in the judgment of Congress is desirable or proper. There is in that position a sacredness and a sanctity that in my judgment should never be overlooked and never be abused. In passing such a measure as this we will establish a precedent. The trustee who takes the funds of the cestui que trust and applies it to the payment of his own services is reprobated whenever it is attempted.

Mr. President, as briefly as possible, because I am aware that no one wants to hear a lengthy discussion of this matter, I will say that I believe the difficulty which presents itself to my mind can be obviated by an amendment I propose to offer. That amendment simply makes the proposed law take effect That amendment simply makes the proposed law take effect after the expiration of the term of every Senator who votes on the passage of the amendment. If my amendment to the amendment is adopted, I shall vote for it. My amendment I will read for the benefit of the Senate. It is as follows: Strike out the words "nineteen hundred and seven" and insert "nineteen hundred and thirteen" in lieu thereof. If it is adopted I shall be very glad to vote for the amendment as amended.

Mr. TILLMAN. Mr. President, merely a word. conceive that the Senate will so demean itself as to refuse to give anybody who wants the yeas and nays an opportunity to show just how he stands. I have just been reelected to this body. If I live I shall stay here six more years. I shall vote for an increase of the salary because I think it is right, not because I will get more money by it. I would have much pre-

ferred to have voted for it last year before my election for a third term, without opposition, so that those of my constituents who might object could have had a chance to determine whether or not they would continue me here. If we are ever to have an increase, men must vote here sometime affecting themselves, because the Senate being a continuous body we could never have any increase at all unless some Senators shall vote to increase their own salaries.

The proposition of the Senator from Florida [Mr. Mallory]

to have this take effect six years hence is ludicrous, because no one expects it can get many votes but his. Possibly others may agree with him, but I do not see it in that light. I believe that the people are much more concerned

Mr. MALLORY. Will the Senator from South Carolina allow

me to interrupt him?

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Florida?

Mr. TILLMAN. Certainly.
Mr. MALLORY. I intended no humor at all.

Mr. TILLMAN. I was not speaking of humor. could not by any possibility be supposed to indulge in humor.

I was just saying I believe the people are very much more concerned about the character of the work we do here and the genuineness of the representation of the people, the honesty and loyalty of their Senators, than in any other quality of a Senator or about a proper and just increase of pay. There is great complaint that this body represents corporations and wealth and does not represent the people. If that be true, more's the pity.

It is not a question of the million dollars which this increase will take from the Treasury. It is a question whether we shall have men here who will fritter away hundreds of millions on favored interests, on special classes, on this job or that, rather than to subserve the public welfare by trying to watch the Treasury and do that which is just. I did not consider the question of salary when I asked to be sent here. My constituents are not considering it now. They want the best service, and I have tried to give it to them.

So far as the responsibility for this lies, I am prepared to take it, and if any considerable number of my constituents find any fault I am ready to resign and let the people pass upon the question.

Mr. DANIEL. The Constitution of the United States, Mr. President, has confided to one body, the Congress of the United States, the obligation and duty of fixing its own salary. In doing so the people contemplated and have a right to require that every man shall deliver his honest judgment, whether he puts himself in a disagreeable position or no. I am well aware that most of us have an interest in the question of salary. The people knew that when they sent us here, and they knew it was one that we could neither avoid, dodge, nor confer upon anyone else.

It is exceedingly painful to a man of delicate sensibilities to take part in a matter in which he inevitably is interested. That should not constrain his mind, but he should remember that he is but one of many who are in a similar case, and he should act according to his own judgment and responsibility and do ex-

actly what he thinks right, whatever its consequence.

There are 90 Senators and 386 Representatives. give our judgment as to all of these public servants and say what is right for them, and self should not sway the scale either to make anyone of them increase the salary or shrink from voting as he thinks. We can not be higher than the That has made us the judges. We can not, if Constitution. we would, rise higher than the Constitution. Accepting its truth, we should exercise it without suspicion of ourselves and fearless of those who may take counsel of suspicion.

It is my conviction that the interests of this country require that it should enlarge the salaries of its Senators and Representatives; and so thinking and believing, I wish to stand and

be counted on that side.

So far as the House of Representatives is concerned, there is one thing that we should remember. Of all the hundred thousands of officeholders and appointees whom we have in this country the House of Representatives is the sole body of public servants who are chosen by the people. They are the people's immediate representatives. While for years and years they have swollen the salaries of judicial and executive officers they have kept themselves down at so low a rate that they can not with such a salary support their families in the appropriate way in this city and conduct themselves in the most efficient way to serve the people without the strictest economy nor often without a certain niggardliness that is foreign to their duty, disposition, and spirit.

I believe it is in the interest of popular government that those intimate and immediate servants whom the people have sent here to represent them amid an environment which may be tempting to the weak and which is a burden to the strong should have the tools of their trade to work with in a workmanlike way.

Only thus can they fulfill their office.

In a great body there will be diversified classes of men, but we must suppose every member to be worthy of his place. There is no man who is intellectually, morally, and in education and ability worthy of his place in the Congress who could not, in my humble judgment, with a due disposition of his talents, support himself more comfortably with a less salary at home or realize more if he bestowed upon his private business the talents which he bestows upon the public service. At least such is the rule. But there are some men eminently qualified for duty who have not money sense. They may be scholars profoundly versed; they may possess great knowledge of law and of men and things, but they may know not common necessities nor possess the faculty that takes in the mechanics of money. Daniel Webster was of their kind, and both Clay and Calhoun were of a sort of kindred spirit. Such men may make great Senators and great Representatives, and have done so.

All should be paid a reasonable amount, not in extravagance, not in penuriousness, not in excess, and not in meanness, but the old common-law valuation, the sum that a good and intelli-

gent man is reasonably worth.

It is the interest of the masses of the people that those poor in fortune but sound in character and of patriotic and able mold should come to Congress. They can not do it without sacrifice as matters now stand, nor can they do it without stinting the means of accomplishment and having anxious minds as to their present situation. Sacrifice is right when needful, but government should not organize sacrifice.

As to the Senate, it is a body which in some respects has larger burdens than the House. It represents the States as well as the people. Each Senator has on an average nearly 1,000,000 constituents. The Senate is both an executive body and a judicial one, and sometimes when the House adjourns to its home the Senate is retained here to consider the most difficult and perplexing questions that concern the nation and the fortunes of the people not only of this country, but of the whole world in their correlation with us.

lives in an atmosphere of public criticism. But, Mr. President, there is scarcely a Senator here who does not know the fact that men accustomed to the plain respectabilities of life-I do not speak of those who belong to fashion and seek its association, but the men of the great middle class who are accustomed to the refinements of life-can not keep their families in the city of Washington and support themselves out of the present salary. The incidentals of their association are those of constant expenditure, and this salary, \$5,000 or \$7,500—and indeed if you should increase it to \$10,000 or \$12,000—would not enable them to go into the social whirl with the diplomat and the gentleman of money. They are not "in it" now and could not be "in it" if the salary were multiplied by three or four.

It is not for "society," in the sense that the word is used by those who have the means and the taste to indulge in entertaining and in the luxuries that mark the lives of the rich in great cities, that salaries should be raised, but for those who efficiency in their places and would not be lacking in the hospitable nature that their people have at home, and which should

not be denied by their representatives.

No place in the society of fashion can come in the purview of a \$5,000 salary, nor in the \$7,500 which it is proposed to give the Senators and Representatives. The man who strikes an even balance here with either sum would be a man worthy to be promoted as a financier to become the Secretary of the Treasury. The English House of Commons, as has been pointed out, gets no What is the result? Less than a majority is a quorum. Half the members are seldom in the Parliament hall. Absenteeism is the rule. Many are supported by outside interests which they are sent there to serve. This should never be; but it surely will be when the representatives of a people are not reasonably paid. We want men here in Congress who serve the people only, and who serve them efficiently; and in return they should receive a fair compensation. We do not want Senators and Representatives who are supported by "the interests."

The executive department or its higher officials have greater salaries now than Senators and Representatives. The judicial department has larger salaries; and, more than that, those who fill them are taken off the billet with salaries in retirement.

Senators and Representatives do not seek, ask, or desire that they be taken care of when their days are up and weakness But they have a right to take common care of themselves while serving the people whom they are to serve and whom they are in honor and duty bound to serve faithfully. What are they afraid of? The people? No. The people have intelligence and honor, and do not fear the honest opinion of those who are of them and for them.

I believe this is all that I have to say, Mr. President, except to commend the speeches which have been already made by the Senator from New Hampshire [Mr. Gallinger], the Senator from Idaho [Mr. Dubois], and the Senator from South Carolina

[Mr. TILLMAN]

There is nothing to be said that could disparage the addresses which have been made upon the other side. There is no man in this body who has a higher respect for the Senator from Arkansas [Mr. Berry] or the Senator from Minnesota [Mr. Nelson] than I. I know the work of those men, and that it is a solid and substantial work. I know the sensibilities which must actuate them on this occasion. While I share those sensibilities, and while I dislike exceedingly to be placed in a position by my public office in which I must pass upon such a question as is now presented, I must meet it in the spirit of justice to all concerned and deliver my judgment honestly and squarely according to the facts. This I have now done. On my honor as a Senator and a man I believe the salaries of Senators and Representatives should be increased that they may the better exercise their office. Accordingly I shall so vote without suspicion of myself, and not questioning the intelligent public opinion which ought to, and will, pass upon the matter.

Mr. TELLER. Mr. President, the Constitution of the United States gives to Congress the power to increase the salaries of Members. It is not lodged anywhere else. The proposition is now made to increase the salaries. If I vote for it, I vote to increase my own salary from the 4th of March next until the 4th of March, 1909, when I shall go out of public life. Am I justified in refusing to vote, if I think that ought to be done, because some person will criticise me, because some people will say that the Senator from Colorado voted because he wanted that \$2,500 additional? Mr. President, I shall vote for this proposition upon the theory that it is right. In my twenty-seven years or more of service in this body I have never been frightened away from a vote that I believed it was my duty to cast.

Senators say that they are sensitive about increasing their We will be criticised whatsoever we do, for every public man own salary. Mr. President, I am not sensitive in the exercise

of any constitutional duty put upon me. I do not intend to go into any discussion, however. On two or three occasions before, when I had an opportunity, I voted to increase the salaries. I do not claim that I would not stay here if the salary is not increased. I suppose if when I came here in 1876 the salary had been \$3,000 a year I would still have been here. It has not been a question with me of salary, but it is a question with some Senators as to salary.

I do not know for certain whether we are to have a roll call. but I want to have it distinctly understood that I regard my-gelf as discharging a duty imposed upon me by the Constitution, and I would not flinch from it if the world was to criticise me in the severest possible degree. I do not believe it will, but if it did it would make no difference in my vote.

Mr. MONEY. Mr. President, this is my thirty-second winter In the city of Washington. I have known almost all the men in both Houses of Congress. I do not know any of my personal acquaintances who has ever served any length of time in either House who went out of it with as much money as he went in. My distinguished and dear friend from Arkansas [Mr. Berry] has been here twenty-two years. He voiced a while ago the honest sentiment he entertained and expressed years ago, when everybody thought he was here for life, and yet I venture to say that that gentleman goes away to-day with not one-tenth of the property he had when he came here, and under such circumstances he goes away at his time of life to battle with the world for a living. I am to serve here for four years more from the 4th of next March, and, as far as I can get any assurance from the public, I would have no opposition if I chose to come back. I do not choose to come back.

But, Mr. President, in deciding this question for myself, as each man must (and I am not authorized to criticise any man for his feeling about it or his vote), I want to be put on record, and I want to vote. I shall vote for this proposition because I think it is right. I do not think, speaking for myself, cover four hundred and eighty-odd other gentlemen whose salaries I am voting on. I can not believe that I am "it." I am only a very small part of "it"—one four-hundred-and-eightieth of "it." that I have a right to hold myself so close to my eye that I

I know, Mr. President, that this is the most poorly paid body of servants in the employment of the Government. not a country on the face of the globe that pays its inferior and subordinate officers so high and its higher officers so low as does the United States of America. A lieutenant in the German army gets \$240 a year, and he can not marry without the consent of the colonel, and he must prove that he is able to take care of his wife and children or he can not marry at all. A telegrapher in Russia who goes to the smallest post must be able to telegraph in Russian, German, English, and French, and his stipend is \$100 a year. An English postmaster does not get \$5,000 a year for keeping a post-office, but \$1,000 is paid in So with all the inferior grades. I want to say that England. I do not believe the inferior grades of the service, I mean the lower, are paid enough here.

I do not see myself that there is the slightest delicacy in a man voting for the increased pay of all the Members of Congress because he perchance as one of them will receive an addition to his pay. The only question is this, and in my opinion it is the only one that should be considered: Is it right? Is \$5,000 a just and reasonable compensation, or is \$7,500 a more just and reasonable compensation? If any Senator here does not believe that he ought to have \$7,500, then he should vote for \$5,000. If any Senator here believes that the work calls for \$7,500, then he is at perfect liberty, in my opinion, to vote for that amount, because he believes it is right and not because his interest is affected by it.

The VICE-PRESIDENT. The Senator from Mississippi will suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The Secretary. A bill (S. 7709) to revise, codify, and amend

the penal laws of the United States.

Mr. FULTON. I understand the Senator from Indiana [Mr. BEVERINGE] desires to proceed with his speech upon the conclusion of the matter now pending, and therefore I ask unanimous consent that the unfinished business may be temporarily laid

The VICE-PRESIDENT. The Senator from Oregon asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from Mississippi will proceed.

Mr. MONEY. Mr. President, it has been truly remarked here that a great many men sit in this Chamber whose income makes this salary a mere bagatelle. I have myself personally known two Senators who at the end of each month handed over his check for \$416 to his private clerk. Others here will vote for this measure to whom it is nothing whatever, to whom there is not as much in one year's pay as a day's pay is to me, but they will vote for this bill because they do not believe the present salary is sufficient for the work done and the character of men to be employed.

With all deference to the rich men by whom I am surrounded, I want to say the interests of the men of this country are in the main in the keeping of men who have to toil with their hands or brains for a living for themselves and their families. It is true, exactly as the Senator from Arkansas [Mr. Berry] and the Senator from Colorado [Mr. Teller] have stated, that men would come here at a salary of two or three thousand dollars a year, and yet we must acknowledge that the compensation must justify the great class, for the talent of the country must be brought here for the administration of the public affairs of a great nation. This is a nation of 85,000,000 people; there are \$74,000,000,000 of property here; and these vast interests are put into the hands of this Senate at the last. It must pass upon every measure that comes before it, and this Chamber must work with a free hand.

Mr. President, I am perhaps the poorest man in the Senate. do not feel ashamed of that. If I sat here a thousand years do not suppose I would be worth a cent more than I am to-day. I would not try to be and I would not want to be. But I recollect a conversation with General Butler, when he was a Member

Mr. CARMACK. Mr. President-

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Tennessee?

Mr. MONEY. Certainly. Excuse me; I did not see the Sen-

Mr. CARMACK. I do not want the statement of the Senator that he is the poorest man in this body to pass unchallenged. [Laughter.]

Mr. MONEY. I did not see the Senator when I made the re-I except the Senator from Tennessee. He is just as poor as he deserves to be.

But I was about to recall that I had a conversation with Gen-ral Butler in the Forty-fifth Congress. I said: "I must say eral Butler in the Forty-fifth Congress. that I am surprised at the readiness with which you meet every question that comes up, and how well prepared you are on every-thing." He said: "It is no secret particularly. I have got four extremely intelligent young men to whom I pay handsome salaries. I send those young men to ransack the libraries upon every question on the calendar in which I take an interest. They make a precis of facts; they have references to volumes, citations, and so on. They come to me with the matter already There is very little labor for me to master these prepared. things when they are prepared for me in that way." many of those here can afford to do anything of that sort? They must dig it out themselves. It is quite true, as the Senator from Arkansas has said, that the Senate in a moment, not of liberality to themselves particularly, but for the benefit of the country that its work may be properly performed, gave an allowance that goes, not to the Senator, but to his clerk and to his messenger. That messenger is what? Generally a stenographer or a man who reads books for him or something of that sort. I want to say that this assistance is not only well deserved on the part of a member, but it is the best investment of money the United States has ever made. The people of the United States are deriving more benefit from the assistance supplied by the clerks and secretaries than the Senators and Representatives themselves are receiving from them.

If I had a great business that required so many servants and men of such character, if I had an expenditure of \$750,000,000 per year, as the United States Government has, I do not think that I would get men to manage my affairs who would serve me for \$5,000 a year. What corporation in this country does not give its chief counsel from twenty-five to fifty to one hundred or one hundred and fifty thousand dollars a year? There need be no delicacy about this matter. The only thing is to act with conscientiousness. If it could be fixed to have a sliding scale of salaries so that a man who thought he was worth \$5,000 could go up and draw that much and a man who thought he was worth \$7,500 could draw that much, I suppose everybody

was worth \$1,000 could thaw that index, I suppose everybody would be willing to vote for this proposition; but we can not have a thing of that sort, Mr. President.

I for one have never felt in my life that I have been sufficiently paid for anything that I have done. Montesquieu made a remark in his Spirit of Laws that in a monarchy no gentleman ever felt that he was honored or dignified by any position the king could give him; he was always equal to it. So I do not believe there is a man in this Chamber to-day who is not

worth \$7,500 a year.

As I said, I will vote for this proposition to go into effect on the 4th of March next or on the 4th of any other March, although that is not the custom in raising salaries here. Congress has raised the salaries six different times, and in every single instance they were not in the future, but all retroactive. One was for two years, one was for four months and sixteen days, one was for six months, one was for six days, another one reduced the salaries, and that, too, was retroactive. The only trouble about that was, how in the deuce did they get back the money from the men who had drawn it? But that is the history of the change in salaries. So the salaries have been put up and put back and put up again repeatedly, and no solitary act has ever been anything except retroactive.

Now, that is not an argument in favor of retroaction, for I do not believe in it. I do not see how Congress did it; but not knowing the circumstances that environed those Congresses, respectively, I can not criticise them much. But I know this will take effect with another Congress, and that this Senate will turn out not one-third of its Members in number, but it will have nominally one-third of new membership every two years. So you would never find a time when Congress could vote this increase of salary, because they will be coming in and getting the benefit of it. But if you put it four years ahead, as proposed by the Senator from Florida, then you must calculate that the Representatives will not be there. There will not be one-third of those Representatives there in four years from today, and that one-third think they are entitled to vote for their successors in office.

Mr. President, for my part I want to have a roll call on this question; and I want to go on the roll as in favor of an increase of salary for those who are to come after me; and for myself I shall accept it, if the law is passed, and it will come to me without the slightest squeamishness, or I would rather say, perhaps, delicacy upon my part about it.

Mr. PATTERSON. Mr. President, I ask the Secretary to read the amendment that I intend to offer.

The VICE-PRESIDENT. The Secretary will read the proposed amendment.

The Secretary. It is proposed to add the following proviso: Provided. That as to the Vice-President of the United States and Senators, Representatives in Congress, Delegates from Territories, and Resident Commissioner from Porto Rico, the compensation above provided for shall not apply for the term or terms for which either has already been elected or shall be elected in the year 1907, but it shall apply after the expiration of such terms.

Mr. PATTERSON. Mr. President, I suppose as long as one is a member of this body his votes should be cast conscien-If I were to follow my impulse I would stand side by side with the Senator from Idaho [Mr. Dubois], the Senator from Mississippi [Mr. Money], the Senator from Virginia [Mr. DANIEL], and the others who advocated the amendment as it

comes from the House.

I am not opposed to the increase of salaries for Senators and Members, but the view I take of the proposition is that there is not a Senator or Member who has not sought the position he now occupies and who was not elected or appointed to that position with the express or implied understanding that he would serve for the term for which he was elected at the compensation fixed by law. I take it that, with that compensation upon the statute books, every official mentioned in the proviso I have had read sought the place, and sought it earnestly, except, as a matter of course, the presiding officer of this body, whom I would not class in the category of office seekers under any circumstances. But it seems to me that there is not a Senator or Member who is not occupying his place with an implied contract with his constituency that he will serve out his term at the salary upon the statute books at the time he was

There has not been a Senator elected this winter, there was not a Representative elected in the month of November, there will not be a Senator elected during the year 1907, and there are but two or three, I understand, yet to be elected, who will not be in the office or who will not be seeking the office with an implied promise to his constituency that he does not seek or desire and will not vote to increase his salary.

It is true, Mr. President, that when the law will go into effect (for doubtless it will be passed by a decided majority of this body) I will not be one of the beneficiaries. If I was I would vote and speak against it the more earnestly. But I do not feel that I have any greater right to vote to increase the salary of those who I believe or hold to have an implied agreement with the country to serve for a specified time at a specified sum than -I have to increase my own salary. I do not disagree with those

who maintain that the present salary is not sufficient to afford to those who receive it such a comfortable living as gentlemen of the character who occupy these positions are entitled to have. I do not believe that there is a Senator or Member in the present Congress who has not come here at a considerable financial sacrifice. If he is a lawyer, he must sacrifice many professional fees. If he is a business man, he can find no one who will give the same attention to his business as he is able to give to it himself. If he is at the head of a manufacturing establishment or a great commercial body, he must necessarily sacrifice during at least a year of each Congress interests of vast importance to him and that no one else can serve as he did and could.

But, Mr. President, these positions were sought with a knowlege of these facts. The honor and the dignity of a position edge of these facts. in either House, I have no doubt, they felt were ample consideration for the sacrifices they would make in taking positions in either the one or the other body. Under those circumstances. Mr. President, it seems to me, however others may feel-and I make no issue with those who feel or speak to the contraryit seems to me that the obligation, the implied agreement, between the candidates and their constituencies when selection was made should not be broken for the sake of the comparatively small increase of salary that this amendment will bring. I say comparatively small increase of salary, for I do not believe that the \$2,500 per annum would deter a single Representative or a single Senator from seeking to acquire the position in the first place or to maintain it after it has been acquired.

Nor do I believe, Mr. President, that the failure to adopt the amendment that comes here from the House of Representatives would deter any Senator or Member of the other House from seeking to retain the position which he now has. It is in reality a small matter to this great Government. The matter of a million dollars for two, three, four, or five years will not be felt in the billion dollars that is now annually appropriated for carrying on the affairs of the Government. It is not the sum that is involved, Mr. President, that I flinch at; it is a mere bagatelle; but why I hesitate to vote for the amendment is because I believe there is an implied agreement that should not be ignored and which I do not feel at liberty to ignore.

This question was up, I think, about four years ago. It was then claimed by some of my constituents that the vote I gave prevented the adoption of such an amendment as this, a provision that increased the salaries of Senators and Representatives to the sum of \$7,500 a year. The reason that vote was given is the reason which impels me to offer the amendment There was no opportunity to cast a vote which I have read. at that time directly upon that proposition; but the motive that impelled me to cast the vote was that I did not feel that I had a right to vote to raise my own salary or to raise the salary of any other Senator or Member of the House of Representatives. Then, as now, I was entirely willing that an amendment should be adopted, or a law passed, that would increase the salaries of Senators and Members of the other House, as new Senators and new Members would be elected after the law had gone into

I regret, Mr. President, that I am unable to vote for the amendment which comes from the other House. It will give me great pleasure to vote for the amendment if it shall be amended either as is proposed by the Senator from Florida [Mr. Mallory] or as it is proposed to be amended by the amendment which I shall offer, for \$7,500 is not too much, although \$5,000 is quite ample, in view of the honor and dignity of the position which the amendment affects, to bring to these bodies the very best talent of the country and men of the highest character and most admirable ambition.

Mr. CULLOM. Mr. President, I have desisted from saving anything on the pending proposition, and I shall not say anything upon it during the discussion. It had been announced that the Senator from Indiana [Mr. Beveridge] would make a speech to-day, and I supposed when we began the discussion and consideration of the bill that it would probably be ended inside of an hour or two. I am very anxious that we shall come to a vote on the bill as soon as possible, so that the Senator from Indiana may take the floor.

Mr. STONE. Mr. President, it is not my purpose to occupy more than a moment of the Senate's time, even if I were not restrained because of the fact that the Senator from Indiana Mr. Beveringe] desires to speak, as the Senator from Illinois [Mr. Cullom] has just stated.

Mr. President, it does not lie in my mouth to criticise the word or act of any other Senator, and I do not intend to do so by what I am about to say. This is a question that every man must determine for himself from his own point of view. I believe the salary now provided for Senators and Representatives is inadequate; but I can not, from my point of view, vote to in-

crease the salary during the term for which I have been elected. If an amendment could be adopted that would put the operation of the law increasing salaries beyond the terms of Senators and Representatives now elected, I should support it, but not otherwise. As the matter now stands, I shall feel myself constrained to vote for the amendment proposed by the Senator from Minnesota [Mr. Nelson], and if that be not agreed to, then to vote against the entire proposition.

I desire to ask the Senator from Missouri a question. He admits that the present pay of Senators and Representatives is inadequate, but declines to be in a position where he votes to raise his own pay. It seems to me that it is within the power of every Senator to be perfectly at ease with his own conscience and with his constituents, for if the salary is increased and he declines to vote for such increase, and he prefers to receive for himself the same salary as now—the same salary as when he was elected—he can refuse to draw the increase and can make the people understand his position in that way. It seems to me that would be a perfectly safe way out of the matter, as it is a matter between a Senator and his constituency and between a Senator and his own individual con-

Mr. STONE. Mr. President, what I might do or some other Senator might do in such a contingency is not important. does not affect the question of right or propriety involved in the pending proposition. That is all I care to say, Mr. Presi-

Mr. McCREARY. Mr. President, I did not expect to participate in this debate on the salary question; but as it seems probable, from the many advocates of the pending amendment of the House of Representatives, that there may not be a call of the yeas and nays, I think it is proper and just to myself to say that I am not in favor of increasing the salaries of Sena-tors and Representatives. I shall vote for the amendment offered by the Senator from Minnesota [Mr. Nelson], and if that is not adopted I shall vote against the amendment proposed by the House of Representatives increasing the salaries of Senators and Representatives to \$7,500 per annum. I am in favor of allowing the salaries of Senators and Representatives to remain as now fixed by law, at \$5,000 per annum.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota [Mr. Nelson] to the amendment of the House of Representatives.

Mr. NELSON. On that I ask for the yeas and nays. Mr. MALLORY. I should like to have the amendment of the House of Representatives read as it would read if the amendment of the Senator from Minnesota be adopted.

The VICE-PRESIDENT. The Secretary will read the amendment of the House of Representatives as it would stand if the amendment proposed by the Senator from Minnesota be adopted.

The Secretary. It is proposed to amend the amendment of the House of Representatives, after the word "each," by striking out the words:

and the compensation of Senators, Representatives in Congress, Delegates from the Territories, and the Resident Commissioner from Porto Rico shall be at the rate of \$7,500 per annum each.

So that, if amended, it will read:

That on and after March 4, 1907, the compensation of the Speaker of the House of Representatives, the Vice-President of the United States, and the heads of Executive Departments who are members of the President's Cabinet, shall be at the rate of \$12,000 per annum each.

Mr. BACON. Mr. President, I do not desire to say anything at this time upon the main proposition, but as to this amendment I want to say a word.

However I may vote on the main proposition I am certainly opposed to this amendment. As I have previously stated on the floor of the Senate, so long as the standard of compensation of Senators and Representatives remains as it is, I will recognize that as the correct interpretation on the part of Congress of what should be the standard of compensation and I will never vote for the increase of the salary of any other officer of the Government. The only exception I make to that is the case of the Vice-President.

I think the compensation of the Vice-President is disgrace-fully low. I thing the compensation of the Vice-President should be at least \$25,000 a year. I have served in the Senate during the Administrations of three different Presidents and of four different Vice-Presidents, and my deliberate judgment, from such observation as I have been able to make, is that the expenses of the Vice-President are larger than the expenses of the President of the United States. I think the Vice-President expends more money by reason of his office—and I am not speaking of this particular Vice-President, but of the four under whom I have served—the Vice-President expends more money by reason of his official position than does the President of the United States. It is very natural that such should be the

case, because of his more intimate and wider association with official life than the President of the United States has, except in a very long-distance manner.

So I make that exception, and I would be very glad to vote for that; but as to saying that, while we recognize \$5,000 as a correct compensation for a Senator and a Representative, the head of a Department should have \$12,000 is ridiculous to my mind, and I would never vote for it under any circumstances. do not say this in regard to the merits or the demerits of the main proposition, but I want the reason stated why I shall most certainly vote against the amendment of the Senator from Minnesota. I think everybody else should properly vote the same way

Mr. President, in view of the remarks of the Senator from Georgia [Mr. BACON] about the inadequacy of the compensation of the Vice-President of the United States, I desire to say that the amendment I offered was based upon the proposition that the salary of no official who is elected for a specific term should be raised during that term. In many of the States of the Union there are constitutional provisions against the increase of compensation to any official during his term of office. It is so in my State, and I regard that constitutional inhibition as a wise and a proper one. If it were a proposition to increase the salary of the Vice-President to \$20,000 or \$25,000 a year, pure and simple, to make that the compensation for that high official, I would vote to do so with the greatest cheerfulness, provided I could do so without infringing the principle upon which my amendment is based. Under the circumstances, or, at least, in view of the suggestion made by the Senator from Georgia, I thought it was due that I should say

Mr. CULLOM. I ask for a vote.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Minnesota [Mr. Nelson], on which the yeas and nays are demanded. Is there a second?

The yeas and nays were ordered.

Mr. BURROWS. I ask that the amendment be stated.

The VICE-PRESIDENT. The Secretary will again state the amendment proposed by the Senator from Minnesota.

The Secretary. In the amendment of the House of Representatives it is proposed to strike out the following words:

and the compensation of Senators, Representatives in Congress, Delegates from the Territories, and the Resident Commissioner from Porto Rico shall be at the rate of \$7,500 per annum each.

Mr. FORAKER. I did not understand that that was the amendment offered by the Senator from Minnesota.

The VICE-PRESIDENT. The pending amendment is the amendment proposed by the Senator from Minnesota.

Mr. WARREN. As the amendment was read it sounded as if the salaries were fixed at \$7,500. Surely that is not the purpose of the Senator from Minnesota.

Mr. BERRY. The Senator from Minnesota moves to strike that out.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I understand from his colleague [Mr. Daniel] that I have a I vote "nay."

Mr. DANIEL (when Mr. Martin's name was called). I desire to say that if my colleague [Mr. MARTIN] were present, he would vote "nay."

The roll call was concluded.

Mr. ALLISON. I am paired generally with the senior Senator from Alabama [Mr. Morgan]. I do not know how he would vote on this question; but if he were present, I should vote "nav

Mr. NEWLANDS. I am paired with the Senator from South Dakota [Mr. Gamble]. I transfer that pair to the Senator from Virginia [Mr. Martin], and vote. I vote "nay."

The result was announced—yeas 17, nays 56, as follows:

	YI YI	EAS-17.	
Berry Blackburn Burkett Carmack Clay	Culberson Frazier Hansbrough McCreary Mallory	Nelson Patterson Perkins Rayner Stone	Taliaferro Whyte
	N/	AYS-56.	
Aldrich Allee Ankeny Bacon Benson Beveridge Brandegee Bulkeley Burnham Burrows Carter	Clark, Mont. Clark, Wyo. Clarke, Ark. Crane Cullom Daniel Dick Dillingham Dubois Du Pont Flint	Foraker Foster Frye Fulton Gallinger Hale Heyburn Hopkins Kean Kittredge Knox	La Follette Latimer Lodge Long McCumber McEnery Millard Money Newlands Nixon Overman

Penrose Pettus Piles	Scott Simmons Smoot	Spooner Sutherland Teller	Tillman Warner Warren
	NOT	VOTING-17.	
Alger Allison Bailey Clapp Denew	Dolliver Dryden Elkins Gamble	Hemenway McLaurin Martin Morgan	Proctor Wetmore

So Mr. Nelson's amendment to the amendment of the House of Representatives was rejected.

Mr MALLORY. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated. The Secretary. In the amendment of the House of Representatives it is proposed to strike out the words "nineteen hundred and seven" and insert in lieu thereof the words "nineteen, hundred and thirteen;" so that, if amended, it will read:

That on and after March 4, 1913, the compensation shall be, etc. Mr. PETTUS. Mr. President, I think the amendment of the House of Representatives is right, and, in order to illustrate it, will take the privilege of speaking of my colleague [Mr. MORGAN].

He began his education at the old field school. He has always been a student from boyhood. I knew him when he first became a lawyer, and I have known him ever since. I have lived

in the same village with him for about sixty years.

Mr. President, the senior Senator from Alabama commenced life without anything. You have all seen how hard he works here. He has worked that way all his life. I have been his associate and adversary for over sixty years. He has always been a hardworking man. He commenced life working, and he has been at When he came to the Senate his income was it ever since. something in the neighborhood of \$15,000 a year. He came to the Senate in moderate circumstances. He had acquired some property. He owned a good dwelling house at Selma, and he a good plantation. He has been here now for thirty Had he worked at his profession I have no doubt in the world that, on an average, during the time he has been in the Senate his income would have been at least \$20,000 a year.

I will not particularly speak of his work here, but I presume it has been as constant and laborious as that which any Senator in this body has ever performed. Senators may say he elected to do that. Certainly he did. But the question is, after having increased the salary of nearly every other officer under the Government, and in view of the fact that there is nobody else who can raise our salaries but the body to which we are attached, shall we be denied some reasonable increase—not full compensa-

tion, but some reasonable increase in our salaries?

Mr. President, the senior Senator from Alabama came here in moderate circumstances, and he is in very moderate circumstances to-day. Shall he deny himself the right to a little more adequate compensation? He has had none. His estate is worth only about as much to-day as it was when he came here, and to tell the truth, Mr. President, our people are proud that he is worth no more. It may be a singular sort of thing, but they are proud of him because he has not become rich.

I merely picked out that instance by way of illustration. I do not mean to say there are not various other Senators in the same situation, but I mean to say here is one of the hardest-working lawyers in the United States who might have been a millionaire to-day if he had stuck to his profession. There are other instances of the same sort. I speak of this because I know the facts, and I am not so familiar with the lives of other Senators as I am with his

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Florida [Mr. Mal-

Mr. MALLORY. On that I ask for the yeas and nays. Mr. SPOONER. Let it be stated.

VICE-PRESIDENT. The amendment will again be The stated.

The Secretary. It is proposed to strike out the words "nine-teen hundred and seven" and insert in lieu thereof the words "nineteen hundred and thirteen;" so that if amended the amendment will read:

That on and after March 4, 1913, the compensation of the Speaker of

The VICE-PRESIDENT. The question is on agreeing to the amendment which has been stated, on which the yeas and nays are demanded.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. NEWLANDS (when his name was called). I am paired with the Senator from South Dakota [Mr. GAMBLE]. I transfer

the pair to the Senator from Virginia [Mr. Martin], and will vote. I vote "nay."

Mr. DANIEL (when Mr. Martin's name was called). I beg

to state that the Senator from Virginia, if present, would vote

Mr. SIMMONS (when his name was called). I should have stated on the last vote that I have a general pair with the Senator from Minnesota [Mr. CLAPP].

Mr. CLAPP rose.

Mr. SIMMONS. But he has released me from the pair. I will vote "nay." I did not know he was present.

The roll call having been concluded, the result was announced—yeas 14, nays 61, as follows:

	YE	AS-14.	
Berry Blackburn Carmack Culberson	Hansbrough La Follette Mallory Nelson	Patterson Perkins Rayner Stone	Taliaferro Whyte
	N.	AYS-61.	
Aldrich Allee Allison Ankeny Bacon Benson Beveridge Brandegee Bulkeley Burkett Burnham Burrows Carter Clapp Clark, Mont. Clark, Wyo.	Clarke, Ark. Clay Crane Cullom Daniel Dick Dillingham Dubois Du Pont Flint Foraker Foster Frazier Frye Fulton Gallinger	Hale Hemenway Heyburn Hopkins Kean Kittredge Knox Latimer Lodge Long McCreary McCumber McEnery Millard Newlands Nixon	Overman Penrose Pettus Piles Scott Simmons Smoot Spooner Sutberland Teller Tillman Warner Warren
	NOT I	VOTING-15.	
Alger Bailey Depew Dolliver	Dryden Elkins Gamble Gearin	McLaurin Martin Money Morgan	Platt Proctor Wetmore

So Mr. Mallory's amendment was rejected.

Mr. PATTERSON. Mr. President-

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Colorado [Mr. PAT-TERSON], which will be stated.

The Secretary. It is proposed to add at the end of the amendment the following proviso:

Provided, That as to the Vice-President of the United States and Senators, Representatives in Congress, Delegates from Territories, and Resident Commissioner from Porto Rico, the compensation above provided for shall not apply for the term or terms for which either has already been elected, or shall be elected in the year 1907; but it shall apply after the expiration of such terms.

Mr. PATTERSON. Mr. President, the sentiment seems to be so pronounced upon this proposition that I desire to consume no further time of the Senate, and therefore withdraw the amendment, although it expresses my own conviction.

The VICE-PRESIDENT. The amendment is withdrawn. The question is on agreeing to the motion of the Senator from Illinois that the Senate concur in the amendment of the House of Representatives.

Mr. BERRY. Let us have the yeas and nays

Mr. SPOONER. On that question I ask for the yeas and nays. The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I have a general pair, as I stated a moment ago, with the senior Senator from Alabama [Mr. Morgan]. I do not know how he would vote on this question. Therefore I refrain from voting. If he were present, I should vote "yea."

Mr. DANIEL (when Mr. Martin's name was called). I will

state that if my colleague [Mr. MARTIN] were here, he would vote "yea," but on this vote he stands paired with the Senator

from Colorado [Mr. Patterson].

Mr. NEWLANDS (when his name was called). I transfer my pair with the Senator from South Dakota [Mr. Gamble] to the Senator from Virginia [Mr. MARTIN], and will vote.

Mr. DANIEL. That there may be no misunderstanding, the Senator from Colorado [Mr. PATTERSON] is now released and can vote. I announced a pair between the Senator from Virginia and the Senator from Colorado. It can stand as the Senator from Nevada has stated it, the Senator from Virginia being paired on this vote with the Senator from South Dakota [Mr. GAMBLE], and the Senator from Colorado [Mr. PATTERSON] may

The roll call was concluded.

Mr. ALLISON. I will state that my colleague [Mr. Dolliver] is necessarily absent. I am not advised how he would vote on this question.

The result was announced-yeas 53, nays 21, as follows:

	YI	2AS-53.		
Aldrich Allce Ankeny Benson Beveridge Brandegee Bulkeley Burnham Burrows Carter Clark, Mont. Clark, Wyo. Clarke, Ark.	Cullom Daniel Diek Dillingham Dubois Du Pont Flint Foraker Foster Frye Fulton Gallinger Hale	Hopkins Kittredge Knox Latimer Lodge Long McCumber McEnery Millard Money Newlands Nixon Overman	Pettus Piles Scott Simmons Smoot Spooner Sutherland Teller Tillman Warner Warren	
Crane	Heyburn	Penrose AYS—21.		
Bacon Berry Blackburn Burkett Carmack Clapp	Clay Culberson Frazier Hansbrough Hemenway La Follette	McCreary Mallory Nelson Patterson Perkins Rayner	Stone Taliaferro Whyte	
	NOT Y	TOTING-16.		
Alger Allison Bailey Depew	Dolliver Dryden Elkins Gamble	Gearin Kean McLaurin Martin	Morgan Platt Proctor Wetmore	

So the amendment was concurred in.

Mr. CULLOM. I move that the Senate insist upon its other amendments and agree to the conference asked for by the House of Representatives, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to.

The VICE-PRESIDENT appointed as the conferees on the part of the Senate Mr. Cullom, Mr. Warren, and Mr. Teller.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

Mr. FORAKER. I move that Senate Document 155, first and second parts, which has been ordered printed and is lying on the table, be referred to the Committee on Military Affairs for consideration.

The motion was agreed to.

EMPLOYMENT OF CHILD LABOR IN THE DISTRICT OF COLUMBIA.

Mr. BEVERIDGE. I ask the Chair to lay before the Senate the bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia.

The VICE-PRESIDENT. The Chair lays before the Senate

the bill indicated by the Senator from Indiana.

Mr. BEVERIDGE. I think, Mr. President, that the Senate and the country are to be congratulated that a period has been reached in the Brownsville discussion. Nearly if not more than half of the time of this session has been taken, very properly, no doubt, in the discussion of facts and constitutional questions in that great controversy; and now that we are through with it, so far as taking the time of the Senate is concerned—and, as I have said before, it was most properly taken and was most valuable to the whole country—and now that we have voted ourselves an increase of salary, perhaps it is proper to call the attention of the Senate to some other matters of almost as much importance to the nation.

We can profitably use the remainder of the session in dealing with other great questions of nearly equal consequence. It is to call the attention of this body and of the country to what I deem, and think that I shall be able to show, is one of the gravest conditions which confronts this Republic that I have risen this afternoon to speak. I refer, Mr. President, to the condition of the employment of young children in the factories, the mines, and the sweat shops of this country. I mean to call attention to precisely what it means both to these children and

to the future of the nation.

I do this upon an amendment which I have offered to the bill to regulate child labor in the District of Columbia. bill, upon which there has been a tacit agreement to vote, is an admirable measure, and I shall of course support it. And yet, in comparison with the general evil, it is trivial, because in Washington less than in any other spot in this country does the vice, and as I shall be able to show, the crime of child labor

It is here no doubt, but it is here in such inconsiderable quantity that in comparison with the great national evil it is

not worthy of attention.

Therefore, Mr. President, I have offered as an amendment to the District of Columbia child-labor bill the bill which I offered early in the session, to provide a national method for stopping this distinctly national evil.

And in order that my time may not be consumed, in view of the fact that I have begun to address the Senate at a late hour, I will ask permission, instead of having the bill read at this

juncture, that it may be inserted in my remarks.

Briefly, however, I may state to Senators who may want to follow this discussion that the amendment provides for the prohibition of interstate commerce in the products of factories and mines where children under 14 years of age are employed; and it provides appropriate penalties for the violation of its provisions. This brief statement of the bill, its purposes, and its methods will be sufficient to bring to the attention of the Senate a discussion both of the facts which describe the evil that it is intended to cure and of the law as to its constitutionality and legality.

VICE-PRESIDENT. Without objection, permission is The granted.

The amendment referred to is as follows:

The amendment referred to is as follows:

Amendment intended to be proposed by Mr. Beveridge to the bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia, viz: On page 12, after line 20, insert the following:

Sec. 11. That six months from and after the passage of this act no carrier of interstate commerce shall transport or accept for transportation, from one State or Territory to any other State or Territory or to the District of Columbia or within any Territory, the products of any factory or mine in which children under 14 years of age are employed or permitted to work, which products are offered to said interstate carrier by the firm, person, or corporation owning or operating said factory or mine, or any officer or agent or servant thereof, for transportation from one State or Territory to any other State or Territory or the District of Columbia or within any Territory.

Sec. 12. That no carrier of interstate commerce shall transport or accept for transportation, from one State or Territory or within any Territory, the products of any factory or mine offered it for transportation by any person, firm, or corporation which owns or operates such factory or mine, or any officer, agent, or servant of such person, firm, or corporation, until the president or secretary or general manager of such corporation or a member of such firm or the person owning or operating such factory or mine.

Sec. 13. That the form of said affidavit shall be prescribed by the

operating such factory or mine shall file with said carrier an affidavit to the effect that children under 14 years of age are not employed in such factory or mine.

Sec. 13. That the form of said affidavit shall be prescribed by the Secretary of the Department of Commerce and Labor. After the first affidavit is filed a like affidavit shall be filed, on or before July 1 and on or before December 31 of each year, with the interstate carrier to which such factory or mine offers its products for transportation; and after the first affidavit subsequent affidavits shall also state that no children under 14 years of age are employed or permitted to work in said factory or mine or have been employed or permitted to work in said factory or mine at any time during the preceding six months.

Sec. 14. That any officer or agent of a carrier of interstate commerce who is a party to any violation of sections 11, 12, or 13 of this act, or who violates any of the provisions of sections 11, 12, or 13 of this act, shall be punished for each offense by a fine of not more than \$10,000 nor less than \$1,000, or by imprisonment for not more than \$10,000 nor less than six months nor less than one month, or by both said fine and imprisonment, in the discretion of the court. Any person by sections 11, 12, or 13 of this act required to file the affidavit therein provided for who fails or refuses to file such affidavit, or who shall make a false statement in said affidavit, shall be punished by a fine and imprisonment, in the discretion of the court.

Amend the title so as to read: "An act to regulate the employment of child labor in the District of Columbia and to prohibit the transportation by carriers of interstate commerce of the products of mines and factories employing child labor."

Mr. BEVERIDGE. Mr. President, the prevalence of these

Mr. BEVERIDGE. Mr. President, the prevalence of these evils, I think, is hardly understood by the Senate. That is most natural, and I am not blaming any Senator or any Member of the House for not understanding the widespread and desperate character of this evil. We have all of us been busy— every man of us—with great questions and large duties which tax our time, and it is not to be supposed, therefore, that we would know as well as perhaps the people of the country themselves know, how far-reaching is this evil and how dreadful is its character. Therefore, I shall take up at the beginning some time in describing it.

## THE CENSUS.

have been asked for the census figures. I suppose that, little as all of us know about the matter, we are all familiar with the census figures. The census figures are bad enough, but I shall be able to demonstrate that they are far below the truth.

According to the census of 1900, there are not far from two million children in the United States under 16 years of age working in "gainful occupations."

Of these, according to the census of 1900, nearly seven hundred thousand are employed in industries other than agricultural.

This bill does not strike at the employment of children engaged in agriculture. I do not for a moment pretend that working children on the farm is bad for them.

I think it is the universal experience that where children are employed within their strength and in the open air there can

be no better training. All educators have now come to an agreement that the technical schools and the manual training schools in our cities are by far the best features of our educational sys-

And I am in favor of and look forward to the time when, as a part of the educational system of this country, children will be taught to work. For, I repeat, there is no training like labor.

But, Mr. President, the evil at which this bill strikes is not such labor. I may say, and truthfully say, that this bill does not strike at such labor at all. It strikes at child toil, and I will emphasize it still more in saying that it strikes at child slavery in the mines, the factories, and the sweat shops of the nation. That is all this bill strikes at.

### CENSUS FIGURES TOO LOW.

Mr. President, I said a moment ago that the census figures, appalling as they are, are notoriously inadequate. Two million children under 16 years of age is bad enough; seven hundred thousand in factories, mills, and sweat shops is bad enough; but there is not a man or woman who has investigated this question who does not know that only a part of the children so employed were returned by the census enumerators, and I shall show before I am through why that is.

But let me give to the Senate some illustrations of the inadequacy of the census figures. For example, the census of 1900 gives Maryland as having something over 5,000 children at work. The census bulletins of 1905 give 5,553 under 16 at work in Maryland, of which 3,666 were in Baltimore.

Very well. In 1906 the Maryland law was amended, requiring children under 16

ing children under 16 to secure permits testifying to physical and educational requirements. The law has been in force about five months and a half, and already more than 11,000 permits have been granted and between 1,200 and 1,500 refused; so we see that in the State of Maryland the census of 1900 is by the record 100 per cent below the truth.

Then again, the census bulletin in 1905, that is even later than 1900, gives the number of males in cotton mills in North Carolina at 31,231. The labor commissioner of North Carolina gives 44,222 operatives, which would make 52,025 for all the mills in the same ratio.

Again, it is estimated and given, I think, by the census of 1900 that the total of children employed in Southern cotton mills, as, for example, in North Carolina, South Carolina, Alabama, and Georgia, is something under 30,000.

Yet the testimony of those who have investigated the conditions upon the ground and who have not taken the returns of manufacturers who have children in their employ is that the lowest possible estimate, excluding every possible fraction

of children who were questionable, numbers at least 60,000. So, Mr. President, we see that the census, bad as that isterrible as it is-is totally inaccurate. Anybody who has studied this question knows why it is inaccurate.

· False certificates, which are universal; the hiding of children when the factory inspector comes; the reliance of the census enumerator upon reports of interested parties; all these very naturally acted to give only a fraction of this terrible truth.

Again, at that time the attention of the country had not been called to this evil. It is the conservative testimony of men and women who have given years of investigation to this subject that there are to-day in this country not less than 2,000,000 children at work, of whom more than half a million are employed in factories, mines, and sweat shops. I quote from Mr. Spargo, who is perhaps as accurate an authority upon this subject as anyone. Says Mr. Spargo:

I am convinced that the number of children under 15 years of age who work is much larger than the official figures give, notwithstanding that these are supposed to give the number of all workers under 16 years of age. It would, I think, be quite within the mark to say that the number of child workers under 15 is at least 2,250,000.

So, Mr. President, I suppose it is clear to everyone that we can see that the census figures are much below the truth.

I suppose we may say, putting it upon a conservative basis, that as I speak to you there are now not less than 1,000,000 children under 16 years of age (and I shall show by sworn testimony that some of them are five and six and seven years of age) at work in the coal mines, in factories, and in the sweat shops of this nation.

These are figures, Mr. President; but figures give no idea of hat this means. Of course no Senator here would permit his what this means. boy or girl under 16 to work in a coal breaker or in a sweatshop or a factory. But it is not the children are involved; it is the children of the people. But it is not the children of Senators who

## ALL STATEMENTS SWORN TO.

Yet if I were merely to say that so many children were employed, that would give no idea of what this evil is. Figures can not, of course, describe it. Figures only give you an idea of its extent. I propose now to describe it. I propose to show to the Senate and the country precisely what it means, and I shall do this by the description of these children at work, of how their work is conducted, of its effect upon them, and in each instance by the testimony of eyewitnesses who have personally investigated this matter.

And, Mr. President, I shall not give a single statement here today that is not now supported by an affidavit, or will not be almost immediately. For I am perfectly well aware that no statement which is made in the description of this evil will go unchallenged. Therefore, instead of stating facts by merely reading an article and letting the statement go at that, as is our custom when debating amongst each other, I have resolved to support each of the incidents which I shall give by the sworn testimony of the man or the woman who gives it.

Then if any of the great cotton factories, South and North, if any of the mining interests in Pennsylvania or elsewhere, if any of the railroad systems, if any of the owners of glass factories think that they have been injured by these statements, they will have an opportunity to question men and women who are willing to stand that test of having made affidavit to the truth of all they state.

The course of this argument will be merely this: First, to

state the facts.

Then to state, as well as I can, the entire legality of the remedy I propose.

For if the facts convince the Senate that this is a national evil of such a crying nature that it ought to be cured; and if I can show that the method I propose is within the power of Congress, of course the conclusion is that the law must be enacted.

### THE EVIDENCE OF CHILD LABOR.

Mr. President, I send to the desk and ask to have read the following affidavit.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

### AFFIDAVIT OF JOHN SPARGO.

CITY OF YONKERS, County of Westchester, N. Y.

CITY OF YONKERS, County of Westchester, N. Y.

John Spargo, of said city and county, being duly sworn, deposes that he is the author of the book entitled "The Bitter Cry of the Children," of which the Macmillan Company, New York City, are the publishers and owners of copyright. Deponent swears that the instances, occurrences, and conversations given as illustrations or examples in the section of the aforesaid published work which bears the chapter title "The working child," so far as he states that they were witnessed, heard, or examined by himself in person, were so witnessed or heard or examined by himself in person, were so witnessed or heard or examined by himself in person, and that each one of the same is true.

Deponent further saith that the greater part of the section of the book in question being composed of documentary evidence and inferences therefrom which said deponent believeth to be reasonable and fair, a list of authorities for each and all the citations made and incorporated into the argument of the chapter aforesaid is contained on pages 314 to 319, inclusive; and that after careful expert investigation he truly believes that the statements so specified are each and every one substantially true, containing no material errors.

John Spargo.

Haetford, January 21, 1907.

HARTFORD, January 21, 1907.

STATE OF CONNECTICUT, Hartford County, 88:

Personally appeared before me, a notary public, John Spargo, and made oath to the foregoing affidavit.

EDWARD S. STEELE, Notary Public.

Mr. BEVERIDGE. Now, before I go on I want to say that the examples which I am giving are by no means the worst ones. I do not propose to refer to what can be referred to and proved unless the indifference of the Senate compels it—such, for example, as the pouring of cold water on little children to keep them awake after they have worked standing on their feet ten hours.

Furthermore, in reading what is sworn to in each one of these affidavits, I have carefully excluded everything that might be called the "excited sentimentality" of the writers; "excited" by the horrible things which they witnessed themselves. shall confine the statements that I am going to read to the Senate to such as are typical—not the worst nor the best, but such as are typical—every one of which I will support by affidavits and further proof if anyone questions those statements.

Mr. Spargo gives the following example:

During the Philadelphia textile workers' strike in 1903 I saw at least a score of children ranging from 8 to 10 years of age who had been working in the mills prior to the strike.

Ten years of age, working in the mills prior to the strike, 9 years old in Pennsylvania, in Philadelphia, where the law limit is 14 years, and at the lowest for such work as that for the last seven years, 13 years. Mr. Spargo goes on:

One little girl of 9 I saw in Kensington Labor Lyceum. She had been working for almost a year.

That is, she had been working at 8.

Before the strike began, she said, and a "careful inquiry proved her story to be true."

Here is another example. This is from Paterson, N. J.:

At 6 o'clock the whistles shrieked and the streets were suddenly filled with people, many of them mere children. Of all the crowd of

tired, pallid, and languid looking children I could only get speech with one, a little girl who claimed 13 years, though she was smaller than many a child of 10.

Indeed, as I think of her now, I doubt whether she would have come up to the standard of normal physical development either in weight or stature for a child of 10.

One learns, however, not to judge the ages of working children by their physical appearance, for they are usually behind other children in height, weight, and girth of chest, often as much as two or three years.

I shall insert in my remarks at the proper place the difference in height, amounting in some instances to as much as 4 inches, between men and women who have worked as children and those who have not worked as children. Says Mr. Spargo:

If my little Paterson friend was 13, perhaps the nature of her employment will explain her puny, stunted body. She works in the "steaming room" of the flax mill.

I do not think that you will find in this, as we go along, any particular materials for amusement; Senators seem to think it very funny. Mr. Spargo continues:

All day long in a room filled with clouds of steam, she has to stand barefooted in pools of water twisting coils of wet hemp. When I saw her she was dripping acct, though she said that she had worn a rubber apron all day. In the coldest evenings of winter little Marie and hundreds of other little girls must go out from the superheated steaming rooms into the bitter cold in just that condition.

To that statement Mr. Spargo makes affidavit.

Here is the description of the labor of children in a certain kind of glass factory. He describes how he went to this factory and goes on as follows:

## CHILD LABOR IN GLASS FACTORIES.

It was a big wooden structure, so loosely built that it afforded little protection from drafts, and surrounded by a high fence with several rows of barbed wire stretched across the top. I went with the foreman of the factory and he explained to me the reason for the stockade-like

of the factory and he explained to me the reason for the stockade-like fence.

"It keeps the young imps inside once we've got 'em for the night shift." he said.

The "young imps" were, of course, the boys employed, about forty in number, at least ten of whom were less than 12 years of age.

It was a cheap bottle factory, and the proportion of boys to men was larger than is usual in the higher grades of manufacture. Cheapness and child labor go together—the cheaper the grade of manufacture, as a rule, the cheaper the labor employed.

The hours of labor for "the night shift" were from 5.30 p. m. to 5.30 a.m.

3.30 a.m.
I stayed and watched the boys at their work for several hours, and when their tasks were done saw them disappear into the darkness and storm of the night.

Now, he describes-and I suppose it is of some concern to the Senate of the United States to know what kind of citizens we are going to have in the future-

In the middle of the room was a large

Mr. GALLINGER. Mr. President

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. BEVERIDGE. Certainly.

Mr. GALLINGER. Will the Senator state where the factory

Mr. BEVERIDGE. I do not know whether he states where the factory was. He says:

I shall never forget my first visit to a glass factory at night.

Mr. GALLINGER. He does not state where? Mr. BEVERIDGE. No; but he makes affidavit to the effect that he personally examined this and it was true. Wherever he gives the location, of course I shall give it. However, I wish to stop right here and say that I will give other descriptions of these glass factories, almost identical with the breakers and of work of boys in the breakers, and a great many more of the cotton mills of the South.

And if the Senate is not convinced by this mass of testimony, I shall present more-much more. For I warn the enemies of this reform that this testimony will be only the beginning if more is found necessary.

And I shall show precisely what children do in these mills and mines and sweatshops, and precisely what effect it has on them. In each instance where the author gives the place I shall give it, and in each instance I shall present the affidavit or state it in substance or why I do not give it.

Here is Mr. Spargo's description of a glass factory :

In the middle of the room was a large round furnace with a number of small doors, 3 or 4 feet from the ground, forming a sort of belt around the furnace. In front of these doors the glass blowers were working.

Then he describes the labor of glass blowers:

Then began the work of the boys. By the side of each mold sat a "take-out boy," who, with tongs, took the half-finished bottles—not yet provided with necks—out of the molds. Then other boys, called "snapper-ups," took these bodies of bottles in their tongs and put the small ends into gas-heated molds till they were red hot.

Then the boys took them out with almost incredible quickness and passed them to other men—"finishers"—who shaped the necks of the bottles into their final form.

Then the "carrying-in boys," sometimes called "carrier pigeons,"

took the red-hot bottles from the benches, three or four at a time, upon big asbestos shovels to the annealing oven, where they are gradually cooled off to insure even contraction and to prevent breaking in consequence of too rapid cooling.

The work of these "carrying-in boys," several of whom were less than 12 years old, was by far the hardest of all. They were kept on a slow run all the time from the benches to the annealing oven and back again.

a slow run all the time from the benches to the annually oback again.

The distance to the annualling oven in the factory in question was 100 feet, and the boys made seventy-two trips per hour, making the distance traveled in eight hours nearly 22 miles. Over half of this distance the boys were carrying their hot loads to the oven. The pay of these boys varies from 60 cents to a dollar for eight hours' work.

A continued uninterrupted "trot"—that is the term they use

for it-without rest, without cessation, without relaxation of nerve or muscle in the superheated atmosphere of the factory.

But listen to Mr. Spargo:

About a year ago I gathered particulars of the pay of 257 boys in New Jersey and Pennsylvania; the lowest pay was 40 cents per night and the highest \$1.10, while the average was 72 cents.

Before I leave the subject of glass factories I wish to read a

description of the investigation of the glass factory at Alton, III. I think it was by Mrs. Florence Kelley will be known, I think, to most, at least, of the older Senators here. She is the daughter of Congressman William D. Kelley, who was so long a prominent Member of the other House. She is a very earnest worker in the reform of child-labor laws, and I think it is probably due to her as much as to anybody else that the Illinois child-labor law, which is now perhaps the most perfect child-labor law in the United States, was passed.

Mr. President, I send to the desk and ask to have read the

following affidavit. The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

AFFIDAVIT OF FLORENCE KELLEY.

I hereby certify that the statements contained in my book entitled "Some Ethical Gains Through Legislation," published by the Macmillan Company, are correct, except so far as certain State laws have been enacted or amended since the publication of the volume in November, 1905.

FLORENCE KELLEY. Sworn to before me this 25th day of January, 1907.

[SEAL.]

No. 114. Notary Public, Kings County.

(Certificate filed in New York County.)

Mr. BEVERIDGE. Mrs. Kelley says:

The earnings of the glass-bottle blowers depend somewhat upon the speed of the boys who fetch and carry for them. These lads are therefore kept trotting at the highest speed which a child can maintain for several hours.

In making inspections of the glass-bottle works the writer found it impossible to get from a boy a consecutive statement as to his name, address or preparates.

impossible to get from a boy a consecutive statement as to his name, address, or parentage.

A boy would say, "My name is Jimmie," and then trot to the cooling oven with his load of bottles and returning say, in answer to a fresh question, "I live in a shanty boat," then trot to the molder for another set of bottles and returning say, "I'm going to be 8 next summer," and so on.

Among twenty-four lads questioned during one night inspection not one ventured to pause long enough to put together two of the foregoing statements.

And the eye of the boy interrupted in his work was always fastened anxiously upon the blower for whom he was working.

The blower did not pay the boy, who was carried on the pay rolls of the company; but when a boy was detained for the purpose of questioning a shrill whistle sounded and the boy would say to the inspector, "Don't you hear him doggin' me?"

Mr. HOPKINS. The inspection which the Senator from Indiana has just described was made before the passage of the present law to which he refers, I presume.

Mr. BEVERIDGE. Yes; that was when Mrs. Kelley was trying to get the present law passed. That inspection was prior to the passage of the Illinois law; but I will say to the Senator from Illinois that I shall present an affidavit of a woman-I think the Senator knows her very well-relative to that very subject, in which she states that the law, excellent as it is, is violated now in that very town.

CHILD LABOR IN THE COAL "BREAKERS."

Now, Mr. President, I wish to leave the glass factories, so far as Mr. Spargo is concerned, in order to save time. I intend to take them up in their order and shall take each up at the proper time. I have given some figures about the work of children in the Pennsylvania mines. Here is what Mr. Spargo, who personally investigated this thing, says about that. I think I had better give it now:

According to the census of 1900, there were 25,000 boys under 16 years of age employed in and around the mines and quarries of the United States. In the State of Pennsylvania alone—the State which enslaves more children than any other—there are thousands of little "breaker boys" employed, many of them not more than 9 or 10 years

old.

The law forbids the employment of children under 14, and the records of the mines generally show that the law is "obeyed."

Yet, in May, 1905, an investigation by the national child labor committee showed that in one small borough of 7,000 population

among the boys employed in breakers 35 were 9 years old, 40 were 10, 45 were 11, and 45 were 12—over 150 boys illegally employed in one section of boy labor in one small town!

During the anthracite coal strike of 1902 I attended the Labor Day demonstration at Pittston and witnessed the parade of another at Wilkes-Barre. In each case there were hundreds of boys marching, all of them wearing their "working buttons," testifying to the fact that they were bona fide workers. Scores of them were less than 10 years of age; others were 11 or 12.

He describes the week these boys were daing and I shall

He describes the work these boys were doing, and I shall have several witnesses on that.

Work in the coal breakers is exceedingly hard and dangerous. Crouched over the chutes, the boys sit hour after hour, picking out the pieces of slate and other refuse from the coal as it rushes past to the washers. From the cramped position they have to assume most of them become more or less deformed and bent backed, like old men.

When a boy has been working for some time and begins to get round shouldered, his fellows say that "he's got his boy to carry round wherever he goes." The coal is hard, and accidents to the hands, such as cut, broken, or crushed fingers, are common among the boys. Some times there is a worse accident. A terrified shriek is heard, and a boy is mangled and torn in the machinery, or disappears in the chute, to be picked out later smothered and dead.

He gives some examples of that

He gives some examples of that.

He gives some examples of that.

Clouds of dust fill the breakers and are inhaled by the boys, laying the foundations for asthma and miners' consumption.

I once stood on a breaker for half an hour and tried to do the work a 12-year old boy was doing day after day, for ten hours at a stretch, for 60 cents a day.

The gloom of the breaker appalled me. Outside the sun shone brightly, the air was pelucid, and the birds sang in chorus with the trees and the rivers.

Within the breaker there was blackness, clouds of deadly dust enfolded everything, the harsh, grinding roar of the machinery and the ceaseless rushing of coal through the chutes filled the ears.

I tried to pick out the pieces of slate from the hurrying stream of coal, often missing them; my hands were bruised and cut in a few minutes. I was covered from head to foot with coal dust, and for many hours afterwards I was expectorating some of the small particles of anthracite I had swallowed. I could not do that work and live; but there were boys of 10 and 12 years of age doing it for 50 and 60 cents a day. Some of them had never been inside of a school; few of them could read a child's primer.

From the breakers the boys graduate to the mine depth, where they become door tenders, switch boys, or mule drivers. Here, far below the surface, the work is still more dangerous.

Mr. Spargo has made an affidavit to the truthfulness of these statements.

He proceeds to describe the work the boy is put to do in the mines. It is done many hundreds or thousands of feet, what-ever the depth may be, beneath the earth.

Here is another example taken from another industry:

In New Jersey and Pennsylvania I have seen hundreds of children, boys and girls, between the ages of 10 and 12 years, at work in the factories belonging to the "cigar trust." Some of these factories are known as "kindergartens" on account of the large number of small children employed in them. It is by no means a rare occurrence for children in these factories to faint or to fall asleep over their work, and I have heard a foreman in one of them say that it was "enough for one man to do just to keep the kids awake."

In the domestic manufacture of cheap cigars many very young children are employed. Often the "factories" are poorly lighted, ill-ventilated tenements in which work, whether for children or adults, ought to be absolutely prohibited. Children work often as many as fourteen or even sisteen hours in these little "home factories," and in cities like Pittsburg, Pa., it is not unusual for them, after attending school all day, to work from 4 p. m. to 12.30 a. m. making "tobles" or "stogles," for which they receive from 8 to 10 cents per hundred.

I shall show, when I come to the point at which I shall show

I shall show, when I come to the point at which I shall show that the State laws are not enforced-shamefully not enforced-that the same thing is done in York, and that children as young as 3 years of age are required to work nearly all day and at night until as late as 10 o'clock.

I now ask to have read the affidavit which I send to the Secretary's desk

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

STATE OF NEW YORK, County of New York, 88:

STATE OF NEW YORK, County of New York, 88:

Owen R. Lovejoy, assistant secretary of the National Child Labor Committee, of said city and county, being duly sworn, deposes and says that the instances, occurrences, and conversations given by him in his article in the Outlook August 26, 1905, entitled "Schoolhouse or breaker," and in the Woman's Home Companion September, 1906, entitled "In the shadow of the coal breaker," were witnessed or heard or examined by him in person, and that each one of the same is true.

Owen R. Lovejoy.

Sworn and subscribed to before me this 9th day of January, 1907.
[SEAL.]

Notary Public for the City and County of New York.

Mr. BEVERIDGE. In addition to the fact that Mr. Lovejoy makes affidavit to this, I will state that this is published in the Outlook.

The Outlook is not one of "them there magazines," as a very prominent opponent of this bill describes these publications. The Outlook is probably as high class a publication as there is in this country or in the world; and I believe it to be true—at least I have understood—that nothing appears in this magazine which its great editor, Dr. Lyman Abbott, who is

beloved by the American people as much as he is trusted by them, does not feel willing to vouch for himself.

So that the testimony which I am going to give is of the highest possible character that could be adduced, unless you were to produce the witness on the floor of the Senate and crossquestion him, and afterwards establish his reputation for "truth and veracity." Says Mr. Lovejoy, describing the breakers.

I will cut out everything except the definite facts speaking of the abuse and nonenforcement of the law-and the State laws are

utterly inadequate everywhere.

The best inspection in this country by far is in the State of Illinois, as it is the second best law in the Nation and one of the best in the world. And yet I shall show by a great woman from your own town, Jane Addams, and the rest of the people who have investigated this will testify, that the law is not observed.

This is a description of the coal breakers of Pennsylvania and the nonenforcement of the law there. This is in August, 1905.

Says Mr. Lovejoy, under oath:

One group of little men, a picked squad from a company of twenty boys, only three of whom claimed to be old enough to meet the legal requirements of employment, were induced to tell the truth to one who was neither an "inspector" nor a "truant efficer."

The reason the author says that is because boys will get from their parents certificates that they are 14 years of age, which is the required age (although they are only 8 or 10), or whatever is necessary. They have a common expression in the coal-min-

ing regions of Pennsylvania concerning these certificates of age.

A boy will say: "I got it of the squire." He goes to the "squire," it seems, and pays 25 cents, or his father does, and he gets a "certificate," he, of course, "swearing" to it. But they are not held accountable, because they do not believe that their jobs are in danger. Oh, they are great things, those State laws!

Here are some more of Mr. Lovejoy's sworn statements:

Here are some more of Mr. Lovejoy's sworn statements:

And their answers were as follows:

"Nine; goin' on 10."

"Nine years old."

"Ten; goin' to be 11."

"Nine last June."

"Ten; goin' for 'leven."

An examination of the school records confirmed the statement of the boys. Relations of almost intimate friendship sprung out of a brief visit to this breaker, due, perhaps, partly to the courage the boys may have ascribed to a stranger who would venture into the place of their daily labor.

The coal at this breaker is cleaned "dry," and the dust arises in a cloud that hovers above the building sometimes for an hour after the day's work is done. The boys wear mine lamps in their caps—

That is in the daytime, you understand—

That is in the daytime, you understand-

to enable them to see the coal at their feet.

An attempt to photograph the interior of the breaker in operation with time exposures varying from three to thirty seconds, made no impression on the film. At a neighboring breaker, better equipped with fans for drawing off the dust, a dim picture was secured.

Here twenty-two boys were interviewed at the noon interval, of whom all were under 14 years except one Scotch boy—14—whose age by the school record was found to be 10, and one Irish boy of 15, who has been out of school for over six years. Of the others, one was 9—8 by the school record—three were 10, two were 11, six were 12, and three were 13, although the school record showed one of the 13-year-old boys to be 11.

Now, Mr. President and Senators, mark the ages—8, 9, 10, 11, 12—although the law of that State requires that it shall be 14 at the minimum and 16 at the maximum for certain kinds of work in the mine.

Now, what kind of work is it that boys of that age are doing? Let us find out. Mr. Lovejoy tells us:

For nine hours a day these little fellows toil in the breaker-Nine hours, mind you-

For nine hours a day these little fellows toil in the breaker, bending over the coal chute, with their feet in the coal, picking out the rock and slate. We are often asked whether this air is bad for the health! A five-minute visit to such a breaker will coat the lungs and throat with a black dust which twenty-four hours of pure air can not clear from the mucous linings.

Boys 8, 9, 10, 11, and 12 years of age work nine hours a day under those circumstances!

This nine-hour day is broken by the dinner "hour," beginning in some breakers at 12.05 and ending at 12.25!—

Are Senators willing to take such a hurried lunch as that? And would Senators permit their children to eat so hurriedly? Of course all of us are anxious to have our own children work like these boys work, for are we not all "self-made men?" But isn't the eating a little hard? Twenty minutes for lunch in a nine-hour day for boys of that age in a breaker! But let us follow Mr. Lovejoy. He says, and under oath:

allowing the boys twenty minutes to swallow the contents of their dinner pails, with unwashed hands and dust-filled throat and lungs—and this is the visitor's opportunity.

Mr. Lovejoy, from having experience in the mines, from

having gone into the breaker and trying to do a boy's work, describes just what that means. He says:

describes just what that means. He says:

To sit bent over a stream of coal which pours out a cloud of dust so thick that the light can not penetrate; to be responsible for the exact separation from the coal of all slate and rock, depending often entirely upon the sense of touch; to endure the incessant rattle of deafening gigantic machinery; to suffer the stiffing summer heat and the choice between the blasts that sweep these moutain tops and the cloud of smothering dust in the winter; to be conscious that the "boss" stands behind with a stick or small piece of coal to prompt to duty if the natural exuberance of childhood breaks out in playfulness or if backache induces a moment of forgetfulness; to have the hands cut and crippled and hardened by contact with the rough stones and bits of sharp-edeged coal; to learn to control the nausea caused by swallowing quantities of coal dust, and by the feeling that one's throat and lungs are never clean—

That is the description of the work that these boys are called to do in the breakers.

Mr. President, I wonder if when people find what they call a "clinker" in their coal, they know just what that means? This what it means: It means that one boy's eye has become dimmed after nine hours' work; that his fingers are bleeding, and he has neglected to get out the slate or the slag, which it is his business to pick from among the coal, and that, going into the coal and finally going into our furnaces, constitutes a "clinker."

So every time you find a "clinker" in your grate or stove you may know that it represents the utter exhaustion of a boy from 8 years old to, perhaps, 14 years old.

Then Mr. Lovejoy, who is a very conservative writer, as you may judge from what he says, continues:

If these were isolated instances of premature child labor, there would still remain cause for a protest against that which sacrifices life for gold, for the progress of the race waits breathless upon the unfolding of every human life.

But this appropriation of the days of childhood to the service of material gain is a settled policy of the coal region, against which the best public sentiment has hardly ventured to express disapproval.

Well, I think we, the representatives of the American people in Congress, had better stop that "settled policy of the coal regions." The State has not and can not.

Those who do not participate in the custom still condone it with the mature wisdom that "the children are better off than they would be running the streets."

But, Mr. President, I have actually heard that very same "argument" here in conversation on the floor of this Senate.

Then Mr. Lovejoy proceeds to describe the extent of this child labor in this particular instance and the extent to which the children are taken from school, or rather the extent to which the schools are emptied of children in this process of working in the breakers.

There are other forms of labor for boys, both in the breaker and in the mine. Boys are employed to "sprag" the cars as they come from the shaft to the top of the breaker building, to tend to chutes, to turn switches, and to drive the mules that haul the cars.

One bright little fellow, who was just 14 years old on June 6, has been working here, tending the chutes, for two years. He carns 6 cents an hour. Inside the mine the boys will tell you they are "tending gate," or "driving team," or "spraggin" cars and "branchin' empties."

One of these little boys, 14 years old, who has been employed in the mine two and one-half years—

That is, that he began at 111 years of age-

That is, that he began at 11½ years of age—
after having worked in the breaker a year and a half, seems to find
the company of "Baldy," the mule, quite congenial, and is credited
with a more unabridged command of sacred language than is possessed
by any other man on the job. This work is better paid, but the
langers are greater and the number of boys employed is far less.

If the employment of little children in the breaker can be restricted,
there will be slight difficulty in regulating the employment of children
under proper age at other forms of mine labor.

On every hand are found bright boys, and even grown youth, who
are entirely liliterate. This is not surprising of the newly arrived
immigrant, but it is difficult to suppress a feeling of resentment
against a custom which brings you face to face with English and
Welsh young men, 18 or 20 years of age—not vagrants, but steady,
industrious tollers—who can not read a word of our language.

The memory of one such stands out in striking relief. He is 18
years old, and when asked to read a simple sentence said pathetically,
"I can't read; I've worked in the coal mines every day for the past
nine years."

This, Mr. President, is Mr. Lovejov's description of working

This, Mr. President, is Mr. Lovejoy's description of working in the breakers; and while I am on this point I might as well finish Mr. Spargo's testimony. This also, which I am going to read, is included in the affidavit which I have had the Secretary read from the desk.

This is a description giving the names, places, and ages of the boys in the breakers of the Pennsylvania mines. It may be a little monotonous; it may not be as interesting as some other large questions—some "constitutional questions"—but it is a matter of vital concern to the American people, and it is necessary to take the time to show just precisely, in detail, what this labor means.

Nor would I do it if it had not been written by the most careful of men. So far as these men are concerned, I personally know some of them. There are some others that I do not

know, who swear to the truth of their testimony. Quoting the boss of a breaker, Mr. Lovejoy says:

"The little devils like it," he continued, as some remark from his sentimental visitor expressed a protest against such work for little boys. They sat, about forty in number, bent over the troughs in which the coal came pouring down from the crushing machinery—

I suppose everybody here knows what a breaker is. A breaker is a gigantic building built very high at one end and lower at the other, to the high end of which the coal is lifted from the mine.

There are then chutes through which this coal passes by zigzag paths until it enters into and runs across this chute, through which the coal passes in great streams.

There are crosspieces, and on those crosspieces these boys sit and bend over all day long-it used to be ten hours a day, it is now nine hours a day.

The boys stoop and catch the coal with their feet as it rushes past them and pick out the pieces of stone and slate.

That is what a breaker is, and that is the work of the breaker boys.

They sat, about forty in number, bent over the troughs in which the coal came pouring down from the crushing machinery, and with rough and hardened but deft little fingers picked out the slate and rock and "bony" from among the pieces of coal. Indeed, the jovial grins on the black faces of the boys as they watched the stranger feel his way through the dust and among the timbers of the breakers seemed to confirm the eulogy upon their occupation.

That is, the eulogy of the boss.

The dust which blinded the eyes and filled the nasal passages and choked and strangled one unaccustomed to such air had become their element, and one instinctively felt that were they brought into the sunlight they would blink and shrink from the glare of day.

The breaker makes no effort to brighten its darkness or hush the hideous roar. In fact, the very mystery and danger of it are elements of attractiveness to boy life. The boy sits bent over his task for eight or nine hours every day. His back aches with the stoop and monotonous swing as he throws the slate and rock aside, while the coal runs through between his little feet. During the first weeks of his labor his hands are cut and torn, his nails are broken off, and the pain of handling the sharp stones and slate is intense.

At the earliest possible age—in many parts of the region at 9 or 10 years, though the law forbids his employment under 14—he is off for the coal breaker, with or without a few months in school, and he is thenceforward a trifling factor in a gigantic industrial process.

Twelve thousand little boys, ranging in age from 9 to 14 years, are believed to be working in the coal breakers of the anthracite field. This estimate was made a year ago after an investigation by the National Child Labor Committee. Another investigation just completed, also covering an extensive area of the region, confirms the former estimate, although, unfortunately, no accurate figures, either official or unofficial, are available.

Mr. President, I next send to the Secretary's desk and ask to have read the affidavit of Kellogg Durland.

The VICE-PRESIDENT. Without objection, the Secretary

will read as requested.

The Secretary read as follows:

STATE OF NEW YORK, County of New York, 88:

Kellogg Durland, of said city and county, being duly sworn, deposes and says that the instances, occurrences, and conversations given by him in his article in the Outlook, May 9, 1903, entitled "Child Labor in Pennsylvania," were witnessed or heard or examined by him in person, and that each one of the same is true to the best of his knowledge or

Sworn and subscribed to before me this 22d day of January, 1907.
[SEAL.]

C. F. RIGOULOT,

Notary Public No. 45, New York County.

(Commission expires March 30, 1908.)

Mr. BEVERIDGE. Mr. President, the last affidavit which I Mr. Durland, also is in the Outlook, the high quality of whose articles is very well known to the entire reading world. I am giving this somewhat at length, because I wish to leave no Senator on either side of the Chamber any excuse, even if any of them desire an excuse, which, of course, they do not, for not giving their whole attention to this mighty human evil, and also through the channels of the Congressional Record to put these facts before the country.

Therefore I am going into details and shall go into more details hereafter. This is also a description of the work of children in Pennsylvania.

# ANOTHER KIND OF CHILD SLAVERY.

Helen Sisscak, a wan mite of a girl, who spoke no English, told Judge Gray that she cleaned bobbins at 3 cents an hour. She went to work at half past 6 at night and worked till half past 6 in the morning.

I think it is a most appropriate time to consider some facts like those. We have just voted ourselves \$7,500 a year salary, and properly voted ourselves that salary. Even that does not pay for the work that a hard-working Senator does here, and every one of us knows it. Still this salary was a matter of mighty interest to us-it is our salary, you know. But here is a girl not 9 years old, who for 3 cents an hour begins work at half past 6 at night and works until half past 6 in the morning.

I tell the Senate that if the Senate and the country do not give some serious attention to human facts like that, we need not wonder at the creation of a class in this country which when we contemplate its existence makes every one of us tremble. It is quite as important to stop the labor of these children in Pennsylvania and in North Carolina as it is even to vote ourselves \$7,500 a year salary, which we have just now so properly done.

Mr. Durland continues:

It took her nearly an hour to get from her home to the mill, and the road led across fields that were exposed to the storms that sweep down the valley.

Does the Senate find that amusing-a girl going a mile or more across a storm-swept valley to begin work at half past 6 at night and work until 6 in the morning for 3 cents an hour? If so, I shall present some examples from other States that perhaps will amuse the Senate still more.

Says Mr. Durland:

I have gone over that very road in a winter afternoon when the bleak winds and snow were blowing from the hills, and it was a journey I should not care to make often. It was when this child had finished her story that Judge Gray exclaimed, with much feeling: "Here we actually find the flesh and blood of little children coined into money;" and, shortly after, "This matter of night labor by young girls should be thoroughly investigated by those who will not shirk the work and the result made known in every part of Pennsylvania." This work has been done. been done.

That is the work that Judge Gray suggested.

Yet the indifferentism of legislators or the lack of public pressure has resulted in a continuance of the system, with never a strong hand raised in protest.

That particular part of Mr. Durland's article I desire to lay aside until I take up the subject of the efforts of those who are interested in child labor to defeat child-labor legislation when it is presented in their respective States.

Then Mr. Durland takes up the work of the boys on the

breakers and describes it.

Mr. President, it has been suggested to me that on account of the lateness of the hour and the importance, especially of the legal part, of this argument, which, I am told, Senators desire to hear most, I suspend to-day and go on to-morrow. I am willing to do that, but I see that the Senator from Montana [Mr. Carter] has given notice that he will occupy the attention of the Senate immediately after the routine morning If I could find the Senator from Monbusiness to-morrow. tana, and he would give way to me for the completion of my argument in the morning, I would be very glad to yield. On account of having gotten started so late, I see it is going to be impossible to reach what, I am told, will interest Senators most, which is the presentation of the legal portion of this case.

Mr. CARTER entered the Chamber.

Mr. BEVERIDGE. With the consent and by the very great courtesy of the Senator from Montana, who has given notice of his intention to address the Senate upon another subject to-morrow morning, I will suspend for the present and continue in the morning. I wish to say that I regret that the appropriation bill took so long, for if I had had any notion that it would take longer than half past 1 o'clock I would have asked the Senator in charge of the bill to let the appropriation bill follow my argument, because I want my argument to be complete and unbroken. But in view of the fact that that was not done-and of course it was quite proper for all Senators to express themselves upon that important measure, a thing to which I did not object at all-my argument has been postponed until a very late hour in the day, and it is absolutely impossible to conclude even the question of facts this afternoon. A part of the facts which I shall present I desire to submit when the entire Senate is present, and particularly Senators on the other side of the Chamber, because they affect conditions in many of their States, which I know are as reprehensible in their epinion as in the opinion of any other Senator on the floor. I am satisfied they will be glad to hear it. It is absolutely out of the question to begin the discussion of the legal phase of the bill this afternoon. I shall hope to be able to show that there is no doubt about the legality and constitutionality of this measure.

I want to say in advance that I am personally very much

obliged to the Senator from Montana for his courtesy

Mr. CARTER. I understand from the Senator from Indiana that he will probably get through his remarks by the hour of 2 o'clock to-morrow.

Mr. BEVERIDGE. If I begin at half past 12, I should say so. I might run longer, I will say to the Senator, and if that is not convenient to the Senator from Montana and his remarks are not going to be extensive, I could come in after him.

Mr. CARTER. I desire to accommodate myself to the Sena-

tor's convenience, but at the same time I should like very much to dispose of the subject I have in hand to-morrow

Mr. BEVERIDGE. Oh, of course.

Mr. CARTER. Before or immediately after 2 o'clock. If it can be personally adjusted between the Senator and myself as to the order-

Mr. BEVERIDGE. Yes; so that we can both go on to-morrow. I suspect it will finally take this form: The Senator intimated to me that it will probably take an hour for his remarks. We will undoubtedly get through the morning business to-morrow by half past 12, and I think it might be better for the Senator to make his remarks first, as he would get through, according to his estimate, at half past 1, and then I could take the floor and have uninterrupted sway for the remainder of my argument.

Mr. HOPKINS. The Senator from Indiana would not be limited then.

Mr. BEVERIDGE. No. That would mean that I could go on at half past 1 and not be limited, as the Senator from Illinois suggests.

Mr. CARTER. That will probably turn out to be the fact.

### AMERICAN MERCHANT MARINE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read and referred to the Committee on Commerce, and ordered to be printed:

To the Senate and House of Representatives:

I call your attention to the great desirability of enacting legislation to help American shipping and American trade by encouraging the building and running of lines of large and swift steamers to South America and the Orient.

The urgent need of our country's making an effort to do something.

I call your attention to the great desirability of enacting legislation to help American shipping and American trade by encouraging the building and running of lines of large and swift steamers to South American treed four country's making an effort to do something like its share of its own carrying trade on the ocean has been called to our attention in striking fashion by the experiences of Secretary Root on his recent South American tour. The result of these experiences he has set forth in his address before the Trans-Mississippi Commercial Congress, at Kansas City, Mo., on November 20 last, an address so important that it deserves the careful study of all public men.

The facts set forth by Mr. Root are striking, and they can not but arrest the attention of our people. The great continent to the south of us, which should be knit to us by the closest commercial ties, is hardly in direct commercial communication with us at all, its commercial relations being almost exclusively with Europe. Between all the principal South American ports and Europe lines of swift and commodious steamers, subsidized by their home governments, ply regularly. States, in some steamers between these ports and the United States. In some square, the state of this state of the states in a subsidiary essels, two of which were in distress. One prime reason for this state of things is the fact that those who now do business on the sea do business in a world not of natural competition but of subsidized competition. State aid to steamship lines is as much a part of the commercial system of to-day as State employment of consults to promote business. Our commercial competitions in Europe pay in the aggregate some twenty-five millions a year to their steamship lines—Great Britain paying nearly seven millions. Japan pays between three and four millions. By the proposed legislation of the United States will still pay relatively less than any one of competition to contend merely against the subsidization of their foreign competitors. The higher wa

reserve.

The bill provides for 14 steamships, subsidized to the extent of over a million and a half, from the Atlantic coast, all to run to South American ports. It provides on the Pacific coast for 22 steamers subsidized to the extent of two millions and a quarter, some of these to run to South America, most of them to Manila, Australia, and Asia.

Be it remembered that while the ships will be owned on the coasts, the cargoes will largely be supplied by the interior, and that the bill will benefit the Mississippi Valley as much as it benefits the seaboard.

I have laid stress upon the benefit to be expected from our trade with South America. The lines to the Orient are also of vital importance. The commercial possibilities of the Pacific are unlimited, and for national reasons it is imperative that we should have direct and adequate communication by American lines with Hawaii and the Philippines. The existence of our present steamship lines on the Pacific is seriously threatened by the foreign subsidized lines. Our communications with the markets of Asia and with our own possessions in the Philippines, no less than our communications with Australia, should depend not upon foreign, but upon our own steamships. The Southwest and the Northwest should alike be served by these lines, and if this is done they will also give to the Mississippi Valley throughout its entire length the advantage of all trans-continental railways running to the Pacific coast. To fail to establish adequate lines on the Pacific is equivalent to proclaiming to the world that we have neither the ability nor the disposition to contend for our rightful share of the commerce of the Orient; nor yet to protect our interests in the Philippines. It would surely be discreditable for us to surrender to our commercial rivals the great commerce of the Orient, the great commerce we should have with South America, and even our own communications with Hawaii and the Philippines.

I carnestly hope for the enactment of some law like the bill in question.

THE WHITE HOUSE, January 23, 1907.

THEODORE ROOSEYELT.

### TELEPHONE FRANCHISES IN PORTO RICO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

The Senate and House of Representatives: Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico and approved by the 'President of the United States. THEODORE ROOSEVELT.

THE WHITE HOUSE, January 23, 1907.

# INTERNATIONAL MARITIME EXPOSITION.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Industrial Expositions, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of the respective Houses of the Congress, a report of the Acting Secretary of State representing the appropriateness of early action in order that the Government of the United States may be enabled to be fittingly represented at the International Maritime Exposition to be held at Bordeaux from May 1 to October 31 of this year to celebrate the centenary of steam navigation inaugurated by the American inventor, Robert Fulton.

The recommendations of this report have my hearty approval, and I hope that the Congress will see fit to make timely provision to enable the Government to respond appropriately to the invitation of the Government of France.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 23, 1907.

## LOUIS CASTINETTE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which, with the accompanying bill, was referred to the Committee on Pensions, and ordered to be printed:

To the Senate:

In compliance with the resolution of the Senate (the House of Representatives concurring therein) of the 21st instant, I return herewith Senate bill No. 3671, entitled "An act granting an increase of pension to Louis Castinette."

THE WHITE HOUSE, January 23, 1907.

THEODORE ROOSEVELT.

# DANIEL G. SMITH.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which, with the accompanying bill, was referred to the Committee on Pensions, and ordered to be printed.

To the Senate:

In compliance with the resolution of the Senate (the House of Representatives concurring therein) of the 21st instant, I return herewith Senate bill No. 5073, entitled "An act granting an increase of pension to Daniel G. Smith." THEODORE ROOSEVELT.

THE WHITE HOUSE, January 23, 1907.

COLUMBIA RIVER (WASHINGTON) BRIDGES.

Mr. KEAN obtained the floor.

Mr. PILES. Mr. President

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from Washington?

Mr. KEAN. I do. Mr. PILES. There are two little bridge bills on the Calen-Mr. PILES. dar which I am extremely anxious to get through. They are local. I hope the Senator from New Jersey will yield to me that they may be disposed of.

Mr. KEAN. I yield.

Mr. PILES. I ask unanimous consent for the present consideration of the bill (H. R. 23561) to authorize the construction of a bridge across the Columbia River between Walla Walla and Benton counties, in the State of Washington, by the

North Coast Railroad Company.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PILES. I now ask unanimous consent for the present consideration of the bill (H. R. 23560) to authorize the construction of a bridge across the Columbia River between Benton and Franklin counties, in the State of Washington, by the North Coast Railroad Company.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business,

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 24, 1907, at 12 o'clock meridian.

## NOMINATIONS.

Executive nominations received by the Senate January 23, 1907.

## SURVEYOR OF CUSTOMS.

Thomas B. Stapp, of Tennessee, to be surveyor of customs for the port of Chattanooga, in the State of Tennessee. (Reappointment.)

### PROMOTIONS IN THE ARMY.

# Cavalry Arm.

Lieut. Col. Peter S. Bomus, Sixth Cavalry, to be colonel from January 19, 1907, vice Godfrey, Ninth Cavalry, appointed brigadier-general.

Maj. Matthias W. Day, Fifteenth Cavalry, to be lieutenant-colonel from January 19, 1907, vice Bomus, Sixth Cavalry, pro-

Capt. John B. McDonald, detailed quartermaster, to be major from January 19, 1907, vice Day, Fifteenth Cavalry, promoted.

# PROMOTION IN THE NAVY.

Passed Asst. Paymaster John R. Hornberger, with the rank of lieutenant (junior grade), to be a passed assistant pay-master in the Navy with the rank of lieutenant from the 30th day of July, 1906.

# CONFIRMATIONS.

Executive nominations confirmed by the Senate January 23, 1907. SURVEYOR OF CUSTOMS.

Henry L. Hines, of Massachusetts, to be surveyor of customs for the port of Springfield, in the State of Massachusetts.

# COLLECTORS OF CUSTOMS.

Daniel W. Patrick, of North Carolina, to be collector of cus-Daniel H. Moody, of Maine, to be collector of customs for the district of Walne, to be collector of customs for the district of Wiscasset, in the State of Maine.

## PROMOTIONS IN THE NAVY.

Lieut. Jerome E. Morse, United States Navy, retired, to be a lieutenant-commander on the retired list of the Navy from the 29th day of June, 1906, in accordance with a provision contained

in the naval appropriation act approved on that date.

Asst. Engineer Henry E. Rhoades, United States Navy, retired, with the rank of lieutenant (junior grade), to be a passed assistant engineer on the retired list of the Navy, with the rank of lieutenant (junior grade), from the 29th day of June, 1906, in accordance with a provision contained in the naval appro-

priation act approved on that date.

Chaplain George A. Crawford, United States Navy, retired, with the rank of commander, to be a chaplain on the retired list of the Navy, with the rank of captain, from the 29th day of

June, 1906.

### POSTMASTERS.

### CALIFORNIA.

Sheridan G. Berger to be postmaster at Ontario, in the county of San Bernardino and State of California.

Nora Buchanan to be postmaster at Black Diamond, in the county of Contra Costa and State of California.

Pierce J. Elliot to be postmaster at Sausalito, in the county of Marin and State of California.

Crispin C. Ortega to be postmaster at Sonora, in the county of Tuolumne and State of California.

Thomas F. Higgins to be postmaster at Terryville, in the county of Litchfield and State of Connecticut.

### DELAWARE.

Douglass C. Allee to be postmaster at Dover, in the county of Kent and State of Delaware.

Robert C. Boehm to be postmaster at White Hall, in the county of Greene and State of Illinois.

Harry M. Martin to be postmaster at Shelbyville, in the county of Shelby and State of Illinois.

Walter Bradfute to be postmaster at Bloomington, in the county of Monroe and State of Indiana.

John S. Glenn to be postmaster at Huntington, in the county of Huntington and State of Indiana.

Seward S. Watson to be postmaster at Winchester, in the county of Randolph and State of Indiana.

Benjamin Deblieux to be postmaster at Plaquemine, in the parish of Iberville and State of Louisiana.

### MICHIGAN.

John Amesse to be postmaster at Lake Linden, in the county of Houghton and State of Michigan.

Joshua Braun to be postmaster at Sebewaing, in the county of Huron and State of Michigan.

Charles M. Fails to be postmaster at Wolverine, in the county of Cheboygan and State of Michigan.

## MINNESOTA.

Charles E. Fuller to be postmaster at St. James, in the county of Watonwan and State of Minnesota.

John L. Grady to be postmaster at Cass Lake, in the county of Cass and State of Minnesota.

Edward F. Gummer to be postmaster at Frazee, in the county of Becker and State of Minnesota.

Clarence M. Bates to be postmaster at Cherry Valley, in the county of Otsego and State of New York.

## NORTH CAROLINA.

Willis G. Briggs to be postmaster at Raleigh, in the county of Wake and State of North Carolina.

William J. Flowers to be postmaster at Mount Olive, in the county of Wayne and State of North Carolina.

Benjamin F. Hevener to be postmaster at Ardmore, in the county of Montgomery and State of Pennsylvania.

## RHODE ISLAND.

Charles S. Robinson to be postmaster at Lonsdale, in the county of Providence and State of Rhode Island.

John S. Sweeney to be postmaster at Island Pond, in the county of Essex and State of Vermont.

Frank T. Taylor to be postmaster at Hardwick, in the county

of Caledonia and State of Vermont.

James H. Viele to be postmaster at Essex Junction, in the county of Chittenden and State of Vermont.

## WISCONSIN.

Edward M. Crane to be postmaster at Oshkosh, in the county of Winnebago and State of Wisconsin.

Francis R. Dittmer to be postmaster at Seymour, in the county of Outagamie and State of Wisconsin.

Charles Kimnach to be postmaster at Cudahy, in the county of Milwaukee and State of Wisconsin.

William H. Landolt to be postmaster at Wauwatosa, in the county of Milwaukee and State of Wisconsin.

## HOUSE OF REPRESENTATIVES.

# Wednesday, January 23, 1907.

The House met at 12 o'clock noon,

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

# AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH, from the Committee on Agriculture, by the direction of that committee, reported the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908, which was read a first and second time, and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. FITZGERALD. Mr. Speaker, I reserve all points of order.

Mr. WADSWORTH. Mr. Speaker, I desire to give notice that I will ask for the consideration of the bill to-morrow immediately after the reading of the Journal.

### PENSION APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House resolve inself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 24640) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1908, and for other purposes. And pending that I ask unanimous consent that the time for general debate be divided equally between the two sides, one half to be controlled by the gentleman from Massachusetts [Mr. Sullivan] and the other half by myself.

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the pension bill, and pending that asks unanimous consent that the time for general debate be equally divided, one half to be controlled by himself and the other half by the gentleman from Massachusetts.

Mr. MANN. Mr. Speaker, I would like to ask the gentleman from Michigan how long general debate is likely to run.

Mr. GARDNER of Michigan. It is quite impossible to say, now, but three hours have been asked for on this side of the

Mr. LIVINGSTON. Mr. Speaker, the gentleman from Massachusetts [Mr. Sullivan] is not now in the House, but I will agree to the request made by the gentleman from Michigan.

Mr. WILLIAMS. The gentleman from Massachusetts [Mr. SULLIVAN], as I understand, has agreed to this.

Mr. GARDNER of Michigan. It is so understood. The gentleman from Georgia [Mr. Livingston] is the other member of the minority of the subcommittee.

Mr. LIVINGSTON. I will agree to it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the motion of the gentleman from Michigan that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the pension bill.

The motion was agreed to. Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. Townsend

in the chair. Mr. GARDNER of Michigan. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the first reading of the bill be dispensed Is there objection?

There was no objection.

Mr. GARDNER of Michigan. Mr. Chairman, the bill as reported from the Committee on Appropriations carries \$137,-000,000 for the payment of pensions for the year ending June 30, 1908, as against \$139,000,000 for the current year.

The total number of pensioners on the roll June 30, 1906, was 985,971, as against 998,441 at the same date in the preceding

The loss in civil-war pensioners during the year was 20,543, in pensioners in all wars previous to the civil war was 1,028, making the total loss 21,571. The gain in pensioners during the year from the civil war was 6,212, from the war with Spain 2,130, and from the regular establishment 759, making a total gain of 9,102.

The net loss to the pension roll during the current year was 12,470, or 1.26 per cent.

There are now 666,453 civil-war pensioners on the rolls. Of

these, 302,605 draw \$10 or less per month, 557,905 \$12 or less, and but 128,543 who draw over \$12 per month.

The number of applications filed in 1906 was less than in any year since 1884. This would indicate that there are but com-paratively few remaining in the "unknown army" of nonpension-drawing soldiers who intend to apply.

It is interesting to note that in eight years after the close of war with Spain the Government had paid in pensions on account of that war a sum equal to 22 per cent of the total paid to the pensioners charged to the Revolution, 34 per cent of the sum paid because of the war with Mexico, and 40 per cent of the sum total paid on account of the war of 1812-14. Mr. DRISCOLL. The gentleman from Michigan means new

applications?

Mr. GARDNER of Michigan. New applications, showing that what is known as the "army of nonpensioners" has nearly vanished, that there will be comparatively few additional new applications for pensions.

Another lesson may be learned from this, that down to 1870

the Navy pensioners were paid out of the Navy fund.

This year the Navy fund pays less than 9 per cent of the amount required for the men upon this line.

Mr. GOULDEN. I would like to ask the gentleman, for my own information, how that Navy fund was created? I notice it amounts to something over \$14,000,000.

Mr. GARDNER of Michigan. Generally speaking, from the sale of prizes, but, for the gentleman's information and for the information of the House, I will embody in my answer a quotation from the statutes on this subject:

SEC. 4751. All penalties and forfeitures incurred under the provisions of sections 2461, 2462, and 2463, title, "The public lands," shall be sued for, recovered, distributed, and accounted for under the directions of the Secretary of the Navy, and shall be paid over, one half to the informers, if any, or captors, where seized, and the other half to the Secretary of the Navy for the use of the Navy pension fund; and the Secretary is authorized to mitigate, in whole or in part, on such terms and conditions as he deems proper, by an order in writing, any fine, penalty, or forfeiture so incurred.

SEC. 4752. All money accruing or which has already accrued to the United States from sale of prizes shall be and remain forever a fund for the payment of pensions to officers, seamen, and marines who may be entitled to receive the same; and if such fund be insufficient for the purpose, the public faith is pledged to make up the deficiency; but if it should be more than sufficient, the surplus shall be applied to the making of further provision for the comfort of the disabled officers, seamen, and marines.

Mr. GOULDEN I did not know. It was a stumbling block

Mr. GOULDEN. I did not know. It was a stumbling block in my way when I struck it in the committee's report.

Mr. GARDNER of Michigan. I think that is it. Here is another thought. It is to be expected that for some years there will be a steady increase of the widows added to the pension rolls from the veterans of the civil war.

Mr. DRISCOLL. Will there not be a steady increase of the Spanish-American soldiers and soldiers of the Philippine war?

Mr. GARDNER of Michigan. I was just coming to that now. It is expected also, as the gentleman from New York suggests, that there will be for years to come a steady increase of pensioners from the soldiers engaged in the war with Spain. More than that, there has been and there will continue to be a steady increase from the regular establishment. From these three sources we derive an offset in part from the reductions that come because of the deaths of the civil-war soldiers. that there will not be that marked decline in the number of pensioners upon the rolls that has been generally expected.

The only item in the bill that is likely to provoke any considerable controversy is the recommendation of the committee to appropriate for the maintenance of nine pension agencies. There are now eighteen of these. The committee do this in the belief that it will add to the economy and the efficiency of the

Mr. GOULDEN. Mr. Chairman, may I interrupt the gentleman again? Will he kindly tell the committee how he arrives at the conclusion recommending certain cities and omitting

others which are now regular pension agencies?

Mr. GARDNER of Michigan. I may say, Mr. Chairman, that the whole matter was gone into somewhat thoroughly by the subcommittee, and after getting the information furnished by the Commissioner of Pensions we asked from him a statement as to a proposed scheme of consolidation. He presented what may be termed a "tentative arrangement"—nothing definite in the scheme offered by him or suggested by him as appears in the hearings; and yet I want to be entirely frank with the committee and say that if the consolidation takes place it will probably be along the line suggested by the Pension Commissioner in the scheme proposed. Now, why were certain cities omitted and others included? Take the city from which the gentleman from New York [Mr. Goulden] comes. It so happens that there are two pension agencies in the State of New York,

one in the city of New York and the other in the city of Buffalo. New York City is the only pension agency of the entire eighteen that now pays a rent. It costs the Government \$4,500 a year for quarters in which to house the agency in New York City. In Buffalo there is no rent. Hence I assume that the Commissioner reasoned that we had better take the entire agency to Buffalo rather than to New York, because in the former city we have free quarters in a Government building.

Mr. DALZELL. May I. interrupt the gentleman a moment?

Mr. GARDNER of Michigan. Certainly.

Mr. DALZELL. If I read the report aright, the city in which I live, Pittsburg, is omitted as one of the agencies to be abolished. The pension agency in that city is in the Federal building, and the Government is not called upon to pay any

Mr. BENNET of New York. Will the gentleman from Pennsylvania yield for a suggestion?

Mr. DALZELL. Certainly.
Mr. BENNET of New York. We are just completing in New York City a Federal building, in which unquestionably the pension agency would be housed without paying rent, so that there is no ground for that excuse.

Mr. GARDNER of Michigan. Mr. Chairman, in answer to the gentleman from Pennsylvania [Mr. Dalzell] I would say this, that New York, as has been stated, was eliminated in the proposed scheme because they had rent to pay. only agency housed in other than a Government building, hence if any consolidations are to be made the remaining agencies must be taken from Government buildings and put with those now in Government buildings. Pennsylvania has two agencies. Pittsburg pays in round numbers \$6,000,000 a year and Philadelphia \$7,000,000 a year. It has been shown that the larger agencies can be conducted with much greater economy than the small agencies are. For example, Topeka, the largest agency of the whole lot, pays 113,500 soldiers, at an average cost of 40 cents per pensioner. Augusta, one of the smallest of the agencies, pays about \$3,000,000, and the exact number of pensioners there is only 17,700. It costs 73 cents a man to pay the pensioners in that agency. The average cost is 53 cents—costing 21 cents more per pensioner in the smaller agencies than in the average and 31 cents more than at the Topeka agency.

Mr. DALZELL. Why is there to be a consolidation at Phila-

Mr. GARDNER of Michigan. Now, you ask why the consolidation in Philadelphia.

Mr. DALZELL. On the score of economy, how much would it save per man to transfer the office from Pittsburg to Phila-

Mr. GARDNER of Michigan. In that specific instance it is very difficult to estimate, but we do know this, that between the maximum of the Augusta agency at 73 cents per pensioner and the Topeka agency at 40 cents per pensioner, these representing the two extremes, the saving is the difference between those two of nearly 50 per cent, and I may say further-and I would like to have all gentlemen note this-that there is no more complaint on the part of the soldiers who are paid from the Topeka agency than those who are paid from the Augusta or Concord agency.

Mr. SULLOWAY and several gentlemen rose.

The CHAIRMAN. To whom does the gentleman from Michigan yield?

Mr. GARDNER of Michigan. I heard the gentleman from

New Hampshire first, I think.

Mr. SULLOWAY. I would like to ask the gentleman what the saving would be to the Government by abolishing the agency at Concord, which pays New Hampshire and Vermont soldiers? That agency is established in a Government building, and there is no rental whatever. Is it his position here that because you save 20 or 22 cents to a man that they shall wait five or six weeks to get their pensions?

Mr. DALZELL. I do not understand the gentleman from Michigan has stated in the particular instance to which I have

referred that there would be any saving per man in transferring the office from Pittsburg to Philadelphia.

Mr. SULLOWAY. I beg pardon, if I interrupted the gentle-

Mr. DALZELL. You did not interrupt me, but on the score of economy I have not heard from the gentleman yet any reason why that particular transfer should be made.

Mr. SULLOWAY. Neither have I in the case I cited.
Mr. GARDNER of Michigan. I think perhaps it may be
made a little clearer to the gentleman if he will note, for instance, in Philadelphia there are twenty-seven clerks

Mr. DALZELL. Philadelphia pays out \$7,000,000 and Pitts-burg pays out \$6,000,000.

Mr. GARDNER of Michigan. In Pittsburg there are twenty-four clerks, making fifty-one clerks in those two agencies, paying about \$13,000,000. There are thirty-nine clerks in Topeka, paying \$16,000,000. Now, you can figure out, gentlemen, on the basis of the average, not the specific instance from Philadelphia, Pittsburg, or Concord, but the general average to-day is 53 cents.

Mr. SULLOWAY. Does it amount to anything practical in

the soldier getting his pension sooner?

Mr. DALZELL. I want to call the gentleman's attention to this: I do not care anything about Topeka or a comparison between Topeka and Augusta. What I want to know is what saving will there be by transferring the Pittsburg agency to Philadelphia? That is the only thing I am particularly interested in at this time.

Mr. GARDNER of Michigan. You mean in that particular

case?

Mr. DALZELL. In that particular case what will be the

saving to the United States Government?

Mr. GARDNER of Michigan. Now, the gentleman can readily see, if he has at all given consideration to the subject, that we can not figure out specifically what will be saved in that particular combination. We do know what can be saved all along the line.

Mr. DALZELL. That is exactly what I want to show, that you can not pick out any particular nine agencies of these eighteen agencies that with justice should be abolished.

Mr. GARDNER of Michigan. Yes; we will come to that ter. I want to ask the gentleman from New Hampshire. He asked what is the benefit of this if it delays the soldier four or five days in getting his pension.

Mr. SULLOWAY. I said weeks; I intended to.
Mr. GARDNER of Michigan. Is it possible? Weeks! Now, gentlemen, the Commissioner of Pensions shows that any place east of the Mississippi River can be reached by mail in twenty-four hours from Washington.

Mr. OTJEN. Why not pay them all from Washington?

Mr. GARDNER of Michigan. We will get to that shortly. Mr. SULLOWAY. Is it not his purpose to consolidate the

whole shooting match at Washington and-

Mr. GARDNER of Michigan. I will say to the gentleman that we had the "shooting match" more than forty years ago. Now, if this combination takes place the consolidation for the payment of all the New England soldiers will be made in a general office. I do not speak authoritatively, but probably in the city of Boston.

Why, you can walk anywhere over in New England from

Boston and get back again in less than five weeks.

Mr. SULLOWAY. I would suggest to the gentleman to come

up sometime and take the exercise. [Laughter.]
Mr. GARDNER of Michigan. The gentleman certainly does
not wish to stand on the proposition that the proposed consolidation will delay the New England soldiers four or five weeks or four or five days. It will not delay them twenty-four hours if every pensioner is paid from the city of Boston rather than from Concord, Boston, and Augusta.

Mr. SULLOWAY. Will the gentleman permit a question?

Mr. SULLOWAY. Will the gentlema Mr. GARDNER of Michigan. Surely.

Mr. SULLOWAY. How many in New England would be paid from the city of Boston?

Mr. GARDNER of Michigan. In round numbers, 100,000.

Mr. SULLOWAY. Are there not more than that?

Mr. GARDNER of Michigan. Well, more or less. It may be more rather than less.

Mr. GOULDEN. If the gentleman will pardon me, the number is 94,229. This is from the figures given by the Commissioner of Pensions.

Mr. SULLOWAY. Will it lessen the clerical force one single individual in preparing these vouchers and sending out the

envelopes with checks in them?
Mr. GARDNER of Michigan.

That is the belief and is in the statement made by the Commissioner. Now, this is the situation: We have in each one of the eighteen agencies a force of clerks that are rushed, say, for ten days or two weeks, and then they have comparatively nothing to do for the balance of the quarter. Now, the scheme is to give these clerks something to do for more than the comparatively short time required to pay the pensioners under the present arrangement.

Mr. SULLOWAY. Mr. Chairman, may I ask the gentleman a

question right there?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from New Hampshire?

Mr. GARDNER of Michigan. Certainly.

Mr. SULLOWAY. If that is a fact, why do you not lessen

the number of clerks? Surely a lot of fellows with nothing on hand-

Mr. GARDNER of Michigan. I did not quite get that.

Mr. SULLOWAY. If it is a fact that you have a lot of clerks, or a number of clerks, speaking more politely, in these agencies who have nothing to do except for a few days, why do you not lessen the clerical force?

Mr. GARDNER of Michigan. For the very reason that the gentleman has already intimated as his objection to changing the Concord agency to Boston, that to have a smaller force of clerks would prolong the period necessary in which to give prompt deliverance of the quarterly checks to the pensioners.

Mr. SULLOWAY. Are not all the checks written out in advance and signed in advance, and ready to put in the envelopes when the vouchers arrive in proper form?

Mr. GARDNER of Michigan. But there is a certain set of

machinery

Mr. SULLOWAY. What set of machinery is required in order to draw the checks, address the envelopes, except to put

the checks in them?

Mr. GARDNER of Michigan. Mr. Chairman, I am glad the gentleman suggested that. Already they are employing in the larger of these agencies addressing machines and folding machines to save help. In other words, they are doing precisely what one of you business men would do if you were conducting your own private business-using the modern labor-saving appliances-and that is what will be done.

Mr. SULLOWAY. That means a lessening of the clerks, does it not?

Mr. GARDNER of Michigan. Certainly.
Mr. LITTAUER. Less expense as well, does it not?
Mr. GARDNER of Michigan. Certainly; the expense reduced in proportion to the number of clerks cut out and agencies reduced.

Mr. SULLOWAY. What is the objection to lessening the clerical force now? That is what I want to know. If it is a fact that you have a surplus of clerks on hand.

Mr. LITTAUER. When they are subdivided they can pat be reduced.

Mr. SULLOWAY. What is the reason? Mr. LITTAUER. A force gathered together and working altogether can do the same amount of work with a less number of individuals employed than if they be scattered round about.

Mr. SULLOWAY. There is nothing in that whatever. If you have got to let them have less clerical force at the agency at Concord, it is well enough to do it, and why not discharge them instead of discontinuing the agency? The same clerical force will be needed that you now have. There is no question about that. This is simply a question of consolidating these offices, bunching them, to the inconvenience of the soldiers of this country.

Mr. LITTAUER. I can not understand in what way the gentleman means they will be inconvenienced.

Mr. SULLOWAY. In delay.

Mr. GARDNER of Michigan. I yield to the gentleman from

New York to proceed with his question.

Mr. LITTAUER. I can not appreciate this matter of delay at all. I am advised here that soldiers continue to receive their checks from Washington in some localities in Ohio and other States within thirty hours of the day in which they are due.

Mr. SULLOWAY. It may be so in certain instances.
Mr. LITTAUER. This whole proposition is a matter looking toward economy, paying less for clerk hire, by making a consolidation of the work rather than having it spread all over.

Mr. SULLOWAY. I fail to understand the economy of rent, when the agency is in a public building that pays no rant what-

Mr. GOULDEN. Will the gentleman permit me?

Mr. GARDNER of Michigan. I yield to the gentleman from New York.

Mr. GOULDEN. Mr. Chairman, I want to say that in a letter of Commissioner Warner, which treats of the question of economy raised by the gentleman from New Hampshire, there is rent of \$4,500; salaries for nine pension agencies, \$36,000; clerk hire, stationery, printing, and other items for clerks, \$64,000, making a total saving of \$104,500, as given by the Commissioner of Pensions.

Mr. SULLOWAY. There is no rent for the agency at Concord. N. H.

Mr. GOULDEN. No; but the rental is at New York, which will not continue beyond a year or two, when the new custom-house will be completed.

Mr. SULLOWAY. I am not talking about New York City.

Mr. GOULDEN. Yes; but there is the saving of the salaries of the pension agents at points where the agency is abolished.

Mr. SULLOWAY. Oh, yes; there is no question about that. Mr. GOULDEN. And I want to ask the gentleman from Michigan while I am on the floor if there was no rent to be paid in New York City, would you recommend the discontinuance of that agency, when there are 10,000 more pensioners paid in New York than in the city of Buffalo?

Mr. GARDNER of Michigan. In reply to the gentleman from New York, I will repeat my statement earlier in the discussion that this is a scheme presented, not by the committee, as you will find, but by the Commissioner of Pensions. It is simply a tentative arrangement; but I have no doubt in my mind that if New York had free quarters, as Buffalo has, the proposed agency would have been retained in New York rather than Buffalo.

Mr. GOULDEN. Ten thousand more pensioners are paid in New York than in Buffalo, and if we have no rent to pay, as suggested by my colleague from New York [Mr. Bennet], I do not see any reason why New York should have been left out of this game, as it appears to me.

Mr. LITTAUER. What game? Mr. GOULDEN. That's the way it looks to the average Mem-

ber, to favor certain places at the expense of others.

Mr. WEEKS. I would like to ask the gentleman from Michigan what the effect would be of dispensing with all pension agencies-whether the pensioner would be delayed in getting his pension, and what the saving would be in expense, if any.

Mr. GARDNER of Michigan. I will say, Mr. Chairman, that that is the ideal scheme, and one that will ultimately be come to. Every pensioner can be paid from the city of Washington, and after the receipt of his first quarterly stipend he will notice no difference from now, though he might have a pension agency within five doors of his residence.

Mr. SULLOWAY. May I ask the gentleman why? Mr. GARDNER of Michigan. Just a moment. The interval between the receipt of his payment would be the same. Why, we have a large number of pensioners who are paid in Canada, Ireland, and Germany. They make their vouchers and send them here to Washington, and the pensions are sent to people living in these far-away countries, who receive their pensions three months from the date of the preceding one from year to year, if they are permanent residents abroad. Now, the saving will be very great if that can be done. That matter was canvassed in the committee, and it was ascertained that there are no quarters obtainable in this city now that would house the necessary pension force without renting; but the Commissioner of Pensions says that in the course of a few years there will be plenty of room in the present Pension building, where, with the clerical force and the machinery necessary, the payment of pensions in every quarter of the world could veniently be made. This is a step in that direction, and the committee feel it is better to do this now than to delay until

Will the gentleman allow me to ask him a Mr. PAYNE.

question?

Mr. GARDNER of Michigan. Certainly.

Mr. PAYNE. Did the committee inquire into the question whether it would be possible to have a pension agency in every Congressional district in the United States and whether that would not be more convenient to the pensioners than to have the eighteen that we now have?

Mr. GARDNER of Michigan. I presume that men could be gotten to take pension agencies, if there was one in every Con-

gressional district. [Laughter.]

Mr. PAYNE. Does not the gentleman think that an amendment of that kind would be vastly more popular than one seeking to cut off a few officials here and there?

Mr. GARDNER of Michigan. From the questions, I think such an amendment as that would carry here this morning.

Mr. DALZELL. There is no pension agency in the Congressional district of the gentleman from New York [Mr.

Mr. NORRIS. I wanted to ask the same question that was asked by the gentleman from Massachusetts, when I interrupted the gentleman before; but I believe the gentleman from Michigan [Mr. Gaedner] has not fully answered the question of the gentleman from Massachusetts. The question is, How much money would be saved if we could do away with all these pension agencies and let the payments all be made from the city of Washington?

Mr. GARDNER of Michigan. Fully 50 per cent of the present

cost, which is over half a million dollars.

Mr. NORRIS. Now, I should like to ask the gentleman what objection could there possibly be, outside of the one that he Minnesota, and the Dakotas as its territory, the clerical force

has given, to such an arrangement, by which they should all be abolished and the pensioners all paid directly from the city of Washington?

Mr. GARDNER of Michigan. From a business point of view there would be no objection and everything would be in its but politically there would be eighteen objections. [Laughter.]

Mr. NORRIS. If there are only eighteen objections, we ought to be able to pass such an amendment. It looks to me as

though there were more than eighteen objections.

Mr. GRAHAM. I desire to call the attention of the chairman of this committee and also the attention of the House to the fact that under the statement made by the Commissioner of Pensions he shows but one rental of a pension agency to-day, that in New York. All the other pension agents are officially housed in United States Government buildings, so that there is only one place where they rent an office. By this proposition that one rental of \$4,500 will be saved. Then if they abolish these pension agencies they save the salaries of nine pension agents, at \$4,000 a year, or \$36,000, making a total of \$40,500 saved to the Government. Now, the estimate as to clerk hire is simply an estimate, that they may, under this consolidation, save a little clerk hire; but all the facts that they can produce show a saving of about \$40,000, and great inconvenience and delay to tens of thousands of old soldiers, simply to save \$40,000. I think the saving from reduction of clerical services can all be effected by the Department without consolidation if they desire it.

Mr. BRICK. Mr. Chairman, I will ask the gentleman if it is not a fact, admitted by the people who understand most about the pension business, that they expect no delay whatever by

the reduction of the number of agencies.

Mr. GARDNER of Michigan. In the scheme proposed by the Pension Commissioner, if it should be finally settled upon between himself and the President, there will be no appreciable

delay to any soldier in the country because of it.

Mr. BRICK. Now, if as proposed we reduce the number to nine and eventually reduce the whole business into one central agency for the whole United States, could not the employees be so marshaled and kept at work that there would not only be no delay to the soldiers, but that they might be paid once a month instead of once in three months?

Mr. GARDNER of Michigan. Mr. Chairman, the gentleman from Indiana has mentioned a very important feature of the consolidation, particularly when it comes to the consolidation of all the agencies. The clerical force here can pay once each month throughout the entire year with great economy and without any appreciable effect upon the efficiency of the service and the promptness with which the soldier receives his pension.

Mr. BRICK. And if that takes place, there will probably be

a reduction of 50 per cent in the expense. Mr. GARDNER of Michigan. More than that.

Mr. STAFFORD. I would like to ask the gentleman from Michigan what prevents under the present organization of the eighteen agencies the carrying out of the recommendation of Mr. Warner of having the work distributed by the month rather than by quarters; that instead of having vouchers issued only on one certain day in each quarter for certain States and certain Territories to have them issued once a month for portions of said sections, so as to keep the clerical force employed?

Mr. GARDNER of Michigan. Well, take the Concord agency;

of course

Mr. STAFFORD. I would prefer to have the gentleman take the average agency. The Concord agency, the Louisville agency, the Augusta, Me., agency are the three that have less than 20,000 pensioners. Take the average agency that has above 40,000.

Mr. GARDNER of Michigan. Suppose you adopt the scheme suggested by the gentleman from Wisconsin. Why insist on having eighteen agencies to do that work, when there is not a man on the floor who will not state if he investigates this subject that nine agencies can do the work just as well?

Mr. STAFFORD. If you are after consolidation, we might concede that one agent could do it just as well; but it would result in quicker consolidation into one agency if all the eighteen agencies should remain as they are at present, and when the pension roll becomes so depleted that the offices are all on a par with the Concord and the Augusta, Me., offices, then there would be no need of supervising agents at the large offices as at present maintained. At the large offices, like Milwaukee and Pittsburg, that have more than 40,000 pensioners, the argument of the Pension Commissioner, so far as changing the work by months rather than by quarters, can be put into force to-day. For instance, the Milwaukee agency, which has Wisconsin,

can be applied one month to Wisconsin and the next to Minnesota, and the other month to the Dakotas, and the same saving in clerical force could be made as has been suggested by the Pension Commissioner. Now, I ask the gentleman why that argument does not apply to these agencies to-day and why the Pension Commissioner can not adopt the same system in the respective agencies and still retain the present agencies?

Mr. GARDNER of Michigan. The gentleman's position is faulty in this, that he would have the same force take care of or 6,000 pensioners in Dakota, for example, and 20,000 in Wisconsin. You have got the same force to take care of

Mr. STAFFORD. It is not necessary to have territorial boundaries. They can be distributed according to location of pensioners, so as to apportion their number equally.

Mr. GARDNER of Michigan. May I ask why the gentleman abandons his position so soon as its faultiness is pointed out to

him? That is good generalship. [Laughter.]
Mr. STAFFORD. I am not abandoning my position. If too
many clerks are employed in the respective agencies they can be reduced so as to have them only adequate to do the work required of them. They can divide the work into sections, rather than to have them work for one entire section at one time during the quarter. I should like to ask the gentleman from Michigan another question.

Mr. GARDNER of Michigan. Certainly.

Mr. STAFFORD. If it is intended to reduce these agencies to nine, I suppose it is contemplated to merge the Milwaukee agency with the Chicago agency. Is that the understanding of

the gentleman?

Mr. GARDNER of Michigan. I think that is in the proposed scheme by the Commissioner. But I have explained that that is not a fast and loose arrangement; it may be adjusted as later considerations and conditions shall determine. On the other hand, I think it is only fair to say that something of that kind will take place.

Mr. STAFFORD. Has the gentleman considered the inadequacy of quarters in the Chicago Federal building to provide for this additional work that will be placed on the Chicago

office?

Mr. GARDNER of Michigan. Mr. Chairman, if the gentleman asks me individually whether I have considered that, I say "no." That is a matter of administration that comes to the Pension Commissioner and not to the Committee on Appropriations or to this House.

Mr. STAFFORD. It is a fact, if the gentleman will permit me, that the Chicago Federal building to-day is overcrowded for room and could not spare any room for additional quarters, and if the Pension Bureau wanted additional quarters they would have to go outside and rent them.

Mr. LACEY. Mr. Chairman, I should like to ask the gentle-

man from Michigan a question.

Mr. GARDNER of Michigan. I will yield to the gentleman. Mr. LACEY. I would like to ask the gentleman if it is not true, take the Des Moines agency as contrasted with the agency at Philadelphia or Washington, that the clerks there work for one-third less than they do at Chicago or Washington, because of the cheaper living there, and that when you consolidate this work in the great cities where it is more expensive to live, you must increase the compensation and thus do away with practically all the saving that you would make by consolidation?

Mr. GARDNER of Michigan. Mr. Chairman, I would say in reply to that that these clerks are all under civil service, and that they are paid substantially alike throughout the country,

as I understand it.

Mr. LACEY. I understand the contrary. They are all under the civil service, but their salaries are based somewhat to meet the expense of living in the localities where they are at work. Mr. BENNET of New York. Will the gentleman yield?

Mr. GARDNER of Michigan. I think the gentleman from Iowa [Mr. Lacey] is mistaken, but we can get the information as to that. I now yield to the gentleman from New York.

Mr. BENNET of New York. I would like to ask the gentleman if the committee took into consideration, so far as New York is concerned, the fact that every pensioner in New York County—in fact, in the greater city—if this agency in New York is abolished, will have to pay exchange on his checks if the checks are sent out from Buffalo. That is the fact under the clearing house rules of New York City.

Mr. PAYNE. Oh, I would ask the gentleman if it is not possible for the Buffalo agency to make a check upon the subtreasury in New York for every pension, so that it would be payable

in New York funds?

Mr. BENNET of New York. I am not advised as to that at

Mr. PAYNE. But I am asking the gentleman from Michigan. Anybody ought to be able to answer that in the affirmative.

Mr. GARDNER of Michigan. Why, certainly.

Mr. PAYNE. Anyone could answer that in the affirmative, I say. And I know that my colleague [Mr. Bennet] could. Mr. BENNET of New York. The gentleman from Michigan as I sav.

got very sudden light.

Mr. PAYNE. And I want to suggest further to the gentleman from Michigan that he might ask some of these gentlemen whether there is not enough patriotism among them to try and save half a million dollars for the Treasury, even though they do have to give up the little patronage there is by maintaining these eighteen agencies? That is the burning question. It is a good deal like the question before the House some time ago when we talked of getting rid of one or two ports of entry in the United States where there were no collections.

Mr. BENNET of New York. I would like to ask my colleague if he would join with the rest of the patriots in the

House in abolishing the Buffalo office?

Mr. PAYNE. I most certainly would.

Mr. BENNET of New York. Or the one at Auburn?
Mr. PAYNE. I most certainly would join in abolishing them all, and I would have them all paid from the city of Washington, and I would vote for it every day in the week if I had an

opportunity

I would like to ask the gentleman from Michigan what effort was made to ascertain the cost of the rental for the necessary building in the city of Washington so as to consolidate all the agencies in the one city? I ask that for information. The gentleman has told me that there would be 50 per cent saved in clerical and other expenses, and I would

like to have the other question answered.

Mr. GARDNER of Michigan. I would say that within the last year the Washington agency, with which it is proposed to consolidate the Knoxville and Louisville agencies, has been housed in the Pension building. They wanted better quarters and they were in very poor quarters—that would cost, say, \$4,500. The Commissioner of Pensions said to the pension agent that he could make room for them in the general Pension building, and there they are to-day, without cost and conveniently located.

Mr. WEEKS. Mr. Chairman, in answer to my question about what the saving would be in case all of the pension agencies were abolished I understood the gentleman from Michigan to say about \$270,000.

Mr. GARDNER of Michigan. About half of the present ap-

propriation, which is \$550,000.

Mr. WEEKS. I want to ask the gentleman from Michigan, that being the case, why he does not move to abolish all pension agencies, hire a whole building in the city of Washington, if it is necessary, for, say, \$20,000, and make a net saving of \$250,000?

Mr. GARDNER of Michigan. Mr. Chairman, that is a business man talking, and he talks just like a business man would talk at home in conducting his private affairs, and I am sorry that we do not all take the same view of it here. As I said, that is the ideal thing to do, and we hope to reach it some day. The objection is now, as urged by the Pension Commissioner, that he has not the room to do it, but would have it probably in two or three years.

Mr. OLMSTED. Will the gentleman yield to me for a moment?

Mr. GARDNER of Michigan. Yes.

We have now in Pennsylvania two pension Mr. OLMSTED. agencies, one at Pittsburg, on the extreme west, and the other at Philadelphia, on the extreme east. I live at Harrisburg, which is in the center of the State. We have been playing both ends against the middle, so to speak. I want to ask the gentleman, now that he is going to abolish one or concentrate them, whether it would not be perhaps a good thing—and I submit this particularly to my colleagues from Pittsburg and Philadelphia-to concentrate and have the consolidated office at Harrisburg, in the middle of the State? It is a most desirable place in which to live. We have a beautiful new capitol building there, and I think the pensioners would be willing to come and get their checks personally, just to see the beautiful city and the beautiful capitol that we have there. You know Harrisburg once came very near being the national capital.

Mr. GARDNER of Michigan. I would respectfully refer the Pennsylvania delegation to the Commissioner of Pensions and the President to answer that. They will adjust the matter ultimately if the consolidation is approved by the Congress.

It seems to me, Mr. Chairman, that we ought to proceed with the regular discussion pertaining to this bill, and I therefore suggest that until the bill is taken up under the five-minute rule we forego occupying further time in this desultory way.

Mr. Chairman, there are several gentlemen who have asked for time. I do not see the gentleman from Ohio here [Mr. GROSVENOR1

Mr. SULLIVAN. I would like to speak for five or ten min-

utes myself now.

Mr. GARDNER of Michigan. Mr. Chairman, Mr. Sullivan, who controls the time for the minority, desires to occupy a few minutes at this time.

Mr. PRINCE. Will the gentleman from Massachusetts permit me to ask the chairman of the subcommittee a question before he begins?

Mr. SULLIVAN. Yes. I yield to the gentleman from Illi-

nois for a question.

Mr. PRINCE. I would like to ask the chairman of the subcommittee, who has this matter in charge, a question, and the gentleman from Massachusetts has yielded to me to do so. question is this: You stated that in one, two, three, or four years' time there will be room in the Pension Office for the housing of the clerks who are necessary to transact the business of paying soldiers their vouchers from the city of Washington.

Mr. GARDNER of Michigan. That is anticipated.

Mr. PRINCE. Will you be kind enough to tell how the room is to be obtained?

Mr. GARDNER of Michigan. Mr. Chairman, I stated that up to comparatively recently the whole space in the Pension building has been occupied by the force that had to do with the issuing of pensions. A year ago the pension agent in this city made application to remove the quarters in which the business was carried on to more commodious and pleasanter quarters, and with good reason I may say. The Pension Commissioner ascertained that this project was on foot. He sent for the pen-sion agent in this city and said to him: "I believe we can make room for you now, for we have a less number of clerks right here in this building." It was because of the reduction of clerical force in the Pension building that the pension agency in this city was transferred to that building, and is there now. That reduction, of course, is going on continually, and within a comparatively short time there will be an abundance of room for a force sufficiently large to pay all the pensions in the present Pension building.

# MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 7270. An act to establish a fish-hatching and fish-culture

station at Dell Rapids, S. Dak.;

S. 7147. An act to amend section 2536 of the Revised Statutes, relative to assistant appraisers at the port of New York, and further defining their powers, duties, and compensation; and

8. 7793. An act to fix the time of holding the circuit and district courts of the United States in and for the northern dis-

trict of Iowa.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (H. R. 1050) for the relief of Edwin S. Hall.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills and joint resolution of the following titles:

S. 4423. An act providing for the donation of obsolete cannon, with their carriages and equipments, to the University of Idaho;

S. 4563. An act to prohibit corporations from making money contributions in connection with political elections; and

S. R. 86. Joint resolution granting an extension of time to certain homestead entrymen.

The message also announced that the Senate had passed with-

out amendment bill of the following title:

H. R. 24048. An act authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Spokane and Inland Empire Railroad Company, its successors and assigns.

# PENSION APPROPRIATION BILL.

The committee resumed its session.

Mr. SULLIVAN. Mr. Chairman, this proposition to consolidate the pension agencies is not a new one, and in a Congress of patriotic citizens actuated solely by a desire to save the public money it ought not to be a difficult plan to execute; but I remember some years ago hearing a distinguished Democrat upon a public platform declare what he conceived to be the

difference between the Republican party and the Democratic party. He declared that Democracy was a faith and Republicanism an appetite. I think the justice of that characterization is borne out by the proceedings here this morning, for we find the war is confined to that side of the Chamber and that the prize is patronage. No man who has questioned the action of the Committee on Appropriations so far has said that the proposed consolidation would not work an economy, and no one has made the claim with any attempt to substantiate it that a single soldier who receives a pension would be delayed or hindered a single day or to the slightest degree by this proposed change. Therefore it results that the only reason for opposing it is found in the cohesive force of public plunder, and the cohesive force is exercised to-day upon that side of the Chamber. In order to show that this characterization is a just one I would like to read a little from the testimony of last year. I want to show the House that the only thing that makes for the solidarity of the Republican organization is patronage, and that that is well understood by the chief of the Republican party in the United States—I mean by the President of the United States—

Mr. WANGER. Mr. Chairman—
The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Pennsylvania?

Mr. WANGER. Will the gentleman permit a question? Mr. SULLIVAN. Yes.

Mr. WANGER. You stated that no pensioner would be delayed a single day by reason of the consolidation of agencies. I notice on page 6 of the hearings that the Commissioner of Pensions said:

The pensioner at San Francisco might be delayed ten days or longer in getting his pension, but after that time he would get it every ninety

In other words, as I understand the Commissioner, there will be no delay simply because it takes ten days to reach him from the central agency, and that instead of getting his pension on the 4th of the month he will get it on the 14th, and the 14th will recur as regularly as the 4th. In other words, there will be a delay of ten days every payment, but that will be regular, and that delay more or less will exist all over the country.

Mr. SULLIVAN. No; the gentleman is altogether wrong, as I will proceed to point out. If he had read more, he would have reached a different conclusion, I think.

Mr. WANGER. Permit me a word more. Mr. SULLIVAN. No; pardon me; let me finish and then I

will yield later.

The gentleman has been reading the statement of the Commissioner with reference to the proposition to consolidate the eighteen agencies into one, and not his statement with reference to this proposed plan of consolidation into nine agencies. If we consolidate them all into one, and have the sole agency at Washington, then the man in San Francisco would be delayed on his first payment ten days. But that is not the plan that is under consideration, I would say to the gentleman. Under this plan the agency at San Francisco will not be disturbed, and the pensioners who receive their pay from that office will not be delayed a single day. But admitting that we went further than we propose to go here to-day, and advocated the change by consolidating all agencies into one, his statement would still be substantially true-I call the gentleman's attention to that fact-for although some pensioners in some parts of the country might be delayed ten days on the first payment, they never would be delayed after that. They would receive their pension money within three months of that first payment, and they would suffer no inconvenience beyond that.

Mr. WANGER. The difference would be that while a man would be expecting his pension on the 4th of the month he would, under consolidation into one agency at a particular point, get it on the 14th-

Mr. SULLIVAN. Oh, yes.
Mr. WANGER (continuing). Instead of the 4th.
Mr. SULLIVAN. But he would continue subsequently to get it upon the 14th, and the 14th would then be his golden day instead of the 4th. He would be looking for the 14th, and would be quite as well satisfied.

Mr. WANGER. Although his certificate would tell him to get it on the 4th?

Mr. SULLIVAN. Even so, but his common sense would tell him he would get it on the 14th.

Mr. GOULDEN. I would like to ask the gentleman from Massachusetts, a member of the subcommittee, what would be the saving in case it was consolidated into one agency-leaving out and excepting San Francisco—what would be the approximate saving in this matter? That goes to the meat of it. Mr. SULLIVAN. That goes to the meat of a proposition we

are not discussing. That proposes a consolidation that is not before this House. We are proposing simply to cut off nine of the agencies out of the eighteen, and the one the gentleman is considering is to cut them down to one.

Mr. GOULDEN. Two.
Mr. SULLIVAN. Or two. The Commissioner of Pensions did not give us a statement of the saving effected by consolidation into one agency, but did give us a statement of the saving to be effected by the proposed consolidation into nine, and the saving would be \$104,500 annually. He stated that sixty-four clerks, at \$1,000 apiece, could be dropped in the several agencies which were discontinued. It would also save \$36,000, which would pay the salaries of nine pension agents. We would save \$4,500 a year which we are now paying as rent in New York City, temporarily.

Mr. GOULDEN. Will the gentleman permit me to say that

within two years they will not be paying that rent, because the new custom-house will be completed and the agency will be

housed in that building?

Mr. SULLIVAN. That is all very true, but within a period far less than two years we will not pay it if the proposition goes through to-day. So, if the gentleman desires economy, he can better effect it by the route proposed by the committee than by his own.

Mr. GOULDEN. We certainly want economy, but we do not want 10,000 more pensioners in New York than in Buffalo to be

put to the trouble of getting their money from Buffalo.

Mr. SULLIVAN. I will call to the gentleman's attention a statement of the Pension Commissioner, who must be admitted to be qualified to judge of this matter, that if we consolidate the two agencies in New York into one, no pensioner will be delayed a single day as a result of it, and that he will not suffer the slightest inconvenience. But what I was about to say, Mr. Chairman, was that this subject is not a new one; that it was before the Committee on Appropriations one year ago, and that a motion was made, which appears by the Record of last year, to consolidate these agencies into six. That motion was based upon the statement of the Commissioner that six agencies could do the work as well as eighteen.

When the motion was considered, it was pointed out that the consolidation could be effected by Executive order and that it did not require legislation. It was suggested then that it would be better not to commit an apparent trespass upon the preroga-tives of the President by refusing to appropriate the money for the agencies, and in that manner accomplish the reduction by indirection, but would be better to consult with him and ascertain whether he would not make an order for the consolidation of these agencies, and that suggestion was acted upon. As a result one of the members of the committee called upon the President, and I read now from page 19 of last year's report a statement made to the committee by one of its members which gives the result of the conference between the President and the members of the Committee on Appropriations:

Mr. Garder of Michigan. Gentlemen, I want to say, first, in regard to the instructions of the committee last Friday, that the President was waited upon last Saturday by the Commissioner of Pensions and myself in reference to the consolidation of the pension agencies as discussed in this committee on Friday, and my impression was, and indeed he said, that he would take up the matter, but could not do it now; he was pressed too much; but later on, right after the adjournment, he would take up the matter with the Commissioner of Pensions and give to the whole subject very careful consideration, with a view of reducing the number of pension agencies.

There we have complete evidence that the matter was presented to the President by a member of the Appropriations Committee and by the Pension Commissioner, the Commissioner going very soon after making his statement to the Appropriations Committee that these agencies should be consolidated and twelve of them dropped, leaving six to administer the function. Unquestionably, although I would not have the hardihood to say what the President heard and what the President said, and to quote the conversation that was reported, I will say this: That undoubtedly the Commissioner of Pensions pressed upon the President the expediency of reducing the agencies to six. The President promised to take the matter up after the adjournment of Congress. We adjourned last July. The President had it in his power every day since last July, by Executive order, to consolidate these agencies. The President has failed to do it; and this year the Commissioner of Pensions comes before the committee once more and renews his proposition to consolidate these agencies, and he repeats his testimony of one year ago, that these agencies can be reduced to nine and even to six.

Now, then, I assert, Mr. Chairman, that the failure of the

principle upon which the Republican party has maintained its organization.

Mr. GARDNER of Michigan. Will the gentleman yield?

Mr. SULLIVAN. I will.
Mr. GARDNER of Michigan. I think the gentleman from Massachusetts does the President an injustice. I do not like to quote on the floor of the House what the President has said or said at that time; but I will undertake the responsi-bility of saying this: That he then said substantially, "I am ready to do anything that the Commissioner of Pensions will recommend;" and I think he stands ready to do that now; but the reenforcement of an affirmative vote of this House would not only manifest to the President, but to the country, that the House is willing to forego some patronage as well as the President.

Mr. SULLIVAN. Well, Mr. Chairman, with all due respect to the gentleman, I think his analysis of the President's motives is entirely wrong; and I will proceed to point out wherein I think it is wrong. I will call his attention to a fact which is well known in this country, that the President does not usually wait in deference upon the Congress, but when he has fixed ideas which he likes to see crystallized into law he does not hesitate long in sending a vigorous message to Congress, and supplementing it with as many messages as he deems neces-

sary to bring Congress to his way of thinking.

If the President were convinced, as he must have been convinced by the Commissioner of Pensions, of the necessity of effecting this economy, and he felt that it would not do violence to a sacred principle of the Republican party to effect this change himself, he would have framed an Executive order accomplishing all that the Congress could accomplish by legis-It would have been a virtuous act on the part of the President, for which he would have been entitled to the whole credit, but which now it seems he is simply asked to share with Congress. Usually, when the President can perform a meritorious act alone and without the aid of Congress, he does not hesitate to do so.

Mr. GARDNER of Michigan. Mr. Chairman, will the gentleman allow another interruption?

Mr. SULLIVAN. Yes.

Mr. GARDNER of Michigan. I wish that politics might not be brought into this discussion, for only a purely business principle is involved; but is it not true that the last Democratic President of the United States issued an Executive order to abolish nine of these pension agencies; only in issuing the order he dated the time of its taking effect after the expiration of his term of office?

Mr. SULLIVAN. That is true, Mr. Chairman. Mr. GARDNER of Michigan. So that even a Democratic President has a little idea of what patronage may be while he is in office.

Mr. SULLIVAN. That is true, Mr. Chairman. idea that Republicans alone have an idea of the value of patronage. I think they could not get along without patronage as well as the Democratic party has got along. appreciate the value of it more than the Democratic party does; but let me supplement the gentleman's statement by saying that this virtuous action of a Democratic Executive in abolishing these agencies was rendered of no effect, because President McKinley canceled the order when he came into office, showing clearly that even a virtuous action of a Democratic President which might effect an economy was simply intolerable from the Republican standpoint. [Applause on Demo-

Mr. KEIFER. Mr. Chairman, I only want to suggest, if the gentleman will allow me, that the distinguished President, Mr. lleveland, did not want the order to operate during his Administration, when he might have applied it, but simply wanted to teach the Republicans in the future administration how to

be economical and how to restrict their patronage.

Mr. SULLIVAN. That may or may not be so, but the action of President McKinley and of President Roosevelt showed that they did not want it under any circumstances. That is the difference. Now, if President Rosevelt really thought that this economy should be effected in the interest of the taxpayers of the United States there would be no need of this discussion. He could frame an Executive order dropping these agencies to-day. He would not have to wait until this recom-mendation of the Appropriations Committee passed through this House, passed through the struggle which it must encounter here at the hands of the friends of patronage upon that side of the Chamber, and then wait and watch its devious course President to effect this saving of about \$100,000, in a case brought directly to his attention, is a recognition upon his part, as head of the Republican party, that patronage is the sole country \$100,000, but he prefers to have Congress do it. I ask the gentleman from Michigan, why does he prefer to have Congress do it? I will answer that question, and then the gentle-man may modify or qualify my answer or comment on it as he pleases; but my own opinion is that he chooses to put upon Congress the responsibility for reducing the opportunity for Re-

publican patronage.

Mr. GARDNER of Michigan. Mr. Chairman, in answer to the gentleman from Massachusetts, I would say that I have no knowledge, direct or indirect, hearsay or otherwise, that the President has spoken, directly or by intimation, to the effect that he desires Congress to take any action upon this subject. He said to me a few days ago-I do not like to refer to private conversations with the President, but this seems to be necessary he said, "I will do what the Pension Commissioner recommends;" not what the Congress recommends, but what the Pension Commissioner recommends, and I think we ought to absolve the President of the United States from playing politics in a thing of this kind.

Mr. SULLIVAN. Mr. Chairman, I wish that we could, but when a President is sworn to enforce laws and guard the peo-ple's money, and has the power by a single stroke of the pen to execute an economy which will save \$100,000 then I assert that politics is not being played upon this end of the Avenue. If the money ought to be saved, and the President has the power to save it, why should he wait for the action of Con-Did he wait for the action of Congress when he framed Executive Order 78, concerning which there were grave doubts as to his constitutional power? There are no such doubts here. as to his constitutional power? There are no such doubts here. He has the power under the statutes to effect this economy. Last year it was a subject of debate upon this floor, and a resolution was offered to test the validity of Executive Order No. 78; but by the narrow margin of three votes this House avoided an investigation of the validity of the President's order, although the House had a Republican majority of more than I simply point to that as an illustration of the fact that there were grave doubts on both sides of the Chamber of the validity under the Constitution of the action of the President of the United States. He then exercised a doubtful power, which led to increased expenditure. He now refrains from exercising an undoubted power in the interest of economy. But we are dealing now with a question that presents no such diffi-The President's course is clear. He has the right culties. under the law to effect this economy, and in order to show that I am entirely right in criticising the President's neglect I will read again from the statement of the gentleman from Michigan made to the Appropriations Committee and printed in the RECORD. He purports to give the result of conversations be-tween the President and the Commissioner of Pensions and RECORD. himself and uses this language:

The President was waited upon Saturday by the Commissioner of Pensions and myself in reference to the consolidation of the pension agencies, as discussed in this committee on Friday. My impression was, and, indeed, he said—

Now, the gentleman undertakes to quote what the President said, and he has stated what he said in the report that he made to the committee of which he was a member-

he said that he would take up the matter.

If he intended Congress to act upon it, would it be necessary to tell the gentleman that he would take up the matter? What could he have meant by using the language, "I will take up that matter" but that he, by Executive order, would effect this

If he intended not to take up the matter, he would have said to the gentleman from Michigan, "I prefer not to take the responsibility upon myself. I prefer that your committee recommend this change and the Congress accept the responsibility for this departure." But he preferred to take another attitude on the question, and he used other language indicative of that purpose. He must have said: "I will take up this matter. I have not the time now; I am pressed." He was pressed with the not the time now; I am pressed. He was pressed with the railroad-rate bill and other bills pending in this body; but after adjournment he would take up the matter with the Commissioner of Pensions and go through the whole subject, and give it careful consideration.

The President of the United States came into public notice as a reformer, a vaunted reformer of the civil service in this country. He owed whatever political fame he enjoyed in his early days to the fact that he advocated economy in the administration of public affairs, and clinging to that principle, as he is reported in the press of the country, he has gained step by step the higher offices, until now he is in the office of the President of the United States, where he has more power to effect reforms in the civil service in one minute of the day than he had years ago when he was day and night advocating these reforms; and yet, with the subject brought to his attention by a responsi-

ble officer in charge of the Bureau, with the clear statement before him that by a single stroke of the pen he could save \$100,000 of the people's money, he has allowed that power to lie unused for a whole year, and then attempts to throw the responsibility of the change upon Congress. Now, I submit to the intelligent audience here if there could be any other possible interpretation of the President's motives than that? [Applause on the Demo-

Mr. GARDNER of Michigan. Mr. Chairman, I want to say that the statement read from the minutes of last year is strictly accurate as I recollect that interview. There was no secretary present to take any minutes, no one but the Commissioner of Pensions and myself. Now, whether or not the Commissioner of Pensions called the President's attention to this I do not know, but it would not be a surprising thing, with the very large responsibilities, with the exacting duties and the many demands made upon the President's time, that this might have

been overlooked unless his attention was especially called to it.

Again, I want to repeat what I said, that there has never
been any intimation by the President, directly or indirectly,
that he desired, as far as I know, to shirk any responsibility in this matter. He is not a man who shirks his duty upon another

[Applause on the Republican side.]

AN. Well, Mr. Chairman, the gentleman on person or body. [A Mr. SULLIVAN. the other side may be content with that explanation, but I shall submit this question in all candor. If the President of the United States, knowing of the necessity of this change, falled to exercise the power which he possesses, is he not clearly open to the criticism that the purpose of submitting the proposition to effect that change to Congress must be to put the responsibility for the change upon that body? Will the gentleman from Michigan tell me of any one other motive which will explain his conduct in the premises?

Mr. GARDNER of Michigan. I do not think in a matter of this kind it is necessary to go into the motives of a man. That is pretty farfetched, and I fear the gentleman has traversed very closely to that dangerous edge. It is a dangerous thing to stand here and challenge the motives of any man, much less the

President of the United States.

Mr. SULLIVAN. Ob. Mr. Chairman, there is no such thing as the crime of lèse-majesté in this free Republic, I will remind the gentleman. I am fully aware of the meaning of my words, and I accept full responsibility for them. I have no fear of criticising the motives of the President of the United States any more than I would have of criticising the motives of any other individual in the United States. I have that right in this Chamber, I submit, and if I choose to exercise it, the only limitations that shall be put upon me are that I shall do it in a courteous manner and shall not exceed the proprieties of debate and shall cling to the facts of the case. I submit that I have done all three, that I have not exceeded any of those limitations, and that I am entirely within my rights. I can not retract a single word that I have said. I repeat that there must have been a motive for the failure to act, and rather than discuss it further, because I think it has been discussed enough, I leave it to the House to decide as a matter of conscience with each Member, if he decides to make examination, whether the gentleman from Michigan [Mr. Gardner] is right in his interpretation of the President's attitude or whether I am right.

Will the gentleman yield? Mr. DRISCOLL.

Mr. SULLIVAN. Yes.

Mr. DRISCOLL. Does the gentleman know whether or not these agencies were created by act of Congress or by Executive order originally?

Mr. SULLIVAN. No; I do not. I can not answer that question.

Mr. KEIFER. My impression is that they were never created by Congress, but were generally provided for by law and fixed

by order originally—away back.

Mr. GRAHAM. I would like to ask the gentleman a question, and that is if these economies in regard to clerk hire are possible under a consolidation of offices, why are they not possible if made without consolidation? The bulk of the saving is by the reduction of clerk hire—\$64,000, estimated. Can not this reduction be just as well made by the Commissioner of Pensions without reference to a consolidation?

Mr. SULLIVAN. No; I think not.
Mr. GRAHAM. I can not see why.
Mr. SULLIVAN. Oh, I think the gentleman leaves out one element in the calculation. To illustrate, take the three New England agencies, Boston, Augusta, and Concord. Two of those three agencies now pay at the same time, the same months, and one at another time. If those three agencies were made into one, the time of payment in one of them, say, for example, the Boston agency, could be changed, and then the pensioners in Maine and in New Hampshire and in Massachusetts would receive their checks at different periods from what they do now. Checks would go out to some part of that entire district each month, and the clerks, the smaller number of clerks, in the consolidated agency would be employed in certain months of each year where they are not employed now. They now send these checks out once every three months, and there does not appear to be a great deal of work for them to do in the intervals between those payments; but by consolidating three into one and making the dates of payment come each month, the clerks could be employed each month. Let me illustrate further, for a moment. Augusta, Me., pays in March, June, September, and December, and Concord pays in January, April, July, and October. That takes up eight months of the year. Boston pays as Augusta does, in March, June, September, and December. By changing the dates of the Boston payment to February, May, August, and November that agency would send out these pay checks once each month, and the clerks could be employed constantly. the same manner the same system could be applied in the other consolidated agencies throughout the country, and the clerks could be kept employed where they are now idle in these intervals of payment.

Mr. GRAHAM. I see the force of the gentleman's argument, but I can not see why it can not be accomplished in another way by having temporary clerks. Take the Pittsburg agency, for example. A certain number are employed all the year round, and then when these payments are made an additional force is called in just for a month, or so many weeks—I think it is a month that they employ them. Why could not the de-partment do the same thing in the interim, discharge a number of these clerks and just employ extra help during the time that

the exigency of the case demands?

Mr. SULLIVAN. Undoubtedly the department might do that, but it is a question of making a large economy or a small the department might do economy. It would be better for the head of the department to save a dollar where he could rather than to save 50 cents, and by consolidating these agencies he would save much more than he would by appointing temporary clerks, to say nothing of the danger with which we are all familiar, that the temporary clerk soon becomes a permanent one.

Mr. WEEKS. Mr. Chairman-

The CHAIRMAN. Does the gentleman from Massachusetts yield to his colleague?

Mr. SULLIVAN. I do.
Mr. WEEKS. I would like to ask my colleague a question.
I notice in this bill an appropriation of \$4,000 a year each for nine agents. I presume that is the salary paid to all agents

Mr. SULLIVAN. Yes.
Mr. WEEKS. There are eighteen agents, which would make \$72,000. Now, if all those agencies were abolished, I would like to ask my colleague if there would not be a saving of

\$72,000 on that question alone?

Mr. SULLIVAN. Of \$68,000, because we would get rid of seventeen of those agencies, and that brings me to a discussion of the proposition which some gentlemen have brought forward here to-day of making one agency instead of eighteen. I am not sure that some of the gentlemen have brought it forward in good faith. I think perhaps they have advanced it in order to kill the proposed consolidation into nine, knowing very well that a proposition to consolidate eighteen into one would have a slim chance of passage in this House. I doubt if it could pass this House, but I see no reason on the merits of the case we should not consolidate eighteen into one. There is a legislative difficulty, but there ought not to be any difficulty in principle. It is admitted by all who have studied the subject, notably by the Commissioner, that the pensioners throughout the country would not be delayed after the first payment if all the checks were sent out from one department in the city of Washington, and that a vast number of clerks could be dispensed with.

The only objection from the Commissioner's standpoint is that there is no building available for the housing of the clerks who would be brought here, and I, with all due respect to the Commissioner, do not think that objection has disposed of the argument in favor of consolidating into one. We are told that we could save sixty-four clerks by consolidating eighteen agencies into nine. The Commissioner's secretary being asked how many clerks we could dispense with if they consolidated into one replied that we could save the same amount. Well, that does not seem to me to follow. If we can save sixty-four by dropping nine agencies, we could save many more, if not an equal number, by dropping eight of the remaining nine agencies, and I have not the slightest doubt we could save at least a hundred thousand dollars in clerk hire and \$68,000 in the salaries

of pension agents by having the Department transact all the business in the city of Washington. If we had not the building, I think it would be economy to hire one temporarily and effect this saving.

Mr. DRISCOLL. Will the gentleman permit a question? Does the gentleman know just what was the proposition put up to the President on the question—whether to reduce from

eighteen to nine or from eighteen to one?

Mr. SULLIVAN. No; I do not. Mr. DRISCOLL. You do not know but that if we do not reduce these agencies to nine the President may reduce them to

Mr. SULLIVAN. I suppose the President may do it. I would be glad to have him carry his power that far.

Mr. DRISCOLL. You do not know whether the suggestion was made to the President at that time to reduce the number

from eighteen to nine or from eighteen to one? Mr. SULLIVAN. I do not know, but the proposition before the committee was to consolidate into nine or six. The visit to the President was for the purpose of discussing the question of consolidation, and I do not know whether he discussed it upon the proposition to reduce it to nine or six or one, but I assume, and I do not think it is a violent assumption, that there was a discussion of the proposition to reduce it either to nine

Mr. OLMSTED. Mr. Chairman, will the gentleman from Massachusetts permit me-

Mr. SULLIVAN. Yes. Mr. OLMSTED. To ask if he knows what President created

these 18 pension agencies?

Mr. SULLIVAN. Well, I have already stated I do not know whether they were created by order of the President or by act

Mr. OLMSTED. I will call his attention to the act of March 3, 1885, which is as follows:

The President is authorized to establish agencies for the payment of pensions whenever in his judgment the public interests and the convenience of the pensioners require, but the number of pension agencies in any State or Territory shall in no case be increased hereafter to exceed three.

That is, not more than three in any one State. I read this simply to disabuse the gentleman's mind of the idea that this was for the benefit of Republican patronage. This was the last act of an expiring Republican Administration—the act was approved by a Republican President on the very last day of his term—authorizing a Democratic President, who was to be sworn in the next day, to establish these 18 pension agencies. That would benefit his own patronage, not Republican pat-

Mr. SULLIVAN. I would like to correct the gentleman's impression by citing a later chapter of history, namely, that in the last Democratic Administration the Democratic President issued an order for the consolidation of the 18 agencies into 9, which order was revoked by his successor, who was a Republican President.

Mr. OLMSTED. After he had created the 18 agencies and appointed the 18 agents he desired to abolish them, so as to prevent his successor from having the same privilege.

Mr. DALZEIJL. And when he was going out he did it. Mr. SULLIVAN. His successor, not at all impressed with his act, with the principle of economy, refused to consolidate the agencies.

Mr. DALZELL. Will the gentleman allow me? The order made by the Democratic President was made expressly to take effect after he went out of office and when the Republican President came in.

Mr. SULLIVAN. That is true; and the only criticism I would make of President Cleveland in that direction is that he seemed to possess too much faith in the virtue of a Republican Administration. [Laughter.]

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. HAMILTON having taken the chair as Speaker pro tempore, sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On January 18:

H. R. 14811. An act to authorize George T. Houston and Frank B. Houston to construct and operate an electric railway over the national cemetery road at Vicksburg, Miss.; H. R. 19754. An act to provide for the distribution of public

documents to the library of the Philippine government at Manila, P. I.; and

H. R. 24478. An act for the relief of citizens of the island of Jamaica.

On January 19:

H. R. 19523. An act to authorize Thomas J. Ewing and George Patton, of Catlettsburg, Ky.; Otto Burger, of Cincinnati, Ohio; Herbert Haynard, of Kenova, W. Va., and Charles Miller, of Huntington, W. Va., to construct a bridge across the Tug Fork of the Big Sandy River.

On January 21: H. J. Res. 221. Joint resolution to fill a vacancy in the Board

of Regents of the Smithsonian Institution;

H. R. 13675. An act to ratify and confirm the acts of the legislative assembly of the Territory of Oklahoma, passed in the year 1905, relating to an insane asylum for the Territory of Oklahoma, and providing for the establishment and maintenance of an insane asylum for the Territory of Oklahoma at Fort Supply, in Woodward County, Okla., and making appropriations therefor

H. R. 20069. An act for the opening of Macomb street NW., District of Columbia:

H. R. 1249. An act granting a pension to William R. Fulk H. R. 1372. An act granting a pension to Josephine I. Rich-

mond: H. R. 1500. An act granting a pension to Emily J. Sherman;

H. R. 1800. An act granting a pension to Eliza J. Ingle; H. R. 4705. An act granting a pension to Harriet E. Palmer;

H. R. 10789. An act granting a pension to David Wilborn;

H. R. 18677. An act granting a pension to Martin Alphons

H. R. 522. An act granting an increase of pension to Frederick Roschdiantzky;

H. R. 562. An act granting an increase of pension to John F.

H. R. 600. An act granting an increase of pension to Oliver N. McLain

H. R. 747. 'An act granting an increase of pension to Robert Smith;

H. R. 1026. An act granting an increase or pension to Thomas M. Wilcox

H. R. 1060. An act granting an increase of pension to Margaret E. Lounsbury

H. R. 1067. An act granting an increase of pension to Jacob Bender

H. R. 1068. An act granting an increase of pension to William S. Ouigley

H. R. 1169. An act granting an increase of pension to Oliver P. Pierce

H. R. 1673. An act granting an increase of pension to Jennie

H. R. 1687. An act granting an increase of pension to James

H. R. 1706. An act granting an increase of pension to George H. Washburn

H. R. 1709. An act granting an increase of pension to Brice P.

H. R. 1891. An act granting an increase of pension to Simeon York

H. R. 1904. An act granting an increase of pension to Nelson R. Satterlee

H. R. 1938. An act granting an increase of pension to Thomas B. Foutty

H. R. 2290. An act granting an increase of pension to Peter

H. R. 2422. An act granting an increase of pension to Earl K. Childs:

H. R. 2761. An act granting an increase of pension to Michael Mahoney

H. R. 2822. An act granting an increase of pension to Levi Gates

H. R. 2909. An act granting an increase of pension to Jacob

H. R. 3194. An act granting an increase of pension to Samuel

H. R. 3195. An act granting an increase of pension to Milton S. Collins

H. R. 3228. An act granting an increase of pension to Michael

H. R. 3234. An act granting an increase of pension to Rush Deskines

H. R. 3297. An act granting an increase of pension to Thomas

H. R. 3355. An act granting an increase of pension to James L. Allen:

H. R. 3494. An act granting an increase of pension to Albert A. Talham ;

H. R. 3496. An act granting an increase of pension to Edward Walton;

H. R. 3733. An act granting an increase of pension to Simeon D. Chelf;

H. R. 4386. An act granting an increase of pension to Zelinda E. Odenbaugh

H. R. 4648. An act granting an increase of pension to Sarah A. Dedrick

H. R. 4656. An act granting an increase of pension to Thomas Snell:

H. R. 4663. An act granting an increase of pension to Horace B. Tanner

H. R. 4834. An act granting an increase of pension to Silas W. White

H. R. 6911. An act granting an increase of pension to William J. Turner

H. R. 7476. An act granting an increase of pension to George C. Dean;

H. R. 7488. An act granting an increase of pension to Jacob L. Hatton

H. R. 8563. An act granting an increase of pension to William H. Hays

H. R. 8789. An act granting an increase of pension to Levi Chapman;

H. R. 10364. An act granting an increase of pension to John P. Patterson;

H. R. 10531. An act granting an increase of pension to William G. Binkley;

H. R. 10751. An act granting an increase of pension to George

H. R. 10755. An act granting an increase of pension to Anna Flynn;

H. R. 10804. An act granting an increase of pension to John H. Worley

H. R. 10958. An act granting an increase of pension to Levi Dodson;

H. R. 12911. An act granting an increase of pension to Ambrose S. Delaware;

H. R. 13241. An act granting an increase of pension to Francis H. R. 13455. An act granting an increase of pension to Josiah

P. Higgins;

H. R. 13887. An act granting an increase of pension to Joseph T. Eagler ;

H. R. 14298. An act granting an increase of pension to John Remick H. R. 14543. An act granting an increase of pension to Charles

Barnell, alias Richard North; H. R. 15004. An act granting an increase of pension to Wil-

liam J. McAtee H. R. 15471. An act granting an increase of pension to Eli

Stover ; H. R. 15763. An act granting an increase of pension to Gainford N. Upton;

H. R. 18454. An act granting an increase of pension to Barlow Davis

H. R. 18742. An act granting an increase of pension to Martin V. Barney

H. R. 19296. An act granting an increase of pension to Assov Harelson

H. R. 19390. An act granting an increase of pension to William R. Sears

H. R. 19482. An act granting an increase of pension to Sarah E. Cannell

H. R. 19725. An act granting an increase of pension to Howard Bennett

H. R. 19970. An act granting an increase of pension to Eugene Demers

H. R. 20559. An act granting an increase of pension to John Bradley :

H. R. 20617. An act granting an increase of pension to Isaac N. S. Will;

H. R. 20623, An act granting an increase of pension to James B. O. Horbach

H. R. 20714. An act granting an increase of pension to Robert Turley

H. R. 20891. An act granting an increase of pension to Hugh Blair;

H. R. 20968. An act granting an increase of pension to Waitman T. Mathers;

H. R. 21578. An act granting an increase of pension to Andrew J. Gaskey

H. R. 19035. An act granting an increase of pension to Elizabeth Moore Morgan;

H. R. 19462. An act granting an increase of pension to Emily Fox;

H. R. 19528. An act granting an increase of pension to Elizabeth Maddox; and

H R. 16169. An act granting a pension to Neal O'Donnel Parks.

On January 22:

H. R. 8631. An act for the relief of James M. Darling;

H. R. 3357. An act granting an honorable discharge to James B. Mulford;

H. R. 121. An act authorizing the extension of Seventeenth street NW.;

H. R. 128. An act for the opening of a connecting highway between Water Side drive and Park road, District of Columbia; H. R. 8435. An act for the opening of Fessenden street NW.,

District of Columbia;

H. R. 10843. An act authorizing the extension of Kenyon street NW.;

H. R. 14815. An act for the extension of Harvard street, Columbia Heights, District of Columbia;

H. R. 14900. An act to extend Fourth street NE.; and

S. 6578. An act to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, and to amend an act amendatory thereof approved June 20, 1906.

### PENSION APPROPRIATION BILL.

The committee resumed its session.

Mr. GARDNER of Michigan. Mr. Chairman, I yield one hour or so much more time as he may find necessary to the gentleman

from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Chairman, it has been said in certain of the newspapers of the country that I was about to proceed to make a farewell address to the House of Representatives. I have no doubt that some of my colleagues on this side of the House and some of my friends on the other side of the House would be equally glad if that were a true statement; but it is not. I do not intend to make a farewell address now or at any other time. I do not intend by any intimation that I shall make here to bar myself from being heard during the coming month of February on any important question for the speaking upon which I may be recognized by the presiding officer. [Applause.] Nor do I intend to bar my way to any seat that I may occupy hereafter in the Senate of the United States or in any of the other great bodies, such as the Civil Service Commission. [Laughter.] Or any body of that high character.

Mr. OLMSTED. Or the Cabinet? Mr. OLCOTT. Or President?

Mr. GROSVENOR. I desire to speak on a phase of the tariff question. It is a new question in Congress somewhat, at least in the form in which I propose to put it. I am shortly going out of public life, and I feel it my duty, wherever it is possible for me to do so, to leave behind me light-houses and buoys and trees blazed and marks upon the ground warning the people of the country against the dangers that crowd so thickly upon the people of the country situated like ours. And the particular warning that I propose to give now is to try to show that it would be recklessness and indiscretion upon the part of the people of the country to take for granted and as true any statement

ple of the country to take for granted and as true any statement connected with the tariff question that might come from any Democrat or any organization of Democrats. And I propose to point out the reasons why.

Nothing which I shall say will be a reflection upon the integrity and honor and patriotic purpose of the Democratic party or its members. It is unnecessary for me to say that I have the highest regard and appreciation—I emphasize the last word—of the patience, perseverence, and continual wrongdoing of the Democratic party of my country upon this question, and I propose to apply the history of the tariff question as it has

fallen under my observation as an illustration and demonstration of what I have to say.

I will not go back except to briefly state that since I have been a Member of Congress we have had the tariff question in a great many forms. We had the Morrison bill, which was a product of Democratic statesmanship, and which was supported with enthusiasm and faith and hope by the Democratis in the House and in the Senate and in the country. The author of that bill still lives, honored and esteemed by his countrymen without regard to party. I will not go into any details in regard to that measure. Subsequently there came the Mills bill, an intelligent movement in the direction of free trade, advocated by some of the ablest men on this floor at that time; and some of the arguments made at that time impressed me with great

force. I remember the gentleman from Texas, Mr. Mills, the chairman of the committee, emphasizing this proposition, namely, that you must buy from foreign countries or foreign countries will not buy from you. And that was the burden of his song. It was the strongest argument put forward, and it made an impression upon my mind that more than staggered for the time being my faith in the principle of protection for protection. His idea was that trade in the productions of industry was and is a matter of sentiment and good fellowship; that unless we love the other fellow we will not buy his goods and will buy from some one who stands better in the matter of sentimentality than the other, and this regardless of the character of the goods or their prices.

This idea has much to do with many aspects of the subject of

reciprocity.

Since that time I have learned to discern that there is nothing whatever in that argument, and I have reached the conclusion, which I think all intelligent men have reached, in the light of the history of the past ten or twelve years, that Nations buy where they can buy the cheapest and the best, utterly regardless of the question of the sales to any other Nation. I do not believe the fact that we manufacture all of our pig iron, or substantially all of it, has ever entered the mind of a single British merchant. Trade is selfish; commerce is pure selfishness; there is no sentiment in it, and the record of the past ten years abundantly demonstrates that fact. So that the Mills bill neither affected the condition of the country one way or the other, except that we were plodding along and doing the best that we could.

The next bill I shall speak upon is the McKinley law. That was a bill framed, not as a high protective measure, but it was framed to meet the changes in large part that had taken place by the exigencies of the shifting conditions growing out of lapse of time and the changes of commercial relations between countries. The McKinley bill had an unfortunate beginning. It began so late in the summer of the year following its introduction and passage that the country misinterpreted it and a revolution, potential and powerful at the time, swept over the coun-

try and brought us the Fifty-third Congress.

I do not care to discuss the McKinley tariff law, for the line of argument which I propose to submit is not involved in the benefit or detriment that the law inflicted on the country. It is enough to say that the Democratic Administration made haste to wipe it off the statute books, and carried the election of 1892 upon that issue and with a pledge to that course. It was a law framed for the promotion of trade among the countries of the world, and it was a law framed to meet certain of the necessities and certain of the growing and new developments of trade in this country. I might turn aside, as it is in the line of my argument, to say that from one end of the country to another there was a universal claim upon the part of the Democrats, which seemed to have its origin here in the House, and spread throughtout the country, that we could not—those were the words used—we could not produce, for instance, the article of tin plate in the United States. It was an astounding statement, and it was made with vigor and earnestness, and apparently in absolutely good faith. It was made everywhere—on the stump, in the press, and in the halls of Congress. It impressed the people with the argument.

I need not elaborate upon it that one of the greatest industries of the country and the one that is most far-reaching in its effects upon foreign commerce to-day is the manufacture of tin plate to the inhabitants of the country. I might point out the fact of the price of tin plate in the country to-day and the prices that they were at the time of the passage of the McKinley law testifies to the beneficial effect of a protective tariff in the development of an industry and the creation of competition, so that the tin plate purchased to-day in this country for the use of the people is at a price less than two-thirds of the price we were paying in those days; and we are exporting enormous quantities to foreign countries. And in this way great benefits have inured to every consumer of tin plate in this country and brought new avenues to profitable employment of tens of thousands of workingmen and their families. And alike it brought

benefit to all other branches of business.

But the law was repealed and the Wilson tariff law took its place. The passage in this house was the event which brought great joy to the Democrats here and in the country and in Europe.

Now it is often said by our enemies—and said with a great deal of force and a great deal of apparent effect sometimes—that the condition of the country was not materially affected by the introduction of the Wilson tariff bill and its passage and enforcement. I am not going to spend any great amount of time upon this proposition, but I make this statement: What Demo-

crat is there, living or dead, who ever gave any reason for the conditions of the people in this country between 1892 and 1897 that did not attribute them to the operations of the tariff law known as the "Wilson law?" If not that law, then what

Well, I will tell you what they say. They deny it. They say it had no effect; and my friend, if he will permit me, for I expect to deal with some of his arguments that have not always been made in the House of Representatives; I refer to the eloquent gentleman from Missouri [Mr. CLARK]. I will say this, and I think I will make my argument based upon the statement of his argument. He says hard times began in 1892. That is true. But the day after election the price of labor in this country began to go down, and it went down to the condition of things we had in 1897. But he says the Wilson tariff bill was not passed until 1894, therefore how could the Wilson tariff bill have affected the country? It will not be forgotten that the Democratic party made its fight of 1892 on distinct opposition to the McKinley law and all it contained. It pledged itself to to the McKinley law and all it contained. It pledged itself to the repeal of that act, and it was not a far cry from the platform and election to the certainty of the repeal and substitution which came as the necessary outcome of the apparent popular

But the argument is this: The election of 1892 happened in The first session of the Fifty-third Congress did not begin until December, 1893. The Wilson bill did not pass and become a law until July, 1894. Hence that bill did not produce the terrible conditions in the country which began in November, 1892, and swept like a fire in dry grass all over the country and swept away a great per cent of the value of the real and personal property of the country. That is the claim, and literally that is true. But how much force is there in the admissible that is true. sion? The Democratic party is the author of the platform of 1892; it carried the country, and the result of the legislation was felt in advance and grew worse after the passage of the Wilson

But the distinguished gentleman from Missouri [Mr. CLARK] Just the distinguished gentleman from Missouri [Mr. CLARK] puts it this way. He gives us some very beautiful illustrations. I remember one of them. For instance, he says Napoleon had the itch at Tours—I believe I have the wrong word.

Mr. CLARK of Missouri. Toulon.

Mr. GROSVENOR. Ah, yes; Toulon. I thank the gentle-man for the correction. Napoleon lost the battle of Waterloo. "Did the fact that he had the itch at Toulon cause the loss of the battle of Waterloo?" That is a good Democratic argument, and it is about on a dead level with the weight of Democratic arguments generally upon this particular question.

[Laughter on the Republican side.]

Two propositions must be borne in mind, that the downward condition of things in this country began instantly upon the election of Cleveland and a Democratic Senate and House. The burden of proof is upon the Democrats to give us an understanding of what did cause the trouble. Mr. Gompers, whom I do not often quote as an authority, says that in 1896—possibly he says in 1895—there were 3,000,000 idle men in the United States. Mr. Harrison, in the fall of 1892, said there was scarcely one, and I shall put in the RECORD an extract from his message, in which he congratulates the country upon the splendid conditions of labor and capital and industries at the close of his connection with the Government in December, 1892, when Congress assembled. No controversy was ever made about that. Nobody every contradicted the force or truthfulness or fairness of his statement.

## [Fourth annual message.]

EXECUTIVE MANSION, December 6, 1892.

To the Senate and House of Representatives:

To the Scnate and House of Representatives:

In submitting my annual message to Congress I have great satisfaction in being able to say that the general conditions affecting the commercial and incustrial interests of the United States are in the highest degree favorable. A comparison of the existing conditions with those of the most-favored period in the history of the country will, I believe, show that so high a degree of prosperity and so general a diffusion of the comforts of life were never before enjoyed by our people.

The total wealth of the country in 1860 was \$16,159,616,068. In 1890 it amounted to \$62,610,000,000, an increase of 287 per cent.

The total mileage of railways in the United States in 1860 was 30,626. In 1890 it was 167,741, an increase of 448 per cent; and it is estimated that there will be about 4,000 miles of track added by the close of the year 1892.

The official returns of the Eleventh Census and those of the Tenth Census for seventy-five leading cities furnish the basis for the following comparisons:

In 1890 the capital invested in manufacturing was \$1,232,839,670. In 1890 the capital invested in manufacturing was \$2,900,735,884. In 1890 the number of employees was 1,301,388.

In 1890 the number of employees was 2,251,134.

In 1890 the wages earned were \$501,965,778.

In 1890 the wages earned were \$51,221,170,454.

In 1880 the value of the product was \$2,711,579,899.

In 1890 the value of the product was \$4,860,286,837.

I am informed by the Superintendent of the Census that the omission of certain industries in 1880 which were included in 1890 accounts in part for the remarkable increase thus shown; but after making full allowance for differences of method and deducting the returns for all industries not included in the census of 1880 there remain in the reports from these seventy-five cities an increase in the capital employed of \$1,522,745,604, in the value of the product of \$2,024,236,166, in wages earned of \$677,943,929, and in the number of wage-earners employed of \$56,029. The wage earnings not only show an increased aggregate, but an increase per capita from \$386 in 1880 to \$547 in 1890, or 41.71 per cent.

The new industrial plants established since October 6, 1890, and up to October 22, 1892, as partially reported in the American Economist, number 345, and the extension of existing plants, 108; the new capital invested amounts to \$40,449,050 and the number of additional employees to 37,285.

The Textile World for July, 1892, states that during the first six

18. The several plants can be provided in the American Economists, number 345, and the extension of existing plants, 108; the new capital invested amounts to \$40,448,050 and the number of additional employees to 37,285.

The Textle evested calledar year 135 new factories were bult, of which 40 are cotton mills, 48 knitting mills, 26 woolen mills, 15 silk mills, 40 plush mills, and 2 lines mills. Of the 40 cotton mills, 21 have been built in the Southern States. Mr. A. B. Shepperson, of the New York Cotton Exchange, estimates the number of working spindless in the Gotton Exchange, estimates the number of working spindless in the Gotton Exchange, estimates the number of working spindless in the Gotton Exchange, estimates the number of working spindless in the Gotton Exchange, estimates the number of working spindless in the Gotton Exchange, estimates the number of working spindless in the Gotton Exchange, estimates the number of working spindless in the Gotton Exchange and in 1892, 2,584,000 bales, an increase of 185,000 bales. From the year 1869 to 1892, inclusive, there has been an increase in the consumption of cotton in Europe of 92 per 185 to 185 to

freight compared with 691,344,437 tons in 1890, an increase of 13,054,-172 tons.

Another indication of the general prosperity of the country is found in the fact that the number of depositors in savings banks increased from 693,870 in 1860 to 4,258,893 in 1890, an increase of 513 per cent, and the amount of deposits from \$149,277,504 in 1860 to \$1,524,844,506 in 1890, an increase of 921 per cent. In 1891 the amount of deposits in savings banks was \$1,623,079,749. It is estimated that 90 per cent of these deposits represent the savings of wage-earners. The bank

clearances for nine months ending September 30, 1891, amounted to \$41,049,390,808. For the same months in 1892 they amounted to \$45,180,601,947, an excess for the nine months of \$4,140,211,139.

So I say that, driven to the necessity of admitting the good condition of the country in 1892, driven to admit the terrible condition of the country in 1896, the burden is upon the Demo-crat who justifies the changes in our legislation to show what it was that caused the changed conditions. Oh, I know what they will say. They will say there was not money enough in the I will put into my speech a statement showing the production of gold in the United States and the production of gold in all the world during the years from the beginning of Cleveland's Administration down to the present time, and you will find that the ratio by percentage of increase of the world's product of gold was greater for a number of the years of Cleveland's Administration than during the subsequent years of the Administration of McKinley. So that the whole of that argument falls absolutely to the ground. I will furnish in my speech the official statement of the Department, that will establish what I have said, although since that time I am free to admit that the increase of the gold production has been significant and important and is going on still.

Gold production

Calendar year.	United States.	The world.
1890	\$32,845,000	\$118, 848, 700
1891	33, 175, 000	130, 650, 000
1892	33,000,000	146, 651, 500
1893	35, 955, 000	157, 494, 800
1894	39, 500, 000	181, 567, 800
1895	46,610,000	200, 406, 000
1896	53, 088, 000	202, 251, 600
1897	57, 363, 000	236, 073, 700
1898	64, 463, 000	286, 879, 700
1899	71,053,000	307, 168, 800
1900	79, 171, 000	255, 634, 500
1901	78, 667, 000	262, 492, 900
1902	80,000,000	296, 737, 600
1903	73, 592, 000	325, 961, 500
1904	80, 465, 000	346, 892, 200
1905 α	86, 338, 000	379,000,000

a Estimated.

Annual average gold production of the world, 1800 to 1905.

1800 to 1850	\$16,000,000
1851 to 1890	120,000,000
1891 to 1900	210,000,000
1901 to 1905	320,000,000
1905 only (estimated)	

It will be seen that in the very next year following the unfortunate election of Cleveland the increase in the world's production of gold was \$11,000,000 and upward, and in the next year it reached more than \$35,000,000 increase, and in the years 1895 and 1896 the increase had amounted to \$54,000,000 in one year and \$56,000,000 in the next, and then in the hardest of all years the gold increase had reached the enormous sum of \$90,000,000. Here are facts that can not be disputed, taken from the official records of the country, which show beyond a reasonable doubt that the unusual, and it might be said unexpected, increase in the gold production of the world was powerless to even check the tide of Democratic ruin that swept over the country. The gold production in the United States in 1892 was \$33,000,000. That is the year of Cleveland's election. The gold production in 1897, when we were staggering under the effects of Cleveland's Administration, had reached the enormous sum of \$57,000,000, or an increase of \$22,000,000, and yet its effect upon the business of the country was absolutely imperceptible. The tide of woe swept on and on and other countries absorbed the gold.

There can be no more conclusive argument in support of this proposition than the fact that with the gold production of the world and the gold production of the United States increasing at a ratio unheard of theretofore Mr. Cleveland was compelled to borrow gold from Europe to pay the running expenses of his Administration. The tremendous influx of gold during the four years of his Administration fled, fled to pay the differences in the balance of trade between the United States and the world at large; fled paralyzed by the dying industries of the United States. The increase in the gold production from that day to this has not been at so great a ratio as was the increase during the Administration of Cleveland. So the whole fable is exposed.

Our answer to the whole of this is that the quantity of money does not necessarily affect the conditions of trade and prosperity in a country. It is not the question of how much money there is in the country, it is the question of the circulation of the money in the country. And therein lies the whole distinction in these two lines of argument. So, if any gentleman shall reply to anything that I may say, let him tell us what it was

that happened in 1802, 1893, 1894, 1895, and 1896 to prostrate the industries of the country to the terrible condition in which we found them in 1897, while gold production in the world increased from 1892 to 1897 in the great sum of \$106,000,000. What was it? The burden of the proof is not upon us. Does the mere presence of a Democratic President, a Democratic House, and a Democratic Senate, without any overt act of theirs, of itself constitute a sufficient cause to prostrate the business of the country? We do not claim it, but we do claim that it was the advertised purpose of the Democratic party, under the message of Cleveland and under the letter which he wrote so early, not only to press the repeal of the McKinley law, but to inaugurate a condition that would reverse the effect of the McKinley law itself.

But the time came when the people of the country changed their views upon this subject; and a Republican President, a Republican House, and not entirely a Republican Senate came as the result of the election of 1896. But a Senate came in which, under the Administration of William McKinley and under the potential persuasion of the condition of the country, yielding to the public demand, a few Democrats aided the Republicans of the Senate, and the Dingley bill was passed.

Now, we had reached the crisis in the discussion of the tariff question, and I invite your attention to the condition that existed. The Congress that was assembled in special session in March, 1897, found this country in a condition so terrible that it would be past belief if it had not been recorded at the time. In a compilation that was made by the distinguished gentleman from Illinois [Mr. BOUTELL], who has been very generous and kind in furnishing it to me, I find a statement made by a number of the governors of the Southern States, especially bewailing and bemoaning the conditions that existed at or about the time of the election of McKinley and the assembling of the Fifty-fifth Congress. I shall illustrate my speech somewhat with quotations on this subject. I do not care to read all of these numerous extracts that are compiled here.

Now, I started out by saying that the country ought not to be shocked at the prophetic utterances of men of the Democratic party. I believe there used to be a rule in the olden time somewhere that if a prophet made a mistake, if he prophesied distinctly that an event was going to happen, and it did not happen, they made some kind of a partition between his head and his body. If that had been done in this country, I fear there would have been a good many vacant seats in the House of Representatives, all on that side of the House. [Laughter.]

Now, before I proceed to these voluminous extracts, I ask

Now, before I proceed to these voluminous extracts, I ask your analysis of this proposition, as stated by the gentleman whose utterances I shall quote.

They did not tell us that they were afraid that existing conditions were going on; they did not tell us that our legislation in the Dingley bill was going to be of any benefit to the country, but they did tell us that the passage of the Dingley bill would affirmatively bring to the country a series of injurious results. It is not worth while now to say that you were prognosticating that the absence of gold, the absence of the volume of money, was going to bring trouble upon the country. You did not say that. One or two of our distinguished friends on the other side constantly cling to that idea, but the general cry was that the passage of the Dingley bill, a bill that had nothing to do with the currency, that had nothing to do with the gold or silver, but that the tariff feature of the Dingley bill, if passed, would bring affirmatively evils upon the country that they said did not exist at that time.

So you will have no room to answer me that the fact was that you wanted a larger volume of money and that a larger volume of money came; you can not put that forward as an answer, for that is not what you said, and you must stand by the record that you have made. You said expressly that if we would not pass the Dingley bill then good times would come. Then you said if we do pass the Dingley bill hard times would come, and come in these certain directions. You did not lack specifications in your bills that you filed in the court of public judgment. You said it will contract our commerce abroad; it will reduce the price of labor, and notably and conspicuously you said it will aim its heaviest blows at the farmer. These three propositions—lower wages, idle men, circumscribed foreign market and lower prices for the farmers' produce—you put foward as the evils.

Your most distinguished Democrat, and I speak of him as the most distinguished for his political misfortunes, stated in a speech that he made in New York in one of his hurried journeys there:

Wheat is only worth 65 cents a bushel, and it will never be any higher until the Democratic party is elected and these reforms are introduced.

He came to the miners in my Congressional district and said:

You are mining coal at 40 cents a ton; you do not like to do that, and you are working only two and a half or three days a week. You will never get more time or higher wages until you put the Democratic party in power.

Wheat has been ranging along in the neighborhood of a dollar a bushel, and the miners of my district have been mining coal at 80 cents a ton, working six days in the week, and seven if

they want to, and that is a fair estimate of the whole of it.

Now, gentlemen, what have you to say? You say, "We will stick to our proposition that we were right then," and that is where you must stick. Now, I am going to refer to some of the great men of the Democratic party, and I want to begin with one of the most conspicuous States in this Union, and I do it now particularly because of the importance that that State has in the councils of the South and the prominence of the men of that State in the councils of the Nation. I refer to the State of Texas. We were approaching the passage of the Dinglev bill. Everybody understood that it was going to pass. It had received the indorsement of the President, it was ready to pass in the House of Representatives, and its passage was reasonably assured in the Senate. And so the time had come for the Democratic party to come forward and state what they believed the effect of it was going to be on the country, and I repeat that your statements were not that it would break up present conditions, but you did state that of its own operation it would bring to the country these divers wrongs and injuries. It was to be something that was coming in the future, something that was to grow out of the passage of the Dingley bill. We had in this House of Representatives a very distinguished gentleman from Texas, a gentleman by the name of Lanham. He spoke exactly in the same line that others spoke, and here is what he said on the 19th of July, 1897. The bill had gone to the Senate, had passed on the 4th of July, or the night before, and gone to the committee of conference and had come back from the committee of conference and was pending upon a report of that committee in the House of Representatives:

Pass your bill, reeking as it does with blood and burdens, carrying as it does disaster and distress, freighted as it is with woe and waste, filled as it is with injustice and oppression to your fellow-men; but it will but briefly blot and blur the statute books of this might nation, for it is against the genius of our institutions, the ethics of civilization, the proprieties of life, the equities of good government, and the conscience of a free people that mammon shall be enthroned and that money shall rule in this land, consecrated to liberty and to justice.

A few days ago this same very distinguished gentleman, whom we all admire, wrote a message to the house and senate of Texas, and I shall try to show you best from his declaration how little safety there is in trusting to the opinion of a Democrat upon a party question. I find his message covering nearly two pages of the Galveston News of the issue of the 11th of January, the current month. It is very ably written, and I will simply quote a paragraph under the head of "Prosperity."

In closing the quadrennium of my service as governor it gives me pleasure and patriotic pride that so much of prosperity and contentment have prevailed. The material progress, industrial development, and general improvement that have marked these four years have never been excelled nor do I think equaled in any previous like period in the history of the State.

Now, let us see what he says has happened to it, and you will see that it answers and negatives everything that he prophesies:

Our taxable values have been greatly augmented. Lands have appreciated. Labor has been rewarded. Rural communities have thriven. Agriculture and horticulture have flourished and made general advancement in abundance and diversification of crops. Our farmers as a rule are comfortable and independent. Our live-stock industries have prospered. Manufactures have multiplied. Mining has been stimulated, resources hitherto latent—

That is, they never would have been discovered but for this change, and that is my own interpolation-

have been exploited and utilized. Towns have been built. Cities have grown larger. Capital has found profitable investment. Railroads have been constructed and extended. Commerce has expanded. Population has greatly increased. Six new counties have been organized. The State is exceedingly prosperous and progressing satisfactorily along all useful lines. The present is encouraging and the future is bright with premise. promise.

Now, I think that the gentleman ought to apologize to the people of the country for having misled them to such an extent as that. But he was not alone. Texas had on the floor of this House a very distinguished Member, in fact, several of them. One of them has since been a governor of the State. He made a speech here in which he prophesied more evil even than did the average Democrat. I will only read a portion of what he said and print the balance of it:

Mr. Chairman, can prosperity proceed from grievous and burdensome taxation? If so, and the pending bill should in all its provisions be crystallized into law, this country will without delay realize an abundant and universal prosperity, and all classes and conditions in society will rejoice in the change that has taken place.

That was a correct prophecy, for the governor of that great

State has rejoiced with joy unspeakable and full of glory. He continues:

But, sir, prosperity can not, will not, come by such methods. Taxation can not make wealth, nor can the want of a sufficient currency enhance the value of property or of labor. This bill is the response which the Republican party has made to popular favor as expressed at the late election. Nothing else, we are told, will be done at the present session, except to pass some such measure as this and the four general appropriation laws. The Democratic and the Populist parties can stand such a policy as this. They will be benefited by it.

Well, they have been benefited by it, and the country has, too. The Populist party has been lost and forgotten, and the Democratic party has never been in power from that day to this. He goes on:

But can the people stand it? I think not, Mr. Chairman. It will but add to the general depression throughout the country, prevent the revival of trade, and retard an advance in prices. It will add to the abundance of the few and aggravate the necessities of the many.

Here are some of the effects of the Dingley tariff bill. First, I add the statement compiled from the report of the Secretary of Agriculture for the current year of the condition of the farmers of the country. These farmers were the special object of the said forebodings of our Democratic friends, and they surely were in distress at the time these pathetic utterances were made. Never was agriculture at so low an ebb, never had lands depreciated at such a ratio, and never was prosperity so absent as it was from the farmers of the United States.

### THE FARMERS ARE PROSPEROUS.

That the farmers of the country are enjoying almost unexampled prosperity is made evident in the report of Secretary Wilson of the Department of Agriculture. Farm values computed in 1905 are greater than shown by the census of 1900 by nearly \$8,000,000,000, or about 50 per cent increase. Perhaps some deduction would be made for inflation of values in certain sections of the country; otherwise this is probably a fair estimate. The total wealth produced on the farms in 1906 is estimated at \$6,794,000,000, an increase of 8 per cent over 1905; this increase being in the face of a decline of \$40,000,000 in the farm value of the various cereal crops. The latter, however, being much larger in volume than the 1905 crops increases the total value by \$485,000,000. The following comparisons are available:

Farm values of the leading crops of 1906.

Sura njingensi 250 Santrejovu hollu. Juga da detekte ili kulosesuksi e zast	1906.	1905.
Cotton Hay Wheat Oats Potatoes Barley Tobacco Sugar, sirup, and molasses Flaxseed Rice Rye	600, 000, 000 450, 000, 000 300, 000, 000 150, 000, 000 55, 000, 000 75, 000, 000 25, 000, 000 18, 000, 000 18, 000, 000	\$1, 116, 697, 000 575, 000, 000 515, 960, 000 518, 072, 000 277, 048, 000 160, 821, 000 55, 047, 000 48, 674, 000 50, 000, 000 24, 049, 000 12, 286, 000 16, 755, 000 6, 000, 000
HopsUnenumerated	3, 291, 000, 000	3,507,591,000
Total	6,794,000,000	6, 309, 000, 0

Estimates of quantities.

	1906.	1905.
Corn         bushels.           Hay         tons.           Wheat.         bushels.           Potatoes         do.           Barley         do.           Tobacco         pounds.           Flaxsed         bushels.           Rye         do.	145,000,000 629,000,000	2,707,993,000 60,500,000 692,979,000 260,741,000 136,651,000 633,034,000 28,478,000 27,616,000

The farm still overshadows the mill and factory in providing exports, in which cotton maintains a long lead, amounting to \$207,000,000 of the total of \$976,000,000 of agricultural exports. The Secretary says: "It is upon the selling of a surplus in foreign countries that the farmer depends for the maintenance of profitable prices for meat animals;" but he also says that every increase of one-fourth of a cent per pound in the average price of meat raises the total yearly expense to consumers by \$41,883,000. Thus it is inevitable that a larger export trade in foodstuffs, by maintaining or increasing the home price, though it may be good for the farmer, is bad for the consumer; and this accounts in part for the higher cost of living.

In conclusion, the Secretary says:

"Cotton planters are now out of their former bondage to future maintenance, and in the Middle West there has been a conversion of a million agricultural debtors paying high rates of interest into financially independent farmers, debt free and offering their savings to the banks at as small a rate of interest as 2 per cent. Farmers are using their new capital to abolish the waste places of the land and along many lines of improved production. Formerly there was an abundance of farm labor and a scarcity of farm capital. Now these conditions are reversed—labor is scarce and capital abundant."

INCREASE OF SAVINGS.

INCREASE OF SAVINGS.

It is often remarked that in these prosperous times most people are living somewhat beyond their means and apparently are making no pro-

vision for the future. But recent statistics relating to savings banks deposits show that many thousands of salaried people and wage-earners are not expending all of their money for luxuries or even for the necessaries of life. During the last ten years the number of depositors in savings banks increased from 5,065,494 to 8,027,192, or about 60 per cent, while the amount of deposits rose from \$1,907,156,277 to \$3,482,-137,198, or about 80 per cent. On the usual basis of five persons to each family, this means that about half the families in the United States have bank accounts averaging \$433.78. Moreover, this makes no allowance for more than \$690,000,000 deposited in building and loan associations by 1,600,000 individuals nor for the increase in resources of national and other banks less representative of the plain people.

Mr. Bailey, a somewhat conspicuous member of the delegation from Texas in that day and occupying a most conspicuous place to-day in the Democratic party, also expressed his views. This is an extract that has been often reproduced. It came with force and eloquence from the Democratic side, an utterance by its leader, the leader of the minority in that House. It came as a warning to the people of the country. It was on the 19th day of March, 1897, and Mr. Bailey said:

I warn you that if this bill fails, as fail it will, to bring the prosperity which the Republicans have promised, you will not live long enough to obtain a patient audience with the American people upon the absurd proposition that you can make them prosperous by increasing their taxes. You have promised to make the times better for all the people; and you must redeem that promise or be driven from the high places which you occupy. Four years of the taxation proposed in this bill will prove a severe drain upon the energies of our people and the resources of this country; but if they demonstrate, as I believe they will, the victous errors of the protection system, the lesson, though costly, will be worth its price. [Applause on the Democratic side.]

I am free to say to the gentleman from Maine—

And I ask you to hear this-

if your revision of the tariff and your increase of taxation can bring prosperity to the country, then you are wise and patriotic; having done that, to do no more, because if that is all that is necessary it is all which ought to be done. The country gave you the power to pass laws and you have attempted to restore prosperity by increasing taxes. If you succeed the Democratic party might as well not make a nomination in the next Presidential election.

There was a prophecy thoroughly fulfilled. [Laughter and applause on the Republican side.]

Mr. LITTLEFIELD. He was wiser than he knew.

Mr. GROSVENOR. He spoke more wisely than he knew. He confesses that if we made prosperity or if prosperity came, which was the language, it was useless for the Democratic party to make a nomination. Prosperity did come, and yet, defiant of your leaders, you made a nomination and were whipped, and then foolishly, in my judgment, made another, and now you will get the third or fourth repetition of the same terrible vengeance of the people of the country.

If you succeed the Democratic party might as well not make a nomination. If you fail you might as well not make a nomination in the next Presidential election. Now let us give the country a chance to decide who is right and who is wrong. You have applied your remedy. I am confident it will fail. I am so confident of its failure that I want to raise no other issue. I want the country to decide between your wisdom and ours upon the measures which you have already proposed. Let the country say whether it is tariff revision or financial reform which shall work out our redemption.

Mr. Bailey again-and I will quote what he said-elaborates the same ideas in a further speech which he made on the 3d day of May, when the bill was still pending in the House:

When the people voted the Republican party into power they intended that party to apply its principles. I believe they made a mistake, but I have confidence enough in their intelligence they will discover that mistake and rectify it. Let the Republican party meet its responsibility, and let us provide it with no explanations for its failure. \* \* That is the supreme issue—prosperity. If you bring it, the country will credit you for your good service. If you fail to bring it, the country will dismiss you from its service. If you demonstrate, as demonstrate you will, that a high tariff under a goid standard will not bring prosperity, I will stake my political fortune on the proposition that the American people will then yote to restore bimetallism as the only means of restoring prosperity to this country. [Applause on the Democratic side.]

Now, I do not want to pile up all the honors upon Texas. have one or two other extracts which, with the leave of the House, I will publish; but I want to come to another distinguished gentleman who has done me the honor to come within hearing distance of my few remarks and to show you not only the Democratic leader of the House at that day but the very able and distinguished leader of the minority of the House at this day was as much at fault as was his distinguished leader. Here is what Mr. WILLIAMS said. He always says it with such an assurance of its truth and its accuracy that I have to go out and walk up and down in the lobby sometimes to shake off the effect of his utterance and get back to reason and common sense. [Laughter and applause.] December, 1889, the gentleman had discovered exactly what had followed in this country, and he shifted the position of the Democratic party in a very adroit sentence or two. This is what he said on December 15, page 466 of the Congressional Record of that Congress:

Mr. Chairman, answering for myself, I stand here to say that I have never yet made a public utterance by which I would not abide, because

the utterance has always been not only the conviction of my constituents, but my own. [Applause on the Democratic side.]

I thought he said "conscience," but he said "constituents."

And had I the power now, standing here as I do, if I were the czar of America and had unlimited power, I would to-morrow open the mints to the free coinage of silver at the rate of 16 to 1 with but one doubt in my mind, and that doubt would be whether it were not better to go to the world's ratio of 15½ to 1.

Mr. DALZELL The gentleman still thinks silver ought to be coined at the mint at the ratio of 16 to 1?

Mr. BAILEY of Texas. I do.

It does not appear the gentleman from Mississippi answered that question.

But there is another great State in the Union, and its representation upon this floor is always able and conspicuous. want to show you how all phases of Democracy on that side of the House concurred in these prophetic declarations. There was then on the floor of this House a gentleman by the name of CHAMP CLARK, of Missouri, who has been here ever since, and I hope he may stay here until he becomes the last vestige of the Democracy in this country [laughter on the Republican side], for he is an outspoken, brave, and generally wrongheaded statesman. [Laughter and applause on the Republican side.] This was uttered on the 20th day of March, 1897. That was when the Dingley bill was pending. It had gotten under way pretty rapidly. It had been made, as you all know, practically during the winter months of December, January, and February, and finished in March.

It was not made in a committee room of this Capitol. It was made in a couple of committee rooms in a hotel uptown. It was not made with the presence of the members of the Demo-cratic Ways and Means Committee, but it was made as a Re-publican measure by the remaining members of the Republican part of the Ways and Means Committee. I will read:

The Republican party have always been very long on promises and very short on performances. [Laughter and applause on the Democratic side.] You told them [the people] that as soon as McKinley was elected a tide of prosperity was going to roll over the land that would come up to the very chins of the people. [Laughter.] Where is that tide of prosperity now? It seems to have gotten stunted somehow, belated somewhere. It is merely a case of "arrested development." [Laughter and applause.] Prosperity is coming, is it? You are bringing it now, are you? Let me tell you about it.

And then see how the poet breaks forth:

Republican prosperity is-

Like popples spread,
You seize the flower, its bloom is shed;
Or, like the snowfall in the river,
A moment white, then melts forever;
Or, like the borealis race,
That flits ere you can point the place;
Or, like the rainbow's lovely form,
Evanishing amid the storm.

But my friend Clark had something else to say, passing over the declaration of Mr. Cockran on the 31st day of March, the day that the McKinley bill was reported to the House from the Committee on Ways and Means. He said:

repeat, so that all men may hear-

I do not like to read this, and if I had not entered upon it I would not have done so. The gentleman has a right to have me say in advance that he will repudiate this declaration under all circumstances, and was probably driven to it by the annoyance of some wicked Republican-

I repeat, so that all men may hear, that I am a free trader, and take my stand with Sir Robert Peel, Richard Cobden, John Bright, and Henry George. I may be an humble member of that illustrious company, but it is better to be a doorkeeper in the house of honest free traders than to dwell in the tents of wicked protectionists.

Then on the same day:

A beastly majority in 1896, secured by means forbidden in morals and dangerous to our institutions, hath made you Republicans mad.

But you will be brought to your senses when the people again get a shot at you in the year of our Lord and Master 1896.

They have had several shots since, and we are doing pretty well, thank you. How do you find yourself? [Laughter.]

Then you will be in the condition of the man out of whom the devil was cast, and after his soul was swept and garnished, the devil returned, bringing with him seven other devils. The Bible says that the last state of that man was worse than the first.

By the eye of faith I can see a million bicyclers, with pneumatic tires, riding down protection and liars [laughter and applause]—

Broke out again with his poetic tendency

because you are putting up the price of bicycles 35 per cent.

The women of the land—God bless 'em—will make their husbands, sons, brothers, and sweethearts vote against you, because under the Dingley bill they can only have one dress where they had two under the Wilson-Gorman bill. [Laughter.]

Seven million farmers will dig you up with their hoes—

Listen to this. This is one of the finest things in the English language

plow you up with their plows, beat you with their mauls, hackle you with their harrows, hammer you with their sledges, rake you with their currycombs, pulverize you with their disks, cut you down with their

axes, split you to pieces with the froes, ride you on their barbed-wire fences, toss you on their pitchforks—

I did not think the Senator-but I must not do that

smite you with their pile drivers, grind you through their sausage mills [laughter], mow you down with their reapers, bind you up in great bundles, run you through their thrashing machines, and scatter you as worthless chaff, because you are raising the price of all farming implements by 45 per cent. [Laughter and applause.]

I must stop here and give you an illustration under that subject, and it applies to the whole of this outcry about farmers. Not many years ago a farmer in the State of Nebraska went to the town where he was in the habit of trading and sought to buy a buggy, and having selected a very cheap one he asked the dealer the price of it. The dealer said it was \$62. The man said:

Well, this buggy I want to buy is the same sort of buggy exactly that you sold me some years ago for \$55.

The dealer said:

I will go and consult the books and see what that trade was.

He went and examined his books, and he came back and said:

Yes, I sold you that for \$55; but you didn't have any money, and you brought me in 500 bushels of corn and paid for the buggy at 11 cents a bushel. Now, I will sell you this buggy for \$62; and if you will go and bring me 500 bushels of corn I will give you this buggy and a self-binder at \$125, a sulky plow at \$35, a small plow for \$12, and I will give you \$16 in cash.

[Laughter.]

That is a fair illustration, and I give it as a fair illustration of the situation throughout the country.

But Mr. Clark went on:

Every patient forced to endure a surgical operation will loathe you because you have increased the tax on anæsthetics. Every lover of learning will detest you because you have laid a prohibitive tariff on books, thereby shutting the gates of knowledge so far as was in your power. Every child that dies of diphtheria will pass away pronouncing on you its lasting curse because you have put up the price of antitoxin. You are arraying against you every right-thinking man and woman in the land.

There must be a large majority of wrong-thinking men and women in this country. [Laughter.]

Since he, miscalled the Morning Star, Nor man nor fiend hath fallen so far-

as you will fall when the people of the United States find out the numerous monstrosities contained in this bill.

[Applause on the Democratic side.]

That was the Dingley bill.

Then said Mr. Clark nine days afterwards. When I heard him make that utterance I said to myself he has straightened up and has come back to his sober senses. I do not use the word "sober" in any other relation than a proper one:

Mr. Clark. [March 31, 1897.] Mr. Chairman, after nine days of sore travall, at least one truth has been brought forth on the Republican side of this House, and that by the gentleman from North Carolina [Mr. Linney], when he said that I would destroy every custom-house in

I am not going to read that. [Laughter.]

Mr. CLARK of Missouri. You can go on and read it all you want to.

Mr. GROSVENOR (continuing):

Mr. Clark. [May 6, 1897.] McKinley prosperity is a myth. It is always over the divide—in the next county—on the other side of the hill. If we live till McKinley prosperity comes, we will all double discount Methuselah in length of days.

[Laughter and applause on the Democratic side.]

Then comes Mr. De Armond and Mr. Dockery. Mr. DE Armond is present, and I may venture to quote what he said about the effect of the Dingley bill.

He said:

Mr. De Armond. [July 24, 1897.] We will meet you at every crossroads; we will defy you upon every stump; we will strip bare your skeletons; we will show that your tariff bill just passed, about which you boast so much—the bill that is to herald in prosperity for the few and adversity for the many—is the most iniquitous, the most villainous, the most oppressive tariff bill ever made.

Mr. De Armond [March 25, 1897]. What is there in your legislation for the tollers of the land? What is there in your bill to give work and wages to the idle or to add to the price of the products of the farm or plantation? What is there to lessen the outlay which must be made, or to increase the income which must be secured, in order to meet the requirements of civilized existence? What is there to rise the price of corn and wheat and cattle and cotton? \* \* You may give some prosperity—I do not know whether you will or not—you may give some prosperity to favored spots in New England, New York, New Jersey, and Pennsylvania, to that favored region which lies east of the Alleghenies and north of the Potomac. You may do it; I do not know. But you will only do that temporarily, if at all. Yours will be but a fitful gleam of prosperity until something is done which will bring relief to the West and to the South; until something is done which will bring prosperity to the country in general without wrong to any class, without hardship upon any, without partiality toward any. Your measure will not do that. \* \* And when the appeal is made to the American people; when those who are deluded see how hollow, how empty is this claim that through tariff legislation such as you propose prosperity can be brought to them; when want presses down closer and harder upon them; when the scarcity of money be-

comes daily and hourly more apparent and the suffering from it more intense—then will come up from that mighty unpurchased and unpurchasable host such an answer as will echo around the world and be embodied in the statutes of our country. \* \* \* When prosperity returns to the country, as I hope it soon may, when there are changed political conditions prevailing in this land—and I do not look for the return of prosperity earlier—when prosperity comes, it will not start from the already inordinately protected manufacturer of the East. \* \* \* I look to the West and South for the signs of returning prosperity, that real prosperity which will not come until, through the righteous indignation of an outraged and long-suffering people, you who scorn economy, who revel in high taxation, riot in extravagance, and fatten in the money famine, shall be driven from power, and the friends of the people shall take your places. [Applause on the Democratic side.]

Then Mr. Clark came into the discussion of that day with one choice contribution.

Mr. Clark [March 30, 1897]. We may be "fools" and "leather-heads" and all that sort of thing, but I tell you, gentlemen, the people living west of the Allegheny Mountains and south of the Potomac have sense enough to know when they are sandbagged and held up.

These declarations of the two distinguished gentlemen from Missouri exhibit to the reader the effect that this Republican legislation has had upon the farmers of the country.

Here follows an exhibit of the prices of corn, wheat, oats, hay, and hogs during the years 1892, 1893, 1894, 1895, 1896, and 1907:

Prices of specified commodities.

Trace of	Corn, per bi				per bushel.
Year.	Farm price, Dec. 1, preced- ing year, United States.	Ch Ch J	losing, nicago, an. 2, January livery.	Farm price Dec. 1, preceding year United Statés.	Closing, Chicago,
1892 1898 1894 1895 1896 1907	36, 5 45, 7 25, 3	(	Cents.  39\\\ 40\\\\ 34\\\\\ 44\\\\\ 25\\\\\ 39\\\\\ 39\\\\\ \]	Cents. 83. 62. 53. 49. 50. 65.	4 72 8 59 8 1 53 1 55 1 56
A THE REPORT OF THE PARTY OF TH	Oats, pe	r bu	shel.	Hay	per ton.
Year,	Farm price, Dec. 1, pre- ceding year, United States.	Ch Jan Jan	osing, deago, 1. 2, for uary de- very.	Farm price, Dec. 1, pr ceding year, United States.	e- No. 2 timo- thy, Chi- cago, Jan. 2, cash.
1892 1893 1894 1894 1895 1896 1907	Cents. 31.5 31.7 29.4 32.4 19.9 31.7	(	Cents. 301 301 281 281 162 34	Dollars. 8.1: 8.2: 8.6 8.5 8.3 10.3	9.50 9.25 4 9.50 5 10.75
Year.	•		good Chicag 2, cas		Mixed hogs, Chicago, Jan. 2, cash per 100 pounds.
1892 1893 1894 1895 1896 1897			3. 3. 3. 3.	lars, 75-4, 40 90-4, 60 60-4, 30 70-4, 35 40-4, 00 20-6, C5	Dollars. 3, 80-4, 05 6, 60-7, 00 5, 10-5, 45 4, 05-4, 60 3, 45-3, 67 § 6, 15-6, 42 §

Following this I publish a table of the domestic exports of these articles: Corn, wheat, flour, oats, hay, live cattle, and live

Domestic exports in the fiscal years ending June 30, 1892, 1893, 1894, 1895, 1896, 1905, and 1906.

	Corn.				
Year ending June 30—	Shelled, u	inground.	* Meal.		
	Quantity.	Value.	Quantity.	Value.	
1892 1893 1894 1895 1896 1906	Bushels, 75, 451, 849 46, 037, 274 65, 324, 841 27, 691, 137 99, 992, 835 88, 807, 223 117, 718, 657	Dollars. 41,590,460 24,587,511 30,211,154 14,650,767 37,836,862 47,446,921 62,061,856	Barrels. 287, 609 271, 155 291, 172 223, 567 276, 885 371, 565 543, 794	Dollars. 919, 961 793, 081 770, 526 648, 844 654, 121 1, 113, 295 1, 623, 397	

Domestic exports in the fiscal years ending June 30, 1892, 1893, 1894, 1895, 1896, 1905, and 1906—Continued.

	Wheat.					
Year ending June 30—	Ungr	ound.	Flour.			
	Quantity.	Value.	Quantity.	Value.		
1892 1893 1894 1894 1895 1896 1905	Bushels. 157, 280, 351 117, 121, 109 88, 415, 230 76, 102, 704 60, 650, 080 4, 394, 402 34, 973, 291	Dollars, 161, 399, 132 93, 581, 970 59, 407, 041 43, 805, 663 39, 709, 868 3, 905, 579 28, 757, 517	Barrels. 15, 196, 769 16, 620, 339 16, 859, 533 15, 268, 892 14, 620, 864 8, 826, 335 13, 919, 018	Dollars. 75, 362, 283 75, 494, 347 69, 271, 770 51, 651, 928 52, 025, 217 40, 176, 136 59, 106, 869		

	Oats.					
Year ending June 30—	Unm	illed.	Oatmeal.			
	Quantity.	Value.	Quantity.	Value.		
1892 1893 1894 1895 1896 1906	Bushels. 9, 425, 078 2, 380, 643 5, 750, 266 569, 977 13, 012, 590 5, 479, 308 46, 324, 935	Dollars. 3,842,559 951,920 2,027,934 200,793 3,497,611 2,085,992 16,234,918	Pounds, 20, 908, 190 5, 762, 701 9, 719, 337 20, 499, 253 38, 592, 504 52, 476, 917 37, 972, 900	Dollars. 555, 957 169, 660 238, 528 566, 321 939, 502 1, 423, 742 948, 088		

Year ending June	H	ay.	Live	cattle.	Live hogs.		
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	
1892 1893 1894 1896 1896 1906	Tons. 35, 201 33, 084 54, 446 47, 117 59, 052 66, 557 70, 172	Dollars. 582, 838 519, 640 890, 654 699, 029 874, 048 1, 089, 505 1, 116, 307	Number. 394, 607 287, 094 359, 278 331, 722 372, 461 567, 806 584, 239	Dollars. 35, 099, 095 26, 032, 428 33, 461, 922 30, 603, 796 34, 560, 672 40, 598, 048 42, 081, 170	Number. 31, 963 27, 375 1, 553 7, 130 21, 049 44, 496 50, 170	Dollars. 364, 081 397, 162 14, 753 72, 424 227, 297 416, 692 630, 998	

In a more condensed form I publish an exhibit furnished me by Mr. O. P. Austin, the indefatigable Chief of the Bureau of Statistics of the Department of Commerce and Labor:

Domestic exports of the following articles from the United States during the years indicated.

$\begin{array}{cccccccccccccccccccccccccccccccccccc$	Year ending June 30—			Wi	eat.	Oats.		
	1892 1893 1894 1895 1896 1905 1906	75, 451, 849 46, 037, 274 65, 324, 841 27, 691, 137 99, 992, 835 88, 807, 223	41,590,460 24,587,511 30,211,154 14,650,767 37,836,862 47,446,921	157 230,351 117,121,109 88,415,230 76,102,704 60,650,080 4,394,402	161, 399, 132 93, 534, 970 59, 407, 041 43, 805, 663 39, 709, 868 3, 905, 579	9, 425, 078 2, 380, 643 5, 750, 266 569, 977 13, 012, 590 5, 479, 308	Dollars. 3, 842, 559 951, 920 2, 027, 934 200, 793 3, 497, 611 2, 085, 992 16, 234, 918	

Year ending June 30—	C	attle.	Н	ogs.	Hay.		
1892 1893 1894 1895 1896 1896 1906	No. 394, 607 287, 094 359, 278 331, 722 372, 461 567, 806 584, 239	Dollars. 35, 099, 095 26, 032, 428 33, 461, 922 30, 603, 796 34, 560, 672 40, 598, 048 42, 081, 190	No. 31, 963 29, 375 1, 553 7, 130 21, 049 41, 496 59, 170	Dollars. 364, 031 397, 162 14, 753 72, 424 227, 297 416, 692 630, 998	Tons. 35, 201 33, 084 54, 446 47, 117 59, 052 66, 557 70, 472	Dollars. 582, 838 519, 640 890, 654 699, 029 874, 048 1, 089, 505 1, 116, 307	

O. P. Austin, Chief of Bureau.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF STATISTICS,
Washington, D. C., January 10, 1907.

By all this it is easy to see what wondrous effect the Dingley bill had upon the country.

To show the steady growth of the business of the country I publish another table showing the imports and exports of merchandise by months for the years 1902, 1903, 1904, 1905, and 1906, followed by a summary of each twelve-month period ending June 30 from 1895 to 1905, showing the tremendous growth of our imports and exports of merchandise, not alone the products of the country.

Imports and exports of merchandise, by months.

		Impo	rts.		550000	Exports.	Exports.			
Months.	Free of duty.	Dutiable.	Total.	Per cent of free.	Domestic.	Foreign.	Total.	Imports.	Exports.	
1902:										
August	\$28,673,894	\$50, 249, 387	\$78,923,281	36.3	\$92,977,572	\$1,964,738	\$94, 942, 310		\$16,019,02	
September		51, 245, 890	87, 736, 346	41.6	119, 350, 299	1,886,085	121, 236, 384		33, 500, 03	
October	33, 156, 189	54, 267, 881	87, 424, 070	37.9	141, 463, 249	2, 864, 179	144, 327, 428		66, 903, 35	
November		50, 846, 474	85, 386, 170	40.4	123, 182, 878	2, 012, 740	125, 200, 618		39, 814, 44	
December	40, 664, 420	53, 692, 567	94, 356, 987	43.1	145, 909, 558	2, 082, 845	147, 992, 403		53, 635, 41	
1903:					101 500 140	D 100 200	200 000 000			
January	36, 655, 322	48, 519, 464	85, 174, 786	43.0	131, 590, 143	2, 402, 126	133, 992, 269		48, 817, 48	
February		45, 657, 492	82, 622, 246	44.7	122, 609, 193	2, 976, 831	125, 586, 024		42, 963, 77	
March		53, 147, 066	96, 230, 457	41.8	129, 295, 003	2,798,961	132, 093, 964		35, 868, 50	
April		48, 955, 340	87, 682, 106	44.2	107, 692, 056	2, 135, 159	109, 827, 215		22, 145, 10	
May	33, 215, 422	48, 819, 715	79, 035, 137	42.0	98, 481, 760	2,447,831	100, 929, 591		21, 894, 45	
June	33, 812, 481	48, 187, 296	81, 999, 777	41.2	92, 830, 595	2, 392, 251	95, 222, 846		13, 223, 06	
Total, 12 months	426, 180, 979	599, 538, 258	1, 025, 719, 237	41.5	1,392,231,302	27, 910, 377	1, 420, 141, 679		394, 422, 442	
	00.000.000	45 640 MAG	02 100 000		00 004 005	0.000.000	01 010 007		0.005.44	
July	36, 277, 063	45, 910, 760	82, 187, 823	44.1	89, 604, 237 87, 556, 344	2, 209, 028 1, 890, 113	91, 813, 265		9, 625, 44	
August	35, 130, 329 36, 887, 933	46, 918, 933 44, 928, 709	82, 049, 262 81, 816, 642	42.8	108, 190, 383	2, 174, 457	89, 446, 457 110, 364, 840		7, 397, 19	
September	35, 661, 481	46, 259, 666	81, 921, 147	45.1 43.3	158, 308, 993	2, 079, 525	160, 388, 508		28, 548, 198	
October November		43, 060, 602	77, 006, 310	44.1	158, 396, 088	1,872,450	160, 268, 538		78, 467, 36: 83, 262, 22	
* December.		40, 699, 046	77, 768, 634	47.7	173, 092, 388	1,727,178	174, 819, 566			
1904:	57,000,000	40, 699, 040	11,100,004	41.7	110,002,000	1,121,110	114,010,000		97, 050, 932	
January	39, 449, 377	43, 140, 489	82,589,866	47.7	140, 038, 436	2,006,734	142, 045, 170		59, 455, 304	
February	46, 094, 994	48, 927, 506	89, 022, 500	51.8	116, 959, 249	1,841,033			29,777,782	
March	43, 278, 395	48, 069, 514	91, 347, 909	47.4	117, 190, 812	2,697,637	119, 888, 449		28, 540, 540	
April		46, 367, 116	83, 521, 882	44.5	107, 473, 147	2, 407, 258			25, 358, 525	
May	37, 704, 424	42, 993, 737	80, 698, 161	46.7	87, 470, 455	2, 416, 470	89, 886, 925		9, 188, 76	
June	35, 476, 182	45, 681, 053	81, 157, 235	43.7	90, 898, 485	2, 326, 381	93, 224, 866		12,067,633	
Total, 12 months	454, 130, 240	536, 957, 131	991, 087, 371	40.8	1, 435, 179, 017	25, 648, 254	1,460,827,271		469, 739, 900	
July	31,580,899	39, 613, 044	71, 193, 943	44.3	82, 977, 484	2, 245, 995	85, 223, 479		14, 029, 536	
August	41, 169, 898	46, 567, 970	87,737,868	47.0	90, 100, 683	2, 153, 198	92, 253, 881		4, 516, 013	
September	37, 914, 172	46, 210, 803	84, 124, 975	45.1	132, 306, 054	1, 959, 370			50, 140, 449	
October	45, 756, 388	47, 021, 532	92,777,920	49.1	160, 477, 256	2,050,687			69, 750, 022	
November		48,659,201	95, 170, 172	48.9	156, 378, 362	1,690,295			62, 898, 48	
December	48, 526, 237	48,040,522	96, 566, 759	50, 2	143, 440, 810	1,812,449			48, 686, 500	
1905:				30.00	and the second			CHICAGO CO		
January	46, 322, 059	52, 020, 817	98, 342, 876	47.1	121, 612, 550	1,984,833	123, 597, 383		25, 254, 507	
February	48, 305, 414	54, 778, 999	103, 084, 413	46.9	105, 023, 472	1,847,310	106, 870, 782		3, 786, 369	
March	47, 857, 024	62, 574, 164	110, 431, 188	43.3	133, 970, 547	3,007,882	136, 978, 429		26, 547, 241	
April		50, 423, 604	95, 110, 288	47.0	125, 369, 998	3, 214, 376	128, 575, 374		33, 465, 086	
May	40, 576, 457	51, 948, 967	92, 525, 424	43.9	121, 314, 016	2, 479, 553	123, 793, 569		31, 268, 141	
June	38, 236, 099	52, 211, 146	90, 447, 245	42.3	118, 782, 409	2,371,077	121, 153, 486		30, 706, 241	
Total, 12 months	-517, 442, 302	600, 070, 769	1, 117, 513, 071	46.3	1, 491, 744, 641	26, 817, 025	1,518,561,666		401, 048, 595	
July	95 000 000	40 575 747	94 510 600	40.5	105 404 155	0 500 000	107 000 101		00 418 017	
August	35, 936, 889 39, 782, 642	48, 575, 717 56, 048, 516	84, 512, 606	42.5 41.5	105, 404, 155 115, 913, 945	2,526,266 1,754,170			23, 417, 818 21, 836, 957	
September	44, 789, 283	57, 248, 047	95, 831, 158 101, 987, 330	43.9	134, 210, 474	1,702,170	135, 983, 816		21, 800, 90	
October		57, 779, 863	107, 444, 909	46.2	152, 047, 411	1,773,342 2,325,568	154 970 070		33, 996, 486 46, 928, 070	
November		51, 636, 619	98, 284, 314	47.5	168, 383, 125	1,944,796			72, 043, 607	

Imports and exports of merchandise, by months-Continued.

		Impo	rts.		Exports			Excess of-	
Months.	Free of duty.	Dutiable.	Total.	Per cent of free.	Domestic.	Foreign,	Total.	Imports.	Exports.
1906: January February	\$49, 765, 135 46, 385, 124	\$56, 756, 390 57, 814, 078	\$106, 521, 525 104, 199, 197	46. 7 44. 5	\$168, 395, 823 139, 771, 723	\$2,207,230 2,003,251	\$170, 603, 053 141, 774, 974		\$64,081,52 37,575,77
Total, 8 months	360, 630, 657	439, 293, 181	799, 923, 838	45.1	1, 181, 526, 176	16, 873, 623	1, 198, 399, 799		398, 475, 96
Twelve months ending June 30—  1895 1896 1897 1898 1899 1900 1901 1902 1903 1904 1904	363, 233, 795 369, 757, 470 381, 938, 243 297, 414, 175 300, 279, 810 367, 236, 866 339, 608, 669 396, 818, 871 426, 180, 979 454, 130, 240 517, 442, 302	\$68, 736, 170 409, 967, 204 382, 792, 169 324, 635, 479 396, 868, 679 482, 704, 318 483, 563, 496 506, 502, 077 599, 538, 258 536, 957, 131 600, 070, 769	731, 969, 965 779, 724, 674 764, 730, 412 616, 049, 654 697, 148, 489 849, 941, 184 823, 172, 165 903, 320, 948 1, 025, 719, 237 991, 087, 371 1, 117, 513, 071	47.3 43.4 43.2 41.3 43.9 41.5 45.8	793, 392, 599 863, 200, 487 1, 032, 007, 603 1, 210, 291, 913 1, 203, 931, 222 1, 370, 763, 571 1, 460, 462, 806 1, 355, 481, 861 1, 392, 231, 302 1, 435, 179, 017 1, 491, 744, 641	23,092,08 23,719,510 27,302,181 26,237,55 27,910,40 25,648,377	1,050,993,556 1,231,482,330 1,227,023,302 1,394,483,082 1,487,764,991 1,381,719,401 1,420,141,679 1,460,827,271		75, 568, 200 102, 882, 26 286, 263, 14 615, 432, 67 529, 874, 81 544, 541, 89 664, 592, 82 478, 398, 45 394, 422, 44 469, 739, 90 401, 048, 59

Well, Mr. Chairman, I might go on for a long period of time citing utterances of Democratic statesmen, Mr. Little, of Arkansas, Mr. Robinson, of Indiana. I am sure they will be glad to see these choice extracts reproduced. There are quite a good many of them, all in the same line. Mr. Brundidge, of Arkansas, said on the 24th of March:

They-

His constituents-

have already in the past few years witnessed the depreciation in value of their homes, their farms, and every vestige of property that they own.

That was under the Wilson bill. He was right about that, they had.

The products of their farms and shops, etc. Death sentence of the Republican party.

We filed a petition in error, getting a reversal of the judgment, and here we are. [Applause and laughter on the Republican side.]

And in four short years, I believe in two, they will rise up and by an uncorrupted and uncoerced ballot they will say to you, in the language of that greatest of all books, "You have been weighed in the balance and found wanting. This year thou shalt die." [Laughter.]

Who was that?

Mr. GROSVENOR. That was the gentleman from Arkansas [Mr. Brunddee]. Now, I should not like to discriminate against any gentleman [laughter], and yet I will not weary the House much longer with a continuation of these extracts. Inasmuch as the great Democratic Representative on the Committee on Appropriations, my time-honored and much-esteemed friend, the gentleman from Georgia [Mr. Livingston], still holds out to burn [laughter], I will read what he says. He is a calm, deliberate man, always careful to go no step beyond the point where his convictions drive him. This was on the 24th of March. It puts me in mind of an old-time Methodist love feast. The handwriting was on the wall. The bill was to pass, and they all got up and said, in language of the old time, "I rise to say;" and then the few utterances were delivered. Now, the gentlemen from Georgia, and I include Mr. Livingston, Mr. Tate, and Mr. Adamson, on that occasion said:

Tate, and Mr. Adamson, on that occasion said:

Mr. Tate. [March 24, 1897.] When the sturdy farmers of this country, who are to-day plowing their fields, \* \* fully understand the provisions of this bill, they will justly repudiate those who seek, at the dictation of the protected classes, to fasten this unjust legislation upon the country. [Applause.] Sir, the people of this country will not have prosperity until we restore the money of our fathers.

Mr. Adamson. [March 23, 1897.] A country which can withstand the ravages of the Republican party for thirty years may reasonably hope to survive all possible calamities, political or elemental, wars, pestilence, or famine, and live to rejoice in prosperity, power, and freedom when the sectional party of corporations, trusts, and corruption shall have fallen to rise no more. [Applause.]

Mr. Livingston. [March 24, 1897.] Some one stated on the floor yesterday that if the South and West wanted their industries encouraged we must vote the Republican industries. The departure, however, is a bold and open declaration that this tariff bill has a double purpose—raising revenues and encouraging industries—but, unfortunately, for agricultural industries South and North this bill brings no relief, but, instead, increases burdens. \* \* Trusting to a conservative, sensible, honest, and interested people, who will have a chance at those who are responsible for this measure in 1898, and believing firmly that the verdict rendered then will be "Not well done, unfaithful servants; retire and give place to those who will ever carefor and legislate for the whole people, without regard to party or section."

Mr. Bartlett. [March 29, 1897.] When we shall return to the doctrines of the founders of this Government; when we shall economically

Mr. Bartlett. [March 29, 1897.] When we shall return to the doctrines of the founders of this Government; when we shall economically administer the Government; when the lawmaking power shall remember that the agricultural interest of our country is essentially connected with every other and is superior in importance to them all; that as the business of manufacture and commerce tend to increase the value of

agricultural products and to extend their application to the wants and comforts of society they deserve the fostering care of the Government; when all classes and all sections of this country shall be alike regarded; when laws are passed that affect all alike, that lay the burdens of government equally, and grant special privileges to none; when the farmer and the producer shall have a sufficient and just return for their products and their labor, then we may expect a return of prosperity, and not before.

Following this, for the benefit of the gentlemen who are worried about the laborers, I append the average rate per hour of common laborers in the United States in fifteen specified industries in 1905, compared with wages in the same industries from 1892 to 1896. These figures are from the official records of the country.

Average rate of wages per hour of common laborers in the United States in fifteen specified industries in 1905, compared with wages in 1892-1896.

[From Bulletin No. 65 of the United States Bureau of Labor. These figures are not exhaustive, but are based on a large number of representative establishments.]

* Industries.	Average rate of wages per	Per cent of increase in rate of wages in 1905 over year speci- fied.					
	hour in 1905.	1892.	1893.	1894.	1895.	1896.	
Brick Building trades Cars, steam railroads Flour Foundry and machine shop Gas Glass Lumber Marble and stone work	. 1542 . 1686 . 1617 . 1749 . 1533 . 1606	12.4 10.5 7.1 20.2 11.9 8.7 18.0 12.9 11.4	14.0 12.4 a4.0 19.7 12.5 2.5 18.0 13.4 8.6	15.6 18.3 7.9 1.97 16.5 a1.5 19.4 18.9	18.3 16.5 10.9 18.2 16.4 4.3 22.5 22.0 12.5	16.3 18.5 9.9 13.6 14.9 41.0 22.1 20.6 12.1	
Paper and wood pulp. Planing mill Shipbuilding. Slaughtering and meat packing. Streets and sewers, contract work. Streets and sewers, municipal work. Average.	. 1534 . 1490 . 1554 . 1687 . 1852 . 2130	21.0 11.0 15.7 a.4 31.0 15.0 13.8	22.6 14.6 10.4 a.9 34.1 15.2 12.9	11.7 22.2 19.8 8.5 9.7 82.6 12.0 15.4	12.5 20.1 17.5 6.1 10.3 30.6 13.3 16.0	12.1 20.5 16.8 10.9 10.8 25.0 15.2 15.1	

a Decrease.

Showing that the very spots in the line which they assaulted are the ones where the very strength of that legislation has

But Virginia wheeled into line, and on the 23d of March Mr. Swanson, now governor of that Commonwealth, said:

Each of these recurring years-

That is, the past four years-

That is, the past four years—
has brought times harder than the preceding; each brought greater business depression, greater fall in prices, greater poverty. Increasing debt and distress have come along with increased industry and frugality. People's wees have grown despite the largest agricultural crops ever produced. In less than four years, in time of profound peace, with bountiful crops and harvests, two extraordinary sessions of Congress have been called to furnish measures of relief to a suffering people. The Wilson bill has been a detriment and not a benefit. The curse of the country has been the gold standard and not reduced tariff taxes. The passage of this bill means to destroy this vast foreign trade which is fast increasing each year.

Foreign trade to day is double what it was at that time.

Foreign trade to-day is double what it was at that time.

It means on our part a policy of isolation instead of one of progress and enterprise. The decreased importation of foreign goods under the Wilson bill also shows that the manufacturer under a low revenue tariff is better able to control the home markets. The manufacturer is suffering, as everybody else is suffering, not from lower tariff taxes, for this has been beneficial, but on account of falling prices resulting from the appreciation of money, which the existence of the gold standard has produced. There can be no return of prosperity to the furnaces and mills, as there can be none to the farmers, until there is a restoration of prices. The demand for gold can only be lessened by creating a demand for silver equal with gold, which will occur when

we give silver equal rights in money. When this is done then the price of the products of the farm, of the furnace, of the mill will return to what they were formerly; and then, and not until then, will the restoration of prosperity and good times come.

To cheer up the friends of ours who predicted the loss of our foreign trade, the following is printed here:

INCREASE IN FOREIGN TRADE—BUREAU OF STATISTICS SHOWS GAIN OF \$312,821,848 IN 1906—EXPORTS COVER \$171,257,148 AND IMPORTS \$141,564,700 OF THE ADDED BUSINESS OF THE YEAR.

\$141,564,700 of the Added business of the Year.

The total value of the foreign trade of the United States in the calendar year 1906 was \$3,118,857,193, according to a bulletin issued by the Bureau of Statistics. This was an increase of \$312,821,848 over the total for the preceding year, of which \$171,257,148 was in exports and \$141,564,700 in imports. Manufactured articles imported exceeded those of the previous year by \$57,623,296, while articles partly manufactured increased \$53,244,462, and crude materials for manufacturing increased \$43,361,066.

The exports of manufactured articles show a comparative increase of \$50,251,469 and partly manufactured \$35,788,858, while foodstuffs, crude and manufactured, agained \$50,430,961.

The statistics under the different classifications and the increase or decrease, compared with the previous year, are:

### IMPORTS.

Foodstuffs, \$278,638,209; decrease, \$14,662,450. Crude materials, \$447,938,822; increase, \$43,361,066. Partly manufactured, \$249,535,019; increase, \$53,244,462. Manufactures, \$33,4810,699; increase, \$57,623,296. Miscellaneous, \$9,686,411; increase, \$1,898,335. Total, \$1,320,609,250; increase, \$141,564,700.

### EXPORTS

Foodstuffs, \$521,312,722; increase, \$50,430,961. Crude materials, \$524,902,516; increase, \$44,773,121. Partly manufactured, \$248,897,752; increase, \$35,788,858. Manufactures, \$470,033,393; increase, \$50,251,469. Miscellaneous and reexports, \$33,101,560; increase, \$22,737. Total, \$1,798,247,948; increase, \$171,257,148.

And again, a little differently stated, and it will be seen that our manufactured goods-

EXPORTS TOUCH NEW RECORD—UNITED STATES SENDS OUT ENORMOUS LOT OF MANUFACTURES—DURING YEAR JUST ENDED INTERNATIONAL BUSINESS AMOUNTED TO \$700,000,000.

EUSINESS AMOUNTED TO \$700,000,000.

Exports of manufactures from the United States in the year just ended aggregated more than \$700,000,000. Ten years ago, in the fiscal year 1896, they amounted to but \$258,000,000. In 1886, but \$145,000,000, and in 1876, \$105,000,000. The share which manufactures formed of the total exports was 42 per cent, this being three and one-half times as great as a decade ago.

This is the first time that exports of manufactures have ever approximated the \$700,000,000 line. Even in the fiscal year 1906, which is only six months away, the total exports of manufactures were but \$686,000,000. Thus these exports in the calendar year just closed are actually twice as great in value as in the fiscal year 1898.

The United States now holds third rank among nations as an exporter of manufactures. The total exports from the United Kingdom in 1905 were \$1,333,000,000, and from Germany \$910,000,000.

## KENTUCKY.

Kentucky, the "bluegrass" State, comes next, and the utterance of her able and experienced son is useful to show the horrors that had defied the natural advantages of Kentucky and had prostrated the industrial classes of her people in the slough of despondency.

of despondency.

Mr. Smith. [March 31, 1897.] But it is claimed by its friends that this measure, when put into operation, will revolutionize the prevalent depressed state of business affairs, that in some mysterious and inexplicable manner it will supply all the arteries of commercial life with a richer and more abundant blood and vivify and regenerate the dead and languishing industries of the country. In the providence of God I trust it will, but in the weakness of my mental perception I am unable to see how and why it will be competent to bring the blessings prophesied of it. If I could be made to see that it would fulfill the apparent expectations of its advocates, I would go quickly to its support, and so far as my effort could achieve it, would hasten the day and the hour when my country would enjoy the fruition of the wise and faithful service that led to its adoption. \* \* \* Stagnation and depression rule with despotic sway in every department of business life. Able, enterprising, and cautious men have been swept into the vortex of hopeless and irretrievable insolvency.

Want and penury are visible in the faces of countless thousands who wender up and down the streets of the great metropolitan cities in search of employment that can not be had at any price, and in numberless homes, erstwhile radiant with the glow of success and contentment, there are now the somber hues of discontentment and destitution. The bounteous crops of the farmers, the bone and sinew of the Republic, instead of smiling with the gentle assurances of fair reward to them who have through sunshine and shower nurtured and developed them, are now heaving with sighs of disappointment and vocal with the moans of despair, and, in short, the deepening shadows of a long-continued but ever more furious financial storm still hover over and around the great masses of our population. It is as impossible to reinstate the former level of prices by the enactment of this measure as it is to enter the pearly gates of the New Jerusalem by the commis

Not one statement of the existing conditions was an exaggeration. Not one prophecy was fulfilled. Not one warning but failed of performance, and the whole extract aptly illustrates the phrensy of fear that seized upon our Democratic friends.

And now Tennessee:

Mr. Bate [July 6, 1897]. There comes on the wind from every section of the country the wail of an impoverished people. They demand relief, but they get increased taxation; they ask for bread, and you give them a stone; you mock at their distress and laugh at their suffering with this bill of increased taxes. \* \* Prosperity can not be as-

sured by any law the repeal of which will be the urgent necessity for the great body of taxpayers. \* \* \* I stand here, Mr. President, the advocate of fair trade and free silver. \* \* \* By no other combination of revenue and currency can the great object of relief to the people be accomplished. \* \* \* We can not burden the sale of foreign goods without embarrassing the sale of American products, and this bill, which is to make us the Ishmael among nations, will, I fear, intensify the distress and depression that already exist in every agricultural part of the Union.

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Mr. McMillix [March 24, 1897]. Mr. Chairman, of all the futile efforts to delude that I have ever seen this is the most glaring. A large per cent of our population is farmers. They are the ones who bear the burdens and get no benefits. \* \* \* Ruin is abroad in the land, and it is not confined to any particular vocation. The bank doors are closing and bank presidents are going to Canada and the penitertiary, \* \* \* Out in the West the bins and reservoirs of industry are bursting with the wheat and corn for which there is no market \* \* \* What have they proposed for the farmers? To tax them more. \* \* \* Mr. Chairman, after a careful and painstaking examination of this bill, I do not hesitate to declare it the most unconscionable effort at legislative robbery ever attempted upon a people. Neither the great fire of Chicago nor of Boston, nor the fearful flood that now devastates the Southland, could begin to compare with it as a calamity.

Mr. Gaines [July 19, 1897]. Mr. Speaker, I arraign the Republican party at the bar of public opinion upon indictment preferred by an outraged people, and charge it with the foul murder of the agricultural interests of this country. \* \* In sustaining this indictment for the foul assassination of the farming interests of the country, I am not called upon to prove the corpus delicit, for the corpse lies stretched and mangled before the jury. \* \* I call upon the Republican party to answer for the desolation and penury that obtain in rural homes in this fair land where once was plenty and contentment; and in the name of this people, who constitute the bone and blood and brain of the country, I demand that legislation in this Chamber be directed in their behalf. \* \* \* The toilers at the plow handles

We have stood the storm and have emerged under the gentle voice of the Dingley bill—"peace, be still"—and the waves of Democratic horrors have subsided and the great State of Tennessee, is to-day enjoying a condition of prosperity she never had before

Hear now from the grand old mother of Presidents-Virginia:

Hear now from the grand old mother of Presidents—Virginia:

Mr. Swanson [March 23, 1897]. \* \* \* Each of these recurring years has brought times harder than the preceding; each brought greater business depression, greater fall in prices, greater poverty. Increasing debt and distress have come along with increased industry and frugality. The people's woes have grown despite the largest agricultural crops ever produced. \* \* In less than four years, in time of profound peace, with bountiful crops and harvests, two extraordinary sessions of Congress have been called to furnish measures of relief to a suffering people. \* \* \* The Wilson bill has been a benefit and not a detriment. The curse of the country has been the gold standard, and not reduced tariff taxes. \* \* \* The passage of this bill means to destroy this vast (foreign) trade, which is fast increasing each year. It means an abandonment by the United States of the markets of the world. It means on our part a policy of isolation instead of one of progress and enterprise. \* \* \* The decreased importation of foreign goods under the Wilson bill also shows that the manufacturer, under a low revenue tariff, is better able to control the home market. \* \* The manufacturer is suffering, as everybody else has suffered, not from lower tariff taxes, for this has been beneficial, but on account of falling prices resulting from the appreciation of money which the existence of the gold standard has produced. \* \* There can be no return of prosperity to the furnaces and mills, as there can be none to the farmers, until there is a restoration of prices. The demand (for gold) can only be lessened by creating a demand for silver equal with gold, which will occur when we give silver equal rights as money. When this is done, then the price of the products of the farm, of the furnace, of the mill, will return to what they were formerly; and then, and not until then, will the restoration of prosperity and good times come. This is our view on this side of the Chamber, and no other view

And now comes the growing and now prosperous State of Arkansas, and testifies to the horrors of Democratic control:

Mr. Little [March 24, 1897]. The farmer has long since learned that whether there is a high tariff or low tariff, or no tariff at all, the value of everything he raises to sell and all his property, including his lands, have continued to decrease in value for the last twenty years, and the only effect the tariff tax can have upon him is to increase his burdens. The last campaign, Mr. Chairman, was made not upon the tariff issue, but upon the money question. \* \* There were 6,500,000 unpurchasable freemen who cast patriotic ballots for William Jennings Bryan, their Constitution, and their country. \* \* \*

With prosperity restored to the agricultural and industrial classes of the people, to whom you must look for a market for the product of your factories, you could rekindle your furnaces and give constant employment to your laborers; but as long as want and distress pervade this great body of consumers of your products you may start your factories, but you will be compelled to again close them, because your consumers are not able to buy. Abandon this short-sighted and rulnous policy and join us in our efforts to resore a policy of justice and equality toward all the people.

Mr. DINSMORE (March 30, 1897). You will be judged by the merits of this bill. You will be held responsible by the American people for this bill when it becomes a law. I am no prophet; I do not desire to indulge in prophecy; I never do so. But I do claim the privilege of saying in behalf of the people I have the honor to represent that in my judgment this bill is going to be a failure, and will not bring to the people the prosperity you have promised.

\* \* The Republican party has yet to learn, it seems, that all prosperity in this country depends upon successful agriculture, and unless the farmer prospers he has not the wherewithal to buy the manufacturer's product. All depends upon the farmer, practically all, and yet he is the one ignored.

\* \* There will never be international agreement, but there will be bimetalism in the country; there will be free, unlimited, and independent coinage of silver, and then there will be prosperity. [Applause on the Democratic side.]

Mr. BRUNDIDGE [March 24, 1897]. They-

His constituents-

have already in the past few years witnessed the depreciation in value of their homes, their farms, and every vestige of property that they own. \* \* The products of their farms and shops are not worth in the market the cost of production, their children, in many instances, have been forced from the schoolroom to the fields, and upon every hand can be heard murmurings of hard and distressing times. And, Mr. Chairman, this condition exists over a broader area of the South and West than most people are willing to admit; but it is their privilege and duty through their Representatives in this House to resent as unwarranted and denounce as a crime the present effort to still further exact and wring from them the fruits of their labor. \* \* Let the wolf no longer conceal his identity. Unmask the robber in order that the people of this country may know by what means the poor are to be made poorer and the rich richer. \* \* There is but one industry that will be materially benefited. You will fill the land again with idlers; you will drive them to strong drink; you will increase the consumption of whisky, and fill our poorhouses with paupers and our saylums with maniacs. You may damn their souls, but upon your shoulders must rest the awful consequences of such legislation. \* \* And you may pass this bill, as pass it you will, entailing its additional and manifold burdens and hardships upon this country. But I warn you that soon a day of reckoning will come. An unseen but mighty hand is to-day writing upon the hearts of the American people the great death sentence of the Republican party, and in four short years—I believe in two—they will rise up and by an uncorrupted and uncorrected ballot they will say to you in the language of that greatest of all books: "You have been weighed in the balance and found wanting; this year thou shalt die."

Yet we live! The prophecy that the Dingley bill would drive the people to drink is not sustained, and yet doubtless the conditions existing at the time the gentleman spoke may have made it easier for some men to gratify their bibulous tendencies.

INDIANA.

The Hoosier State now testifies:

The Hoosier State now testifies:

Mr. Robinson [July 19, 1897]. Mr. Speaker, this is a fitting time indeed—at the dead hour of the night—to pass this bill that covers with a blanket mortgage in favor of wealth the future profits of honest toil.

\* \* \* During the campaign the majority on that side said that the depression was not the result of industrial conditions, but the fruit of a lack of confidence; that business stood ready to embark as soon as the discussion was over and the President elected.

\* \* \* The President was elected, but the clusive goddess was nowhere to be seen. Then it was said: "Give the Administration a chance. The President has not yet been inaugurated; when he is, all will be well." The event over, the hand of depression grew still heavier upon us. Then they said: "Wait till the tariff bill is passed." And now, as we stand on the threshold of this false mansion of manifold calamities and false promises, our ears are disturbed to frenzy by the wails of more starving miners striking for bread, industrial depression deeper and more disastrous, bankruptcy, and battle for existence all over the land.

\* \* \* Sir, they have played upon the soft lute of hope so long that patience has ceased to be a virtue, and the imprisoned spirit of a long-suffering and deluded people clearly sees the hypocrisy of their pretensions.

Mr. Miers [March 25, 1897.] I have the honor to represent one of the best agricultural districts in the State of Indiana. Business there is so depressed that tenants and even owners of large farms, that will yield as much corn, wheat, or oats per acre as any land in the United States and can be produced with as little labor and expense, can not afford to raise the products of the farm and put them on the market.

\* \* This is true of the very best farmers all over Indiana and of the great West. Our people want relief, and want it quickly and need it badly.

\* \* Our competitors have enjoyed a protective bounty equivalent to the premium on gold as measured by silver to disappear.

\* \*

Here again is an admission of the bad conditions in which we found the country in 1893. Contrast this admitted condition with the present, when the farmer is growing richer than he ever dreamed of being in the good old Democratic days.

Here is added some most valuable testimony to the present good condition of the South. It is a brief extract from the official report of the late lamented president of the great Southern Railroad, Samuel Spencer, than whom the South had no abler or better man. In accounting for the almost phenomenal growth of his railroad he said:

One exceedingly potential cause is the extraordinary industrial development of the South. In his last public address, the late president of this company, Mr. Samuel Spencer, referred to this development as

this company, Mr. Samuel Spencer, referred to this development as follows:

"The South has entered upon a period of increased production in agriculture and in manufactures, and of general industrial and commercial activity, such as her best friends and most enthusiastic prophets had scarcely dreamed of fifteen years ago. Within that period the cash value of her cotton crop has doubled, the amount of pigiron produced at her furnaces has increased enormously, and the product of her coal mines has increased more than threefold. Cotton factories have sprung up within her borders to the extent that more of her cotton crop is now manufactured on her own soil than in all the mills of New England. The total value of her annual manufactures now aggregates nearly eighteen hundred millions. The total value of her agricultural products is now over seventeen hundred millions per annum."

This increase is likewise indicated in the volume of traffic handled by this company. In 1895 the number of tons of freight carried I mile was 1,098,932,884, while in 1806 the number of tons carried I mile was 4,488,915,839, showing an increase of over 300 per cent, or, allowing for the increased mileage, an increase of over 138 per cent; while in 1805 the number of passengers hauled I mile was 178,015,925 as against 549,518,645 in 1906, showing an increase of over 200 per cent, or, allowing for the increased mileage, an increase per mile of road of over 80 per cent.

Nowhere in the United States, except in the two States of the extreme Northwest, Washington and Oregon, has there been such industrial development as in the South.

THE OTHER SIDE.

Here I give some extracts from some Democratic speeches. They come from Louisiana:

Here I give some extracts from some Democratic speeches. They come from Louisiana:

Mr. Meyer. [March 25, 1897.] It may be and probably is true that without some well-considered measure of currency and financial reform no tariff adjustment can fully restore our prosperity as a people and revive our stagnant industries; but, as a Representative of Louisiana, representing great and suffering interests which so vitally concern the welfare of my district, and indeed our whole State, I can not hesitate as to my duty, and that is to aid in every way to have these important schedules become the law of the land as soon as prayiticable, and I shall rejoice to witness the benefits which it will confer on Louisiana. \*\*

Mr. McEnery. [June 12, 1897.] Louisiana is vitally interested in the production of sait, lumber, rice, sugar, and cotton. The pending bill makes no discrimination in the arrangement of the schedules for revenue against these products. Why should she stand idly by and decline to accept the benefits to be derived from the necessary levying of revenue by impost duties? Call it what you will, protection or a revenue tariff with incidental protection, millions of dollars have to should the people of Louisiana resist the building of ottory, then, furniture factories, the erection of sawmills, the opening and improving of sugar fields, and the erection of central factories, the opening of salt mines, and hundreds of other industries that are just now coming into existence? \* The South is more interested in the proper levying of a tariff than any other section of the country. Her development in manufacturing interests in the last two decades has been marvelous. This has been in spite of free-trade ideas and free-trade policy. Had there been a demand for adequate protection to her cotton mills, her wealth would have been doubled. Field and factic-y, the spindle and the plow, being in close relationship, would have doubled her productive capacity, would have given tended value to her lands, would have muniforming in

And four Representatives from Louisiana, to wit, Messrs. MEYER, DAVEY, BROUSSARD, and Price, voted for the Dingley bill. And I have not heard that they have ever regretted their act.

It is not my purpose to discuss the various questions that have arisen in connection with the subject-matter of this argument. The enemies of the protective tariff system of to-day are made up of men holding various and widely divergent opinions, but all of them hostile to the principle of protection. They may be classed as follows: First, free-traders, persons opposed to the levying of tariff duties, the men who preach the doctrine of absolute free trade. This body is made up of all sorts of people—Democrats, mugwumps, students of politics and philosophy, and so on. Then come the reciprocity men, the men who want to swap trade. You will generally find, however, that these men or their friends want reciprocity to apply especially to their own trade or manufacture. Then the revisionist, the man who says the fariff ought to be revised. Upward or downward? Oh, he never discusses that question; let us have a revision. Then comes the so-called "stand-patter," a term which has been applied to those who believe that the conditions should not be disturbed at the present time. The men who stood for the Dingley law at its enactment have never taken the ground that the act was so perfect in all its details that no changes in the schedules would ever be tolerated, except as changes might be forced by the overthrow of the Republican party of protection. Time, the fluctuations of trade, and manufacture change conditions, and naturally and necessarily there are items in the schedules of the Dingley bill that might well be changed, some higher, some lower, but they are not of such striking importance as to demand the sudden overthrow of present conditions and the reversal of present policies, and, above all things, there ought not to be any general revision of the tariff pending a Presidential election. Let us elect another Congress with the President, and then, if deemed necessary, let us enter upon a general revision of the tariff. Until then let us stand by the enactment that is bringing such boundless prosperity to our country. The principle of protection is engraved deeply in the good opinions of the wise men of the country, and it will be a sad day for American independence in the markets of the world and for American prosperity in the home markets of our country when it shall be repealed and repudiated.

There are others along that line.

Then came Louisiana always voting the Democratic ticket and always arguing in favor of the Republican tariff. a speech of Mr. MEYER which I will publish, and of their venerable Senator, both proposing to accept the Dingley bill as a probable benefit to the country. Neither one of them, I believe, voted for it, but we forced it upon them as we always force

prosperity upon our outlying country to the South.

Now, Mr. Chairman, I am sure the House is tired, and I will pause here simply to ask permission of the House to publish certain tables stating the prices of corn, wheat, and all sorts of farm products during the several years since 1892; also the domestic prices of certain articles; also the prices of labor and the cost of living and a great many other statistics that relate to the subject-matter of my speech. I ask unanimous consent to publish these papers as a part of my remarks. So, Mr. Chairman, I conclude where I began, that however patriotic the Democratic party may be through its Representatives, however anxious they may be for the welfare of the people-and I do not criticise them in any respect whatever from that standpointtheir long adherence to a mistake in American politics, their long devotion to an idea that has been so often repudiated by the very fact that they themselves have challenged, has made it important and carries a lesson with it that can not be shunted aside or disobeyed, that the declarations of the Democratic party in Congress, or anywhere else, are not a safe guide for the people of my country. [Applause.]
The CHAIRMAN. The gentleman from Ohio asks unanimous

consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Birdsall having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 190. Joint resolution extending protection of second proviso of section 1 of the act of December 21, 1904, to certain

entrymen.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes, disagreed to by the House of Representatives, had agreed to the amendment of the House to the amendment of the Senate No. 222, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Cullom, Mr. Warren, and Mr. Teller as the conferees on the part of the Senate.

PENSION APPROPRIATION BILL.

The committee resumed its session.

Mr. GARDNER of Michigan. Mr. Chairman, I yield one hour to the gentleman from California [Mr. HAYES].

Mr. HAYES. Mr. Chairman, on Wednesday last the gentleman from Vermont [Mr. Foster] engaged in an able and learned discussion of the subject of the treaty-making power, and on yesterday we listened to a clear exposition of the same question by the distinguished and learned lawyer the gentleman from Kentucky [Mr. Sherley]. The conclusion drawn from the authorities quoted by the gentleman from Vermont [Mr. Foster] seems to be that by means of a treaty the Federal Government may legislate-indeed, has legislated-upon subjects which are generally supposed to have been reserved to the States. The impression conveyed was, although this was not directly stated by the gentleman, that at least in some cases the Federal Government could make encroachments upon the States through the treaty-making power when the Congress of the United States, expressing itself by means of a statute, would be held by the courts to be exercising powers not granted to it by the Constitution.

I think the authorities cited by the gentleman do not fully support this claim. On the contrary, it seems to be pretty well settled that the President and the Senate can make no treaty which the Congress of the United States could not afterwards

supplement, alter, or repeal by a statute.

Although this has never been directly decided by the Federal courts, still the decisions on the treaty-making power lead very strongly to the conclusion that a treaty as well as a statute of the United States has no validity unless the power to deal with the subject-matter of it is conferred expressly or by necessary implication by the Constitution. There seems to be nothing in the authorities to give color to the claim that a treaty may invade territory from which the statute passed by Congress is ex-

In the case of Fong Yue Ting v. United States (149 U. S., 721) Mr. Justice Gray, delivering the opinion of the court,

A treaty, it is true, is in its nature a contract between nations, and is often merely promissory in its character, requiring legislation to carry its stipulations into effect. Such legislation will be open to future repeal or amendment. If the treaty operates by its own force and relates to a subject within the power of Congress, it can be deemed in that particular only the equivalent of a legislative act, to be repealed or modified at the pleasure of Congress. In either case the last expression of the sovereign will must control.

So far as a treaty made by the United States with any foreign nation can become the subject of judicial cognizance in the courts of this country, it is subject to such acts as Congress may pass for its enforcement, modification, or repeal.

That the power to regulate the relations of the United States with foreign countries and the intercourse of the citizens of our own and other nations has been granted by the Constitution to the Federal Government can not, of course, be denied. That treaties made or statutes passed by the Federal Government for the purpose of such regulation must be held paramount over the constitution, laws, or local ordinances of any State must be admitted. But it may at least be doubted whether under the Constitution the treaty-making power of the Government could legislate by a treaty to take away the reserved rights of the States in a case where the Congress of the United States could not constitutionally do so. The case of Fong Yue Ting, above quoted, and several others that might be cited, seem to establish the principle that a treaty which requires no legislation to put it in force, but operates of itself, is to be regarded only as the equivalent of a statute, and that the Executive and the Senate can make no treaty in regard to the rights of aliens that could not be modified or wholly abrogated by a subsequent act of Congress. It would therefore seem to follow that the authority to make a treaty under the Constitution must be discovered by exactly the same process as the authority to pass a statute. The grant of power to make treaties, I venture to assert, must be exercised like any other power conferred upon any branch of the Federal Government, not as if it were the only grant contained in the instrument, but in full view of all the other provisions and subject to all the limitations of the Constitution, in order to give them all operation and authority. The provision of the Constitution reserving to the States or to the people all powers not granted to the Federal Government must be just as binding upon the treaty-making power as upon any other branch of the Government. Any other doctrine would be revolutionary in its tendency

In view of these principles, most of which are well settled by the decisions of the courts, what shall be said of the right claimed for the treaty-making power of the United States by a treaty with a foreign government to force the citizens of a State to tax themselves to maintain schools for the education of the children of unnaturalized aliens temporarily residing in such To come down to the specific case which has called forth this discussion of the extent of the treaty-making power, could the Executive and the Senate of the United States make a valid treaty with Japan under which the President of the United States could lawfully employ the Army and the Navy to compel

the people of California or any municipality therein to tax themselves to furnish free education for the children of such unnaturalized subjects of the Mikado as might happen to be residing in such State or municipality? The provision of the Constitution that "direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers," ought, it would seem, to set that question at rest. No one will probably claim that the Federal Government could constitutionally levy direct taxes upon the people of California for the purpose of establishing and maintaining schools in which to educate the subjects of Japan sojourning in California; nor could Congress pass any law compelling the levying of such direct taxes by the several States for such pur-Where is the authority for claiming that the Federal Government may in this respect do by indirection, through a treaty, what it can not do directly? If the expense of maintaining the schools of California or any part of it was borne by the Federal Government there might be at least some basis for such a claim.

The gentleman from Vermont admits that California is under no obligation to the General Government to maintain schools or to educate anybody. But he states, "that the treaty-making power of the National Government can by treaty stipulation provide that the subjects of Japan may enjoy in the State of California, equally with the citizens of the State, such public schools as the State of California does maintain." Whether the treatymaking power could do this is at least subject to very grave doubt. Certainly no decision cited by the gentleman or any decision that I can find goes so far. All the decisions which he cited in support of this contention relate to the right of the alien to own, enjoy, and transfer property, to the right to labor for a livelihood, and generally the right to protection and to life, liberty, and the pursuit of happiness. Nearly all of these rights are guaranteed to all persons within the jurisdiction of the several States by the Federal Constitution, and are very different from a privilege enjoyed, for example, by the people of California, and for which they themselves pay. Between property rights—between those imperative rights guaranteed by the Constitution and the local privileges enjoyed by the people of California, for which they tax themselves and of which they may at will deprive themselves--there is a wide and most radical difference. If the Federal Government may by treaty or otherwise constitutionally invade these local privileges and dictate how they shall be enjoyed and who shall enjoy them, as yet the courts have not judicially determined that this is the supreme law of the land.

Mr. Chairman, it is not my purpose at this time to enter upon any extended discussion of these constitutional questions, but I believe the time has come when I may discuss dispassionately and briefly the recent incidents in our history which have called forth these discussions. The recent San Francisco school incident, happily for the people of California, does not involve any of these constitutional questions, because when the facts are understood it will be found that San Francisco has not violated the treaty between this country and Japan. The only part of the treaty of 1894 between this country and Japan upon which any claim of violation could be based reads as follows:

In whatever relates to rights of residence and travel, to the possession of goods and effects of any kind, to the succession to personal estate by will or otherwise, and the disposal of property of any sort and in any manner whatsoever, which they may lawfully acquire, the citizens or subjects of each contracting party shall enjoy in the territories of the other the same privileges, liberties, and rights and shall be subject to no higher imposts or charges in these respects than native citizens or subjects or citizens or subjects of the most-favored nation.

It is claimed by some that the right of residence thus granted to the citizens of Japan implies not only the right of all Japanese children to education in the public schools in this country and at public expense, but also the right to education in the same schools as the children of our own citizens or those of other foreign countries. In other words, it is claimed that under this treaty when a citizen of Japan comes to this country and takes up a temporary residence, as a matter of international right he can force himself or his children into any public school in the land without any reference to local or State laws, regulations, or customs. If this claim of Japan should be held to be well founded, before long we may expect to see Japan insisting that her treaty rights have been invaded and her citizens discriminated against, because we naturalize the subjects of Germany, for example, put them on the police force, and even send them to Congress, and the like privileges are not extended to citizens of In nearly every municipality in this country where there is any considerable percentage of colored population the colored school children are segregated from those of white parentage, yet under this claim of Japan her citizens are not to be held as bound by local school laws and regulations which have universally been held to be constitutional and proper and binding upon our citizens of colored blood.

But the assumption that the treaty of 1894 intended to give and does give to the subjects of Japan the right to free education is a violent one not warranted by the language of the treaty itself. The rights conferred by the treaty are clearly and specifically enumerated and the right to free public education is not among them. It should also be borne in mind that under our law Japanese can not become citizens, and therefore neither the United States nor the State of California would be chargeable with a duty to educate in order to prepare the future citizen for the duties and responsibilities of citizenship.

for the duties and responsibilities of citizenship.

Even admitting that the treaty of 1894 does give to Japanese subjects equal opportunities for education in the public schools as our own citizens, still the board of education in segregating the children of Japanese parentage from the white children has violated no treaty and done no wrong. The Civil Code of California, section 1662, reads as follows:

(School.) Trustees shall have the power to exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases, and also to establish separate schools for Indian children and for children of Mongolian or Chinese descent. When such separate schools are established, Indian, Chinese, or Mongolian children must not be admitted into any other school.

In accordance with this statute, many years ago a separate school was established in San Francisco and has since been maintained for the education of Chinese children, called the oriental school. Since this separate school was established, in accordance with the positive mandate of the statute that "Indian, Chinese, or Mongolian children must not be admitted to any other school," the San Francisco school board had no alternative; it was obliged, under the law, to assign the Japanese children to the oriental school. Some unfavorable comment has been caused because there were only 93 Japanese children affected by the order of the board assigning them to the oriental school, 25 of whom were native born. If there were but 9 such children, the case would be the same; it was the duty of the board to assign them to the oriental school. This school is centrally located, as well equipped and with as competent teachers as any in the city. Chinese have been attending the oriental school for years, and nobody has discovered that their segregation was "a wicked absurdity."

Was it legal and proper for California or the school authorities of San Francisco to segregate the native-born school children of Mongolian descent, establish separate schools for them, and forbid them to attend the schools maintained for white children? There is not a particle of doubt that the San Francisco school board had a perfect legal right to do this. In Roberts v. City of Boston (5 Cushing, 198) it appeared that 160 primary schools were maintained in that city, and of this number two were devoted to the exclusive use of colored children and the balance to the exclusive use of white children. The opinion of the court, delivered by Chief Justice Shaw, held this to be legal and proper. Ward v. Flood, 48 Cal., 36, was an exactly similar case. The court approves the doctrine of the case of Roberts v. City of Boston, and holds that the exclusion of the colored children from the white schools was legal and proper. In State v. McCann (21 Ohio St., 198) it appeared that a colored school had been established, organized out of several adjoining districts for colored children, and they were excluded from the schools attended by white children. Action was brought to compel the admission of these colored children to the white schools. This application was denied and the court in its

The plaintiff, then, can not claim that his privileges are abridged on the ground of inequality of school advantages for his children. Nor can he dietate where his children shall be instructed, or what teacher shall perform that office, without obtaining privileges not enjoyed by white citizens. Equality of rights does not involve the necessity of educating white and colored persons in the same school any more than it does that of educating children of both sexes in the same school.

opinion uses this language:

The same doctrine is held in People ex rel. King v. Gallagher (93 New York, 438). The decisions of practically all the courts of the land down to the present time on this subject are in harmony with these principles.

It being, therefore, perfectly legal and proper for California and San Francisco to do just what has been done in the way of segregation of its native-born children of oriental descent, will it be claimed that the subjects of Japan have a right to education in white schools in defiance of the laws of California and the ordinance of San Francisco, which are binding upon native American citizens of oriental blood?

If it shall be decided that Japanese children have this right under the treaty, such decision would have far-reaching effects. For example, here in Washington the colored children are segregated and taught in separate schools, and are not allowed to attend the schools maintained for white children exclusively. There is in our treaty with Great Britain a provision very slmilar to the one I have quoted from the treaty with Japan. If

Japan and her friends are correct in their claim, the colored subjects of Great Britain from Jamaica or the Bermudas could come to Washington and insist upon attending the white schools here in spite of the school authorities of the District, or even of the Congress of the United States itself. A subject of Great Britain of Chinese descent from Hongkong could come to San Francisco and, refusing to attend the oriental school provided for him, could enlist the Federal Government, if necessary, to compel the white schools of that city to receive and teach him

in defiance of the local authorities.

But the treaty clearly does not undertake to grant such right. The gentleman from Vermont admits that never in the history of our diplomacy has the treaty-making power undertaken to give to aliens rights above those enjoyed by our own citizens. I think it may confidently be asserted that the treaty-making power of the United States has never intended to make and has never made a treaty with Japan under which a citizen of Japan, on becoming a temporary resident of this country, by that act acquires the right to dictate to an American city how its public schools shall be run. If the treaty-making power should ever drift so far from our traditions and the popular conceptions of the powers of the Federal Government as to make such a treaty, I hope, for the sake of the right of local self-government, justly dear to the American people and jealously guarded by the citizens of all sections, that the courts would hold if, like a statute undertaking to accomplish the a statute undertaking to accomplish the same result, unconstitutional, and therefore void.

Since San Francisco and California in this Japanese school matter have only followed established and long-approved precedents, wherefore all this denunciation and abuse? Of what crime is California guilty to deserve the threat of the President of the United States to send against her people the armed forces of the United States? Mr. Chairman, she is guilty of desiring to remain American. Her sole offense is that she is strong in the determination to maintain within her borders the civilization of the Caucasian race. Her only crime is that she is trying to go forward with the working out of the national and social and moral ideals of our fathers and is sending out a strong cry against the orientalizing of the Pacific coast by the sons of

Nippon or by any other Asiatic immigrants.

The people of California feel no hatred of Japan as a nation nor of the Japanese coolies who have been lately coming to their State in large numbers. As a Representative of California upon this floor I hesitate to say words that might be thought unkind by our Japanese friends. But the people of California know that the ideals of most of the Japanese who have come among them are not American ideals; their ways are not our ways. Theirs is a race different and distinct from ours; very different physically, with a different religion, entirely different traditions reaching back for centuries, different ideas of the family life; and in many ways their viewpoint is totally different from ours. Any attempt to amalgamate these Japanese coolies with our stock would give rise to race problems more difficult of solution than our brothers of the South are now trying to solve. Although the Japanese have been coming to California in numbers for about seven years, there is yet no sign of the establishment of any social relations between them and any element of our population, and I feel sure from what I know of the Japanese character that no matter how long they stay, or whether born on our soil or in Japan, they will continue alien and distinctively Japanese and not American. The leopard can not change his spots. The Creator made the two races different, and different they will remain. I am aware that there is the highest authority for asserting that "God hath made of one blood all the nations of the earth," and the same high authority has intimated that it is a good and pleasant thing for brethren to dwell together in unity, but there is not a single example in history of two peoples, racially widely different, living together in peace, unless one race was subject to the other or the two races were amalgamated. Under our form of government one race can not live in legal subjection to the other, and I think all students of the subject agree that the Japanese can not be assimilated.

In discussing Japanese immigration in California appeals to selfish interests and commercial considerations are most often heard. But this question should be settled upon higher grounds than these. In the light of our experience of the last hundred years, if the negro inhabitants of this country numbered only 100,000, confined to two or three States along the Atlantic seaboard, would we welcome the coming from Africa of large numbers of colored immigrants until they reached a total of mil-I believe that nearly every thinking American will answer this question in the negative. Yet this supposititious case is exactly parallel with the conditions now existing on the Pacific coast in Japanese immigration. With the race problem of the South before them it seems clear that the people of the

United States should steadfastly exclude from permanent residence and citizenship in large numbers any race which can not be readily amalgamated with our own stock. But even if assimilation of the Japanese coming to this country would take place easily and rapidly, is such assimilation desirable? What strength or grace of body or mind not already possessed by our people could this totally dissimilar race bring to us? They are certainly much inferior to us physically, and there is the highest scientific authority for claiming that such assimilation would bring only evil. In this connection I beg to quote Herbert Spencer. In his famous letter to Baron Kaneko Kentaro, Mr. Spencer said:

bert Spencer. In his famous letter to Baron Kaneko Kentaro, Mr. Spencer said:

To your remaining question respecting the intermarriage of foreigners and Japanese, which you say is "now very much agitated among our scholars and politicians," and which you say is "one of the most difficult problems," my reply is that, as rationally answered, there is no difficult problems," my reply is that, as rationally answered, there is no difficulty at all. It should be positively forbidden. It is not at root a question of social philosophy. It is at root a question of biology. There is abundant proof, alike furnished by the intermarriage of human races and by the interbreeding of animals, that when the varieties mingled diverge beyond a certain slight degree, the result is inevitably a bad one in the long run. I have myself been in the habit of looking at the evidence bearing on this matter for many years past, and my conviction is based on numerous facts derived from numerous sources. This conviction I have within the last half hour verified, for I happen to be staying in the country with a gentleman who is well known and has had much experience respecting the interbreeding of cattle; and he has just, on inquiry, fully confirmed my belief that when, say, of the different varieties of sheep, there is an interbreeding of those which are widely unlike, the result, especially in the second generation, is a bad one—there arises an incalculable mixture of traits and what may be called a chaotic constitution. And the same thing happens among human beings—the Eurasians in India, the half-breed in America show this. The physiological basis of this experience appears to be that any one variety of creature in course of many generations acquires a certain constitution which will not work properly, because it is not fitted for any set of conditions whatever. By all means, therefore, peremptorily interdict marriages of Japanese with foreigners.

I have for the reasons indicated entirely approved of the regulations which have been establ

I quote also from another high authority, Pouchet. He says:

If we have endeavored to prove that the hybrids of distant races do not possess all the necessary conditions of animal life and of propagation, it would be easy to find numerous proofs in order to show that generally the intellectual conditions of hybrids are not much more satisfactory than their physical condition. Doctor Tschudi says, in speaking of the Zambos (hybrids from the aborigines and negroes at Lima):

"As men they are greatly inferior to the pure races, and as members of society they are the worst class of citizens; they alone furnish four-fifths of the criminals in the prisons of Lima.

"Mr. E. G. Squier has made the same observation about the Zambos of Nicaragua. In his part of the country the union of Spaniards with these same Americans seems to have only produced degenerate men, who show no capacity whatsoever for perfection."

According to these scientific lights, then, there are already too many mongrels in the world. Why should the United States consent to add to the stock by permitting a possible mixture of totally different races in the States on the Pacific slope?

Attempts have been made in a portion of the eastern press in this country to throw discredit upon the authoritative statement of Herbert Spencer, which I have just quoted, by showing that in this same letter Mr. Spencer took just as positive grounds upon other questions—questions of statesmanship and public policy then agitating the minds of the public men of Japan-which were entirely untenable and which experience has demonstrated to have been wholly wrong. The fact that Mr. Spencer made the mistake of leaving the subject of biology, in the study of which and kindred subjects he had spent his life, and going into other fields to speak with authority upon subjects about which he knew little or nothing should not be allowed to throw discredit upon his statement concerning a scientific matter upon which he was then the greatest living authority. He made the same mistake that some of our emi-nent American public men have recently been making by joining in condemnation of the sentiments of the people of California as wholly unworthy, and discussing with learned dogmatism Japanese immigration when they have never seen a Japanese coolie in their lives and have no practical knowledge of the subject whatever.

According to the bureau of labor statistics of California, last year the arrivals of Japanese at the port of San Francisco alone, in excess of departures, numbered nearly 1,000 per month.

This takes no account of the arrivals at other ports of the United States, nor of those who come in over the borders from Canada and Mexico. This year this net increase promises to be much more, and a high authority estimates that there are now 50,000 Japanese in California-nearly all male wage-earn-And yet many people in the East do not understand nor sympathize with the alarm with which the people of California view this increasing immigration. Members of this House have recently said to me, "Ten or fifteen thousand per year! That is nothing to cause alarm. Why, we are getting a million aliens a year from Europe over here in the East and think nothing I beg to remind these gentlemen that we have in California about 2,000,000 people, one-fortieth of the population of the United States. Multiply 10,000 or 15,000, the number of yearly Japanese accessions to our population, by forty, and you have 400,000 to 600,000. Do these gentlemen suppose that if 400,000 to 600,000 Japanese coolies were annually landing in New York and spreading themselves over the States of the East, and this immigration was rapidly increasing, there would be no alarm and no protest by the people? I dare assert that as soon as the people east of the Rocky Mountains became acquainted by practical experience with the character of this immigration, and what its continued increase meant to our country, there would be an insistent demand for immediate exclusion legislation which would not be denied. But we are away off on the western rim of the continent, and our cry is small and faint, and the rest of the country is slow to hear and to heed.

But our alarm is not based alone on theory. At our very doors, in the Territory of Hawaii, we have an object lesson. By looking at the conditions there we can see what the Pacific coast is destined to become if the present temper of the Federal Government continues. Thirty years ago there were no Japanese worth mentioning in the Territory of Hawaii, yet to-day they are a majority of all the inhabitants of the islands. Doctor Neill, of the Bureau of Commerce and Labor, has recently compiled a very interesting report on conditions in Hawaii, which has been issued by the Department as Bulletin No. 66. This report shows that the Japanese, with the few Chinese and Koreans now in the islands, are doing 85 per cent of the plantation work and 75 per cent of the work in all other occupations, skilled and unskilled. American skilled labor will soon be driven from the islands, and unless conditions change the labor of the islands will finally be wholly monopolized by the Japanese. They have invaded all avocations there. Many of them are contractors, and 75 per cent of the merchants and traders of the islands are orientals. All that seems to remain to be done to make these islands a Japanese colony is to pull down the Stars and Stripes and hoist the flag of Japan.

The people of the Pacific coast are firm in the conviction that, unless the result is prevented by legislation, the Pacific coast in the next twenty-five years will certainly become as completely orientalized as Hawaii has been. Their conviction is based not wholly upon shadowy fears, nor even upon the experience of Hawaii, but they see this orientalizing process well on the way in parts of California. In the Vaca Valley, for example, from which has come for many years the earliest California fruits, this orientalizing process is well advanced toward completion. Only a few years ago the Japanese came in as laborers in the orchards, later they began to lease and then to buy the orchards, until now one-half the orchards of the fair Vaca Valley are owned or leased by Japanese. Five Japanese own orchards of some 200 acres and many others smaller amounts. The presence of Japanese in any numbers in any community brings the Japanese shopkeeper and trader, the Japanese banker, shoemaker, and Japanese engaged in every form of human employment, and these Japanese business houses get the trade of their countrymen to the exclusion of the white stores.

In Antioch I am advised that truck farming on the Tule lands is rapidly going through the same transformation, and in the raisin-growing districts of Fresno County it is already beginning. In that county one Japanese owns 320 acres of vineyard, another 160 acres, and others smaller amounts. Our people know that as the Jap already has the Vaca Valley so in a short time he will take the Antioch district and the Fresno region, as well as any other district that he chooses to invade.

The causes of these rapid and peaceful commercial conquests are several. In the first place, most Americans do not care to live in a neighborhood where a large percentage of the population is Japanese. They sell or lease their orchards or property at the best price they can get from Japanese or anyone else, and get out. The same thing takes place in San Francisco. When a crowd of Japanese rent a house in the residence portion of that city at once there is a great fall in the price of real estate—

in some cases as much as 50 per cent—and an exodus from the neighborhood begins.

But the chief cause for these rapid Japanese conquests is the fact that white labor can not compete with oriental, and especially with Japanese labor. Accustomed to live on a little rice and dried fish, to sleep on a board, and to do with very few of the comforts of life, no white man can hope to hold the field against him. We pass high-tariff laws to protect the American laborer against the products of cheap foreign labor. We Republicans have promised to protect him from this cheap labor. Shall we "keep this promise to the ear and break it to the hope" by permitting, not the products, but the cheapest laborers themselves to come and compete with him at his own door, under the very shadow of his home?

Accustomed at home to labor for a few cents a day, our wages in California seem to the Jap fabulously princely, and it is no wonder that he is eager to reach that land of promise. He is shrewd enough to get as much for his labor as he can, but when he invades a field he cuts under the ruling white wages enough to get the business. Thus the Jap has come to monopolize the labor of the fruit industry of the Vaca Valley, the seed industry of Santa Clara County, and the berry fields and orchards of Watsonville, and thus they will come to monopolize the labor of the Pacific coast, unless their coming be prevented in some way.

Some employers of labor are at first induced to employ Japanese by the temptation of securing cheap labor. But once in possession of the field they cease to be cheap, and no labor union ever was more despotic in its demands than a company of Japanese laborers secure in the possession of a particular field from which they have driven competition. Ask the planters of Hawaii if what I am saying is not true.

The Japanese contractor employs his countrymen at first almost at his own price. He boards his men in his shack at a total expense of \$5 or \$6 per month, and many of these coolies are in virtual slavery to pay for their passage across the Pacific and have little or nothing to say about what their wages shall be. Thus equipped, he starts, as he started in Hawaii, in a California city or town to get business. He will soon be enabled to drive the white contractor out of business or compel him to employ The same thing is true of the Japanese orchardist and truck farmer. He can make all kinds of money selling his product at prices that drive the American employing white labor to the wall. And so, unless arrested by legislation, the process of transforming the Pacific coast from an American into an oriental habitation will go on to its inevitable conclusion. What remedy does the Pacific coast propose for the correction of these present and future evils? We ask that the Chinese exclusion act shall be extended to embrace Japanese and all other Asiatic laborers. The Asiatic coolie is the key to the situation. On the laborer as a foundation rests the oriental industrial structure, just as the industrial structure everywhere rests upon labor. Exclude the laborer and every other condition to which we object will correct itself.

Nearly one year ago in discussing this subject upon this floor my friend from Pennsylvania [Mr. Butler] expressed the fear that if we should pass such legislation as the Pacific coast is asking we would have trouble, perhaps war, with Japan. Why should trouble come? The treaty of 1894 provides for such legislation. The provisions of the Chinese-exclusion act could be extended to embrace Japanese laborers without violating either in letter or spirit our treaty with Japan. The last paragraph of Article II of that treaty reads as follows:

It is, however, understood that the stipulations contained in this and the preceding article do not in any way affect the laws, ordinances, and regulations with regard to trade, the immigration of laborers, police and public security which are in force or which may hereafter be enacted in either of the two countries.

But how is Japan observing the terms of this treaty, under which she is demanding such extraordinary rights and privileges? Americans are not allowed to enter the schools of Japan. They are not allowed to own real estate or engage in mining there. If the business of an American resident of Japan requires him to own real property, he can not purchase or hold it except in the name of some Japanese subject. Should an American laborer go to Japan, he would not be allowed to work unless he procured a license from the prefecture of the district where he was residing. This license would, of course, not be granted if the job he was seeking was wanted by any Japanese laborer. These things I am stating on the authority of a distinguished Japanese lawyer who delivered an address recently before the American Bar Association at Saratoga, N. Y. I am also advised by those who have lived in Japan and speak from experience that Americans in Japan are obliged to pay double the taxes that are assessed against natives. If they wish to attend the theater and the price of a ticket to a native

would be 60 sen, the American will be forced to pay 200 sen, and in other things it is the same. Besides these things, the ways in which the Japanese undertake to drive out of Japan any American who embarks in business there are most exasperating.

I have here a letter from a gentleman now living in New York which shows more in detail how this is done. He writes

as follows:

Nos. 140 and 142 Pearl Street, New York, N. Y., December 13, 1906.

Nos. 140 and 142 Peael Street, New York, N. Y.,

Becember 13, 1906.

Hon. E. A. Hayes.

Member of Congress Fifth Congressional District of California,

House of Representatives, Washington, D. C.

Dear Sir: Your favor of the Sth duly reached me, and before replying I wished to secure, as requested, the name of an authority on Japanese laws and their bearing on foreigners under the treaties. The following, "A digest written for the international committee of Yokohama," by Dr. L. Lonholm, will give you particulars:

The treaty may read nice to people on this side who have never been to Japan and have never traded with the Japanese, but there are so many differences between what the United States allows a Japanese when here and what the Japanese Government allows an American in Japan it makes one disgusted and anxious to quit doing anything or having anything to do with Japan or the Japanese.

There is a law in Japan forbidding the transfer of land to foreigners, and under the new treaties foreigners are not entitled to own land. Foreigners can own buildings. The land on which such buildings stand may be held by the foreigners under either a lease or a superficies. Americans can not practice law in Japan or become a printer, editor, or publisher of a newspaper. Americans can not engage in mining in Japan.

While the treaty apparently gives an American the same rights as a Japanese, you will note that the Japanese were shrewd enough not to mention in the treaty that they had already passed imperative laws which no treaty could abrogate unless mentioned in the treaty.

My idea is that this time the Japa know they have made a mistake, as they never dreamed of a refusal, and supposed by making a big noise California would at once apologize and open its schools. Japan never expected the final turn down and the subsequent events, knowing full well that an investigation of the treaty will expose the one-sided affair it is.

Some years ago the Japanese Government began paying a subsidy to the Japanese Tea Guild, the objec

full well that an investigation of the treaty will expose the one-sided affair it is.

Some years ago the Japanese Government began paying a subsidy to the Japanese Tea Guild, the object being to drive out the American tea men. The subsidy was paid under the name of a sum to be used to advertise the good qualities of Japan teas and thus add to their consumption. This was unnecessary, as the United States and Canada bought and consumed all the leaf Japan could sell for export. Shortly after the Japanese Government began paying the money Japanese began opening up tea offices in New York, Chicago, and other points, and native tea-firing plants began to operate in the interior tea-growing points of Japan. It then developed that the rents and expenses of the different tea offices in the United States were being paid out of the money paid by the Japanese Government; also that the native tea-firing hongs were being paid 50 yen for every firing pan they put up. It was even bragged of by the Japa in New York that they would soon drive the Americans out of the trade, as they were being backed by their Government.

The writer brought the whole matter up with the State Department, and the Japanese Government agreed to cease paying the subsidy, but, as usual, lied and paid it. On again bringing the matter up the Japanese edidently told the State Department to mind its own business; at least, from the letter I received from the State Department, I inferred as much and ceased trying to get protection. My contention was that the Japanese bounty was an export bounty and that teas on which that bounty was paid should, according to the Dingley tariff, pay an import duty equal to the export duty.

I will be pleased at any time to give you any further particulars, and trust you will never allow a Jap in your public schools, although I believe most of the States in the East, from ignorance of the Jap, would make no objection.

Yours, very truly,

It seems to one of the most humble members of this coordinate branch of the Government that our most distinguished Secretary of State could not be better employed than in striving to secure for American citizens in Japan those rights guaranteed to them

by the treaty, but which they are nevertheless denied.

Mr. Chairman, the people of California have one of the fairest spots on all the earth. It is their home, and they love it.

They are Americans, and they are here asking Americans to so legislate as to protect them from an insidious conquest of orientals, which, unless prevented by law, will overwhelm them, destroying or rendering wholly uncongenial the homes which they fondly hope to hand down to their children with all the holy influences around them that now pervade the American home. [Prolonged applause.]

Mr. GARDNER of Michigan. Mr. Chairman, I yield thirty minutes to the gentleman from Ohio [Mr. TAYLOR].

Mr. TAYLOR of Ohio. Mr. Chairman, it is my call to the attention of this committee two bills which I have introduced to wit, H. R. 14609 and H. R. 14610. The former has been referred to the Committee on War Claims and the latter to the Committee on Invalid Pensions.

I am urging the passage of H. R. 14609 because of the fact that adequate recognition has never been given to the sufferings and hardships of all Union prisoners of war by the Government of the United States. Large sums of money have been appropriated for the purpose of pensioning the men who fought in the Union armies for periods of ninety days to three years or more. The pension rolls carry probably all of those still surviving who went through the horrors of Confederate military

prisons, yet for these experiences, which more than outweigh any others of the dangers of hardships of war, the Federal Government has never seen fit to set apart a sum of money as compensation. The pensions under the general laws in no way compensate these men for their sufferings. In the first place, men who contracted disabilities that have burdened their lives from the day of their release from such places as Andersonville and Libby have great difficulty and oftentimes are unable to prove the incurrence of these disabilities in the service in the line of duty, and secondly, their meager pensions do not begin to repay them for the sufferings endured and for the physical anguish and loss of vigor that more or less affected their career in after years. It is because of these reasons that I have introduced the bill above referred to, which provides that all Federal soldiers who were honorably discharged and who were confined in Confederate prisons shall be paid in the sum of \$2 for each day of confinement therein. Provision is also made for the widow of the soldier if she be not remarried, and she is entitled under the provisions of this bill to receive the same sum as would have been paid to the husband because of said imprisonment.

Practically every association of ex-prisoners of war throughout the United States has recommended the enactment of such a law. Since I have introduced this bill letters have reached me from broken-down soldiers-residents of every part of the United States-who urgently plead that something be done in the way of recognition for the sufferings which they endured.

Coming down to the practical side of the question, it may be

asked how great a sum would be diverted every year from the Treasury of the United States should this bill become a law. This is a very difficult question to answer, and it is, perhaps, impossible to give any definite or reliable figures. because of the fact that the records of the Confederate military prisons were fragmentary and often, at best, unreliable. Therefore it is a matter of considerable speculation as to the number of men who were actually confined in Confederate prisons, and especially as to the number of men who survived incarceration. I have made every effort to obtain reliable information in this direction. Gen. F. C. Ainsworth, in a letter to me under date of April 9, 1906, in answer to a request for this information, states as follows:

According to the best information now obtainable, it appears that 211,411 Union soldiers were captured during the civil war, of which number 16,668 were paroled on the field, and that consequently 194,743 were held in captivity. It also appears that 30,218 Union soldiers died while in captivity; but the records of Confederate prisons in the possession of the War Department are by no means complete, and the number of deaths of Union prisoners of war is doubtless much greater than the number herein stated. \* \* \* The total number of deaths in Confederate prisons will never be definitely known.

Other authorices do not give as large a number of prisoners in the Confederate prisons. In the statistical record of the armies of the United States prepared by Frederick Pfeister, late a captain in the United States Army, it is estimated that the missing and captured on the Union side totaled 184,791. In other words, he says that one out of every fifteen had been captured or reported missing. As showing the discrepancy between figures and estimates of the number of Union men confined in southern prisons, the following figures, taken from the work entitled "Prisoners of War and Military Prisons," by Asa B. Isham, are submitted. He states that the captured white troops numbered 86 in every 1,000 men. From these varied reports it is safe to say that probably not more than 100,000 men of the Union forces lived through their prison experience and were returned to the Union Army. In the forty years or more that have elapsed since the close of the war it is more than probable to suppose that at least half of this number have died. It seems more reasonable to accept the statement of Mr. Isham in the work above referred to, after making allowances for the dis-crepancies between the records of the Confederate military prisons and the actual facts. The steps in his recapitulation at the end of his very excellent argument show that the total number of men captured by the rebels amounted to 188,145; the number paroled, estimated at one-half, amounted to 94,072; the number actually confined in prison, 94,072; the number of deaths in Confederate prisons, 36,401; per cent of mortality in rebel prisons, 38,7 per cent ons, 38.7 per cent. On the basis of these figures, but 57,671 Union soldiers left the rebel prisons alive. It is no extravagant estimate to state that perhaps 50 per cent of this number have died since the war. Thus not more than 20,000 soldiers and soldiers' widows would reap the benefit sought to be conferred by this bill.

There can be no doubt that the men who endured the agonies of prison life or tortures of confinement in the prison pens when partisanship ran high deserve the small bounty which this bill provides. The Government has proven its generosity in the case of men who served but three months during the last call of the war. It has never recognized the supreme sacrifices of its prisoners of war, and it seems but fitting and proper that the policy of liberality which has come to prevail in pension matters should be put in force before it is too late to benefit the survivors of the awful days of confinement and distress in Confederate mili-

tary prisons.

In introducing H. R. 14610, which is referred to the Committee on Invalid Pensions, I did so in answer to a general demand that a more fair, just, and equitable law be passed granting relief to the widows of the veterans of the civil war. Over forty years have passed since the war was terminated. We have had another war since that time, and had, approximately, on June 30, 1906, on the pension rolls some 22,621 pensioners as the result of this last struggle. From time to time Congress has enacted laws that have sought to increase the sums paid to those who survived in that great conflict from 1861 to 1865, to their widows, and to the dependent children. The sentiment seems to be general that there should be a more liberal general pension law, since statistics show that because of death, remarriage, legal limitation, failure to claim, and other causes, approximately 47,000 pensioners are dropped from the rolls each year. In 1905, to be explicit, the number dropped was 47,444, of which number 25,208 were civil-war survivors

That there is a sentiment for more liberal pension legislation is evidenced by the willingness of Congress to enact special pension legislation to relieve those unfortunate claimants who are unable, for various reasons, to obtain proper relief from the Bureau of Pensions. The special bill is not satisfactory. It helps a few, but it does not relieve the conditions affecting the great body of men and women whose claim upon the Government is based upon patriotic services during the days of national peril. General laws should be passed making unnecessary the enactment of special legislation, by rendering fair and equal justice to all claimants under the pension laws. No better example of inequitable legislation can be found than the present act of June As a step in the direction of liberality and fairness, I have introduced the bill before mentioned, which proposes to amend what is commonly known as the "act of June 27, 1890." The original act provides that the widow of a soldier who was married before the 27th of June, 1890, and whose income does not exceed \$250 in any one year, may, upon proof of this marriage, without proving the husband's death from service causes, receive \$8 per month. I seek to amend this act by amending the date of marriage so as to bring it forward ten years, to the 27th day of June, 1900, and increasing the pension allowed to \$12 per month. In the bill as introduced I have raised the income limit from \$250 to \$350 per year, but I will say at this time that after careful investigation I find this income clause the most common reason for rejection, and considering the increased cost of living, I will, when the bill is considered by the committee to which it has been referred, urge that this income clause be stricken out altogether.

It must be admitted that in these days of advanced cost of living an income of even \$350 will not suffice to keep an aged widow in even moderately comfortable circumstances. This is more particularly true owing to the methods pursued by the Pension Department in estimating the income. Oftentimes a soldier dies, leaving to his widow a small house and practically no money with which to maintain it. Yet, in estimating her income, the rental value of that house is charged against her, and in frequent cases coming under my observation this amounts to at least one-half of the income limit now provided by law, leaving to the widow but \$125 a year for her actual living expenses, clothing, and other incidentals. I therefore propose that the income clause be stricken out entirely, and in support of this contention I wish at this point to incorporate in my remarks the following figures and comparisons for the consideration or the committee:

During the past year ending January 1, 1907, there were rejected, from all causes, 3,759 widow applicants for pension. I am informed by the Pension Department that not more than one-third of this number could be credited to the income-limitation clause of the act of June 27, 1890, since remarriage, failure to claim, proof of the existence of the husband for whom pension is claimed, or the hundred other circumstances which are turned up by the Pension Department every week are the reasons for rejections of the claims. It seems fair, therefore, to take either one-third or one-fourth of 3,759 as the number that would be added during any one year by the removal of the income limitation. On the basis of one-third there would be 1,253 widows who would be pensioned at \$8 per month or \$96 per year, or a total of \$120,288. On the basis of one-fourth, or 940 additional pensioners at \$96 per year, the addition to the pension roll would be \$90,240. On the basis of ten years, supposing 2,000 of the claimants would die within the decade—a

very reasonable presumption—the addition because of this amendment would amount to \$710,400. This might perhaps seem a big sum; but when it is considered that over 47,000 are being dropped every year from the rolls, and that this proportion will rapidly increase every year, the amendment is not drastic or

in any sense unreasonable.

On January 31, 1905, there were borne on the rolls of the Pension Department 1,004,196 pensioners, and on June 30, 1906, there appeared the names of 985,971 pensioners. In eighteen months, therefore, there was a net decrease of 18,225 pensioners. The average amount of each pension, according to the Commissioner of Pensions, is \$138.18. On June 30, 1905, there were 998,441 pensioners on the roll, and on June 30, 1906, 985,971, a net decrease of 12,472. On the basis of the decrease in the roll of pensioners for the year ended June 30, 1906, at the average amount of each pension for the year, \$138.18, the amount of decrease would be \$1,723,380.96. If the property limitation was stricken out, therefore, the decrease in expenditure for one year would largely exceed the pensions of all additions to the roll of widow applicants on the basis previously indicated.

On June 30, 1906, there were 175,237 widows pensioned under the act of June 27, 1890, and 76,810 under the general law, making a total of 252,047 widows drawing pensions. 30, 1905, there were 169,066 widows drawing under the act of June 27, 1890, and 77,620 drawing under the general law, or a total of 246,686. There was thus a net increase of 5,361 June 30, 1906, as compared with June 30, 1905, a gain of 6,171 under the act of June 27, 1890, and a loss of 810 under the general law. Looking at the other side of the proposition, there were on June 30, 1906, 461,078 invalids pensioned under the act of June 27, 1890, and 205,375 under the general law, making a total of 666,453. The total for June 30, 1905, of pensioners under the act of June 27, 1890, and the general law is 684,608. would be a reduction, therefore, from 1905 to 1906 of 18,155 men pensioners. On June 30, 1906, there were 205,375 men drawing pensions under the general law, while on June 30, 1905, there were 219,384 drawing under the general law. In this one year, therefore, there were dropped from the rolls 14,009 pensioners under the general law. The great majority of this number probably died, since, as cited above, 6,171 widows were added under the act of June 27, 1890, and none under the general law—in fact, there was a reduction under the general law. This is conclusive proof that but one woman was added for every three men whose pensions were dropped. Further, pensions under the general law provide a much larger distribution of money than the widows' pensions, which at most reach but \$12 per month.

The number of pensioners reached high-water mark January 31, 1905. The total was 1,004,196. There will be a rapid decrease in the ensuing ten years, as is indicated by the large decrease in the past fiscal year. The tide is rapidly ebbing and many thousands will be dropped in the next decade. It will be seen from the statistics given that the proposed amendment will not add anything to the appropriation, but will simply take up a part of that which will be saved each year because

of the death of the veterans of the civil war.

The second provision of this amendment provided that the widows who were married prior to June 27, 1900, shall become eligible for pensions. I know of no means by which statistics could be obtained showing the exact number who would be benefited by thus putting forward the time from marriage from 1890 to 1900, but I do not believe that this addition would be considerable, and if it was, I still insist that in justice and equity the woman who has married and lived with a soldier since shortly after June, 1890, up to the present time and who has devoted sixteen years of her life as a faithful wife should not be barred by an arbitrary time limitation. I have heard it claimed that the original date was fixed to bar adventuresses from marrying old soldiers in order to procure this pittance. This is an insult to American womanhood, and if for no other reason than to express our confidence in the purity and honor of the women of this country, who are sought in marriage by the soldiers of the civil war, this date should be brought for-ward to the time designated in the amendment. It could by no possibility attract adventuresses, since those who married after June 27, 1890, did so with the full understanding that they were barred from drawing a pension. Sixteen years have passed since that date, and most of the marriages contracted in this period have not been between veterans and young women, but rather between veterans and women of middle age. It would seem that some provision should be made for caring for the widows who gave their services late in life to ministering to the broken and suffering veterans of the war. The addition would be inconsiderable, and the good accomplished would far outweigh any money consideration.

I would urge that the committee consider this proposed legislation carefully. With our wonderful national wealth, with a great surplus piling up in the Treasury of the United States, there can be no more auspicious time to lighten to some extent the burdens that oppress the widows of the soldiers of the civil war. This amendment to the act of June 27, 1890, would work inestimable good and place upon the roll many deserving women. From the figures which I have submitted with my remarks, it can be readily shown that the amount such legislation would withdraw from the National Treasury would not be of any consequence. In fact, I am sure that it would not in any way increase the appropriation, or even reach the appropriation for pensions made in 1904 and other preceding years. I believe this proposed legislation is just, because I believe that we owe to the widow of the soldier some equitable and just recognition for her services in the home, I will urge a favorable report of this bill. There is no better way of showing honor and respect to and earning the gratitude of patriotic American womanhood. [Loud applause.]
Mr. KLINE. Mr. Chairman, on divers occasions during my

Mr. KLINE. Mr. Chairman, on divers occasions during my brief Congressional career I attempted to have remedial and effective legislation enacted for the benefit of certain classes of survivors of the civil and Spanish-American wars. I recognize that other Members of this House have had the same designs and purposes in mind, but hitherto our efforts have been fruit-

less in that direction.

Our appeals on certain phases of this class of legislation were listened to by a deaf ear in the past. During the first session of this Congress I introduced a bill providing that all soldiers and sailors who served ninety days or more in the military or naval service of the United States during the late war of the rebellion and the Spanish-American war, who had been honorably discharged, and who were or might hereafter be suffering from the loss of sight of both eyes and had become totally blind from causes not resulting while in the service of the United States and not the result of vicious or intemperate habits, be placed upon the list of pensioners of the United States, and that they be granted a pension of \$30 per month.

At this session I introduced a bill (H. R. 21378) on the same subject, broader and more extensive, providing that all soldiers and sailors who served ninety days or more in the military or naval service of the United States during the late war of the rebellion or the Spanish-American war, who have been honorably discharged, and who are or may hereafter be suffering from the loss of sight of both eyes, and that all soldiers and sailors who are or may become bedridden, who are or may become utterly helpless, who are or may become paralytics, and who are or may become painfully or permanently disabled from causes not occurring whilst in the service of the United States, upon making due proof of the fact of the said several disabilities, be placed upon the pension list of the United States and be granted a pension of \$30 per month. In fairness to all sufferers from such disabilities such legislation should be enacted.

Congress has established the precedent of granting in numerous and frequent instances \$30 per month, by special bill, to survivors of the civil war who were blind when such a disability was not the result of military or naval service. Congress has also established the precedent of granting by special bill \$24 to \$30 per month to survivors of the civil war who were bedridden, utterly helpless, paralytics, and who had become painfully and permanently disabled, where such disabilities were not the result of service origin.

There are many surviving soldiers in the United States who are suffering from the disabilities enumerated in said bill or bills introduced. Without a special bill, survivors of the civil war or the Spanish-American war suffering from disabilities enumerated in the bills introduced can not secure more than the maximum sum of \$12 per month. This latter allowance is granted to them by and through the provisions of the act of

Congress approved June 27, 1890.

Why should not all honorably discharged soldiers, who were in the service ninety days and upward, and who are blind, bedridden, utterly helpless, paralytic, and painfully and permanently disabled, and thereby unable to perform mental or manual labor, have like benefits and equal rewards? Why should A, blind, receive a pension of \$30 per month, and B, his next neighbor, similarly afflicted and disabled, be limited to his allowance or gratuity granted him by the provisions of the act of Congress above referred to? Why should C, honorably discharged, and in the service more than ninety days, bedridden, or utterly helpless, or a paralytic, painfully and permanently disabled, not the result of his military service and not the result of vicious or intemperate habits, be the beneficiary of the liberality of Congress to the extent of twenty-four or thirty

dollars per month, and his neighbor, D, similarly afflicted, be limited to \$12 per month? These and such inequalities do exist and should be corrected and remedied by proper and adequate legislation.

Why has Congress been so tardy and hesitated so long on this subject? True, Congress has been liberal in many respects, and has rewarded the great majority of our old soldiers, but it has also compelled many, afflicted as above described, to patiently wait until their remains were deposited in the tomb or

to the last of their declining days.

The storm of life is rapidly thinning and decimating the ranks of the survivors. Another decade and all the survivors of the civil war will be beyond the septuagenarian period of life. I am not complaining of the liberality or the nonliberality of Congress on this subject in the past, but I complain that those possessing the same class and form of disability are not uniformly rewarded for their services and consequent suffering.

The Invalid Pension Committee of the House and the Senate and their clerks are overworked, and are doing the best and most they can to grant relief during the period that Congress is in session. Every Member of Congress introduces special bills for original and increase of pensions. Many a Member introduces thirty and forty bills for original and increase of pension and relief during a session when he is well advised that not more than one-fourth or one-fifth of his bills can and will be considered by the committee.

All the cases may be equally meritorious. There are 386 Members in this body. The committee is endeavoring to be fair and just, and that each Member shall, as near as possible, have an equal number of special pension bills considered at each session or term of Congress. Take it for granted that each Member at each session secures favorable consideration of half a dozen special pension bills, the aggregate number acted upon would exceed 2,300 cases, and such a number of bills would tax the time and ability of the most efficient committee and most competent clerks during a session of average length and duration

I introduced at the first session of this Congress thirty-seven pension bills—all meritorious, in my judgment—under the precedent established and followed, and but nine were favorably acted upon. Those not considered must wait the opportunity at a subsequent session, or the order in which I or my successor may choose to have the same considered by the committee.

I predict that by the time all the bills introduced by me during the last session and previous sessions of Congress can and will be considered by the committee, under the established rules and existing practice, one-half of those asking for relief by special bill will have passed into eternity. And the experience of a majority of the Members of this body is identical with my own experience.

The passage of a bill or bills such as I have introduced will increase the pensions paid but a trifling sum as compared with the aggregate of pension appropriations heretofore provided for. Usually those most advanced in years, most feeble, and seriously and painfully disabled are selected to be rewarded by special legislation. Their days are numbered, and generally they do not long survive the period when they are allowed an increase. Many of those whom I endeavored to favor did not survive a year to enjoy such blessings and benefits.

In the second session of the Fifty-eighth Congress the committee and this House favorably considered only three of the special bills introduced by me, and I regret to say that all three died in less than a year after their pecuniary reward for services granted by Congress was announced, and I have been informed that one of the beneficiaries under bills introduced by me in the first session of the Fifty-ninth Congress departed within six months after his bill was signed by the President; and such, as I stated before, is the experience of every Member in this House who was required to ask for special legislation on this subject.

The committee will act favorably on every bill that can be reached for consideration wherein it is established that the soldier is blind, bedridden, utterly helpless, a paralytic, and painfully or permanently disabled, and where it is further established that his disabilities are not the result of vicious and intemperate habits, and he is unable to perform mental or manual labor to support and maintain himself, and was in the service for a period of ninety days and upward.

There are many survivors of this class of soldiers who are equally and similarly disabled who have not received and never will receive the benefits of increase of pension by special legislation. And why is this so? It is because their cases can not be reached and considered under present practices and existing legislation. Very few citizens make complaint or refuse to pay their taxes and bear their burdens provided they are equal

and uniform. The benefits provided for by pension legislation should likewise be equal and uniform amongst the several classes of beneficiaries enumerated in the bill introduced. If this kind of legislation is wrong in principle, then stop the procedure and wipe out the precedent, and revoke and repeal what

has been enacted on the subject.

But since it is approved by legislation and the people of this country, and the precedent is established, permit all who may be embraced and enumerated in this class of patriotic and unfortunate citizens to enjoy the benefits and privileges and rewards of equality and uniformity in our pension laws. legislation becomes necessary sometimes to provide for special cases which the generality of general laws will not cover and can not reach. But special legislation on the subject referred to in said bill can not reach all classes and men equally and uniformly by reason of want of time and limitation upon the number of bills that can be considered. The subjects embraced in said bill can, without injustice, inequality, or inconvenience, be included in a general bill and in a general class.

If you pass the legislation referred to, the duties of the In-

valid Pension Committee will be lessened and simplified, and all blind men and those who are bedridden, utterly helpless, paralytics, and painfully or permanently disabled, and whose disabilities are not the result of service origin and vicious or intemperate habits, who are honorably discharged, and were in the military or naval service of the United States for ninety days and upward, will be equally, similarly, and uniformly rewarded, as they should be, without exception, omission, favor,

or preference.

Liberality and justice to this class of pensioners, enumerated and contemplated in the bill proposed and heretofore referred to, will not embarrass the public treasury. The country is rich and prosperous, and with legislation advocated and in all probability to be enacted on the proposition of a progressive tax on inheritances and incomes, by which large revenues will be collected without inconvenience or discomfort to anyone, the passage of such a general pension bill will add but a trifling additional burden upon the Government during the declining years of the men who may become included within its provisions. The men who will be included in this class of beneficiaries have aided in making this country prosperous and rich, great and united. These questions are not new. Every Congress possibly since the Mexican war heard this discussion in some phase or other.

Little, if anything, can be uttered in behalf of pensions that has not already been said or discussed. Nearly all civilized nations make provision for the pensioning of their surviving soldiery and family or families dependent upon them. It is

patriotic, reasonable, and proper that it should be so.

Those who leave their homes, property, and business during the days of war and conflict are justly rewarded by proper and reasonable pensions for their patriotic valor, sacrifice, and risk to which they subjected themselves and loss they may or have sustained to business and property; and this class of men and those in family relations dependent upon them should be re-warded as an incentive to this and future generations to perform military service in the event of conflict with foreign nations or internal strife and dissensions requiring military aid.

For the reasons hereinbefore indicated I urge that the Invalid Pensions Committee favorably report, and that this House without delay enact the bill introduced, as a portion of our

pension legislation.

Mr. GARDNER of Michigan. I now yield to the gentleman from Indiana [Mr. CRUMPACKER] so much time as he desires.

Mr. CRUMPACKER. Mr. Chairman, the pending bill carries an appropriation of over \$138,000,000 for the payment of pensions to the veteran soldiers and sailors of the country, and it affords a very appropriate occasion to offer some remarks upon

our general pension laws.

While the pension policy of the country is very liberal toward those who have made sacrifices for the preservation of our institutions, it is, perhaps, the best safeguard the Government can adopt. If this country should ever be involved in another great war, particularly engaging the land forces, it must depend chiefly upon a volunteer army, and the record it makes in its treatment of those who volunteered in the past to defend our institutions against destruction and overthrow will go far toward inspiring faith and securing volunteers for the purposes of defense in the future. The Government pays more in the way of pensions than all the other countries of the earth combined, and yet it does not pay a dollar that is not justly due to its veteran defenders, and, as a matter of public safety, every

the maintenance of a large standing army during times of peace. Our large pension roll enables us to do with a compar-

While the pension policy is liberal and its spirit is just, in the administration of the laws, in order to prevent imposition, the Pension Bureau has established many rules respecting proof of claims that appear somewhat technical, and it is now impossible for many veterans of the civil war to furnish the evidence of the origin of their disabilities that the rules of the Pension Bureau require. In order to meet this situation and provide relief for a vast number of veterans who were unable to make proof of the origin of their disabilities the law of 1890 was passed providing that all persons who served ninety days and over in the civil war and were honorably discharged. on proof of disability without reference to its origin, should receive pensions ranging from \$6 to \$12 a month. of that war are all now in advanced years. Many of them are totally disabled for the performance of manual labor and are unable to furnish the proof required to connect their disabilities with their Army service. Thousands are destitute and are compelled to subsist upon the small allowance of \$12 a month provided under the law of 1890. Numerous veterans of this class have wives to support, and it is a sad spectacle to see a brave and worthy veteran who served his country three or four years honorably and valiantly and whose system may have been poisoned with the germs of disease, now in his declining years, in destitute circumstances, unable to earn anything to support himself, and who is compelled to care for himself and his aged wife upon a pittance of \$12 a month.

As a result of this condition many thousands have applied to Congress for relief in the way of private legislation. During the present Congress there have been introduced in both Houses private pension bills to the number of 19,300. House bills have been enacted into law and 1,750 Senate bills, making a total of upward of 5,200, and leaving undisposed of about 14,000 bills. Of these 14,000 bills the bulk of them are for the relief of worthy men; men who are in destitute circum-stances; men who are unable to perform any kind of manual labor, or to earn anything to relieve their wants and the wants of their families; men who have no income excepting, probably, a pension of \$12 a month under the law of 1890. A large majority of these applicants firmly believe that their present disabled condition is chiefly the result of their military service, and that fact seems morally probable, yet they can not make the technical proof required by the Pension Bureau. They may have no hospital record; they may be unable to prove actual acute sickness while in the service by two comrades or commissioned officers, and, therefore, they can not avail themselves of the liberality of the general law. Their witnesses may

be dead or may have forgotten the facts.

In the House there are two committees engaged most of the time in the examination of private pension bills. Under the rules of the House no bill can be considered upon the floor until it has been referred to the proper committee, investigated, and reported back for action. There have been such an avalanche of private bills during the last few Congresses that the Pension Committees, devoting most of their time to that work, have been utterly unable to investigate the merits of near all of them, and the result has been that only about one-fourth of those that were introduced have been examined and reported The remaining three-fourths-many of them just as meritorious and just as worthy as those that are investigated and acted upon-rest with the committee and expire with the Congress in which they were introduced. The Pensions Committees are composed of able and industrious men, and the work they have done in the investigation of this class of bills has put the Congress and the country under many obligations to them; but under the very best system of examination and consideration possible the private pension policy is largely and necessarily a policy of favoritism, granting that all of the private bills introduced are substantially of the same merit. Five thousand of them are successful and nearly 15,000 are unsuccessful. Some are fortunate and some or unfortunate. Many of the unfortunate ones have as great claims upon the consideration of Congress and upon the gratitude of the country as the fortunate

This policy is so manifestly unjust and unfair that in my opinion there is an imperative need of some general and efficient legislation that will tend to equalize conditions and to put veterans of the civil war as far as possible upon an equal footing, I have done the best I could to secure the consideration of all the private pension bills that I have introduced. I have sucdollar of that money is well invested. I would infinitely rather have a large and liberal pension roll than to have the Government annually appropriate hundreds of millions of dollars for I have felt at the close of each session that many worthy applicants who had the right to expect favorable consideration of their bills would necessarily be disappointed because of the lack of time and opportunity to give consideration to their claims.

The Senate passed a bill a few days ago, known as the "Mc-Cumber bill," based chiefly upon the fact of service. It provides that all Union veterans of the civil war who served ninety days and over and were honorably discharged shall, upon arriving at the age of 62 years, be granted a pension at the rate of \$12 a month, and upon reaching the age of 70 years the pension shall be increased to \$15 a month, and on reaching the age of 75 years the pension shall be further increased to \$20 a month,

the maximum provided in that bill.

That bill would doubtless afford some relief to a great many people, but it will not meet the requirements of the situation. It is based upon service arbitrarily, and not upon disability. Most all of the applicants for private pensions are men who served faithfully-many during the entire war. They are now destitute of means of support and are so disabled that they can not perform manual labor, and perhaps the majority of them are under 70 years of age. They are drawing now only \$12 a month under the law of 1890. The McCumber bill will afford no relief to this class of veterans who are under 70 years of age. The applications for private pensions will continue to be about as great in the future as they have been in the past.

Will the gentleman permit a question?

Mr. CRUMPACKER. Certainly.
Mr. GARRETT. Will the gentleman permit me to state, as I understand, the McCumber bill also includes the Mexican

Mr. CRUMPACKER. Yes; the bill includes Mexican war veterans who now are allowed pensions on a service basis at the rate of \$12 a month. ,The McCumber bill would give them the maximum of \$20 a month, because they are all over 75 years of age. I like that feature of the bill.

Mr. GARRETT. It would be a help to the Mexican war vet-

erans.

Mr. CRUMPACKER. Yes; very materially.

I introduced a bill in the House a few days ago providing for an increase of the maximum pension rate fixed by the law of 1890. The bill provides that the maximum under that law shall be \$24 a month instead of \$12, as it now is. If that bill were enacted into law, it would relieve almost all of those who now come to Congress for relief in the way of private legislation. Perhaps a majority of the private bills that are reported increasing pensions fix the rate at \$24 a month. If all those who are totally disabled and are receiving \$12 a month under the law of 1890 were given \$24 a month, there would not be onetenth as many applications for private pensions as there are now. All the soldiers who are in the same physical condition would be placed upon an equal footing and Congress would be able to investigate and act upon all the private bills that might be introduced.

Mr. BURTON of Delaware. I would like to ask the gentleman if he does not think also that his proposed amendment to the law would work more equitably in getting pensions on the

merits of the case rather than by favoritism?

Mr. CRUMPACKER. It would be infinitely better and more equitable than the present private-pension system. The favoritism under the existing practice is not political or religious, and is in no degree the fault of the Committees on Pensions and Invalid Pensions. It is the fault of the law and the system that has grown up under it.

Mr. OTJEN. The gentleman's proposed amendment to the law would raise all those who are now receiving \$12 to \$24?

Mr. CRUMPACKER. That is the proposition exactly.

Mr. CROMER. Will the gentleman yield to me for a question?

Mr. CRUMPACKER. I will.

Mr. CROMER. What provision does the gentleman make for

the widows? Does he double their pensions?

Mr. CRUMPACKER. I do not make any provision at all. would like to do so, but I think it is wisdom to take up one branch of the subject at a time. I am in favor of increasing the pensions of all widows of soldiers of the civil war, all pensionable widows, to \$12 a month. I think \$12 a month ought to be the minimum pension for widows.

The Committee on Invalid Pensions of the House has a rule

providing that no bill for the increase of a private pension will be considered unless the applicant has been able to establish his right to the maximum pension under the law of 1890 before the Commissioner of Pensions. I desire to impress upon the House the importance of enacting a general law increasing the maximum rate under the law of 1890 to \$24 a month and to emphasize the fact that it would relieve Congress of the duty

of investigating such an avalanche of private bills. I doubt if there would be a thousand bills for private pensions introduced during an entire Congress under the operation of a law of that kind, and it would bring happiness and comfort to the homes of

many thousand veterans in all parts of the United States.

But we are told that it would involve the expenditure of a large additional sum of public money, and it probably would. I have not taken the pains to ascertain how much it would increase the annual appropriation. It would probably increase it fifteen or twenty millions a year; but what if it did? That would only amount to the cost of two modern battle ships. While we are appropriating in the neighborhood of \$800,000,000 at every session of Congress to conduct the Government and to carry on various public activities, an increase in the appropriations of fifteen or twenty million dollars as an act of justice to the defenders of the country would not only be justified but applauded by a large majority of the American people. Pensions are granted not as a matter of charity or gratuity, but as a matter of right. When the civil war was on, when the Government was seeking recruits for the upbuilding of its Army, men were given to understand that if they would enlist and assist in preventing the destruction of the Government they should never come to want; that the Government would provide for their widows and children in the event they lost their lives in defense of the flag, and would provide adequate pensions to care for them if they were disabled; so the enactment of laws providing for adequate pensions to care for the destitute and disabled survivors of the Army of the Union is simply a discharge of an obligation founded in justice and gratitude.

Besides, money paid out and expended under a law of that kind would be distributed equitably in all sections of the country. It would go into the hands of the poor, as a rule, who would use it for the necessaries of life, and it would go into immediate circulation, and the business of the country would not be affected by the appropriation in the least. I am earnestly in favor of that kind of a law. I will vote for the McCumber bill, if I can not secure the adoption of a more just and generous pen-The McCumber bill will afford a great deal of relief, but it will not afford adequate relief. The time has come when the country should feel its obligation to adopt such a pension policy as will result in as near justice as possible to all of its veteran soldiers. No pension law can operate with exact justice to all, but it is infinitely better to be more than just to some than

to be unjust to many.

The veterans of the civil war are fast passing from the scene of action. They are going to their final reward at such a rate that in a short time but few will remain as reminders of the bloody struggle that was necessary to perpetuate the Union. The declining years of these men ought to be made as comfortable and happy as possible. They should be permitted to enjoy the comforts and blessings of the Government their sacrifices made permanent. I have no sympathy with the criticism of pension laws that is based upon the increase of expenditures. I would rather forego the construction of a battle ship occasionally. I would rather economize in expenditures in other lines than to require the veteran soldiers of the Republic in their declining years to barely eke out an existence on a pittance of eight or ten or twelve dollars a month.

Mr. GARDNER of Michigan. Mr. Chairman, I do not see the gentleman from Massachusetts [Mr. Sullivan] here. If there is no other gentleman who wishes to occupy time this evening I move that the committee do now rise. I see the gentleman from Georgia [Mr. Livingston] is here. Does the gentleman

wish to occupy any time to-day?

Mr. LIVINGSTON. Not to-day. Mr. GARDNER of Michigan. Then I renew my motion that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Townsend, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24640, the pension appropriation bill, and had come to no resolution thereon.

SERVICE PENSION LEGISLATION.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Committee on Invalid Pensions and the Committee on Pensions be, and hereby are, authorized to sit as a joint committee for the purpose of considering Senate bill No. 976, an act granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico; and that such joint committee have leave to sit during the sessions of the House.

Mr. LIVINGSTON. Reserving the right to object, I would like the gentleman to explain the object of that resolution.

Mr. LOUDENSLAGER. Mr. Speaker, the reason for the meeting of the joint committee is that the McCumber bill carries in it provisions for civil-war veterans and also for Mexican-war veterans, and, under the rules of the House, the Committee on Invalid Pensions have charge of all pension matters relating to service and disability from service in the civil war, while the Committee on Pensions have matters pertaining to the service and disability from service in all other wars; so that it has been deemed better and wiser that both committees sit as a joint committee, so that whatever action they take in regard to this matter may be written in one bill, without any future legislation in any other line.

Mr. LIVINGSTON. I have no objection.

The SPEAKER. The Chair hears no objection. The Chair would suggest to the gentleman from New Jersey that he amend the resolution so that they may sit as one committee instead of as a joint committee.

Mr. LOUDENSLAGER. I accept the suggestion of the Chair, and ask to strike out the word "joint" where it first occurs and insert the word "one," and strike out the word "joint" where it occurs the second time.

Mr. LIVINGSTON. In this case how would you sign up a

report?

Mr. LOUDENSLAGER. The whole committee can select who shall make the report, the same as we do in other committees. I move the adoption of the resolution.

The amendment was agreed to.

The resolution as amended was agreed to.

STURGEON BAY, ILLINOIS.

Mr. GRAFF. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 207.

The Clerk read as follows:

Joint resolution (H. J. Res. 207) declaring Sturgeon Bay, Illinois, not navigable water.

navigable water.

Resolved, etc., That so much of the west fork of Sturgeon Bay within the county of Mercer and State of Illinois as lies west of the line between the east half and the west half of the east half of section 25, in township 14 north, range 6 west of the fourth principal meridian, and so much of the east fork of said Sturgeon Bay as lies north of the north line of section 30, in township 14 north, range 5 west of the fourth principal meridian, shall not be deemed navigable waters of the United States, but dams and bridges may be constructed across the same.

The amendment recommended by the committee was read, as follows:

In lines 11 and 12 strike out the words "but dams and bridges may be constructed across the same."

Mr. PAYNE. Reserving the right to object, I want to ask

the gentleman to explain the need of this resolution.

Mr. GRAFF. Mr. Speaker, this resolution was made necessary by the fact that a drainage district has been organized under the laws of Illinois for the purpose of reclaiming some 19,000 acres of bottom land at the expense to the owners of the land themselves solely of some \$250,000. It is upon the banks of the Mississippi River, near Boston, and they have to procure the money through the issuance of bonds upon the land, forming a mortgage for their benefit. In order to do this and to make the facts as to the unquestioned unnavigability of a little spur, being, in fact, a slough, it was necessary to pass this bill.

Mr. LIVINGSTON. What committee reported this legisla-

tion?

Mr. GRAFF. It is reported from the Committee on Interstate and Foreign Commerce and reported on the recommendation of the War Department. It is stated in the War Department, which examined this survey, that this is some of the water of the Mississippi River, and the so-called "Sturgeon Bay," or slough, was, in fact, unnavigable.

Mr. LIVINGSTON. It does not affect the navigability of the

Mr. GRAFF. It does not affect the navigability of the river in any way, because it is too remote from the channel of the river. I have here the report made to the Committee on Interstate and Foreign Commerce by General Mackenzie as to the unnavigable character of the river.

The SPEAKER. Is there objection? [After a pause.]

Chair hears none.

The amendment recommended by the committee was agreed to. The joint resolution as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

### MARITIME EXPOSITION AT BORDEAUX, FRANCE.

The SPEAKER laid before the House the following message from the President of the United States; which was read, re-

ferred to the Committee on Foreign Affairs, and, with accompanying papers, ordered to be printed:

To the Senate and House of Representatives:

It ransmit herewith for the consideration of the respective Houses of the Congress a report of the Acting Secretary of State representing the appropriateness of early action in order that the Government of the United States may be enabled to be fittingly represented at the International Maritime Exposition to be held at Bordeaux from May 1 to October 31 of this year to celebrate the centenary of steam navigation inaugurated by the American inventor, Robert Fulton.

The recommendations of this report have my hearty approval, and I hope that the Congress will see fit to make timely provision to enable the Government to respond appropriately to the invitation of the Government of France.

Theodore Roosevelly.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 23, 1907.

#### AMERICAN SHIPPING.

The SPEAKER laid before the House a message from the President of the United States; which was read and referred to the Committee on the Merchant Marine and Fisheries.

[For message see Senate proceedings of this date.]

#### SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 7147. An act to amend section 2536 of the Revised Statutes, relative to assistant appraisers at the port of New York, and further defining their powers, duties, and compensation-to the Committee on Ways and Means.

S. 7793. An act to fix the time of holding the circuit and district courts of the United States in and for the northern district

of Iowa-to the Committee on the Judiciary

S. 7270. An act to establish a fish-hatching and fish-culture station at Dell Rapids, S. Dak.—to the Committee on the Merchant Marine and Fisheries.

S. R. 86. Joint resolution granting an extension of time to certain homestead entrymen-to the Committee on the Public Lands.

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 24048. An act authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Spokane and Inland Empire Railroad Company, its successors and assigns;

H. R. 3980. An act granting an increase of pension to Frank

G. Hammond; and

H. R. 15769. An act granting an increase of pension to William W. Bennett.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5469. An act to authorize the Secretary of Commerce and Labor to investigate and report upon the industrial, social, moral, educational, and physical condition of woman and child workers in the United States;

S. 4423. An act providing for the donation of obsolete cannon, with their carriages and equipments, to the University

of Idaho; and S. 4563. An act to prohibit corporations from making money contributions in connection with political elections.

### EXECUTIVE COUNCIL OF PORTO RICO.

The SPEAKER also laid before the House the following message from the President:

The Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico and approved by the President of the United States. THEODORE ROOSEVELT.

THE WHITE HOUSE, January 23, 1907.

The message, with the accompanying documents, was referred to the Committee on Insular Affairs, and ordered to be printed. Mr. GARDNER of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned.

### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a

copy of a letter from the Acting Secretary of State submitting an estimate of appropriation for an increase of the clerical force of the Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for an assembly hall for the Government Hospital for the Insane-to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for Indian supplies-to the Com-

mittee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of State submitting an estimate of appropriation for carrying out convention with Mexico as to distribution of the waters of the Rio Grande-to the Committee on Appropriations, and ordered to be printed.

A message from the President of the United States relating to

the pending ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for printing and binding in the Department of the Interior-to the Committee on Appropriations, and ordered to be printed.

### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SMITH of Arizona, from the Committee on the Territories, to which was referred the bill of the House (H. R. 24648) ratifying an act of the Arizona legislature providing for the erection of a court-house at St. Johns, in Apache County, Ariz., reported the same without amendment, accompanied by a report (No. 6598); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8969) ratifying and confirming chapter 58 of the twenty-third legislative assembly of the Territory of Arizona, providing for repair of the Territorial bridge at Florence, Pinal County, Ariz., reported the same with amendment, accompanied by a report (No. 6599); which said bill and

report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15518) ratifying chapters 57 and 61 of the session laws of the twenty-third Arizona legislative assembly, providing for the issuance of bonds by Mohave County to erect court-house and jail in said county, reported the same without amendment, accompanied by a report (No. 6600); which said bill and report were referred to the House Calendar.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 23324) authorizing the sale of certain lands to the city of Buffalo, Wyo., reported the same with amendment, accompanied by a report (No. 6601); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ALEXANDER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 24285) to provide for holding terms of United States courts at Clarksdale, Miss., reported the same without amendment, accompanied by a report (No. 6602); which said bill and report were referred to

the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23394) to provide for an additional district judge for the northern district of California, reported the same with amendment, accompanied by a report (No. 6603); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows

By Mr. WADSWORTH, from the Committee on Agriculture: A bill (H. R. 24815) making appropriations for the Department Agriculture for the fiscal year ending June 30, 1908-to the Union Calendar.

By Mr. HILL of Connecticut: A bill (H. R. 24816) to amend an act entitled "An act for the withdrawal from bond, tax | Means.

free, of domestic alcohol when rendered unfit for beverage or liquid medicinal uses by mixture with suitable denaturing materials," approved June 7, 1906-to the Committee on Ways and Means.

By Mr. BUCKMAN: A bill (H. R. 24817) to amend an act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota," approved June 4, 1906-to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 24818) to amend an act entitled "An act permitting the building of a dam across the Mississippi River between the counties of Stearns and Sherburne, in the State of Minnesota," approved June 28, 1906—to the Committee on Interstate and Foreign Commerce.

By Mr. GARNER: A bill (H. R. 24819) supplying a deficiency in the appropriation for the construction of a court-house and custom-house at Laredo, Tex.-to the Committee on Public

Buildings and Grounds.

By Mr. McGUIRE: A bill (H. R. 24820) to authorize the Secretary of the Treasury to accept a building at Perry, Okla., for post-office purposes—to the Committee on Public Buildings and Grounds.

By Mr. GRIGGS: A bill (H. R. 24821) to authorize the Georgia Southwestern and Gulf Railroad Company to construct a bridge across the Chattahoochee River between the States of Alabama and Georgia-to the Committee on Interstate and Foreign Commerce.

A bill (H. R. 24822) to authorize the By Mr. BOUTELL: Commissioners of the District of Columbia to establish, maintain, and supervise a system of playgrounds in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WILEY of Alabama: A bill (H. R. 24823) to prevent the exclusion of a newspaper or periodical from the United States mails as second-class matter, after having been entered to such privilege, without due process of law-to the Committee on the Post-Office and Post-Roads.

By Mr. CLARK of Florida: A bill (H. R. 24824) authorizing and requiring the President of the United States to negotiate for and make sale of the Philippine Islands to Japan or some other foreign nation at such price as will reimburse the United States for original cost and expenditures incurred in maintaining said islands, on such terms as the President may prescribeto the Committee on Insular Affairs.

By Mr. RANSDELL of Louisiana: A bill (H. R. 24825) authorizing T. L. Glass to bridge Bayou d'Arbonne, in Louisianato the Committee on Interstate and Foreign Commerce.

By Mr. MORRELL: A bill (H. R. 24826) to amend an act entitled "An act to provide for the organization of the militia of the District of Columbia, and for other purposes," approved March 1, 1889-to the Committee on Militia.

By Mr. SIMS: A resolution (H. Res. 785) commending the President of the United States for his action in discharging Companies B, C, and D of the Twenty-fifth United States Infantry-to the Committee on Military Affairs.

By Mr. NEEDHAM: A joint resolution (H. J. Res. 225) directing the War Department to make investigations and surveys of certain rivers of California-to the Committee on Rivers and Harbors.

### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as

By Mr. AMES: A bill (H. R. 24827) granting an increase of pension to Marcus M. Bancroft-to the Committee on Invalid ensions.

By Mr. BEDE: A bill (H. R. 24828) granting an increase of pension to Sarah M. Martin-to the Committee on Invalid Pensions.

By Mr. BURGESS: A bill (H. R. 24829) granting an increase of pension to John R. Robbins-to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 24830) granting a pension to James M. Ledbetter—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 24831) granting an increase of pension to John C. De Witt-to the Committee on Pensions.

By Mr. CANNON: A bill (H. R. 24832) granting an increase of pension to Jacob Goth-to the Committee on Invalid Pensions.

By Mr. DAVEY of Louisiana: A bill (H. R. 24833) for the relief of the Louisiana Molasses Company (Limited) and the Louisiana Distilling Company—to the Committee on Ways and

By Mr. DOVENER: A bill (H. R. 24834) granting a pension to Jesse Craft—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24835) granting an increase of pension to Hugh Neeper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24836) granting an increase of pension to John T. Pinnock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24837) granting an increase of pension to John R. Bungard—to the Committee on Invalid Pensions.

By Mr. FINLEY (by request): A bill (H. R. 24838) granting an increase of pension to Henry H. A. Walker—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 24839) granting a pension to soldiers and sailors of the civil war who are totally blind-to the Committee on Invalid Pensions.

By Mr. HEFLIN: A bill (H. R. 24840) granting a pension to

Martha J. Finley—to the Committee on Pensions.

By Mr. HULL: A bill (H. R. 24841) to authorize the National Safe Deposit, Savings and Trust Company of the District of Columbia to change its corporate name-to the Committee on the District of Columbia.

By Mr. HUMPHREYS of Mississippi: A bill (H, R. 24842) granting a pension to Obedy Wheeler-to the Committee on In-

valid Pensions.

By Mr. KENNEDY of Ohio: A bill (H. R. 24843) granting an increase of pension to John A. McCarnon-to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 24844) granting an increase of pension to Robert E. Meeker-to the Committee on Invalid Pen-

By Mr. McGAVIN: A bill (H. R. 24845) granting an increase of pension to Andrew J. Price—to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 24846) granting an increase of pension to Robert M. Wolf-to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 24847) granting an increase of pension to James A. Carman-to the Comittee on Pensions.

Also, a bill (H. R. 24848) granting an increase of pension to Seth D. Cook-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24849) granting an increase of pension to

John Breneman-to the Committee on Invalid Pensions. Also, a bill (H. R. 24850) granting an increase of pension to

Henry C. Jewett-to the Committee on Pensions. By Mr. MURPHY: A bill (H. R. 24851) granting an increase of pension to O. S. Rouse-to the Committee on Invalid Pen-

By Mr. NELSON: A bill (H. R. 24852) granting an increase

of pension to Menzo Eygabroad—to the Committee on Invalid Pensions. By Mr. PADGETT: A bill (H. R. 24853) for the relief of the

trustees of the Christian Church in Franklin, Williamson County, Tenn.-to the Committee on War Claims.

By Mr. PEARRE: A bill (H. R. 24854) for the relief of D. C. Owings-to the Committee on Claims.

By Mr. RHODES: A bill (H. R. 24855) granting a pension to George W. Robins-to the Committee on Invalid Pensions.

By Mr. ROBERTS: A bill (H. R. 24856) for the relief of the widow and heirs at law of Patrick J. Fitzgerald, deceasedto the Committee on Claims.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 24857) for the relief of the estate of Adonis Petit, deceased-to the Committee on War Claims.

Also, a bill (H. R. 24858) for the relief of the estate of Antonio Pfister, deceased—to the Committee on War Claims.

Also, a bill (H. R. 24859) for the relief of the legal representatives of Francisco Deocurro, deceased—to the Committee on War Claims

By Mr. SMITH of Illinois: A bill (H. R. 24860) granting an increase of pension to Duncan N. Pritchett—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 24861) granting an increase of pension to O. E. D. Culbertson—to the Committee on Pensions.

By Mr. TRIMBLE: A bill (H. R. 24862) granting an increase of pension to John Brafford-to the Committee on Invalid Pensions.

By Mr. TYNDALL: A bill (H. R. 24863) granting an increase of pension to Thomas C. Crabtree-to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 24864) granting a pension to William F. Talbott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24865) granting an increase of pension to

Soren Julius Thor-Straten—to the Committee on Invalid Pen-

Also, a bill (H. R. 24866) granting an increase of pension to

James H. Thayer—to the Committee on Invalid Pensions. By Mr. WADSWORTH: A bill (H. R. 24867) granting an increase of pension to Stephen B. Doty—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 24868) granting a pension to John M. Stevens—to the Committee on Invalid Pensions. By Mr. WEISSE: A bill (H. R. 24869) granting an increase

of pension to William Schroeder-to the Committee on Invalid Pensions.

By Mr. WILEY of Alabama: A bill (H. R. 24870) for the relief of John D. Toppin and George W. Beard, United States Navy, retired--to the Committee on Naval Affairs

By Mr. WILEY of New Jersey: A bill (H. R. 24871) for the relief of Mrs. Lillian Engolla—to the Committee on Claims. By Mr. WILSON: A bill (H. R. 24872) granting an increase

of pension to James C. Blair-to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 24873) granting an increase of pension to Jethro German—to the Committee on Invalid Pen-

By Mr. GRAHAM; A bill (H. R. 24874) granting an increase of pension to William Arbogast—to the Committee on Pensions.

### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 24413) granting an increase of pension to William Thomas—Committee on Pensions discharged, and referred

to the Committee on Invalid Pensions.

A bill (H. R. 24611) granting an increase of pension to Volney B. St. John—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows

By Mr. ACHESON: Petition of the Pennsylvania State Camp, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)-to the Committee on Immigration and Naturalization.

By Mr. AMES: Petition of the Board of Trade of Lawrence, Mass., for the Wilson bill increasing salaries of postal clerksto the Committee on the Post-Office and Post-Roads.

By Mr. BARCHFELD: Petitions of citizens of Lake, Ohio; Tallahassee, Fla.; Wheeling, W. Va.; Marshfield, Oreg.; Léroy, La.; Calumet, Mich., and Fort Collins, Colo., against bill S. 5221, regulating the practice of osteopathy in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Webster, S. Dak., against bill S. 5221, regulating the practice of osteopathy in the District of Columbia--to the Committee on the District of Columbia.

By Mr. BEDE: Paper to accompany bill for relief of Sarah M. Martin-to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: Paper to accompany bill for relief of heirs of William Wood-to the Committee on Claims.

Also, paper to accompany bill for relief of Elizabeth J. roods—to the Committee on Claims.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of Christian Lederer—to the Committee on Pensions. Also, paper to accompany bill for relief of Mrs. Jennie Stewart—to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: Petition of the Pennsylvania State Camp, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the National German-American Alliance of the United States, against any change in the present immigration laws-to the Committee on Immigration and Naturaliza-

By Mr. BURLEIGH: Papers to accompany bills for relief of Benjamin Harvey and Henry J. Simpson—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Americus Clark—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: Paper to accompany bill for relief of John C. De Witt—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: Petition of Typographical Union No. 162, of Jacksonville, Fla., for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Daily and Weekly News, against tariff on linotype machines-to the Committee on Ways and Means.

Also, petition of the Clutter Music House, against the clause in the copyright bill inimical to mechanical musical instruto the Committee on Patents.

By Mr. ELLIS: Petition of the Typothetæ, against tariff on to the Committee on Ways and Means.

By Mr. ESCH: Petition of the National German-American Alliance of the United States, against amendment of the existing laws on immigration—to the Committee on Immigration and Naturalization

By Mr. DEEMER: Paper to accompany bill for relief of Sargeant Bernhard Steuber-to the Committee on Military Af-

By Mr. DOVENER: Paper to accompany bill for relief of William L. Snider (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. DRAPER: Petition of the National German-American Alliance, against any amendment to the existing immigration laws (S. 4403)-to the Committee on Immigration and Naturalization.

By Mr. DUNWELL: Petition of Lake Mohawk Conference on International Arbitration, for legislation to devise a plan looking to a recognition of The Hague Conference as a permanent congress of nations with advisory powers—to the Committee on

Also, petition of the Massachusetts State board of agriculture, for an appropriation to stay the gypsy and brown-tail moths-to the Committee on Agriculture.

Also, petition of the Chamber of Commerce of New York State, for passage of bill H. R. 17347, for artillery increase—to the Committee on Military Affairs.

Also, petition of the Twenty-sixth Ward Board of Trade. of Brooklyn, N. Y., for bill H. R. 9754 (the Wilson bill), for increase of salaries of postal clerks-to the Committee on the Post-Office and Post-Roads.

By Mr. FORDNEY: Petition of George A. Needham et al., for the pending bill giving the United States right of appeal on points of law in criminal prosecutions instituted by the United States-to the Committee on the Judiciary.

By Mr. FRENCH: Paper to accompany bill for relief of John Miller-to the Committee on Pensions.

By Mr. FULLER: Petition of Adolph C. Hottenroth et al.,

for immediate revision of the currency laws-to the Committee on Banking and Currency.

By Mr. GILHAMS: Petition of the Journal-Gazette, of Fort Wayne, Ind., against tariff on linotype machines-to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of the National German-American Alliance of the United States, against the immigration bill (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Pennsylvania State Camp, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization. By Mr. HAMILTON: Petition of Ganges Grange, No. 339,

for a parcels post-to the Committee on the Post-Office and Post-Roads.

By Mr. HARDWICK: Paper to accompany bill for relief of B. C. Gilmore—to the Committee on Pensions.

By Mr. HINSHAW: Petition of the Nebraska Durac Jersey Breeders' Association, against free seeds—to the Committee on Agriculture.

By Mr. HUNT: Petition of the house of representatives of the State of Missouri, against any further extension of time for building a bridge on what is known as the "Winner piers"-to the Committee on Rivers and Harbors.

By Mr. KEIFER: Petition of William T. Peace and 25 others, late ex-soldiers of the United States Volunteer Army, for restoration of the Army canteen-to the Committee on Military Affairs.

Also, petition of F. W. Anderton and 25 veterans of the civil war, for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. LINDSAY: Petition of C. J. Haximer, against amendment of the existing laws relative to immigration-to the Committee on Immigration and Naturalization.

Also, petition of John W. Morris, against section 3 of bill S. 978, relative to pension attorneys-to the Committee on Invalid

By Mr. McCALL: Paper to accompany bill for relief of John P. Hart-to the Committee on War Claims.

By Mr. McMORRAN: Paper to accompany bill for relief of John Moore, alias John Rogers (previously referred to the Committee on Invalid Pensions)-to the Committee on Military Affairs.

By Mr. McNARY: Petition of the Boston Chamber of Commerce for a plan by which The Hague Conference may be made

a permanent congress of nations—to the Committee on Foreign

Also, petition of the Chamber of Commerce of Boston, for purchasing a Federal forest reserve—to the Committee on Agri-

Also, petition of Gettysburg Regiment, No. 19, United Veterans' Union, for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. OVERSTREET: Petition of the Nordyke & Marmon Company, for legislation providing for suitable locked stills for denatured alcohol produced on small scale, without expense of a denaturing bonded warehouse-to the Committee on Ways and Means.

By Mr. PADGETT: Paper to accompany bill for relief of Christian Church of Franklin, Tenn.—to the Committee on War Claims.

Also, paper to accompany bill for relief of Nelson M. Buyersto the Committee on War Claims.

By Mr. SAMUEL: Petition of the National German-American Alliance, against any modification of the existing immigration laws-to the Committee on Immigration and Naturalization.

By Mr. SMITH of Maryland: Paper to accompany bill for relief of Marcellus Howser—to the Committee on Invalid Pen-

By Mr. SPERRY: Petition of the Connecticut State Grange, Patrons of Husbandry, against the ship-subsidy bill-to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Graduate Nurses' Association of Connecticut, for bill to regulate nursing in the District of Columbia—to the Committee on the District of Columbia.

By Mr. RANDELL of Texas: Petition of citizens of Cannon, Grayson County, Tex., for an appropriation to improve upper Red River-to the Committee on Rivers and Harbors.

By Mr. RANSDELL of Louisiana: Papers to accompany bills for relief of heirs of Leon Bonnecaze, and Addie Pond Gordon, heir of Preston Pond and Addie A. Campbell-to the Committee on War Claims.

By Mr. REYBURN: Petition of the Pennsylvania State Camp, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)-to the Committee on Immigration and Naturalization.

By Mr. ROBERTSON of Louisiana: Papers to accompany bills for relief of Francesco Deocurro, Antoine Pfister, and Mrs. F. T. Landry, administratrix of estate of Adonis Petit-to the Committee on War Claims.

By Mr. ROBINSON of Arkansas: Paper to accompany bill for relief of David Hurbert (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. RYAN: Petition of the National German-American Alliance, against the immigration bill (S. 4403)-to the Committee on Immigration and Naturalization.

By Mr. TRIMBLE: Papers to accompany bills for relief of Robert Langsten and Lizzie R. Ashurst—to the Committee on War Claims.

By Mr. WILEY of Alabama: Paper to accompany bill for relief of John T. Toppin—to the Committee on Naval Affairs,

# SENATE.

# THURSDAY, January 24, 1907.

The Chaplain, Rev. EDWARD E. HALE, offered the following praver:

In my Father's house are many homes. I go to prepare a

If our earthly house of this tabernacle were dissolved, we have a building of God, eternal in the heavens.

They cease from their labors, but their works do follow them. Let us pray

Father of life, teach us the lesson of life at this moment of sudden death. Thou art pleased to call him to higher service, to see as he is seen, to know as he is known. In a moment, in the twinkling of an eye, he is changed, and this corruptible puts on incorruption, and this mortality is clothed with immortality.

We need not pray for him. He comes to Thee in the glad certainties of that larger life. But for ourselves, Father, we pray that our labors may be consecrated to Thee; that we may live to Thy service; that we may go about Thy business; so that when Thou dost call us where we may cease from such labors, we shall enter into the higher service of the sons and daughters of the living God.

We ask it in Him who is immortality and life for us, coming to Thee in the name of Thy well-beloved Son.

Our Father who art in heaven, hallowed by Thy name. Thy kingdom come, Thy will be done, on earth as it is done in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, is the power, is the glory, forever and forever.

#### THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's

Mr. BURROWS. Mr. President, I ask unanimous consent

that the further reading of the Journal be dispensed with.

The VICE-PRESIDENT. Without objection, it is so ordered; and the Journal stands approved.

#### DEATH OF SENATOR RUSSELL A. ALGER.

Mr. BURROWS. Mr. President, it becomes my painful duty to announce to the Senate the death of my colleague, Hon. RUSSELL A. ALGER, who died at half past 8 o'clock this morning at his residence in this city.

This is not the time for eulogy. At some future date I will ask the Senate to set aside a day in which to pay fitting tribute to his memory. For the present, I ask the passage of the resolutions which I send to the desk.

The VICE-PRESIDENT. The Senator from Mich mits resolutions, which will be read by the Secretary. The Senator from Michigan sub-

The Secretary read the resolutions, as follows:

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow of the death of Hon. RUSSELL A. ALGER, late a Senator from the State of Michigan.

Resolved, That a committee of twelve Senators be appointed by the Vice-President to take order for superintending the funeral of Mr. ALGER, which shall take place at his late residence on Saturday, January 26, at 2 o'clock p. m., and that the Senate will attend the same.

Resolved, That as a further mark of respect his remains be removed from his late home in this city to Detroit, Mich., for burlal in charge of the Sergeant-at-Arms, attended by the committee, who shall have full power to carry these resolutions into effect, and that the Sergeant-at-Arms be directed to invite the Representatives from the State of Michigan to join the committee appointed by the Senate to escort the remains of the deceased to his place of burial.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

The VICE-PRESIDENT. The question is on agreeing to the resolutions which have been read by the Secretary.

resolutions which have been read by the Secretary.

The resolutions were unanimously agreed to.

The VICE-PRESIDENT appointed as the committee under the second resolution Mr. Burrows, Mr. Frye, Mr. Daniel, Mr. Nel-SON, Mr. WARREN, Mr. SPOONER, Mr. SCOTT, Mr. DILLINGHAM, Mr. FOSTER, Mr. PATTERSON, Mr. DICK, and Mr. CRANE.
Mr. BURROWS. Mr. President, as a further mark of respect

to my late colleague, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 12 o'clock and 17 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 25, 1907, at 12 o'clock meridian.

# HOUSE OF REPRESENTATIVES.

Thursday, January 24, 1907.

The House met at 12 o'clock noon.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Our Father in heaven, we meet this morning in the shadow of the death of Senator Alger, of Michigan, a man who for more than forty years, as soldier and statesman, has been con-

spicuous in the service of his country. Our sympathies go out to the bereaved family and the stricken friends, and we most fervently pray that we may live so close to Thee that when our time comes we may be prepared to pass on and take up whatever awaits us in some other world; with faith, and trust, and confidence, and fortitude, in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and

approved.

PENSION APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the pension appropriation bill; and pending that motion, unanimous consent that the general debate upon this bill be closed in fifteen minutes.

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the pension appropriation bill, and pending that motion asks unanimous consent that all general debate be closed in fifteen minntes.

Mr. SULLIVAN. Mr. Speaker, no one upon this side has asked any time for general debate so far, but if some Member here should want fifteen minutes I should dislike to be obliged to refuse it to him. The request has not been made yet, but if the gentleman from Michigan could modify his request so as to permit an extension of fifteen minutes' time, should it be required, I think it would be well.

Mr. GARDNER of Michigan. I am certainly very willing to yield to any Member on that side, because no one on that side has occupied any time thus far in this debate.

Mr. SULLIVAN. I suggest to the gentleman that he make the time thirty minutes, and then if there is a request here for it we can use it, while if there is not, we will not need the

Mr. GARDNER of Michigan. There is no objection to that. The SPEAKER. The gentleman modifies his request, that the general debate be closed in or before thirty minutes.

Mr. GARDNER of Michigan. Yes. The SPEAKER. The Chair hears no objection.

The motion of Mr. Gardner of Michigan was agreed to. Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24640, the pension appropriation bill, with Mr. Townsend in the chair.

Mr. GARDNER of Michigan. Mr. Chairman, I yield ten minutes to the gentleman from Ohio [Mr. Keifer].

Mr. KEIFER. Mr. Chairman, I do not rise to enter upon any extended discussion upon this pension appropriation bill. I think it was quite appropriate that we should have had a speech from my colleague [Mr. Taylor of Ohio] in support of his bill in favor of pensioning the prisoners of war. It was also in the same line that we should have heard from the distinguished Member from Indiana [Mr. Crumpacker] in support, as I understood him, of the McCumber bill, and also of another bill of his own, in which he proposes to raise the maximum under the act of 1890 from \$12 to \$24. It was likewise appropriate that my other distinguished colleague from Ohio [Mr. Grosvenor] should have spoken on the question of the tariff as applicable to this pension bill to show how we are to raise the revenue that goes to make up the sums that we are annually appropriating to pay pensions.

The Government has been very liberal in the matter of paying pensions, especially to the soldiers and the widows and orphan children of the soldiers of the civil war. The total, as I gather it from the report of the Commissioner of Pensions, that has been paid on account of the civil war is \$3,259,195,360, and the total of all pensions paid since July 1, 1790, as he reports, is \$3,459,860,311.33 This speaks well for the Government. Although I am in favor of the continuance of these appropriations for the payment of pensions, I do not think the Government has been illiberal. In the payment of these pensions we have received some of the prosperity that we credit up to the tariff. The appropriations for the payment of pensions generally go to the poor people, and they spend it and it is distributed where it does the greatest good. An appropriation of a few million dollars annually for the rich would do no practical good. They would not probably spend any more money than they do now and it would not go into circulation, and the prosperity that now exists in this country might not be affected.

But I do not propose to pursue this line particularly. My colleague on the Committee on Appropriations and on the subcommittee, the gentleman from Massachusetts [Mr. Sullivan], comes back to the old General Order No. 78 to criticise it. I want to say, Mr. Chairman, that he unites with me now, as he did last year, to put an end to that discussion by making the principles of that order perpetual. Last year we reenacted, or rather enacted, into law the provisions of General Order No. 78, but did not undertake to make it to continue for all future years. This year we have inserted in the bill the word "hereafter," so that the principles of that order shall extend to all the future years. I do not care to stop now to speak of that which is of the dead past, but the order was originally issued in exact accordance with the statute then existing. The act of June 17, 1890, section 2, expressly provides that such an order might The act of June be issued, and it was so interpreted by the then President of the United States, Mr. Cleveland. I want to say to his credit that when they made so much of this in the political campaign of 1904, this distinguished citizen and ex-President of the United States said publicly during the campaign what I now read:

I have noticed that the Commissioners have merely construed the law so as to make the change

He was referring to Order No. 78-

so far as I can see the change is in keeping with the law.

But that is enough to be said on that subject. Now, lest there should be some misapprehension about the effect of the provi-

sions in this bill, which only undertakes to appropriate for nine pension agencies, I wish to say that there is nothing in the bill, as seems to be assumed in the discussion here, undertaking to fix the location of any one of these agencies. The matter is left where it has been ever since the act of March 3, 1885. President has the power to fix the agencies, and he may locate them wherever he pleases, and we are not now necessarily engaged in determining what places shall have the pension agencies. This much I wanted to state. I think there is some misapprehension about what is to become of the clerks at the agencies that are to be discontinued. I understand, and it is the understanding of the Commissioner of Pensions, that they are all under the civil-service rules and are subject to be transferred to Washington or to other agencies. Where agencies are discontinued clerks may be transferred to some other agency or, as the Commissioner states, to the Pension Bureau here in Washington, omitting only to fill vacancies where they occur in the natural course of things.

So that we are not going to do so much harm as would seem. Now, some of them think that I appear here in the character of favoring this because in my own State it is not likely that the pension agency will be discontinued. We are paying in the State of Ohio something over 98,000 pensioners. The exact number is 98,068. It takes several of the agencies in other places to make up that number. The amount of saving to begin with, according to the statement of the Commissioner of Pensions, would be at least \$100,000. I think that wherever we can legitimately save, without interfering with the prompt payment of the pensioners, we ought to do it. I have some criticism upon the mode of distributing the payment of these pensions. It will be seen by those who desire to look at it in the report of the hearings that the distribution of the payment of pensions has not been made through the different months of the year at the different agencies.

For instance, in the State of Ohio all pensioners are paid on the 4th of March, the 4th of June, the 4th of September, and the 4th of December. I think the arrangement ought to be at all agencies, whether we have nine or eighteen, that there should be as nearly as possible an equal number of the pensioners paid each month, and in that way there would be some economy, some saving of clerk hire. If the number of pension agencies is reduced to nine, I think by all means the Commissioner, as a matter of economy, ought to arrange, if it is possible to do it under the law, so that at each agency pensioners shall be paid on, say, the 4th of each month in the year—a proper proportion of the pensioners-and then they would not come in together every three months at each agency as they do now.

The CHAIRMAN. The time of the gentleman has expired. Mr. SULLIVAN. Mr. Chairman, I yield ten minutes to the

gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I beg to thank the gentleman from Massachusetts for his courtesy. I wish at this time to direct for a moment the attention of the House to a matter en-I wish at this time to tirely apart from the subject of pensions. I refer to the very many railroad accidents which have recently occurred and which have directed the attention of the public generally to the subject of appliances which may prevent railway accidents. do this now because of a recent communication which was sent by the Interstate Commerce Commission to the Speaker, and which communication has been widely disseminated through the That communication is as follows:

INTERSTATE COMMERCE COMMISSION, Washington, January 3, 1907.

To the Scnate and House of Representatives:

The Interstate Commerce Commission is credibly informed that automatic devices for preventing railroad collisions have been so far perfected as to justify thorough experimental tests of their practical use-

fulness.

The Commission is of the opinion that such tests should be conducted by officials of the Government and at its expense.

The Commission therefore recommends that suitable legislation be promptly enacted authorizing the Commission, or some other official body, to supervise and conduct experimental tests of such safety devices as appear to be meritorious, and that an appropriation be made sufficient to secure the most competent experts and defray the other expenses incident to the project herein recommended.

All of which is respectfully submitted.

MARTIN A. KNAPP, Chairman.

It will be seen that the communication itself would seem to suggest that Congress had been slow and needed a little urging from the Commissioners. The truth of the matter is, Mr. Chairman, that at the last session of Congress we enacted a joint resolution, which provides as follows:

[Public resolution-No. 46.]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Interstate Commerce Commission be, and it is hereby, directed to investigate and report on the use of and necessity for block signal systems and appliances for the automatic control of railway trains in the United States. For this pur-

pose the Commission is authorized to employ persons who are familiar with the subject, and may use such of its own employees as are necessary to make a thorough examination into the matter.

In transmitting its report to the Congress the Commission shall recommend such legislation as to the Commission seems advisable.

To carry out and give effect to the provisions of this resolution the Commission shall have power to issue subpenas, administer oaths, examine witnesses, require the production of books and papers, and receive depositions taken before any proper officer in any State or Territory of the United States.

Approved, June 30, 1906.

Under that joint resolution the Interstate Commerce Commis-

Under that joint resolution the Interstate Commerce Commission was authorized to employ persons who were familiar with the subject, to issue subpænas, to take any kind of testimony that it It made no request at the last session of Congress for an appropriation for lack of time between the enactment and adjournment, and no special appropriation was made. Notwith-standing that, on January 3 of this year that Commission sent a letter to the Speaker of the House of Representatives, which letter I have read.

Mr. Chairman, I have not investigated to ascertain who actually directed the sending of this letter to Congress, but I dare say that Chairman Knapp never saw the letter, that Mr. Moseley, the secretary of the Commission, never saw it, and that it was the result of the hysterical expression of opinion of some employee of the Interstate Commerce Commission or of some new member of that Commission. It assumes the necessity of additional legislation without reference to the absolutely controlling legislation which was enacted at the last session conferring upon this Commission complete authority to make the investigation, authority which they say ought now to be given to them or to some other body.

Mr. CRUMPACKER. Will the gentleman yield for a question?

Mr. MANN. Certainly.
Mr. CRUMPACKER. Is the law or the statute to which the gentleman refers authorizing the Interstate Commerce Commission to investigate the block-signal system and other devices broad enough to authorize an investigation of all manner of safety devices for the prevention of railroad wrecks? Is it broad enough to cover everything? I got the impression from the gentleman's statement of that statute that it was confined to the block-signal system and devices connected therewith.

Mr. MANN. Oh, not at all. What the Commission in its letter referred to is that it is credibly informed that automatic devices for preventing railroad collisions have been so far perfected as to justify thorough experimental tests of their practical usefulness. The resolution directs them to investigate the block-signal systems and appliances for the automatic control of railway trains in the United States. I may say further, Mr. Chairman, that the joint resolution itself, at my request, was prepared in and by the Interstate Commerce Commission for the express purpose of making it broad enough to invest that Commission with the power to investigate all manner of devices and appliances for the control of railway trains to prevent

Mr. CRUMPACKER. The statement the gentleman just read refers to the signal system and automatic devices for the control of railway trains. Are there not safeguards or safety devices in the form, for instance, of improved headlights that may not be classed as devices for the automatic control of railway trains that may merit investigation? And let me ask the gentleman another question: Does he not believe that the Government ought to provide for the appointment of a commission of railway experts to examine into the cause of railroad wrecks and to report exhaustively thereon?

Mr. MANN. Now, if the gentleman will permit, I call his attention again to the joint resolution authorizing the Interstate Commerce Commission "to employ persons who are familiar with the subject." The very purpose of the resolution was to permit the Interstate Commerce Commission to employ experts.

Now, I am not calling attention to this for the purpose of crit-I do not wish that to be understood. icising the Commission. I think the letter was sent here through inadvertence. What I wish to call to the attention of the committee and to the attention of the Interstate Commerce Commission is this, that the question now is to make an appropriation for the purpose. This letter suggests to the Speaker of the House that the appropriation ought to be made, and I want to call the attention of the Interstate Commerce Commission to this fact: There is a method provided by law for asking Congress for money. That method is not by sending a letter to the Speaker of the House by the Commission. The law provides that when any of these departments or bureaus or other agencies of the Government desire an appropriation, they shall submit an estimate of appropriation to the Secretary of the Treasury.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULLIVAN. I yield to the gentleman the remaining five

Mr. MANN. They shall submit an estimate of appropriation to the Secretary of the Treasury, who shall transmit that estimate to Congress through the Speaker, and the proper method for the Interstate Commerce Commission to obtain this money is by sending to the Secretary of the Treasury an estimate of appropriation, which will be sent to the Speaker and be referred to the Committee on Appropriations, which will have jurisdiction of the subject. This letter which has been sent directly from the Commission is referred to the Committee on Interstate and Foreign Commerce, which has no jurisdiction to make an appropriation, and I am seeking to direct the attention of the Commission to the proper method of obtaining an appropriation, so that this investigation may be made, and I hope that when that estimate comes before the Committee on Appropriations and the House the appropriation will be made, the investigation will be made, and that we will acquire knowledge which will aid us in so legislating as to prevent these great disasters, unnecessary collisions, and other dangers incident to railway travel.

Mr. ESCH. May I ask the gentleman a question?

Mr. MANN. Certainly.
Mr. ESCH. Did the joint resolution passed at the last session fix a time limit in which they were to report?

Mr. MANN. It did not.

Mr. ESCH. So the power granted by the joint resolution will be continued?

Mr. MANN. It is continuous. The authority is not limited by time, and practically not limited by anything else in this line. Mr. GARDNER of Michigan. Mr. Chairman, how much time

remains under the order of the House?

The CHAIRMAN. Ten minutes.

Mr. GARDNER of Michigan. I would ask the gentleman from Massachusetts if he desires, on behalf of that side of the House, any additional time?

Mr. SULLIVAN. There has been no request for time on this

Mr. GARDNER of Michigan. Then I would suggest that general debate be closed, and the bill be read by sections.

The CHAIRMAN. If there be no objection, the Clerk will read the bill by paragraphs.

There was no objection. The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the fiscal year ending June 30, 1908, and for other purposes, namely:

For Army and Navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, Army nurses, and all other pensioners who are now borne on the rolls or who may hereafter be placed thereon under the provisions of any and all acts of Congress, \$137,000,000: Provided, That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund so far as the same shall be sufficient for that purpose: Provided further, That the amount expended under each of the above items shall be accounted for separately: And provided further, That hereafter the age of 62 years and over shall be considered a permanent specific disability within the meaning of the pension laws.

Mr. NORRIS. Mr. Chairman, Loffer an appendment, which I

Mr. NORRIS. Mr. Chairman, I offer an amendment, which I

send to the Clerk's desk.

The CHAIRMAN. The gentleman from Nebraska offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 2, line 8, after the word "laws," insert:

"And provided further, That hereafter any widow of a soldier of the civil war applying under the general law for a pension as such widow shall not be required to prove that her husband's death was the result of his Army service."

Mr. GARDNER of Michigan. Mr. Chairman-

Mr. SULLIVAN. Mr. Chairman, I make the point of order against that amendment that it is new legislation.

Mr. NORRIS. Will the gentleman reserve the point of order? Mr. GARDNER of Michigan. The gentleman from Massachusetts anticipated my action in making the point of order.

The CHAIRMAN. The gentleman from Massachusetts makes the point of order that the amendment is not germane.

Mr. SULLIVAN. Mr. Chairman, I reserve it. Mr. TAWNEY. It changes existing law.

The CHAIRMAN. The gentleman from Massachusetts re-

serves the point of order.

Mr. NORRIS. Mr. Chairman, it seems to me that while there is no doubt, under the rule of the House, that this amendment is subject to the point of order, yet the injustice under the present law, as applied to a widow who is seeking a pension, is so apparent that upon consideration I sincerely hope the gentleman will not insist upon his point of order. We ought to deal liberally with old soldiers. In his old age, in his declining years, we ought to protect and support him as he protected and supported our flag and our country in those trying and perilous days of danger and of need. In our greatness, our prosperity,

and our strength we must not forget those who were our defenders in our weakness and our poverty and our need. soldiers of the civil war are all old men. A grateful nation should see to it that our brave defenders in their old age are provided with the comforts of life and that poverty and want should never gain admittance to any old soldier's home. We should not, and I believe we will not, adjourn without passing some beneficial and, I believe, needed legislation for the benefit of the old soldier.

Mr. Chairman, I believe it is generally understood that we are going to have some legislation at the present session that will remedy, at least to a considerable extent, the injustice of the pension laws as they apply to the old soldier himself; but in the bill that is now under consideration by the Pension Com:nittee of this House, and which I understand will soon be reported favorably, there is nothing that applies to the pension of the widow.

Mr. Chairman, there is some reason why the pension of a soldier himself should depend upon his ability to prove the incurrence of the disability for which he seeks a pension in the line of duty when in the service, but that reason does not extend to the widow. We owe the obligation to the widow to give her a pension because she is the widow of a soldier to whom we are indebted. The widow is just as dependent, her loss just as great, and her suffering just as severe, if the soldier died of causes other than those which originated in the service, as though he were killed upon the field of battle. The injustice often comes in refusing pensions to widows who are absolutely worthy under all circumstances, but who are not able to prove that the cause of the husband's death was his service in the Army. Let me illustrate:

Suppose there are two soldiers. One of them served in the civil war for six months and the other one, like the gentleman from Michigan [Mr. GARDNER] who has charge of this bill, served over four years. They each are disabled on account of that service, and one of them (we will say the one who served four years) on account of those very disabilities may have been unable to provide for the maintenance of his widow in case of his death. The other one who is not disabled, perhaps, to the same extent, who served only six months, has been enabled to provide for his widow. They die to-day. The one who served six months and who has acquired property dies as a result of disability incurred in the line of duty. The other soldier, who is poor, and who served four years, we will say to illustrate, is struck by lightning.

Now, there are the two widows. The one man who served six months in the service has left his widow an income of \$3,000 a year; the other one, who is poor, but who gave the most service to his country, and who on account of disabilities received in that patriotic service has been unable to work and lay up money for the benefit of his surviving wife, leaves an income to his widow of \$300 a year. Now observe the injustice. our present law, Mr. Chairman, the widow of the soldier who served four years could not get any pension at all, and the widow of the soldier who served only six months, and who has much more of an income, will be able under the general law to get a pension of \$12 per month.

This amendment, if adopted, would do away with that in-quality, with that injustice, with that wrong. We ought not, equality, with that injustice, with that wrong. under any circumstances, compel a widow to base her pension upon the fact that she must prove that her husband died from a disability incurred in the service. It is not right, it is not fair, and it is not just. There is not any reason for it. It appeals to us, it seems to me—and it ought to appeal to us—to give the pension in all cases because she is the widow of a soldier and because the soldier is dead. Those two facts ought to be sufficient to entitle her to a pension.

Under that law it would not give all widows, if this amendment were adopted, a pension of \$12 per month, because under the general law the widow who is married to the soldier after the 19th day of March, 1886, only gets \$8 a month pension. But it would enable all of the widows of soldiers of the civil war to secure a pension. And it seems to me that we can not do justice to the old soldier; we can not do justice to his widow, left poor perhaps for the reason that her husband gave the best part of his life to the service of his country, unless we eliminate from the law that one thing that makes it necessary for her to prove the old soldier died as a result of his Army service. I hope the gentleman will not insist, therefore, upon his point of order. [Applause.]

Mr. GARDNER of Michigan. Mr. Chairman, I hope the gentleman will insist upon his point of order for reasons already stated. Further than that, I would like to say to the Members of the House that, while I do not speak by authority, I think I am safe in saying that there will be an abundance

of opportunity for amendments of this character to a bill wherein they will be germane, and in the shadow that now hangs over this room, as well as in the Chamber at the other end of the Capitol, I hope the debate will not be prolonged on questions that gentlemen know are clearly out of order as touching this bill, but will wait for a more favorable opportu-

Will the gentleman permit an interruption?

Mr. GARDNER of Michigan. Just a moment. This not to be taken in any sense as a reflection either upon the gentleman from Nebraska [Mr. Norris] or upon what he said, not in the

Mr. NORRIS. The gentleman will realize that practically all the legislation in these provisos that there are in this bill now and other legislation has been had and brought about by having them put upon the appropriation bill. I realize that this is subject to the point of order; but nobody denies the justice of I believe no one will contend for that, and it is only following a practice that has been in vogue heretofore-to put provisos of this kind on the appropriation bill. If the committee had put it on there is no doubt no one would have made the point of order.

The CHAIRMAN. Does the gentleman insist upon the point

of order?

Mr. SULLIVAN. I do.
The CHAIRMAN. The point of order is sustained.
The Clerk read as follows:

The CHAIKMAN. The point of order is sustained.

The Clerk read as follows:

For fees and expenses of examining surgeons, pensions, for services rendered within the fiscal year 1908, \$700,000. And each member of each examining board shall, as now authorized by law, receive the sum of \$2 for the examination of each applicant whenever five or a less number shall be examined on any one day, and \$1 for the examination of each additional applicant on such day: Provided, That if twenty or more applicants appear on one day, no fewer than twenty shall, if practicable, be examined on said day, and that if fewer examinations be then made, twenty or more having appeared, then there shall be paid for the first examinations made on the next examination day the fee of \$1 only until twenty examinations shall have been made: Provided further, That no fee shall be paid to any member of an examining board unless personally present and assisting in the examination of applicant: And provided further, That the report of such examining surgeons shall specifically state the rating which in their judgment the applicant is entitled to, and the report of such examining surgeons shall specifically state the rating which in their judgment the applicant is entitled to, and the report of such examining surgeons shall specifically state the rating which in their judgment the applicant is entitled to, and the report of such examining surgeons shall be open to inspection and copy by the applicant or his attorney, under such rules and regulations as the Secretary of the Interior may prescribe: And provided further, That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in securing the introduction of a bill or the passage thereof through Congress granting pension or increase of pension: and any person who shall, directly or indirectly, contract for, demand, receive, or retain any compensation for such services shall be deemed guilty of an offense, be fined not exceeding 5000 or

Mr. MURPHY. Mr. Chairman, I raise the point of order upon the last proviso:

Provided further, That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered, etc.

It is a change of existing law.

The CHAIRMAN. What is the point of order the gentleman

Mr. MURPHY. That it is new legislation and changes exist-

Mr. GARDNER of Michigan. I would like to ask what the

point of order is the gentleman makes?

The CHAIRMAN. The gentleman from Missouri makes the point of order, on page 3, commencing at line 11, to the end of the paragraph, that it is a change of existing law and new legislation.

Mr. GARDNER of Michigan. Mr. Chairman, I do not understand that there is any new legislation in this paragraph. has been carried for some time as it is now in the bill, and therefore is in order.

The CHAIRMAN. Does the gentleman contend that it has been carried in the same words?

Mr. GARDNER of Michigan. I so understand it.

The CHAIRMAN. In that case the Chair would be disposed to hold that this is merely a reiteration of the law in the same language.

Mr. MURPHY. I do not understand that that makes any difference.

Mr. TAWNEY. This is existing law. It might be omitted from this act entirely and the limitation would exist nevertheless, because of the fact that it was existing law

Mr. MANN. Mr. Chairman, I have not the decision of the Comptroller with me; but the Comptroller has held in cases where limitations are put into an appropriation bill that do not

include the word "hereafter" only apply to the fiscal year for which the appropriations are made. I do not know that that would be the case here. One thing, however, is very certain. It is either new legislation or it has no place in the bill. I am in sympathy with the purpose of the provision, I do not see what the gentleman would want to keep it in the bill for if it is already the law.

Mr. GARDNER of Michigan. Mr. Chairman, in answer to the gentleman I would say that the matter of expunging all from line 9 to line 22 was brought up in the subcommittee. that has been carried for years in the appropriation bill, and I think with reason, for it defines the purpose of the House clearly from year to year that all may know what the law is and avoid not only infractions, but multitudes of inquiries as to what rights under certain conditions pensioners have. This is simply notice given to the public from year to year.

The CHAIRMAN. Can the gentleman from Illinois [Mr. Mann] give the Chair information on the decision of the Comp-

troller to which he referred?

Mr. Chairman, I can not refer you to the de-Mr. MANN. cision, although I can easily ascertain it, of course. But the Comptroller has held on a provision like this that where a limitation is put upon an appropriation bill in language similar to this, not including the word "hereafter," that it was a limitation upon the appropriation merely for the fiscal year and did not enact law which would control thereafter.

The CHAIRMAN. The Chair is of the opinion, under the statements of the gentleman from Michigan and under the rule, that this is but a reenactment or republication of language that had been used heretofore and was existing law before the enactment of this provision. Therefore the point of order is over-

ruled.

Mr. HINSHAW. I would like to ask the gentleman in charge of the bill a question in regard to the proviso on page 3, that reads:

That the report of such examining surgeons shall specifically state the rating which in their judgment the applicant is entitled to, and the report of such examining surgeons shall specifically and accurately set forth the physical condition of the applicant, each and every existing disability being fully and carefully described.

Now, as a matter of fact, the examining surgeons do make a rating, do they not, of so many dollars, which they recommend as the pension to allow the applicant? Is it true or not true that as a matter of fact the Pension Department disregards the rating fixed by the examining board and makes a new rate dependent wholly on the facts set forth in the examination?

Mr. GARDNER of Michigan. Mr. Chairman, in reply to the gentleman I would say that his answer is correct in part and in part incorrect. The law provides that each pensioner, under certain conditions, shall ordinarily be examined by the local pension board in or near his place of residence, and that the board shall give a rating in accordance with their judgment. It may be cumulative upon several or it may be upon one disability. That rating, with all that pertains to his examination, is sent here to Washington and is subject to review by the medical board in the Pension Bureau. That that board of review is guided very largely by the examination of the local pension board I have no doubt; that they are called upon to follow it explicitly and without variation I have no reason to think.

As a matter of fact, I think my experience, Mr. HINSHAW. at least, would justify the assertion that the mere rating of eight or ten or twelve dollars per month which the local pension examining board makes has no validity or effect, has no bearing whatever upon the ultimate rating determined here. At least, I have been informed that the board of review accept only the facts set forth specifically as to disabilities the applicant may

have and disregard the rating entirely. Mr. TAWNEY. If the gentleman from Nebraska will permit an interruption, this proviso is merely declaratory and intended, I suppose, to authorize the local examining board to recommend in an advisory capacity the conditions of the applicant. It is not mandatory upon the board of review in Washington, the medical board, or upon the Pension Bureau. It is not conclusive They have the right to follow or not to follow the recommendations and the suggestions of the local examining surgeons as to the rate of pension to be allowed. I do not know what the practice may be as to whether the Bureau follows the recommendations of the local board, and I do not know anything in the law that makes it mandatory upon the Pension Bureau or the medical board in the Pension Bureau here in Washington to accept the advice or recommendations of the examining boards, but it seems to me impractical to require the Bureau to accept and follow the recommendations of the local board as conclusive.

Mr. HINSHAW. I so understand it, and I should like to have this amended in some way to make it of greater force.

Mr. SOUTHARD. That would be impracticable for this reason: The local board is not charged with the determination of disabilities, as to whether they are pensionable or not. That must of necessity come before the board of review. Your local boards examine a man to determine his condition, and they rate him for disabilities. Then the matter comes before the board of review in the determination of what disabilities found by the local board are pensionable.

Mr. HINSHAW. I understand that very clearly, but I find this difficulty—I meet it with the board and I meet it with the soldier. He says: "Why, the board rated me at \$12."

Mr. SOUTHARD. You meet that difficulty with the soldier because the soldier does not understand it.

Mr. HINSHAW. Yes; but the examining boards themselves do not understand that. They think their rating has some force with the Commissioner.

Mr. SOUTHARD. I do not think they understand that. think very often the soldier gets that impression from the board of examining surgeons.

Mr. HINSHAW. And the difficulty with the board of examining surgeons is that they fail to give all the symptoms of disease or disability which the soldier may have in a specific manner,

relying upon their recommendation of a rating.

Mr. SOUTHARD. It is true that the board of review rely as they have a right to do, perhaps, more on the description of the disabilities given by the medical board than upon their determination. They may rely more or less, but the fact is that the local boards make the examination. They determine what the disabilities of the applicant are. Then the Pension Department, with the aid of the reviewing board, determines what of those disabilities are pensionable, and that is a necessary part of the system.

Mr. HINSHAW. Undoubtedly that is correct.

[Here the hammer fell.]

Mr. LACEY. Mr. Chairman, I move to strike out the last This House has frequently heard suggested the proposition to make the rates of the local board obligatory on the Department. The difficulty of carrying out such a rule is that you may take three different counties and let them examine the same man for the same disability, and one will rate him at \$17, another at \$24, and another at \$30; each board will describe his symptoms and condition exactly the same, but put a different construction on the rate; and therefore it has been found necessary to have some central authority that could take the different ratings and equalize them. Otherwise in one county all the pensioners would be \$30 men, in another county there would be hardly anybody over \$8, depending upon the peculiar opinions of the local board.

Mr. Chairman, it seems to me on this proposi-Mr NORRIS tion that the law as it now is does not require, and, really, I think it ought not to require, the board here to follow the local board and take their opinion as conclusive. Now, the law requires that the local board shall describe the disability, and it also requires that the local board should say how much, in their judgment, the pensioner ought to have for that disability. Now, then, if the opinion of the board that the pensioner ought to have \$17 a month is not substantiated by the description of his disability in the body of their report, it would be natural that the reviewing board would say that the conclusion of the local board was not sustained by the statement of facts which they

Every lawyer when he makes a plea and adds a prayer to it knows that his prayer must be consistent with the facts which he alleges in his plea. He could make a prayer for more, but he could not get any more than the facts recited in his plea would sustain. An examining board that simply said that a man shall get a certain pension for a certain disability and has not stated the facts in the body of the report upon which they could reasonably be based has not made plain to the reviewing board that the pensioner ought to have the amount they say

he ought to have.

I think the law would be improved if we eliminated from it the compulsory part of making the local board give its opinion as to what he ought to have and let them state the facts that they find fully, and not draw any conclusions from them, because the reviewing board must draw the conclusion from the facts stated in the examination as to whether it will bear up and bear out the conclusion that the local board has reached.

Mr. CALDERHEAD. Mr. Chairman, I think this discussion is proceeding without considering the authority of the board. There is no statute as to these examining boards, prescribing their duties and declaring what they shall do; there is no statute directing their conduct at all. All that they do is done by in-struction of the Commissioner. I think he could abolish all the examining boards in the country, if he chose to do so, by

an order at once and procure the testimony of the man's disability in any manner he would prescribe which might be satisfactory to himself. Any soldier could appear before him, bringing with him the testimony of the witnesses and prove his disability, and prove his case at the Bureau, if the Commissioner has time to hear it. The appointment of boards is like the appointment of the medical board in his Bureau. It is merely for the purpose of examining the condition of the applicant and ascertaining what it is. The law gives the pension when the disability is proven to the Secretary. So the whole discussion about the duties of the local examining board and the manner in which they shall make their examination and report is of no value here. I think there is no statute directing the Commissioner himself how he shall hold the examination. The law is simply that the pension shall be granted upon due proof of existing disability, and the Commissioner himself has made the regulations concerning the manner of the proof, the degree of it, and the sufficiency of it. All of this discussion might as well be abandoned for the purposes of this bill. It is a vicious practice any way to force general legislation into an appropriation bill. This patchwork of pension law embarrasses nearly every applicant, and it has been made by amendments authorized in appropriation bills. For that reason I think all this discussion might be abandoned at this time.

Mr. BANNON. Mr. Chairman, I offer the following amend-

ment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of line 21, on page 3, insert the following:
"Provided, however, That all soldiers of the civil war who enlisted
in the military service of the United States during the civil war, or
who held a commission from the governor of any State to serve in the
service of the United States Army during the civil war, and who were
captured by Confederate forces and confined in Confederate prisons
before having been mustered into such service, shall be entitled to the
benefits of all laws on the subject of pensions that those mustered into
such service are entitled to."

Mr. SULLIVAN. Mr. Chairman, I make the point of order
that that is contrary to existing law

that that is contrary to existing law.

Mr. BANNON. I will ask the gentleman to reserve his point of order

Mr. SULLIVAN. May I inquire how much time the gentleman intends to consume?

Mr. BANNON. Possibly two or three minutes.

Mr. SULLIVAN. Very well, I will reserve the point of order.

Mr. BANNON. Mr. Chairman, the object in offering that amendment at this time is to put before Congress a great injustice that has been imposed upon certain soldiers of the civil war who reside in the States which during that war were known as the "border States." I have in my mind the case of Thomas Ross, who enlisted in the military service of the United States on September 15, 1861, and was given a commission by the governor of West Virginia to recruit a company for service in the civil war. He recruited his company, gathered his men together, all under a commission duly issued and with due authority. He was ordered to repair with his company to Guyandotte, W. Va., and while there under the orders and directions of officers of the Army awaiting the arrival of the mustering officer, who was to come on November 11, was captured by Jenkins's cavalry of Confederate troops on the night of November 10. About forty-five of the men of his command were also taken as prisoners of war at the same time. They were tied together by ropes and marched overland, a distance of 278 miles, to Richmond. They were scantily clad and were compelled to tramp from 22 to 46 miles each day upon rations hardly sufficient to sustain life. During one day these men were compelled to wade across a very rapid and cold stream ninety-two times, the depth varying from 2 to 3 feet, and being about 30 yards in width. Ross was confined in Libby prison from November 22, 1861, to December 24 of the same year, and was then sent to Salisbury, N. C., and finally paroled and reported at Camp Chase, Ohio, September 23, 1862. On December 31, 1862, he became an exchanged prisoner of war. hardships endured by Captain Ross and his band of patriots were as severe as those suffered by any of the soldiers on either side.

These facts all appear in the proof filed with H. R. 12105, providing for the relief of this man, which measure has passed this House and is now with the Senate Committee on Military Af-These men were not mustered into the military service of the United States, their muster having been made impossible by reason of their capture by the Confederate command, and consequently their names are not borne on the rolls and they are not entitled to pension; still it is no more than right that those soldiers should be given the same benefits that are given to those who were actually mustered into the military service, because their intentions were just as patriotic as the intentions

of the men who were mustered into the military service, and their service was just as patriotic, although it was in a military prison of the enemy and not in the field and in battle. They were brave men. Some of them came from West Virginia and some from Lawrence County, Ohio, and the soldiers from this region were as conspicuous for their gallantry and valor as those The Senate committee, I have no doubt, will recogof any land. nize the justice of the special act I introduced mustering Ross into the service, as some of its members came from this very region, and they can not but appreciate the injustice done this His widow, who was his wife during the events I have described, ought to have a pension, and his sons are entitled to have his name inscribed on the roll of honor; but it seems to me that in the proposed general legislation the chairman of the Committee on Invalid Pensions thinks we are to have on this subject Congress ought to take notice of the great injustice that is done these veterans, these soldiers who served months and months in military prisons and who suffered worse than those who served on the field of battle, and if this amendment to the appropriation bill is to go out on a point of order they should hereafter be given the recognition that is justly due them. Not only Ross but his comrades who suffered with him and all others similarly situated ought to be justly dealt with. I hope the gentleman from Massachusetts will not insist upon his point of order, but if he does, I trust the Committee on Invalid Pensions will investigate this subject at an early day, and report a measure containing the provisions of the amendment I have just offered.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there ob-

There was no objection.

Mr. SULLIVAN. Mr. Chairman, I insist upon the point of

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For salaries of nine agents for the payment of pensions, at \$4,000 each, \$36,000.

Mr. DALZELL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 3, line 22, strike out the word "nine" and insert the word "eighteen;" and in line 23 strike out the word "thirty-six" and insert in lieu thereof the word "seventy-two."

Mr. GARDNER of Michigan. Mr. Chairman, I desire to offer

a substitute for that.

The CHAIRMAN. The Chair will suggest to the gentleman from Michigan that the gentleman from Pennsylvania has the right to the floor to speak to his amendment. Does the gentleman from Pennsylvania yield to the gentleman from Michigan?

Mr. DALZELL. I yield to have the gentleman's substitute

read. Mr. GARDNER of Michigan. Mr. Chairman, I offer the following substitute for the paragraph and the amendment now under consideration, which I send to the desk and ask to have read.

The Clerk read as follows:

Substitute for the paragraph just read and the amendment offered thereto the following:

"For salary of one agent for the payment of pensions, \$4,000."

Mr. WADSWORTH. What is the effect of that?

Mr. TAWNEY. It abolishes them all except the one at

Washington.

Mr. DALZELL. Mr. Chairman, the merits or demerits of this proposition were substantially discussed while the gentleman from Michigan had the floor yesterday, and I do not propose to take up very much of the time of the committee now in discussing my amendment. The pension agents that now perform the duties of their office are eighteen in number. Of course the provision in the bill is a simple proposition on its face to refuse to appropriate for any but nine of them. will not of itself prevent the other nine pension agents from going into the Court of Claims and recovering their salaries.

The law on the subject is as follows:

The law on the subject is as follows:

The President is authorized to establish agencies for the payment of pensions whenever in his judgment the public interests and the convenience of the pensioners require, but the number of pension agencies in any State or Territory shall in no case be increased hereafter so as to exceed three, and no such agency shall be established in addition to those now existing in any State or Territory in which the whole amount of pensions paid during the fiscal next preceding shall have not exceeding the sum of \$500,000.

Now, I submit that refusing to appropriate, as Congress has a perfect right to do, for the payment of nine pension agents will not abolish the other nine pension agencies.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. DALZELL. Certainly.

Mr. TAWNEY. Has not the President the power under existing law to reduce the number of pension agencies and consoli-

date the eighteen into nine?

Mr. DALZELL. Well, I have very serious doubts upon that question, but I express no opinion; but if the President has such power, then my proposition is that the President ought to be allowed to exercise that power without any advice from the Congress

Mr. SULLIVAN. Will the gentleman allow a question? Mr. DALZELL. Yes. Mr. SULLIVAN. Suppose the President did exercise that power, would the gentleman still contend that these agents who had been dropped would go to the Court of Claims and sue for

their salary?

Mr. DALZELL. Not at all; if the President has the power to abolish the agencies and did abolish the agencies the appropriation would fail, and there would be no necessity for its expenditure. But if there is to be an abolition of nine pension agencies, it either belongs to the President of the United States, who has not exercised the power, without any advice from Congress, or it belongs to Congress, and if Congress undertakes to do it there is a proper and manly and open way to do it, and that is not by absolutely withholding one-half of the amount necessary to pay the salaries of these eighteen agencies. If nine agencies are going to be abolished, and it is the will of Congress that they shall be abolished, then Congress ought to have something to say about which of the nine agencies shall be abolished. Suppose we appropriate only money enough to pay nine pension agents. Which nine pension agents are to be paid? Who is going to decide the question and upon what grounds? Why, it was suggested here yesterday that the reason for the proposed abolition of these nine agents was that it was in the interest of economy. Well, even if that be conceded, then I submit that they ought to be abolished or consolidated in accordance with some well-known and not an arbitrary rule. Why, for example, take the two agencies, one at each end of the great Commonwealth of Pennsylvania. One pays out every year \$6,000,000 and the other pays out \$7,000,000. What reason is there, other than an arbitary reason, why one of those agencies should be abolished and its power conferred upon the other? Now, my proposition is this, that if we are going to have a consolidation of these eighteen agencies into nine we ought to have the right to say which of the nine agencies shall survive, and in accordance with what rule and what policy those nine agencies shall be selected; and therefore it seems to me it is only fair that we should continue a system which is of long standing, which has been established by the President of the United States, having regard both for the governmental interests and the interests of the soldiers all over the country and the convenience of the soldiers all over the country. heard no word from the President of the United States as to his dissatisfaction with the existing system; we have heard no word from anyone except this Pension Committee, and there is nothing on the face of this bill that gives this House any information as to how this consolidation is going to be made. Who is going to make it? Upon what rule is it going to be Whatever there is that relates to the subject we have to gather from the report of the committee and from remarks made upon the floor of the House. Now, I submit that it is unfair to ask Congress to take a step in the direction of the establishment of a new policy simply upon a provision in an appropriation bill which refuses to appropriate for nine pension agents who are now in office, established by the President of the United States by virtue of the law and whose office is not sought to be interfered with by Congress in a direct man-

Mr. TAWNEY. Mr. Chairman, I was not present during the consideration of this subject on yesterday. I was engaged in the preparation of the sundry civil appropriation bill. wish to say a word as to the purpose of the committee in making this recommendation to the House for the appropriation of only one-half of the pension agencies which we now have.

In the consideration of this question it was first proposed to do what I think ought to be done—that is, to reduce the num-ber of pension agencies from eighteen to one, and that one located here in the capital city, in the building occupied by the Bureau of Pensions. I am informed that if all of these agencies were consolidated into one, the clerks that are now performing this service would be reduced from 435 to 235, and that accommodations can be provided for these clerks in the Pension Bureau here in the city of Washington. This provision, if it becomes a law, will not go into effect until July 1 next, which will give the head of the Bureau ample time to adjust himself to the new conditions. The committee, in not appropriating for

more than half the number of agencies we now have instead of reporting an appropriation for only one, did so because it was the belief of the committee that the opposition that would be aroused in the House by the influence of eighteen Members—or Members from eighteen States having these pension agencies— would be so powerful that it would be impossible to effect any reform whatever. For that reason, Mr. Chairman, the committee felt justified in taking a half loaf, inasmuch as it seemed impossible to obtain a whole loaf.

The gentleman from Pennsylvania [Mr. Dalzell] asks who is

going to make this consolidation. The same official that created these pension agencies will make the consolidation. There is no fear on the part of any man here as to the fact that the consolidation will follow the action of Congress appropriating only half as much or even appropriating for only one agency. It will result in the Executive consolidating these agencies. He has the power to create and therefore has the power to abolish or

Mr. SOUTHARD. Will any material inconvenience result to

the pensioners by reason of the change?

Mr. TAWNEY. Absolutely no inconvenience at all. Now, it was at first suggested in the consideration of this question that the pensioners on the Pacific coast might be seriously inconvenienced in consequence of the delay in securing their pensions. The Commissioner of Pensions made it very clear that after their first payment they would receive their pensions just three months from that date, as they are receiving them now. The only difference would be the delay in transmitting the check from Washington to the Pacific coast in the first instance. There might be two or three days' delay, but after that the pension check will reach the pensioner, not only on the Pacific coast, but throughout the United States, with the same regularity every three months that he receives it now. We are paying a large number of pensions to pensioners residing in foreign countries. They receive their pensions every three months. Of course, when they first went abroad there was some delay in the payment of the first pensions, incident to the time consumed in the carrying of the checks, but after that there was no inconvenience, nor any delay.

Mr. SOUTHARD. Another question. What would be the saving?

The CHAIRMAN. The time of the gentleman from Minne-

sota [Mr. TAWNEY] has expired. Mr. MANN. Mr. Chairman, I ask unanimous consent that the

gentleman proceed until he concludes. The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAWNEY. The saving to the Government would be, in round numbers, \$300,000.

Mr. SOUTHARD. Per annum?

Mr. TAWNEY. Per annum, by the consolidation into one The saving to the Government would be, in

Mr. MANN. Will the gentleman yield to a question before he passes to the other point? As I understand it, pensioners all

over the country now are paid at the same time?

Mr. TAWNEY. Oh, no; they are not. They are paid in different months at different agencies, and on the same day at different agencies. Now, the plan would be this: If the agencies were all consolidated into one agency, the Commissioner of Pensions would then arrange to have a part of those paid in one month and part in another month, so that the clerks will be employed the year round in this service, and the force of clerks now employed in the agencies would be reduced from 435 to 235 at least. We would save \$4,500 rent for the agency in the city of New York. We would also save the salaries of seventeen of these agents, which salaries amount to \$4,000 each, making a total saving of \$102,500.

Mr. GILBERT rose.

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Kentucky [Mr. GILBERT]?

Mr. TAWNEY. Certainly. Mr. GILBERT. My question is this: I understood the gentleman to say that the reduction in the clerical force would be from 435 to 235, but I understood the gentleman further to add that the 200 that would be discharged would be distributed round among the different Departments of the Government, so that the net amount that it is contemplated saving will not, in fact, be saved.

Mr. TAWNEY. Well, the gentleman from Kentucky did not hear me say that these 200 clerks that would no longer be needed in the agencies would be distributed among the Depart-

ments here. Mr. GILBERT of Kentucky. That seems to be the general

Mr. TAWNEY. That statement was undoubtedly made dur-

ing the debate, and I want to say the basis for it is the common practice in such cases. But instead of going to the eligible list roll in the office of the Civil Service Commission, if the Interior Department wanted any more clerks or had authority to appoint more clerks, these clerks, or some of them, might be detailed from the agency to the Department to do the work and take the places of men who would otherwise be selected from the eligible roll for positions. It would not increase the number of clerks in the Interior Department beyond the authority which the Department has under existing law for the appointment of clerks. It could not be done, because they can not appoint any more than the law authorizes them to appoint.

Now, Mr. Chairman, I appreciate the fact that Members of Congress in whose State these agencies may exist are reluctant to see them go, are reluctant to give them up; but, in view of the fact that we can by this means save to the Government in round numbers, \$300,000 a year, and, as the Commissioner stated to the committee, improve the administration of this service, it certainly seems to me that it was the duty of the Committee on Appropriations to take such action as would bring this matter to the attention of the House, in the hope, at least, that the House might concur in the judgment of the committee and effect this saving and improve the administration of this service.

Mr. SOUTHARD. Do you appropriate for the salaries of these 200 clerks that will not be needed, notwithstanding the abolishment of these agencies?

Mr. TAWNEY. We will amend the bill. Following the amendment, if it is adopted, the gentleman in charge of the bill will offer an amendment reducing the appropriation for the clerks in these agencies on the basis I have stated. That

is in the following paragraph.

Mr. POWERS. Mr. Chairman, I do not believe in the legislation suggested in the bill, nor do I believe this method of doing away with the pension agencies which are necessary, and which can be abolished if not necessary, is wise and needful. I certainly do not concur in the amendment offered by the gentleman from Michigan, which will abolish all agencies and transfer everything to the city of Washington. The method of paying pensions which has been in vogue so many years is eminently satisfactory to the old soldier. It allows many of them to go in person and get their pensions. It is costing but very little.

Mr. GARDNER of Michigan. Will the gentleman from Maine

permit a question right there? Mr. POWERS. Yes, sir.

Mr. GARDNER of Michigan. You say it permits the old soldier to go into the pension agency and get his pension. Do you mean to say he gets it in cash or its equivalent?

Mr. POWERS. He gets his check.

Mr. TAWNEY. Would it not be more convenient to let the old soldier have his check from this agent handed to him by the letter carrier or the rural free-delivery carrier, saving him the trouble of going there and getting it?

Mr. POWERS. If it has to be sent a thousand or more miles it may save him weeks. It is infinitely better to let him get it

when it is due.

Mr. GARDNER of Michigan. May I interrupt the gentleman? Mr. POWERS. I have only five minutes.

Mr. GARDNER of Michigan. I know the gentleman does not want to mislead the House. Now, as a matter of fact, the pensioner is not allowed to go into the agency and get his check. He can not do it now under the rules governing the administration of the Pension Bureau.

Mr. POWERS. Where does the gentleman find that statute? Mr. GARDNER of Michigan. Mr. Chairman, I am a pensioner, and I have been in the office of the pension agent the day when the pensions were due, and the pension agent told me the check for my pension would have to go by mail; that that was a rule of the office. I do not know whether it is the rule of all pension agencies, but it certainly is the rule of the pension agency at Detroit.

Mr. POWERS. I have never heard of such a practice as that; but either way it could only be a very short time. Now as to this saving by having 235 clerks to do this work instead of 435; I do not believe that there will be a saving of a dollar. Why does the gentleman contend that some of the clerks down here can do the business that are now in the employ of the

Pension Bureau?

Mr. TAWNEY. Oh, no.
Mr. POWERS. How, then, was the saving to be effected?
Mr. TAWNEY. I said that 235 of the clerks now employed in the pension agencies would possibly be detailed here to Washington to do the work, and the remainder of the 435 could be dispensed with.

Mr. POWERS. You think that 235 could then do the work than 435 are now doing. Now, sir, I believe that a careful examination will show that the average clerk in Washington does not do two-thirds of the work that he will do in any other office outside, and that it costs more in every way to have anything done here than it does at any other place. Therefore, this talk about saving money, in my judgment, has no foundation in fact. The present condition is satisfactory. Thirty years ago a Dem-The present condition is satisfactory. Thirty years ago a Democratic Congress had a bill here to consolidate all the pension agencies and pay from Washington. That bill was advocated by Mr. Hewitt, of New York, and a Democratic Congress said: "We will have no such consolidation. We will let the old soldier be paid from somewhere near his home." Now, it is true the abolition of the number of agencies proposed in the bill would get rid of nine agencies that cost \$36,000. In these days of wonderful retrenchment, when we are voting money by millions for salaries and everything else, we must take away this convenience for the old soldier to save the pittance of \$36,000. I myself do not believe any such legislation is called for. I have not seen it recommended or advised by the President or by any Department. I am glad the gentleman came out squarely and told us that the reason why there was no proposition to abolish all the agencies and concentrate everything here was that they feared that the interests of the Representatives on this floor where the eighteen agencies were located would be sufficiently strong to defeat the bill, and hence they hoped to accomplish in this indirect way and by nonappropriation in detail what they could not hope to accomplish in a direct way.

[Here the hammer fell.]

Mr. HULL. Mr. Chairman, the gentleman from Maine is mistaken as to the pensioner being authorized to step into the agency and get his pay. All are paid by check.

Mr. POWERS. I said I might be mistaken about that, but that it made very little difference.

Mr. HULL. But, Mr. Chairman, that is a small part of the objection to this method of legislation. There are now eighteen agencies distributed over the country. The gentleman from Minnesota [Mr. Tawney] says the pensioners can be paid as promptly from one office as from eighteen. I deny that proposition. There are, in one agency with which I am familiar, as many as 2,000 vouchers returned to the pensioners for correction each payment. If you abolish the agency near home, it takes a longer time for the voucher to go out and be returned, and delays by that much, at least, the receipt of the money by the But if it is proposed, in the interest of economy, to consolidate the agencies, it should be done on a bill that will give Congress the power to legislate deliberately upon it, and to know all the facts. If nine of them are to be abolished, I frankly confess I would say "abolish the other nine, too, and have one payment in Washington, but I am not willing to favor that until we can have more facts before us than we can obtain in this way. My own judgment is that the trifling saving that might be made by abolishing all these agencies would be more than offset by the trouble in the correction of vouchers and the returning of them to the pensioners, and having them go back and forth, thereby delaying the payment of pensioners. is no doubt that a smaller force of clerks can make these payments if they are consolidated in one office, but the delay in the making of the payments, I submit to the gentleman from Minnesota, is not simply on the first payment, but will come on every payment all through the year in every agency on account of faulty vouchers and the time that it takes to correct and return them. It is a small sum in comparison with the vast amount of money that is needed to pay pensions. The Congress of the United States has always been desirous of accommodating itself as far as it could to the wants of the pensioners, and to my mind the only justification we can have for a departure from this course is for the Congress, on a separate bill, with full information, to legislate intelligently upon it. I hope that the amendment of the gentleman from Pennsylvania will prevail.

Mr. CAMPBELL of Kansas. Mr. Chairman, if the Government could save the amount of \$300,000 a year, as suggested by the gentleman from Minnesota [Mr. Tawney], there might be some reason for this legislation, even upon an appropriation bill; but the contention is that this amount of money can be saved by having the work done in Washington. My experience here has not extended over a great many years, but in those few years I have seen nothing done in Washington more cheaply than it can be done elsewhere in the country. The agency at Topeka, Kans., is to-day paying pensions at the rate of 40 cents per man. I doubt if the consolidated agencies, all located here in one office, can pay for 75 cents per man. In addition to that, the clerks doing this work now out in the country, of whom I understand there are about 400, are, many of them, settled in their from the minority.

own homes. They live more cheaply there than they can live in Washington. They are not now knocking at the doors of Congress for shorter hours and more pay out in Topeka, nor out in Pittsburg, Pa., nor elsewhere in the country; but if you move that additional number of men to Washington, you at once increase the amount of their expense without increasing the amount of work they do or their capacity to do work. It has happened that in the city of Topeka, where the largest agency in the country exists, young men, college students, have been called in on days when there is a great amount of work to be done to assist in that work. They are not put on the regular rolls, they have no intention of becoming Government employees, and yet in stress of business they have done the work without being put on the regular rolls. If you put a man on the pay roll for one day here in Washington in one month, he will want two days the next month, and the next month he will be found ousting a regular employee of the Government.

Mr. SULLIVAN. May I ask the gentleman a question?

Mr. CAMPBELL of Kansas. Certainly, Mr. SULLIVAN. I would like to ask the gentleman if he favors the consolidation of the nine agencies but opposes the con-

solidation of all of them?

Mr. CAMPBELL of Kansas. I do not favor the consolidation of the nine. I favor the plan under which we have been operating all these years. I may be pardoned, Mr. Chairman, if I say, in passing and in further answer to the gentleman from Massachusetts, that effort to make this a political question comes with but little force. This was attempted on yesterday by the gentleman from Massachusetts [Mr. Sullivan]. All of these employees, with the exception of some eighteen men, are under the civil service and are in no way affected by party action. I can not see how party interest is in any way conserved by either the abolition or maintenance of these agencies. It would seem that the picking for the Democracy was getting rather short when it becomes necessary to attack the maintenance of these pension agencies on political grounds. I sincerely hope that the amendment of the gentleman from Michigan will not prevail and the amendment of the gentleman from Pennsylvania will prevail.

It is not successfully denied that the veterans will be inconvenienced by the consolidation contemplated here. Every convenience for their benefit should be maintained. These agencies that were established to help in the distribution of their quarterly pensions should not at this time be abolished or consoli-

dated into one at Washington.

Mr. OTJEN. Mr. Chairman, I desire to say a few words on this subject. The Commissioner of Pensions says that if the nine agencies are abolished it would be a saving of a little over \$100,000. I fear that he has not taken into account or made an estimate of the probable additional expense that will made an estimate of the probable additional expense that will necessarily come in the consolidation of these agencies. Take, for instance, the agency at Milwaukee. We pay no rent there. If that agency is abandoned and consolidated with the agency at Chicago, we all know that the public buildings at Chicago are overcrowded already, and that we shall have to rent additional room or buildings to accommodate the enlarged agency, and we all know that rent in Chicago is high. So that in this one instance there will be but a very little saving.

Now, I see from the figures given that the average expense of paying these pensions is about 50 cents per pensioner. committee is justified if it can save in any way \$100,000, or any less sum, if it can be properly done, if it can be done without sacrificing the convenience of the pensioner or putting him to additional expense. If not, it is a saving only at the cost of the pensioner. These men are growing old, and the facility by which they collect these pensions should be made easier and not I believe that if any of these agencies are to be abandoned it is fairer and more proper to abandon all of them, if it can be done without injury or inconvenience to the pensioner, as is claimed by the honorable gentleman in charge of this bill.

Mr. KEIFER. Mr. Chairman, I wish to make an inquiry first

whether the substitute offered by the gentleman from Michigan [Mr. Gardner] to the amendment proposed by the gentleman The CHAIRMAN. It is pending?

the gentleman from Pennsylvania is first in order.

Mr. KEIFER. I wish to say that I understand the gentleman from Michigan offered and had read the substitute on his own responsibility, and not by direction of the Committee on Appro-

Mr. GARDNER of Michigan. Mr. Chairman, I am very glad the gentleman from Ohio has raised that question. The amendment was offered after consultation with the chairman of the general committee, and the ranking member of the subcommittee

Mr. KEIFER. It is still in opposition to what I understand was the unanimous vote of the Committee on Appropriations, and also of the subcommittee that reported the bill to the full committee. I intend to treat it in that way.

Mr. GARDNER of Michigan. Mr. Chairman, I would like to say further that I assume entire responsibility for the amend-

Mr. KEIFER. The gentleman from Michigan assumes the responsibility, but we understand that he has changed his views on this subject.

Mr. MADDEN. What is the amendment?

Mr. KEIFER. The substitute is to abolish all of the agencies for the payment of the pensioners in the United States except one, and have that pension office in the city of Washington.
Mr. DALZELL. There is no such proposition that it shall be

in the city of Washington. It is to abolish all but one, and that may be located anywhere.

Mr. KEIFER. It will be located in Washington. I have heard the Commissioner of Pensions talk on that subject, I have heard his testimony. Now, I do not believe that we are going to run off to an extreme when we are trying to do a good thing in a certain direction. The gentleman from Pennsylvania [Mr. Dalzell], whose amendment is pending, says that he does not want to interfere with the Executive power, if such power exists, to abolish some of these agencies; that he does not want to do it, and that he does not want Congress to interfere. Pray, Mr. Chairman, where did the President get his power to establish such agencies save from the Congress of the United States, and shall we not make appropriations, such as are proposed here, to indicate to him the wish of Congress of how he should exercise the powers given him by Congress, and in this way reduce the number of these agencies?

Mr. DALZELL. Oh, Mr. Chairman, the President of the United States did not get the power from Congress indirectly, left-handedly, on an appropriation bill, but by a law, and if Congress proposes now to exercise the power, if they want to change this system, they ought to exercise it in a manly way, by a law, and not on an appropriation bill in violation of the rules.

Mr. KEIFER. One thing is certain, that the gentleman from Pennsylvania understands that if this appropriation bill goes through as it is now it makes a direct and not a left-handed application of the power of Congress, which requires the President to reduce the number of agencies from eighteen to nine.

Mr. DALZELL. Oh, I deny that.
Mr. KEIFER. Now, another thing I want to say. My distinguished and esteemed friend from Vermont [Mr. Powers] gives a great many reasons apparently for wanting to stand by the eighteen, and appeals to the House and to the country to have the agents handy to the pensioners. He forgets that we have now, and have had for a long time, but one agent for the larger half of the States of this Union; and when we are through, if this bill passes in its present form and the agencies should be reduced to nine, that agency is still to have the duty imposed upon it, to wit, San Francisco, of paying pensioners of California, of Idaho, of Montana, of Nevada, of Oregon, of Utah, of Washington, of Wyoming-a pretty large country for fellows to run in to the pension agencies and get their pay.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. I ask unanimous consent to proceed for five

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. KEIFER. I stated some pretty large States that are to be paid from one agency, and there is nobody here appealing for an agency that shall be handy to the pensioners in these different States. But we are not through with this agency. comes next, and in addition to the States I have just named, that are to be paid at the San Francisco agency? Wyoming I have named. Next comes Alaska, Arizona, Hawaii, Guam, Samoan Islands, and the Philippine Islands—all paid at this one agency at San Francisco, and in case of the consolidation that should be made on the suggestion that is made by the Commissioner of Pensions this agency is to stand, and to-day all those Western States and Western Territories are there to be The number of pensioners that would be then paid at that agency would be, as it is now, 42,514. The gentleman from

Kansas [Mr. Calderhead] speaks for Topeka. He is in no danger. Topeka pays now 113,597 pensioners.

Mr. CAMPBELL of Kansas. If the amendment offered by the gentleman from Michigan [Mr. Gardner] be adopted, Topeka

would be in danger.

Mr. KEIFER. Of course. I am speaking now of the bill. Philadelphia and Pittsburg, if combined, would pay 105,182 pensioners, not so many as are paid at the single agency at Topeka.

The combined agency of the city of New York and the city of Buffalo would pay 101,500 pensioners; still not up to Topeka at present. There are no complaints out there. The agency in my own State, at Columbus, is paying satisfactorily 98,068 pensioners at the present time under the present system. But let us go to the eastern agencies. Boston pays 59,973; Augusta, Me., 17,723, and Concord, N. H., pays 16,533 pensioners, an aggregate, if they were put together, of 94,229, some 4,000 less than are now paid in Columbus, Ohio, and much less than at the Topeka agency. So that we are not dealing with the question of distance, we are dealing with the question of plain, straightforward business economy. One of the troubles that a Government like ours has is to reduce and cut down. I have not much reputation here for economy on this floor. I am in favor of paying the pensioners well when they deserve it, and wherever we can, without sacrificing any of the interests of the pensioners, we should reduce the expense, and if we are going to apply it anywhere give it to the worthy cause of the soldiers and the sailors or their widows and orphans.

Mr. GARDNER of Michigan. Mr. Chairman, I move that de-

bate on the pending amendments close in ten minutes.

The CHAIRMAN. The question is on the motion of the gen-

tleman from Michigan that debate close in ten minutes. The question was taken; and the motion was agreed to.

Mr. SULLIVAN. Mr. Chairman, the way in which error persists is singularly demonstrated in the debate this morning. We had some debate yesterday upon this proposition, and it we had some debate yesterday upon this proposition, and it has continued to-day, in which the opponents of this consolida-tion have declared that the old soldier would suffer inconven-ience, and notwithstanding the fact that they have been as-sured by the Members who heard the testimony of the Pension Commissioner that the soldiers would suffer no inconvenience, they cling to this threadbare argument to-day for the purpose of sustaining their opposition. I think nothing is plainer than that the old soldier will suffer no delay-at all events, no delay beyond the first payment-

Will the gentleman allow an interruption Mr. DALZELL.

for a moment?

Mr. SULLIVAN. Yes.
Mr. DALZELL. I want to call his attention to this fact: The law under which the pension agencies were established provides that the President shall take into consideration the public interests and the convenience of the pensioners. Now, twenty-one years ago the President of the United States decided that the public interests and the convenience of the pen-sioners required the establishment of eighteen pension agencies. Now, notwithstanding what you gentlemen may say on the floor with respect to the convenience of the pensioners, I see no evidence of any change in conditions since the President exercised his judgment in the first instance and since the various Presidents since that time have continued and confirmed that judgment.

Mr. SULLIVAN. Mr. Chairman, probably upon no question except one involving the surrender of patronage would we find a high Republican official so universally discredited by Republican Members of Congress as we find here to-day. The statement of the gentleman from Pennsylvania means, if it means anything, that the statement of the Commissioner of Pensions, who was appointed by a Republican President to safeguard public interests and convenience, if you please, is of no value whatever. Although the official in charge of the Bureau says that public interests and convenience will not suffer by the consolidation, the gentleman from Pennsylvania totally excludes that testimony. Of course the fact that the agency at Pitts-burg may be removed does not weigh upon the mind of the gentleman from Pennsylvania. I am certain there must be some other reason which he has not disclosed. Perhaps it is because he is afraid of lawsuits. He has stated, but without giving any other authority than his own statement, that a civil employee of the Government whose salary can not be paid because of the lack of appropriation may get a judgment against this Government in the Court of Claims. I am not ready to debate that proposition with the gentleman, but I wish he had been more explicit and had furnished us a citation of authority; but even if he had I think it would be a conclusive answer that Congress, which dropped the appropriation on the ground that it was good policy to do so, would refuse to appropriate the money for the payment of the award by the Court of Claims for the very same reason that it abolished the appropriation. Mr. POWERS. Will the gentleman from Massachusetts per-

mit a question?
Mr. SULLIVAN. Yes.
Mr. POWERS. Do I understand the gentleman from Massachusetts to contend that with this transfer 235 clerks can do all

Mr. SULLIVAN. I have not made that contention. Mr. POWERS. Was not that the contention of the chairman of your committee?

I believe he stated that, and I have no Mr. SULLIVAN.

doubt he is right.

Mr. POWERS. Does the gentleman understand that there are 4,000,000 vouchers to be paid, 4,000,000 checks to be sent, 4,000,000 envelopes to be directed, and what does he think of

235 clerks doing that?

Mr. SULLIVAN. If I could finance the proposition, Mr. Chairman, I would be very glad to organize a corporation to perform this service for one-fourth of the amount which the Government pays, and then I think I would gain \$50,000 a year. The service performed is a very slight one, and the suffering, the inconvenience, the hardship, the deprivation mentioned by the gentleman from Maine, who says the decrepit old soldier will be cut off from his privilege of walking all the way down from Aroostook County, in the wilds of Maine, to the city of Augusta to receive the check in person, of course furnishes some reason for his opposition, but I do not think it is a very formidable objection.

Mr. POWERS. May I ask the gentleman another question? While he refers to the disinterestedness of the gentleman from Pennsylvania, on account of the agency at Pittsburg, I apprehend the fact that the agency in Boston is to have all the surrounding ones consolidated and paid there has no influence upon

the vote of the gentleman from Massachusetts.

Mr. SULLIVAN. Not the slightest, Mr. Chairman.
Mr. POWERS. I assumed so.
Mr. SULLIVAN. Not the slightest, as my vote will demonstrate, if the gentleman will observe, because I propose to vote for the substitute offered by the gentleman from Michigan [Mr. GARDNER], which will put all agencies into one at Washington, and thereby eliminate the Boston agency.

Mr. POWERS. Does not the gentleman know that there is not the slightest chance for that to pass this committee?

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. Sullivan] has expired.

Mr. GARDNER of Michigan. I would like five minutes, Mr. Chairman, in which to close

Mr. SULLIVAN. I submit to the gentleman that all debate

on this proposition this morning has been upon that side. are entitled to ten minutes on this side. The CHAIRMAN. Is there objection to the gentleman from

Massachusetts [Mr. Sullivan] having his time extended for five minutes?

Mr. GARDNER of Michigan. I hope the gentleman's request, Mr Chairman-

Mr. HULL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will present it.

Mr. HULL. I understand the Committee of the Whole has voted to close debate in ten minutes.

The CHAIRMAN. That is correct, and there are five minutes remaining.

Can this be extended by unanimous consent? Mr. HULL. The CHAIRMAN. By unanimous consent.

Mr. GARDNER of Michigan. Five minutes remaining?

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the time for debate be extended ten minutes above the time

Several Members. Five minutes.

Mr. MADDEN. Five minutes.

The CHAIRMAN. Unanimous consent is asked that the debate be extended ten minutes.

Mr. GARDNER of Michigan. Mr. Chairman, I would like to have ten minutes of that time.

Mr. POWERS. The other five minutes to be occupied by per-

sons opposed to the provisions of the bill. Mr. SULLIVAN. Mr. Chairman, I ask unanimous consent to

proceed for five minutes more.

The CHAIRMAN. The question before the committee is that the time be extended ten minutes—that is, ten minutes from now. Is there objection?

There was no objection.

Mr. JAMES. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts [Mr. Sullivan] be allowed to proceed for five minutes.

The CHAIRMAN. The gentleman from Kentucky James | asks unanimous consent that the gentleman from Massachusetts [Mr. Sullivan] be allowed to proceed for five minutes. Is there objection?

There was no objection.

Mr. SULLIVAN. The disturbance, Mr. Chairman, at this proposition to reduce expenditure by reducing patronage could not have been greater if there had been an earthquake upon

that side of the Chamber this morning. We find old friends We find old glaring at one another in a very savage manner. friendships being broken and gentlemen appearing hostile who have formerly been upon the best of terms.

Some men say that they oppose this consolidation because we are not doing it in a manly way. They want it done in a manly way—that is to say, in an impossible way—by having the proposition submitted to a committee which will never report This way they oppose because it is the only effective way, as the gentlemen know very well.

The gentleman from Iowa [Mr. Hull], where there has been a slight tremor, there being an agency at Des Moines, rises and opposes the consolidation upon the ground that we are legislating upon an appropriation bill. I was touched very deeply by that objection of the gentleman from Iowa, as I have had the pleasure to sit here while the bills carrying military appropriations have gone through year after year loaded down with legislation, and it comes with good grace

Mr. HULL. It was also good, as the gentleman indorsed it. Mr. SULLIVAN. It comes with good grace from the gentleman from Iowa to put his objection upon that ground. We find even that some gentlemen in their disinterestedness are in favor of reducing to nine, but not to one. My esteemed colleague upon the committee, the gentleman from Ohio [Mr. Keifer]; stands with the committee on the proposition to reduce to nine, and under that proposition the agency at Columbus would stand also. But he objects with great vigor and undoubtedly with great reason to the reduction to one, which one would be located in the city of Washington. He does not believe that economy, like charity, should begin at home.

The earthquake has spread to the State of Wisconsin, and Milwaukee has arisen upon the floor here. And so it goes. And there is Topeka. I was glad to see that Topeka has some virtue left. Topeka is against both propositions upon the ground that we ought to keep these clerks away from the city of Washington, where they suffer from the climate and are not able to work well. They would be healthier and would work much better in the free air of the State of Kansas.

Now, gentlemen, there never was a simpler proposition put before this House. Something like a quarter of a million dollars could be saved if the gentlemen would only disregard the slight inconvenience of dismantling the political organizations which are created by the existence of these agencies in their districts.

If they forget for a while and consider the needs of the Treasury of the United States, we can save a quarter of a million dollars a year. I see no reason, if we look at it from the standpoint of principle, why we should not do so; but we shall undoubtedly see new reasons disclosed in the votes upon this proposition. [Applause.]

Mr. GARDNER of Michigan. Mr. Chairman, I will occupy the time of the committee not more than two or three minutes. Since yesterday I am semiofficially advised that space can be arranged in the Pension building at Washington, if the amendment offered by myself should pass, to take care of the entire force for paying pensions. Again, the gentleman from Massachusetts just stated, and others have stated, that a couple of hundred thousand dollars a year would be saved. I think the saving will be more than has been estimated. There will be no inconvenience to the soldier after he has had the first quarter's

I am in sympathy with the pension agents who may, by this proposed legislation, lose the important and lucrative positions which they now hold. Nor do I feel like criticising my friend Mr. Hull, of Iowa, nor my friend Mr. Dalzell, of Pennsylvania, who would retain the entire number, nor my honored colleague on the committee, General Keifer, of Ohio, who would dispense with nine and by so doing retain, probably, the agency at Columbus.

Only this morning I received an urgent appeal from the incumbent of the Detroit agency. We were young men together in college and members of the same college fraternity. For forty years we have been warm personal friends. For many years he has been, as he is now, an honored and influential citizen of the district I have the honor to represent. In one of the great battles of the war his arm was shattered by a rifle ball, and he came home with an empty sleeve. In his letter he appeals to withhold the consolidation for his sake. Two of his sons are in school, and he fears they may be deprived of the education he This letter, coming at this time, has planned they should have. strikes a responsive chord in my heart, and yet, gentlemen, ought we to yield to local or State or personal interest, or even motives of friendship, when we are called upon in the discharge of our public duties to legislate what we believe to be for the welfare of the whole country? [Applause.]

Mr. MADDEN. Do I understand the chairman of the subcommittee to state that he had discovered that there was sufficient space in the Pension building to house the clerks?

Mr. GARDNER of Michigan. I am semiofficially advised that

space can be arranged for them.

Mr. MADDEN. The chairman will remember that I suggested that we could find space, and I was then informed that there was no space.

Mr. KEIFER. And by the Commissioner of Pensions.

Mr. GARDNER of Michigan. On the authority of the Commissioner of Pensions; but my authority is indirectly from him in the statement I have made.

Mr. MADDEN. The gentleman will remember that I moved to strike out the whole eighteen agencies and was overruled by the committee. I am glad that they have come to my way of thinking

Mr. GARDNER of Michigan. The amendment is purely in the interest of economy, without any prejudice to the soldier. If I felt that it would be injurious to my comrades, I would not stand here and advocate a proposition of this kind. I do do not believe that at all, and I hope the amendment offered by myself will prevail. [Applause and cries of "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania, which, without objec-

tion, the Clerk will again report.
The Clerk read as follows:

Amend lines 22 and 23 so that they will read:
- "For salaries of eighteen agents for the payment of pensions, at \$4,000 each, \$72,000."

Mr. SULLIVAN. Mr. Chairman, the amendment of the gentleman from Pennsylvania has just been read, and we are to vote upon that proposition singly?

The CHAIRMAN. Yes.

Mr. TAWNEY. A parliamentary inquiry.
The CHAIRMAN. The gentleman will state it.
Mr. TAWNEY. The amendment offered by the gentleman from Pennsylvania increasing the number provided for in the bill from nine to eighteen will be first voted on?

The CHAIRMAN. The gentleman is correct.

Mr. TAWNEY. If that is voted up or voted down, then the gentleman from Michigan can offer his proposed substitute for the provision as amended or inserted, a provision for one agency here at Washington at \$4,000?

Mr. MANN. After the original paragraph is perfected.
Mr. TAWNEY. After the original paragraph is perfected or
not perfected by the amendment offered by the gentleman from Pennsylvania [Mr. Dalzell]. Then the gentleman from Michigan can offer an amendment providing that there be just one agency at \$4,000?

The CHAIRMAN. The Chair so understands. The question is on the amendment offered by the gentleman from Pennsyl-

The question was taken; and the Chairman announced that the noes semed to have it.

Mr. DALZELL. Division!

The committee divided; and there were—ayes 56, noes 114.

So the amendment was rejected. The CHAIRMAN. The question now is on the amendment in the nature of a substitute offered by the gentleman from Michigan [Mr. GARDNER], which the Clerk will report.

The Clerk read as fellows:

Substitute for lines 22 and 23 the following: "For salary of one agent for the payment of pensions, \$4,000."

Mr. KEIFER. Mr. Chairman, I believe debate has not been closed on this.

Several Members. Oh, yes.

Mr. KEIFER. I understood the Chair to say that the substitute was not pending.

The CHAIRMAN. On the contrary, the Chair stated that the substitute was pending, but that the amendment would be voted on before the substitute. [Cries of "Vote!" "Vote!"]

The amendment of Mr. Gardner of Michigan was agreed to.

The Clerk read as follows:

For clerk hire, and other services, \$371,000: Provided, That the amount of clerk hire, and other services, for each agency shall be apportioned as nearly as practicable in proportion to the number of pensioners paid at each agency, and the salaries paid shall be subject to the approval of the Secretary of the Interior.

Mr. GARDNER of Michigan. Mr. Chairman, I move to amend the paragraph beginning with line 24 on page 3 and ending with line 4 on page 4. I send the amendment to the Clerk's desk.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

Mr. GARDNER of Michigan. It simply conforms to the

proposition agreed to a moment ago.

The Clerk read as follows:

Amend the paragraph beginning with line 24 on page 3 and ending with line 4 on page 4 so that it will read:

"For clerk hire, and other services, \$250,000: Provided, That the amount of clerk hire, and other services, at the agency shall be subject to the approval of the Secretary of the Interior."

The amendment was agreed to.

### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Sterling, having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed without amendment bills of the following

H. R. 23561. An act to authorize the construction of a bridge across the Columbia River between Walla Walla and Benton counties, in the State of Washington, by the North Coast Rail-

road Company; and H. R. 23560. An act to authorize the construction of a bridge across the Columbia River between Benton and Franklin counties, in the State of Washington, by the North Ccast Rhilroad Company.

The message also announced that the Senate had passed bills of the following titles; in which concurrence of the House of Representatives was requested:

S. 7146. An act to provide for the compensation of the appraiser of merchandise at the port of New York; and

S. R. 85. Joint resolution authorizing temporary leaves of absence for homestead settlers

The message also announced that the Senate had passed the following resolution:

following resolution:

Resolved, That the Senate has heard with deep regret and profound sorrow of the death of Hon. Russell A. Alger, late a Senator from the State of Michigan.

Resolved, That a committee of twelve Senators be appointed by the Vice-President to take order for superintending the funeral of Mr. Alger, which shall take place at his late residence on Saturday, January 26, at 2 o'clock p. m., and that the Senate will attend the same.

Resolved, That as a further mark of respect his remains be removed from his late home in this city to Detroit, Mich., for burial, in charge of the Sergeant-at-Arms, attended by the committee, who shall have full power to carry these resolutions into effect, and that the Sergeant-at-Arms be directed to invite the Representatives from the State of Michigan to join the committee appointed by the Senate to escort the remains of the deceased to his place of burial.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And that, in compliance with the foregoing, the Vice-President

And that, in compliance with the foregoing, the Vice-President had appointed as said committee Mr. Burrows, Mr. Frye, Mr. DANIEL, Mr. NELSON, Mr. WARREN, Mr. SPOONER, Mr. SCOTT, Mr. DILLINGHAM, Mr. FOSTER, Mr. PATTERSON, Mr. DICK, and Mr. CRANE.

### SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated

S. 7146. An act to provide for the compensation of the appraiser of merchandise at the port of New York—to the Committee on Ways and Means.

S. R. 85. Joint resolution authorizing temporary leaves of absence for homestead settlers—to the Committee on the Public

### PENSION APPROPRIATION BILL.

The committee resumed its session.

The Clerk resumed and completed the reading of the bill.

Mr. GARDNER of Michigan. I move to strike out lines 7, 8, 9, 10, and 11 of page 4. This paragraph provides for the inspection of pension agencies, \$1,500. There will be no need of any inspection of pension agencies if our action of this morning becomes a law.

Mr. CALDERHEAD. Does the gentleman mean to say that the agency here in Washington will be so perfect that there

will be no need of an inspection of it?

Mr. GARDNER of Michigan. These agencies are now inspected under the authority of the Pension Commissioner. If the agency is located in the building here in Washington, it certainly can be looked after without any special person being authorized to make the inspection at an additional expense, such as is now carried for that purpose.

Mr. SOUTHARD. Without any extra expense anyway.

Mr. GARDNER of Michigan. Yes.

The amendment was agreed to.

Mr. GARDNER of Michigan. Mr. Chairman, I move that the committee do now rise and report the bill back to the House favorably, with the amendments.

The motion was agreed to.

The committee accordingly rose; and the Speaker having re-

sumed the chair, Mr. Townsend, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24640, the pension appropriation bill, and had directed him to report the same back to the House with sundry amendments, and with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the vote will be taken in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Gardner of Michigan, a motion to reconsider the last vote was laid on the table.

#### INSURANCE LAW FOR DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the following message from the President of the United States; which, with the accompanying report and papers, was referred to the Committee on the Judiciary, and ordered to be printed:

To the Senate and House of Representatives:

To the Senate and House of Representatices:

I transmit herewith a report and subsequent letter from the superintendent of the department of insurance of the District of Columbia, and a letter of Mr. Louis D. Brandeis, of Boston, in reference thereto. I agree with the recommendation of Mr. Drake that what is needed is an insurance law for the District of Columbia on the lines of the so-called "Ames bill." already introduced in the House of Representatives, revising so as to include in it all the desirable features of the so-called "uniform bill." With proper modifications, after expert revision, this bill could be enacted into a law so comprehensive and just that it would stand as a model of equity. I regret greatly that there is not national power to deal with this subject; but inasmuch as this seems at present to be the case, we should at least establish a model law in the District of Columbia.

I feel that the department of insurance of the District of Columbia

I feel that the department of insurance of the District of Columbia should be made a bureau in the Department of Commerce and Labor.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 25, 1907.

### DEATH OF SENATOR ALGER.

The SPEAKER laid before the House a message from the Senate announcing that the Senate had passed the following

resolution:

Resolved, That the Senate has heard with deep regret and profound storow of the death of Hon. Russell A. Alger, late a Senator from the State of Michigan.

Resolved, That a committee of twelve Senators be appointed by the Vice-President to take order for superintending the funeral of Mr. Alger, which shall take place at his late residence on Saturday, January 26, at 2 o'clock p. m., and that the Senate will attend the same.

Resolved, That as a further mark of respect his remains be removed from his late home in this city to Detroit, Mich., for burial, in charge of the Sergeant-at-Arms, attended by the committee, who shall have full power to carry these resolutions into effect, and that the Sergeant-at-Arms be directed to invite the Representatives from the State of Michigan to join the committee appointed by the Senate to escort the remains of the deceased to his place of burial.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And that in compliance with the foregoing the Vice-President

And that in compliance with the foregoing the Vice-President had appointed as said committee Mr. Burrows, Mr. Frye, Mr. Daniel, Mr. Nelson, Mr. Warren, Mr. Spooner, Mr. Scott, Mr. DILLINGHAM, Mr. FOSTER, Mr. PATTERSON, Mr. DICK, and Mr. CRANE.

Mr. BISHOP. Mr. Speaker, I am called upon to perform a sad duty on behalf of my colleagues from Michigan and myself, in announcing to the country the death of Hon. Russell A. ALGER, Senator from Michigan.

This announcement comes at a time of peculiar fitness, at an hour when this House has been engaged in the consideration of a bill granting pensions to those who have served their country as soldiers and sailors of this Republic and to their widows and orphans. The distinguished Senator who has passed out of service in the Senate this day spent the years of his early manhood in adding luster to the name of the American volunteer soldier in sixty-six battles and skirmishes. He was commissioned captain of volunteers in August, 1861, major in 1862, lieutenant-colonel in 1863, brevet brigadier-general of volunteers for distinguished service in the field in 1864, brevet major-general of volunteers for distinguished bravery on the field in 1865, commander in chief of the Grand Army of the Republic in 1889. He was elected governor of the State of Michigan in 1884, appointed Secretary of War by President McKinley in 1897, and chosen to represent the great State of Michigan in the United States Senate in 1902. He has enjoyed many honors bestowed by the admiring citzens of his State, but in the discharge of every public position he has earned the universal credit of duty well done. At some future time I shall ask the House to set aside a day to present proper eulogies on his life, character, and public service.

For the present I offer the following resolutions, which I send to the Clerk's desk to be read.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. Russell A. Alger, a Senator of the United States from the State of Michigan.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

Resolved, That a committee of twelve Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

Resolved, That as a further mark of respect, the House do now adjourn.

adjourn.

The SPEAKER. The question is on agreeing to all the resolutions except the last.

The resolutions, except the last one, were unanimously agreed to.

In pursuance of the foregoing resolutions, the Speaker announced the following committee on the part of the House: Mr. R. P. BISHOP, Mr. WM. ALDEN SMITH, Mr. SAMUEL W. SMITH, Mr. CHARLES E. TOWNSEND, Mr. EDWIN DENBY, Mr. WASHING-TON GARDNER, Mr. H. R. BURTON, Mr. M. L. SMYSER, Mr. J. A. GOULDEN, Mr. JOHN H. SMALL, Mr. DAVID A. DE ARMOND, and Mr. A. P. Pujo.

The SPEAKER. The question is on agreeing to the last resolution.

The question was taken; and the last resolution was agreed to. Accordingly (at 2 o'clock and 30 minutes p. m.) the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John G. Henson, guardian of Mrs. Catherine Gilson (insane) and administrator of estate of Samuel L. Gilson, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of State, submitting a request that Commander Richard T. Mulligan, United States Navy, be authorized to accept a gift from the President of Guatemalato the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting a copy of a letter from the Commissioner-General of Immigration recommending the erection of an immigrant station at New Orleans—to the Committee on Immigration and Naturalization, and ordered to be printed.

A letter from the Commissioner of Patents, transmitting his annual report for the year 1906—to the Committee on Patents,

and ordered to be printed.

A letter from the Secretary of the Treasury, recommending an appropriation for repair of the east front of the Treasury building-to the Committee on Appropriations, and ordered to be printed.

### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolution of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GRONNA, from the Committee on the Public Lands, to which was referred the resolution of the Senate (S. R. 86) granting an extension of time to certain homestead entrymen, reported the same with amendment, accompanied by a report (No. 6706); which said resolution and report were referred to the House Calendar.

Mr. BIRDSALL, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 24281) to fix the time of holding circuit and district courts in the northern district of Iowa, reported the same without amendment, accompanied by a report (No. 6707); which said bill and report were referred to the House Calendar.

Mr. LITTLEFIELD, from the Committee on the Judiciary. to which was referred the bill of the House (H. R. 13655) to limit the effect of the regulation of commerce between the several States and Territories in certain cases, reported the same without amendment, accompanied by a report (No. 6708); which said bill and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows

Mr. MACON, from the Committee on Pensions, to which was

referred the bill of the House (H. R. 22747) granting a pension to Celestia E. Outlow, reported the same with amendment, accompanied by a report (No. 6604); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22772) granting a pension to Mary S. Sanders, reported the same with amendment, accompanied by a report (No. 6605); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22951) granting an increase of pension to Alice E. Ragan, reported the same with amendment, accompanied by a report (No. 6606); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23057) granting an increase of pension to James M. Davidson, reported the same with amendment, accompanied by a report (No. 6007); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23096) granting an increase of pension to James L. Colding, reported the same with amendment, accompanied by a report (No. 6608); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23182) granting an increase of pension to Martha Ella Wrenn, reported the same with amendment, accompanied by a report (No. 6609); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23197) granting an increase of pension to Agnes E. Brown, reported the same without amendment, accompanied by a report (No. 6610); bill and report were referred to the Private Calendar.

Mr. HOGG, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23241) granting an increase of pension to Mary Loomis, reported the same with amendment, accompanied by a report (No. 6611); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23247) granting an increase of pension to George I. Stults, reported the same with amendment, accompanied by a report (No. 6612); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23265) granting a pension to Henry Hilton, reported the same with amendment, accompanied by a report (No. 6613); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23477) granting an increase of pension to Caroline Vick, reported the same with amendment, accompanied by a report (No. 6614); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23522) granting an increase of pension to George W. Shacklett, reported the same without amendment, accompanied by a report (No. 6615); which said bill and report were referred to the Private Calendar,

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23527) granting an increase of pension to Joseph E. Knighten, reported the same with amendment, accompanied by a report (No. 6616); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23528) granting an increase of pension to John M. Smith, reported the same with amendment, accompanied by a report (No. 6617); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23550) granting an increase of pension to Elizabeth C. Smith, reported the same without amendment, accompanied by a report (No. 6618); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23622) granting an increase of pension to Benjamin Maple, reported the same with amendment, accompanied by a report (No. 6619); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23624) granting an increase of pension to Albina M. Williams, reported the same with amendment, accompanied by a report (No. 6620); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on

Pensions, to which was referred the bill of the House (H. R. 23687) granting a pension to Blanche C. Polk, reported the same with amendment, accompanied by a report (No. 6621); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23739) granting an increase of pension to Elizabeth Pillow, reported the same with amendment, accompanied by a report (No. 6622); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23772) granting an increase of pension to Temperance Davis, reported the same with amendment, accompanied by a report (No. 6623); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23774) granting an increase of pension to James Kelley, reported the same with amendment, accompanied by a report (No. 6624); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23803) granting an increase of pension to David C. Jones, reported the same with amendment, accompanied by a report (No. 6625); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23804) granting an increase of pension to Phoebe E. Sparkman, reported the same with amendment, accompanied by a report (No. 6626); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23957) granting an increase of pension to John Heinricks, reported the same with amendment, accompanied by a report (No. 6627); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23958) granting an increase of pension to Thomas W. Parsons, reported the same with amendment, accompanied by a report (No. 6628); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23973) granting an increase of pension to Henry L. Reger, reported the same with amendment, accompanied by a report (No. 6629); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23981) grant-

ing an increase of pension to Sarah Elizabeth Fuller, reported the same with amendment, accompanied by a report (No. 6630); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23984) granting an increase of pension to Jacob Miller, reported the same with amendment, accompanied by a report (No. 6631); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 24017) granting an increase of pension to Timothy Hanlon, reported the same with amendment, accompanied by a report (No. 6632); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 24018) granting an increase of pension to John Adams Miller, reported the same with amendment, accompanied by a report (No. 6633); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the

bill of the House (H. R. 24019) granting an increase of pension to John Brown, reported the same with amendment, accompanied by a report (No. 6634); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 24056) granting an increase of pension to Reuben Copher, reported the same with amendment, accompanied by a report (No. 6635); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 24064) granting a pension to Mary Murray, reported the same with amendment, accompanied by a report (No. 6636); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 24187) granting an increase of pension to Nancy G. Reid, reported the same with amendment, accompanied by a report (No. 6637); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 24188) granting an increase of pension to Samuel Moore, reported the same with amendment, accompanied by a report (No. 6638); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 24192) granting an increase of pension to Charles Lee, reported the same with amendment, accompanied by a report (No. 6639); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 24214) granting an increase of pension to Elizabeth Hodge, reported the same with amendment, accompanied by a report (No. 6640); which said

bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 24268) granting an increase of pension to Louisa Olin, reported the same with amendment, accompanied by a report (No. 6641); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 24231) granting an increase of pension to Absalom Sivley, reported the same with amendment, accompanied by a report (No. 6642); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 24303) granting an increase of pension to Gillum M. Ezell, reported the same with amendment, accompanied by a report (No. 6643); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 24323) granting an increase of pension to Talcott M. Brown, reported the same with amendment, accompanied by a report (No. 6644); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 24380) granting an increase of pension to Charles Woodruff Woolley, reported the same with amendment, accompanied by a report (No. 6645); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 24383) granting an increase of pension to Shadrack H. J. Alley, reported the same with amendment, accompanied by a report (No. 6646); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 24415) granting an increase of pension to Laura G. Hight, reported the same with amendment, accompanied by a report (No. 6647); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 24418) granting an increase of pension to Kate Flowers, reported the same with amendment, accompanied by a report (No. 6648); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 24479) granting a pension to Simeon D. Pope, reported the same with amendment, accompanied by a report (No. 6649); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 24513) granting an increase of pension to Bowman H. Buck, reported the same with amendment, accompanied by a report (No. 6650); which said bill and report were referred to the Private Calendar.

amendment, accompanied by a report (No. 6550); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 24616) granting an increase of pension to Mathias Shirk, reported the same with amendment, accompanied by a report (No. 6651); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 24620) granting an increase of pension to Elizabeth Balew, reported the same with amendment, accompanied by a report (No. 0652); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 24671) granting an increase of pension to Augustine Sorrell, reported the same without amendment, accompanied by a report (No. 6653); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to

which was referred the bill of the House (H. R. 1233) granting a pension to Lucretia Davis, reported the same with amendment, accompanied by a report (No. 6654); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1778) granting a pension to J. L. Jennings, reported the same with amendment, accompanied by a report (No. 6655); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3208) granting a pension to Isabel T. Berthwick, reported the same with amendment, accompanied by a report (No. 6656); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9767) granting a pension to William J. Crane, reported the same with amendment, accompanied by a report (No. 6657); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13706) granting an increase of pension to Albert C. Roach, reported the same without amendment, accompanied by a report (No. 6658); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17547) granting an increase of pension to Florence L. M. Mentz, reported the same with amendment, accompanied by a report (No. 6659); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18213) granting an increase of pension to William Ingram, reported the same with amendment, accompanied by a report (No. 6660); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18968) granting a pension to Vance Perkins, reported the same with amendment, accompanied by a report (No. 6661); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19042) granting a pension to Georgette K. Callum, reported the same with amendment, accompanied by a report (No. 6662); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19578) granting an increase of pension to Mary A. Rogers, reported the same with amendment, accompanied by a report (No. 6663); which said bill and report were referred to the Private Calendar.

report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19589) granting a pension to Aaron Davis, reported the same with amendment, accompanied by a report (No. 6664); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21087) granting an increase of pension to Albert Manice, reported the same with amendment, accompanied by a report (No. 6665); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 20107) granting an increase of pension to William A. Brown, reported the same with amendment, accompanied by a report (No. 6066); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20615) granting an increase of pension to Julia T. Baldwin, reported the same with amendment, accompanied by a report (No. 6667); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 20732) granting an increase of pension to Le Roy Benson, reported the same with amendment, accompanied by a report (No. 6668); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21111) granting an increase of pension to Arthur Graham, reported the same with amendment, accompanied by a report (No. 6669); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21175) granting a pension to Martin J. Flagstad, reported the same with amendment, accompanied by a report (No. 6670); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the

bill of the House (H. R. 21238) granting an increase of pension to John W. Gaham, reported the same with amendment, accompanied by a report (No. 6671); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21249) granting a pension to Minnie Scheele, reported the same with amendment, accompanied by a report (No. 6672); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21268) granting a pension to Rollin S. Belknap, reported the same with amendment, accompanied by a report (No. 6673); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21294) granting an increase of pension to Lizzie D. Allen, reported the same with amendment, accompanied by a report (No. 6674); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21312) granting a pension to Ernst Boger, reported the same with amendment, accompanied by a report (No. 6675); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21410) granting an increase of pension to Blanche Monroe Kell, reported the same with amendment, accompanied by a report (No. 6676); which said bill and report were referred to the Private Calendar.

Mr. HOGG, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21423) granting an increase of pension to Martha E. Wood, reported the same with amendment, accompanied by a report (No. 6677); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21473) granting an increase of pension to James B. Wood, reported the same with amendment, accompanied by a report (No. 6678); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21621) granting a pension to Minerva A. Mayes, reported the same with amendment, accompanied by a report (No. 6679); which said bill and report were referred to the Private Calendar.

Mr. HOGG, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21782) granting an increase of pension to Anderson Graham, reported the same with amendment, accompanied by a report (No. 6680); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21838) granting an increase of pension to Fannie J. Terry, reported the same without amendment, accompanied by a report (No. 6681); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21988) granting a pension to Philip Dieter, reported the same with amendment, accompanied by a report (No. 6682); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22002) granting an increase of pension to John W. Hall, reported the same with amendment, accompanied by a report (No. 6683); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22018) granting an increase of pension to Charles Sells, reported the same with amendment, accompanied by a report (No. 6684); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22025) granting an increase of pension to Thomas H. Cook, reported the same with amendment, accompanied by a report (No. 6685); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22050) granting an increase of pension to John W. Frost, reported the same with amendment, accompanied by a report (No. 6686); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22101) granting a pension to Mack Rittenberry, reported the same with

amendment, accompanied by a report (No. 6687); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22187) granting a pension to Hiram C. Jett, reported the same without amendment, accompanied by a report (No. 6688); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22262) granting a pension to Elizabeth S. Osborne, reported the same with amendment, accompanied by a report (No. 6689); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22425) granting an increase of pension to Thomas Sires, reported the same with amendment, accompanied by a report (No. 6690); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22522) granting an increase of pension to Susan Harraun, reported the same with amendment, accompanied by a report (No. 6691); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22542) granting an increase of pension to Charlotte S. O'Neall, reported the same with amendment, accompanied by a report (No. 6692); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22634) granting an increase of pension to Helen Wilson, reported the same with amendment, accompanied by a report (No. 6693); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22635) granting an increase of pension to Catherine Williams, reported the same with amendment, accompanied by a report (No. 6604); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22696) granting a pension to Charles F. Ellingwood, reported the same with amendment, accompanied by a report (No. 6695); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 549) granting a pension to Louis T. Frech, reported the same without amendment, accompanied by a report (No. 6696); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1879) granting an increase of pension to Lorenzo F. Harmon, reported the same without amendment, accompanied by a report (No. 6697); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2565) granting a pension to William P. Parrill, reported the same without amendment, accompanied by a report (No. 6698); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4404) granting an increase of pension to Elizabeth B. Boyle, reported the same without amendment, acpanied by a report (No. 6699); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5672) granting an increase of pension to Felix G. Murphy, reported the same without amendment, accompanied by a report (No. 6700); which said bill and report work referred to the Private Calendar.

were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6226) granting an increase of pension to Mary A. Mickler, reported the same without amendment, accompanied by a report (No. 6701); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6510) granting an increase of pension to Sarah R. Williams, reported the same without amendment, accompanied by a report (No. 6702); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7096) granting an increase of pension to Margaret McCullough, reported the same without amendment, accompanied by a report (No. 6703); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7099) granting an increase of pension to Esther A. Cleaveland, reported the same with amendment, accompanied by a report (No. 6704); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7177) granting an increase of pension to Melvin L. Le Suer, alias James French, reported the same without amendment, accompanied by a report (No. 6705); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21540) granting an increase of pension to John L. Wilson, reported the same with amendment, accompanied by a report (No. 6709); which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows::

By Mr. ALLEN of Maine: A bill (H. R. 24875) authorizing the extension of Forty-fifth street NW.—to the Committee on the District of Columbia.

By Mr. BENNETT of Kentucky: A bill (H. R. 24876) to establish a Soldiers' Home at or near Ashland, Boyd County,

-to the Committee on Military Affairs.

By Mr. JONES of Washington: A bill (H. R. 24877) confirming entries and applications under section 2306 of the Revised Statutes of the United States for lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington-to the Committee on the Public Lands.

By Mr. SHEPPARD: A bill (H. R. 24878) increasing salaries of rural free-delivery letter carriers—to the Committee on

the Post-Office and Post-Roads.

By Mr. RANDELL of Texas: A bill (H. R. 24879) for a survey of Upper Red River, from Fulton, Ark., to the mouth of the Washita, in Oklahoma-to the Committee on Rivers and Har-

By Mr. UNDERWOOD: A bill (H. R. 24880) to regulate the selection of juries in the Federal courts—to the Committee on

the Judiciary

By Mr. JAMES: A bill (H. R. 24881) to forbid the issuance of license or the receipt of special tax authorizing the sale of spirituous, vinous, or malt liquors in State or locality where same is prohibited by State or local law—to the Committee on Ways and Means.

By Mr. COLE: A bill (H. R. 24882) to provide for the erection of a public building at Bellefontaine, Ohio—to the Commit-

tee on Public Buildings and Grounds.

Also, a bill (H. R. 24883) authorizing the erection of a postoffice building at Delaware, Ohio-to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 24884) to provide for the erection of a public building at Kenton, Ohio-to the Committee on Public

Buildings and Grounds.

By Mr. LAFEAN: A bill (H. R. 24885) to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes-to the Committee on the Terri-

By Mr. PARSONS: A bill (H. R. 24886) providing and making appropriation for a pneumatic-tube system between the appraiser's warehouse and the new custom-house in New York City-to the Committee on Public Buildings and Grounds.

By Mr. CLAYTON: A bill (H. R. 24887) providing for a United States judge for the northern district of Alabama—to the Committee on the Judiciary.

By Mr. LAMAR: A joint resolution (H. J. Res. 226) proposing an amendment to the Constitution for the election of judges of the United States courts and postmasters—to the Committee on the Judiciary.

By Mr. GROSVENOR: A joint resolution (H. J. Res. 227) to increase the pay of employees of the Senate and the House of

-to the Committee on Accounts. Representatives-

By Mr. MADDEN: A resolution (H. Res. 787) directing the Commissioners of the District of Columbia to transmit to the House certain information concerning railways in the District of Columbia-to the Committee on the District of Columbia.

By Mr. BABCOCK: A resolution (H. Res. 788) increasing the pay of the assistant superintendent of the House document

room-to the Committee on Accounts.

By Mr. DOVENER: A resolution (H. Res. 789) increasing the pay of the index clerk of the House-to the Committee on

By Mr. SHERMAN: A resolution (H. Res. 790) to increase the compensation of certain employees of the House of Representatives-to the Committee on Accounts,

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following

titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 24888) granting an increase of pension to William J. Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24889) granting an increase of pension to Joseph Moore--to the Committee on Invalid Pensions.

By Mr. AMES: A bill (H. R. 24890) granting an increase of pension to Levi J. Lewis-to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 24891) granting an increase of pension to Cecilia Quinlan-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24892) granting an increase of pension to Martha A. Hanlon-to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 24893) for the relief of John H. Butman-to the Committee on Naval Affairs.

By Mr. BURNETT: A bill (H. R. 24894) granting a pension to Samuel D. Minor-to the Committee on Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 24895) granting an increase of pension to Nelson W. Jameson—to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 24896) for the relief of James I. Barrick-to the Committee on War Claims.

By Mr. DOVENER: A bill (H. R. 24897) granting an increase of pension to F. H. Crago-to the Committee on Invalid Pen-

By Mr. FORDNEY: A bill (H. R. 24898) granting an increase of pension to Alexander S. Fair-to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 24899) granting an increase of pension to Mary-Webster Lusk—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 24900) granting an increase of pension to William D. Hudgins—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 24901) granting an increase of pension to William S. Frost-to the Committee on Invalid Pen-

By Mr. MILLER: A bill (H. R. 24902) granting an increase of pension to John W. Rawlings-to the Committee on Invalid Pensions.

By Mr. MINOR: A bill (H. R. 24903) granting an increase of pension to Francis M. Mullins-to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 24904) granting a pension to Maria J. Kauble—to the Committee on Invalid Pensions. By Mr. PARKER: A bill (H. R. 24905) granting a pension to

Susan E. Davis—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 24906) granting an increase

of pension to Catharine E. Koontz—to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 24907) granting an increase of pension to Lloyd Roberts—to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 24908) for the relief of the heirs

of Daniel Goos, deceased—to the Committee on War Claims. By Mr. RIXEY: A bill (H. R. 24909) granting an increase of -to the Committee on Pensions. pension to Millard F. Burrows-

By Mr. SNAPP: A bill (H. R. 24910) granting an increase pension to William H. Churchill-to the Committee on Invalid Pensions.

By Mr. SOUTHWICK: A bill (H. R. 24911) granting an increase of pension to James C. Cosgro-to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 24912) granting an increase of pension to Louis R. Thomas—to the Committee on Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 24913) for the relief of Chester Howe and Chauncey E. Richardson, their associates and assigns—to the Committee on Indian Affairs.

By Mr. TYNDALL: A bill (H. R. 24914) granting an increase of pension to Mahlon N. Boardman-to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 24915) granting an increase of pension to John L. Sullivan-to the Committee on Pensions. Also, a bill (H. R. 24916) granting an increase of pension to Cornelius Teal—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24917) granting a pension to Ruthey -to the Committee on Invalid Pensions.

Rhea-

By Mr. WOOD: A bill (H. R. 24918) granting an increase of pension to James Tenbrook-to the Committee on Invalid

Also, a bill (H. R. 24919) granting an increase of pension to Isaac F. Sutphin-to the Committee on Invalid Pensions.

By Mr. McNARY: A bill (H. R. 24920) granting a pension to Rebecca Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24921) granting an increase of pension to Patrick F. Shevlin-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24922) granting an increase of pension to Louise A. Barnes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24923) granting an increase of pension to Charles J. M. Temple—to the Committee on Invalid Pensions. Also, a bill (H. R. 24924) granting an increase of pension to William V. Munroe-to the Committee on Invalid Pensions.

### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 1279) granting a pension to William Lanier-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23031) granting an increase of pension to John H. Terry--Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24396) granting a pension to Freda Burow-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions

A bill (H. R. 24842) granting a pension to Obedy Wheeler-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24864) granting a pension to William F. Talbott-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Jonathan S. Marshall et al., for a service-pension law—to the Committee on Invalid Pensions.

Also, petition of Ewald Buettner et al., against interference in Kongo Free State affairs—to the Committee on Foreign Affairs

By Mr. ACHESON: Petition of P. Yohe et al., citizens of Pennsylvania, favoring restriction of immigration (S. 4403) to the Committee on Immigration and Naturalization.

By Mr. AMES: Paper to accompany bill for relief of Levi J. Lewis-to the Committee on Invalid Pensions.

By Mr. ANDREWS: Petition of the common council of the city of Rochelle, for restoration of the Army canteen-to the

Committee on Military Affairs. By Mr. BARCHFELD: Petition of citizens of Oldham, Ky., and Lackawanna, Pa., against bill S. 5221, to regulate the prac-

tice of osteopathy in the District of Columbia-to the Committee on the District of Columbia. By Mr. BENNET of New York: Paper to accompany bill for relief of Cecilia Quinlan—to the Committee on Invalid Pensions,

Also, petition of the National German-American Alliance of the United States, against change in immigration laws-to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Martha A. Hanlon-

to the Committee on Invalid Pensions. By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of Christian Lederer (previously referred to the Commit-

tee on Pensions)-to the Committee on Invalid Pensions. By Mr. BOUTELL: Petition of N. J. Scott et al., for restora-

tion of the Army canteen—to the Committee on Military Affairs. By Mr. BURLEIGH: Petition of Rockwood Council, No. 29, Daughters of Liberty, of West Gouldsboro, Me., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. BURTON of Delaware: Petition of Washington Camp, No. 3. Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. CAMPBELL of Kansas: Paper to accompany bill for relief of John C. De Witt (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. CLARK of Florida: Petition of the board of county commissioners of Orange County, Fla., for an appropriation to

destroy the white fly—to the Committee on Agriculture.

By Mr. COUDREY: Petition of the forty-fourth general assembly of Missouri, against granting any extension of time for the building of a bridge on the Winner piers, Missouri River— to the Committee on Rivers and Harbors.

By Mr. DOVENER: Papers to accompany bills for relief of John R. Bungard and Hugh Neeper—to the Committee on Invalid Pensions.

By Mr. FLOYD: Petition of Charlotte Swimmer, for removal of restrictions on certain lands in Indian Territory-to the Committee on Indian Affairs.

Also, paper to accompany bill for relief of Samuel Foster-

to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the Merchants' Marine League of the United States, for the ship-subsidy bill-to the Committee on the Merchant Marine and Fisheries.

Also, petition of John W. Morris, against the clause of the McCumber bill prohibiting compensation of attorneys and claim agents—to the Committee on Pensions.

By Mr. FULKERSON: Paper to accompany bill for relief of Benjamin Malam-to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of the Private Commercial School Managers' Association, for revision of the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of the American Federation of Labor, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of N. B. Crutchfield, Pennsylvania department of agriculture, for an appropriation to continue and improve experiment stations, increasing the amount from \$5,000 to \$20,000—to the Committee on Agriculture.

By Mr. HALE: Paper to accompany bill for relief of George

Wells-to the Committee on Military Affairs.

By Mr. HAYES: Petition of Garden City Electric Company et al., against employment of Chinese and Japanese or other Asiatic laborers on the Panama Canal and for application of the Chinese-exclusion act to all Asiatic laborers-to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of San Jose, Cal., for an appropriation for a breakwater at Hilo, Hawaii-to the

Committee on Rivers and Harbors.

By Mr. HENRY of Texas: Petition of Clyde B. Garrett et al., citizens of Queen City, Tex., for the right of enforcement of liquor laws against outside interference (for the Littlefield bill)—to the Committee on Alcoholic Liquor Traffic.

By Mr. HINSHAW: Petition of the University of Nebraska agricultural experiment station, for bill S. 6680, in support of industrial education in land-grant colleges-to the Committee on Agriculture

By Mr. HOWARD: Papers to accompany bills for relief of Matthew McDaniel and the estate of William R. Pool-to the Committee on War Claims.

By Mr. HOWELL of New Jersey: Petition of the New Jersey State Federation of Women's Clubs, for forest reservations—to the Committee on Agriculture.

By Mr. KAHN: Petition of the Mountain View Orange and Lemon Growers' Association, of California, against the Sparkman bill-to the Committee on Interstate and Foreign Com-

Also, petition of the San Luis Obispo (Cal.) Chamber of Commerce, for selection of the Henry ranch as a Government military reserve-to the Committee on Military Affairs.

By Mr. LEE: Paper to accompany bill for relief of John H. Boston, Jr .- to the Committee on War Claims,

Also, paper to accompany bill for relief of heir of William

to the Committee on War Claims. Hadaway-By Mr. LINDSAY: Petition of Union ex-prisoners of war, for

passage of bill H. R. 9 (the Dalzell bill)—to the Committee on Invalid Pensions.

Also, petition of the Private Commercial School Managers' Association, favoring revision of the postal laws-to the Committee on the Post-Office and Post-Roads.

By Mr. MOORE of Pennsylvania: Petition of the Private Commercial School Managers' Association, for revision of the postal laws-to the Committee on the Post-Office and Fost-Roads.

Also, petition of the Pennsylvania State Camp, Patriotic Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. NORRIS: Petition of the Nebraska Duroc-Jersey Breeders' Association, against free distribution of seeds-to the Committee on Agriculture.

By Mr. PUJO: Petition of the Louisiana State University agricultural experiment station, for an appropriation of not less than \$5,000 for cultural problems-to the Committee on Agriculture.

Also, paper to accompany bill for relief of heirs of Daniel -to the Committee on War Claims.

By Mr. RANDELL of Texas: Petitions of citizens of Denison, Loving, Bantam, Caddo Mills, and Cotton Mill, Tex., for an appropriation to improve the upper Red River-to the Committee on Rivers and Harbors.

By Mr. REYBURN: Petition of the National Private Com-

mercial School Managers' Association, for revision of the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. RHODES: Petition of John A. Malone et al., for a

pension of \$12 per month to soldiers over 65 years of age who served in Mexican war—to the Committee on Pensions.

By Mr. VAN WINKLE: Petition of the New Jersey State

Federation of Women's Clubs, for forest reservations-to the Committee on Agriculture.

By Mr. WANGER: Petition of the National German-American Alliance of the United States, against the enactment of bill S. 4403-to the Committee on Immigration and Naturalization.

Also, petition of the Pennsylvania State Camp and the National Camp, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Consumers' League of Philadelphia, Pa., for the Beveridge-Parsons bill relative to child labor-to the Committee on Labor.

Also, petition of the Press League of Bucks and Montgomery counties, Pa., for the House bill, by Mr. Garrett, and the Senate bill, by Mr. Stone, amending the interstate railway rate bill so as to permit exchange of advertising for transportationto the Committee on Interstate and Foreign Commerce.

By Mr. WOOD: Petition of the New Jersey Society of the American Revolution, for an appropriation to collate and print documents of the Continental Congress-to the Committee on Appropriations.

Also, paper to accompany bill for relief of Isaac F. Sutphin—to the Committee on Invalid Pensions.

# SENATE.

# Friday, January 25, 1907.

Prayer by the Chaplain, Rev. Edward E. Hale. The Journal of yesterday's proceedings was read and approved.

COMMANDER RICHARD T. MULLIGAN.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, requesting, at the instance of the Secretary of the Navy and in accordance with law, that Commander Richard T. Mulligan, United States Navy, be authorized by Congress to accept a silver cup presented to him by the President of Guatemala in recognition of services rendered in connection with the treaty of peace concluded July 20, 1906, between Guatemala, Salvador, and Honduras; which was referred to the Committee on Foreign Relations, and ordered to be

## ESTIMATE OF APPROPRIATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the President of the Board of Commissioners of the District of Columbia submitting an additional estimate of appropriation for the contingent and miscellaneous expenses of the District of Columbia for the current fiscal year, \$750; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

## ANNUAL REPORT OF COMMISSIONER OF PATENTS.

The VICE-PRESIDENT laid before the Senate the annual report of the Commissioner of Patents for the calendar year 1906; which was referred to the Committee on Patents, and ordered to be printed.

## EASTERN BITUMINOUS COAL SITUATION.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting a report of its investigation covering the eastern bituminous coal situation; which was referred to the Committee on Interstate Commerce, and ordered to be printed.

## FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Lewis Ellison and Helen Louise Crafford, heirs of Lewis Ellison, deceased, r. The United States;
In the cause of the Trustees of the Calvary Episcopal Church

of Dinwiddie County, Va., v. The United States

In the cause of the Trustees of St. George's Episcopal Church,

of Fredericksburg, Va., v. The United States;
In the cause of Helen S. Abernethy and Charles H. Abernethy, sole heirs at law of John J. Abernethy, deceased, v. The United States

In the cause of Herbert O. Dunn v. The United States:

In the cause of Lucy M. Allen and Joseph A. Holmes, administrators of Weld N. Allen, deceased, v. The United States; and In the cause of Mary P. Shirley, executrix of the estate of

James R. Shirley, only child of Paul Shirley, deceased, v. The United States

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

### CREDENTIALS.

Mr. MONEY presented the credentials of Anselm Joseph Mc-Laurin, chosen by the legislature of the State of Mississippi a Senator from that State for the term beginning March 4, 1907; which were read, and ordered to be filed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, transmitted resolutions of the House on the death of the Hon. Russell A. Alger, late a Senator from the State of Michigan.

The message also announced that the House had passed the following bills:

S. 549. An act granting a pension to Louis Frech; S. 1160. An act to correct the military record of John McKinnon, alias John Mack:

S. 1178. An act providing for the resurvey of a township of land in Colorado:

S. 1879. An act granting an increase of pension to Lorenzo F. Harmon;

S. 2565. An act granting a pension to William P. Parrill;

S. 4404. An act granting an increase of pension to Elizabeth B. Boyle :

S. 5672. An act granting an increase of pension to Felix G. Murphy;

S. 6226. An act granting an increase of pension to Mary A. Mickler

S. 6510. An act granting an increase of pension to Sarah R. Williams;

S. 7096. An act granting an increase of pension to Margaret McCullough; and

S. 7177. An act granting an increase of pension to Melvin L. Le Suer, alias James French.

The message further announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

H. R. 24640. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1908, and for other purposes; and

H. J. Res. 207. Joint resolution declaring Sturgeon Bay, Illinois, not navigable water.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

S. 4423. An act providing for the donation of obsolete cannon, with their carriages and equipments, to the University of Idaho: S. 4563. An act to prohibit corporations from making money contributions in connection with political elections

S. 5469. An act to authorize the Secretary of Commerce and Labor to investigate and report upon the industrial, social, moral, educational, and physical condition of woman and child workers in the United States

H. R. 3980. An act granting an increase of pension to Frank G. Hammond:

H. R. 15769. An act granting an increase of pension to William W. Bennett:

H. R. 23560. An act to authorize the construction of a bridge across the Columbia River, between Benton and Franklin counties, in the State of Washington, by the North Coast Railroad Company ;

H. R. 23561. An act to authorize the construction of a bridge across the Columbia River, between Wallawalla and Benton counties, in the State of Washington, by the North Coast Railroad Company;

H. R. 24048. An act authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Spokane and Inland Empire Railroad Company, its successors and assigns; and

H. J. Res. 190. Joint resolution extending protection of second proviso of section 1 of the act of December 21, 1904, to certain entrymen.

## PETITIONS AND MEMORIALS.

Mr. FRYE presented a petition of sundry citizens of Fort Fairfield, Me., and a petition of sundry citizens of Winthrop. Me., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were re-

ferred to the Committee on the Judiciary.

Mr. PLATT presented petitions of the Woman's Christian. Temperance Union of Hannibal; of Washington Camp, No. 10, Patriotic Order Sons of American Revolution, of Yonkers, and of the Woman's Christian Temperance Union of Stillwater, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

Mr. DEPEW presented petitions of the Woman's Christian Temperance Unions of Wolcott, Salem, and Poughkeepsie, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. BURNHAM presented the petition of Rev. George L Mason and Rev. George A. Sanborn, of Rochester, N. H., praying for the enactment of legislation to provide for a judicial review of orders excluding persons from the use of the United States mail facilities; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of East Manchester, N. H., praying for the enactment of legislation regulating the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary

Mr. NELSON presented the petition of William A. Edwards, of Minnesota, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on

He also presented petitions of sundry citizens of Albert Lea, Motley, and Wabasha, all in the State of Minnesota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

He also presented a petition of the Minnesota Live Stock Breeders' Association, praying for the enactment of legislation providing for concessions from foreign nations in tariff matters relative to American meat products; which was referred to the

Committee on Agriculture and Forestry.

Mr. STONE presented the memorial of Michael Brothers and sundry other firms of Louisiana, Mo., remonstrating against the enactment of legislation to further restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of Pacific Lodge, No. 64, Brotherhood of Railroad Trainmen, of St. Louis, Mo., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary,

He also presented the memorial of O. O. Raine, master of the Missouri State Grange, Patrons of Husbandry, of Canton, Mo., remonstrating against the passage of the House substitute for the Senate ship-subsidy bill; which was referred to the Commit-

Mr. GALLINGER presented the petition of G. R. Armstrong, of Littleton, N. H., praying for the passage of the so-called "Crumpacker bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of the Riverdale Citizens' Association, of the District of Columbia, praying for the enactment of legislation providing for the extension of the electric railway from Fifteenth street along the Bladensburg road to the District line; which was referred to the Committee on the District of Columbia.

He also presented a petition of the American Civic Association, of Harrisburg, Pa., praying that an appropriation be made for the establishment of children's gardens in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation providing that Fort Thayer, in the District of Columbia, shall be made a public park; which were referred to the Committee on the District of Columbia.

Mr. FULTON presented a petition of sundry citizens of Forest Grove and Junction City, in the State of Oregon, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. BURKETT presented petitions of sundry citizens of Gordon, Almo, Newmans Grove, and Dannebrag, all in the State of Nebraska, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the Organized Agricultural Society of the State of Nebraska, praying that an appropriation be

made for the support of industrial education in land-grant colleges; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Duroc Breeders' Association of the State of Nebraska and a memorial of the Nebraska State Swine Breeders' Association, remonstrating against the enactment of legislation providing for the free distribution of seeds and plants; which were referred to the Committee on Agriculture and Forestry.

Mr. PETTUS presented the petition of William J. Vaiden, of the State of Alabama, and the petition of Philip H. Stern, of the State of Alabama, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which were referred to the Committee on

Mr. LONG presented a memorial of sundry citizens of Topeka, Kans., and a memorial of sundry citizens of Washington, D. C., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Chautauqua, Jefferson, and Riley counties, all in the State of Nebraska, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented an affidavit to accompany the bill (S. 7476) granting an increase of pension to Oliver S. Boggs; which was referred to the Committee on Pensions.

Mr. DANIEL presented a memorial of the Merchants' Association of Roanoke, Va., remonstrating against the enactment of legislation providing for a reduction of the present rates of postage on third and fourth class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Virginia National Bank, of Petersburg, Va., praying for the enactment of legislation for the relief of the present financial conditions in the country; which was referred to the Committee on Finance.

He also presented a memorial of the National German-American Alliance of the United States, remonstrating against the enactment of legislation to further restrict immigration; which was referred to the Committee on Immigration.

He also presented the petition of Robert Le Masurier, of the State of Virginia, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

Mr. SPOONER presented a petition of the congregation of the First Congregational Church of Madison, Wis., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. CARMACK presented a petition of sundry citizens of Cookeville, Tenn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented the petition of Edward McGowan, of Tennessee, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

Mr. STONE presented a paper to accompany the bill (S. 6021) for the relief of the estate of Charlotte A. Armstrong; which was referred to the Committee on Claims.

Mr. HEYBURN presented a memorial of the Idaho Hardware and Implement Dealers' Association, remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HEMENWAY presented a petition of sundry citizens of Hartford City, Ind., and a petition of sundry citizens of Brazil, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the General Federation of Women's Clubs of Fort Wayne, Ind., praying for the enactment of legislation providing for an investigation into the industrial condition of women and children in the country; which was referred to the Committee on Education and Labor.

Mr. LODGE presented the petition of James P. Clare, of Massachusetts, and the petition of James H. Johnson, of Massachusetts, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which were referred to the Committee

Mr. LA FOLLETTE presented a petition of sundry citizens of the State of Wisconsin, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. KNOX presented a petition of the congregation of the Mahominy Methodist Episcopal Church, of New Castle, Pa., praying for the enactment of legislation regulating the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Board of Trade of Chester, Pa., praying for the enactment of legislation providing for a reclassification and increase in the salaries of postal clerks in all first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Press League of Bucks and Montgomery Counties, of Doylestown, Pa., praying for the enactment of legislation providing for a modification of the Interstate Commerce Commission's ruling denying newspapers the right to exchange advertising for railroad transportation; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Central Woman's Christian Temperance Union of Warren, Pa., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented petitions of the Fruit Growers' Association of Bedford County, of Bedford; the Fruit Growers' Association of Adams County, of Flora Dale; Gabriel Hiester, president of the State Horticultural Association of Pennsylvania, of Harrisburg, all in the State of Pennsylvania, praying for the enactment of legislation to continue the minimum duty imposed by the German Government on American fruits; which were re-

ferred to the Committee on Foreign Relations.

He also presented petitions of W. F. Herr, of Salina; Washington Camp, No. 685, Patriotic Order Sons of America, of Mont Alto; Washington Commandery, No. 22, Patriotic Order Sons of America, of Tower City; H. E. Buffington, of Lykens; Council No. 700, Junior Order United American Mechanics, of Johnstown; Washington Camp, No. 359, Patriotic Order Sons of America, of Tacony, Philadelphia; Washington Camp, No. 693, Patriotic Order Sons of America, of Vandyke; Council No. 592, Patriotic Order Sons of America, of Gibraltar; Patriotic Order Sons of America, Dubois, all in the State of Pennsylvania, and the American Federation of Labor, of Washington, D. C., praying that an educational test be included in the immigration bill; which were referred to the Committee on Immigration.

He also presented petitions of H. E. Bunderly, of Lancaster; He also presented petitions of H. E. Bunderly, of Lancaster; sundry citizens of Alderson; Martin Van Buren Gould, of Clinton; William H. Rishel, of Danville; F. A. Ricker, of Mount Joy; H. J. Muse, esq., of Warren; R. Louis Lloyd, of Ridley Park; B. G. Monison, of Cornplanter; A. Foulds, of Philadelphia; A. Leroy Hill, of Leechburg; C. W. Hill, of Leechburg; George Marsden, of Johnstown; Thomas Bleisler, of Philadelphia, all in the State of Pennsylvania, praying for the passage of the so-called "Crumpacker bill;" which were referred to the Committee on the Indicinary ferred to the Committee on the Judiciary

Mr. DICK presented a petition of sundry citizens of Columbus, Ohio, praying for the enactment of legislation to create a volunteer retired list in the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Ohio, remonstrating against any reduction of the tariff on sugar imported from the Philippines; which was referred to the Committee on the Philippines.

### REPORTS OF COMMITTEES.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6057) granting an increase of pension to Emery Crawford

A bill (H. R. 6060) granting an increase of pension to Lorenzo B. Fish;

A bill (H. R. 6088) granting an increase of pension to James R. Chapman

A bill (H. R. 6424) granting an increase of pension to George Price :

A bill (H. R. 6493) granting an increase of pension to Eli Boynton:

A bill (H. R. 7666) granting an increase of pension to Joseph C. Mahaffey

A bill (H. R. 7804) granting an increase of pension to John

A bill (H. R. 8247) granting an increase of pension to Sarah

A bill (H. R. 8553) granting an increase of pension to Thomas E. Aylsworth;

A bill (H. R. 7581) granting an increase of pension to Emile Cloe ;

A bill (H. R. 8667) granting an increase of pension to Andrew Larick

A bill (H. R. 9024) granting an increase of pension to Lewis Lennox

A bill (H. R. 9278) granting an increase of pension to Mel-

ville A. Nichols;
A bill (H. R. 9673) granting a pension to Oliver H. Griffin; A bill (H. R. 10033) granting an increase of pension to Samuel C. Roe;

A bill (H. R. 6519) granting an increase of pension to Samuel Whybark

A bill (H. R. 6524) granting an increase of pension to Amos

A bill (H. R. 6537) granting an increase of pension to William Jackson

A bill (H. R. 6894) granting an increase of pension to Daniel O. Corbin ;

A bill (H. R. 7555) granting an increase of pension to John S. Roseberry

A bill (H. R. 10219) granting an increase of pension to George S. Boyd;

A bill (H. R. 10317) granting an increase of pension to Cla-

rissa A. Frederick; A bill (H. R. 10440) granting an increase of pension to Amaziah G. Sheppard; A bill (H. R. 10721) granting an increase of pension to Har-

riett I. Levis

A bill (H. R. 10738) granting an increase of pension to Thomas Prosser

A bill (H. R. 11141) granting an increase of pension to Jesse S. Miller

A bill (H. R. 11174) granting an increase of pension to Isaac

A bill (H. R. 11362) granting an increase of pension to Nich-

A bill (H. R. 11708) granting an increase of pension to Jesse A. Ask; and

A bill (H. R. 11869) granting an increase of pension to Henry A. Geduldig

Mr. LA FOLLETTE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15874) granting an increase of pension to Benjamin B. Ream

A bill (H. R. 11959) granting an increase of pension to Henry J. Rice

A bill (H. R. 12124) granting an increase of pension to Howard Brown

A bill (H. R. 12497) granting an increase of pension to Allen M. Haight

A bill (H. R. 12523) granting an increase of pension to Gancelo Leighton

A bill (H. R. 13956) granting an increase of pension to Alfred Featheringill

A bill (H. R. 13201) granting a pension to Sarah A. Jones; A bill (H. R. 13253) granting an increase of pension to Robert M. C. Hill

A bill (H. R. 13740) granting an increase of pension to Jeremiah Bard

A bill (H. R. 13805) granting an increase of pension to Isaac

A bill (H. R. 13806) granting an increase of pension to John Campbell;

A bill (H. R. 13975) granting an increase of pension to Thomas H. Primrose;

A bill (H. R. 14046) granting a pension to Jimison F. Skeens; A bill (H. R. 14378) granting an increase of pension to Charles Settle

A bill (H. R. 14675) granting an increase of pension to James Davis

A bill (H. R. 14715) granting an increase of pension to Harmon W. McDonald

A bill (H. R. 14860) granting an increase of pension to William D. Campbell;

A bill (H. R. 14884) granting an increase of pension to Henry Stauffer

A bill (H. R. 14983) granting an increase of pension to R. T. Dillard Zimmerman

A bill (H. R. 14995) granting an increase of pension to James H. Bell: A bill (H. R. 15017) granting an increase of pension to Jo-

seph Strope; A bill (H. R. 15630) granting a pension to Sarah A. Kizer; A bill (H. R. 15139) granting an increase of pension to James P. Mullen;

A bill (H. R. 15317) granting an increase of pension to James B. F. Callon:

A bill (H. R. 15631) granting an increase of pension to Henry C. Worley:

A bill (H. R. 15839) granting an increase of pension to Mary J. Burroughs;

A bill (H. R. 3226) granting an increase of pension to John E. Leaby:

A bill (H. R. 15860) granting an increase of pension to Sarah C. Morris; and

A bill (H. R. 15868) granting an increase of pension to William H. Scullen.

Mr. SIMMONS, from the Committee on Commerce, to whom was referred the bill (H. R. 21402) permitting the building of a dam across the Savannah River at Gregg Shoals, reported it with amendment.

Mr. GEARIN, from the Committee on Claims, to whom was referred the bill (H. R. 1738) for the relief of Sarah A. Clapp, reported it without amendment.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S, 7995) granting an increase of pension to Ashley White; and

A bill (S. 7996) granting an increase of pension to Robert B.

Mr. WARREN, from the Committee on Military Affairs, to whom were referred the following joint resolution and bill, reported them severally without amendment, and submitted reports thereon:

A joint resolution (H. J. Res. 195) authorizing the Secretary of War to furnish two condemned cannon to the mayor of the town of Preston, Iowa; and

A bill (S. 6104) to create the office of captain in the Philippine Scouts.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 7762) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Spokane and Inland Empire Railroad Company, its successors and assigns, which was heretofore reported and is on the Calendar, to move that it be indefinitely postponed, as the subject-matter has been provided for in another bill. I make that motion.

The motion was agreed to.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 7836) for the relief of David W. Stockstill, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 5197) to amend section 6, chapter 204, Supplement to the Revised Statutes of the United States, approved March 3, 1893;

A bill (S. 2479) to repeal section 1 of "An act to name streets, avenues, alleys, highways, and reservations in that part of the District of Columbia outside of the city of Washington, and for other purposes," approved February 16, 1904;

A bill (S. 2956) to amend section 617 of the Code of Laws for the District of Columbia relating to corporations;

A bill (S. 3449) for the improvement of Twentieth street NE., from Franklin street to Evarts street, and Evarts street from Twentieth street to Mills avenue;

A bill (S. 2137) for the opening of R street NE. to Twenty-eighth street and of Twenty-eighth street NE. from R street to M street; and

A bill (S. 4977) to provide additional land for the Jackson school, in the District of Columbia.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 5971) authorizing the extension of T street (formerly W street) NW., reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2838) authorizing the extension of T street (formerly W street) NV, submitted an adverse report thereon; which was proved to and the bill was postpoped indefinitely

was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 6905) authorizing the extension of T street NW., sub-

mitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 19568) vacating Alexander place and Poplar street in the subdivision of a part of a tract called Lincoln, District of Columbia, and vesting title in the present owner, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 21859) granting an increase of pension to Simon Stone:

A bill (H. R. 20896) granting an increase of pension to James F. Henninger;

A bill (H. R. 23307) granting an increase of pension to Andrew Casey;

A bill (H. R. 17773) granting an increase of pension to Carel Lane:

A bill (H. R. 17810) granting an increase of pension to Saul Coulson:

A bill (H. R. 22052) granting an increase of pension to James A. Meredith;

A bill (H. R. 2826) granting an increase of pension to Samuel Prochel;

A bill (H. R. 21086) granting an increase of pension to Jerry Johnson;

A bill (H. R. 20844) granting an increase of pension to Milton Russell;

A bill (H. R. 20614) granting an increase of pension to James Howardson;

A bill (H. R. 20613) granting an increase of pension to Hiram Steele;

A bill (H. R. 22281) granting an increase of pension to Leonard Tyler;

A bill (H. R. 19967) granting an increase of pension to Martin L. Ohr;

A bill (H. R. 22997) granting an increase of pension to Edmond D. Doud;
A bill (H. R. 17988) granting a pension to Edward G. Hausen;

A bill (H. R. 17988) granting a pension to Edward G. Hausen; A bill (H. R. 20717) granting an increase of pension to Adelbert E. Bleekman;

A bill (H. R. 15463) granting an increase of pension to John Robb, first;

A bill (H. R. 20852) granting an increase of pension to Theodore T. Tate;

A bill (H. R. 20851) granting an increase of pension to Henry Hamme;

A bill (H. R. 20586) granting an increase of pension to Calvin Judson;

A bill (H. R. 19762) granting an increase of pension to Clara C. Edsall; A bill (H. R. 20581) granting an increase of pension to Nettie

G. Kruger; A bill (H. R. 20415) granting an increase of pension to John

H. Krom; A bill (H. R. 22280) granting an increase of pension to Emily V. Ackley;

A bill (H. R. 9921) granting a pension to Ann Lytle;

A bill (H. R. 21575) granting an increase of pension to Calvin E. Morley;

A bill (H. R. 22207) granting an increase of pension to William A. Harlan;
A bill (H. R. 18248) granting an increase of pension to John

A bill (H. R. 10248) granting an increase of pension to John D. Evans;
A bill (H. R. 20571) granting an increase of pension to Fred-

erick J. Dowland;
A bill (H. R. 22932) granting an increase of pension to Bryn-

gel Severson;
A bill (H. R. 22717) granting an increase of pension to Mary
A. Brick;

A bill (H. R. 6165) granting an increase of pension to Nelson Everson;

A bill (H. R. 21148) granting an increase of pension to Jacob A. Graham;

A bill (H. R. 7551) granting a pension to Daniel Robb;

A bill (H. R. 22684) granting an increase of pension to William Sherk;

A bill (H. R. 19448) granting an increase of pension to Abiram P. McConnell;

A bill (H. R. 20286) granting an increase of pension to Bartholomew Holmes;
A bill (H. R. 20587) granting an increase of pension to .

A bill (H. R. 20587) granting an increase of pension to Francis McMahon; and A bill (H. R. 18242) granting an increase of pension to

A bill (H. R. 18242) granting an increase of pension to Francis Anderson.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 19105) granting an increase of pension to William H. Moser, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 21043) granting an increase of pension to Robert J. Dewey, reported it with an amendment, and submitted a report

thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 21st instant, proposing to include Lake of the Woods and Rainy River in the paragraph in the sundry civil bill relating to the lighting of rivers, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without

amendment, and submitted reports thereon:
A bill (H. R. 21015) granting an increase of pension to Evan H. Baker

A bill (H. R. 21001) granting an increase of pension to George Rhodes

A bill (H. R. 20965) granting an increase of pension to Harvev Sine

A bill (H. R. 20958) granting an increase of pension to Darius E. Garland

A bill (H. R. 20928) granting an increase of pension to Reuben

A bill (H. R. 20899) granting an increase of pension to Charles

A bill (H. R. 20735) granting an increase of pension to Berge

A bill (H. R. 16222) granting an increase of pension to Napoleon B. Ferrell;

A bill (H. R. 20721) granting an increase of pension to James O. Pierce

A bill (H. R. 20712) granting an increase of pension to Sam-

nel W. Searles A bill (H. R. 20683) granting an increase of pension to James Bond

A bill (H. R. 20431) granting an increase of pension to John Neumann

A bill (H. R. 17094) granting an increase of pension to James

H. Sperry; A bill (H. R. 17484) granting an increase of pension to John E. Gillispie, alias John G. Elliott;

A bill (H. R. 22416) granting an increase of pension to Barbara E. Schwab

A bill (H. R. 21849) granting an increase of pension to John

A bill (H. R. 21228) granting an increase of pension to Pleas-

ant Crissip; A bill (H. R. 21216) granting an increase of pension to Eliza

J. McCardel A bill (H. R. 21185) granting an increase of pension to Mary

M. Goble;
A bill (H. R. 21179) granting an increase of pension to

Charles Green; A bill (H. R. 21142) granting an increase of pension to Joseph

A bill (H. R. 21124) granting an increase of pension to Wil-

liam B. Crane: A bill (H. R. 20724) granting an increase of pension to Rhoda

A. Hoit: A bill (H. R. 20725) granting a pension to Hope Martin;

A bill (H. R. 20726) granting an increase of pension to Mary J. Smith

A bill (H. R. 20829) granting an increase of pension to David M. Watkins;

A bill (H. R. 20962) granting an increase of pension to Franklin H. Bailey A bill (H. R. 20964) granting an increase of pension to John

A bill (H. R. 21119) granting an increase of pension to Alexander Boshea

A bill (H. R. 21302) granting an increase of pension to Nicolans Kirsch

A bill (H. R. 21304) granting an increase of pension to Jacob Kohl:

A bill (H. R. 21641) granting an increase of pension to Levi Eddy;

A bill (H. R. 21749) granting an increase of pension to Annie Reaney;

A bill (H. R. 20463) granting an increase of pension to Nicholas D. Kenny

A bill (H. R. 20363) granting an increase of pension to Otis Rush:

A bill (H. R. 20384) granting an increase of pension to Mary Wilson:

A bill (H. R. 20391) granting an increase of pension to Mary Jane Meldrim

A bill (H. R. 20424) granting an increase of pension to George W. Wheeler:

A bill (H. R. 21045) granting an increase of pension to Unity A. Steel':

A bill (H. R. 21054) granting an increase of pension to William G. Wilson:

A bill (H. R. 21058) granting an increase of pension to William H. Isbell;

A bill (H. R. 21019) granting an increase of pension to Benjamin F. Fell; and

A bill (H. R. 22937) granting an increase of pension to Edward Murphy.

Mr. SCOTT, from the Committee on the District of Columbia, to whom was referred the bill (S. 826) to amend "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902, relating to the improper issue, sale, gift, or use of transfer tickets of street railroads, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by Mr. Foraker on the 21st instant proposing to appropriate \$4,000 for grading and improving Kenyon street, Sherman avenue to Thirteenth street NW., intended to be proposed to the District of Columbia appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7393) granting an increase of pension to Ferdinand David;

A bill (H. R. 22607) granting an increase of pension to John T. Hetherlin;

A bill (H. R. 22265) granting an increase of pension to Elizabeth Jane Hancher

A bill (H. R. 22566) granting an increase of pension to Joseph L. Six A bill (H. R. 4692) granting an increase of pension to Levi

Welch; A bill (H. R. 4719) granting an increase of pension to Mary

J. Trumbull : A bill (H. R. 4833) granting an increase of pension to Samuel

F. Anderson; A bill (H. R. 5173) granting an increase of pension to Jacob

Henninger A bill (H. R. 5174) granting an increase of pension to Patrick

Turney A bill (H. R. 5187) granting an increase of pension to Robert

John: A bill (H. R. 5595) granting an increase of pension to Elisha

Brown : A bill (H. R. 5729) granting an increase of pension to Norman

H. Cole; A bill (H. R. 5776) granting an increase of pension to Priscilla A. Campbell

A bill (H. R. 5801) granting an increase of pension to Algernon E. Castner

A bill (H. R. 5829) granting an increase of pension to

George Anderson;
A bill (H. R. 11307) granting an increase of pension to Joseph J. Roberts

A bill (H. R. 21162) granting an increase of pension to John W. Humphrey

A bill (H. R. 21033) granting an increase of pension to William P. Huff

A bill (H. R. 22568) granting an increase of pension to John

A bill (H. R. 10402) granting an increase of pension to Albert

H. Campbell; A bill (H. R. 20715) granting an increase of pension to

Charles Ballantyne A bill (H. R. 21828) granting an increase of pension to Noah

A bill (H. R. 21307) granting an increase of pension to Samuel Fauver;

A bill (H. R. 21519) granting an increase of pension to Montezuma St. John

A bill (H. R. 18574) granting an increase of pension to Levi Miles

A bill (H. R. 22424) granting an increase of pension to William Faulkner,

A bill (H. R. 16493) granting an increase of pension to William T. Sallee; and

A bill (H. R. 7378) granting an increase of pension to John L. Brown

Mr. PILES, from the Committee on Commerce, to whom were referred the following bills, reported them each with an amend-

ment, and submitted reports thereon:
A bill (H. R. 21194) to authorize J. F. Andrews, J. W. Jourdan, their heirs, representatives, associates, and assigns, to construct dams and power stations on Bear River on the southeast quarter of section 31, township 5, range 11, in Tishomingo County, Miss.; and

A bill (S. 7917) to authorize the Interstate Bridge and Terminal Railway Company, of Kansas City, Kans., to construct a

bridge across the Missouri River. Mr. HOPKINS, from the Committee on Commerce, to whom was referred the bill (H. R. 24275) permitting the building of a dam across the Flint River at Porter Shoals, reported it with-

out amendment. Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (H. R. 24111) to authorize the Norfolk and Western Railway Company to construct a bridge across the Potomac River at or near Shepherdstown, W. Va., reported it

without amendment. Mr. FRYE. I move that the bill (S. 7800) to authorize the Norfolk and Western Railroad Company to construct a bridge across the Potomac River at or near Shepherdstown, W. Va.,

be recalled from the House of Representatives The VICE-PRESIDENT. The Chair is informed that the

bill has not yet been sent to the House.

Mr. FRYE. Then it may be indefinitely postponed.

The VICE-PRESIDENT. Without objection, the bill will be indefinitely postponed.

Mr. HANSBROUGH, from the Committee on the District of Columbia, to whom was referred the bill (S. 7833) for the extension of School street NW., District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2421) granting an increase of pension to Daniel

A bill (H. R. 2399) granting an increase of pension to Charles F. Sancrainte:

A bill (H. R. 2286) granting an increase of pension to Jacob Miller:

A bill (H. R. 2175) granting an increase of pension to James W. Bliss, alias James Warren;

A bill (H. R. 2056) granting an increase of pension to Lucas Longendycke

A bill (H. R. 2055) granting an increase of pension to Joanna

A bill (H. R. 1937) granting an increase of pension to Joseph B. Williams:

A bill (H. R. 1723) granting an increase of pension to Rutson J. Bullock

A bill (H. R. 1717) granting an increase of pension to George M. Fowler

A bill (H. R. 1693) granting an increase of pension to Joseph Q. Oviatt

A bill (H. R. 4673) granting an increase of pension to Samuel Rowe

A bill (H. R. 4670) granting an increase of pension to Edward B. Tanner:

A bill (H. R. 4346) granting an increase of pension to Thomas H. B. Schooling

A bill (H. R. 4166) granting an increase of pension to John G. V. Herndon;

A bill (H. R. 4151) granting an increase of pension to John W. Howard

A bill (H. R. 4149) granting an increase of pension to Thompson Wall

A bill (H. R. 637) granting an increase of pension to William H. Bone:

A bill (H. R. 676) granting an increase of pension to Musgrove E. O'Connor

A bill (H. R. 725) granting an increase of pension to George E. Smith;

A bill (H. R. 742) granting an increase of pension to James Wintersteen

A bill (H. R. 1150) granting an increase of pension to Emma J. Turner

A bill (H. R. 1185) granting a pension to Josiah C. Hancock; A bill (H. R. 1252) granting an increase of pension to Mary

A bill (H. R. 1337) granting an increase of pension to James B. Evans

A bill (H. R. 1512) granting an increase of pension to Melvin T. Edmonds:

A bill (H. R. 2726) granting an increase of pension to John C. Keach;

A bill (H. R. 2769) granting an increase of pension to Ethan Valentine

A bill (H. R. 2764) granting an increase of pension to George L. Robinson

A bill (H. R. 2793) granting an increase of pension to Nathan D. Chapman

A bill (H. R. 3740) granting an increase of pension to John G. H. Armistead; and

A bill (H. R. 3989) granting an increase of pension to Hiram T. Houghton.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 13605) to satisfy certain claims against the Government arising under the Navy Department, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. FLINT, from the Committee on Public Lands, to whom was referred the bill (S. 7017) extending the time for making final proof and payment on public lands in certain cases, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Irrigation, to whom was referred the bill (S. 7776) to provide for protecting the interests of the United States on the lower Colorado River, for the establishment of the Imperial Valley and the Colorado River irrigation projects, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. WHYTE, from the Committee on the District of Columbia, to whom was referred the bill (S. 7795) for the extension of Albemarle street NW., District of Columbia, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3668) to authorize the Washington, Spa Spring and Gretta Railroad Company, of Prince George County, to extend its street railway into the District of Columbia, reported it with amendments, and submitted a report thereon.

Mr. BULKELEY, from the Committee on Military Affairs, to whom was referred the bill (S. 420) to correct the military record of Solomon W. Kyle, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 6725) to grant medals to survivors and heirs of volunteers of the Port Hudson forlorn-hope storming party, reported it with an amendment, and submitted a report thereon.

Mr. DUBOIS, from the Committee on the District of Columbia, to whom was referred the bill (S. 7837) to amend an act entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia,' regulating proceedings for condemnation of land for streets," reported it with amendments, and submitted a report thereon.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the bill (S. 7953) to amend an act entitled 'An act to provide for the reorganization of the consular serv ice of the United States," approved April 5, 1906, reported it without amendment.

He also, from the same committee, to whom was referred the amendment submitted by Mr. Nelson on the 21st instant, proposing to fix the salary of the consul-general at Rotterdam at \$5,500 per annum, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, reported an amendment proposing to appropriate \$3,000,000 for the purchase of a site and toward the erection of one or two buildings for the use of the Departments of State, Justice, and Commerce and Labor, etc., intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

COMPENSATION TO SURFMEN FOR LOSSES IN PENSACOLA HURRICANE. Mr. MALLORY. I am directed by the Committee on Commerce, to whom was referred the bill (S. 7706) for the relief of Robert Broadbent, Barger Holst, James A. Dunham, Byron Dawley, Axel Rosendahl, and Will J. Elliott, to report it favorably with amendments, and I submit a report thereon. I ask for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The amendments of the Committee on Commerce were, on page 1, line 7, after the word "surfmen," to insert "and to C. M. Hutchins, temporary surfman;" and on page 2, line 1, after the word "service," to insert "not exceeding in the aggregate \$500;" so as to make the bill read:

gate \$500;" so as to make the bill read:

Be it enacted, etc., That there shall be paid, out of any money in the Treasury not otherwise appropriated, to Robert Broadbent, keeper of the Santa Rosa Island Life-Saving Station, near Pensacola, Fla., and to Barger Holst, James A. Dunham, Byron Dawley, Axel Rosendahl, and Will J. Elliott, surfmen, and to C. M. Hutchins, temporary surfman, at said station, such sums, respectively, as shall, on due inquiry by the General Superintendent of the Life-Saving Service, be found to be a just compensation to said persons for the loss in the Pensacola hurricane of September 26 and 27, 1906, of such property belonging to them, respectively, as was necessary to be kept by them at said life-saving station, from considerations of health, decency, and the nature of the service, not exceeding in the aggregate \$500. It shall be the duty of the General Superintendent of the Life-Saving Service, as soon as possible after the approval of this act, to ascertain and report to the Secretary of the Treasury the sums payable to each of said persons under the provisions of this act, and on receipt by the Secretary of the Treasury of said report the sums ascertained and so reported shall become due and payable.

The amendments were agreed to.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

The title was amended so as to read: "A bill for the relief of Robert Broadbent, Barger Holst, James A. Dunham, Byron Dawley, Axel Rosendahl, Will J. Elliott, and C. M. Hutchins."

CUSTOMS BOARDING BOAT FOR PORT OF GALVESTON.

Mr. FRYE. From the Committee on Commerce, I report back favorably with an amendment the bill (S. 7684) to provide and maintain for the port of Galveston, Tex., a customs boarding boat. I call the attention of the Senator from Texas [Mr. Cul-BERSON] to the bill.

Mr. CULBERSON. That is a very short bill, and it is an urgent measure. I ask unanimous consent for its present con-

sideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate \$35,000 to provide for the port of Galveston, Tex., a motor boarding boat.

The amendment of the Committee on Commerce was to add at

the end of the bill the following proviso:

Provided. That the Secretary of the Treasury may use said boat at any other customs port in the United States as the exigencies of the service may require.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### NATIONAL SAVINGS AND TRUST COMPANY.

Mr. BLACKBURN. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 8014) to authorize The National Safe Deposit, Savings and Trust Company of the District of Columbia, to change its name to that of National Savings and Trust Company, to report it back with an amendment, and I submit a report thereon. The bill simply enables a banking company to abbreviate its very long name. ask for its present consideration.

There being no objection, the bill was considered as in Com-

mittee of the Whole.

The amendment of the committee was to strike out all after the enacting clause and insert:

the enacting clause and insert:

That The National Safe Deposit, Savings and Trust Company of the District of Columbia, a body corporate, duly incorporated under an act approved October 1, 1890, and entitled "An act to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia," be, and is hereby, authorized to change its name to National Savings and Trust Company, the said change of name to be complete and effectual when said corporation shall have filed with the recorder of deeds of the District of Columbia an amended certificate of incorporation setting forth the change in name hereby authorized, and shall also have filed a copy of said amended certificate of incorporation with the Comptroller of the Currency of the United States.

Sec. 2. That Congress may at any time amend, alter, or repeal this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOS ANGELES INTER-URBAN RAILWAY.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 7879) granting to the Los Angeles Inter-Urban Railway Company a right of way for railroad purposes through the United States military reservation at San Pedro, Cal., to report it favorably without amendment, and I submit a report thereon. I call the attention of the junior Senator from California [Mr. FLINT] to the bill.

Mr. FLINT. I ask unanimous consent for the immediate

consideration of the bill,

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

# VESSELS SOTIE R, MATHILDA R, AND HELEN R.

Mr. GALLINGER. I report back favorably from the Committee on Commerce, without amendment, the bill (H. R. 17099) to authorize the refund of part of fines imposed on the vessels Sotie R, Mathilda R, and Helen R. As it will take but a moment to consider the bill, I ask for its present consideration.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-It proposes to appropriate, for repayment to Schoonmaker & Rice, of New York, N. Y., owners of the barges Sotic R, Mathilda R, and Helen R, part of the amount of fines aggregating \$230 paid by them to the collector of customs at New Haven, Conn., on or about September 19, 1905, for violation of the laws of the United States relating to the enrollment and licensing of vessels, the amount having been deposited by the collector to the credit of the Treasurer of the United States, August 31, 1905, prior to his receipt of instructions from the Secretary of Commerce and Labor conditionally mitigating the fines to \$50, \$180.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### DAVENPORT WATER POWER COMPANY.

Mr. PERKINS. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 21677) to amend an act granting to the Davenport Water Power Company rights to construct and maintain a canal, power station, and appurtenant works in the Mississippi River in Scott County, Iowa, to report it favorably without amendment. I call the attention of

the senior Senator from Iowa [Mr. Allison] to the report.
Mr. Allison. This is a brief bill, merely extending the time for the completion of certain work authorized nearly two years ago. I ask unanimous consent that it may be considered.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HALE. There is an appropriation bill on the Calendar which it is very important should be passed to-day, and I feel constrained to give notice that as time is being taken up by the passage of bills, I shall object hereafter to the passing of any bills on the reports being made until the appropriation bill is passed.

### THE KONGO FREE STATE.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred Senate Resolution No. 194, submitted by himself December 10, 1906, in relation to the inhuman treatment inflicted upon the native inhabitants of the Kongo Free State, etc., reported it with an amendment.

## BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 8039) granting a pension to Annie B. Wilson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 8040) for the relief of Elizabeth R. Gordon; which was read twice by its title, and referred to

the Committee on Claims. Mr. GALLINGER introduced a bill (S. 8041) for the erection of a monument to the memory of Lieut. Commander George Washington De Long and his comrades who lost their lives in the Jeannette Arctic expedition; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 8042) to provide for the examination and testing of lifeboats; which was read twice by its

title, and referred to the Committee on Commerce.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. 8043) to amend an act to fix and regulate salaries of teachers, school officers, and other employees of the board of education of the District of Columbia;

A bill (S. 8044) to amend an act entitled "An act to establish a code of law for the District of Columbia," relating to personal service;

A bill (S. 8045) regulating certain licenses in the District of Columbia, and for other purposes (with an accompanying paper);

A bill (S. 8046) prohibiting the distribution of circulars and certain other advertising matter on private property within the District of Columbia, and for other purposes (with an accompanying paper).

Mr. HANSBROUGH introduced a bill (8, 8047) prohibiting the issuing of special-tax stamps to retail and wholesale dealers in liquors in prohibition districts; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 8048) granting an increase of pension to Daniel C. Swartz; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 8049) granting an increase of pension to Daniel C. Swartz; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 8050) granting a pension to Anna M. Hall; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BURNHAM (for Mr. Gamble) introduced a bill (S. 8051) granting an increase of pension to Catherine Kolb; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. ANKENY introduced a bill (S. 8052) confirming entries and applications under section 2306 of the Revised Statutes of the United States for lands embraced in what was formerly the Columbia Indian Reservation in the State of Washington; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. SUTHERLAND introduced a bill (S. 8053) for the erection of a monument to the memory of Gen. Patrick Edward Connor; which was read twice by its title, and referred to the Committee on the Library.

Mr. LONG introduced a bill (S. 8054) granting to the regents of the University of Oklahoma section No. 36, in township No. 9 north, of range No. 3 west, of the Indian meridian, in Cleveland County, Okla.; which was read twice by its title, and referred to the Committee on Territories.

He also introduced a bill (S. 8055) for the relief of M. S. Elkin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8056) granting an increase of pension to William H. Fountain; and

A bill (S. 8057) granting a pension to Henry Mott.

Mr. HEMENWAY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 8058) granting an increase of pension to Marion Bartley (with accompanying papers); and

A bill (S. 8059) granting a pension to Ellis T. Padgett (with an accompanying paper).

Mr. FLINT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 8060) for the relief of John Rothchild & Co., of San Francisco, Cal.;

A bill (S. 8061) for the relief of Pope & Talbot, of San Francisco, Cal.; and

A bill (S. 8062) for the relief of Piper, Aden, Goodall Company, of San Francisco, Cal.

Mr. FLINT introduced a bill (S. 8063) to amend an act entitled "An act to amend an act approved August 3, 1894, entitled 'An act concerning leases in the Yellowstone National Park," approved June 4, 1906; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HEYBURN introduced a bill (S. 8064) granting an increase of pension to Carloss Trowbridge; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TILLMAN introduced a bill (S. 8065) to provide for the transfer to the State of South Carolina of certain school funds for the use of free schools in the parishes of St. Helena and St. Luke, in said State; which was read twice by its title, and referred to the Committee on Appropriations.

referred to the Committee on Appropriations.

Mr. DEPEW introduced a bill (S. 8066) referring to the Court of Claims for adjudication and determination the claims of the

widow and family of Marcus P. Norton and the heirs at law of others; which was read twice by its title, and referred to the Committee on Patents.

Mr. CARMACK introduced a bill (S. 8067) granting an increase of pension to Joseph T. Piggott; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 8068) for the relief of Samuel Y. B. Williams; which was read twice by its title, and referred to the Committee on Claims.

Mr. LATIMER introduced a bill (S. 8069) for the relief of Benjamin Augustus McAllister; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims,

Mr. MONEY introduced a bill (S. 8070) for the relief of Mrs. Mary S. Miller and Charles E. Bullock, heirs of J. L. W. Bullock, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. TALIAFERRO introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 8071) for the relief of the First Methodist Episcopal Church South, of Jacksonville Fla.; and

A bill (S. 8072) for the relief of Charles S. Blood (with an accompanying paper).

Mr. TALIAFERRO introduced a bill (8, 8073) granting an increase of pension to Edward D. Barker; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DU PONT introduced a bill (S. 8074) to establish a fish-hatching and fish-culture station in the county of Newcastle, Del.; which was read twice by its title, and referred to the Committee on Fisheries.

Mr. FOSTER introduced a bill (S. 8075) to provide for the construction and equipment of a revenue cutter, with head-quarters at New Orleans, La.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. LA FOLLETTE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

 $\Lambda$  bill (S. 8076) granting an increase of pension to Oscar C. Stevens;

A bill (S. 8077) granting an increase of pension to Charles Kayser;

A bill (S. 8078) granting an increase of pension to E. N. Marsh;

A bill (S. 8079) granting an increase of pension to Joseph Ickstadt;

A bill (S. 8080) granting a pension to Frank L. French;

A bill (8, 8081) granting an increase of pension to William H. Cochran;

A bill (S. 8082) granting a pension to Hiram C. Barrows; A bill (S. 8083) granting an increase of pension to Wallace

Fairbank;
A bill (S. 8084) granting an increase of pension to Wanace

Hazen;
A bill (S. 8085) granting an increase of pension to John Hazen;

Potter;
A bill (S. 8086) granting an increase of pension to Mark Tom-

linson;
A bill (S. 8087) granting an increase of pension to Wallace L.

Scott;
A bill (S. 8088) granting an increase of pension to William

Northedge;
A bill (S. 8089) granting a pension to Mary E. Jacobs; and
A bill (S. 8090) granting a pension to Inger A. Steensrud.

Mr. PENROSE introduced a bill (S. 8091) to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

He also introduced a bill (S. 8092) to correct the military record of Allen F. Walter; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (8, 8093) authorizing the appointment of Harold L. Jackson, a captain on the retired list of the Army, as a major on the retired list of the Army; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 8094) granting an increase of pension to Michael Noles:

A bill (S. 8095) granting an increase of pension to Frederick Rice;

A bill (S. 8096) granting an increase of pension to Theophilus Jones:

A bill (S. 8097) granting an increase of pension to John F. Osmun:

A bill (S. 8098) granting an increase of pension to Joseph E. Carr;

A bill (S. 8099) granting an increase of pension to Samuel P. Shaffer;

A bill (S. 8100) granting a pension to John Hetzell;

 $\Lambda$  bill (S. 8101) granting an increase of pension to Jacob B. Getter; and

A bill (S. 8102) granting an increase of pension to George Fink (with an accompanying paper).

Mr. STONE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 8103) granting an increase of pension to Richard Black;

A bill (S. 8104) granting an increase of pension to Henry Shelley; and

A bill (S. 8105) granting an increase of pension to Anna Arnold (with an accompanying paper).

Mr. STONE introduced a bill (S. 8106) to carry out the findings of the Court of Claims in the case of Abram Jones; which was read twice by its title, and referred to the Committee on

Mr. HOPKINS introduced a bill (S. 8107) granting an increase of pension to Leonidas Obenshain; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARNER introduced a bill (S. 8108) for the relief of the widow of Charles D. Colman; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 8109) to correct the military record of Charles H. Custard; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 8110) granting an increase of pension to John P. Todhunter (with accompanying papers);

A bill (S. 8111) granting an increase of pension to Andrew J. Green (with accompanying papers);

A bill (S. 8112) granting an increase of pension to Collins South (with an accompanying paper);

A bill (S. 8113) granting a pension to Amelia C. Perry; and A bill (S. 8114) granting an increase of pension to Edwin B.

A bill (S. 8114) granting an increase of pension to Edwin B. Messick (with accompanying papers).

Mr. SIMMONS introduced a bill (S. 8115) to prohibit inter-

Mr. SIMMONS introduced a bill (S. 8115) to prohibit interstate common carriers from transporting certain articles of commerce made in factories or produced in mines in violation of the child-labor laws where said factories and mines are located; which was read twice by its title, and referred to the Committee on Interstate Commerce.

He also introduced a bill (8, 8116) granting an increase of pension to George Franklin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 8117) to create the Calaveras Bigtree National Forest, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BURKETT introduced a bill (8, 8118) granting an increase of pension to John W. Quillen; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 8119) to readjust the boundaries of the naval reservations in Porto Rico established in pursuance of the act of July 1, 1902; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico.

Mr. DILLINGHAM introduced a bill (S. 8120) granting an increase of pension to Benjamin T. Woods; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 8121) granting an increase of pension to Harriette M. Maxwell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KEAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 8122) granting an increase of pension to John H. Aughev:

A bill (S. 8123) granting an increase of pension to Daniel Van Syckel (with an accompanying paper);

A bill (S. 8124) granting a pension to Harriet P. Porter; and A bill (S. 8125) granting an increase of pension to Mary O. Cherry (with accompanying papers).

Mr. FOSTER (for Mr. Knox) introduced a joint resolution (S. R. 89) authorizing the printing and indexing of the complete orders of Gen. George Washington during the war of the Revolution; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Printing.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment proposing to appropriate \$25,000 for the purchase and installation of fireproof metal file cases in the clerk's oflice of the supreme court of the District of Columbia, and \$2,000 to rebind, repair, and preserve the records of the old circuit court of the District of Columbia, etc., intended to be proposed by him to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. HANSBROUGH submitted an amendment proposing to increase the compensation of the two judges of the police court of the District of Columbia from \$3,000 to \$4,000 per annum, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ALDRICH submitted an amendment proposing to appropriate \$2,750 for paving Twenty-third street NW. from Q street to Sheridan circle, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McCUMBER submitted an amendment removing restrictions as to sale and incumbrance of lands in Oklahoma allotted to certain Cheyenne and Arapahoe Indians, intended to be proposed by him to the Indian appropriation bill; which was ordered to lie on the table and to be printed.

Mr. BURROWS submitted an amendment relative to the retirement with increased rank of brigadier-generals now on the active list of the Army and who served creditably during the civil war, etc., intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$11,000 for resurfacing the roadbed of Wisconsin avenue between M street and P street, intended to be proposed by him to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. FLINT submitted an amendment proposing to appropriate \$500,000 for the purchase of property in San Luis Obispo County, Cal., for military and camp-site purposes, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. TALIAFERRO submitted an amendment proposing to appropriate \$300 for the repair of Fort Matanzas, Matanzas Inlet, Fla., intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. FOSTER (for Mr. Knox) submitted an amendment intended to be proposed by Mr. Knox to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. FOSTER submitted an amendment proposing to appropriate \$25,000 for the completion of a monument to the memory of the soldiers who fell in the battle of New Orleans, etc., intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also submitted an amendment proposing to increase the compensation of index clerk and typewriter, engineer's office, from \$720 to \$900, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BURKETT (by request) submitted an amendment proposing to refer to the Court of Claims all claims of the Omaha tribe of Indians against the United States, etc., intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. DICK submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$2,290.49 to reimburse Albert H. Raynolds for certain vouchers cashed by said Raynolds and afterwards refused payment, in-

tended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment providing for increased grade on the retired list to certain officers of the Army, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate \$15,000 for continuing the improvement of the grounds within the Presidio Military Reservation, at San Francisco, Cal., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$5,000 for placing iron seats in the public parks and upon the parking wherever desirable in the District of Columbia, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BURNHAM (by request) submitted an amendment authorizing the Keetoowah Society of the Cherokee Nation, Indian Territory, to buy the Cherokee Advocate newspaper plant, etc., intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to

He also (by request) submitted an amendment providing for a survey and plat of the island in the Grand River, southwest of the town of Fort Gibson, Cherokee Nation, Ind. T., intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. KITTREDGE submitted an amendment proposing to appropriate \$10,000 for buildings and repairs to buildings and for water supply at Pine Ridge Agency, S. Dak., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

#### AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. RAYNER submitted an amendment intended to be proposed by him to the omnibus claims bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. LODGE submitted an amendment intended to be proposed by him to the omnibus claims bill; which was referred to the Committee on Claims, and ordered to be printed.

# CHANGES IN DISTRICT STREET-RAILWAY TRACKS.

Mr. BURKETT submitted an amendment intended to be proposed by him to the substitute proposed by Mr. Gallinger for the bill (S. 6147) authorizing changes in certain street-railway tracks within the District of Columbia, and for other purposes; which was referred to the Committee on the District of Columbia, and ordered to be printed.

## CLAIMS ARISING UNDER THE NAVY DEPARTMENT.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (H. R. 13605) to satisfy certain claims against the Government arising under the Navy Department; which was referred to the Committee on Claims, and ordered to be printed.

# DOLORES S. FOSTER.

# On motion of Mr. Taliaferro, it was

Ordered, That permission is granted for the withdrawal from the Senate files of the papers in connection with the bill (S. 6353) granting an increase of pension to Dolores S. Foster, upon which favorable report has been made.

# FUNERAL EXPENSES OF THE LATE SENATOR ALGER.

Mr. BURROWS submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay the necessary expenses in connection with the funeral of Hon. Russell. A. Alger, late a Senator from the State of Michigan, out of the contingent fund of the Senate, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

## OHIO RIVER IMPROVEMENT.

Mr. SCOTT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be requested to send to the Senate, at the earliest practicable moment, the report of the special board authorized under the river and harbor act of 1905 on the Ohio

# EMPLOYMENT OF CHILD LABOR IN THE DISTRICT OF COLUMBIA.

Mr. BEVERIDGE. Mr. President, on account of the congested condition of business here, I desire to give notice that I shall not address the Senate to-day, as I had intended doing, but | by naval officers upon Senators and Members of the other House.

shall resume the floor on Monday morning next, immediately after the conclusion of the morning business, for the purpose of concluding the remarks that I was making to the Senate on last Wednesday. The Senator from New Hampshire [Mr. Gallin-GER] has very kindly consented that the bill which he gave notice that he would then call up he will not bring up on that day, so that I may have that day for the purpose of concluding my remarks. I am very much obliged to the Senator for his courtesy.

#### ISSUANCE OF LAND PATENTS.

Mr. CARTER. I desire to announce that on Tuesday morning next, after the close of the routine morning business, I will address the Senate on the resolution I introduced on the 9th instant and which I had announced would be the subject of my remarks yesterday.

SOLICITATION FOR LEGISLATION BY OFFICERS AND EMPLOYEES.

Mr. HALE. I present the resolution which I send to the desk, and I ask unanimous consent for its immediate consideration.

The VICE-PRESIDENT. The resolution submitted by the

Senator from Maine will be read.

The Secretary read the resolution, as follows:

#### Resolution No. 231.

Whereas the following order and regulations are now in force, forbidding lobbying or attempts on the part of officers or employees in the executive branches of the Government to importune Congress or to attempt to influence its action, to wit:

#### EXECUTIVE ORDER.

#### WHITE HOUSE, January 31, 1902.

WHITE HOUSE, January 31, 1991.

All officers and employees of the United States of every description, serving in or under any of the Executive Departments, and whether so serving in or out of Washington, are hereby forbidden, either directly or indirectly, individually or through associations, to solicit an increase of pay, or to influence or attempt to influence in their own interest any other legislation whatever, either before Congress or its committees, or in any way save through the heads of the Departments in or under which they serve, on penalty of dismissal from the Government service, Theodore Roosevelt.

# REGULATIONS FOR THE GOVERNMENT OF THE NAVY OF THE UNITED

REGULATIONS FOR THE GOVERNMENT OF THE NAVY OF THE UNITED STATES.

ART. 231. Combinations of officers for the purpose of influencing legislation, remonstrating against orders, or complaining of details of duty are forbidden; and no person shall delay obedience to an order for the purpose of making remonstrance or complaint.

ART. 232. All petitions, remonstrances, memorials, and communications from any officer or officers of the Navy or Marine Corps, whether on the active or retired list, addressed to Congress, or to either House thereof, or to any committee of Congress, on any subject of legislation relating to the Navy, pending, proposed, or suggested, shall be forwarded through the Navy Department, and not otherwise, except by authority of the Department. And

Whereas Senators and Representatives in Congress have lately and are now being importuned in order to influence legislation, in accordance with the following memorandum, which is being sent especially to officers and employees in the Navy Department, as follows:

"This is the short session of Congress, and with the exception of the appropriation bills none will receive consideration that do not command the interest and support of a large proportion of the Senators and Representatives. This bill has an excellent chance of being enacted into law at this session if each officer and midshipman will promptly and effectively do his part toward obtaining the interest and support necessary to success. Each officer and midshipman knowing that the bill, if enacted into law, would tremendously add to the efficiency of the personnel, should immediately write or telegraph the Senators and Congressmen representing his State and district, giving his own reasons in his own way for urging them to consider and act on the bill at this session of Congress. Each one should also write influential friends at home and urge them to write or telegraph the Senators and Congressmen to act at this session on the Navy personnel bill transmitted to Congress in a special message by th

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none, and it is before the Senate.

Mr. GALLINGER. Mr. President, as a member of the Committee on Naval Affairs I have not been neglected in the matter of importunities from various officers in connection with the so-called "personnel bill," which has been urged upon Congress for favorable consideration at the present session.

I want to ask the Senator from Maine [Mr. HALE], the chairman of the Committee on Naval Affairs, if it is not a fact that all such importunities are calculated to delay or defeat legislation rather than to advance it?

Mr. HALE. Yes. I think, Mr. President, that Senators and Representatives, as soon as they learn that there is an organized effort to influence legislation in a particular direction, are rather naturally prejudiced against it instead of being impressed in its favor.

I should not have introduced the resolution had I not found myself beset by letters from all parts of the country in relation to the personnel bill. It is an important bill, which has been carefully considered, and should not be the subject of pressure I had this morning a letter from somebody not in any way connected with the Navy, written from Philadelphia—some officer had probably written to him—who wants the bill passed at once, without delay. I was rather amused at the final suggestion of the letter:

For the dignity of our country it is also very important that Congress shall establish the grade of Vice-Admiral and authorize at least three officers of this grade.

I have no idea that the man who writes this letter from Philadelphia knows anything about that matter. The Military Committee has recently reported in favor of abolishing the grade of Lieutenant-General, and yet this personnel bill, which certain line officers are endeavoring to crowd through Congress, provides for three new Vice-Admirals, and in five years there would be twelve or fifteen active and retired Vice-Admirals.

I think the committees in charge of this matter are fully competent to deal with it. The programme that I have embodied in my resolution is found in the Army and Navy Register of January 15, 1907, where it is referred to as an existing fact.

I do not think, Mr. President, that the older officers of the line of the Navy have gone into this business very much, if at all; I think it is the younger and more ambitious men who have an idea that they can influence legislation in this way. This is best described by what one of them says, that the line officers were going to light a fire under every Senator and every Member of the House of Representatives and oblige them to report this bill.

I do not want to discuss the bill. I do not know that the Secretary is aware of what is going on in contravention of the orders of the Department and of the express and complete and drastic order of the President. I fancy he does not know of it. He is a man of good administrative faculties who has had service in Congress, and I presume as soon as this condition is brought to his attention—and that is my object in presenting the resolution—he will put a stop to it, and that we shall be freed from the importunities of certain line officers, who propose, as is stated here, to extend this even to the cadets, the midshipmen at Annapolis, who are asked to write to all their Senators and Representatives, and to their friends throughout the country.

It is not the business, Mr. President, of the Executive Departments; it is the business of Congress to legislate. I have offered the resolution because I want the Secretary of the Navy to know what is going on, and I presume as soon as he learns what is going on in his Department we shall have no more of this.

Mr. GALLINGER. Mr. President, I have been greatly interested in the statement made by the Senator from Maine [Mr. Hale], the chairman of the Committee on Naval Affairs, and I join with him in the expression of the hope that the passage of this resolution will put a stop to the grievance of which he complains.

At the same time, Mr. President, I will venture to say that, in my judgment, there are incongruities and there is some degree of injustice in the existing personnel law, and I expect that the committee of which the Senator from Maine is chairman will in due time, at the proper time, take the matter up and examine the question anew, and, if it is thought wise, recommend further legislation in reference thereto.

I simply want to express the hope that we may be relieved by the passage of this resolution of what has become to some of us a considerable burden. I presume I have answered twenty letters recently on that very subject, and many of them have come, as the one to which the Senator from Maine has alluded, from parties outside, not in any way connected with the Navy, indicating that they have been importuned to write such letters.

Mr. BACON. Mr. President, I do not wish to take issue with the learned Senators as to the particular bill which they have brought to the attention of the Senate by way of illustration of the alleged evil of which they complain and which this resolution is designed to correct. What, therefore, I shall say will have no special reference to that particular bill.

I do not, however, personally favor the passage of this resolution, because in so doing there would be an indorsement of the President's order which is quoted therein. It is not a simple matter of the convenience or inconvenience of Senators. Of course I recognize the inconvenience of importunities by those desiring legislation on different subjects, and I presume I have to bear my share of that inconvenience. But I have never thought that the President of the United States was justified in issuing orders prohibiting officers and men of the Army, and more particularly—even if there should be any peculiar reasons in regard to the Army and the Navy—more particularly as to civil officers of the Government, those in the Executive Departments, from bringing to the attention of Congress legislation which they thought was important for themselves or for the particular orders or classes to which they belong.

I regard the right of petition, Mr. President, as a fundamental right. It is a right which extends to every individual under the Government, high or low, military or civil, either in official or private life, and not excluding anyone bearing the relation of an employee to the Government.

It has been a long time since the right of petition has been one of serious debate in the Congress of the United States.

Mr. HALE. Mr. President-

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. I do.

Mr. HALE. Did the Senator note the language of the resolution and the citations which I have made? They are all in the direction of encouraging the right of petition and of presenting grievances and presenting suggestions for legislation in the form of petition. That is a right with which we never want to interfere. But for an association to combine, as stated in this paper, for the purpose of influencing Senators and Representatives by private correspondence and other ways is taking them away from their duties and is not the right of petition. It is in the interest of all these things coming to Congress by petition and being referred to the proper committees that the resolution is proposed. That is one of the things the resolution seeks to accomplish.

Mr. BACON. I do not regard the right of petition as being so limited as would be suggested by the remarks of the learned Senator from Maine. I regard the right of petition as one very broad and comprehensive in its character. It means the right of every individual to bring to the attention of Congress, in any manner he may see proper, not necessarily through the medium of a formal petition, beginning and ending with the formalities of such documents, but the right of any man, in any manner that he may see proper, to bring to the attention of Congress collectively, or to any Member of Congress, any matter that he thinks is one deserving the attention of Congress, one which in any manner affects his interest.

Mr. President, the enactment of law or the repeal of law are questions which in their practical operation do relate to the interest of the citizen, and because a man is a clerk in a Department or an officer of the Army or an officer of the Navy does not, in my opinion, deprive him of the great fundamental constitutional right which he has to appeal to Congress. I have never thought that the executive department, the head of it or any subordinate branch of it, had any right to step between the citizen and Congress and say that that citizen should not have direct communication by petition or remonstrance with Congress. While it is true that the language of the Constitution is that

While it is true that the language of the Constitution is that guaranteeing to the people the right to assemble and petition Congress, the spirit of the Constitution does not necessarily limit it to assemblages. It involves the larger, broader right to which I have alluded—the right of every man to bring his matters to the attention of Congress in order that Congress may legislate with information and knowledge of the desires which may be given and expressed by that individual, or by any association of individuals or by any committee of such associations, either to enlarge or protect his rights and privileges or to redress his grievances.

Why is it, how is it, and whence is it, that the President of the United States has such dictatorial power that he may practically say to Congress, "You shall not hear from the citizen?" When the President of the United States says to a clerk in a Department, "You shall not speak to a Senator with regard to your matter; you shall not communicate with him as to any matter of legislation"—because that is the language of the order—it is practically saying to Congress, "You shall not hear from the citizen." It is not simply a restriction on the individual. It is an attempt, not so designed, doubtless, but practically, to curtail the power of Congress to hear from the individual as to what is to the interest of the individual, and as to the interest of each individual, in the aggregation of all the individuals of the country at large.

Mr. ALDRICH. Mr. President-

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. BACON. I do.

Mr. ALDRICH. I have just had my attention called to the Senator's speech, and I was wondering whether this was a supplement to the speech which I listened to two or three days ago on the powers of the President. The Senator seems to have made some change in his views recently upon the powers of the President.

Mr. BACON. I think not. I suppose the Senator alludes to the fact that I advocated upon this floor the right of the President to summarily discharge soldiers from the Army whenever the good of the service required it, and especially whenever the public safety required it. That rests upon an entirely different proposition. I can not resume that argument and repeat it. thought, from the vote of the Senator, that he had recognized that right on the part of the President, especially since the Senator is one of the principal spokesmen of the President on the floor of the Senate. I did not know that he had taken the position that the President did not have the power. If the Senator from Rhode Island in that discussion occupied a position hostile to the President, he did not so announce on the floor of the Senate. I imagine now, though, that he simply concealed the fact that he was not in exactly friendly relationship to the President on that particular matter.

Mr. ALDRICH rose.

Mr. BACON. Am I misrepresenting the Senator?

Mr. ALDRICH. I will say my only anxiety to-day was caused by the fear that the Senator from Georgia had deserted

his former position.

Mr. BACON. No, sir. Even in that debate, when I was contending for the right of the President, not under his constitutional, indefeasible power, but under the laws of the land as they have been enacted by Congress, the Senator will remember the colloquy and the discussion between the Senator from Wisconsin [Mr. Spooner] and myself as to the exercise of one-man power and as to the great importance of the ultimate power

being in Congress and not in any one man.

Mr. President, so far from what the Senator from Rhode Island says being true, the Senator from Wisconsin [Mr. Spooner] twitted me in that debate with the fact that not only once, but many times he had heard me advocate upon the floor of the Senate that the ultimate power, generally speaking, is with Congress and not with the President. But, Mr. President, I suppose the remark was a pleasantry on the part of the Senator from Rhode Island. He simply desired to take this indirect way of having the announcement now made, after that dis-cussion is over and the vote upon the measure taken, that he was not in friendly accord with the President upon the matter which we have been discussing for so long. I had supposed the Senator was on the other side; and, of course, I am glad if I have given him the opportunity to set himself right before the country, so that we now know where he then stood, although he did not inform us of it at the time. It will doubtless be a distinct shock to the country to know that the Senator from Rhode Island, the political leader of his party in the Senate, is not in all things in accord with the President.

Mr. President, I do not think it becomes us to take the attitude that, because of inconvenience or even of annoyance caused to us by the importunities of parties who may be interested in legislation pending or desired, therefore we are to endeavor to shelter ourselves behind an Executive order, because I regard these Executive orders, so far as I am able to judge of themand I say it with the utmost respect—as improper, in that they are an invasion of the constitutional right of the citizen. regard them as an invasion of the great fundamental right of

petition.

As I was saying when I was interrupted, it has been a long time since the question of the right of petition has been a press-ing matter of debate in Congress. Time was when it was, and all of us who are more or less familiar with the political history of the country will remember the great record made by that great and distinguished son of New England, John Quincy Adams, in defense of the right of petition. Mr. President, it is well that once in a while we should recur to the question of the importance of that right. While I have not thought that we could in a practical way interfere with these orders issued by the President, I have, I repeat, always thought they were improper orders.

Mr. President, we stand in a very peculiar relation—we who are here and who are complaining of the inconvenience and burden by reason of the fact that others who have interest in the legislation of Congress take up our time in bringing to our con-

sideration their particular needs and wants.

When we ourselves have needs and wants we have only to When we ourselves have needs and wants we have only to burden anybody else. We act upon them. We do not have to burden anybody else. have recently acted upon what was considered to be a great need and a great want of Senators and Representatives, in the increase of salary. Shall it be that while we can act upon these matters which relate to our own interests, other employees of the Government or other officers of the Government, if you please, shall be denied the right even to bring to our attention things which concern them, and which relate to their interests and to their comfort and to their necessities as greatly as these other matters related to those of our own?

Mr. McCUMBER. Mr. President—
The VICE-PRESIDENT, Does the Senator from Georgia
yield to the Senator from North Dakota?

Mr. BACON. I do. Mr. McCUMBER. I simply desire to ask the Senator from Georgia if he claims that the order he refers to contravenes any section of the Constitution?

Mr. BACON. I say it contravenes the spirit of the Constitution, not the letter of it. I have said that.

Mr. McCUMBER. The Constitution provides, if I may take the time of the Senator, that Congress shall pass no law prohibiting the right of petition. It does not prevent the President from making such rules and regulations as he may see for the government of the employees of the Executive Depart. for the government of the employees of the Executive Departments. The constitutional provision prohibits Congress from passing a law denying the right of petition.

Mr. BACON. What is the section to which the Senator

refers? Give me the page?

Mr. McCUMBER. The first amendment.

The first amendment. Mr. LODGE.

Mr. McCUMBER. It provides:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof—

Mr. BACON. I have already quoted that article.

Mr. McCUMBER (continuing)-

or abridging the right of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

I can not see that that would be in conflict with the right of the Executive authority to say to the employees of the Government that they shall not organize a conspiracy for the purpose of compelling Members of Congress to vote one way or the other upon any given subject.

Mr. BACON. I think the Senator uses an improper word when he speaks about organizing a conspiracy. Of course "con-

spiro" means to breathe together.

Mr. McCUMBER. I will say combining together.
Mr. BACON. Anything which is a concert of action, or an agreement of concert of action, is, according to the Latin derivation of the word, a conspiracy. But we all know what the general understanding of the word conspiracy is. It does not re-

late to anything of this kind.

But passing that, and going to the essential feature of the matter, I do not at all agree with my learned and distinguished friend as to the proper construction of this section of the Con-I want to say to him in all candor that with the highest estimate which I have for his ability as a lawyer I am utterly surprised that he should suggest that the intention of this amendment is to prohibit Congress from denying to parties the right to appeal to Congress, and at the same time to permit the Executive to erect a barrier between any part of the people and Congress

Mr. McCUMBER. I am not saying, if the Senator will permit me, what the law ought to be.

Mr. BACON. I am speaking of what it is.

Mr. McCUMBER. I am speaking of what the constitutional provision is.

Mr. BACON.

Mr. McCUMBER. And I believe the Senator as a splendid lawyer would not contend that this provision in the Constitution meant anything other than a prohibition against Congress en-

acting such a law.

Mr. BACON. I beg the Senator's pardon. I had previously called attention to the fact that the matter for which I was contending was not within the letter of the Constitution, but with its spirit and evident intent, and I had quoted the language of the Constitution, which the Senator has since quoted, remarking that it was simply a prohibition against any prevention of the people assembling to petition Congress. But I had said that the spirit of the Constitution, the intention of the Constitution, was that there should be no barrier erected between the people and Congress, and no interference with their right to bring to the attention of Congress any matter which was thought to be important for the interests or the rights of the people or for their protection. The manifest intention of this amendment to the Constitution was to protect as inviolate the right of peti-When the prohibition against the invasion of such right was limited to Congress it was manifestly because there was no thought that the right to invade it would ever be claimed by the executive department or any officer thereof. So far as laws are concerned the great duty of the President is limited to the command, "He shall take care that the laws be faithfully executed."

I scarcely know how to elaborate the proposition, even if it were advisable that I should consume time in an attempt to do so. It seems to me the plain and manifest intention of the Constitution to give free access to Congress and to Members of Congress on the part of all the people, to bring to their attention anything which they may think important that those charged with

the high duty of making the law should know. These arbitrary orders of the President of the United States do not sound right at all in my ear. They have too much the sound to my ear of autocratic and unrestrained rule. They have too much the sound to my ear, on the other hand, of the assumption of the condition of underlings who can be ordered to be silent in matters which relate to things which concern them, and about which they ought, as freemen, have the right to talk, not only to the public, but to their representatives in the Senate and in the House of Representatives.

I do not like the sound of this order at all. It does not sound like the twentieth century to me. I will read it here again in this connection:

All officers and employees of the United States, of every description, serving in or under any of the Executive Departments—

That means over a hundred thousand men-I suspect nearer 200,000 men-in the United States

and whether so serving in or out of Washington, are hereby forbidden-

That is the language of the master to the servant-

are hereby forbidden, either directly or indirectly, individually or through associations, to solicit an increase of pay or to influence or attempt to influence in their own interest any other legislation whatever, either before Congress or its committees or in any way save through the heads of the Departments in or under which they serve, on penalty of dismissal from the Government service.

Mr. President, no master could issue any more peremptory or drastic order than that. That order, peremptory as it is, drastic as it is, invasive, as I believe it to be, of a fundamental right of every citizen of the United States, will reach possibly 200,000 men throughout the United States. Of course Senators may do as they see fit. I am simply expressing my own individual view about this matter. It has always grated on my ear, and while I never had the expectation of saying anything about it in the Senate, as the Senator from Maine has brought the matter here and has had this order recited in the proposed resolution, I am glad of the opportunity to enter my protest against It as an invasion of the fundamental rights of every man who has the rights of citizenship, and the right to enjoy the benefit and privileges of law under the Constitution of the United

States Mr. President, here we have within the past few days, after consideration for the whole session, originated first in one House, failing to be acted upon there, and going back, and then returning to us again, after having been acted upon there, and then finally acted upon here, passed upon the question of our compensation. The Senator from Colorado [Mr. Teller] says, sotto voce, that I voted against it. That is a fact, but it does not interfere in the slightest degree with the correctness of my present contention. We have had brought to our attention, through the public press and through other sources, the fact that the scale of compensation of employees in the service of the Government in Washington makes it extremely difficult for them to live in the way in which they are entitled to live. Now, that may be true or it may not be true, but I am strongly of the opinion that it is true. But under this order these 200,000 people, not only those in Washington, but those out of Washington, are prohibited from bringing to the attention of Congress the question whether or not they should have increased compensation just as we have voted to ourselves increased compensation. I do not know what would be the determination of Congress if this matter was brought up for its consideration and for a vote upon it, but I say it is a fundamental right of those people to go to a Representative or Senator and lay the matter before such Representative or such Senator in order that it may have proper consideration at the hands of Congress. It is not right, it is not fair, it is not in accord with equal rights under the law to say that they shall only communicate with their Senators and Representatives through the heads of Departments relative to such matters so vitally affecting their personal interests

Mr. President, I am glad of the opportunity which has been thus unexpectedly presented to express my opinion in regard to the propriety and the constitutionality of these orders. I think the resolution had better go over.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. BACON. I said I thought it had better go over.
The VICE-PRESIDENT. Under objection, the resolution will lie over.

NOTICES OF BUSINESS.

Mr. GALLINGER. Mr. President, a few moments ago the Senator from Indiana [Mr. Beveridge] gave notice that on Monday next he would resume his speech on the question of child labor. He had conferred with me, I having given notice that I would call up an important bill on that day, and I was glad to accommodate him in that respect.

ble to do so, after the Senator from Indiana concludes his remarks, or, if not, after the Senator from Montana [Mr. Carter] concludes the remarks of which he has given notice for Tuesday, provided there be no appropriation bill under consideration.

Mr. HEYBURN. Mr. President, I should like to suggest in connection with the statement just made that when the resolution to which the Senator from Montana [Mr. Carter] has given notice he will speak is before the Senate, I sincerely hope it will remain there until the question involved, which is the question of the public lands of the United States and certain orders which have been issued suspending entry and patent, are thoroughly discussed and disposed of.

I desire at this time to give notice that at the conclusion of the remarks of the Senator from Montana upon that resolution, if no other business having the right of way is before the Senate, I will supplement those remarks with some others on my

own part. Mr. GALLINGER. In response to that statement, Mr. President, I desire to say that while I personally am always anxious to accommodate Senators in matters of this kind, I must insist that a bill providing for the extension of the lines of the street railways to the Union Station is of really more consequence than a speech. I hope the Senator from Idaho will not interfere with the consideration of that bill, but will reserve his speech on this resolution until after that bill has been considered on Tuesday.

Mr. HEYBURN. It was not my intention to be understood as intending to antagonize the measure referred to, but only to suggest a continuous discussion of the public lands question until some fruitful result is obtained. It will be easy enough, after that question is brought before the Senate by the Senator from Montana, to waive its consideration long enough to enable the measure suggested by the Senator from New Hampshire to be considered.

I desire to make a suggestion in connection with this matter. The subject involved in the resolution of the Senator from Montana, coupled with the President's message to us to which it is really directed, now upon the table, involves questions than which there are no more important before the Senate. message referred to has suspended the issuance of patents upon more than 53,000 applications before the Department and has tied up in the recorder's office of the Government patents which have been approved, formulated, ready for signature and delivery to the number of more than 5,000. I can not imagine a more important matter, and it is only because of these extraordinary conditions that I have given notice. I hope the Senate may be willing to take up the consideration of the President's message in regard to the public lands immediately in connection with the resolution of the Senator from Montana,

MEMORIAL SERVICES ON THE LATE SENATOR GORMAN.

Mr. RAYNER. Mr. President, I desire to give notice that on next Friday, February 1, at half past 2 o'clock, I will submit resolutions commemorative of the public services of the late Senator Gorman. The services were to have taken place tomorrow, but have been unavoidably postponed.

UNIFORM INSURANCE LAW FOR THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read:

To the Senate and House of Representatives:

To the Scnate and House of Representatives:

I transmit herewith a report and subsequent letter from the superintendent of the department of insurance of the District of Columbia, and a letter of Mr. Louis D. Brandeis, of Boston, in reference thereto. I agree with the recommendation of Mr. Drake that what is needed is an insurance law for the District of Columbia on the lines of the so-called "Ames bill," already introduced in the House of Representatives, revising it so as to include in it all the desirable features of the so-called "uniform bill." With proper modifications after expert revision this bill could be enacted into a law so comprehensive and just that it would stand as a model of equity. I regret greatly that there is not national power to deal with this subject; but inasmuch as this seems at present to be the case, we should at least establish a model law in the District of Columbia.

I feel that the department of insurance of the District of Columbia should be made a bureau in the Department of Commerce and Labor. The White House, January 24, 1907.

THE WHITE HOUSE, January 24, 1907.

Mr. GALLINGER. Mr. President, as I understand the message, it relates to a very comprehensive and complicated bill on the matter of insurance.

Mr. SPOONER. Will the Senator allow me?

Mr. GALLINGER. Certainly.

Mr. SPOONER. Where is that bill pending?

Mr. GALLINGER. In the other House at the present time. think

Mr. SPOONER. It has not come here yet?

accommodate him in that respect.

I now desire to say that I will call up that bill, if it be possirose to state is that the Committee on the District of Columbia

is greatly overburdened with work, having had during the present Congress between two and three hundred bills before it, and would suggest, or, if necessary, move, that the message be re-

ferred to the Committee on the Judiciary.

Mr. SPOONER. Mr. President, I hope that will not be done. What is proposed is a bill which relates entirely to the District of Columbia, and so far as appears to the Senate it involves no grave question nor any question of constitutional law. The Committee on the District of Columbia is evidently the proper committee to deal with it. The chairman alone, without any help from the committee, is eminently qualified to examine the bill and discover defects in it and remedy them. I, in the absence of the chairman of the Committee on the Indianay suggestion. sence of the chairman of the Committee on the Judiciary, suggest that the message ought to go to the Committee on the Dis trict of Columbia.

Mr. GALLINGER. If the Senator will permit me, I will withdraw my suggestion and will accept the jurisdiction of the

Committee on the District of Columbia.

The VICE-PRESIDENT. The message will be referred to the Committee on the District of Columbia and printed.

#### URGENT DEFICIENCY APPROPRIATIONS.

Mr. HALE. Now let us have the appropriation bill considered.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 24541) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

The Secretary read the bill.

The first amendment of the Committee on Appropriations was, on page 3, after line 20, to add to the bill the following:

The first amendment of the Committee on Appropriations was, on page 3, after line 20, to add to the bill the following:

JAMESTOWN EXPOSITION.

For the purpose of aiding in the payment of the cost of the construction, completion, and opening of the Jamestown Tercentennial Exposition to the payment of the cost of the construction, completion, and opening of the Jamestown Tercentennial Exposition Company on the request of the president of said company in amounts as follows: Two hundred and fifty thousand dollars upon the passage of this act, \$250,000 during the month of Jamestown Exposition Company on the request of the president of said company in amounts as follows: Two hundred and fifty thousand dollars upon the passage of this act, \$250,000 during the month of American and \$100,000 during the month of April. 1907. That to insure the application of all said money to the purposes for which the same is appropriated, and the payment of the same when paid, as herein provided, and to make a full and complete report thereof to him as he may require: Provided. That the amount hereby appropriated when paid to the Jamestown Exposition Company, as herein provided, shall constitute an indebtedness of the said company to the Government of the United States. That for the purpose of protecting the Government and insuring the repayment of said sum of \$1,000,000 the Government shall have it aid admissions to the grounds of said exposition and from all money received from concessions after the opening of said exposition. That before any part of this appropriation is paid, as hereinbefore provided, the said Jamestown Exposition Company shall accente, to the sait disaction of the Secretary of the Treasury, an instrument in writing giving and securing to the Government affect her payment of the said company shall at the same time guarantee to the said Government, under suitable period of the same time guarantee to the said Government, under suitable period to the Treasury, as herein provided. The said Jamestown Exposition Company

closing of the said celebration, and said dates shall apply to the participation of the United States and foreign countries in said celebration and in said exposition, as provided for by the acts of Congress approved March 3, 1905, and June 30, 1906.

The amendment was agreed to.

The next amendment was, on page 7, after line 15, to insert at the end of the preceding amendment the following:

Piers, Hampton Roads, Jamestown Exposition: For dredging necessary to complete the channel of approach to said piers from deep water in Hampton Roads and for dredging Bush Creek to accommodate the needs of the life-saving exhibit, \$65,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

# REVISION OF PENAL LAWS.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The Secretary. A bill (S. 7709) to revise, codify, and amend

the penal laws of the United States.

Mr. FULTON. In view of the fact that there are a number of Senators interested in this measure who are not present today, I will not ask to take it up now, but I ask unanimous consent that it be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Oregon asks unanimous consent that the unfinished business be temporarily

laid aside. Without objection, it is so ordered.

#### AFFAIRS OF MEXICAN KICKAPOO INDIANS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. Teller on the 16th instant, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Indian Affairs of the Senate be, and it hereby is, authorized and directed to fully investigate the affairs of the Mexican Kickapoo Indians and all affairs connected therewith, and that said committee be empowered to send for persons and papers and to subpœna witnesses and to administer oaths and to sit during the sessions of the Senate; and said committee shall make full and complete report, together with its recommendations, to the Senate. The necessary expenses of said investigation shall be paid out of the contingent fund of the Senate.

## HOUSE BILLS REFERRED.

H. R. 24640. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1908, and for other purposes, was read twice by its title, and referred to the Committee on Pensions.

H. J. Res. 207. Joint resolution declaring Sturgeon Bay, Illinois, not navigable water, was read twice by its title, and referred to the Committee on Commerce.

# ARTHUR A. UNDERWOOD.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (8, 4350) for the relief of Arthur A. Underwood, which was, in line 4, to strike out all after "of" down to and including "appropriated," in line 5, and to insert "the allotment of the State of Wyoming under section 1661 of the Revised Statutes."

Mr. WARREN. I move that the Senate concur in the amend-

ment of the House of Representatives.

The motion was agreed to.

## JOSEPH W. I. KEMPA.

• The bill (H. R. 9212) for the relief of Joseph W. I. Kempa, executor of the last will and testament of William J. Grutza,

deceased, was read the first time by its title.

Mr. SPOONER. A bill identical with that, as I remember it, was reported from the Committee on Finance and passed the Senate. I ask that this House bill be put on its passage.

The VICE-PRESIDENT. The Secretary will read the bill.

The bill was read the second time at length, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause all assessment of inheritance tax against J. W. I. Kempa, executor of the last will and testament of William J. Grutza, deceased, to be abated; and that the Secretary of the Treasury be, and he is hereby, authorized and directed to refund the inheritance tax so collected by reason of the assessment made by the Commissioner of Internal Revenue against the said estate, and that the said executor be relieved from the payment of any such tax which may have attached to the said property by reason of the operation of the said law of June 13, 1898.

The VICE-PRESIDENT. Is there objection to the present

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### M. A. JOHNSON.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4819) for the relief of M. A. Johnson, which was, in line 4, to strike out all after the word "pay" down to and including "appropriated," in line 5, and to insert "out of the fund standing to the credit of the United States from deposits made by individuals for the survey of public lands."

Mr. SPOONER. I move that the Senate concur in the House

amendment.

The motion was agreed to.

#### NATIONAL CHILD LABOR COMMITTEE.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 6364) to incorporate the National Child Labor Committee, which were, on page 2, line 3, after "States," to insert "and of the District of Columbia;" and to strike out all of section 5 and insert:

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. SPOONER. I move that the Senate nonconcur in the amendments made by the House of Representatives to the bill.

The motion was agreed to.
Mr. SPOONER. I move that the Senate request a conference with the House on the disagreeing votes of the two Houses, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to.
The VICE-PRESIDENT. The Chair finds that the bill was reported from the Committee on the Judiciary, and he appoints as conferees on the part of the Senate the Senator from Wisconsin [Mr. Spooner], the Senator from Wyoming [Mr. CLARK], and the Senator from Georgia [Mr. BACON].

#### MISSISSIPPI RIVER BRIDGE IN MINNESOTA.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (S. 7827) permitting the building of a railway bridge across the Mississippi River in Morrison County, State of Minnesota, to report it favorably with amendments, and I ask for its present consideration.

Mr. SPOONER. I should like to ask the Senator from Min-

nesota to state the location of this bridge.

Mr. NELSON. It is located in Minnesota, in Morrison County.

Mr. SPOONER. Wisconsin has nothing to do with it? Mr. NELSON. No; nothing at all. The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Com-

mittee of the Whole.

The first amendment of the Committee on Commerce was, on page 1, line 13, after the word "Minnesota," to strike out the remainder of the section, in the following words:

remainder of the section, in the following words:

Provided, That the plans for the construction of said bridge and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of the construction of such bridge: And provided further, That said Minneapolls, St. Paul and Sault Ste, Marie Railway Company, its successors or assigns, shall not deviate from such plans after such approval, either before or after the completion of the said bridge, unless the modification of said plans shall have previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War, and any changes in said bridge which the Secretary of War may at any time order in the interest of navigation shall be promptly made by said company at its own expense.

The amendment was agreed to

The amendment was agreed to.

The next amendment was to strike out section 2 in the following words:

Sec. 2. That in case any litigation arises from the building of said bridge or from the obstruction of said river by said bridge cases may be tried in the proper courts, as now provided for that purpose in the State of Minnesota, and in the courts of the United States: Provided, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt said bridge from the operation of same.

The amendment was agreed to.

The next amendment was to strike out section 3 in the follow-

SEC. 3. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same and over the approaches thereto upon payment of a reasonable compensation for such use; and in case of disagreement between the parties in regard to the compensation to be paid or the conditions to be observed all matters at issue shall be determined by the Secretary of War.

The amendment was agreed to.

The next amendment was to strike out section 4 in the following words:

Sec. 4. That any bridge built under this act and subject to its limitations shall be a lawful structure and shall be recognized and known

as a post route, upon which no higher charge shall be made for the transmission of mails and the troops and munitions of war of the United States over the same than the rate per mile paid for the transportation over the railroad or approaches leading to the said bridge; and it shall enjoy the rights and privileges of other post-roads in the United States, and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal, telegraph, and telephone purposes.

The amendment was agreed to.

The next amendment was, after the word "Minnesota," in line 13, page 1, to insert "in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906."

The amendment was agreed to.

The VICE-PRESIDENT. Without objection, the sections following the sections stricken out will be renumbered.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# CONSIDERATION OF UNOBJECTED PENSION BILLS, ETC.

Mr. McCUMBER. I ask unanimous consent that the Senate proceed to the consideration of unobjected pension bills on the Calendar, and also the unobjected pension bills which were reported this morning, and that no further business be transacted by the Senate to-day.

Mr. WARREN. I ask the Senator to include in his request

unobjected bills to correct military records.

Mr. McCUMBER. I will do so. I will include unobjected bills on the Calendar to correct military records.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent that the Senate proceed to the consideration of unobjected pension bills on the Calendar, and unobjected pension bills reported by the committee to-day, and also unobjected bills for the correction of military records, and that no further business be transacted to-day. Is there objection to the request? The Chair hears none, and it is so ordered. The Secretary will report the first bill on the Calendar under the order just adopted.

#### EDWARD L. CARPENTER.

The bill (S. 1425) granting an increase of pension to Edward L. Carpenter was announced as first on the Calendar under the order.

Mr. McCUMBER. Inasmuch as a similar bill has been reported by the committee and has passed the Senate and the House, I move that this bill be indefinitely postponed.

The motion was agreed to.

# ISAIAH HEYLIN M'DONALD.

The bill (S. 1566) for the relief of Isaiah Heylin McDonald was considered as in Committee of the Whole. It authorizes the President to nominate and, by and with the advice and consent of the Senate, to appoint Isaiah Heylin McDonald a second lieutenant, mounted, in the Army of the United States, and to place him upon the retired list of the Army with that rank, on account of disabilities contracted in the service and line of duty, and the retired list is increased by one for this purpose; but no pay or allowance shall be paid him for any time he has been out of the service.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

# ALONZO P. MANN.

The bill (S. 7768) granting an increase of pension to Alonzo P. Mann was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alonzo P. Mann, late of Company A, Eighth Regiment California Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

## HARRY A. YOUNG.

The bill (S. 7550) for the relief of Harry A. Young was considered as in Committee of the Whole. It provides that Harry A. Young shall be held and considered to have been mustered into the military service of the United States, in the office of assistant surgeon of the battalion of Utah Light Artillery, with the rank of first lieutenant, on the 18th day of January, 1899, and to have held said office and rank until he was killed in action on the 6th of February, 1899; but no pay, bounty, compensation, or allowance shall accrue by virtue of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

## CHARLES H. STOCKLEY.

The bill (H. R. 9577) for the relief of Charles H. Stockley was considered as in Committee of the Whole. It directs the Secretary of War to revoke the order dismissing Charles H. Stockley from the service as second lieutenant of Company G, Purnell Legion, Maryland Infantry Volunteers, and to issue a certificate of honorable discharge for him to date from the 7th day of May, 1864, and Charles H. Stockley shall hereafter be held and considered to have been honorably discharged from the military service of the United States on that date.

The bill was reported from the Committee on Military Affairs with an amendment, to insert at the end of the bill the following

Provided. That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### EDWIN MOYER.

The bill (8, 3645) to correct the military record of Edwin H. Mover was considered as in Committee of the Whole.

The bill was reported from the Committee on Military with amendments, in line 4, to strike out the initial "H." after the name "Edwin;" and in line 6, after the word "discharge," to insert: "Provided, That no pay, bounty, or other emoluments shall accrue by virtue of the passages of this act;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to review the military record of Edwin Moyer, late of Company K. Forty-seventh Regiment Pennsylvania Volunteer Infantry, and grant him an honorable discharge: Provided, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read; "A bill to correct the military record of Edwin Moyer."

## WILLIAM G. MILLER.

The bill (H. R. 5063) granting an increase of pension to William G. Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William G. Miller, late of Company C, Fourth Regiment Ohio Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or dered to a third reading, read the third time, and passed.

## MILTON STRATTON.

The bill (H. R. 5172) granting an increase of pension to Milton Stratton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Milton Stratton, late of Company L. Eleventh Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JOHN F. M'BRIDE.

The bill (H. R. 5200) granting an increase of pension to John F. McBride was considered as in Committee of the Whole. proposes to place on the pension roll the name of John F. Mc-Bride, late of Company F, Fourteenth Regiment, and second lieutenant Company G, One hundred and eighty-ninth Regiment, Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# EDWARD R. DUNBAR.

The bill (H. R. 5209) granting an increase of pension to Edward R. Dunbar was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward R. Dunbar, late of Company E, Thirteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

# WILLIAM HAND.

The bill (H. R. 5648) granting an increase of pension to William Hand was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Hand,

late of Company C, Sixty-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of

that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### EDWIN L. ROBERTS.

The bill (H. R. 5803) granting an increase of pension to Edwin L. Roberts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edwin L. Roberts, late of Company B, First Battalion Maine Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PARRIS J. LATHAM.

The bill (H. R. 6145) granting an increase of pension to Parris J. Latham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Parris J. Latham, late musician, Eighty-first Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ARTHUR TIBBITTS.

The bill (H. R. 6189) granting an increase of pension to Arthur Tibbitts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Arthur Tibbitts, late of Company I, First Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### WILLIAM H. ZACHERY.

The bill (H. R. 6705) granting an increase of pension to William H. Zachery was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Zachery, late of Company B, Seventeenth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JAMES C. SOUTHERLAND.

The bill (H. R. 7211) granting a pension to James C. Southerland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James C. Southerland, late of Captain Gilbreath's company, Alabama Scouts and Guides, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# SIMON MILLISON.

The bill (H. R. 6920) granting an increase of pension to Simon Millison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Simon Millison, late of Company A, One hundred and sixty-ninth Regi-ment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# LORENZO SINK.

The bill (H. R. 7247) granting an increase of pension to Lorenzo Sink was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lorenzo Sink, late of Company B, Thirty-third Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## SUSAN WOOLLEY.

The bill (H. R. 8915) granting an increase of pension to Susan Woolley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan Woolley, widow of Benjamin C. Woolley, late of Company C, Ninetieth Regiment Ohio Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## TOBIAS FISHER.

The bill (H. R. 7411) granting an increase of pension to To-

late of Company F, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### GIBSON HELMS.

The bill (H. R. 7417) granting an increase of pension to Gibson Helms was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gibson Helms, late of Company H, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# GUSTAVUS F. E. RASCHIG.

The bill (H. R. 7544) granting an increase of pension to Gustavus F. E. Raschig was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gustavus F. E. Raschig, late captain Company F, Sixty-third Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JOSEPH AMOS.

The bill (H. R. 7834) granting an increase of pension to Joseph Amos was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Amos, late second lieutenant Company H, Forty-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOSEPH A. SCROGGS.

The bill (H. R. 8136) granting an increase of pension to Joseph A. Scroggs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph A. Scroggs, late of Company C, Eleventh Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# CHARLES LEATHERS.

The bill (H. R. 8159) granting an increase of pension to Charles Leathers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Leathers, late of Company H, First Regiment Minnesota Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

## ABRAM SOURS.

The bill (H. R. 8312) granting an increase of pension to Abram Sours was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abram Sours, late of Company G, Ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

# JOHN T. HARVEY.

The bill (H. R. 8335) granting an increase of pension to John T. Harvey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John T. Harvey, late second lieutenant Company E, Fifteenth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ISAAC S. DOAN.

The bill (H. R. 8338) granting an increase of pension to Isaac S. Doan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac S. Doan, late of Company K, Thirty-ninth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

## PATRICK WEIR.

The bifl (H. R. 8373) granting an increase of pension to Patrick Weir was considered as in Committee of the Whole, It proposes to place on the pension roll the name of Patrick

Weir, late of Companies C and A, Battalion, Ninth Regiment Connecticut Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### STEPHEN H. ROGERS.

The bill (H. R. 8668) granting an increase of pension to Stephen H. Rogers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stephen H. Rogers, late of Company A. Seventy-second Regiment Ohio Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### WILLIAM D. VORIS.

The bill (H. R. 8683) granting an increase of pension to William D. Voris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William D. Voris, late of Company F, Seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ELLEN S. GIFFORD.

The bill (H. R. 8732) granting a pension to Ellen S. Gifford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellen S. Gifford, widow of John L. Gifford, late acting lieutenant, United States Navy, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JAMES MORROW.

The bill (H. R. 11564) granting an increase of pension to James Morrow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Morrow, late of Company C, Second Regiment Provisional Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## LAWRENCE HAGAN.

The bill (H. R. 11636) granting an increase of pension to Lawrence Hagan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lawrence Hagan, late of Company G, Twentieth Regiment Kentucky Volunteer Infantry, and Company D, Sixth Regiment Kentucky Volunteer Cavalry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

## MARVIN WALDORPH.

The bill (H. R. 11701) granting an increase of pension to Marvin Waldorph was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marvin Waldorph, late of Company A, Third Regiment Minnesota Vol-unteer Infantry, and to pay him a pension of \$30 per month in

threer infantry, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# GEORGE W. REAGAN.

The bill (H. R. 12106) granting an increase of pension to George W. Reagan was considered as in Committee of the It proposes to place on the pension roll the name of George W. Reagan, late of Company A, Eleventh Regiment Tennessee Volunteer Cavalry, and Company G, Ninth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# LEONIDAS E. MILLS.

The bill (H. R. 12152) granting an increase of pension to Leonidas E. Mills was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Leonidas E. Mills, late second lieutenant Company H, Eleventh Regiment Michigan Volunteer Infantry, and to pay him a pension of \$24

per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MARY E. RANDOLPH.

The bill (H. R. 12370) granting an increase of pension to Mary E. Randolph was considered as in Committee of the

Whole. It proposes to place on the pension roll the name of Mary E. Randolph, widow of Koert S. V. Randolph, late of Company I, Thirty-second Regiment New York Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### WILLIAM LARRABY.

The bill (H. R. 12554) granting an increase of pension to William Larraby was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Larraby, late of Company H, Tenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN C. BERRY.

The bill (H. R. 12557) granting an increase of pension to John C. Berry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Berry, late of Company F, Tenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JACOB R. BURKHARDT.

The bill (H. R. 12574) granting an increase of pension to Jacob R. Burkhardt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob R. Burkhardt, late of Company F. Twelfth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### FRANCIS M. MORRISON.

The bill (H. R. 12676) granting an increase of pension to Francis M. Morrison was considered as in Committee of the It proposes to place on the pension roll the name of Francis M. Morrison, late of Company D, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now re-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ELI BUNTING.

The bill (H. R. 13053) granting an increase of pension to Eli Bunting was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eli Bunting, late of Company F, Fourteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JAMES M. BROWN.

The bill (H. R. 13054) granting an increase of pension to James M, Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Brown, late of Company H, Fifty-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## SAMUEL BROWN.

The bill (H. R. 13813) granting an increase of pension to Samuel Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Brown, late of Company F, Forty-third Regiment Wisconsin Volunter Infantry, and to pay him a pension of \$24 per month

in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# CHRISTIAN M. GOOD.

The bill (H. R. 13815) granting an increase of pension to Christian M. Good was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Christian M. Good, late of Company G, One hundredth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment,

ordered to a third reading, read the third time, and passed.

#### WILLIAM H. VAN TASSELL.

The bill (H. R. 14238) granting an increase of pension to William H. Van Tassell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Van Tassell, late of Company E, Third Regiment New York Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# FIDELIA SELLERS.

The bill (H. R. 14263) granting a pension to Fidelia Sellers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Fidelia Sellers, widow of David Sellers, late of Company H, One hundred and seventysecond Regiment Ohio Volunteer Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### DAVID H. SEMANS.

The bill (H. R. 14673) granting an increase of pension to David H. Semans was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David H. Semans, late of Company B, Seventh Regiment Indiana Volunteer Cavalry, and unassigned detachment Veteran Reserve Corps, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JAMES M. LAWDER.

The bill (H. R. 7912) granting an increase of pension to James M. Lawder was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Lawder, late of Signal Corps, United States Army, and to pay him a pension of \$30 per month in lieu of that he is now re-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# CHESTER SIMPSON.

The bill (H. R. 8925) granting an increase of pension to Chester Simpson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Chester Simpson, late of Company D, Thirteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## DAVID BOWEN.

The bill (H. R. 8958) granting an increase of pension to David Bowen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Bowen, late of Company C, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# AMASA B. SAXTON.

The bill (H. R. 9090) granting an increase of pension to Amasa B. Saxton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amasa B. Saxton, late of Company A, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# NANCY C. PAINE.

The bill (H. R. 9100) granting a pension to Nancy C. Paine was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy C. Paine, widow of Edwin R. Paine, late of Company C, Thirty-fifth Regiment Massachusetts Volunteer Infantry, and to pay her a pension of \$8 per month, such pension to cease upon proof that the soldier is still living.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ELIZABETH CLEAVER.

The bill (H. R. 9113) granting a pension to Elizabeth Cleaver was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Cleaver, widow of Shesh B. Cleaver, late deputy provost marshal first district of Iowa, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### WILLIAM T. BLANCHARD.

The bill (H. R. 9218) granting an increase of pension to William T. Blanchard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William T. Blanchard, late of Company I, Thirteenth Regiment Pennsylvania Reserve Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# OBEDIAH B. NATIONS.

The bill (H. R. 9250) granting an increase of pension to Obediah B. Nations was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Obediah B. Nations, late of Company F, Second Regiment Texas Mounted Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ADAM S. VAN VORST.

The bill (H. R. 9402) granting an increase of pension to Adam S. Von Vorst was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Adam S. Van Vorst, late of Company D, One hundred and forty-first Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ROBERT P. CALL.

The bill (H. R. 11169) granting an increase of pension to Robert P. Call was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert P. Call, late of Company D, First Regiment Ohio Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of

that he is now receiving.

"The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## AARON L. PACKER.

The bill (H. R. 11232) granting an increase of pension to Aaron L. Packer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Aaron L. Packer, late of Company D, Thirty-eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## LUTHER H. STARKEY.

The bill (H. R. 11322) granting an increase of pension to Luther H. Starkey was considered as in Committee of the It proposes to place on the pension roll the name of Luther H. Starkey, late of Company K, Sixth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ADAM WILES.

The bill (H. R. 11562) granting an increase of pension to Adam Wiles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Adam Wiles, late of Company H, One hundred and second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JOHN H. CURNUTT.

The bill (H. R. 10240) granting an increase of pension to John H. Curnutt was considered as in Committee of the Whole, It proposes to place on the pension roll the name of John H. Curnutt, late of Company K, One hundred and sixteenth Regiment, and Company B, Seventy-second Regiment, Indiana Vol-unteer Infantry, and to pay him a pension of \$24 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## THOMAS HARRISON.

The bill (H. R. 10400) granting an increase of pension to Thomas Harrison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas

Harrison, late of Company B, Loudoun Rangers, Virginia Volunteer Cavalry, and to pay him a pension of \$24 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### KATE E. HANNA.

The bill (H. R. 9403) granting an increase of pension to Kate E. Hanna was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Kate E. Hanna, widow of Charles L. Hanna, late of Company K, One hundred and forty-third Regiment Ohio Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# CHARLES A. SPANOGLE, ALIAS ANDREW C. SPANOGLE.

The bill (H. R. 9816) granting an increase of pension to Charles A. Spanogle, alias Andrew C. Spanogle, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles A. Spanogle, alias Andrew C. Spanogle, late of Company K, Eighty-fourth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### OCTAVO BARKER.

The bill (H. R. 10032) granting an increase of pension to Octavo Barker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Octavo Barker, late of Company K, Ninth Regiment Minnesota Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

#### JAMES E. ODELL.

The bill (H.-R. 10403) granting an increase of pension to James E. Odell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Odell, late of Company E, Fifth Regiment Illinois Volunteer avalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# LIBBIE A. MERRILL.

The bill (H. R. 10760) granting a pension to Libbie A. Merrill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Libbie A. Merrill, widow of William E. Merrill, late first lieutenant Company C, Seventyseventh Regiment New York Volunteer Infantry, and to pay her a pension of \$8 per month, such pension to cease upon proof that the officer is still living.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## GEORGE C. RATHBUN.

The bill (H. R. 10773) granting an increase of pension to George C. Rathbun was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rathbun, late of Company A, Seventh Regiment Rhode Island Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JAMES BUTLER.

The bill (H. R. 19907) granting an increase of pension to James Butler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Butler, late of Company G, First Regiment Oregon Riflemen, Cayuse Indian war, and to pay him a pension of \$16 per month in lieu

of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ANDREW J. CUSHING.

The bill (H. R. 18410) granting an increase of pension to Andrew J. Cushing was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Cushing, late of Company C, Ninth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# EDWARD L. CARPENTER.

The bill (H. R. 20955) granting an increase of pension to Edward L. Carpenter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward L. Carpenter, late of Company B, Eighth Regiment Vermont Volunteer Infantry, and to pay him a pension of \$30 per

month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ASA K. HARBERT.

The bill (S. 2083) granting an increase of pension to Asa K. Harbert was considered as in Committee of the Whole. poses to place on the pension roll the name of Asa K. Harbert, late of Company I, Ninth Regiment New Jersey Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### JOHN BELL.

The bill (S. 7150) granting an increase of pension to John Bell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Bell, late of Company E, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the

amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### GEORGE H. NYE.

The bill (S. 6899) granting an increase of pension to George H. Nye was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, autnorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Nye, late major and colonel Twenty-ninth Regiment Maine Volunteer Infantry, and brevet brigadier-general United States Volunteers, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## SARAH E. STOCKTON.

The bill (S. 7880) granting an increase of pension to Sarah E. Stockton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Stockton, widow of William C. Stockton, late chaplain Twenty-fourth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## ALBERT TEETS.

The bill (S. 5457) granting an increase of pension to Albert Teets was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Teets, late first lieutenant Company C, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### THOMAS WARNER.

The bill (S. 3998) granting an increase of pension to Thomas Warner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "sixty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Warner, late of Company D, One hundred and ninety-ninth Regiment Pennsylvania Volunteer, Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### JANE AGNEW.

The bill (S. 1622) granting a pension to Jane Agnew was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Agnew, widow of John Agnew, late acting third assistant engineer, United States Navy, and pay her a pension at the rate of \$8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### LEWIS A. TOWNE.

The bill (S. 7840) granting an increase of pension to Lewis A. Towne was announced as next in order.

Mr. McCUMBER. I move that the bill be recommitted to the Committee on Pensions for further consideration.

The motion was agreed to.

## JOHN R. CALLENDER.

The bill (S. 6127) granting an increase of pension to John R. Callender was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "captain;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. Callender, late captain Company K, Forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## JUDIAH B. SMITHSON.

The bill (S. 7605) granting an increase of pension to Judiah B. Smithson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill rend:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Judiah B. Smithson, late of Company B. One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# HIRAM H. LOCKWOOD.

The bill (S. 6652) granting an increase of pension to Hiram H. Lockwood was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "first lieutenant;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram H. Lockwood, late first lieutenant Company B, Forty-third Regiment

Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### FRANK DE NOYER.

The bill (S. 7841) granting an increase of pension to Frank De Noyer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank De Noyer, late of Company I, Eighth Regiment Minnesota Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

#### WILLIAM O. SPELMAN.

The bill (S. 5730) granting an increase of pension to William O. Spelman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William O. Spelman, late of Company B, One hundred and fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

#### WILLIAM M'HENRY PLOTNER.

The bill (8, 7355) granting an increase of pension to William McHenry Plotner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William McHenry Plotner, late of Company F, Ninety-second Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

#### GEORGE W. COOK.

The bill (8, 7272) granting an increase of pension to George W. Cook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Cook, late first lieutenant and captain Company C, Twelfth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

## WILLIAM H. HUBBARD.

The bill (S. 7196) granting an increase of pension to William H. Hubbard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Hubbard, 'late of Company E, Thirty-sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

# IRVIN M. HILL.

The bill (S. 4093) granting an increase of pension to Irwin M. Hill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," where it occurs the first time, to strike out the name "Irwin" and insert "Irvin;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Irvin M. Hill, late of Company D, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Irvin M. Hill."

# BENJAMIN B. CRAVENS.

The bill (S. 7820) granting an increase of pension to Benjamin B. Cravens was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with "Regiment;" and in line 7, before the word "Militia," to insert "Missouri;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin B. Cravens, late of Company I, Fourth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### OLIVER H. P. RHOADS.

The bill (S. 7642) granting an increase of pension to Oliver H. Rhoades was considered as in Committee of the Whole,

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver H. P. Rhoads, late of Company F, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Oliver H. P. Rhoads."

#### JACOB A. WARD.

The bill (S. 3268) granting an increase of pension to Jacob A. Ward was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob A. Ward, late of Company D, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time.

and passed.

# GEORGE H. M'CLUNG.

The bill (S. 6612) granting an increase of pension to George H. McClung was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George II. McClung, late of Company K, Eighty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

## D. LANING ROSS.

The bill (S. 4873) granting an increase of pension to D. I. Ross was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of D. Laning Ross, late of U. S. S. Peri, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to D. Laning Ross."

## ALEXANDER SHOLL.

The bill (8, 6606) granting an increase of pension to Alexander Sholl was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Sholl, late captain Company B, One hundred and eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Fourth," to insert amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### FLOYD A. HONAKER.

The bill (S. 5374) granting a pension to Floyd A. Honaker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Artillery," to strike out "and pay him a pension at the rate of \$20 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Floyd A. Honaker, late of Battery E. Fourth Regiment United States Ar-

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### WILLIAM H. ADAMS.

The bill (S. 6909) granting an increase of pension to William H, Adams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Adams, late of Company G, Sixteenth Regiment Vermont Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### SYLVESTER O. PEVEAR.

The bill (S. 7044) granting an increase of pension to Sylvester O. Pevear was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sylvester O. Pevear, late of Company I, Eleventh Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### SAMUEL B. T. GOODRICH.

The bill (S. 6665) granting an increase of pension to Samuel B. T. Goodrich was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel B. T. Goodrich, late of Company B, Seventh Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to be engrossed for a third reading, read the third time, and passed.

# ALVAH D. WILSON.

The bill (S. 177) granting an increase of pension to Alvah D. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alvah D. Wilson, late of Company E, Fourth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$24 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## HENRIETTA C. COOLEY.

The bill (S. 7394) granting an increase of pension to Henrietta C. Cooley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henrietta C. Cooley, widow of Morgan Cooley, late of Company I, Fifteenth Regiment Massachusetts Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## EDWIN P. RICHARDSON.

The bill (S. 1261) granting an increase of pension to Edwin P. Richardson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin P. Richardson, late acting third assistant engineer, United States Navy, and pay him a pension at the rate of \$20 per month in liue of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### FREDERICK WOOD.

The bill (S. 7745) granting an increase of pension to Frederick Wood was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Wood, late acting ensign, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# EMILY J. LARKHAM.

The bill (S. 7574) granting an increase of pension to Emily J. Larkham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "thirty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emily J. Larkham, widow of Henry Larkham, late of Company D, Twenty-first Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ISAAC OAKMAN.

The bill (S. 7843) granting an increase of pension to Isaac Oakman was considered as in Committee of the Whole,

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Oakman, late of Company M. First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# JOHN C. SNELL.

The bill (S. 6734) granting a pension to John C. Snell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Snell, late of U. S. S. Kingisher and Princeton, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John C. Snell."

## ALBION W. TEBBETTS.

The bill (S. 7685) granting an increase of pension to Albion

The bill (8, 7685) granting an increase of pension to Albion W. Tebbetts was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "colonel" and insert "major;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the hill read. make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albion W. Tebbetts, late major, Thirty-third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ANDREW J. HARRIS.

The bill (S. 7380) granting an increase of pension to Andrew J. Harris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Harris, late of Company B, Tenth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

#### GILBERT BAILIE.

The bill (S. 7058) granting an increase of pension to Gilbert Bailie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gilbert Bailie, late of Company E, Fifty-first Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

#### ORVIT, DODGE,

The bill (S. 7533) granting an increase of pension to Orvil Dodge was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orvil Dodge, late of Company A, First Regiment Oregon Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# MARY E. ALLEN.

The bill (S. 4742) granting an increase of pension to Mary E. Allen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Allen. widow of Louis J. Allen, late captain and rear-admiral, retired, United States Navy, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# HUGH M'NAUGHTON.

The bill (S. 7061) granting an increase of pension to Hugh McNaughton was considered as in Committee of the Whole.

The bill was reported from the Committee of the Wholse. The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Regiment," to insert "and Company I, One hundred and second Regiment;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hugh McNaughton, late of Company I, Seventy-eighth Regiment, and Company I, One hundred and second Regiment, New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

Mr. HEYBURN. I ask that the amendment reported by the committee in line 9, striking out the word "thirty" before the word "dollars" and inserting the word "twenty-four," may be disagreed to.

Mr. McCUMBER. I have no objection to that.

The VICE-PRESIDENT. The question is on agreeing to the amendment in line 9, which has been stated.

The amendment was rejected.

The VICE-PRESIDENT. The question occurs on the adoption of the first amendment reported by the committee inserting after the word "Regiment," in line 9, the words "and Company I, One hundred and second Regiment."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### WILLIAM GRANT.

The bill (S. 5681) granting an increase of pension to William Grant was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "first lieutenant;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Grant, late first lieutenant Company H, First Regiment Oregon Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### MARGARET HOLDEN.

The bill (S. 7171) granting an increase of pension to Margaret Holden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Holden, widow of John Holden, late of Company K, Sixty-ninth Regiment New York Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time,

and passed.

#### CYRUS PALMER.

The bill (S. 5884) granting an increase of pension to Cyrus Palmer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cyrus Palmer, late of Company G, Twenty-second Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

## CORNELIA W. CLAY.

The bill (S. 7136) granting an increase of pension to Cornelia W. Clay was considered as in Committee of the Whole. poses to place on the pension roll the name of Cornelia W. Clay, widow of Green Clay, late major, Third Regiment Kentucky Volunteer Cavalry, and to pay her a pension of \$35 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

# JOHN A. CHASE.

The bill (S. 5400) granting an increase of pension to John A. Chase was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Chase, late lieutenant-colonel One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# WILLIAM T. BENNETT.

The bill (8, 7509) granting an increase of pension to William T. Bennett was considered as in Committee of the Whole.

The bill was reported from the Committee of the Whole. The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "and," to strike out "Troops" and insert "Volunteer Infantry;" and in line 8, before the word "dollars," to strike out "fifty" and insert 'thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Bennett, late colonel Thirty-third Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### WILLIAM W. DUFFIELD.

The bill (S. 4958) granting an increase of pension to William W. Duffield was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Duffield, late colonel Ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The Bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### OCTAVE L. F. E. FARIOLA.

The bill (8, 5782) granting an increase of pension to Octave Fariola was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws the name of Octave L. F. E. Fariola, late captain Company D, Seventy-seventh Regiment, and leutenant-colonel Ninety-sixth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Octave L. F. E. Fariola."

# THOMAS C. DAVIS.

The bill (S. 4396) granting an increase of pension to Thomas C. Davis was considered as in Committee of the Whole.

The bill was reported from the Committee of the Whole. The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "and," to strike out "Volunteer Infantry" and insert "Volunteers, war with Mexico;" and in line 9, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of pension laws, the name of Thomas C. Davis, late of Company D. First Regiment North Carolina Volunteers, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# CHARLES M. CANFIELD.

The bill (S. 3434) granting an increase of pension to Charles M. Canfield was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Infantry," to strike out "Volunteer" and insert "National Guard;" and in line 9, before the word "dollars," to strike out "thirty-six" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles M. Canfield, late of Company H. One hundred and thirtieth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## MARY E. DOUGHERTY.

The bill (S. 7379) granting a pension to Mary E. Dougherty was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "captain" and insert "first lieutenant;" in line 9, before the word

"dollars," to strike out "thirty" and insert "twenty-five;" and in the same line, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Dougherty, widow of John C. Dougherty, late first lieutenant Company M, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving. ceiving

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary E. Dougherty."

#### JAMES C. WEST.

The bill (S. 7025) granting a pension to James C. West was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and in-

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James C. West, late of Captain Hardee's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James C. West.'

#### ELVINA ADAMS.

The bill (S. 7672) granting an increase of pension to Elvina Adams was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and in-

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elvina Adams, widow of William R. Adams, late of Captains Newbern's and Johnson's companies, Florida Mounted Volunteers, Seminole Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## STEPHEN A. BARKER.

The bill (S. 5261) granting an increase of pension to Stephen

The bill (8, 5261) granting an increase of pension to Stephen A. Barker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen A. Barker, late of Company C. First Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## WILLIAM W. JORDAN.

The bill (S. 7673) granting an increase of pension to William W. Jordan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Florida," to insert "First Regiment;" and in line 8, before the word "and," to insert "Seminole Indian war;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Jordan, late of Captain Hardee's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### HENRY H. BUZZELL.

The bill (S. 7668) granting an increase of pension to Henry H. Buzzell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry H. Buzzell, late of Battery C, First Regiment United States Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### TRUE SANBORN, JR.

The bill (S. 7666) granting an increase of pension to True Sanborn, jr., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of True Sanborn, jr., late captain Company K, Fourth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The blll was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MARY F. JOHNSON.

The bill (S. 7430) granting a pension to Mary F. Johnson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary F. Johnson, widow of Gilman B. Johnson, late first lieutenant and quartermaster, Eleventh Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$17 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### EDWARD BIRD.

The bill (S. 7818) granting an increase of pension to Edward Bird was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Bird, late of Company F, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# JOHN A. WAGNER.

The bill (S. 4559) granting an increase of pension to John A. Wagner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "twenty-four;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Wagner, late captain Company H., Fourth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# ANNA V. BLANEY.

The bill (S. 7491) granting an increase of pension to Anna V. Blaney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna V. Blaney, widow of Elbridge G. Blaney, late of Company E, Forty-fifth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### JULIA A. HORTON.

The bill (S. 5970) granting an increase of pension to Julia A. Horton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "and," to insert "and Company A, Third Regiment Veteran Reserve Corps;" and in line 9, before the word "dollars," to strike out "twenty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia A. Horton, widow of Isaiah Horton, late of Company F, Sixty-fifth Regiment New York Volunteer Infantry, and Company A, Third Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BENJAMIN CLOW.

The bill (S. 7492) granting an increase of pension to Benjamin Clow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Regiment," to strike out "Fourteenth" and insert "First;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Clow, late of Battery C. Chicago Volunteer Light Artillery, and Battery B, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# ORIN D. SISCO.

The bill (S. 3563) granting an increase of pension to Orrin D. Sisco was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," where it occurs the first time, to strike out the name "Orrin" and insert "Orin;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orin D. Sisco, late of Company K, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.
The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Orin D. Sisco."

## THOMAS HARROP.

The bill (S. 7452) granting an increase of pension to Thomas Harrop was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "and," to insert "and Chicago Mercantile Battery, Illinois Volunteer Light Artillery; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Harrop, late of Company D, Thirty-sixth Regiment Illinois Volunteer Infantry, and Chicago Mercantile Battery, Illinois Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ELI FORD, ALIAS JACOB BUTLER.

The bill (S. 6956) granting an increase of pension to Eli Ford, alias Jacob Butler, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eli Ford, alias Jacob Butler, late of Company I, One hundred and seventy-third Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

## HARVEY B. F. KELLER.

The bill (S. 6711) granting an increase of pension to Harvey B. F. Keller was considered as in Committee of the Whole. proposes to place on the pension roll the name of Harvey B. F. Keller, late of First Battery, Kansas Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

#### JAMES L. SHORT.

The bill (S. 6713) granting an increase of pension to James L. Short was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James L. Short, late of Company B, Tenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

#### WILLIAM WAKEFIELD.

The bill (S. 7683) granting an increase of pension to William Wakefield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Wakeproposes to place on the pension for the name of within wake-field, late of Company G, Thirty-fifth Regiment New York Vol-unteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time,

and passed.

# JOHN A. MORRIS.

The bill (S. 6635) granting an increase of pension to John 'A. Morris was considered as in Committee of the Whole. It propose to place on the pension roll the name of John A. Morris, late captain and assistant quartermaster, United States Volunteers, and to pay him a pension of \$30 per month in lieu of

that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

## RICHARD JONES.

The bill (S. 5380) granting an increase of pension to Richard Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard Jones, late of Company E, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

# JOHN H. ARNOLD.

The bill (S. 6044) granting an increase of pension to John H. Arnold was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Arnold, late of Second Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# MARY JANE MILLER.

The bill (S. 4629) granting an increase of pension to Mary Jane Miller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Jane Miller, widow of Worth Miller, late of Company H. One hndred and sity-sixth Regiment Pennsylvania Volunteer Infantry, and unassigned, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### JOHN P. MURRAY.

The bill (S. 6634) granting an increase of pension to John P. Murray was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John P. Murray, late of Company I, Sixth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### HUGH K. M'JUNKIN.

The bill (S. 7021) granting an increase of pension to Hugh J. McJunkin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hugh K. McJunkin, late of Company H, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Hugh K. McJunkin."

## JENNIE H. MARSHALL.

The bill (S. 5171) granting an increase of pension to Jennie H. Marshall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jennie H. Marshall, widow of James M. Marshall, late of Company B, First Regiment Wisconsin Volunteer Cavalry, and first lieutenant Company D, Fifth Regiment United States Volunteers, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## JOEL R. SMITH.

The bill (S. 2748) granting an increase of pension to Joel R. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "late of," to insert "Company C, United States Voltigeurs, war with Mexico, and;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joel R. Smith, late of Company C, United States Voltigeurs, war with Mexico, and Company F, Second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### DANIEL SCHAFFNER.

The bill (S. 7078) granting a pension to Daniel Schaffner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Company," to strike out the letter "C" and insert "E;" so as to make the bill read:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Schaffner, late of Company E. Gasconade County Battalion Missouri Home Guards, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### SAMUEL D. THOMPSON.

The bill (S. 7218) granting an increase of pension to Samuel

D. Thompson was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel D. Thompson, late of Company K, Fifteenth Regiment United States Infantry, war with Mexico, and Third Battery Iowa Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### HANNAH WELCH.

The bill (S. 2954) granting an increase of pension to Hanna Welch was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah Welch, widow of David E. Welch, late of Company G, Sixteenth Regiment Illinois Volunteer Infantry, and Company K, Tenth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was acreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Hannah Welch."

## FREDERICK W. STUDDIFORD.

The bill (H. R. 15193) granting an increase of pension to Frederick W. Studdiford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick W. Studdiford, late of Company I, Thirty-third Regiment New Jersey Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOHN O'CONNOR.

The bill (H. R. 15150) granting an increase of pension to John O'Connor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John O'Connor, late of Company K, Forty-third Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ANN E. WHITE.

The bill (H. R. 14862) granting an increase of pension to Ann E. White was considered as in Committee of the Whole. proposes to place on the pension roll the name of Ann E. White, widow of George W. White, late of Company F, First Regi-ment Texas Mounted Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## HENRY SIMON.

The bill (H. R. 14767) granting an increase of pension to Henry Simon was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Henry Simon, late of Company II, Eleventh Regiment New York State Militia Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### HENRIETTA HULL.

The bill (H. R. 14690) granting an increase of pension to Henrietta Hull was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henrietta Hull, widow of Henry Hull, late of Company G, One hundred and thirty-sixth Regiment Ohio Volunteer Infantry, and to her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### HERMAN G. WELLER.

The bill (H. R. 14689) granting an increase of pension to Herman G. Weller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Herman G. Weller, late of Company A, Tenth Regiment Pennsylvania Reserve Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### THOMAS MILLER.

The bill (H. R. 16249) granting an increase of pension to Thomas Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Miller, late of Company D, Marshall's regiment Kentucky Mounted Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CHARLES W. FOSTER.

The bill (H. R. 16087) granting an increase of pension to Charles W. Foster was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles W. Foster, late captain Company D. Seventy-sixth Charles W. Foster, late captain Company D, Seventy-sixth Regiment United States Colored Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# THEODORE T. BRUCE.

The bill (H. R. 16002) granting a pension to Theodore T. Bruce was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theodore T. Bruce, helpless and dependent son of Hugh W. Bruce, late of Company A, Seventy-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JOHN T. SMITH.

The bill (H. R. 15980) granting an increase of pension to John T. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John T. Smith, late of Company G, Twentieth Regiment Maine Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## HIRAM C. BARNEY.

The bill (H. R. 15890) granting an increase of pension to Hiram C. Barney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram C. Barney, late of Company F, Twenty-first Regiment New York Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## NICHOLAS W. DORREL.

The bill (H. R. 15790) granting an increase of pension to Nicholas W. Dorrel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nicholas W. Dorrel, late of Company I, Ninety-third Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JAMES P. HUDKINS.

The bill (H. R. 15580) granting an increase of pension to James P. Hudkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James P. Hudkins, late of Company I, Third Regiment West Virginia Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### OLIVER LAWRENCE.

The bill (H. R. 15430) granting an increase of pension to Oliver Lawrence was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Oliver Lawrence, late of Company G, One hundred and fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PAUL DIEDRICH.

The bill (H. R. 15421) granting an increase of pension to Paul Diedrich was considered as in Committee of the Whole. It proposes to place in the pension roll the name of Paul Diedrich, late of Company L. Second Regiment Minnesota Volunteer Cavalry, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN D. BROOKS.

The bill (H. R. 15455) granting an increase of pension to John D. Brooks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John D. Brooks, late of Company I, Seventeenth Regiment Vermont Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MARY GRAMBERG.

The bill (H. R. 14985) granting an increase of pension to Mary Gramberg was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Gramberg, widow of George Gramberg, late of Company B, Twentieth Regiment Massachusetts Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now re-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## NELSON HANSON.

The bill (H. R. 15297) granting an increase of pension to Nelson Hanson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nelson Han-son, late of Company C, Brackett's battalion, Minnesota Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## HENRY PEETSCH.

The bill (H. R. 15202) granting a pension to Henry Peetsch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Peetsch, late of Company E, Sixty-ninth Regiment New York Volunteer Infantry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# SARAH R. HARRINGTON.

The bill (H. R. 21579) granting an increase of pension to Sarah R. Harrington was considered as in Committee of the

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "fifty;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah R. Harrington, widow of Francis H. Harrington, late first lieutenant, United States Marine Corps, retired, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### JOB F. MARTIN.

The bill (H. R. 19541) granting an increase of pension to Job F. Martin was considered as in Committee of the Whole. proposes to place on the pension roll the name of Job F. Martin, late of Company A, Fifty-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JAMES ROBERTSON.

The bill (H. R. 19553) granting an increase of pension to James Robertson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Robertson, late of Company C, Seventy-seventh Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### RICHARD B. WEST.

The bill (H. R. 19510) granting an increase of pension to Richard B. West was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard B. West, late of Company F, Sixth Regiment Louisiana Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

# GEORGE N. GRIFFIN.

The bill (H. R. 19426) granting an increase of pension to George N. Griffin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George N. Griffin, late of Company E, Twentieth Regiment Connecticut Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

#### GEORGE W. SAVAGE.

The bill (H. R. 19479) granting an increase of pension to George W. Savage was considered as in Committee of the It proposes to place on the pension roll the name of George W. Savage, late of Company F, Eleventh Regiment Michigan Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ELIZA A. M'KEAN.

The bill (H. R. 19420) granting an increase of pension to Eliza A. McKean was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza A. McKean, widow of Allen McKean, late additional paymaster, United States Army, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JEFFERSON K. SMITH.

The bill (H. R. 19412) granting an increase of pension to Jefferson K. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jefferson K. Smith, late of Company B, Sixth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ROBERT STEWART.

The bill (H. R. 19386) granting an increase of pension to Robert Stewart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Stewart, late of Company B, Twenty-sixth Regiment Missouri Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## THEODORE BLAND.

The bill (H. R. 19363) granting an increase of pension to Theodore Bland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theodore Bland, late of Harper's company, First Regiment Kentucky Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MARY J. GILLEM.

The bill (H. R. 19281) granting an increase of pension to Mary J. Gillem was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary J. Gillem, widow of Luke P. Gillem, late first lieutenant and regimental quartermaster First Regiment Tennessee Volunteer Mounted Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

#### PETER J. WILLIAMSON.

The bill (H. R. 19280) granting an increase of pension to Peter J. Williamson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter J. Williamson, late first lieutenant Company F, First Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MARY E. HIGGINS.

The bill (H. R. 19117) granting an increase of pension to Mary E. Higgins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Higgins, widow of Benjamin F. Higgins, late of Companies H and D, Second Regiment New York Volunteer Cavalry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CASWELL YORK.

The bill (H. R. 20061) granting an increase of pension to Caswell York was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caswell York, late of Company B, Sixth Regiment, Company E, Sixty-eighth Regiment, and Company F, Forty-fourth Regiment, Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JACOB FARNER.

The bill (H. R. 19603) granting an increase of pension to Jacob Farner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Farner, late of Company G, Sixty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOSEPH B. PETTEY.

The bill (H. R. 19584) granting an increase of pension to Joseph B. Pettey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph B. Pettey, late acting ensign U. S. S. Romeo, United States Navy, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ROBERT F. MAYFIELD.

The bill (H. R. 19579) granting an increase of pension to Robert F. Mayfield was considered as in Committee of the It proposes to place on the pension roll the name of Robert F. Mayfield, late of Capt. Henry E. McCulloch's company, First Regiment Texas Mounted Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

# ESTELLE I. REED.

The bill (H. R. 19490) granting a pension to Estelle I. Reed was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Estelle I. Reed, widow of Edwin W. Reed, late of Company K, Seventeenth Regiment Massachusetts Volunteer Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

# JAMES ROUT.

The bill (H. R. 19237) granting an increase of pension to James Rout was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Rout,

late of Company C, Tenth Regiment New York Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### THEOPHIL BRODOWSKI.

The bill (H. R. 19216) granting an increase of pension to Theophil Brodowski was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theophil Brodowski, late of Company K, Eighty-ninth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ALFRED BRANSON.

The bill (H. R. 19048) granting an increase of pension to Alfred Branson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alfred Branson, late of Company H, First Regiment Tennessee Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## SAMUEL C. M'CORMICK.

The bill (H. R. 19044) granting an increase of pension to Samuel C. McCormick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel C. McCormick, late assistant surgeon, One hundred and thirty-fourth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MARY L. PATTON.

The bill (H. R. 19577) granting an increase of pension to Mary L. Patton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary L. Patton, widow of John S. Patton, late of Lieutenant Wyman's company, T. J. Smith's battalion Texas Mounted Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOHN T. LESTER.

The bill (H. R. 19023) granting an increase of pension to John T. Lester was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John T. Lester, late of Company E, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MARY A. AGEY.

The bill (H. R. 19045) granting an increase of pension to Mary A. Agey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Agey, widow of John S. Agey, late captain Company D, Fourteenth Regiment Iowa Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## OLIVER MORTON.

The bill (H. R. 19629) granting an increase of pension to Oliver Morton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Oliver Morton, late boatswain's mate, U. S. S. General Pillow, United States Navy, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# SARAH A. WILSON.

The bill (H. R. 19648) granting an increase of pension to Sarah A. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah A. Wilson, widow of John Wilson, late of Company E, Palmetto Regiment, South Carolina Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ANNA E. HUGHES.

The bill (H. R. 20060) granting an increase of pension to Anna E. Hughes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna E. Hughes, widow of Cyrus L. Hughes, late of Company C, Second Regiment Colorado Volunteer Cavairy, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

#### RUDOLPH PAPST.

The bill (H. R. 17486) granting an increase of pension to Rudolph Papst was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rudolph Papst, late first lieutenant Companies D and E, and captain Company G, Tenth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed,

#### JOSHUA B. CASEY.

The bill (H. R. 18295) granting an increase of pension to Joshua B. Casey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joshua B. Casey, late of Company D, Fourteenth Regiment Vermont Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

#### JOSEPH L. TOPHAM.

The bill (H. R. 18218) granting an increase of pension to Joseph L. Topham was considered as in Committee of the It proposes to place on the pension roll the name of Joseph L. Topham, late of Company G, Fourth Regiment Connecticut Volunteer Infantry, commissary-sergeant, Forty-third Regiment Pennsylvania Emergency Militia, and second lieutenant Company A, Second Regiment New Jersey Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# HENRY B. PARKER.

The bill (H. R. 18114) granting an increase of pension to Henry B. Parker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry B. Parker, late of Company C, First Regiment Michigan Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ROBERT STURGEON.

The bill (H. R. 18474) granting an increase of pension to Robert Sturgeon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Sturgeon, late unassigned, Brackett's battalion, Minnesota Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# DANIEL J. HARTE.

The bill (H. R. 18089) granting an increase of pension to Daniel J. Harte was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel J. Harte, late of Company C, Eighty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# DANIEL II. TOOTHAKER.

The bill (H. R. 18031) granting an increase of pension to Daniel H. Toothaker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel H. Toothaker, late of Company D, Twenty-eighth Regiment Maine Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ALEXANDER DIXON.

The bill (H. R. 17958) granting an increase of pension to Alexander Dixon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander Dixon, late of Company I, Fourteenth Regiment Kentucky Volunteer Cavalry, and to pay him a pension of \$24 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MARY E. AUSTIN.

The bill (H. R. 17864) granting an increase of pension to Mary E. Austin, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Austin, widow of Thomas A. Austin, late of Company D, Third Regiment Massachusetts Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JULIA P. GRANT.

The bill (H. R. 17770) granting an increase of pension to Julia P. Grant was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julia P. Grant, former widow of Nathan F. D. Avery, late of Company F, Eighteenth Regiment Connecticut Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### WILLIAM BAIRD.

The bill (H. R. 18247) granting an increase of pension to William Baird was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Baird, late of Company L, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### WILLIAM G. BAITY.

The bill (H. R. 18179) granting an increase of pension to William G. Baity was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William G. Baity, late of Company I, Fortieth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# FRANK S. HASTINGS.

The bill (H. R. 18155) granting an increase of pension to Frank S. Hastings was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank S. Hastings, late of Company B, Fifth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# CHARLES WALROD.

The bill (H. R. 17969) granting an increase of pension to Charles Walrod was considered as in Committee of the Whole, It proposes to place on the pension roll the name of Charles Walrod, late of Company K, Forty-second Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JAMES M. SHEAK.

The bill (H. R. 17646) granting an increase of pension to James M. Sheak was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Sheak, late of Company F, One hundred and fiftieth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# AMBROSE D. ALBERTSON.

The bill (H. R. 17539) granting an increase of pension to Ambrose D. Albertson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ambrose D. Albertson, late of Company F, One hundred and fiftieth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN SHORT.

The bill (H. R. 17172) granting an increase of pension to John Short was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Short, late first lieutenant, Fifth Independent Battery, Illinois Volunteer Light Artillery, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### WILLIAM M. BAKER.

The bill (H. R. 16895) granting an increase of pension to William M. Baker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William M. Baker, late of Company H, Third Regiment Tennessee Volunteer Cavalry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LOUIS F. BEELER.

The bill (H. R. 16546) granting an increase of pension to Louis F. Beeler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louis F. Beeler, late of Company C, Battalion District of Columbia and Maryland Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## CHARLES HOPKINS.

The bill (H. R. 16488) granting an increase of pension to Charles Hopkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Hopkins, late of Company K, Fourteenth Regiment United States Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# WEYMOUTH HADLEY.

The bill (H. R. 18884) granting an increase of pension to Weymouth Hadley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Weymouth Hadley, late of Company I, One hundred and second Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# EMANUEL RAUDABAUGH.

The bill (H. R. 18871) granting an increase of pension to Emanuel Raudabaugh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emanuel Raudabaugh, late of Company G, Two hundred and Tenth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOHN M. DEFOE.

The bill (H. R. 18797) granting an increase of pension to John M. Defoe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Defoe, late of Company A, Second Regiment Tennessee Volunteer Mounted Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# MICHAEL BOCOSKEY.

The bill (H. R. 18791) granting a pension to Michael Bocoskey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Bocoskey, late of Company E, Nineteenth Regiment United States Infantry, war with Spain, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# WILLIAM G. BAILEY.

The bill (H. R. 18771) granting an increase of pension to William G. Bailey was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of William G. Bailey, late of Company C, First Regiment Connecticut Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BENJAMIN BOLINGER.

The bill (H. R. 18761) granting an increase of pension to Benjamin Bolinger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin Bolinger, late of Company E, Sixth Regiment Tennessee Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MARY A. DANIEL.

The bill (H. R. 18758) granting an increase of pension to Mary A. Daniel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Daniel, widow of Drewery F. Daniel, late of Capt. Daniel H. Bird's company, First Regiment Georgia Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### HENRY L. SPARKS.

The bill (H. R. 18637) granting an increase of pension to Henry L. Sparks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry L. Sparks, late of Company D, Seventy-second Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MARY SULLIVAN.

The bill (H. R. 18634) granting an increase of pension to Mary Sullivan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Sullivan, widow of Hugh Sullivan, late of Companies I and E, Twelfth Regiment Connecticut Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# MARY E. STRICKLAND.

The bill (H. R. 18608) granting an increase of pension to Mary E. Strickland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Strickland, widow of James A. Strickland, late of Captain Curtis's company, Raiford's battalion Alabama Militia Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## EMMAGENE BRONSON.

The bill (H. R. 18494) granting an increase of pension to Emmagene Bronson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emmagene Bronson, widow of Nelson Bronson, late first lieutenant Company E, Eighth Regiment Connecticut Volunteer Infantry, and Eighty-ninth Company, Second Battalion Veteran Reserve Corps, and to pay her a pension of \$17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# SABAH E. HOFFMAN.

The bill (H. R. 18582) granting an increase of pension to Sarah E. Hoffman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah E. Hoffman, widow of Lafayette Hoffman, late of Company I, One hundred and seventy-ninth Regiment, and Company F, Eighteenth Regiment, Ohio Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving: Provided, That in the event of the death of Josephine Hoffman, helpless and dependent child of said Lafayette Hoffman, the additional pension herein granted shall cease and determine: And provided further, That in the event of the death of Sarah E. Hoffman, the name of said Josephine Hoffman shall be placed on the pension roll at \$12 per month from and after the date of death of said Sarah E. Hoffman.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CHARLES H. SHREEVE.

The bill (H. R. 10916) granting an increase of pension to Charles H. Shreeve was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Shreeve, late of Company D, Fifteenth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

#### JOHN T. MITCHELL.

The bill (II. R. 18261) granting an increase of pension to John T. Mitchell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John T. Mitchell, late of Company G, First Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

#### GEORGE A. JOHNSON.

The bill (H. R. 4351) granting an increase of pension to George A. Johnson was considered as in Committee of the It proposes to place on the pension roll the name of George A. Johnson, late of Company K. Twenty-third Regiment Missouri Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOSEFITA MONTANO.

The bill (H. R. 19758) granting an increase of pension to Josefita Montano was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josefita Montano, widow of Jose Montano, late of Graydon's independent company, New Mexico Volunteer Mounted Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiv-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN W. MAREAN.

The bill (H. R. 19807) granting an increase of pension to John W. Marean was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Marean, late of Company G, Ninty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WILLIAM F. CLINKSCALES.

The bill (H. R. 19818) granting an increase of pension to William F. Clinkscales was considered as in Committee of the It proposes to place on the pension roll the name of William F. Clinkscales, late of Captain Pickens's company, South Carolina Volunteers, Florida Indian war, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## RICHARD E. CLAPPER.

The bill (H. R. 19858) granting an increase of pension to Richard E. Clapper was considered as in Committee of the It proposes to place on the pension roll the name of Richard E. Clapper, late of Company G, Fifteenth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOHN G. KEAN, ALIAS CAIN.

The bill (H. R. 19871) granting an increase of pension to John G. Kean, alias Cain, was considered as in Committee of the It proposes to place on the pension roll the name of John G. Kean, alias Cain, late of Company B, Twenty-first Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# RICHARD E. HASSETT.

The bill (H. R. 19872) granting an increase of pension to Richard E. Hassett was considered as in Committee of the It proposes to place on the pension roll the name of Richard E. Hassett, late of Company D, Fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ROBERT WEER.

The bill (H. R. 19873) granting an increase of pension to Robert Webb was considered as in Committee of the Whole, proposes to place on the pension roll the name of Robert Webb, late of Company F, Ninth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### EDWIN D. BATES.

The bill (H. R. 19891) granting an increase of pension to Edwin D. Bates was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edwin D. Bates, late of Company B, Twenty-fourth Regiment New York Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

#### GREENLEAF W. CROSSMAN.

The bill (H. R. 19915) granting an increase of pension to Greenleaf W. Crossman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Greenleaf W. Crossman, late of Tenth and Ninth Batteries, Wisconsin Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## BETTIE FERGUSON.

The bill (H. R. 19923) granting an increase of pension to Bettie Ferguson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Bettie Ferguson, widow of Franklin Ferguson, late of Company I, Second Regiment Kentucky Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CHARLES VAN OSTRAND.

The bill (H. R. 19949) granting an increase of pension to Charles Van Ostrand was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Van Ostrand, late of Company A, Ninth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## CHARLES CARTER.

The bill (H. R. 19963) granting an increase of pension to Charles Carter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Carter, late of Company K, One hundred and second Regiment United States Colored Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# SUSAN F. CHRISTIE.

The bill (H. R. 19990) granting an increase of pension to Susan F. Christie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan F. Christie, widow of Aaron L. Christie, late of Company D. One hundred and fourteenth Regiment, and Company B, Battalion, Ninetieth Regiment New York Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## EUNICE COOK.

The bill (H. R. 19998) granting an increase of pension to Eunice Cook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eunice Cook. widow of Nathan Cook, late of Captain Vincent's company, Georgia Volunteers, Cherokee Indian disturbances, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOSEPH H. PRENDERGAST.

The bill (H. R. 19651) granting an increase of pension to Joseph H. Prendergast was considered as in Committee of the

Whole. It proposes to place on the pension roll the name of Joseph H. Prendergast, late of Company A, Eighty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JACOB M'WILLIAMS.

The bill (H. R. 19661) granting an increase of pension to Jacob McWilliams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Mc-Williams, late of Company A, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

#### LUCY A. KEPHART.

The bill (H. R. 19639) granting an increase of pension to Lucy A. Kephart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucy A. Kephart, widow of Thomas Kephart, late of Company I, Thirteenth Regiment Kentucky Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### THOMAS M'DERMOTT.

The bill (H. R. 19672) granting an increase of pension to Thomas McDermott was considered as in Committe of the Whole. It proposes to place on the pension roll the name of Thomas McDermott, late of U. S. S. Osceola, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SETH CHASE.

The bill (H. R. 19703) granting an increase of pension to Seth Chase was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Seth Chase, late of Company H, Thirty-fourth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# WILLIAM A. LEFLER.

The bill (H. R. 19708) granting an increase of pension to William A. Lefler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Lefler, late of Company I, Eighty-first Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MARY B. MASON.

The bill (H. R. 19713) granting an increase of pension to Mary B. Mason was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary B. Mason, widow of John T. Mason, late assistant surgeon, United States Navy, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## SUSAN M. BRUNSON.

The bill (H. R. 19715) granting an increase of pension to Susan M. Brunson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan M. Brunson, widow of Randolph P. Brunson, late first lieutenant in Captain Hibbler's company, South Carolina Volunteers, Florida Indian war, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MARY F. JOHNSON.

The bill (H. R. 19716) granting an increase of pension to Mary F. Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary F. Johnson, widow of Leroy J. Johnson, late of Captain Parker's company, South Carolina Volunteers, Florida Indian war, and to pay her a pension of \$12 per month in lieu of that she is now

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### WILLIAM H. BURNS.

The bill (H. R. 19722) granting an increase of pension to William H. Burns was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Burns, late of Company K, First Regiment Alabama Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BENJAMIN ST. CLAIR.

The bill (H. R. 19738) granting an increase of pension to Benjamin St. Clair was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin St. Clair, late of Company H, Fifty-ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### FRANK SCHERER.

The bill (H. R. 19885) granting an increase of pension to Frank Scherer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank Scherer, late of Company B, Fifth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### · JOHN B. MAISON.

The bill (H. R. 20029) granting an increase of pension to John B. Maison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John B. Maison, late of Company I, Ninetieth Regiment Ohio Volunteer Infantry, and Eleventh Company, Second Battalion, Veteran Reserve Corps, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# WILLIAM C. ARNOLD.

The bill (H. R. 20064) granting an increase of pension to William C. Arnold was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Arnold, late of Company G, Thirty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WALTER M. ENGLISH.

The bill (H. R. 20078) granting an increase of pension to Walter M. English was considered as in Committee of the It proposes to place on the pension roll the name of Walter M. English, late of Companies A and B, Third Regiment California Volunteer Infantry, and to pay him a pension

of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ROBERT LAFONTAINE.

The bill (H. R. 20085) granting an increase of pension to Robert Lafontaine was considered as in Committee of the It proposes to place on the pension roll the name of Robert Lafontaine, late of Company I, Twelfth Regiment New York Volunteer Cavalry, and to pay him a pension of \$24 per

month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## CASSIA C. TYLER.

The bill (H. R. 20087) granting an increase of pension to Cassia C. Tyler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cassia C. Tyler, widow of Henry R. Tyler, late first lieutenant, Capt. I. N. Rutland's company Florida Mounted Volunteers, Florida Indian war, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MARY J. THURMOND.

The bill (H. R. 20088) granting an increase of pension to Mary J. Thurmond was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary J. Thurmond, widow of George W. Thurmond, fate of Captain Hibbler's company South Carolina Volunteers, Florida

Indian war, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### THERESIA BELL.

The bill (H. R. 20096) granting an increase of pension to Theresia Bell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theresia Bell, widow of Anthony Bell, late of Company B, Forty-fifth Regiment Wisconsin Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## PRESTON J. MICHENER.

The bill (H. R. 20117) granting an increase of pension to Preston J. Michener was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Preston J. Michener, late of Company C, One hundred and twenty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN LEMLY.

The bill (H. R. 20129) granting an increase of pension to John Lemly was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Lemly, late of Company B, Fifteenth Regiment Illinois Volunteer Cav alry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### HARRIET C. KENNEY.

The bill (H. R. 20146) granting an increase of pension to Harriet C. Kenney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harriet C. Kenney, widow of Charles H. Kenney, late of Company D, First Regiment (Palmetto) South Carolina Volunteers. war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## GEORGE H. DYER.

The bill (H. R. 20154) granting an increase of pension to George H. Dyer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George H. Dyer, late of the U. S. S. Preble, Connecticut, and Ohio, United States Navy, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

## SARAH SALMON

The bill (H. R. 20166) granting an increase of pension to Sarah Salmon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah Salmon, widow of Richard Salmon, late musician, Company H, First Regiment North Carolina Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# MARY E. MADDOX.

The bill (H. R. 20198) granting an increase of pension to Mary E. Maddox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Maddox, widow of Thomas A. Maddox, late of Company F. Mounted Battalion Georgia Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JOSEPH N. CADIEUX.

The bill (H. R. 20199) granting an increase of pension to Joseph N. Cadieux was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph N. Cadieux, late of Company L, Sixteenth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving. The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

#### ELLEN DOWNING.

The bill (H. R. 20219) granting an increase of pension to Ellen Downing was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellen Downing, widow of Joseph Downing, late of Captains Whitehead and Hill's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### HENRY C. JOSEPH.

The bill (H. R. 20222) granting an increase of pension to Henry C. Joseph was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry C. Joseph, late of Company A, Twenty-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JEHU F. WOTRING.

The bill (H. R. 20229) granting an increase of pension to Jehu F. Wotring was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jehu F. Wotring, late first lieutenant Company E, Sixth Regiment West Virginia Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

#### THOMAS M'BRIDE.

The bill (H. R. 20250) granting an increase of pension to Thomas McBride was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas McBride, late of Captain Riddle's independent company, Ohio Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SARAH A. GALLOWAY.

The bill (H. R. 20269) granting an increase of pension to Sarah A. Galloway was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah A. Galloway, widow of Simpson R. Galloway, late of Captain Killian's company, Third Regiment North Carolina Volunteers, Cherokee Indian disturbances, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JAMES L. HOUSE.

The bill (H. R. 20272) granting an increase of pension to James L. House was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James L. House, late of Company I, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## EDMUND HOSTETTER.

The bill (H. R. 20279) granting an increase of pension to Edmund Hostetter was considered as in Committee of the It proposes to place on the pension roll the name of Edmund Hostetter, late of Company E, Thirty-eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

## HOWARD WILLIAM ARCHER

The bill (H. R. 20292) granting a pension to Howard William Archer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Howard William Archer, helpless and dependent son of Oscar F. Archer, iate of Company E, Eighth Regiment New York Volunteer Infantry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOHN CROWLEY.

The bill (H. R. 20303) granting an increase of pension to John Crowley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Crowley, late of Company G, One hundred and thirty-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### FRANKLIN M'FALLS.

The bill (H. R. 1144) granting an increase of pension to Franklin McFalls was considered as in Committee of the Whole. proposes to place on the pension roll the name of Franklin McFalls, late of Company H. Two hundred and third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ELIZABETH A. DOWNIE.

The bill (H. R. 20327) granting a pension to Elizabeth A. Downie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth A. Downie, widow of Andrew J. Downie, late of Company I, Seventeenth Regiment Vermont Volunteer Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

#### THEODORE F. REIGHTER.

The bill (H. R. 20350) granting an increase of pension to Theodore F. Reighter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theodore F. Reighter, late of Company F, Eighty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PETER M. SIMON.

The bill (H. R. 20351) granting an increase of pension to Peter M. Simon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter M. Simon, late of Company K, Twenty-first Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, crdered to a third reading, read the third time, and passed.

## JANE AULDRIDGE.

The bill (H. R. 20357) granting an increase of pension to Jane Auldridge was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jane Auldridge, widow of James Audridge, late of Company A. Second Regiment Illinois Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## EMERY CRAWFORD.

The bill (H. R. 6057) granting an increase of pension to Emery Crawford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emery Crawford, late of Company F, One hundred and fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$55 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# LORENZO B. FISH.

The bill (H. R. 6060) granting an increase of pension to Lorenzo B. Fish was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lorenzo B. Fish, late of Company G, Thirty-eighth Regiment, and Company G. Thirty-fourth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JAMES R. CHAPMAN.

The bill (H. R. 6088) granting an increase of pension to James R. Chapman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Manes R. Chapman, late of Company C, Twenty-second Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

# GEORGE PRICE.

The bill (H, R, 6424) granting an increase of pension to George Price was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Price, late of Company D, One hundred and twenty-eighth Regiment

Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ELI BOYNTON.

The bill (H. R. 6493) granting an increase of pension to Eli Boynton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eli Boynton, late of Company M, Fifth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

#### JOSEPH C. MAHAFFEY.

The bill (H. R. 7666) granting an increase of pension to Joseph C. Mahaffey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph C. Mahaffey, late of Company I, Fiftieth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or dered to a third reading, read the third time, and passed.

#### JOHN FRETT, JR.

The bill (H. R. 7804) granting an increase of pension to John Frett, jr., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Frett, jr., late of Company A, Thirteenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SARAH J. LITTLETON.

The bill (H. R. 8247) granting an increase of pension to Sarah J. Littleton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah J. Littleton, widow of Adam D. Littleton, late first lieutenant and adjutant Fifty-fourth Regiment United States Colored Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# THOMAS E. AYLSWORTH.

The bill (H. R. 8553) granting an increase of pension to Thomas E. Aylsworth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas E. Aylsworth, late of Twentieth Battery, Indiana Volunteer Light Artillery, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## EMILIE CLOE.

The bill (H. R. 7581) granting an increase of pension to Emile Cloe was considered as in Committee of the Whole. proposes to place on the pension roll the name of Emile Cloe, late of Fifth Independent Battery, Ohio Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ANDREW LARICK.

The bill (H. R. 8667) granting an increase of pension to Andrew Larick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew Larick, late of Company I, Fifteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## LEWIS LENNOX.

The bill (H. R. 9024) granting an increase of pension to Lewis Lennox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis Lennox, late of Company B, First Regiment West Virginia Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MELVILLE A. NICHOLS.

The bill (H. R. 9278) granting an increase of pension to Melville A. Nichols was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Melville A. Nichols, late of Company A, Fourth Regiment Maine Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of

that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### OLIVER H. GRIFFIN.

The bill (H. R. 9673) granting a pension to Oliver H. Griffin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Oliver H. Griffin, late of Company G, Fifth Regiment United States Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SAMUEL C. ROE.

The bill (H. R. 10033) granting an increase of pension to Samuel C. Roe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel C. Roe, late of U. S. S. Fawn, United States Navy, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN CAMPBELL.

The bill (H. R. 13806) granting an increase of pension to John Campbell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Campbell, late of Company K, Second Regiment Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### THOMAS H. PRIMROSE.

The bill (H. R. 13975) granting an increase of pension to Thomas H. Primrose was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas H. Primrose, late of Battery B, New Jersey Volunteer Light Artillery, and to pay him a pension of \$30 per month in

lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JIMISON F. SKEENS.

The bill (H. R. 14046) granting a pension to Jimison F. Skeens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jimison F. Skeens, late of Company F, Second Regiment United States Infantry, war with Spain, and to pay him a pension of \$12 per

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## CHARLES SETTLE.

The bill (H. R. 14378) granting an increase of pension to Charles Settle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Settle, late of Company A, Forty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

## JAMES DAVIS.

The bill (H. R. 14875) granting an increase of pension to James Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Davis, late of Company L, First Regiment Iowa Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# HARMON W. M'DONALD.

The bill (H. R. 14715) granting an increase of pension to Harmon W. McDonald was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harmon W. McDonald, late of Company A, Fifth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving. The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

## WILLIAM D. CAMPBELL.

The bill (H. R. 14860) granting an increase of pension to William D. Campbell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William D. Campbell, late of Company A, Seventy-fourth Regi-

ment Pennsylvania Volunteer Infantry, and to pay him a pen-

sion of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### HENRY STAUFFER.

The bill (H. R. 14884) granting an increase of pension to Henry Stauffer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Stauffer, late of Company D, Twentieth Regiment Pennsylvania Volunteer Cavalry, and Company D, First Regiment Pennsylvania Provisional Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### R. T. DILLARD ZIMMERMAN.

The bill (H. R. 14983) granting an increase of pension to R. T. Dillard Zimmerman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of R. T. Dillard Zimmerman, late of Company B, Third Regiment Kentucky Volunteers, war with Mexico, and to pay him a

pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JAMES H. BELL.

The bill (H. R. 14995) granting an increase of pension to James H. Bell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Bell, late of Company D, Sixty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

#### JOSEPH STROPE.

The bill (H. R. 15017) granting an increase of pension to Joseph Strope was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Strope, late of Company I, First Regiment Mississippi Marine Brigade Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# SARAH A. KIZER.

The bill (H. R. 15630) granting a pension to Sarah A. Kizer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah A. Kizer, helpless and dependent daughter of David L. Kizer, late of Company K, Thirty-first Regiment Ohio Veteran Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JAMES P. MULLEN.

The bill (H. R. 15139) granting an increase of pension to James P. Mullen was considered as in Committee of the Whole. The proposes to place on the pension roll the name of James P. Mullen, late of Company C, One hundred and ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JAMES B. F. CALLON.

The bill (H. R. 15317) granting an increase of pension to James B. F. Callon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James B. F. Callon, late of Company B, First Regiment Indiana Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## HENRY C. WORLEY.

The bill (H. R. 15631) granting an increase of pension to Henry C. Worley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry C. Worley, late of Company D, One hundred and thirty-second Regiment Ohio National Guard Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# MARY J. BURROUGHS.

The bill (H. R. 15839) granting an increase of pension to Mary J. Burroughs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary J. Burroughs, widow of George W. S. Burroughs, late of Company A, Tenth Regiment Rhode Island Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN E. LEAHY.

The bill (H. R. 3226) granting an increase of pension to John E. Leahy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John E. Leahy, late first lieutenant Company C, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SARAH C. MORRIS.

The bill (H. R. 15860) granting an increase of pension to Sarah C. Morris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah C. Morris, widow of Reamus G. Morris, late of Company H, First Regiment Illinois Infantry, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### WILLIAM H. SCULLEN.

The bill (H. R. 15868) granting an increase of pension to William H. Scullen was considered as in Committee of the It proposes to place on the pension roll the name of William H. Scullen, late of Company F, First Regiment Illinois Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ASHLEY WHITE.

The bill (S. 7995) granting an increase of pension to Ashley White was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ashley White, late of Company E, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## ROBERT B. LUCAS.

The bill (S. 7996) granting an increase of pension to Robert B. Lucas was considered as in Committee of the Whole. poses to place on the pension roll the name of Robert B. Lucas, late of Company K, Second Regiment Ohio Volunteers, war with Mexico, and captain Company D, One hundred and thirteenth Regiment Illinois Volunteer Infantry, and to pay him a pension \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## SIMON STONE.

The bill (H. R. 21859) granting an increase of pension to Simon Stone was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Simon Stone, late of Company I, One hundred and second Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment,

ordered to a third reading, read the third time, and passed.

## JAMES F. HENNINGER.

The bill (H. R. 20896) granting an increase of pension to James F. Henninger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James F. Henninger, late of Company C, Ninth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ANDREW CASEY.

The bill (H. R. 23307) granting an increase of pension to Andrew Casey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew Casey, late of Company D, Second Regiment United States Artillery, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CAREL LANE.

The bill (H. R. 17773) granting an increase of pension to Carel Lane was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Carel Lane, late of Company G, Second Regiment Iowa Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SAUL COULSON.

The bill (H. R. 17810) granting an increase of pension to Saul Coulson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Saul Coulson, late of Company H, Twenty-eighth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JAMES A. MEREDITH,

The bill (H. R. 22052) granting an increase of pension to James A. Meredith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James A. Meredith, late of Company D, Fortieth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SAMUEL PROCHEL.

The bill (H. R. 2826) granting an increase of pension to Samuel Prochel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Prochel, late of Company E, Twenty-sixth Regiment, and Company E, Third Regiment, Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JERRY JOHNSON.

The bill (H. R. 21086) granting an increase of pension to Jerry Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jerry Johnson, late of Company G, Fourth Regiment Connecticut Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# MILTON RUSSELL.

The bill (H. R. 20844) granting an increase of pension to Milton Russell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Milton Russell, late captain Company A, Fifty-first Regiment Indiana Volunteer Infantry, and to pay him a pension of \$45 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JAMES HOWARDSON.

The bill (H. R. 20614) granting an increase of pension to James Howardson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Howardson, late of Company A, Ninth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## HIRAM STEELE.

The bill (H. R. 20613) granting an increase of pension to Hiram Steele was considered as in Committee of the Whole. proposes to place on the pension roll the name of Hiram Steele, late of Company I, Thirty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## LEONARD TYLER.

The bill (H. R. 22281) granting an increase of pension to Leonard Tyler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Leonard Tyler, late of Company H, Forty-second Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MARTIN L. OHR.

The bill (H. R. 19967) granting an increase of pension to Martin L. Ohr was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin L. Ohr, late first lieutenant Company A, Seventieth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### EDMOND D. DOUD.

The bill (H. R. 22997) granting an increase of pension to Edmond D. Doud was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edmond D. Doud, late first lieutenant Company H, Eighth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### EDWARD G. HAUSEN.

The bill (H. R. 17988) granting a pension to Edward G. Hausen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward G. Hausen, late of Company B, First Regiment Wisconsin Volunteer Infantry, war with Spain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ADELBERT E. BLEEKMAN.

The bill (H. R. 20717) granting an increase of pension to Adelbert E. Bleekman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Adelbert E. Bleekman, late of Company A, Second Regiment Ohio Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

## JOHN ROBB, FIRST.

The bill (H. R. 15463) granting an increase of pension to John Robb, first, was considered as in Committee of the Whole. proposes to place on the pension roll, the name of John Robb, first, late of Company C, Thirty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# THEODORE T. TATE.

The bill (H. R. 20852) granting an increase of pension to Theodore T. Tate was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theodore T. Tate, late surgeon Third Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## HENRY HAMME.

The bill (H. R. 20851) granting an increase of pension to Henry Hamme was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Hamme, late of Company A, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a penison of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## CALVIN JUDSON.

The bill (H. R. 20586) granting an increase of pension to Calvin Judson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Calvin Jud-son, late of Company C, Fifty-sixth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## CLARA C. EDSALL.

The bill (H. R. 19762) granting an increase of pension to Clara C. Edsall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clara C. Edsall, widow of Joseph S. Edsall, late paymaster's clerk, United States Navy, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## NETTIE G. KRUGER.

The bill (H. R. 20581) granting an increase of pension to Nettie G. Kruger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nettie G. Kruger, widow of Charles W. Kruger, late of United States Marine Corps, and to pay her a pension of \$18 per month in lieu of that she is now receiving: Provided, however, That in the event of the death of Emilie L. Kruger, helpless and dependent child of said Charles W. Kruger, the additional pension herein granted shall cease and determine.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN H. KROM.

The bill (H. R. 20415) granting an increase of pension to John H. Krom was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Krom, late of Company I, Eightieth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### EMILY V. ACKLEY.

The bill (H. R. 22280) granting an increase of pension to Emily V. Ackley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emily V. Ackley, widow of Charles Ackley, late acting ensign U. S. S. Tyler and acting master, United States Navy, and to pay her a pension of \$16 per month in lieu of that she is now receiving. The bill was reported to the Senate without amendment, or-

# dered to a third reading, read the third time, and passed.

#### ANN LYTLE.

The bill (H. R. 9921) granting a pension to Ann Lytle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ann Lytle, widow of George Lytle, late of Company F, Seventy-seventh Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of \$12 per

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# CALVIN E. MORLEY.

The bill (H. R. 21575) granting an increase of pension to Calvin E. Morley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Calvin E. Morley, late of Company C, Nineteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving. in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WILLIAM A. HARLAN.

The bill (H. R. 22207) granting an increase of pension to William A. Harlan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Harlan, late of Company H, Twenty-first Regiment Illinois Volunteer Infantry, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

# JOHN D. EVANS.

The bill (H. R. 18248) granting an increase of pension to John D. Evans was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John D. Evans, late of U. S. S. Indianola and Champion, United States Nayy, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# FREDERICK J. DOWLAND.

The bill (H. R. 20571) granting an increase of pension to Frederick J. Dowland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick J. Dowland, late of Company G, Twenty-sixth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# BRYNGEL SEVERSON.

The bill (H. R. 22932) granting an increase of pension to Bryngel Severson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Bryngel Severson, late of Company A, Forty-sixth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MARY A. BRICK.

The bill (H. R. 22717) granting an increase of pension to Mary A. Brick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Brick, widow of Aaron Brick, late of Company C. First Regiment, and Twenty-first Regiment, and Company G, Third Regiment, Wisconsin Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### NELSON EVERSON.

The bill (H. R. 6165) granting an increase of pension to Nelson Everson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nelson Everson, late of Company I, Eighteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JACOB A. GRAHAM.

The bill (H. R. 21148) granting an increase of pension to Jacob A. Graham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob A. Graham, late first lieutenant Company F, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## DANIEL ROBB.

The bill (H. R. 7551) granting a pension to Daniel Robb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Robb, late of Company I, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# WILLIAM SHERK.

The bill (H. R. 22684) granting an increase of pension to William Sherk was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Sherk, late of Company M, Fifth Regiment Pennsylvania Volunteer Cavalry, and Company F, Nineteenth Regiment Veteran Reserve Corps, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ABIRAM P. M'CONNELL.

The bill (H. R. 19448) granting an increase of pension to Abiram P. McConnell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abiram P. McConnell, late surgeon Twenty-second Regiment Abiram P. McConnell, late surgeon Twenty-second Regiment Michigan Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# BARTHOLOMEW HOLMES.

The bill (H. R. 20286) granting an increase of pension to Bartholomew Holmes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Bartholomew Holmes, late of Company E, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# FRANCIS M'MAHON.

The bill (H. R. 20587) granting an increase of pension to Francis McMahon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis McMahon, late of Company G, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### FRANCIS ANDERSON.

The bill (H. R. 18242) granting an increase of pension to Francis Anderson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis Anderson, late of Company A, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

### WILLIAM H. MOSER.

The bill (H. R. 19105) granting an increase of pension to William H. Moser was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments, in line 7, after the word "Mexico," to strike out "and Company D, One hundred and sixteenth Regiment Pennsylvania Volunteer Infantry;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Moser, late of Company C, Second Regiment Pennsylvania Volunteers, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

### ROBERT J. DEWEY.

The bill (H. R. 21043) granting an increase of pension to Robert J. Dewey was considered as in Committee of the Whole. The bill had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert J. Dewey, late of Company H, Seventh Regiment United States Infantry, war with Spain, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

# EVAN H. BAKER.

The bill (H. R. 21015) granting an increase of pension to Evan H. Baker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Evan H. Baker, late of Company H, First Regiment Pennsylvania Volunteer Rifles, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## GEORGE RHODES.

The bill (H. R. 21001) granting an increase of pension to George Rhodes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Rhodes, late second lieutenant Company K, Ninth Regiment West Virginia Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## HARVEY SINE.

The bill (H. R. 20965) granting an increase of pension to Harvey Sine was considered as in Committee of the Whole. It proposes to pension Harvey Sine, late of Company C, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, at \$30 per month in lieu of the amount he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# DARIUS E. GARLAND.

The bill (H. R. 20958) granting an increase of pension to Darius E. Garland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Darius E. Garland, late of Company A, Twelfth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### REUBEN A. GEORGE.

The bill (H. R. 20928) granting an increase of pension to Reuben A. George was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Reuben A. George, late of Company A, Ninety-first Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CHARLES W. CARPENTER.

The bill (H. R. 20899) granting an increase of pension to Charles W. Carpenter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles W. Carpenter, late of Company H, Thirty-first Regiment New York Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BERGE LARSEN.

The bill (H. R. 20735) granting an increase of pension to Berge Larsen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Berge Larsen, late of Company B, Forty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## NAPOLEON B. FERRELL.

The bill (H. R. 16222) granting an increase of pension to Napoleon B. Ferrell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Napoleon B. Ferrell, late of Company B, Eleventh Regiment, and sergeant-major Tenth Regiment, West Virginia Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JAMES O. PIERCE.

The bill (H. R. 20721) granting an increase of pension to James O. Pierce was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James O. Pierce, late major and assistant adjutant-general, United States Volunteers, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# SAMUEL W. SEARLES.

The bill (H. R. 20712) granting an increase of pension to Samuel W. Searles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel W. Searles, late of Company L, First Regiment New York Veteran Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JAMES BOND.

The bill (H. R. 20683) granting an increase of pension to James Bond was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Bond, late of Company H, Eighty-second Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOHN NEUMANN.

The bill (H. R. 20431) granting an increase of pension to John Neumann was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Neumann, late unassigned, First Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JAMES H. SPERRY.

The bill (H. R. 17094) granting an increase of pension to James H. Sperry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Sperry, late second lieutenant Company F and captain Company A, Fourteenth Regiment Kentucky Volunteer Infantry, and to

pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN E. GILLISPIE, ALIAS JOHN G. ELLIOTT.

The bill (H. R. 17484) granting an increase of pension to John E. Gillispie, alias John G. Elliott, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John E. Gillispie, alias John G. Elliott, late of Company D, First Regiment Mississippi Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BARBARA E. SCHWAB.

The bill (H. R. 22416) granting an increase of pension to Barbara E. Schwab was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Barbara E. Schwab, widow of Joseph Schwab, late of Company A, Fourth Regiment United States Artillery, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN P. DIX.

The bill (H. R. 21849) granting an increase of pension to John P. Dix was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John P. Dix, late principal musician, Twenty-first Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PLEASANT CRISSIP.

The bill (H. R. 21228) granting an increase of pension to Pleasant Crissip was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Pleasant Crissip, late of Company A, Forty-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ELIZA J. M'CARDEL.

The bill (H. R. 21216) granting an increase of pension to Eliza J. McCardel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza J. McCardel, widow of Charles E. McCardel, late of Company A. First Battalion Georgia Mounted Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MARY M. GOBLE.

The bill (H. R. 21185) granting an increase of pension to Mary M. Goble was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary M. Goble, widow of Nicholas M. Goble, late of Company I, Twenty-seventh Regiment New Jersey Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## CHARLES GREEN.

The bill (H. R. 21179) granting an increase of pension to Charles Green was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Green, late of Company I, Second Regiment Minnesota Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOSEPH ROSE.

The bill (H. R. 21142) granting an increase of pension to Joseph Rose was considered as in Committee of the Whole. It proposes to pension Joseph Rose, late of Company H, First Regiment Tennessee Mounted Volunteers, war with Mexico, at \$20 per month in lieu of the amount he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# WILLIAM B. CRANE.

The bill (H. R. 21124) granting an increase of pension to William B. Crane was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of William B. Crane, late of Company K, Seventeenth Regiment Connecticut Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### RHODA A. HOIT.

The bill (H. R. 20724) granting an increase of pension to Rhoda A. Hoit was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rhoda A. Holt, widow of James B. Holt, late captain Company B, and lieutenant-colonel Third Regiment Minnesota Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# HOPE MARTIN.

The bill (H. R. 20725) granting a pension to Hope Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hope Martin, helpless and dependent daughter of William E. Martin, late of Company I, Eleventh Regiment Vermont Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MARY J. SMITH.

The bill (H. R. 20726) granting an increase of pension to Mary J. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary J. Smith, widow of Girdin Smith, late of Company H, Third Regiment Vermont Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving: Provided, That in the event of the death of Frank W. Smith, helpless and dependent child of said Girdin Smith, the additional pension herein granted shall cease and determine: And provided further, That in the event of the death of Mary J. Smith the name of said Frank W. Smith shall be placed on the pension roll at \$12 per month from and after the date of death of said Mary J.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# DAVID M. WATKINS.

The bill (H. R. 20829) granting an increase of pension to David M. Watkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David M. Watkins, late of Company H, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## FRANKLIN H. BAILEY.

The bill (H. R. 20962) granting an increase of pension to Franklin H. Bailey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Franklin H. Bailey, late of Company E, Fourth Regiment Michigan Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving. The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

## JOHN FOX.

The bill (H. R. 20964) granting an increase of pension to John Fox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Fox, late of Company C, Ninety-fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ALEXANDER BOSHEA.

The bill (H. R. 21119) granting an increase of pension to Alexander Boshea was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander Boshea, late of Company B, Twelfth Regiment New York Volunteer Cavalry, and to pay him a pension of \$30 per

month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# NICOLAUS KIRSCH.

The bill (H. R. 21302) granting an increase of pension to Nicolaus Kirsch was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Nicolaus Kirsch, late of Company B, Ninth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JACOB KOHL.

The bill (H. R. 21304) granting an increase of pension to Jacob Kohl was considered as in Committee of the Whole. proposes to place on the pension roll the name of Jacob Kohl, late of Company I, Twenty-seventh Regiment Wisconsin Vol-unteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LEVI EDDY.

The bill (H. R. 21641) granting an increase of pension to Levi Eddy was considered as in Committee of the Whole. proposes to place on the pension roll the name of Levi Eddy, late of Company C, Seventh Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ANNIE REANEY.

The bill (H. R. 21749) granting an increase of pension to Annie Reaney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Annie Reaney, widow of Henry B. Reaney, late acting master, United States Navy, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### NICHOLAS D. KENNY.

The bill (H. R. 20463) granting an increase of pension to Nicholas D. Kenny was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nicholas D. Kenny, late of Company G, One hundred and thirty-sixth Regiment New York Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## OTIS E. RUSH.

The bill (H. R. 20363) granting an increase of pension to Otis E. Rush was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Otis E. Rush, late of Company B, Battalion Alabama Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MARY WILSON.

The bill (H. R. 20384) granting an increase of pension to Mary Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Wilson, widow of Robert Wilson, late of Seventh Independent Battery New York Volunteer Light Artillery, and to pay her a pension at the rate of \$16 per month in lieu of that she is now receiving. The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

## MARY JANE MELDRIM.

The bill (H. R. 20391) granting an increase of pension to Mary Jane Meldrim was considered as in Committee of the It proposes to place on the pension roll the name of Mary Jane Meldrim, widow of John I. Meldrim, late of Captain Jackson's company, Georgia Volunteer Infantry, war with Jackson's company, Georgia Volunteer Infantry, war with Mexico, and to pay her a pension at the rate of \$12 per month in

lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## GEORGE W. WHEELER.

The bill (H. R. 20424) granting an increase of pension to George W. Wheeler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Wheeler, late of Captain Dill's company, First Regiment Georgia Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### UNITY A. STEEL.

The bill (H. R. 21045) granting an increase of pension to Unity A. Steel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Unity A. Steel, widow of James M. Steel, late of Company I, Sixth Regiment Tennessee Volunteer Cavalry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### WILLIAM G. WILSON.

The bill (H. R. 21054) granting an increase of pension to William G. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Wilson, late of Company K, Eighth Regiment New York Volunteer Cavalry, and to pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WILLIAM H. ISBELL.

The bill (H. R. 21058) granting an increase of pension to William H. Isbell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Isbell, late of Company E, Thirtieth Regiment Indiana Volunteer Infantry, and to pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BENJAMIN F. FELL.

The bill (H. R. 21019) granting an increase of pension to Benjamin F. Fell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin F. Fell, late of Company A, Eighty-fifth Regiment, and Company K, One hundred and twenty-second Regiment, Ohio Volunteer Infantry, and to pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## EDWARD MURPHY.

The bill (H. R. 22937) granting an increase of pension to Edward Murphy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward Murphy, late captain Company F, Eleventh Regiment Michigan Vol-unteer Infantry, and to pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

## FERDINAND DAVID.

The bill (H. R. 7393) granting an increase of pension to Ferdinand David was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ferdinand David, late of Company L, Tenth Regiment Missouri Volunteer Cavalry, and to pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOHN T. HETHERLIN.

The bill (H. R. 22607) granting an increase of pension to John T. Hetherlin was considered as in Committee of the Whole. proposes to place on the pension roll the name of John T. Hetherlin, late of Company A, Fifth Regiment Pennsylvania Reserve Volunteer Infantry, and to pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ELIZABETH JANE HANCHER.

The bill (H. R. 22265) granting an increase of pension to Elizabeth Jane Hancher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Jane Hancher, widow of John Hancher, late of Company C, Second Regiment Mississippi Infantry, war with Mexico, and to pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JOSEPH L. SIX.

The bill (H. R. 22566) granting an increase of pension to Joseph L. Six was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph L. Six, late of Company K, Thirty-third Regiment Indiana Volunteer Infantry, and to pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LEVI WELCH.

The bill (H. R. 4692) granting an increase of pension to Levi Welch was considered as in Committee of the Whole. poses to place on the pension roll the name of Levi Welch, late of Company G, One hundred and twenty-fourth Regiment Indiana Volunteer Infantry, and to pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MARY J. TRUMBULL.

The bill (H. R. 4719) granting an increase of pension to Mary J. Trumbull was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary J. Trumbull, widow of Edgar B. Trumbull, late of Company F, First Regiment Michigan Volunter Cavalry, and to pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## SAMUEL F. ANDERSON.

The bill (H. R. 4833) granting an increase of pension to Samuel F. Anderson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel F. Anderson, late of Company K, Fourth Regiment Indiana Vol-unteer Cavalry, and to pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

#### JACOB HENNINGER.

The bill (H. R. 5173) granting an increase of pension to Jacob Henninger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Henninger, late of Company D, Sixth Regiment Pennsylvania Reserve Volunteer Infantry, and Company E, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, and to pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# PATRICK TURNEY.

The bill (H. R. 5174) granting an increase of pension to Patrick Turney was considered as in Committee of the Whole. It proposes to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick Turney, late of Company G, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ROBERT JOHN.

The bill (H. R. 5187) granting an increase of pension to Robert John was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert John, late of Company G, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# ELISHA BROWN.

The bill (H. R. 5595) granting an increase of pension to Elisha Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elisha Brown, late of Company K, Twenty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

# NORMAN H. COLE.

The bill (H. R. 5729) granting an increase of pension to Norman H. Cole was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Norman H. Cole, late of Company B, Third Regiment United States Infantry, and to pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## PRISCILLA A. CAMPBELL.

The bill (H. R. 5776) granting an increase of pension to Priscilla A. Campbell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Priscilla A. Campbell, widow of Elijah Campbell, jr., late of Company K, Nineteenth Regiment Maine Volunteer Infantry, and to pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ALGERNON E. CASTNER.

The bill (H. R. 5801) granting an increase of pension to Algernon E. Castner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Algernon E. Castner, late of Company B, Twenty-fourth Regiment Maine Volunteer Infantry, and to pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### GEORGE ANDERSON.

The bill (H.-R. 5829) granting an increase of pension to George Anderson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Anderson, late of Company I, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOSEPH J. ROBERTS.

The bill (H. R. 11307) granting an increase of pension to Joseph J. Roberts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph J. Roberts, late of Company G, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN W. HUMPHREY.

The bill (H. R. 21162) granting an increase of pension to John W. Humphrey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Humphrey, late of Company I, One hundred and fortyninth Regiment Indiana Volunteer Infantry, and to pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# WILLIAM P. HUFF.

The bill (H. R. 21033) granting an increase of pension to William P. Huff was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William P. Huff, late of Company C, Second Regiment Kentucky Volunteers, war with Mexico, and to pay a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOHN H. CHRISTMAN.

The bill (H. R. 22568) granting an increase of pension to John H. Christman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Christman, late of Company D, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ALBERT H. CAMPBELL.

The bill (H. R. 10402) granting an increase of pension to Albert H. Campbell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert H. Campbell, late second lieutenant Company H, Sixth Regiment Kansas Volunteer Cavalry, and to pay him a pension of \$17.50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## CHARLES BALLANTYNE.

The bill (H. R. 20715) granting an increase of pension to Charles Ballantyne was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Ballantyne, late of Company A, Second Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### NOAH PERRIN.

The bill (H. R. 21828) granting an increase of pension to Noah Perrin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Noah Perrin, late sergeant-major Ninety-second Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SAMUEL FAUVER.

The bill (H. R. 21307) granting an increase of pension to Samuel Fauver was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Fauver, late of Company B, Fifth Regiment Minnesota Volunteer Infantry, and to pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MONTEZUMA ST. JOHN.

The bill (H. R. 21519) granting an increase of pension to Montezuma St. John was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Montezuma St. John, late of Company K, One hundred and twenty-fifth Regiment Ohio Volunteer Infantry, and to pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LEVI MILES.

The bill (H. R. 18574) granting an increase of pension to Levi Miles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi Miles, late of Company G, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### WILLIAM FAULKNER.

The bill (H. R. 22424) granting an increase of pension to William Faulkner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Faulkner, late of Company E, Twelfth Regiment New York Volunteer Infantry, and to pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WILLIAM T. SALLEE.

The bill (H. R. 16493) granting an increase of pension to William T. Sallee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William T. Sallee, late of Company G, Third Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOHN L. BROWN.

The bill (H. R. 7378) granting an increase of pension to John L. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John L. Brown, late of Company D, Third Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## DANIEL S. MEVIS.

The bill (H. R. 2421) granting an increase of pension to Daniel S. Mevis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel S. Mevis, late of Company D, Fourteenth Regiment Michigan Volunteer Infantry, and to pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## CHARLES F. SANCRAINTE.

The bill (H. R. 2399) granting an increase of pension to Charles F. Sancrainte was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles F. Sancrainte, late of Company B, Fifteenth Regiment Michigan Volunteer Infantry, and to pax him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JACOB MILLER.

The bill (H. R. 2286) granting an increase of pension to Jacob Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Miller, late of Company C, Fourteenth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JAMES W. BLISS, ALIAS JAMES WARREN.

The bill (H. R. 2175) granting an increase of pension to James W. Bliss, alias James Warren, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Bliss, alias James Warren, late of Company K, Eleventh Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LUCAS LONGENDYCKE.

The bill (H. R. 2056) granting an increase of pension to Lucas Longendycke was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucas Longendycke, late of Company G, Eighteenth Regiment Massachusetts Volunteer Infantry, and Company G, Thirteenth Regiment Veteran Reserve Corps, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOANNA L. COX.

The bill (H. R. 2055) granting an increase of pension to Joanna L. Cox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joanna L. Cox, widow of Charles J. Cox, late of Company E, Eighteenth Regiment Massachusetts Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JOSEPH B. WILLIAMS.

The bill (H. R. 1937) granting an increase of pension to Joseph B. Williams was considered as in Committee of the It proposes to place on the pension roll the name of Joseph B. Williams, late second lieutenant Company D, Second Regiment Indiana Volunteer Cavalry, and to pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## RUTSON J. BULLOCK.

The bill (H. R. 1723) granting an increase of pension to Rutson J. Bullock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rutson J Bullock, late of Company H, One hundred and fifth Regiment Illinois Volunteer Infantry, and to pay him a pension at the

rate of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## GEORGE M. FOWLER.

The bill (H. R. 1717) granting an increase of pension to George M. Fowler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George M. Fowler, late of Company I, Twenty-sixth Regiment Michigan Volunteer Infantry, and to pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# JOSEPH Q. OVIATT.

The bill (H. R. 1693) granting an increase of pension to Joseph Q. Oviatt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Q. Oviatt, late of Company A, Second Regiment United States Artillery, and Company E, One hundred and seventy-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

# SAMUEL ROWE.

The bill (H. R. 4673) granting an increase of pension to Samuel Rowe was considered as in Committee of the Whole. It pro-

poses to place on the pension roll the name of Samuel Rowe, late of Company B, Twenty-sixth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### EDWARD B. TANNER.

The bill (H. R. 4670) granting an increase of pension to Edward B. Tanner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward B. Tanner, late of Company F, Fourth Regiment Rhode Island Volunteer Infantry, and Fifty-eighth Company, Second Battalion Veteran Reserve Corps, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

#### THOMAS H. B. SCHOOLING.

The bill (H. R. 4346) granting an increase of pension to Thomas H. B. Schooling was considered as in Committee of the It proposes to place on the pension roll the name of Thomas H. B. Schooling, late of Company G, Second Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN G. V. HERNDON.

The bill (H. R. 4166) granting an increase of pension to John G. V. Herndon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John G. V. Herndon, late of Company F, Forty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN W. HOWARD.

The bill (H. R. 4151) granting an increase of pension to John W. Howard was considered as in Committee of the Whole. proposes to place on the pension roll the name of John W. Howard, late first lieutenant Company K, Forty-third Regiment Wisconsin Volunteer Infantry, and to pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# THOMPSON WALL.

The bill (H. R. 4149) granting an increase of pension to Thompson Wall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thompson Wall, late of Company B, One hundred and forty-third Regiment Illinois Volunteer Infantry, and to pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WILLIAM H. BONE.

The bill (H. R. 637) granting an increase of pension to William H. Bone was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Bone, late of Company F, Thirty-ninth Regiment Missouri Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# MUSGROVE E. O'CONNOR.

The bill (H. R. 676) granting an increase of pension to Musgrove E. O'Connor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Musgrove E. O'Connor, late of Company D, One hundred and twenty-eight Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now re-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## GEORGE E. SMITH.

The bill (H. R. 725) granting an increase of pension to George E. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George E. Smith, late of Company D, Ninety-sixth Regiment Illinois Vol-unteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

#### JAMES WINTERSTEEN.

The bill (H. R. 742) granting an increase of pension to James Wintersteen was considered as in Committee of the Whole. proposes to place on the pension roll the name of James Wintersteen, late of Company B, Thirty-fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### EMMA J. TURNER.

The bill (H. R. 1150) granting an increase of pension to Emma J. Turner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma J. Turner, widow of William H. H. Turner, late first lieutenant Company G, First Regiment Indiana Volunteer Heavy Artillery, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOSIAH C. HANCOCK.

The bill (H. R. 1185) granting a pension to Josiah C. Hancock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josiah C. Hancock, helpless and dependent son of Francis M. Hancock, late of Company I, Twenty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MARY E. MATHES.

The bill (H. R. 1252) granting an increase of pension to Mary E. Mathes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Mathes, widow of Jesse M. Mathes, late of Company I, Ninetyseventh Regiment Indiana Volunteer Infantry, and to pay her a pension at the rate of \$12 per month in lieu of that she is now

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JAMES B. EVANS.

The bill (H. R. 1337) granting an increase of pension to James B. Evans was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James B. Evans, late of Company C, Second Regiment Kansas Volunteer Infantry, and to pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MELVIN T. EDMONDS.

The bill (H. R. 1512) granting an increase of pension to Melvin T. Edmonds was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Melvin T. Edmonds, late of Company B, Eleventh Regiment Michigan Volunteer Infantry, and to pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JOHN C. KEACH.

The bill (H. R. 2726) granting an increase of pension to John C. Keach was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Keach, late of Company F, Seventieth Regiment Ohio Volunteer Infantry, and to pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ETHAN A. VALENTINE.

The bill (H. R. 2769) granting an increase of pension to Valentine was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ethan A. Valentine, late of Company E, Sixth Regiment Massa-chusetts Volunteer Infantry, and Company G, Twenty-sixth Regiment New York Volunteer Cavalry, and to pay him a pen-sion at the rate of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

## GEORGE L. ROBINSON.

The bill (H. R. 2764) granting an increase of pension to George L. Robinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George L. Robinson, late of Company C, Thirty-fifth Regiment

Massachusetts Volunteer Infantry, and to pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

#### NATHAN D. CHAPMAN.

The bill (H. R. 2793) granting an increase of pension to Nathan D. Chapman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathan D. Chapman, late of Company B, Thirteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN G. H. ARMISTEAD.

The bill (H. R. 3740) granting an increase of pension to John G. H. Armistead was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John G. H. Armistead, late of Company F, Thirteenth Regiment Iowa Volunteer Infantry, and to pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## HIRAM T. HOUGHTON.

The bill (H. R. 3989) granting an increase of pension to Hiram T. Houghton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram T. Houghton, late of Company H, Tenth Regiment Pennsylvania Reserve Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. This completes the Calendar under

the agreement.

Mr. TILLMAN. I ask unanimous consent to call up a bridge bill.

The VICE-PRESIDENT. Under the unanimous-consent agreement no business was to be transacted other than the consideration of unobjected pension bills and bills to correct military records.

Mr. TILLMAN. Of course I do not want to break the agree-This is a matter which could not possibly be objected to, but as the agreement has been made I will not ask that the bill I will try to get it through some other time.

Mr. McCUMBER. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 26, 1907, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

## FRIDAY, January 25, 1907.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D. The Journal of the proceedings of yesterday was read and approved.

## REGULATION OF COMMERCE BETWEEN STATES.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent that the minority of the Committee on the Judiciary have leave to file its views on the bill (H. R. 13655) to limit the effect of the regulation of commerce between the several States and Territories in certain cases until Tuesday morning next, January 29, 1907.

The SPEAKER. The gentleman from Maine asks unanimous consent that the minority of the Committee on the Judiciary have leave to file its views on the bill indicated until Tuesday morning next. Is there objection?

There was no objection, and it was so ordered.

## NAVAL APPROPRIATION BILL.

Mr. FOSS, from the Committee on Naval Affairs, reported the bill (H. R. 24925) making appropriations for the naval service for the fiscal year ending June 30, 1908, and for other purposes, which was read a first and second time, and, with the accompanying documents, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. PADGETT. Mr. Speaker, on that bill I reserve all points of order.

The SPEAKER. The gentleman from Tennessee reserves all points of order.

## UNITED STATES COURTS AT CLARKSDALE, MISS.

Mr. HUMPHREY of Mississippi. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R.

24285) to provide for holding terms of United States courts at Clarksdale, Miss., which I send to the desk and ask to have read.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the counties of Coahoma, Bolivar, Quitman, Tunica, Sunflower, Tallahatchie, and Leflore shall constitute a part of the northern judicial district of the State of Mississippi, and shall be known as the Delta division of said district. Circuit and district courts for the transaction of business pertaining to persons or property in said Delta division shall be held at the city of Clarksdale, in Coahoma County, on the third Monday in June and December in each year, and shall continue for twelve days or so long as business may require.

SEC. 2. That said courts to be held at Clarksdale, as provided in section 1 of this act, shall be possessed of and shall exercise all the powers and jurisdiction now possessed or exercised, or which may hereafter be granted to or exercised, by the circuit and district courts in said district now held at Oxford, Miss., and all laws regulating and defining how suits against persons or property located or found in judicial districts shall be brought shall be applicable to and govern the bringing of suits in said Delta division; and all laws touching the removal of causes from the State courts to the United States courts shall apply to said court hereby established; but all crimes and offenses heretofore committed within the counties composing said Delta division shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

SEC. 3. That it shall be the duty of the clerks of the courts now held at Jackson, Oxford, and Vicksburg, on demand of either party to any suit now pending in either of said courts, and properly belonging to the courts to be held at Clarksdale, to make out and certify a copy of the record and proceedings in said suit and transmit the same to the deputy clerk of the proper court at Clarksdale; and he shall enter said cause on his docket, and the same shall be proceeded with as if it had been originally brought in said court. The fee for such transcript sh

The SPEAKER. Is there objection?
Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Mississippi what the effect of the bill is?

Mr. HUMPHREYS of Mississippi. Mr. Speaker, the effect of the bill is to require the present Federal judge to hold court at a different place from the places he now holds court in the two divisions in the State. This bill does not create a new district, but does create a new division. I think there are three divisions in the southern district and two in the northern district, and the counties composing the proposed new division are now remote from court facilities. The fact is, people have to travel from 150 to 200 miles to get to the Federal court. This provides that the present judge shall hold court at Clarksdale, a point that is convenient to the people of the proposed division.

The SPEAKER. Is there objection? [After a pause.] Chair hears none. The question is on the engrossment and

third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

RESURVEY OF LAND IN FREMONT COUNTY, COLO.

Mr. BROOKS of Colorado. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1178) providing for the resurvey of a township of land in Colorado, which I send to the desk and ask to have read.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cause to be made a resurvey of the lands in township No. 16 south, of range No. 71 west, of the sixth principal meridian, in Fremont County, in the State of Colorado; and all rules and regulations of the Interior Department requiring petitions from all settlers of said township asking for resurvey and agreement to abide by the result of same, so far as these lands are concerned, are hereby abrogated: Provided, That nothing herein contained shall be so construed as to impair the present bona fide claim of any actual occupant of any of said lands so occupied: Provided further, That before any survey is ordered it shall be made to appear to the Secretary of the Interior that the former official survey of said lands is so inaccurate or obliterated as to make it necessary to survey the land, and only such parts of the land where the survey is so inaccurate or obliterated shall be surveyed.

The SPEAKER. Is there objection?
Mr. WILLIAMS. Mr. Speaker, reserving the right to ob-

ject, I will ask the gentleman to explain the purpose of the bill.

Mr. BROOKS of Colorado. The purpose of the bill is simply to provide for a resurvey of lands in a single township, where the present monuments are so obliterated and destroyed that it is impossible to locate the particular Government subdivisions which are to be entered. The bill is the ordinary bill for resurvey and has the unanimous report from the committee

Mr. WILLIAMS. I have no objection.

Mr. CLARK of Missouri. Is that the same bill that was

passed at the last session?

Mr. BROOKS of Colorado. Oh, no; that bill was for a resurvey of a considerable quantity of land, while this is a bill for a resurvey of a single township of land in Fremont

The SPEAKER. Is there objection? [After a pause.] The

Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

On motion of Mr. Brooks of Colorado, a motion to reconsider the last vote was laid on the table.

ADDITIONAL JUDGE FOR THE NORTHERN AND SOUTHERN DISTRICTS OF CALIFORNIA.

Mr. KAHN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from California asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 23394) to provide for an additional district judge for the northern district of California.

Be it enacted, etc., That the President of the United States, by and with the advice and consent of the Senate, shall appoint an additional judge of the district court of the United States for the northern district of California, who shall reside in said district, and who shall possess the same powers, perform the same duties, and receive the same salary as the present district judge of said district.

SEC. 2. That this act shall take effect immediately.

The committee amendments were read, as follows:

The committee amendments were read, as follows:

In line 5 add the letter "s" to the word "court;" so that it shall be plural instead of singular.

After the syllable "ern," in line 6, add the words "and southern."

After the word "district," where it appears the first time in line 6, add the letter "s;" so that it will be plural instead of singular.

Strike out the word "district," where it appears the second time in line 6, and insert in lieu thereof the words "State of California."

In line 8, after the word "judge," insert the letter "s;" so that it will be plural instead of singular.

In line 9, after the word "district," insert the letter "s;" so that it will be plural instead of singular.

Amend the title so as to read: "To provide for an additional judge for the northern and southern districts of California."

The SPEAKER. Is there objection?

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object-

Mr. WILLIAMS. Does this create a new judge?

Mr. KAHN. Yes; it does create a new judge. Mr. Speaker, at the present time the calendar in the United States circuit court at San Francisco is clogged to such an extent that cases are two years in arrears. The situation there is this: present district court judge for the northern district of California can just about keep up with his calendar. The circuit judge sits practically all the time in the circuit court of appeals, and his circuit court calendar is continually running further That is why the cases are about two years behind in trial in the circuit court. The Department of Justice recom-mends this bill very strongly; the Judiciary Committee has reported it unanimously. The Department of Justice has made a suggestion which this bill endeavors to carry out, that instead of limiting this judge to the northern district he shall be assigned either to the northern or southern district, as the case may be, so in case the district judge of the southern district becomes sick or his calendar becomes clogged the new judge can move down to Los Angeles for a while and try cases there. It is absolutely imperative, the Department says, that some relief should be given at this time. The business of the court relief should be given at this time. The business of the court has been constantly increasing. A large number of cases are constantly being filed. Litigants have no opportunity to have them adjudicated. Judge Morrow of the circuit court is, in addition to that, a sick man. His eyesight is failing, and that makes another hardship; but the entire bench of the circuit court of appeals unite in asking Congress to give this additional judge, so as to relieve the congestion that prevails there.

Mr. MANN. May I call the attention of the gentleman to the fact that the other day we passed a bill providing for an additional judge in Ohio only during the life of the present judge. Now, the same condition exists there that exists here. The present judge has not the physical capacity to attend to the work. Oh, I understand the gentleman shakes his head; but 1

believe that to be the fact from my information.

Mr. KAHN. I have not probably made myself clear. is not the fact. The circuit court judge at San Francisco. The circuit court judge at San Francisco sits in the circuit court of appeals as much as he can, in fact nearly all The work of that court is so great that for several the time. years Judge Morrow has been practically unable to do any circuit-court work. The work of the circuit court of appeals is constantly growing in the ninth circuit. It is a very large circuit. It embraces all of those large States along the Pacific coast and many interior States, as well as the Territories of Hawaii and Alaska, and the Philippine Islands. Ordinarily a district judge could be assigned to do the circuit-court work, but the district judge at San Francisco can only attend to his own calendar and can not sit in the circuit court. His own calendar takes up all of his time. If Judge Morrow is to perform his

duties in connection with the circuit court of appeals, which, of course, I presume the gentleman from Illinois will recognize as being absolutely necessary, then he can hardly do his circuitcourt work, and the purpose of having this judge appointed is to enable this new district judge practically to do circuit-court

Mr. MANN. The gentleman says the district judge is engaged all the time in doing district court work. If the gentleman is correct, a very peculiar condition of affairs exists there, because there is not another district judge in the United States who is engaged one-third of the time in doing district work. Now, will the gentleman inform us what is the peculiar condition of affairs in California that requires a district judge to be constantly busy in the trial of criminal or libel suits?

Mr. KAHN. He tries not only criminal or libel suits, but also tries civil suits in which one of the parties is not a citizen of

the State of California.

Mr. MANN. But in the district courts he does not.

Mr. KAHN. He does in the district courts. He has all the bankruptcy work. There is a great deal of work in that district. The gentleman must know that Chinese cases come in there constantly and take up a great deal of time. The district judge of that district was a former Member of this Congress, and I venture the assertion that there is not a more conscientious judge upon the bench in any State of this Union. I know personally that he is constantly engaged in his own court, be-

cause I have occasion to see him frequently.

Mr. MANN. The gentleman says, "engaged in his own court." Is it not the universal practice throughout the United States for the district judge to sit as a circuit judge? If this is the case there, the gentleman has not made out a very good case yet, and if it be the fact that the district judge is engaged all the time in attending to district business, I think we ought to know what business he has there that requires so much atto know what business he has there that requires so much attention. It does not require all of the time of the district judge of New York City, nor the district judge in Chicago, where, probably, there are as many criminal cases, or ought to be, as there are in California. He is not required to sit one-half of

his time trying district business.

Mr. KAHN. The conditions, then, in Chicago and New York are different from what they are in San Francisco. Mr. MANN. That is what we are trying to ascertain. What

are the facts in San Francisco?

Mr. KAHN. There are a great many admiralty cases, there are maritime cases, there are bankruptcy cases, there are smuggling and counterfeiting cases, and, finally, there are cases growing out of the enforcement of the Chinese-exclusion laws, which Chicago and New York do not have at all.

Mr. MANN. I believe they have as many of those cases in Chicago as they have in San Francisco.

Mr. KAHN. I doubt that very much.
Mr. PARSONS. Does the gentleman from Illinois [Mr. Mann] mean that in New York the time of the district judges is not taken up with the district court work?

Mr. MANN. Not all of it.

Mr. PARSONS. Nine-tenths of it is so taken up.

Mr. MANN. He tries a good deal of circuit business over in New York?

Mr. PARSONS. Nearly all of their time is taken up in that district by district-court work.

Mr. MANN. The gentleman says the district judge in New York City takes nine-tenths of his time trying district busi-

Mr. PARSONS. I repeat it. Occasionally Judge Holt, who is one of our three district judges, sits on the circuit court of appeals, but one of our district judges' time is taken up entirely with admiralty cases, another with bankruptcy, and another with criminal work, and occasionally one of them sits in the circuit court of appeals.

Mr. MANN. Who tries cases in the circuit court?

Mr. PARSONS. They are not tried by them.

Mr. PAYNE. I want to say in that connection, if I may be allowed, that Judge Ray, of the northern district, frequently goes to New York and holds court for several weeks, and I do not see why the same thing can not be done in California-why some other district judge can not go into this district and hold court

Mr. KAHN. There is this situation: If you bring a district judge from Nevada, for instance, to try cases in California, it is a considerable distance from that State down to San Francisco. The litigants, in order to have their bills of exceptions settled, have to make long trips over into another State; and then probably the judge up there may be busy and may not be able to come down to try circuit-court cases. The distances in the West are very great. Now, my colleague [Mr. McKinlay] was an assistant United States attorney before he came to Congress. He had cases to try constantly in Judge De Haven's court, and he can assure the gentleman from Illinois that that judge is constantly occupied in trying cases in the district court of the northern district of California.

Mr. MANN. Who tries the circuit court cases?

They are not being tried. Our calendar is two Mr. KAHN. years behind time.

Every calendar is two years behind time. Well, I do not know— Mr. MANN.

Mr. KAHN.

Mr. MANN. The calendar of the Supreme Court of the United States, and all court calendars, are two years behind time.

Mr. KAHN. I do not think

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be read a third time, read the third time, and passed.

On motion of Mr. KAHN, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### JICARILLA RESERVATION.

Mr. HOGG. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 23650) to quiet title to lands on Jicarilla Reservation, and to authorize the Secretary of the Interior to cause allotments to be made, and to dispose of the merchantable timber, and for other purposes.

The Clerk read as follows:

A bill (H. R. 23650) to quiet title to lands on Jicarilla Reservation, and to authorize the Secretary of the Interior to cause allotments to be made, and to dispose of the merchantable timber, and for other pur-

poses.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cancel the allotments made to the members of the Jicarilla tribe of Indians in New Mexico, provided all the members of said tribe relinquish all their individual right, title, and interest in the allotted lands to the United States, or he may cancel any of said allotments upon the relinquishment thereof by the allottee or his heirs; and each Indian taking advantage of the foregoing provisions and each unallotted member of the tribe shall be allotted not exceeding 10 acres of agricultural land and not exceeding 640 acres of other land, the areas to be in the discretion of the Secretary of the Interior, and he shall cause patents to issue therefor in accordance with the fifth section of the act of February 8, 1887, (24 Stat. L., 388); but the merchantable timber on any allotments authorized by this act is hereby excepted from allotment to be disposed of as hereinafter provided.

SEC. 2. That the Secretary of the Interior may dispose of all merchantable timber on allotments herein authorized during the term these are held in trust, and on the surplus lands for twenty-five years; the proceeds therefor to be expended under his direction for purposes beneficial to the individual allottees hereunder and their heirs, or for families, as he may deem best, and no part of such proceeds shall be expended for community or common benefits other than irrigation, but shall be equitably apportioned as near as may be among the Indians entitled.

The amendment recommended by the committee was read, as follows:

Sec. 3. That the Commissioner of Indian Affairs is hereby empowered and directed to make relinquishment for any minor, insane, incompetent, or unidentified Indian for the purpose of carrying out the provisions of this act.

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I desire to ask the gentleman if this is a unanimous report?

Mr. HOGG. It is a unanimous report, and is a bill prepared by the Department in order to carry out more fully the provisions of a similar bill passed at the last session.

Mr. WILLIAMS. Prepared at the Indian Bureau?

Mr. HOGG. Yes. Mr. WILLIAMS. I have no objection.

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. Hogg, a motion to reconsider the vote by which the bill was passed was laid on the table.

## EXTENSION OF TIME TO ENTRYMEN.

Mr. GRONNA. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 86.

The joint resolution was read, as follows:

Joint resolution 86, granting an extension of time to certain homestead entrymen.

Resolved, etc., That all persons who made homestead entry in the States of North Dakota, South Dakota, Idaho, Minnesota, Montana, and Wyoming, where the six months' period in which they were, or are, required by law to establish residence, expired or expires, after December 1, 1906, are hereby granted until May 15, 1907, within which to make actual settlement and establish residence upon the lands so entered by them.

The amendments recommended by the committee were read, as follows:

After the word "entry," in line 3, insert the following: "Including persons who have filed soldier's declaratory statements."

After the word "the," in line 5, strike out the words "six months."

After the word "them," in line 10, add the following:
"Provided, That this extension of time shall not shorten either the
error and of commutation or of actual residence under the homestead law:
Provided further. That the provisions of joint resolution 81, approved
January 18, 1907, shall apply to the State of Idaho."

Mr. WILLIAMS. I would like to ask the gentleman if this is a unanimous report of the committee?

Mr. BURKE of South Dakota. Mr. Speaker, I will say to the gentleman that it is a unanimous report, and it is simply to correct the resolution that we passed the other day where the word "settler" was used instead of "entryman," and the Department officials are inclined to the opinion that that resolution does not

do what it contemplates, and this is to correct it.

Mr. WILLIAMS. By the way, why was this in the shape of a joint resolution instead of a bill?

Mr. BURKE of South Dakota. I have no knowledge as to that. It originated in the Senate; it is a Senate resolution.

Mr. WILLIAMS. I have no objection.

Mr. STERLING. I rise for the purpose of making an inquiry about the resolution. From the reading of the joint resolution I understand that it referred to joint resolution 61. I think that the number of that resolution which was passed was \$1 instead

The SPEAKER. It is 81 in this amendment.
Mr. STERLING. It should be 81, I am quite sure.
Mr. LACEY. This resolution 86, I understand, is before the House.

The SPEAKER. It is not before the House. Unanimous consent has not been given. The gentleman from Illinois suggests that the joint resolution which is referred to should be 81 instead of 61.

Mr. LACEY. There are several amendments that ought to be incorporated in the resolution when it gets before the House.

The SPEAKER. The first thing to determine is, Is there ob-ction? [After a pause.] The Chair hears none. Mr. LACEY. The committee desire to offer some amend-

Mr. GRONNA. I offer the following amendments.
The SPEAKER. Is that a committee amendment?
Mr. GRONNA. These are committee amendments.

The SPEAKER. Committee amendments will first be offered. Mr. GRONNA. These are committee amendments. The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Page 1, in line 6, after the word "Montana," insert "Washington."
Line 7, page 1, after the word "to," insert "make entry under such
declaratory statement or."
Page 1, line 3, after the word "make," insert "such entry or."
In line 2, page 2, strike out the word "sixty" and insert in lieu
thereof the word "eighty."
Strike out line 4 on page 2 and insert "States of Idaho and Washington."

Mr. LACEY. One other amendment. The words months," in line 6, should be stricken out.

The SPEAKER. That is already reported.

Mr GRONNA. These amendments have all been authorized by the committee.

Mr. LACEY. One of these amendments is an amendment to

a committee amendment.

The SPEAKER. Is a separate vote demanded on either of the amendments? If not, the amendments of the committee just read and the amendments to the committee amendments, including the amendments offered by the gentleman from North Dakota, will be considered as agreed to. [After a pause.] The Chair hears no objection.

The joint resolution as amended was ordered to a third read-

ing, read the third time, and passed.

On motion of Mr. Burke of South Dakota, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

## PENSION BUSINESS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that bills in order under the rule to-day may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that bills reported from the Committee on Pensions and the Committee on Invalid Pensions, in order under the rule to-day, may be considered in the House as in Committee of the Whole. Is there objection. mittee of the Whole.

There was no objection.

The SPEAKER. The gentleman from Rhode Island [Mr. Capron] will please take the chair as Speaker pro tempore.

## JOHN M'KINNON, ALIAS JOHN MACK.

The first business on the Private Calendar was the bill (S. 1160) to correct the military record of John McKinnon, alias John Mack. The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of John McKinnon, alias John Mack, late of Company L. Sixteenth Pennsylvania Cavalry, and seaman on the U. S. S. North Carolina and U. S. S. Brooklyn, and to grant him a discharge from the military service of the United States: Provided, That no bounty, pay, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was ordered to a third reading, was read the third time, and passed.

#### BURRIS SUBERS.

The next pension business was the bill (H. R. 20261) granting an increase of pension to Burris Subers.

The bill read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Burris Subers, late of Company H, Twentieth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

#### SYLVANUS SLOAT.

The next pension business was the bill (H. R. 23136) granting an increase of pension to Sylvanus Sloat.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sylvanus Sloat, late of Company E, One hundred and thirty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Regiment," insert the words "and Company D, Eighteenth Regiment."

In line 8 strike out the word "thirty-five" and insert the word "thirty-five". "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## JOHN H. ROBBINS.

The next pension business was the bill (H. R. 23143) granting an increase of pension to John H. Robbins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John II. Robbins, late of Company F, Fifty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## FREDERICK KRINER.

The next pension business was the bill (H. R. 21134) granting an increase of pension to Frederick Kriner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Kriner, late of Company G, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

reading; and being engrossed, it was accordingly read the third time, and passed. The bill as amended was ordered to be engrossed for a third

## HARVEY M'CALLIN.

The next pension business was the bill (H. R. 20455) granting an increase of pension to Harvey McCollum,

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harvey McCollum, late of Company C, First Regiment New York Volunteer Mounted Rifles, and Company C, Fourth Provisional Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per menth in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "McCollum" and insert in lieu thereof the word "McCallin."

In lines 7 and 8 strike out the words "and Company C, Fourth Provisional Regiment New York Volunteer Cavalry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Harvey McCallin.'

The next pension business was the bill (H. R. 20187) granting an increase of pension to John J. Duff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J. Duff, late captain Company E, One hundred and seventieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALEXANDER W. TAYLOR.

The next pension business was the bill (H. R. 19650) granting an increase of pension to A. W. Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of A. W. Taylor, late lieutenant-colonel One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the letter "A." and insert in lieu thereof the word "Alexander."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Alexander W. Taylor."

## HENRY GOODLANDER.

The next pension business was the bill (H. R. 23299) granting an increase of pension to Henry Goodlander.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Goodlander, late of Company G, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWARD S. E. NEWBURY.

The next pension business was the bill (H. R. 19537) granting an increase of pension to Edward S. E. Newbury. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward S. E. Newbury, late of Company E, Eleventh Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$35 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 6, before the word "Company," insert the words "Company D, Third Regiment, and first lieutenant."
In line 8 strike out the word "five" and insert in lieu thereof the word "six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY AREY.

The next pension business was the bill (H. R. 2049) granting an increase of pension to Henry Arey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Arey, late of the United States Navy, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "of the" and insert in lieu thereof the words "acting master commanding U. S. S. Wilderness."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES W. COSGROVE.

The next pension business was the bill (H. R. 21133) granting an increase of pension to James W. Cosgrove.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Cosgrove, late of Company I, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID C. JOHNSTON.

The next pension business was the bill (H. R. 3002) granting an increase of pension to David C. Johnston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David C. Johnston, late of Company H, Sixth Regiment Pennsylvania Volunteer Artillery, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Artillery," insert the word "Heavy." In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed. JOSEPH DEWHURST.

The next pension business was the bill (H. R. 23812) granting an increase of pension to Joseph Dewhurst.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Dewhurst, late of Company K, Ninth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line S strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES J. SCHREINER.

The next pension business was the bill (H. R. 23644) granting an increase of pension to Charles J. Schreiner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles J. Schreiner, late of Company G, Eleventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL MOSE.

The next pension business was the bill (H. R. 22440) granting an increase of pension to Daniel Mose.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Mose, late of Company A, First Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "First," insert the word "Regiment." In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### AARON PRESTON.

The next pension business was the bill (H. R. 22408) granting an increase of pension to Aaron Preston.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aaron Preston, late of Company F. One hundred and forty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DANIEL A. PEABODY.

The next pension business was the bill (H. R. 22388) granting an increase of pension to Daniel A. Peabody.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel A. Peabody, late of Company G, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "G" and insert in lieu thereof the tter "I."

In same line strike out the word "Second" and insert in lieu thereof the word "Fifth."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARIA CROSS.

The next pension business was the bill (H. R. 22322) granting an increase of pension to Maria Cross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria Cross, widow of James G. Cross, late of Company C, Fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM W. TYSON.

The next pension business was the bill (H. R. 22252) granting an increase of pension to William W. Tyson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William W. Tyson, late captain Company A, Forty-fifth Regiment Pensylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "fifty." and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MENT STANNAH.

The next pension business was the bill (H. R. 21764) granting an increase of pension to Ment Stannah.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ment Stannah, late seaman in the United States Navy, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "seaman in the" and insert in fleu thereof the words "of U. S. S. Clara Dolsen and Exchange."
In line 7 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## URIAH KITCHEN.

The next pension business was the bill (H. R. 22223) granting an increase of pension to Uriah Kitchen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Uriah Kitchen, late of Company D, Eleventh Regiment United States Infantry, war with Mexico, and Company D, Forty-ninth Regiment Pennsylvania Volunteer Infantry, civil war, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Company D, Eleventh Regiment."
In line 7 strike out the words "United States Infantry, war with Mexico, and."
In line 9 strike out the words "civil war."
In same line strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### SAMUEL KELLER.

The next pension business was the bill (H. R. 22020) granting an increase of pension to Samuel Keller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Keller, late of Company F, Cass County. Mo., Home Guards Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## HENRY OSTERHELD.

The next pension business was the bill (H. R. 21962) granting an increase of pension to Henry Osterheld.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Osterheld, late of Company K, Sixty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read,

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In same line strike out the letter "K" and insert in lieu thereof the letter "F."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the thirdtime, and passed.

## ALEXANDER PORTER.

The next pension business was the bill (H. R. 21787) granting a pension to Alexander Porter.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Porter, late of Company G, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$30 per month.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third

time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Alexander Porter."

#### JOHN LYNCH.

The next pension business was the bill (H. R. 21120) granting an increase of pension to John Lynch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Lynch, late of Company C, Seventh Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### ENOCH MAY.

The next pension business was the bill (H. R. 21025) granting an increase of pension to Enoch May.

The bill was read, as follows:

Be it enacted, ctc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Enoch May, late of Company G, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### TIMOTHY QUINN.

The next pension business was the bill (H. R. 20713) granting an increase of pension to Timothy Quinn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Timothy Quinn, late major, Second Regiment New York Volunteer Infantry and First Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Second Regiment New York." In line 7 strike out the words "Volunteer Infantry, and."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a thirdreading; and being engrossed, it was accordingly read the third time, and passed.

## JOHN GUSTUS.

The next pension business was the bill (H. R. 17750) granting an increase of pension to John Gustus.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Gustus, late of Company I, One hundred and twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## ANDREW BRINK.

The next pension business was the bill (H. R. 16020) granting an increase of pension to Andrew Brink.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Brink, late of Companies D and B, Sixteenth Regiment Pennsylvania Volunteer Cavairy, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read,

In line 6 strike out the word "Companies" and insert in licu thereof the word "Company."

In same line strike out the words "and B."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## CHARLES W. HELVEY.

The next pension business was the bill (H. R. 11754) granting an increase of pension to Charles W. Helvey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Helvey, late of Companies B and H, Seventh Regiment Missouri State Militia, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "B" and insert in lieu thereof the letter "H."

In same line strike out the letter "H" and insert in lieu thereof the letter "B."

In line 7, after the word "Militia," insert the words "Volunteer Cavalry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### WILLIAM CROOKS.

The next pension business was the bill (H. R. 9655) granting an increase of pension to William Crooks.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Crooks, late of Company H, Eighth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### LINAS VAN STEENBURG.

The next pension business was the bill (H. R. 6943) granting an increase of pension to Linas Van Steenburg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Linas Van Steenburg, late of Company B, Fifty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed. ADOLPHUS COOLEY.

The next pension business was the bill (H. R. 22017) granting an increase of pension to Adolphus Cooley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adolphus Cooley, late of Company K, Twentieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Infantry," insert the words "and Company A, Sixth Regiment Kentucky Volunteer Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## HEZEKIAH DEZARN.

The next pension business was the bill (H. R. 830) granting an increase of pension to Hezekiah Dezarn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hezekiah Dezarn, late of Company A, First Regiment Tennessee Volunteer Cavairy, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES M. MORRIS.

The next pension business was the bill (H. R. 23278) granting an increase of pension to James M. Morris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Morris, late of Company B, Forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line S strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

GEORGIE A. MERCER.

The next pension business was the bill (H. R. 23250) granting an increase of pension to Georgie A. Mercer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Georgie A. Mercer, widow of John Q. Mercer, late of Company K. Twentieth Regiment Pennsylvania Volunteer Infantry, and Company E, One hundred and forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

Strike out all of line 7.

In line 8 strike out the word "Infantry."

In line 10 strike out the word "twelve" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH M'NULTY.

The next pension business was the bill (H. R. 3720) granting an increase of pension to Joseph McNulty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph McNulty, late of Company H, Second Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "fifty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN VOROUS.

The next pension business was the bill (H. R. 3977) granting an increase of pension to John Vorous.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Vorous, late of Company I, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was according read the third time, and passed.

JONAS GURNEE.

The next pension business was the bill (H. R. 5854) granting an increase of pension to Jonas Gurnee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jonas Gurnee, late of Company C, One hundred and sixtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARINE D. TACKETT.

The next pension business was the bill (H. R. 6880) granting an increase of pension to Marine D. Tackett,

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marine D. Tackett, late of Third Battery Indiana Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

MARY SCHOSKE.

The next pension business was the bill (H. R. 8816) granting an increase of pension to Mary Schoske.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Schoske, widow of John Schoske, late teamster in the Government employ during the Indian war in Minnesota, in the year 1862, and pay her a pension at the rate of \$20 per month.

The amendments recommended by the committee were read,

In line 6, before the word "late," insert, in parentheses, the words or Scheske."

"or Scheske."
Strike out all of line 7 and insert in lieu thereof the words "an expedition against the Sioux Indians in August, 1862."
In line 8 strike out the words "in the year 1862."
In line 9 strike out the word "twenty" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH R. BOGER.

The next pension business was the bill (H. R. 7416) granting an increase of pension to Joseph R. Boger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph R. Boger, late of Company A, First Regiment Virginia Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Virginia," insert the word "West." In same line, before the word "Cavalry," insert the word "Volun-

teer."
In same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. BRAWNER.

The next pension business was the bill (H. R. 7415) granting an increase of pension to George W. Brawner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Brawner, late of Company K, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACKSON MAYS.

The next pension business was the bill (H. R. 8164) granting an increase of pension to Jackson Mays.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jackson Mays, late of Company E, Sixth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### MILTON J. TIMMONS.

The next pension business was the bill (H. R. 8586) granting an increase of pension to Milton J. Timmons.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milton J. Timmons, late of Company H, Eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### MELISSA M'CRACKEN.

The next pension business was the bill (H. R. 9073) granting an increase of pension to Melissa McCracken.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Melissa McCracken, widow of William R. McCracken, late of Company F, Fourth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## ALEXANDER BROWN.

The next pension business was the bill (H. R. 9450) granting an increase of pension to Alexander Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Brown, late of Company E, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## FREDERICK PFAHL.

The next pension business was the bill (H. R. 10874) granting an increase of pension to Frederick Pfahl.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Pfahl, late of Company H, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## ROBERT L. HAMILL.

the provisions and limitations of the pension laws, the name of Robert L. Hamill, late of Company D. Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### MARGARETTE R. BACON.

The next pension business was the bill (H. R. 11535) granting an increase of pension to Margarette R. Bacon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margarette R. Bacon, widow of George A. Bacon, late colonel Fifteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The amendments recommended by the committee were read,

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry." In line 8 strike out the word "thirty" and insert in lieu thereof the word "fifteen."

The amendments were agreed to. The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### JAMES H. DAVISON.

The next pension business was the bill (H. R. 11693) granting an increase of pension to James H. Davison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Davison, late of Twenty-sixth Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line S strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## WILLIAM H. BOULTON.

The next pension business was the bill (H. R. 11980) granting an increase of pension to William B. Boulton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William B. Boulton, late first lieutenant of Company C, One hundred and fourteenth Regiment United States Colored Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "William," strike out the letter "B." and insert in lieu thereof the letter "H."

In same line, after the word "late," insert the words "of Company H, Eighty-sixth Regiment Ohio Volunteer Infantry, and Company C, Twelfth Regiment Ohio Volunteer Cavalry, and."

In same line, before the word "Company," strike out the word "of."
In line 7, after the word "Colored," insert the word "Volunteer."

In line 8 strike out of the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William H. Boulton."

## MARTHA W. WRIGHT.

The next pension business was the bill (H. R. 11994) granting an increase of pension to Martha W. Wright.

The bill was read, as follows:

The next pension business was the bill (H. R. 11523) granting an increase of pension to Robert L. Hamill.

The bill was read, as follows:

Be 4t enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha W. Wright, widow of Ebenezer Wright, late of Company I, Fourteenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### JAMES E. TAYLOR.

The next pension business was the bill (H. R. 6887) granting an increase of pension to James E. Taylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James E. Taylor, late of Company M, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### MARTIN OFFINGER.

The next pension business was the bill (H. R. 5856) granting an increase of pension to Martin Offinger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin Offinger, late of Company B. First Regiment New York Mounted Rifles Volunteers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "First Regiment New York Mounted Rifles Volunteers" and insert in lieu thereof the words "Third Regiment New York Volunteer Cavalry, and Company B, Fourth Regiment New York Provisional Volunteer Cavalry." In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## THOMAS B. THOMPSON.

The next pension business was the bill (H. R. 12355) granting. a pension to Thomas B. Thompson. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas B. Thompson, late of Company G, Fourteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "forty-six."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Thomas B. Thompson."

## HURLBUTT L. FARNSWORTH.

The next pension business was the bill (H. R. 12496) granting an increase of pension to Hurlbutt L. Farnsworth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hurbutt L. Farnsworth, late of Company E, Two hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

## \* MARY A. CLARK.

The next pension business was the bill (H. R. 14777) granting a pension to Mary A. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Mary A. Clark, widow of Linus R. Clark, late captain Company F. One hundred and seventeenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "twenty" and insert in lieu thereof the word "fifteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### ABBY J. BRYANT.

The next pension business was the bill (H. R. 15353) granting an increase of pension to Abby J. Bryant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abby J. Bryant, widow of David S. Bryant, late of Company G. Eighth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "sixteen" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### HENRY S. SCUDDER.

The next pension business was the bill (H. R. 15903) granting an increase of pension to Henry S. Scudder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry S. Scudder, late of Campany H, Twenty-first Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## WILLIAM CRANE.

The next pension business was the bill (H. R. 13835) granting an increase of pension to William Crane.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Crane, late of Company E, First Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## GEORGE C. LIMPERT.

The next pension business was the bill (H. R. 16322) granting an increase of pension to George C. Limpert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George C. Limpert, late of Company C, Twenty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Regiment," insert the words "and Company C, Third Regiment."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## WILLIAM JACKSON.

The next pension business was the bill (H. R. 16391) granting an increase of pension to William Jackson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Jackson, late of Company D, Fifteenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof ne word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CLARKE S. COLE.

The next pension business was the bill (H. R. 16907) granting an increase of pension to Clarke S. Cole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clarke S. Cole, late of Company C, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

IVA O. SHEPARDSON.

The next pension business was the bill (H. R. 17061) granting an increase of pension to Iva O. Shepardson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Iva O. Shepardson, widow of George J. Shepardson, late captain Company I, Fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 7 and 8 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANNA F. BURLINGAME.

The next pension business was the bill (H. R. 17618) granting an increase of pension to Anna F. Burlingame.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna F. Burlingame, widow of Walter H. Johnson, late of Company D, Third Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "widow," insert the word "former."
In line 8 strike out the word "Infantry" and insert in lieu thereof
the word "Cavalry."
In same line strike out the word "sixteen" and insert in lieu
thereof the word "twenty."
The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES BOWMAN.

The next pension business was the bill (H. R. 17831) granting an Increase of pension to James Bowman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Bowman, late of Company K, One hundred and twenty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AMOS VAUGHAN.

The next pension business was the bill (H. R. 13681) granting a pension to Amos Vaughan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amos Vaughan, late of Company C, First Regiment Tennessee Mounted Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "late," insert the words "alias William

In line 7 strike out the word "Mounted."
In same line, after the word "Volunteer," insert the word "Mounted."
In line 8 strike out the word "twelve" and insert in lieu thereof
the word "ten."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Amos Vaughan, alias William Shanks."

DAVID PROVINCE.

The next pension business was the bill (H. R. 16046) granting an increase of pension to David Province.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Province, late of Company A, Ninth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES WEST.

The next pension business was the bill (H. R. 17783) granting an increase of pension to James West.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James West, late of Company A, One hundred and eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL D. M'CURDY.

The next pension business was the bill (H. R. 18245) granting ing an increase of pension to Samuel D. McCurdy. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel D. McCurdy, late of Company G, Two hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 dollars per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "G" and insert in lieu thereof the letter "I."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM C. THOMPSON.

The next pension business was the bill (H. R. 20858) granting an increase of pension to William C. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Thompson, late of United States States Navy, and pay him a pension at the rate of \$40 dollars per month in lieu of that he is now receiving.

The amendments recommended by the committee were read.

In line 6, before the word "United," insert the words "U. S. S. North Carolina and Santee."
In line 7 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### NELSON J. WELLER.

The next pension business was the bill (H. R. 21039) granting an increase of pension to Nelson J. Weller. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson J. Weller, late of Company I, Fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

- In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### ELIZA HOWELL.

The next pension business was the bill (H. R. 18450) granting an increase of pension to Eliza Howell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza Howell, widow of James P. Howell, late first lieutenant Company B, Sixth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$17 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventeen" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### JAMES E. NETSER.

The next pension business was the bill (H. R. 18602) granting an increase of pension to James E. Netser.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James E. Netser, late of Company F. Fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## SARAH A. HAWKES.

The next pension business was the bill (H. R. 20738) granting a pension to Sarah Hawkes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Hawkes, widow of Benjamin F. Hawkes, late of Company B, First Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The amendment recommended by the committee was read, as

In line 6, after the word "Sarah," insert the letter "A."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Sarah A. Hawkes."

## MARCUS WOOD.

The next pension business was the bill (H. R. 21121) granting an increase of pension to Marcus Wood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marcus Wood, late of Company I, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### SYLVESTER BICKFORD.

The next pension business was the bill (H. R. 21115) granting an increase of pension to Sylvester Bickford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sylvester Bickford, late of Company E, Eleventh Regiment Vermont Volunteer Infantry, and pay him a pension of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### JACOB HARTMAN.

The next pension business was the bill (H. R. 21118) granting an increase of pension to Jacob Hartman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Hartman, late of Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Independent," insert the word "Nineteenth."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### CHRISTIAN ROESSLER.

The next pension business was the bill (H. R. 21276) granting an increase of pension to Christian Roessler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Christian Roessler, late of Companies B and A. Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## EDWARD C. MILLER.

The next pension business was the bill (H. R. 21356) granting an increase of pension to Edward C. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward C. Miller, late of Company B, Ringgold Battalion, Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## JOSEPH WHEELER.

The next pension business was the bill (H. R. 21515) granting an increase of pension to Joseph Wheeler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Wheeler, late of Company A, Seventy-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Illinois," insert the words "and Company A, Thirty-third Regiment."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### JAMES MURTHA.

The next pension business was the bill (H. R. 21516) granting an increase of pension to James Murtha.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Murtha, late of Company C. Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### LEONIDAS W. REAVIS.

The next pension business was the bill (H. R. 21618) granting an increase of pension to Leonidas W. Rearis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leonidas W. Rearis, late of Company K, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Rearis" and insert in lieu thereof the word "Reavis."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Leonidas W. Reavis."

#### MARIA R. KLINDT.

The next pension business was the bill (H. R. 21740) granting an increase of pension to Maria R. Klindt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria R. Klindt, widow of Claus Klindt, late of Company B, Second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## MERRITT M. SMART.

The next pension business was the bill (H. R. 21563) granting an increase of pension to Merritt M. Smart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Merritt M. Smart, late of band, Sixteenth Regiment United States Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## WILLIAM A. WHITAKER.

The next pension business was the bill (H. R. 21853) granting an increase of pension to William A. Whitaker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Whitaker, late of Company E, Forty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB W. PIERCE.

The next pension business was the bill (H. R. 21894) granting an increase of pension to Jacob W. Pierce.

The bill was read, as follows:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob W. Pierce, late first lieutenant Company F, Fifth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "first lieutenant" and insert in lieu thereof the word "of."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### SEBASTIAN FUCHS.

The next pension business was the bill (H. R. 21923) granting an increase of pension to Sebastian Fuchs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sebastian Fuchs, late of Company A, Ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### TERRANCE DOYLE.

The next pension business was the bill (H. R. 22715) granting an increase of pension to Terrance Doyle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Terrance Doyle, late d'Company B, Ninetieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## WILLIAM A. LEACH.

The next pension business was the bill (H. R. 22927) granting an increase of pension to William A. Leach.

The bill was read, as follows:

Be it enacted, etc.. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Leach, late of Company D, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

## THOMAS ADAMS.

The next pension business was the bill (H. R. 22978) granting an increase of pension to Thomas Adams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Adams, late of Company K, First Regiment Eastern Shore Maryland Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## THOMAS HAMILTON.

The next pension business was the bill (H. R. 23805) granting an increase of pension to Thomas Hamilton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Hamilton, late of Companies C and D, Twenty-fifth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and

being engrossed, it was accordingly read the third time, and

#### ANTONIO ARCHULETA.

The next pension business was the bill (H. R. 22153) granting a pension to Antonio Archuleta.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Antonio Archuleta, late of Company C. First Regiment New Mexico Velunteer Infantry, and pay him a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Company" and insert in lieu thereof the word "Companies." In same line, before the word "First," insert the words "and E."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALBERT RILEY.

The next pension business was the bill (H. R. 6491) granting an increase of pension to Albert Riley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Riley, private Company I, Fourth Tennessee Regiment, Mounted Infantry Volunteers, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "private" and insert in lieu thereof the words "late of."

In same line, after the word "Fourth," insert the word "Regiment."

In same line and in line 7 strike out the word "Regiment."

In line 7, before the word "Mounted," insert the word "Volunteer."

In same line strike out the word "Volunteers."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## EDGAR D. ELLIS.

The next pension business was the bill (H. R. 23458) granting an increase of pension to Edgar D. Ellis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edgar D. Ellis, late of Company H, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## MARTIN BECKER.

The next pension business was the bill (H. R. 23468) granting an increase of pension to Martin Becker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin Becker, late of Company E, Fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "E, Fifth Regiment New York Volunteer Infantry" and insert in lieu thereof the words "G, Fifteenth Regiment New Jersey Volunteer Infantry, and Company G, Twenty-first Regiment New Jersey Veteran Volunteer Infantry." In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### ADAM SLIGER.

The next pension business was the bill (H. R. 23495) granting an increase of pension to Adam Sliger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adam Sliger, late of Company I, Forty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### ALFRED B. STANSIL.

The next pension business was the bill (H. R. 23599) granting an increase of pension to Alfred B. Stansil.

The bill was read, as follows:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred B. Stansil, late of Company H. Eighty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### THOMAS PHILLIPS.

The next pension business was the bill (H. R. 23683) granting an increase of pension to Thomas Phillips.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Phillips, late of Company B, Eleventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## HARRY C. CADWELL.

The next pension business was the bill (H. R. 23684) granting an increase of pension to Harry C. Cadwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harry C. Cadwell, late of Company B. One hundred and seventeenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

## WARREN A. SHERWOOD.

The next pension business was the bill (H. R. 22276) granting an increase of pension to Warren Sherwood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Warren Sherwood, late of Company K, Eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "Warren," insert the letter "A."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Warren A. Sherwood."

## HENRY D. COMBS.

The next pension business was the bill (H. R. 23770) granting an increase of pension to Henry D. Combs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry

D. Combs, late of Company E, Second Regiment United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Infantry," insert the word "Volunteer." In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### THERON CROSS.

The next pension business was the bill (H. R. 23811) granting an increase of pension to Theron Cross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theron Cross, late of Company K, One hundred and thirty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Company K" and insert in lieu thereof the words "first lieutenant Company B."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE QUIEN.

The next pension business was the bill (H. R. 23153) granting an increase of pension to George Quien.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Quien, late of Company K, Twenty-third Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second lieutenant."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE R. RORABACK.

The next pension business was the bill (H. R. 3352) granting an increase of pension to Geogre R. Roraback.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George R. Roraback, late musician in the band of the Thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read. as follows:

In line 6 strike out the words "musician in the band of the" and insert in lieu thereof the words "of band."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES H. ANTHONY.

The next pension business was the bill (H. R. 3204) granting an increase of pension to Charles H. Anthony.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Anthony, late of Company A, Third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read. as follows:

In line 6 strike out the letter "A" and insert in lieu thereof the let-

ter "H."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY DAMM.

The next pension business was the bill (H. R. 2246) granting an increase of pension to Henry Damm.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Damm, late of Company A, First Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### DANIEL B. BAYLESS.

The next pension business was the bill (H. R. 1019) granting an increase of pension to Daniel B. Bayless.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel B. Bayless, late of Company A. First Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### FRANCIS L. ARNOLD.

The next pension business was the bill (H. R. 529) granting an increase of pension to Francis L. Arnold.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis L. Arnold, late of Company A, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID H. MOORE.

The next pension business was the bill (H. R. 23279) granting an increase of pension to D. H. Moore.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of D. H. Moore, late of Company E, Twenty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "D." and insert in lieu thereof the word "David."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to David H. Moore."

## PAUL SHEETS.

The next pension business was the bill (H. R. 23327) granting an increase of pension to Paul Sheets.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Paul Sheets, late of Company E, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

## CLARK CRECELIUS.

The next pension business was the bill (H. R. 23371) grant-The bill as amended was ordered to be engrossed for a third ing an increase of pension to Clark Crecelius.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clark Crecelius, late of Company C, Seventy-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

#### ELBRIDGE SIMPSON.

The next pension business was the bill (H. R. 23423) granting an increase of pension to Eldrige Simpson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eldrige Simpson, late of Company E. Fifty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read. as follows:

In line 6 strike out the word "Eldrige" and insert in lieu thereof the word "Elbridge" In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Elbridge Simpson."

#### HENRY C. EASTEP.

The next pension business was the bill (H. R. 19450) granting an increase of pension to Henry C. Eastep.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry C. Eastep, late of Company H, Fourth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## SARAH NEELY.

The next pension business was the bill (H. R. 19498) granting an increase of pension to Sarah Neely.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and ha is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Neely, widow of Samuel Neely, late of Company A, Fifty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## WILLIAM B. CORLEY.

The next pension business was the bill (H. R. 19592) granting an increase of pension to W. B. Corley.

The bill was read, as follows:

Be it cnacted, ctc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. B. Corley, late of Company F. Fourth Regiment Tennessee Mounted Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

6 strike out the letter "W." and insert in lieu thereof the

In line 6 strike out the letter "W." and insert in lieu thereof the word "William."
In line 7 strike out the words "Mounted Volunteer" and insert in lieu thereof the words "Volunteer Mounted."
In line 8 strike out the word "thirty" and insert in lien thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William B. Corley."

## JAMES A. PRYCE.

The next pension business was the bill (H. R. 19613) granting a pension to James A. Pryce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Pryce, late of Company C, Eighty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James A. Pryce."

#### MARGARET PINT.

The next pension business was the bill (H. R. 20126) granting an increase of pension to Mary Pint.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Pint, widow of Henry Pint, late of Company F, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as

In line 6 strike out the word "Mary" and insert in lieu thereof the word "Margaret."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Margaret Pint."

#### ANTON HEINZEN.

The next pension business was the bill (H. R. 20243) granting an increase of pension to Anton Heinzen.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anton Helinzen, Inte of Company D, Forty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Iowa" and insert in lieu thereof the word "Wisconsin."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## HENRY D. BOLE.

The next pension business was the bill (H. R. 20283) granting an increase of pension to Henry D. Bole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry D. Bole, late of Company I, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## CAROLINE A. SMITH.

The next pension business was the bill (H. R. 20008) granting a pension to Caroline A. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline A. Smith, widow of Benjamin Smith, late of Company —, Fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second Heutenant."

In line 7, after the word "Company," insert the letter "B."
In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve." word tweive.

In same line, after the word "month," insert the words "in lieu of that she is now receiving."

The amendments were agreed to.
The bill as amended was ordered to be engressed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Caroline A. Smith."

#### FRANK VROMAN.

The next pension business was the bill (H. R. 23121) granting an increase of pension to Frank Vrooman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank Vrooman, late of Company I, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 6 strike out the word "Vrooman" and insert in lieu thereof the word "Vroman."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Frank Vroman."

#### SANFORD D. PAYNE.

The next pension business was the bill (H. R. 22007) granting an increase of pension to Sanford D. Payne.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sanford D. Payne, late of Company H. Eighth Regiment Michigan Volunteer Cavairy, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## JOSIAH H. SHAVER.

The next pension business was the bill (H. R. 22022) granting an increase of pension to Josiah H. Shaver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josiah H. Shaver, late of Company D. Eighty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "second lieutenant Company E, Twenty-fifth Regiment, and."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "fifteen."

The amendments were agreed to.

The bill as amended was ordered to be engressed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Josiah H. Shaver."

## EMMA A. HAWKES.

The next pension business was the bill (H. R. 22036) granting a pension to Emma A. Hawkes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma A. Hawkes, widow of Benjamin F. Hawkes, late lieutenant-colonel Seventy-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the words "second lieutenant Company E, Twenty-fifth Regiment, and." In line 8 strike out the word "thirty" and insert in lieu thereof the word "fifteen."

The amendments were agreed to.

reading; and being engrossed, it was accordingly read the third time, and passed.

#### MARY KÜCHLER.

The next pension business was the bill (H. R. 20125) granting an increase of pension to Mary Kuchler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Kuchler, widow of Henry Kuchler, late of Company A, Eleventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Mary," strike out the word "Kuchler" and insert in lieu thereof the word "Küchler." In same line, after the word "Henry," strike out the word "Kuch-r" and insert in lieu thereof the word "Küchler." In line 8 strike out the word "twenty" and insert in lieu thereof the ord "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary Küchler."

#### JOHN P. MACY.

The next pension business was the bill (H. R. 22068) granting an increase of pension to John P. Macy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John P. Macy, late of Company I, Tenth Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Company I" and insert in lieu thereof the words "first lieutenant."
In line 7 strike out the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## JAMES D. GRAYSON.

The next pension business was the bill (H. R. 22079) granting an increase of pension to James D. Grayson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James D. Grayson, late of First Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read. as follows:

In line 6 strike out the word "Independent."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

## JOHN W. BOOTH.

The next pension business was the bill (H. R. 22222) granting an increase of pension to John W. Booth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Booth, late of Company E, One hundred and twenty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read,

In line 7, after the word "Infantry," insert the words "and Company F, Third Regiment Pennsylvania Volunteer Heavy Artillery."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## JOHN O. M'NABB.

The next pension business was the bill (H. R. 22929) granting an increase of pension to John O. McNabb.

The bill was read, as follows:

The amendments were agreed to.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of John O. McNabb, late of Company F. One hundred and twenty-ninth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "Company," insert the words "Company E, Eleventh Regiment, and."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### HENRY E. COLLINS. .

The next pension business was the bill (H. R. 12154) granting an increase of pension to Henry E. Collins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry E. Collins, late of Company H, Eighth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### FELIX G. COBB.

The next pension business was the bill (H. R. 22746) granting an increase of pension to Felix G. Cobb.

The bill was read, as follows:

Be it enacted, etc.. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Felix G. Cobb, late second lieutenant Company —, One hundred twenty-fifth United States Colored Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Company," insert the letter "F."
In line 7, after the word "hundred," insert the word "and."
In same line, after the word "twenty-fifth," insert the word "Regiment."

In same line, after the word "Colored," insert the word "Volunteer."
In line 8 strike out the word "forty" and insert in lieu thereof the
word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## W. IRA TEMPLETON.

The next pension business was the bill (H. R. 22838) granting an increase of pension to W. Ira Templeton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. Ira Templeton, late of Company I, Sixth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## CLARENDON KELLY.

The next pension business was the bill (H. R. 23703) granting an increase of pension to Clarendon Kelly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clarendon Kelly, late of Company E, Eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain." In same line strike out the words "E, Eighth" and insert in lieu thereof the words "F, Fifty-second." In line 7 strike out the word "Missouri" and insert in lieu thereof the words "United States Colored."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### WILLIAM H. WEBB.

The next pension business was the bill (H. R. 20823) granting an increase of pension to William H. Webb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Webb, late of Company K, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### THOMAS MORRIS.

The next pension business was the bill (H. R. 21257) granting an increase of pension to Thomas Morris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Morris, late of Company A, First Regiment Kentucky Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A" and insert in lieu thereof the letter "H."
In line 7, before the word "Cavalry," insert the word "Volunteer."
In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### JACOB PALMER.

The next pension business was the bill (H. R. 21103) granting an increase of pension to Jacob Palmer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Palmer, late lieutenant Company F, Eighty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the word "first."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## HENRY HUFF.

The next pension business was the bill (H. R. 21461) granting an increase of pension to Henry Huff.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Huff, late of Company C, Thirteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## JONATHAN B. REBER.

The next pension business was the bill (H. R. 22550) granting an increase of pension to Jonathan B. Reber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jonathan B. Reber, late of Company F, Fifth Regiment Pennsylvania Volunteer Infantry, and Company F, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "Company F, Fifth Regiment Pennsylvania Volunteer Infantry."
In line 8, after the word "Cayalry," insert the words "and unassigned, Fourth Regiment United States Cavalry."
In line 9 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### JESSE LEWIS.

The next pension business was the bill (H. R. 21289) granting an increase of pension to Jesse Lewis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse Lewis, late of Company D, Fourth Regiment New York Volunteer Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Artillery," insert the word "Heavy."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### JOHN A. PENCE.

The next pension business was the bill (H. R. 21298) granting an increase of pension to John A. Pence.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Pence, late of Company D, Seventh Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## CARRIE E. COSGROVE.

The next pension business was the bill (H. R. 21373) granting an increase of pension to Carrie E. Cosgrove.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carrie E. Cosgrove, widow of Henry Cosgrove, late of Company —, Sixth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Company," insert the letter "A."
In line 8 strike out the word "twenty-four" and insert in lieu thereof
the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## JOHN L. ROSENCRANS.

The next pension business was the bill (H. R. 22269) granting an increase of pension to John L. Rosecrans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Rosecrans, late of Company A, One hundred and fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Rosecrans" and insert in lieu thereof the word "Rosencrans."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John L. Rosencrans."

#### LOUISA L. WOOD.

The next pension business was the bill (H. R. 22359) granting an increase of pension to Louisa L. Wood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa L. Wood, widow of Nathan F. Wood, late of Company D, One hundred and twenty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "twenty" and insert in lieu thereof the word "sixteen."  $\,$ 

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### LYMAN S. STRICKLAND.

The next pension business was the bill (H. R. 22443) granting an increase of pension to Lyman S. Strickland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lyman S. Strickland, late captain Company C, Sixteenth Regiment United States Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Sixteenth," insert the words "First Battalion."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### AARON CHAMBERLAIN.

The next pension business was the bill (H. R. 22462) granting an increase of pension to Aaron Chamberlain. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aaron Chamberlain, late of Company I, Thirteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$18 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "eighteen" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## CHARLES S. ABBOTT.

The next pension business was the bill (H. R. 22620) granting an increase of pension to Charles S. Abbott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles S. Abbott, late of Company H, Twentieth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## GEORGE W. WILLISON.

The next pension business was the bill (H. R. 22623) granting an increase of pension to George W. Willison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Willison, late of Company M, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

## WILLIAM C. HODGES.

The next pension business was the bill (H. R. 22842) granting an increase of pension to William H. Hodges.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Hodges, late of Company K, One hundred and seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 6 strike out the letter "H." and insert in lieu thereof the tter "C."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William C. Hodges."

#### GEORGE H. JUSTIN.

The next pension business was the bill (H. R. 15136) granting an increase of pension to George H. Justin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Justin, late of Company D. Thirty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

#### OLIVER CURRY.

The next pension business was the bill (H. R. 15012) granting an increase of pension to Oliver Curry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver Curry, late of Company E, One hundred and forty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## ATTICUS LEWIS.

The next pension business was the bill (H. R. 12095) granting an increase of pension to Atticus Lewis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Atticus Lewis, late of Company A, Two hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## ALBERT F. DURGIN.

The next pension business was the bill (H. R. 2777) granting an increase of pension to Albert F. Durgin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert F. Durgin, late of Company G, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## GEORGE W. IRWIN.

The next pension business was the bill (H. R. 12033) granting an increase of pension to George W. Irwin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of George W. Irwin, late of Company E. Eighteenth Regiment Ohio Volunteer Infantry, and Company C. First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

## MARCENA C. S. GRAY.

The next pension business was the bill (H. R. 8673) granting an increase of pension to Marcena C. S. Gray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marcena C. S. Gray, late first lieutenant Company H. First Regiment Louisiana Volunteers, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows

In line 6 strike out the word "Company" and insert in lieu thereof the word "Companies."

In same line, after the letter "H," insert the words "and K."
In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### JOHN M. BUXTON.

The next pension business was the bill (H. R. 7918) granting an increase of pension to John M. Buxton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Buxton, late of Company H, Thirty-third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### THOMPSON H. HUDSON.

The next pension business was the bill (H. R. 7538) granting an increase of pension to Thompson H. Hudson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thompson H. Hudson, late of Company H, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## MANOAH W. DUNKIN.

The next pension business was the bill (H. R. 6589) granting an increase of pension to M. W. Dunkin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of M. W. Dunkin, late of Company C. Third Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "M." and insert in lieu thereof the word "Manoah."

In same line strike out the word "Company" and insert in lieu thereof the word "Troop."

In same line and line 7 strike out the words "Kentucky Volunteer" and insert in lieu thereof the words "United States."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Manoah W. Dunkin."

## FLORENCE BACON.

The next pension business was the bill (H. R. 1373) granting an increase of pension to Florence Bacon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Florence Bacon, widow of Daniel Bacon, late second lieutenant Company L, Second Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$15 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as

In line 9 strike out the word "fifteen" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## WILLIAM M. NEAL.

The next pension business was the bill (H. R. 20684) granting an increase of pension to William M. Neal.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Neal, late of Company I, Seventieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieuof that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### ISAAC FORNWALT.

The next pension business was the bill (H. R. 20616) granting an increase of pension to Isaac Fornwalt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Fornwalt, late of Company G. First Regiment Pennsylvania Volunteer Cavairy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## ANDREW H. GROVES.

The next pension business was the bill (H. R. 20446) granting a pension to Andrew H. Groves.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew H. Groves, late of Company G. Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$40 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Andrew H. Groves.'

## EDWARD K. MULL.

The next pension business was the bill (H. R. 19131) granting an increase of pension to Edward K. Mull.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward K. Mull, late of Company F, Third Regiment Pennsylvania Reserve Volunteer Cavairy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read. as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 7 strike out the word "Cavalry" and insert in lieu thereof the word "Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed

#### WILLIAM TODD.

The next pension business was the bill (H. R. 18344) granting an increase of pension to William Todd.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Todd, late captain Company G, Eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### THOMAS B. MANNING.

The next pension business was the bill (H. R. 13960) granting an increase of pension to Thomas B. Manning.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas B. Manning, late of Company H, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### JOHN J. CLARK.

The next pension business was the bill (H. R. 22601) granting an increase of pension to John J. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J. Clark, late of Company C, Sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Infantry," insert the words "and Company G, Twenty-sixth Regiment New York Volunteer Cavalry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## JAMES D. COX.

The next pension business was the bill (H. R. 22318) granting an increase of pension to James D. Cox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James D. Cox, late of Company B, One hundred and fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## HUGH L. DICUS.

The next pension business was the bill (H. R. 22297) granting an increase of pension to Hugh L. Dicus.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hugh L. Dicus, late of Company E. Fiftieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## DENNIS REMINGTON.

The next pension business was the bill (H. R. 22285) granting an increase of pension to Dennis Remington,

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension law, the name of Dennis

Remington, late of Company K, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "late," insert the words "alias John

Baker."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Amend the title so as to read: "A bill granting an increase of pension to Dennis Remington, alias John Baker.'

#### JAMES M. PING.

The next pension business was the bill (H. R. 22240) granting an increase of pension to James M. Ping.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Ping, late of Company M. Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving. No part of this amount shall be held by the Government to repay any sum which may have been wrongfully paid to said James M. Ping on former pension.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "M" and insert in lieu thereof the

letter "I."

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twelve."

In same line strike out the words "in lieu of that he is," and all of lines 9, 10, and 11, and insert in lieu thereof the words "the same to to be paid to him under the rules of the Pension Bureau as to mode and time of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to James M. Ping.'

## ELIZA A. HUGHES.

The next pension business was the bill (H. R. 22215) granting an increase of pension to Eliza A. Hughes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza A. Hughes, widow of John A. Hughes, late captain Company H, Fortysixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of —— dollars per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, before the word "dollars," insert the word "seventeen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## LIBBIE D. LOWRY.

The next pension business was the bill (H. R. 22099) granting an increase of pension to Libbie D. Lowry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Libbie D. Lowry, widow of Morrow P. Lowry, late assistant paymaster, United States Navy, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," insert the word "acting."
In line 8 strike out the word "twenty-four" and insert in lieu thereof
the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## ADALINE G. BAILEY.

The next pension business was the bill (H. R. 22089) granting an increase of pension to Adaline G. Bailey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adaline G. Bailey, widow of John G. Bailey, late of Company A, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of \$17 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Seventeenth," insert the words "and quartermaster-sergeant."

In line 8 strike out the word "seventeen" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### EMMA C. AIKIN.

The next pension business was the bill (H. R. 21769) granting an increase of pension to Emma Aiken.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma Aiken, widow of Calvin Aiken, late of Company B, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Emma," strike out the word "Aiken" and insert in lieu thereof the words "C. Aikin."

In same line, after the word "Calvin," strike out the word "Aiken" and insert in lieu thereof the words "N. Aikin."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Emma C. Aikin."

#### FRANZ Z. F. W. JENSEN.

The next pension business was the bill (H. R. 21718) granting an increase of pension to Franz Z. F. W. Jensen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franz Z. F. W. Jensen, late of Company A, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## WILLIAM H. WICKHAM.

The next pension business was the bill (H. R. 21462) granting an increase of pension to William Wickham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Wickham, late of Company M, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "William," insert the letter "H."
In the same line strike out the letter "M" and insert in lieu thereof the letter "D."
In same line strike out the word "Second" and insert in lieu thereof the word "Ninth."
In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "fifty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William H. Wickham."

## GEORGE W. LASLEY.

The next pension business was the bill (H. R. 21433) granting an increase of pension to George W. Lasley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Lasley, late of Company K, One hundred and twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed,

#### JASPER N. BROWN.

The next pension business was the bill (H. R. 21425) granting an increase of pension to Jasper N. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jasper N. Brown, late second lieutenant Company G. Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "second lieutenant" and insert in lieu thereof the word "of."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN J. ROSS.

The next pension business was the bill (H. R. 21426) granting an increase of pension to John J. Ross.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J. Ross, late of Company C, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

#### CHARLES H. HOMAN.

The next pension business was the bill (H. R. 21374) granting an increase of pension to Charles H. Hornan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Hornan, late of Twenty-fourth Independent Battery, New York Volunteer Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Hornan" and insert in lieu thereof the word "Homan."

In line 7, before the word "Artillery," insert the word "Light."
In the same line, after the word "Artillery," insert the words "and Company G, Eleventh Regiment Veteran Reserve Corps."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Charles H. Homan."

## SAMUEL RHODES.

The next pension business was the bill (H. R. 21316) granting an increase of pension to Samuel Rhodes.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Rhodes, late of Company K. Third Regiment Missouri State Milital Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## JOHN R. GOODIER.

The next pension business was the bill (H. R. 21301) granting an increase of pension to John Goodier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Goodier, late of Company C, Thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "John," insert the letter "R." In same line strike out the letter "C" and insert in lieu thereof the tter "D."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John R. Goodier."

#### HENRY W. MARTIN.

The next pension business was the bill (H. R. 21097) granting an increase of pension to Henry Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Martin, late of Company A, Tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Henry," insert the letter "W." In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Henry W. Martin."

#### THOMAS N. GOOTEE.

The next pension business was the bill (H. R. 21022) granting an increase of pension to Thomas N. Gootee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas N, Gootee, late of Company I, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows.

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## GUTHRIDGE L. PHILLIPS.

The next pension business was the bill (H. R. 20740) granting an increase of pension to Guthridge L. Phillips,

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Guthridge L. Phillips, late of Company E, Third Regiment North Carolina Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Infantry," insert the word "Mounted." In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## IRA J. EVERSON.

The next pension business was the bill (H. R. 23810) granting an increase of pension to Ira J. Everson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ira J. Everson, late of Company G, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, is was accordingly read the third time, and passed.

## ISAAC L. GRISWOLD.

The next pension business was the bill (H. R. 23645) granting an increase of pension to Isaac L. Griswold.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac L. Griswold, late of Company D. Twenty-seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### EVA LOUISE EBERLIN.

The next pension business was the bill (H. R. 20413) granting a pension to Eva Louise Eberlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eva Louise Eberlin, helpless child of Henry Eberlin, late of Company C, One hundred and forty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "helpless," insert the words "and dependent."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### JOHN MANLEY.

The next pension business was the bill (H. R. 23608) granting an increase of pension to John Manley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Manley, late of Company D, One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## CHARLES M. BUCK.

The next pension business was the bill (H. R. 23593) granting an increase of pension to Charles M. Buck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles M. Buck, late of Company D, Eightieth Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late." strike out the word "of" and insert in lieu thereof the words "first lieutenant."
In line 7, before the word "Volunteer." insert the word "Colored."
In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## ISAIAH CARTER.

The next pension business was the bill (H. R. 23549) granting an increase of pension to Isaiah Carter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaiah Carter, late of Company E, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engressed for a third reading; and being engressed, it was accordingly read the third time, and passed.

## STEPHEN D. JORDAN.

The next pension business was the bill (H. R. 23526) granting an increase of pension to Stephen D. Jordan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen D. Jordan, late of Company E, Second Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### MARTIN V. B. WYMAN.

The next pension business was the bill (H. R. 2781) granting an increase of pension to Martin V. B. Wyman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martvil V. B. Wyman, late of Company H. Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### JAMES A. WONDER.

The next pension business was the bill (H. R. 22034) granting an increase of pension to James A. Wonder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Wonder, late of Company A, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "of Company A" and insert in lieur thereof the words "drum major."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## FRANCIS A. LANDER.

The next pension business was the bill (H. R. 22990) granting an increase of pension to Francis A. Lander.

The bill was read, as follows:

The amendments recommended by the committee were read,

In line 6 strike out the letter "E" and insert in lieu thereof the letter "F."
In line 8, before the word "dollars," insert the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## SIDNEY S. SKINNER.

The next pension business was the bill (H. R. 15189) granting an increase of pension to Sidney S. Skinner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sidney S. Skinner, late of Company E. New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee was read. as follows:

In line 6, before the words "New York," insert the words "Eighth Regiment."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## DAVID ANGEL.

The next pension business was the bill (H. R. 13769) granting an increase of pension to David Angle.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Angle, late of Company I, One hundred and fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 6 strike out the word "Angle" and insert in lieu thereof the word "Angel."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Dayid Angel."

#### SAMUEL NAUS.

The next pension business was the bill (H. R. 12250) granting an increase of pension to Samuel Naus:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Naus, late of Companies C and I, Thirty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Companies C and" and insert in lieu thereof the word "Company."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third

time, and passed. JOSEPH A. ROBINSON. The next pension business was the bill (H. R. 11098) granting

an increase of pension to Joseph A. Robinson.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph A. Robinson, late of Third Battery, Vermont Volunteer Light Artillery, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT W. MILLS.

The next pension business was the bill (H. R. 10598) granting an increase of pension to Robert W. Mills.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert W. Mills, late of Company B, Forty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM T. ROWE.

The next pension business was the bill (H. R. 8718) granting a pension to William T. Rowe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Rowe, late of Company C, Sixteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The amendments recommended by the committee were read, as

In line 7, before the word "Maine," insert the words "and Company K, Twentieth Regiment."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William T. Rowe."

#### JOHN M. CHEEVERS.

The next pension business was the bill (H. R. 2878) granting a pension to John M. Cheevers.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Cheevers, late of Company C, Eighteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month, and to reward him for distinguished and meritorious service in loosening the pontoon bridge from her moorings at Decatur, Ala., in the face of the enemy, on November 25, 1864, and saving said bridge to the Government of the United States, which was of great value, and in permitting said bridge to swing around out of reach of the Confederate forces.

The except was the second provided by the computitive were read, as

The amendments recommended by the committee were read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line strike out the words "and to" and all of lines 9, 10, 11, 12, 13, 14, and 15, and insert in lieu thereof the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John M. Cheevers."

JOSEPH M. STOREY.

The next pension business was the bill (H. R. 20688) granting an increase of pension to Joseph M. Storey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph M. Storey, late of Company H, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES F. CONNERY.

The next pension business was the bill (H. R. 20493) granting an increase of pension to Charles F. Connery.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles F. Connery, late of Company H, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSIAH B. ARNOTT.

The next pension business was the bill (H. R. 19175) granting an increase of pension to Josiah B. Arnott.
The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josiah B. Arnott, late of Company C, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DORA T. BRISTOL.

The next pension business was the bill (H. R. 22428) granting an increase of pension to Dora T. Bristol.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dora T. Bristol, widow of Frank C. Bristol, late of Company C, Thirteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### EDWARD H. LUNN.

The next pension business was the bill (H. R. 22282) granting an increase of pension to Edward H. Lunn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward H. Lunn, late of Company —. First Regiment Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Company —, First Regiment" and insert in lieu thereof the words "First Battery."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## THOMAS M. GRIFFITH.

The next pension business was the bill (H. R. 22279) granting an increase of pension to Thomas M. Griffith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas M. Griffith, late of Company G. Eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### BENJAMIN SWAYZE.

The next pension business was the bill (H. R. 22035) granting an increase of pension to Benjamin Swayze.

The bill was read, as follows:

Be it enacted, etc.. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Swayze, late of Company B, One hundred and eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## WILLIAM GIRDLER.

The next pension business was the bill (H. R. 21604) granting an increase of pension to William Girdler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Girdler, late of Company C, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## SAMUEL BARBER.

The next pension business was the bill (H. R. 21508) granting an increase of pension to Samuel Barber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Barber, late of Company H, Seventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### WILLIAM M. VEACH.

The next pension business was the bill (H. R. 23508) granting an increase of pension to William M. Veach.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Veach, late of Company I, Eighty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Mr. SULLOWAY. Mr. Speaker, the beneficiary of this bill is dead, and therefore I move that it lie upon the table.

The SPEAKER pro tempore. Without objection, the bill will lie upon the table for the reason stated.

There was no objection.

#### THOMAS J. GREEN.

The next pension business was the bill (H. R. 23475) granting an increase of pension to T. J. Green.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws. the name of T. J. Green, late of Company A. Fifteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 6 strike out the letter "T." and insert in lieu thereof the word "Thomas."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Thomas J. Green.

## JOHN G. PRICE.

The next pension business was the bill (H. R. 23481) granting an increase of pension to John G. Price.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. Price, late of Company G, Second Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Infantry," insert the word "Mounted." In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## WILLIAM SEITZ.

The next pension business was the bill (H. R. 23365) granting an increase of pension to William Seitz.

The bill was read, as follows:

Bc it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Seitz, late of Company C, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## JAMES M. HOUSTON.

The next pension business was the bill (H. R. 23357) granting an increase of pension to James M. Houston.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Houston, late of Company E, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

#### MARTHA L. BURNHAM.

The next pension business was the bill (H. R. 23339) granting an increase of pension to Martha Louise Burnham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Louise Burnham, widow of Lewis W. Burnham, late of Company H, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now re-

The amendments recommended by the committee were read, as

In line 6 strike out the word "Louise" and insert in lieu thereof the letter "L"

In line 8 strike out the word "twelve" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Martha L. Burnham."

#### WILLIAM T. FISHER.

The next pension business was the bill (H. R. 23281) granting an increase of pension to William T. Fisher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Fisher, late of Company E, Second Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### JAMES W. WALSH, ALIAS JAMES POWERS.

The next pension business was the bill (H. R. 23234) granting an increase of pension to James W. Walsh.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Walsh, late of Company K, Fourth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "late," insert the words "alias James

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James W. Walsh, alias James Powers.

## AUROBA GARWOOD ELLIS.

The next pension business was the bill (H. R. 23195) granting an increase of pension to Aurora G. Ellis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aurora G. Ellis, widow of Howard Ellis, late captain Company K, Sixth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the initial "G." and insert in lieu thereof the word "Garwood."

word "Garwood." In line 8 strike out the word "thirty" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Aurora Garwood Ellis."

## JENNIE E. LUCKENBACH.

The next pension business was the bill (H. R. 23187) granting a pension to Jennie Luckenback.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, anthorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jennie Luckenback, widow of Owen Luckenback, late of Company C, Fortysixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Jennie," strike out the word "Luckenack" and insert in lieu thereof the words "E. Luckenbach."
In same line, after the word "Owen," strike out the word "Luckenback" and insert in lieu thereof the words "A. Luckenbach."
In same line, after the word "late," strike out the word "of" and isert in lieu thereof the word "captain."
In line 8 strike out the word "twenty" and insert in lieu thereof he word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed; it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Jennie E. Luckenbach."

#### ROSEANNA KING.

The next pension business was the bill (H. R. 23135) granting a pension to Rosanna King.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rosanna King, widow of James King, alias James Kincaid, late of Company A, Fifth Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of \$15 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Rosanna" and insert in lieu thereof the word "Roseanna."

In same line strike out the word "James" and insert in lieu thereof the word "Dunbirth."

In line 8 strike out the word "fifteen" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Roseanna King."

#### GEORGE S. SCHMUTZ.

The next pension business was the bill (H. R. 22820) granting an increase of pension to George S. Schmutz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George S. Schmutz, late of Company I, One hundred and second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# SAMUEL V. CARR.

The next pension business was the bill (H. R. 22764) granting an increase of pension to Samuel V. Carr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rell, subject to the provisions and limitations of the pension laws, the name of Samuel V. Carr, late of Company G, Eighth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## JOHN M. GILBERT.

The next pension business was the bill (H. R. 22762) granting an increase of pension to John M. Gilbert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Gilbert, late of Company F, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### WILLIAM JENKINS.

The next pension business was the bill (H. R. 22750) granting an increase of pension to William Jenkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Jenkins; late of Company L. Seventh Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN GREGORY.

The next pension business was the bill (H. R. 22642) granting an increase of pension to John Gregory.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Gregory, late of Company F, Ninety-second Regiment, and Company G, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### MARY KAISTED.

The next pension business was the bill (H. R. 20577) granting a pension to Mary Kaisted.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Kaisted, widow of Jasper Kaisted, late unassigned, Thirty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$8 per month and \$2 per month additional for each of the four minor children of said soldier until they shall attain the age of 16 years.

The amendment recommended by the committee was read, as

In line 9 strike out the word "four" and insert in lieu thereof the word "five."

Mr. SULLOWAY. Mr. Speaker, I ask that the amendment be not adopted, and that the bill be passed as originally written.

The SPEAKER pro tempore. That can be accomplished by

voting down the amendment,

The amendment was rejected.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

## WILLIAM CHAGNON.

The next pension business was the bill (H. R. 20957) granting an increase of pension to William Chagnon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Chagnon, late of Company F, Fifty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

## HENRY BAUERLIN.

The next pension business was the bill (H. R. 22985) granting an increase of pension to Henry Bauerlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Bauerlin, late of Company B, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### MILTON PEDEN.

The next pension business was the bill (H. R. 16855) granting an increase of pension to Milton H. Peden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milton II. Peden, late captain Company K, Thirty-sixth Regiment Indiana Volunteer Infantry, and colonel One hundred and forty-seventh Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "H."
In line 8, before the word "Indiana," insert the word "Regiment."
In line 9 strike out the word "fifty" and insert in lieu thereof the
ord "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Milton Peden."

#### OREN D. CURTIS.

The next pension business was the bill (H. R. 13920) granting an increase of pension to Oren D. Curtis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oren D. Curtis, late of Company 1, Thirty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows

In line 6 strike out the word "Thirty-third" and insert in lieu thereof the word "Thirty-eighth."

In same line, after the word "Regiment," insert the words "and Company F, Thirty-fourth Regiment."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## THOMAS J. SAYLOR.

The next pension business was the bill (H. R. 12458) granting an increase of pension to Thomas J. Saylor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Saylor, late of Company E. Twenty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## ROBERT R. DILL.

The next pension business was the bill (H. R. 11740) granting an increase of pension to R. R. Dill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of R. R. Dill, late of Companies E and D, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "of," strike out the letter "R." and insert in lieu thereof the word "Robert."

In same line strike out the word "Regiment" and insert in lieu thereof the words "Independent Battalion."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Robert R. Dill."

## HENRY WAGNER.

The next pension business was the bill (H. R. 9576) granting an increase of pension to Henry Wagner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry

Wagner, late of Company D, Seventh Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

#### RAWLEIGH M. MONIN.

The next pension business was the bill (H. R. 6575) granting an increase of pension to Rawleigh M. Monin,

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rawleigh M. Monin, late of Company E. Third Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### MARY H. PATTERSON.

The next pension business was the bill (H. R. 5709) granting an increase of pension to Mary Patterson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Patterson, widow of Capt. Austin H. Patterson, late of Company—, Fourteenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Mary," insert the letter "H."
In same line strike out the word "Captain."
In line 7, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."
In same line, after the word "Company," insert the letter "A."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary H. Patterson."

## JOHN F. G. CLIBORNE.

The next pension business was the bill (H. R. 19369) granting an increase of pension to John F. G. Cliborne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. G. Cliborne, late of Company F, Second Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

## PETER M'CORMICK.

The next pension business was the bill (H. R. 22434) granting an increase of pension to Peter McCormick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter McCormick, late of Company F, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## GEORGE RUHLE.

The next pension business was the bill (H. R. 22284) granting an increase of pension to George Ruhle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Ruhle, late of Company D, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows :

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four,"

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### ROBERT MEDWORTH.

The next pension business was the bill (H. R. 21588) granting an increase of pension to Robert Medworth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Medworth, late of Company F, One hundredth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### JACOB HOWE.

The next pension business was the bill (H. R. 21506) granting an increase of pension to Jacob Howe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Howe, late of Company B, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## THOMAS BAYLEY.

The next pension business was the bill (II, R. 22609) granting an increase of pension to Thomas Bayley.
The bill was read, as follows:

Bc it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Bayley, late colonel Ninth Regiment United States Volunteer Colored Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read,

In line 7 strike out the words "Volunteer Colored" and insert in lieu thereof the words "Colored Volunteer."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## HUGH M. COX.

The next pension business was the bill (H. R. 23858) granting an increase of pension to Hugh M. Cox.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hugh M. Cox, late of Company A, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## SARAH ANN KENDIG.

The next pension business was the bill (H. R. 23846) granting an increase of pension to Sarah Ann Kendig.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Sarah Ann Kendig, widow of Michael B. Kendig, late of Company E, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "E, Seventy-ninth" and insert in lieu thereof K, Seventh."

In line 8 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. CASSLE.

The next pension business was the bill (H. R. 23845) granting an increase of pension to George W. Cassle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Cassle, late of Company E. Sixty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$45 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

PATRICK M'MAHON.

The next pension business was the bill (H. R. 23795) granting an increase of pension to Patrick McMahon,

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick McMahon, late of Company I. Fortieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HONORA HIGGINS.

The next pension business was the bill (H. R. 23781) granting a pension to Honora Higgins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Honora Higgins, widow of Patrick Higgins, late of the U. S. S. Eutaw, and pay her a pension at the rate of \$20 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of the."
In line 7 strike out the words "U. S. S. Eutaw" and insert in lieu thereof the words "of U. S. S. Wyandotte, Eutaw, and North Carolina, United States Navy."
In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."
In same line, after the word "month," insert the words "in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Honora Higgins."

ZEURIAL M'CULLOCK.

The next pension business was the bill (H. R. 23792) granting an increase of pension to Zenrial McCullock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Zenrial McCullock, late of Company A, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 6 strike out the word "Zenrial" and insert in lieu thereof the ord "Zeurial."

The amendment was agreed to.

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The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Zeurial McCullock."

GEORGE W. BUZZELL.

The next pension business was the bill (H. R. 23783) granting an increase of pension to George W. Buzzell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Buzzell, late of Company F, Thirtieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

JAMES MARSHALL.

The next pension business was the bill (H. R. 23777) granting an increase of pension to James Marshall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Marshall, late of Company D, Forty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."  $\,$ 

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL H. PIERCE.

The next pension business was the bill (H. R. 23773) granting an increase of pension to Samuel H. Pierce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel H. Pierce, late of Company E. Third Regiment Missouri Militia Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Militia," insert the word "State." In same line, before the word "Cavalry," insert the word "Volun-

teer."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH C. FISHER.

The next pension business was the bill (H. R. 23764) granting an increase of pension to Joseph C. Fisher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph C. Fisher, late of Company A, Eighteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ADELIADE WAGNER.

The next pension business was the bill (H. R. 23762) granting an increase of pension to Adelaide Wagner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adelaide Wagner, widow of Lewis J. Wagner, late of Company H, Twenty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Adelaide" and insert in lieu thereof the word "Adelaide."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Adeliade Wagner."

#### FREDERICK P. GAUDINEER.

The next pension business was the bill (H. R. 23705) granting an increase of pension to Frederick P. Gaudineer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick P. Gaudineer, late of Company D. Nineteenth Regiment New Jersey State Militia Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read,

In line 7 strike out the words "New Jersey" and insert in lieu thereof the words "New York."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### JOSEPH COUNTRYMAN.

The next pension business was the bill (H. R. 23699) granting an increase of pension to Joseph Countryman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Countryman, late of Company D, One hundredth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### WILLIAM H. KEHLBECK.

The next pension business was the bill (H. R. 23686) granting an increase of pension to William H. Kehlbeck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Kehlbeck, late of Company D, One hundred and ifty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## JOHN KILPATRICK.

The next pension business was the bill (H. R. 23656) granting an increase of pension to John Kilpatrick.

The bill was read, as follows:

Be it enacted, etc., That the Sccretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Kilpatrick, late landsman, United States ship Harvest Moon, and pay him a pension at the rate of \$40 per month in lieu of that he is now re-

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "landsman, U. S. S.;" and in line 7 strike out the words "Harvest Moon" and insert in lieu thereof the words "of U. S. S. North Carolina, United States Navy."
In line 7 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to. The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## DEWITT C. CHAPMAN.

The next pension business was the bill (H. R. 23653) granting an increase of pension to Dewit C. Chapman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dewit C. Chapman, late of Company I, Second Regiment Jowa Volunteer Cavalry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 6 strike out the word "Dewit" and insert in lieu thereof the word "Dewitt."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Dewitt C. Chapman."

#### WILLIAM H. ZIMMERMAN.

The next pension business was the bill (H. R. 23652) granting an increase of pension to William H. Zimmerman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Zimmerman, late lieutenant-colonel One hundred and seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## MARTIN HOLMES, ALIAS GEORGE LANGIN.

The next pension business was the bill (H. R. 22846) granting an increase of pension to Martin Holmes, alias George Langin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin Holmes, alias George Langin, late of Company M, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## MAX MUELLER.

The next pension business was the bill (H. R. 16978) granting a pension to J. Max Mueller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. Max Mueller, late of Company K, Twenty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "J.;" in same line, after the word "late," strike out the word "of" and in sert in lieu thereof the words "first lieutenant;" in same line strike out the letter "K" and insert in lieu thereof the letter "D;" in same line strike out the word "Twenty-ninth" and insert in lieu thereof the word "Seventy-third." In line 7 strike out the words "New York" and insert in lieu thereof the word "Pennsylvania."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four;" in same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Max Mueller."

## JAMES L. CONN.

The next pension business was the bill (H. R. 10188) granting an increase of pension to James L. Conn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James L. Conn, late of Company G, One hundred and thirty-seventh Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## HORATIO ERNEST.

The next pension business was the bill (H. R. 6161) granting an increase of pension to Horatio Ernest.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horatio Ernest, late of Company I, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### JOHN M. DIXON.

The next pension business was the bill (H. R. 20687) granting an increase of pension to John M. Dixon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Dixon, late of Company K, Twelfth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lien thereof the words "second lieutenant."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### GREENUP MEECE.

The next pension business was the bill (H. R. 19775) granting an increase of pension to Greenup Meece.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, anthorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Greenup Meece, late of Company G, Nineteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## THOMAS MILSON.

The next pension business was the bill (H. R. 19499) granting an increase of pension to Thomas Milson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Milson, late of Company C. One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## ELIZABETH T. HAYS.

The next pension business was the bill (H. R. 22239) granting an increase of pension to Elizabeth T. Hays.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth T. Hays, widow of Ephriam F. Hays, late of Company A, Twelfth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Ephriam" and insert in lieu thereof the word "Ephraim."

In same line, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant and adjutant."

In line 7 strike out the words "Company A."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### HIRAM A. WINSLOW.

The next pension business was the bill (H. R. 21476) granting an increase of pension to Hiram A. Winslow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram A. Winslow, late of Company E, Forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the word "captain."

In same line strike out the letter "E" and insert in lieu thereof the letter "G."

In same line strike out the word "Forty-third" and insert in lieu thereof the words "One hundred and forty-second."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### JOHN W. WILSON.

The next pension business was the bill (H. R. 23651) granting an increase of pension to John W. Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Wilson, late of Company G, Forty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 6 strike out the word "Forty-first" and insert in lieu thereof the word "Second."
In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## BENJAMIN J. PUCKETT.

The next pension business was the bill (H. R. 24099) granting an increase of pension to Benjamin J. Puckett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin J. Puckett, late of Company H, Forty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## OSCAR F. PEACOCK.

The next pension business was the bill (H. R. 24096) granting an increase of pension to Oscar F. Peacock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oscar F. Peacock, late of Company B, Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## JAMES D. WALKER.

The next pension business was the bill (H. R. 20953) granting an increase of pension to James D. Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James D. Walker, late of Company B, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

WARREN J. SEVEY.

The next pension business was the bill (H. R. 24078) granting an increase of pension to Warren J. Sevey.

The bill was read, as follows:

Be it enected, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Warren J. Sevey, late of Company A, Eighth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH H. CLARK.

The next pension business was the bill (H. R. 24023) granting an increase of pension to Joseph H. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph H. Clark, late of Company A, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read; as

In line 8 strike out the word "thirty" and insert in lieu thereof the ord "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM MORSON. The next pension business was the bill (H. R. 23969) granting an increase of pension to William Morson.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Morson, late of Battery I, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 6 strike out the word "Battery" and insert in lieu thereof the word "Company."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM STEGAL.

The next pension business was the bill (H. R. 23915) granting a pension to William Stegal.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Stegal, late of Company B, Seventh Regiment Illino's VouInteer Cavalry, and pay him a pension at the rate of \$25 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The aller amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES P. HANNA.

The next pension business was the bill (H. R. 23899) granting an increase of pension to James P. Hanna.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James P. Hanna, late of Company D. Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY A. EDWARDS.

The next pension business was the bill (H. R. 23877) granting an increase of pension to Mary A. Edwards.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Edwards, widow of Thomas Edwards, late of Company I, Third Regiment North Carolina Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Volunteer," insert the word "Mounted." In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES BLACKER.

The next pension business was the bill (H. R. 23872) granting an increase of pension to Charles Blacker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Blacker, late captain Company B, One hundred and thirty-seventh Regiment Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Regiment," insert the words "United States Colored."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM R. HORN.

The next pension business was the bill (H. R. 23874) granting an increase of pension to William R. Horn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William R. Horn, late of Company K, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for, a third reading; and being engrossed, it was accordingly read the third time, and

AMERICA J. AUSTIN.

The next pension business was the bill (H. R. 23870) granting an increase of pension to America J. Austin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of America J. Austin, widow of Benjamin Austin, late second lieutenant Company H, Eighteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY CLAPPER.

The next pension business was the bill (H. R. 23778) granting an increase of pension to Henry Clapper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Clapper, late of Company II, Twelfth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to:

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### JEREMIAH F. PITTMAN.

The next pension business was the bill (H. R. 24360) granting an increase of pension to Jeremiah F. Pittman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jeremiah F. Pittman, late of Company F, Fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## BELAH H. WILCOX.

The next pension business was the bill (H. R. 24321) granting an increase of pension to Belah H. Wilcox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Belah H. Wilcox, late of Company B, New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read. as follows:

In line 6, after the letter "B," insert the words "First Regiment."
In line 8 strike out the word "seventy-two" and insert in lieu thereof
the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed,

#### HANNIBAL A. JOHNSON.

The next pension business was the bill (H. R. 24259) granting an increase of pension to H. A. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of H. A. Johnson, late lieutenant Company B. Third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "H." and insert in lieu thereof the word "Hannibal."

In same line, after the word "late," insert the word "second."

In line 7, after the word "Regiment," insert the words "and first lieutenant Company D, First Battallon."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Hannibal A. Johnson."

## ALBERT SUNDERLAND.

The next pension business was the bill (H. R. 24208) granting an increase of pension to Albert Sunderland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Sunderland, late of Company D, Twentieth Regiment Kentucky. Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## JOHN DELANEY.

The next pension business was the bill (H. R. 24182) granting an increase of pension to John Delaney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John

Delaney, late of Company D, Fiftieth Regiment New York Volunteer Engineers, and Company F, Fifteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### RICHARD N. PORTER.

The next pension business was the bill (H. R. 24155) granting a pension to Richard N. Porter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard N. Porter, late of Company I, Sixty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "fifty" and insert "twenty-four;" and also, in same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Richard N. Porter."

## HARRY A. YOUNG.

The next business was the bill (H. R. 23993) for the relief of Harry A. Young.

The bill was read, as follows:

Be it enacted, etc., That Harry A. Young shall be held and considered to have been mustered into the military service of the United States in the office of assistant surgeon of the battalion of Utah Light Artillery, with the rank of first lieutenant, on the 18th day of January, 1899, and to have held said office and rank until he was killed in action on the 6th day of February, 1899: Provided, That no pay, bounty, compensation, or allowance shall accrue to said Harry A. Young by virtue of this act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

#### WILLIAM S. WELLER.

The next pension business was the bill (H. R. 24185) granting an increase of pension to William S. Weller.

The bill was read, as follows:

Be it cuacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William S. Weller, late of Company H. Tenth and First Regiments New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read. follows:

In line 6 strike out the words "and First" and insert in lieu thereof the words "Regiment New York Volunteer Cavalry, and Company H, First Regiment."

In line 7 strike out the word "Regiments."

In same line, after the words "New York," insert the word "Provisional."

The amendments were agreed to. The bill as amended was ordered to be engrossed for a third

# reading; and being engrossed, it was accordingly read the third

OSCAR O. BOWEN. The next business on the Private Calendar was the bill (H. R. 11279) to remove the charge of absence without leave from the military record of Oscar O. Bowen.

The bill was read, as follows:

time, and passed.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of absence without leave standing against Oscar O. Bowen, late captain Company C. Forty-seventh New York Infantry Volunteers, on the records of the War Department, and to issue to said Oscar O. Bowen a certificate of honorable discharged.

The amendment recommended by the Committee on Military Affairs was read, as follows:

In line 8, after the word "discharge," insert the following: "Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## CELESTIA E. OUTLAW.

The next pension business was the bill (H. R. 22747) granting

a pension to Celestia E. Outlow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Celestia E. Outlow, widow of Young P. Outlow, late of Capt. David Grayham's company, Georgia Volunteers, Indian wars, and pay her a pension at the rate of \$30 per month.

The amendments recommended by the committee were read, as

Change "Outlow" where it appears in the title and the body of the bill to "Outlaw."

In line 7 change "Grayham's" to "Graham's," and in the same line strike out the word "David."

In line 8 insert, before the word "Indian," "Florida Seminole," and in the same line change "wars" to "war," and in the same line strike out "thirty" and insert "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Celestia E. Outlaw."

#### MARY S. SANDERS.

The next pension business was the bill (H. R. 22772) granting a pension to Mary S. Sanders.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary S. Sanders, widow of Zachariah R. Sanders, late of Company C, Second Regiment Ohio Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as

In line 7 change "Volunteers" to "Volunteer," and insert thereafter the word "Infantry."

Add to the end of the bill the words "in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary S. Sanders."

The next pension business was the bill (H. R. 22951) granting an increase of pension to Alice E. Ragan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice E. Ragan, widow of Andrew J. Ragan, late of U. S. S. Independence, United States Navy, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out "of" and insert "landsman."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## JAMES M. DAVIDSON.

The next pension business was the bill (H. R. 23057) granting an increase of pension to James M. Davidson.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Davidson, late of Company A, First Regiment Tennessee Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, change "Volunteer" to "Volunteers." In same line strike out "Infantry." In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## JAMES L. COLDING.

The next pension business was the bill (H. R. 23096) granting an increase of pension to James L. Colding.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James L. Colding, late of Captain Winston Steven's company, Roger's Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, change "Steven's" to "Stephen's." In line 7, strike out "Roger's" and insert "First."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### MARTHA ELLA WRENN.

The next pension business was the Mill (H. R. 23182) granting an increase of pension to Martha Ella Wrenn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha Ella Wrenn, widow of Roberson B. Wrenn, late of Company A, First Regiment Virginia Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers." In the same line strike out "Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### AGNES E. BROWN.

The next pension business was the bill (H. R. 23197) granting an increase of pension to Agnes E. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Agnes E. Brown, widow of Alonzo L. Brown, late of Company A, First Regiment Mississippi Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

#### MARY LOOMIS.

The next pension business was the bill (H. R. 23241) granting an increase of pension to Mary Loomis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Loomis, widow of William Loomis, alias Ambrose Crozier, late of Company G, Fourth Regiment United States Artillery, Indian wars of 1838 to 1848, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as

In line 7 strike out "Company" and insert "Battery."
In line 8 insert, after "Artillery," "Florida." In the same line change "wars" to "war."
In lines 8 and 9 strike out "of 1838 to 1848."
In line 10 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## GEORGE I. STULTS.

The next pension business was the bill (H. R. 23247) granting an increase of pension to George I. Stults.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George I. Stults, late of Captain Waterhouse's company, First Regiment Tennessee Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 6 strike out "Captain Waterhouse's" and add, after "company," the letter "H."

In line 7, after "Tennessee," insert "Mounted," and in the same line change "Volunteer" to "Volunteers," and also strike out the word "Infantry"

Infantry."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## HENRY HELTON.

The next pension business was the bill (H. R. 23265) granting a pension to Henry Hilton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Hilton, late of Company L, First Regiment Tennessee Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$30 per

The amendments recommended by the committee were read, as

In line 6 change "Hilton" to "Helton."
In the same line strike out "First" and insert "Fifth."
In line 7 change "Volunteer" to "Volunteers;" and in the same line strike out "Infantry."
In line 8 strike out "thirty" and insert "twenty."
Add to the end of the bill the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Henry Helton.'

#### CAROLINE VICK.

The next pension business was the bill (H. R. 23477) granting an increase of pension to Caroline Vick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline Vick, widow of Stanland Vick, late of Company E, — Regiment North Carolina Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change "Stanland" to "Stanley."
In line 7, after "E," insert "First."
In the same line change "Volunteer" to "Volunteers."
In the same line strike out "Infantry" and insert "war with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## GEORGE W. SHACKLETT.

The next pension business was the bill (H. R. 23522) granting an increase of pension to George W. Shacklett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Shacklett, late of Company F, United States Voltigeurs, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

## JOSEPH E. KNIGHTEN.

The next pension business was the bill (H. R. 23527) granting an increase of pension to Joseph E. Knighten.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph E. Knighten, late of Company F, Texas Mounted Volunteers, Indian wars, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Texas." In line 7 strike out "Volunteers, Indian wars," and insert "Bat-lion, Texas Volunteers, Texas and New Mexico Indian war." In line 8 strike out "forty" and insert "sixteen." talion.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## JOHN M. SMITH.

The next pension business was the bill (H. R. 23528) granting an increase of pension to John M. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Smith. late of Company E, Third Regiment Illinois Volunteers, war with Mexico, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "forty" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

#### ELIZABETH C. SMITH.

The next pension business was the bill (H. R. 23550) granting an increase of pension to Elizabeth C. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth C. Smith, widow of William B. Smith, late of Company F, Third Regiment United States Dragoons, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### BENJAMIN MAPLE.

The next pension business was the bill (H. R. 23622) granting an increase of pension to Benjamin Maple.

The bill was read, as follows

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Maple, late of Company H, Fourth Regiment Ohio Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers," and in same line strike out "Infantry."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed. .

#### ALBINA M. WILLIAMS.

The next pension business was the bill (H. R. 23624) granting an increase of pension to Albina M. Williams.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albina M. Williams, widow of Thomas S. Williams, late of Company D, Mormon Battalion Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Battalion," insert "Iowa;" and in the same line change "Volunteer" to "Volunteers" and strike out "Infantry." In line 8 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## BLANCHE C. POLK.

The next pension business was the bill (H. R. 23687) granting a pension to Blanche C. Polk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Blanche C. Polk, widow of L. E. Polk, late captain Company D, Forty-third Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$20 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the initial "L." and insert "Lucius."
In line 9, after "month," add "and \$2 per month additional for the
minor child of said officer until he shall attain the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## ELIZABETH PILLOW.

The next pension business was the bill (H. R. 23739) granting an increase of pension to Elizabeth Pillow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Pillow, widow of Parker B. Pillow, late of Company —, — Regiment Illinois Volunteer Mounted Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before "company," insert "Captain Lawler's."
In the same line, after "Illinois," insert "Mounted;" and in the same line change "Yolunteer" to "Volunteers."
In lines 7 and 8 strike out "Regiment" and "Mounted Infantry,"

The amendments were agreed to.

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The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

TEMPERANCE DAVIS.

The next pension business was the bill (H. R. 23772) granting an increase of pension to Temperance Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Temperance Dayls, widow of Williba J. Dayls, late of Company A, First Regiment North Carolina Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers." In lines 7 and 8 strike out "Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES KELLEY.

The next pension business was the bill (H. R. 23774) granting an increase of pension to James Kelley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Kelley, late of Company —. Second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "Company," insert "I."
In line 7, after "Infantry," insert "war with Mexico."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID C. JONES.

The next pension business was the bill (H. R. 23803) granting an increase of pension to David C. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David C. Jones, late of Captain Johnson's company, Florida Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Johnson's," and after "Captain," in the same line, insert "James F. P. Johnston's independent." In line 7, after "Florida," insert "Mounted."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PHOEBE E. SPARKMAN.

The next pension business was the bill (H. R. 23804) granting an increase of pension to Phoebe E. Sparkman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phoebe E. Sparkman, widow of Henry Sparkman, late of Captain Oliver's company, First Regiment Florida Mounted Militia, Florida Indian war, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out "twenty" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN HEINRICHS.

The next pension business was the bill (H. R. 23957) granting an increase of pension to John Heinricks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Heinricks, late of Company H, Second Regiment Pennsylvania Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows

Change claimant's name where it appears in the title and body of the bill to "Heinrichs."
In line 7 change "Volunteer" to "Volunteers;" and in the same line strike out "Infantry."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS W. PARSONS.

The next pension business was the bill (H. R. 23958) granting an increase of pension to Thomas W. Parsons.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas W. Parsons, late of Company F, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 7 change "Volunteer" to "Volunteers."
In the same line strike out "Infantry." and after "Mexico" insert "and Company D, Fourteenth Regiment Kentucky Cavalry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY LOOR REGER.

The next pension business was the bill (H. R. 23973) granting an increase of pension to Henry L. Reger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry L. Reger, late of Company K, Eleventh Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

Change the initial "L." in claimant's name where it appears in the title and the body of the bill to "Loor."
In line 7, after "Mexico," insert "and Company H, Eighty-fifth Pennsylvania Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH ELIZABETH FULLER.

The next pension business was the bill (H. R. 23981) granting an increase of pension to Sarah Elizabeth Fuller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Elizabeth Fuller, widow of \_\_\_\_\_\_\_, late of Company B, Second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "widow of," insert "John Fuller."
In line 7, after "Infantry," insert "war with Mexico, and Company
G, Eighteenth Regiment United States Infantry."
In line 8 strike out "twelve" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB MILLER.

The next pension business was the bill (H. R. 23984) granting an increase of pension to Jacob Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Miller, late of Company A, Third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 change "Volunteer" to "Volunteers;" in the same line strike out "Infantry" and insert "war with Mexico."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### TIMOTHY HANLON.

The next pension business was the bill (H. R. 24017) granting an increase of pension to Timothy Hanlon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Timothy Hanlon, late of Company F, Ninth Regiment United States Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Infantry," insert "Oregon and Washington Territory Indian wars."
In line 8 strike out "twenty" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## JOHN ADAMS MILLER.

The next pension business was the bill (H. R. 24018) granting an increase of pension to John Adams Miller.

The bill was read, as follows:

Be it enected, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Adams Miller, late of Company G, Fifth Regiment Tennessee Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 6 strike out the word "of;" and in the same line, after the ord "late," insert "second lieutenant." In line 7 strike out the word "Infantry" and change "Volunteer" "Volunteers."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### JOHN BROWN.

The next pension business was the bill (H. R. 24019) granting an increase of pension to John Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Brown, late of Capt. J. D. Loweries's company, Second Regiment Tennessee Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 6 strike out "of Capt. J. D. Loweries's company;" and in the same line, after "late," insert "second lieutenant of Vaughan's company."
In line 7 strike out "Second" and insert "Fifth;" in the same line change "Volunteer" to "Volunteers" and strike out "Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## REUBEN COPHER.

The next pension business was the bill (H. R. 24056) granting an increase of pension to Reuben Copher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Reuben Copher, late of Company G, Third Regiment Kentucky Volunteers, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 7, after "Mexico," insert "and Company A, Seventh Kentucky Volunteer Cavalry."
In line 8 strike out "twenty" and insert "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# MARY MURRAY.

The next pension business was the bill (H. R. 24064) granting an increase of pension to Mary Murray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Murray, widow of William Murray, late of Company E, Fourteenth Regiment United States Infantry, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "of Company E" and insert "first ser-

In line 7 strike out "Infantry" and insert in lieu thereof the words "Army, retired."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## NANCY G. REID.

The next pension business was the bill (H. R. 24187) granting an increase of pension to Nancy G. Reid.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to piace on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy G. Reid, widow of James W. Reid, late of Company E. Sixteenth Regiment United States Infantry, war with Mexico, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "Reld," insert "senior." In line 8 strike out "twenty-five" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### SAMUEL MOORE.

The next pension business was the bill (H. R. 24188) granting an increase of pension to Samuel Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Moore, late of Company A, Fourth Regiment Indiana Volunteers, war with Mexico, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Volunteers" and insert "Volunteer Infantry." In line 8 strike out "thirty-six" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## CHARLES LEE.

The next pension business was the bill (H. R. 24192) granting an increase of pension to Charles Lee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Lee, late of Captain Preston's company of Grenadiers, First Regiment Virginia Volunteers, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "of Captain Preston's." In line 7, after "Virginia," insert "Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# ELIZABETH HODGE.

The next pension business was the bill (H. R. 24214) granting an increase of pension to Elizabeth Hodge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Hodge, widow of George W. Hodge, late of Captain Dancin's company, — Regiment South Carolina Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Dancin's" to "Doucin's;" in the same line strike out "Regiment."
In line 8 strike out "Volunteer Infantry" and insert "Militia, Florida Indian war."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## LOUISA OLIN.

The next pension business was the bill (H. R. 24268) granting an increase of pension to Louisa Olin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa Olin, widow of Richard Olin, late of Company — — Regiment Alabama Volunteer Infantry, Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late of," insert "Captain Elmore's independent."
In line 7 strike out "Regiment;" in the same line change "Volunteer" to "Volunteers;" and in the same line strike out "Infantry, Indian," and after "war" insert "with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### ABSALOM SIVLEY.

The next pension business was the bill (H. R. 24231) granting an increase of pension to Absalom Sivley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Absalom Sivley, late of Company A, Fourth Regiment Tennessee Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers. In line 8 strike out "thirty" and insert "twe

twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## GILLUM M. EZELL.

The next pension business was the bill (H. R. 24303) granting an increase of pension to Gillum M. Ezell.

The bill was read, as follows:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gillum M. Ezell, late of Company . Fourth Regiment Kentucky Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 6, after "Company," insert "E." In line 7 change "Volunteer" to "Volunteers;" and in the same line strike out "Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## TALCOTT M. BROWN.

The next pension business was the bill (H. R. 24323) granting an increase of pension to Talcott M. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Talcott M. Brown, late of Company D, First Regiment United States Cavalry, and pay him a pension at the rate of \$72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the letter "D," strike out "Company" and insert "Troop,"
In line 8 strike out "seventy-two" and insert "fifty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# CHARLES WOODRUFF WOOLLEY.

The next pension business was the bill (H. R. 24380) granting an increase of pension to Charles Woodruff Woolley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Woodruff Woolley, late of United States ship Levant, United States Navy, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "of" and insert "midshipman." In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

SHADRACK H. J. ALLEY.

The next pension business was the bill (H. R. 24383) granting an increase of pension to Shadrack H. J. Alley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Shadrack H. J. Alley, late of Captain Cleveland's company, Georgia Volunteer Infantry, Indian war, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers." In the same line strike out the word "Infantry."

In the same line, after "Volunteers," insert "Cherokee;" and after the word "Indian" insert "disturbance" and strike out the word "war"

In line 8 strike out "twelve" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## LAURA G. HIGHT.

The next pension business was the bill (H. R. 24415) granting an increase of pension to Laura G. Hight.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Laura G. Hight, widow of Fielding Hight, late of Captain Lucas's company, Second Regiment, and Captain Brewster's company, First Regiment, Georgia Volunteers, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read,

In line 7 strike out the letter "s" in the word "Lucas's." In line 8, after "Volunteers," insert "Florida Indian war and Chero-kee Indian disturbances."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# KATE FLOWERS.

The next pension business was the bill (H. R. 24418) granting an increase of pension to Kate Flowers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate Flowers, widow of Ephram A. Flowers, late of Company G, Second Regiment Mississippi Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Ephram" and insert "Ephraim."
In line 7, after "Mississippi," insert "Rifle."
In the same line change "Volunteer" to "Volunteers" and strike out the word "Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# SIMEON D. POPE.

The next pension business was the bill (H. R. 24479) granting a pension to Simeon D. Pope.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Simeon D. Pope, late of Captain Whitehead's company, Volunteers, Florida Indian war, and pay him a pension at the rate of \$30 per month.

The amendments recommended by the committee were read. as follows:

In line 6 strike out "Whitehead's" and insert "Johnston's independent."

In line 7, before "Volunteers," insert "Florida Mounted." In the same line strike out "Florida" and insert "Seminole."

In line 8 strike out "thirty" and insert "sixteen."

Add to the end of the bill the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Simeon D. Pope."

#### BOWMAN H. BUCK.

The next pension business was the bill (H. R. 24513) granting an increase of pension to Bowman H. Buck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bowman H. Buck, late of Company G. United States Voltigeurs, war with Mexico, and Company F. Third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7. after "Mexico." strike out "and." In line 8, after "Infantry," insert "and Company A, Third Battalion New Jersey Veteran Volunteer Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### MATHIAS SHIRK.

The next pension business was the bill (H. R. 24616) granting an increase of pension to Mathias Shirk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, anthorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mathias Shirk, late of Company C. Fifth Regiment Tennessee Volunteer Infantry, war with Mexico, and Thirty-eighth Regiment Illinois Volunteer Infantry, civil war, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers."
In the same line strike out "Infantry" and, after the word "and,"
In line 8 strike out "civil war."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## ELIZABETH BALEW.

The next pension business was the bill (H. R. 24620) granting an increase of pension to Elizabeth Balew.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Balew, widow of George M. Balew, late of Captain Angel's company, North Carolina Volunteers, Indian wars, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Volunteers," insert "Cherokee." In line 8 strike out "wars" and insert "disturbance."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# AUGUSTINE SORRELL.

The next pension business was the bill (H. R. 24671) granting an increase of pension to Augustine Sorrell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Augustine Sorrell, late of Company G, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

## LUCRETIA DAVIS.

The next pension business was the bill (H. R. 1233) granting a pension to Lucretia Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucretia Davis, widow of Justus Davis, late lieutenant of Company D, Second Regiment Indiana Volunteer Infantry, Mexican war, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read,

as follows:

In line 6 change "Justus" to "Justice;" in the same line, after the word "late," insert "first;" and after the word "lieutenant" strike out the word "of."

In line 9 strike out "Mexican;" and after the word "war" insert "with Mexico."

Add to the end of the bill the words "in lieu of that she is now re-

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "Granting an increase of pension to Lucretia Davis."

## JEFFERSON L. JENNINGS.

The next pension business was the bill (H. R. 1778) granting a pension to J. L. Jennings

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. L. Jennings, late of Company G, Second Regiment Virginia Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

Change the name of the claimant where it appears in the title and the body of the bill so as to read "Jefferson L. Jennings."
In line 7, after "Infantry," insert "war with Spain."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### ISABEL TAIT BORTHWICK.

The next pension business was the bill (H. R. 3208) granting a pension to Isabel Tait Borthwick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isabel Tait Borthwick, widow of John Livingston Dinwiddle Borthwick, late chief engineer of the United States Navy, on the retired list with the rank of commander, and pay her a pension at the rate of \$50 per month from the 22d day of October, 1904, the date of the said officer's death.

The amendments recommended by the committee were read, as follows:

In line 6, after "John," strike out "Livingston Din."
In line 7, before "Borthwick," strike out "widdie" and insert the initials "L. D."
In line 8 strike out "on the" and "list with the rank of commander."
In line 9 strike out "fifty" and insert "thirty."
Strike out all following "month" in line 9.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## WILLIAM J. CRANE.

The next pension business was the bill (H. R. 9767) granting a pension to William J. Crane.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Crane, late of Company K, First Regiment United States Cavalry, and Company K. Fourth Regiment United States Infantry, and pay him a pension at the rate of \$30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Company" and insert "Troop." In line 9 strike out "thirty" and insert "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# ALBERT C. ROACH.

The next pension business was the bill (H. R. 13706) granting an increase of pension to Albert C. Roach.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert C. Roach, late of Company G, Fourteenth Regiment United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## FLORENCE L. M. MENTZ.

The next pension business was the bill (H. R. 17547) granting an increase of pension to Florence L. M. Mentz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Florence L. M. Mentz, widow of George M. Mentz, late commander, United States Navy, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the initial "M." and insert "W." In line 8 strike out "fifty" and insert "forty."

The amendments were agreed to:

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## WILLIAM INGRAM.

The next pension business was the bill (H. R. 18213) granting an increase of pension to William Ingram.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Ingram late of Company G, Third Regiment Kentucky Volunteers, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after "Mexico," insert "Company A, Seventh Kentucky Volunteer Cavalry, and Company I, Fortieth Kentucky Volunteer Mounted Infantry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## VANCE PERKINS.

The next pension business was the bill (H. R. 18968) granting a pension to Vance Perkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Vance Perkins, late of Company K, Third United States Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "Third," strike out "United States" and insert "Regiment."
In line 7, before "Infantry," insert "Georgia Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## GEORGETTA K. COLLUM.

The next pension business was the bill (H. R. 19042) granting a pension to Georgette K. Collum.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Georgette K. Collum, widow of R. S. Collum, late of United States Marine Corps, and pay her a pension at the rate of \$50 per month.

The amendments recommended by the committee were read, as

Change the Christian name of the claimant where it occurs in title and body of bill from "Georgette" to "Georgetta."
In line 6, after "of," strike out "R." and insert "Richard."
In same line strike out "of" and insert "major."
In line 8 strike out "fifty" and insert "twenty-five."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# MARY A. ROGERS.

The next pension business was the bill (H. R. 19578) granting an increase of pension to Mary A. Rogers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Rogers, widow of John C. Rogers, late of Company —, First Regiment Alabama Volunteers, war with Mexico, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late of," insert "Coleman's." In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## AARON DAVIS.

The next pension business was the bill (H. R. 19589) granting a pension to Aaron Davis.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Aaron Davis, late of Company M, Fourth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of \$30 per month.

The amendment recommended by the committee was read, as follows:

In line 7, after "Infantry," insert "war with Spain."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### ALBERT MANICE.

The next pension business was the bill (H. R. 21087) granting an increase of pension to Albert Manice.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Manice, late of United States Navy, war with Mexico, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "of;" and in the same line, after "late," insert "ordinary seaman."

In line 7, after "Mexico," insert "and Company K, Twenty-sixth Regiment Connecticut Volunteer Infantry."

In the same line strike out "forty" and insert "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## WILLIAM A. BROWN.

The next pension business was the bill (H. R. 20107) granting an increase of pension to William A. Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Brown, late of Company K, First Regiment Pennsylvania Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out "twenty" and insert "thirty." In line 7, after "Mexico," insert "Company B, Twenty-second Pennsylvania Infantry, and Company I, Twelfth Pennsylvania Volunteer Cavalry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## JULIA T. BALDWIN.

The next pension business was the bill (H. R. 20615) granting an increase of pension to Julia T. Baldwin.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia T. Baldwin, widow of William Baldwin, late lieutenat-colonel. United States Army, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "William," insert the initial "H." In line 7, after "colonel," insert "Deputy Commissary-General." In line 8 strike out "fifty" and insert "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## LE ROY BENSON.

The next pension business was the bill (H. R. 20732) granting an increase of pension to Le Roy Benson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Le Roy Benson, late of Company E, Second Regiment Illinois Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers." In the same line strike out "Infantry." In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### ARTHUR GRAHAM.

The next pension business was the bill (H, R. 21111) granting an increase of pension to Arthur Graham.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arthur Graham, late of Company B, Third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as

In line 7 change "Volunteer" to "Volunteers." In the same line strike out "Infantry" and insert "war with Mexico."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## MARTIN J. FLAGSTAD.

The next pension business was the bill (H. R. 21175) granting a pension to Martin J. Flagstad.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin J. Flagstad, late of United States Navy, and pay him a pension at the rate of \$12 per month.

The amendment recommended by the committee was read, as follows:

In line 6, before "United," insert "U. S. S. Maple,"

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### JOHN W. GAHAN.

The next pension business was the bill (H. R. 21238) granting an increase of pension to John W. Gaham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Gaham, late of Company K, Second Regiment Indiana Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change claimant's Christian name where it appears in the title and body of the bill to "Gahan."
In line 7, after "Mexico," insert "and Company D, Fifty-third Regiment Indiana Infantry."

The amendments were agreed to. The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# MINNIE SCHEELE.

The next pension business was the bill (H. R. 21249) granting a pension to Minnie Scheele.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Minnie Scheele, widow of William Scheele, late of Company I, Ninetenth Regiment United States Infantry, and pay her a pension at the rate of \$24

The amendments recommended by the committee were read. as follows:

In line 6, after "William," insert the initial "C."
In line 8, before "and," insert "war with Spain;" in same line strike out "twenty-four" and insert "twelve."
In line 9, after "month," add "and \$2 per month additional for each of the two minor children of said soldier until they shall attain the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## ROLLIN S. BELKNAP.

The next pension business was the bill (H. R. 21268) granting a pension to Rollin S. Belknap.

The bill was read, as follows:

Be it cnacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisons and limitations of the pension laws, the name of Rollin S. Belknap, of Capt. Miles F. Alcorn's Company G. Oregon Indian wars, and pay him a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Miles" and insert the initial "M."
In line 7, after "G," insert "Second Regiment Oregon Mounted Volnteers; "in same line, after "Oregon," insert "and Washington."
In line 8 strike out "twelve" and insert "eight." unteers:

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## LISSIE D. ALLEN.

The next pension business was the bill (H. R. 21294) granting an increase of pension to Lizzie D. Allen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lizzle D. Allen, widow of William H. Allen, late lieutenant-commander, United States Navy, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change the name of the claimant where it appears in the title and body of the bill so as to read "Lissie D. Allen."
In line 8 strike out "fifty" and insert "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### ERNST BOGER.

The next pension business was the bill (H. R. 21312) granting a pension to Ernst Boger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ernst Boger, late of Company G. Fourth Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out "thirty" and insert "twenty-four." In line 8, after "month," add "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Ernst Boger."

## BLANCHE M. KELL.

The next pension business was the bill (H. R. 21410) granting an increase of pension to Blanche Munroe Kell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Blanche Munroe Kell, widow of John McIntosh Kell, late of United States Navy, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as

In line 6 strike out "Munroe" and insert the initial "M,"
In line 7 strike out "of" and insert "midshipman, United States
ship Savannah.
In the title of the bill strike out "Munroe" and insert the initial
"M."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## MARTHA E. WOOD.

The next pension business was the bill (H. R. 21423) granting an increase of pension to Martha E. Wood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha E. Wood, widow of Eli M. Wood, late of Company G. First Regiment United States Dragoons, war with Mexico, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "twenty" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## JAMES B. WOOD.

The next pension business was the bill (H. R. 21473) granting an increase of pension to James B. Wood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James B. Wood, late of Company C. Second Regiment Mississippi Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers" and insert thereafter "war with Mexico."
In the same line strike out "Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# MINERVA A. MAYES.

The next pension business was the bill (H. R. 21621) granting a pension to Minerva A. Mayes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Minerva A. Mayes, widow of James A. Mayes, late of Company D, Second Regiment Texas Volunteer Cavalry, war with Mexico, and pay her a pension at the rate of \$12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 change the initial "A." to "M." in soldier's name.
In line 7 strike out "Volunteer."
Add to the end of the bill the words "in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Minerva A. Mayes."

## ANDERSON GRAHAM.

The next pension business was the bill (H. R. 21782) granting an increase of pension to Anderson Graham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anderson Graham, late of Company F, Georgia Battalion, Mounted Volunteers, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 8 strike out "thirty" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## FANNIE J. TERRY.

The next pension business was the bill (H. R. 21838) granting an increase of pension to Fannie J. Terry.

The bill was read, as follows:

The bill was read, as follows.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie J. Terry, widow of Reuben Terry, late of Company D. Third Regiment Indiana Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# PHILIP DIETER.

The next pension business was the bill (H. R. 21988) granting an increase of pension to Philip Dieter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philip Dieter, late of Company D, Seventh Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "Company," insert "F, Third Potomac Home Brigade, Maryland Volunteer Infantry, civil war, and Troop."

In line 7 strike out "Volunteer Infantry" and insert "Cavalry."

In line 8 strike out "thirty" and insert "twelve." In same line, after "month," add "without deduction for any payment or erroneous payments of pension heretofore made."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## JOHN W. HALL.

The next pension business was the bill (H. R. 22002) granting an increase of pension to John W. Hall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Hall, late of Company G, Regiment Arkansas Mounted Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read,

as follows:

In line 6, after "G," insert "First."
In line 7 strike out "Mounted Volunteer Infantry" and insert Cavalry."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## CHARLES SELLS.

The next pension business was the bill (H. R. 22018) granting an increase of pension to Charles Sells.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Sells, late of Company E, Tenth Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as

In line 7 strike out "Volunteer."

The amendment was agreed to.
The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### THOMAS H. COOK.

The next pension business was the bill (H. R. 22025) granting an increase of pension to Thomas H. Cook.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas H. Cook, late of Company B. Second Regiment Tennessee Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers;" and in the same line rike out "Infantry."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# JOHN W. FROST.

The next pension business was the bill (H. R. 22050) granting an increase of pension to John W. Frost.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Frost, late of Company H, Second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers" and insert thereafter war with Mexico."
In the same line strike out "Infantry."
In line 8 change "thirty" to "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## MACK RITTENBERRY.

The next pension business was the bill (H. R. 22101) granting a pension to Mack Rittenberry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mack Rittenberry, late of Company A, First Regiment Alabama Volunteer Infantry, and pay him a pension at the rate of \$70 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after "Infantry," insert "war with Spain." In line 8 strike out "seventy" and insert "seventy-two."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### HIRAM C. JETT.

The next pension business was the bill (H. R. 22187) granting a pension to Hiram C. Jett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram C. Jett, late of Company D. Third Regiment United States Volunteer Engineers, and pay him a pension at the rate of \$12 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and

## ELIZABETH S. OSBORNE.

The next pension business was the bill (H. R. 22262) granting a pension to Elizabeth S. Osborne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roil, subject to the provisions and limitations of the pension laws, the name of Elizabeth S. Osborne, dependent mother of John C. Osborne, late of Company-C, Third Regiment Connecticut Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$24 per month.

The amendment recommended by the committee was read, as follows:

In line 9 strike out "twenty-four" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### THOMAS SIRES.

The next pension business was the bill (H. R. 22425) granting an increase of pension to Thomas Sires.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Sires, late of Company K, United States Mounted Riflemen, war with Mexico, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## SUSAN HARROUN.

The next pension business was the bill (H. R. 22522) granting an increase of pension to Susan Harraun.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan Harraun, widow of John C. Harraun, late of Company I, Fifth Regiment Volunteer Infantry, and pay her a pension at the rate of —— per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as

Change "Harraun" to "Harroun" where it appears in the title and body of the bill.

In line 7, after "Regiment," insert "United States."
In the same line strike out "Volunteer;" and after "Infantry" insert "war with Mexico."
In line 8, after "rate of," insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

# CHARLOTTE S. O'NEALL.

The next pension business was the bill (H. R. 22542) granting an increase of pension to Charlotte S. O'Neall,

The bill was read, as follows:

Be it enacted, etc.. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charlotte S. O'Neall, widow of Lark O'Neall, late of Captain Elmore's company, South Carolina Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 change "Volunteer" to "Volunteers." In line 8 strike out "Infantry" and insert "Florida Indian war."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### HELON WILSON.

The next pension business was the bill (H. R. 22634) granting an increase of pension to Helen Wilson.

The bill was read, as follows:

Be it cnacted, etc.. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen Wilson, widow of R. T. J. Wilson, late of Company I, First Regiment North Carolina Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change claimant's name where it appears in the title and body of the bill from "Helen" to "Helon."

In line 6 strike out soldier's initials of "R. T. J." and insert "Robert J. T."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### CATHARINE WHLIAMS.

The next pension business was the bill (H. R. 22635) granting an increase of pension to Catherine Williams,

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine Williams, widow of Benjamin C. Williams, late of Company A, First Regiment North Carolina Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

Change "Catherine" where it appears in the title and body of the bill to "Catharine."
In line 7 strike out "North Carolina Volunteers." and after "Regiment," in the same line, insert "Tennessee Mounted Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed. CHARLES F. ELLINGWOOD.

The next pension business was the bill (H. R. 22696) granting a pension to Charles F. Ellingwood.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles F. Ellingwood, dependent father of Everett E. Ellingwood, late of United States Navy, and pay him a pension at the rate of \$12 per month.

The amendment recommended by the committee was read, as follows:

In line 7, after "of," insert "U. S. S. Marblehead."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

## LOUIS T. FRECH.

The next pension business was the bill (S. 549) granting a pension to Louis T. Frech.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louis T. Frech, late of Company F, First Regiment District of Columbia Volunteer Infantry, war with Spain.

The bill was ordered to a third reading; and being engrossed, it was accordingly read the third time, and passed.

# LORENZO F. HARMON.

The next pension business was the bill (S. 1879) granting an increase of pension to Lorenzo F. Harmon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lorenzo F. Harmon, late of Company C, Mormon Battalion, Iowa Volunteers, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### WILLIAM P. PARRILL.

The next pension business was the bill (S. 2565) granting a pension to William P. Parrill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William P. Parrill, late of Company M. First Regiment West Virginia Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$24 per month.

The bill was ordered to a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### ELIZABETH B. BOYLE.

The next pension business was the bill (S. 4404) granting an increase of pension to Elizabeth B. Boyle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth B. Boyle, widow of Henry G. Boyle, alias Henry B. Miller, late of Company C, Mormon Battalion, Iowa Volunteers, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and being engrossed, it was accordingly read the third time, and passed.

## FELIX G. MURPHY.

The next pension business was the bill (S. 5672) granting an increase of pension to Felix G. Murphy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Felix G. Murphy, late of Company B. Powell's battalion Missouri Mounted Volunteers, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## MARY A. MICKLER.

The next pension business was the bill (S. 6226) granting an increase of pension to Mary A. Mickler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Mickler, widow of James A. Mickler, late of Captain Mickler's company, Florida Volunteers, Florida Indian war, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# SARAH R. WILLIAMS.

The next pension business was the bill (S. 6510) granting an increase of pension to Sarah R. Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah R. Williams, widow of Ferdinand Williams, late first lieutenant, Engineer Corps, United States Army, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## MARGARET M'CULLOUGH.

The next pension business was the bill (S. 7096) granting an increase of pension to Margaret McCullough.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret McCullough, widow of Thomas J. McCullough, late of Company E, Fourth Regiment Tennessee Volunteer Infantry, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## ESTHER A. CLEAVELAND.

The next pension business was the bill (S. 7099) granting an increase of pension to Esther A. Cleaveland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Esther A. Cleaveland, widow of Charles H. Cleaveland, late boatswain, United States Navy, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "twenty" and insert "eighteen" before "dol-

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

## MELVIN L. LE SUER.

The next pension business was the bill (S. 7177) granting an increase of pension to Melvin L. Le Suer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Melvin L. Le Suer, alias James French, late of Companies D and I, Eighth Regiment United States Infantry, war with Mexico; Battery L. Fourth Regiment United States Artillery, and Troop D, Sixth Regiment United States Artillery, and Troop D, Sixth Regiment United States Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

## JOHN L. WILSON.

The next pension business was the bill (H. R. 21540) granting an increase of pension to John L. Wilson,

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Wilson, late of Company I, Second Regiment Illinois Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read,

as follows:

In line 6 strike out "of" and, after "late," insert "second lieu-

In line 7 change "Volunteer" to "Volunteers," and, in the same line, strike out "Infantry."

In line 8 strike out "thirty-six" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. Loudenslager, a motion to reconsider the several votes by which the various bills were passed was laid on the table.

#### AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the agricultural appropriation bill (H. R. 24815).

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 24815—the agricultural appropriation bill—with Mr. FOSTER of Vermont in the chair.

The CHAIRMAN. The Clerk will read the bill.

Mr. WADSWORTH. Mr. Chairman, I ask unanimous con-

sent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. WADSWORTH. Now, Mr. Chairman, I ask unanimous

consent that the report be read.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the report of the Committee on Agriculture on this bill may be read at this time. Is there objection?

There was no objection.

The report (by Mr. Wadsworth) was read, as follows:

The report (by Mr. Wabsworth) was read, as follows:

The Committee on Agriculture having had under consideration the estimates of appropriations required for the Department of Agriculture for the fiscal year ending June 30, 1908, respectfully submit the accompanying bill (H. R. 24815) and report as follows:

The amount appropriated by this bill for what is known as the ordinary and regular routine work of the Department of Agriculture is \$7,635,790 and the amount carried by the act for the current fiscal year (exclusive of \$3,000,000 for meat inspection) is \$6,560,440, an increase, for the same objects, of \$1,075,350.

The following increases in existing statutory salaries have been allowed:

The following increases in existing statutory salaries have been allowed:

Chief of Forest Service (Forester), \$3,500 to \$4,500.
Chief of Bureau of Chemistry, \$3,500 to \$4,500.
The increase in the salary of the Forester is justified not only by long and faithful service of the present incumbent of that office, but by the greatly increased work put upon him by the transfer of the Government national forests to his care and administration.

The increase granted to the Chief of the Bureau of Chemistry is also justified by reason of long and faithful service and by reason of greatly increased and responsible duties put upon him in the enforcement of the pure-food law.

Also the following:
Chief of Bureau of Entomology, increase from \$3,250 to \$3,500.
Cashier and chief clerk, Division of Accounts and Disbursements, increase from \$1,800 to \$2,000.

Assistant Chief, Bureau of Statistics, increase from \$2,200 to \$2,500.
Director of Office of Public Roads, increase from \$2,500 to \$2,750.
The duties of these officers are constantly increasing with the continuing growth of the Department, and the committee therefore feel jus-

tified in granting these small increases in salaries in recognition of good

service.

All other additions and increases in the statutory rolls of the Department are accounted for by the natural growth of the routine and ordinary work of the Department, and particularly to the great additional amount of work imposed upon the Department on account of the enforcement of the pure-food act, and are chiefly transfers from lump sums to statutory rolls.

The following increases in the lump-sum appropriations have been allowed:

forcement of the pure-food act, and are chiefy transfers from lump sums to statutory rolls.

The following increases in the lump-sum appropriations have been allowed:

Weather Bureau.—\$25,000. For establishment and equipment of from three to five additional stations.

Bureau of Animal Industry.—\$85,000. For reconstruction and repair of buildings at the several quarantine stations.

Bureau of Plant Industry.—\$81,100. To take over tobacco work formerly done by the Bureau of Solis, and for enlarging and increasing the demonstration work, especially in the Southern States.

Forest Service.—\$370,180. To provide a "working capital" for the improvement and development of the resources of the national forests. The National Government having taken over the care of the national forests, it behooves it to develop them as a business proposition and make them a source of profit, as is done with the government forests of the countries of continental Europe.

It is estimated by the Forester that in ten years the revenue from the national forests will equal \$6,000,000, while the expenses of management and administration ought not to exceed \$4,900,000, while they will be exceeded.

Bureau of Chemistry.—\$504,080. This increase is due sôlely to the fact that the enforcement of the pure-food act devolves upon this Bureau of the Department of Agriculture.

Bureau of Statistics.—\$10,000. For the employment of additional special agents deemed necessary by the Secretary of Agriculture to insure greater efficiency in the work of the Bureau.

Office of Experiment Stations.—\$51,300, divided as follows: \$4,500 for new duties imposed by the act of March 16, 1906; \$19,000 to extend to the Alaska, Hawaii, and Porto Rico experiment stations the same financial support as is accorded by act of Congress to the experiment stations in the States and Territories generally; \$27,800 for Irrigation and drainage investigations, to meet the constantly growing demands for that work.

The following emergency appropriations have been allowed:

Cotton boll

minated.

Eradicating cattle ticks, \$150,000, to be used by the Bureau of Animal Industry. This work was also commenced under an appropriation of \$82,500, carried in the current agricultural appropriation act, and the good results already shown justify strong hopes that by still more extended and systematic operations the cattle tick, now inflicting so much loss upon the live-stock industry of the southern country, can be confined to a smaller area, if not completely exterminated.

These emergency appropriations swell the amount carried by this bill to \$8,125,790.

The current agricultural appropriations

to \$8,125,790.

The current agricultural appropriation act carries \$6,930,440 for the same purposes, showing a net increase of \$1,195,350, which, as already shown, is due principally to the additional amounts necessary for the enforcement of the pure-food law and a "working capital" for

the Forest Service.

In addition to the \$8,125,790 carried by this bill for the use of the Department of Agriculture there is carried in other appropriation acts \$3,000,000 for the enforcement of the meat-inspection law, and (estimated) for printing and other objects \$1,647,000, making, in round figures, the grand total cost of the Department of Agriculture \$12,772,790. FREE SEEDS.

There has been omitted from the bill the paragraph making appropriation for what is commonly known as the "Congressional free seed distribution." In its place there has been substituted a paragraph providing for the "purchase, propagation, and testing of new, rare, and uncommon seeds, bulbs, trees, shrubs, vines, cuttings, and plants, foreign and domestic," the sum appropriated for this purpose being \$238,000, the same amount carried by the bill last year for the general

\$238,000, the same amount carried by the bill last year for the general distribution.

The substitute paragraph was drawn in the office of the Secretary of Agriculture and is strongly indorsed by Secretary Wilson, who expresses the emphatic opinion that he can render the farming intertests of the country vastly more valuable service by carrying out the provisions of the present bill than would be possible under the old plan. This opinion seems to be fully concurred in by the National Grange, the State granges, and practically all the other farmers' organizations of the country, because with almost complete unanimity they have adopted resolutions protesting against the present plan as wasteful and useless. It can not be disputed that the original purpose of the law was to limit the distribution of seeds to the introduction of new and valuable varieties. Your committee believes the best interests of agriculture demand a return to this original purpose.

Mr. WADSWORTH. Mr. Chairman, I do not care to make any remarks under the head of general debate, but prefer to

any remarks under the head of general debate, but prefer to explain the various items in the bill as they are reached. I yield the floor to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Chairman, just prior to the adjournment of the first session of this Congress I stated that during this short session I would place in the RECORD a list of the insurance companies that wrote policies in San Francisco prior to the conflagration of last April and a statement of the manner in which they performed their obligations toward the insured in that city, be cause I believed that every man in the United States, no matter what his vocation, no matter whether he happened to be a large insurer or a small insurer, was entitled to know whether

the company that accepted his premiums was an honest or a dishonest company.

Since that time the question of insurance in that city has been fully investigated by competent authorities, and a complete report on the insurance conditions was made to the San Francisco Chamber of Commerce by Prof. A. W. Whitney, of the University of California. It shows that there were 118 companies writing policies in San Francisco prior to April 18, 1906. Of these, 88 companies were domestic. That is, they were organized and chartered in the United States. Seventeen were English and 6 German, 2 were Scotch, 2 Canadian, 1 Austrian, 1 Swedish, and 1 New Zealand. It is a noticeable fact that not a single German company paid its obligations in accordance with the conditions of its contracts. Indeed, three of those companies refused all liability and withdrew from the State. They had been doing business in California for many years, and had collected premiums aggregating many hundreds of thousands of dollars. One of them, the *Rhine and Moselle*, made an offer of 50 cents on the dollar on small claims, and this was generally accepted, but two of them, up to the present time, have not paid a single dollar; however, upon a suit which was instituted in the German courts recently, judgment was given for the San Francisco policy holders, and I understand that at the present time these two remaining German companies, the Trans-Atlantic and the North German of Hamburg, propose to make some kind of a settlement with the holders of their policies. Austrian company, the Phanix of Austria, denied all liability and withdrew from the State. Our State Department here in Washington took the matter up with the Austrian Government, and I am pleased to state that through the kindly offices of that Department the Austrian company has promised and agreed to

make some settlement with the policy holders at San Francisco.

Most of the English companies paid their policies in full, or
less 2 per cent for cash. The assured in San Francisco were
perfectly willing under the terms of the contracts to accept a
discount of 2 per cent. That was done for several reasons. All the companies of course under the terms of their policies had sixty days within which to pay losses after the losses had been adjusted. Many of the assured in San Francisco, realizing the possibility of another large conflagration either in San Francisco or elsewhere within the sixty days, felt that it was worth 2 per cent to get their money immediately rather than take any risk in that regard. So there is no complaint at all toward those companies that settled at 1 or 2 per cent discount. Everybody

considers that that was legitimate.

I have here, Mr. Chairman, a list of all of the 118 companies, and a statement as to how each company performed its obliga-tions toward the insured. The Aachen and Munich, which was a German company, settled most of its claims at 75 per cent, but paid 80 to 90 per cent on many claims. The Ætna, which was an American company, settled its claims at 100 per cent on the dollar. The Agricultural began by discounting at 75 per cent, but later paid mostly in full less 2 per cent for cash. The Alliance of Philadelphia paid its claims in full less 2 per cent for cash. The Alliance of London had a policy which contained an earthquake clause, but it settled its claims at 50 or 75 per cent, according to location. It paid its small claims of \$500 or less in full, and paid at least \$500 on claims of \$500 or over.

I want to say that in making the offers of 50 and 75 per cent I want to say that in making the offers of 50 and 75 per cent in settlement of claims, according to location, the companies drew an arbitrary line, and if the insured happened to own property on one side of that line the company said, "We will only give you 50 cents on the dollar;" but if he happened to have his property on the other side of that line the company said, "We will give you 75 cents on the dollar; and if you do not accept that you can go into the court and sue for your money."

The American of Boston settled its claim at 40 per cent.

The American of Newark began by discounting, but later paid in full, less 2 per cent for cash.

The American Central paid mostly in full, with from 2 to 5 per cent discount for cash.

The American of Philadelphia settled its claims at 50 per cent. The Assurance Company of America settled its claim in general at 75 per cent.

The Atlanta-Birmingham.—The representatives of this company left the State in May. Nothing has been paid up to the present time, although offers of 25 per cent cash and 15 per cent in notes have been received recently.

Atlas settled its claims in full, and less 1 and 2 per cent for cash.

Austin Fire settled its claims at from 65 to 85 per cent, largely at about 75.

Austrian Phanix denied liability and withdrew from the State, having paid no claims.

British America of Toronto paid some claims at 85 and 90 per

cent, but largely at one-third cash, one-third in six months, onethird in twelve months

British American of New York same settlements as the British

Buffalo German settled its claims in general at from 75 to 90

Caledonian of Edinburah settled claims at from 75 per cent up to 98 per cent, but largely at about 90 per cent.

Calcdonian-American same settlements as Calcdonian of Edin-

California settled its claims at 100 per cent.

Calumet.—Certain stockholders subscribed special fund of \$500,000 upon the agreement of a majority of the claimants to accept this settlement, releasing thereby the plant and already existing assets of the company from further claims. The surplus to policy holders at the time was \$375,000.

Camden involved in San Francisco conflagration only as rein-

Citizens settled its claims in full, less 2 per cent for cash.

Colonial Underwriters began by discounting at 75 per cent, later settled nearly all of its claims at upward of 90 per cent.

Commercial Union of London policy contains earthquake clause. Settled its claims at 50 and 75 per cent, according to location. Paid claims of \$500 or less in full and at least \$500 on claims of \$500 or more.

Mr. LOVERING. If the gentleman from California will pardon me. I would like to ask him to explain what the earthquake

Mr. KAHN. Some of the policies contain a provision that if fire occurs directly or indirectly through lightning, insurrection, or earthquake, then the company should not be held liable. There were some four or five different kinds of earthquake policies in use in San Francisco, each being worded somewhat differently from the others. Upon an examination of policies that were written in countries where earthquakes were frequent, notably South America and Central America, it was found that the earthquake clause in the policies in use in those localities was entirely different from the earthquake clauses in the policies used in California. The German courts have held, in the cases of which I spoke in the early part of my statement, that this earthquake clause in the policies of the North German of Hamburg insurance company was entirely too indefinite to be invoked as a defense in an action brought by the insured to recover under the terms of the policy, and judgment was consequently entered against the insurance company.

I shall ask at the close of my remarks to insert in the Record the report of Professor Whitney, which goes into this feature of the question very fully and sets it forth clearly and succinctly. It gives at some length the exact language used in their respective policies by the different companies regarding their liability in consequence of conflagration arising as the re-

sult of an earthquake.

The Commercial Union of New York had the same policy and made the same settlements as the Commercial Union of London. The Concordia settled its claims at 75 to 90 per cent.

The Connecticut settled its claims in full and less 1 and 2 per cent for cash.

The Continental settled its claims at 100 per cent.

The Delaware settled its claims at from 60 to 80 per centlargely at 75 per cent.

The Dutchess settled its claims at 30 per cent.

The Eagle settled its claims mostly at 75 per cent.

The English-American Underwriters began by paying its small claims in full, less 2 per cent for cash; in June dropped to payments of largely about 90 per cent, coming back finally to 98

The Equitable involved in the San Francisco conflagration

only as a reinsurer.

The Federal settled its claims at from 85 per cent up, but largely above 90 per cent.

The Fire Association of Philadelphia settled its claims at from 75 to 95 per cent; its early claims largely at 75 per cent, its later claims largely at 90 per cent.

The Fireman's Fund has paid 20 per cent on claims, has offered to pay 30 per cent more in cash, and remaining 50 per cent in stock of company. Claimants have generally accepted this offer.

The Franklin settled claims at from 75 per cent up-largely at about 90 per cent.

The German of Freeport settled its claims mostly at 60 per

cent; now in the hands of a receiver.

The German of Peoria settled its claims at 50 per cent.

The German Alliance policy contained an earthquake clause which was not taken advantage of. It settled its claims in full, less 2 per cent for cash.

The German-American policy contained an earthquake clause, which was not taken advantage of. It settled its claims mostly in full, less 2 per cent for cash.

The German National settled its claims at 60 per cent. It is now in the hands of a receiver.

The Germania settled its claims at from 75 to 90 per cent, largely at about 85 per cent.

The Girard settled its claims at from 75 to 90 per cent, mostly at 75 and 80 per cent.

The Glens Falls settled its claims at from 90 per cent up, mostly in full, less 2 per cent for cash.

The Globe and Rutgers settled its claims mostly at 75 per cent; a few at 90 per cent.

The Hamburg-Bremen settled its claims at 75 per cent.

The Hanover settled its claims at 75 per cent up, largely at about 90 per cent.

The Hartford settled its claims in full, less 2 per cent for cash.

Mr. HENRY of Connecticut. The reduction made by the Hartford of 2 per cent is a legitimate reduction provided for in the contract?

Mr. KAHN. Absolutely. If the insured did not want to submit to the 2 per cent reduction he could wait sixty days and get his cash in full. But the people who were insured were only too glad to accept the discount of 2 per cent for immediate cash. As I stated before, they did not want to assume the risk of a possible conflagration elsewhere, and looked upon the 2 per cent

discount as perfectly legitimate.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WADSWORTH. I grant the gentleman ten minutes more. Mr. KAHN. The Home settled its claims in full, less 1 and

per cent for cash.

The Home Fire and Marine made the same settlements as Fireman's Fund.

The Indemnity policy contains an earthquake clause. It settled its claims at 50 and 75 per cent, according to location. Claims of \$500 or less paid in full, and at least \$500 on claims of \$500 or over.

The Insurance Company of North America settled its claims in full, less 2 per cent for cash.

The Kings County involved in San Francisco conflagration

only as a reinsurer.

The Law Union and Crown settled its claims in full, less 2 per cent for cash.

The Liverpool and London and Globe settled its claims at 100

per cent.

The London and Lancashire began by paying its small claims in full, less 2 per cent for cash; in June dropped to payments of largely about 90 per cent, coming back finally to 98 and 100 The company states that its payments have averaged about 93 per cent of the amount of its claims.

The London Assurance Corporation settled its claims in full,

less 2 per cent for cash.

The Manchester settled its claims in full, less 2 per cent for cash; all policies had been reinsured in the Atlas.

The Mercantile Fire and Marine settled its claims mostly in full, less 2 to 5 per cent for cash.

Michigan Fire and Marine settled its claims in full, less 2 per cent for cash.

Milwaukce Mechanics settled its claims at 70 per cent, having taken advantage of the Wisconsin safety-fund law.

Nassau settled its claims at from 70 to 90 per cent, mostly at 75 per cent.

National of Hartford began by discounting at 75 per cent; later settled nearly all its claims at upward of 90 per cent. company states that its payments have averaged 94 per cent of the face of the policy.

National Union settled its claims at 75 per cent up, largely at about 90 per cent.

New Brunswick settled its claims largely at about 75 per cent. New Hampshire policy contained earthquake clause, which was not taken advantage of. Settled its claims in full, less 1 per cent for cash.

New York settled its claims at 40 per cent.

New York Underwriters, same settlements as the Hartford. New Zealand settled its claims in full, less 2 per cent for cash.

About one-fifth of the entire number of its outstanding policies contained an earthquake clause; company settled such claims at from 75 to 90 per cent.

Niagara settled its claims in full, less 2 per cent for cash. North British and Mercantile settled its claims in full, less 2 per cent for cash.

North German of New York has paid nothing; company in the hands of a receiver.

North German of Hamburg company has denied liability and retired from the State, having paid no claims.

North River settled its claims mostly at 75 per cent; in a few cases at 90 per cent.

Northern of London settled its claims in full, less 1 per cent for cash.

Northwestern Fire and Marine settled its claims in general at from 75 to 85 per cent.

Northwestern National settled its claims largely in full, less

2 per cent for cash.

Norwich Union policy contains earthquake clause. Settled its claims at 50 and 75 per cent, according to location. Claims of \$500 or less paid in full, and at least \$500 on claims of \$500

Orient, same settlements as London and Lancashire.

Pacific Underwriters, same settlements as Fireman's Fund. Palatine, same policies and settlements as Commercial Union. Pelican settled its claim in full, less 2 to 5 per cent for cash, Pennsylvania settled its claims in full, less from 2 to 5 per cent for cash.

Phenix of Brooklyn began by discounting claims at 75 per cent; later settled claims in general at from 85 per cent up to 100 per cent. Data furnished by the company indicate that about 75 per cent of the company's liability will have been settled at an average of 98 per cent of the amount of the claims.

Philadelphia Underwriters settled its claims at from 90 per

cent up.

Phoenix of Hartford policy contained an earthquake clause, which led to settlement of early claims at 75 per cent. The bulk of its claims were, however, settled without reference to the earthquake clause, mostly in full, less 2 per cent for cash.

Phoenix of London settled its claims in full and less 2 per

cent for cash.

Protector Underwriters, same policies and settlements as

Phoenix of Hartford.

Providence-Washington settled its claims in general at from 90 per cent up, but largely in full, less 2 to 5 per cent for cash. Prussian National settled its claims at 75 per cent.

Queen settled its claims at 100 per cent.

Queen City began by settling claims at 75 per cent; later settled claims in full, giving notes in some cases; the company states that payments on earlier claims have been brought up to the same standard.

Rhine and Moselle policy contains earthquake clause. Denied liability and withdrew from the State. Claims of \$500 or less have been paid at 50 per cent.

Rochester-German settled its claims largely at from 90 per cent up.

Royal settled its claims at 100 per cent.

Royal Exchange settled its claims at from 75 per cent up, but largely at 85 to 95 per cent.

Scotch Underwriters, same settlements as Caledonian.

Scottish Union and National settled its claims in full, less 2 per cent for cash.

Security of New Haven settled its claims largely in full, less from 2 to 5 per cent for cash.

Security of Baltimore in the hands of a receiver.

Springfield settled its claims in full, and less 1 per cent for

Spring Garden settled its claims in general at 70 per cent. State of Liverpool settled its claims mostly in full, less from 2 to 5 per cent for cash.

St. Paul Fire and Marine settled its claims mostly in full, less from 2 to 5 per cent for cash.

Sun settled its claims in full, less 2 per cent for cash.

Svea settled its claims at from 75 per cent up.

Teutonia settled its claims in full, less 2 to 5 per cent for cash.

Traders in the hands of a receiver.

Trans-Atlantic denied liability and withdrew from the State; no claims paid.

Union of Philadelphia involved in the San Francisco conflagration only as a reinsurer.

Union Assurance settled its claims in full, less 2 per cent for

United Firemen's settled its claims at from 75 per cent up, but in general at about 90 per cent.

Victoria settled its claims in full, less 2 per cent.

Westchester settled some claims at 75 and 80 per cent, but later paid largely in full, less from 2 to 5 per cent for cash. Western of Toronto, same settlements as British America.

Williamsburg City, most of its policies contain earthquake ause. Settled claims on these at 50 to 75 per cent, according to location. On such policies paid claims of \$500 or less in full and at least \$500 on claims of \$500 or more. Settled claims on policies that did not contain earthquake clause largely at 95 per cent.

As I have stated, Mr. Chairman, I have read this list of companies, together with a statement as to how each one treated its policy holders, in order that all persons in the United States who carry insurance may know whether the companies which accept their premiums are trustworthy and reliable in cases of conflagration. For, after all, no one knows where or when there is going to be a conflagration; no one can tell where or when there is going to be a great disaster. The fire at San Francisco was perhaps the largest property loss in the history of the world.

The most conservative estimate of that loss is \$350,000,000, upon which was carried \$235,000,000 worth of insurance. As I say, while that fire occurred only nine months ago, and we hope that no other community in the United States will suffer such another calamity as did that city, still no one can tell where the next conflagration may occur. It is a remarkable fact that within the past nine months three great earthquakes have occurred in various parts of the world, every one of which was succeeded by a conflagration which wiped out the entire business community of the city that was thus visited by an earth-

Mr. LOVERING. May I ask the gentleman a question? The CHAIRMAN. Does the gentleman from California [Mr. KAHN] yield to the gentleman from Massachusetts [Mr. Lov-ERING ] ?

Mr. KAHN. Certainly. Mr. LOVERING. Can the gentleman tell us, if he has any knowledge, of the settlement that was made in the earthquake that occurred at Valparaiso, and also the recent one at Jamaica?

Mr. KAHN. I have no knowledge upon that subject. Mr. LOVERING. Is it not a fact that they withdrew, both the English and German companies, and paid nothing at Val-

paraiso?

Mr. KAHN. I have no positive knowledge upon the subject regarding Valparaiso. All that I have is what I obtained from the newspaper accounts, and these, I believe, bear out the statement made by the gentleman from Massachusetts [Mr. Lovering]. Of course the disaster at Kingston is so recent that probably no action has been taken as yet by any insurance com-

Now, Mr. Chairman, I desire to ask the leave of the House to print as a part of my remarks the report of the special committee of the board of trustees of the Chamber of Commerce of San Francisco on Insurance Settlements Incident to the San Francisco Fire, which report was compiled by Prof. Albert W. Whitney, of the University of California, at Berkeley.

The CHAIRMAN. The gentleman from California unanimous consent to extend his remarks in the RECORD. Is

there objection?

There was no objection.

The matter above referred to is as follows:

Report of the special committee of the board of trustees of the Chamber of Commerce of San Francisco on insurance settlements incident to the San Francisco fire.

[Approved at a meeting of the board of trustees November 13, 1906.]

[Approved at a meeting of the board of trustees November 13, 1906.]

San Francisco, November 13, 1906.

To the honorable president and board of trustees
of the Chamber of Commerce of San Francisco.

Sirs: Your committee appointed to investigate insurance settlements incident to the late conflagration respectfully submits the report of Prof. A. W. Whitney, who was engaged to prepare the report under the general supervision of the committee.

We have been peculiarly fortunate in having the assistance of such an able investigator, with technical experience in insurance matters, and we accordingly take this opportunity for expressing our appreciation of his untiring efforts and for thanking Mr. Benjamin Ide Wheeler, president of the University of California, through whose consideration it became possible for us to secure his services.

We have been fortunate, too, in having our trustee, Mr. George E. Butler, as a member of our committee. His long experience and prominence in insurance circles have been of the greatest value in the investigation.

inence in insurance circles have been of the greatest value in the investigation.

Thanks are also due to the savings banks, which have given exact information as to the thousands of adjustments made on losses in which the banks were concerned; to Mr. E. Myron Wolf, State commissioner of insurance; to the press of San Francisco; to the representatives of many of the insurance companies, who have for the most part received our inquiries with great courtesy, and in general to the many merchants and attorneys who have freely given desired information.

In the preparation of this report we have kept in view its purposes as outlined in the original plan, to wit:

1. The moral effect upon the insurance companies involved, once they knew that the chamber of commerce proposed to make a reliable report, giving due credit to those companies which are fairly meeting their obligations.

2. Supplying information, on application of our members, relating to adjustments being made by companies with which said members might hold policies.

3. Sending general information to commercial organizations throughout the country relating to the insurance conditions in our city.

4. In the light of such information, venturing some suggestions that will tend to the betterment of the fire insurance business both for the insurer and the insured.

The appreciative expressions already received prompt us to believe

that the first two purposes have been accomplished in a degree far beyond our expectations. It is hoped that the latter two purposes will be accomplished in the publication of Professor Whitney's report, which is the result of most careful work on his part, assisted by frequent conference with your committee.

Yours, respectfully,

CHAS. H. BENTLEY, GEO. E. BUTLER, GEO. D. GRAY, . Committee.

To the special insurance committee of the Chamber of Commerce of San Francisco.

GENTLEMEN: I have the honor to submit to you the following report on the fire insurance situation following the San Francisco conflagration.

Yours, respectfully,

ALBERT W. WHITNEY.

San Francisco, November 10, 1906.

THE EARTHQUAKE.

THE EARTHQUAKE.

The San Francisco earthquake occurred at about a quarter past 5 o'clock on the morning of April 18, 1906. The shock lasted about one minute. The seismographic record at the Lick Observatory on Mount Hamilton, 50 miles away, but in a region where the disturbance was considerable, showed the oscillations to have taken place in all directions, with a maximum amplitude of about an inch.

Although the city of San Francisco was, because of its size, the largest sufferer, the destructiveness of the earthquake was probably greatest at Santa Rosa, 50 miles north. San Jose and Stanford University were also severely shaken.

The damage done by the earthquake in San Francisco depended very largely upon the nature of the ground at the point in question. The city may be divided into four districts or sets of districts. There are, first, the rocky hills and other more level land closely underlain by rock. There are, second, the intervening valleys where a natural deposit has occurred. There is, third, a region where sand dunes cover the rock to a depth of many feet. There is, fourth, the filled ground along the shore line and along the courses of old creeks; there are about 250 acres of this in the burned district, extending in its greatest width from the ferry to Sansome street, a distance of about half a mile. A large part of the wholesale district lay in this fourth region.

The first region, characterized by rock formations near the surface, suffered least from the shaking. The damage was confined mostly to the shaking to pieces of chimneys above the roof, the falling of some plaster and loosely attached architectural ornaments, and the destruction, more or less complete, of some notably badly constructed buildings. In the sand-dune country and in the valleys the damage was somewhat greater.

The damage on the made land, however, was much the most severe.

In the sand-dune country and in the valleys the damage was somewhat greater.

The damage on the made land, however, was much the most severe. Here there was not only a more destructive form of oscillation, but the settling of the land in some cases caused serious structural damage. Just how severe the earthquake damage was in the business part of the city will never be exactly known because of the fire that immediately obliterated its effects. There was, however, a very general shaking to pleces of chimney tops all over the city—in fact, throughout the whole region; there was to a much less extent general damage to plastering; in probably about one house of two or three was the damage to plastering so severe as to require repair. There were numerous cases of colapse of notably badly constructed buildings, old frame buildings with defective underpinning, brick buildings made with weak lime mortar and unwet bricks, and unbonded stone-veneered buildings.

Some few spectacular examples of buildings for this character, such as the Valencia Street Hotel (a frame lodging house) and the city hall (of stone and brick upon a steel frame), together with a certain amount of fallen cornices and scattering examples of walls partly fallen or cracked, constituted the main visible earthquake damage.

The structural damage was probably on the whole not large. In steel-frame buildings it was almost nothing—as, for instance, in the Call Building; in well-built brick buildings it was almost nothing—as, for instance, in the walls of the Palace Hotel, which stand to-day as a mute example of what good brickwork can be; in well-built frame buildings the structural damage was nothing. The earthquake damage in San Francisco stands as a monument almost entirely to cheap, dishonest, and insincerely ostentatious construction.

Coming back, however, to actual conditions, it is undoubtedly true that the business of the city could have gone on with very little interruption if there had been no fire, as it did in fact in the unburned part of th

REPORT OF THE NATIONAL BOARD OF FIRE UNDERWRITERS

damage in such unburned buildings was in general not severe.

REPORT OF THE NATIONAL BOARD OF FIRE UNDERWRITERS.

Mr. S. A. Reed, consulting engineer, in his report to the National Board of Fire Underwriters on the San Francisco confiagration, has the following to say concerning the extent of the earthquake damage:

"The actual damage, though appalling to those who experienced the shock, was not, as a general rule, structurally serious as far as appearance went. Apart from buildings having ponderous architectural attachments, particularly the city hall, where the damage was great and spectacular, the apparent structural injury was mainly to tall chimneys, church towers, and unbraced brick gables, copings, and projections. Interior plaster, tiling, and adhesively applied decorations were quite generally wrecked. House chimneys above roofs fell extensively.

Actual collapses were mainly confined to filmsy frame structures. Observation of the unburned western addition, and also of photographs taken between the earthquake and the fire, make it clear that San Francisco was far from being destroyed by the earthquake, and that outside of small districts in the flats it was the exception that a building was rendered uninhabitable. The effect on fireproof buildings was especially important, as the steel-frame type had never before been seriously tested in an earthquake. It may be said, generally speaking, that these buildings had no apparent structural injury. The steel frames appeared plumb and true, and, contrary to the early account, neither the sides nor the floors had dropped out. Cracks appeared in many instances, especially X cracks in pilasters built around exterior columns. The early accounts, stating that side walls had dropped out, probably arose from the fact that there were several tall and conspicuous steel frames in course of construction which had not yet received their side walls. Furthermore, at the City Hall a lofty architectural mass of cast iron and stone was grouped around a steel-frame dome, and t

to a considerable extent, due to straining. In wooden frame buildings it was noted that where each story was framed to that below, unless diagonally braced, the damage was greater than where the verticals were continuous, as in the balloon frame of less repute. In fact, immunity from effects of the earthquake seemed to be a characteristic of buildings having vertical continuity as distinguished from vertical discontinuity. In steel frames, where each column is spliced to that below, column tiers are practically continuous. Buildings depending mainly upon gravity for their stability experienced the maximum injury. The ordinary brick wall has slight continuity apart from gravity aided by the bracing effects of the beams, unless the brick is properly laid in cement and properly bonded and the walls of more than usual thickness. Such walls as the latter were rare in San Francisco. Still, even in the case of weak walls, the interior bracing reduced structural damage where there was no actual ground displacement. There were, however, a large number of structural injuries, not apparent to the eye, but such as would have required expensive repairs had there been no fire."

The earthquake was followed by fires that broke out almost immediately at a number of points; in fact, there are said to have been as many as thirty of these, most of them in the region south of Market street. The city was supplied with water by three large pipes, each of which was broken where it crossed marshy ground outside of the city. During the second and third days of the fire some water was made available in the western part of the city by repairs. This water was instrumental in checking the fire at Van Ness avenue.

The efficient head of the fire department, Chief Sullivan, to whose efforts had been largely due the freedom of San Francisco in the past from disastrous fires, was fatally injured by the falling of a chimney. It is a sad coincidence that in the Baltimore, the Toronto, and the San Francisco confiagrations the fire chief was unable through personal injury to direct the work of the department.

There was an almost entire absence of strong wind during the fire, so that ignition and combustion went on slowly, and there was no occasion for the frantic efforts to escape that characterized the Chicago fire. The day of the earthquake itself was an ideal summer day. The contrast was most painful between the inferno in the city and the smiling serenity of nature across the bay. For three days a pillar of smoke stood over the city.

Some of the original fires were extinguished; the others coalesced during the first day. Many new fires originated, however, most of them by sparks or dynamiting, but some in the general confusion quite independently of the fires already started. Two of these independent fires spread and consumed many blocks of property in the heart of the city. One was the Hayes Valley, or "ham and eggs," fire at Hayes and Gough streets on the morning of the 18th, said to have been started by a woman in getting breakfast. The other was the Aleazar Theater fire, said to have been started by the overturning of a lamp by soldiers.

The water supply falling, dynamite was resorted to for blowing up buildings in the hope of thus stopping the progress of the fire. In some cases this was successful, but the dynamite being largely handled by those who were unfamiliar with its use, on the whole little good was accomplished and in many cases the fire was actually spread by its use. The fire was brought under control on the third day by a desperate stand at Van Ness avenue, a north and south street, 125 feet wide and about 1½ miles from the ferry. The intelligent use of dynamite, a line of hose to the bay, some water from the mains, a favorable wind, and a desperate hand-to-hand fight together made this successful, although at some points the fire crossed the avenue and burned a few blocks beyond. The total area burned was about 3,000 acres, or about 4.7 square miles, containing 520 blocks, and about 25,000 buildings; about one-half of these were residences.

THE INSURANCE SITUATION.

The amount of insurance covering property in the burned district was approximately \$235,000,000 (estimated). All of this had been written by companies authorized to do business in the State, except about \$6,000,000 which had been placed outside of the State in some 100 companies. The value of buildings and contents destroyed in the fire must have been about \$350,000,000, basing an estimate upon the insurance liability, the known general ratio of insurance to value (about 70 per cent), and a guess that there was about 5 per cent of property that carried no insurance.

There follows a list of the authorized companies, with their capital and surplus, and their San Francisco premiums in 1905; membership in the Board of Fire Underwriters of the Pacific is also indicated. It was hoped that it would be possible to give the liabilities of the separate companies, but the data obtainable are not complete, and for that reason are not published.

DOMESTIC COMPANIES.

	Paid-in capital Dec. 31, 1905.	Surplus Dec. 31, 1905.	San Fran- cisco pre- miums, 1905. a
Ætna, b Hartford, Conn. Agricultural, b Watertown, N. Y. Alliance, b Philadelphia, Pa. American, Boston, Mass. American, b Newark, N. J. American Fire, b Philadelphia, Pa. American Central, b St. Louis, Mo. Assurance Co. of America, b New York, N. Y. Atlanta-Birmingham, b Atlanta, Ga. Austin Fire, Austin, Tex. British-American, b New York, N. Y. Buffalo-German, Buffalo, N. Y. Caledonian-American, b New York, N. Y. California, b San Francisco, Cal. Calumet, b Chicago, Ill. Citizens Fire, b St. Louis, Mo.	500, 000 300, 000 500, 000 500, 000 1, 000, 000 400, 000 250, 000 200, 000 200, 000 240, 000 200, 000 200, 000 200, 000 200, 000	\$7,038,011 \$62,181 92,062 2,430,459 253,891 1,431,518 80,725 57,791 118,727 1,640,774 91,778 144,110 255,441 232,182	\$44,789 16,343 15,801 12,248 18,962 27,559 19,881 6,289 4,337 3,013 8,836 22,585 13,824
Commercial Union Fire, b New York, N. Y. Concordia Fire, b Milwaukee, Wis. Connecticut Fire, b Hartford, Conn Continental, New York, N. Y. Delaware, b Philadelphia, Pa.	200,000 200,000 1,000,000 1,000,000 702,875	130, 124 234, 958 1, 729, 173 8, 424, 225 193, 493	4,110 6,345 34,197 33,936 12,551

a Taken from Coast Review Chart.
b Member of the Board of Fire Underwriters of the Pacific.

## DOMESTIC COMPANIES-Continued.

	Paid-in capital Dec. 31, 1905.	Surplus Dec. 31, 1905.	San Fran- cisco pre- miums, 1905.
Eagle Fire, New York, N. Y	\$300,000	\$376,072	\$11,96
Equitable Fire and Marine, a Providence, R.I.	400,000	215, 276	5, 81
Federal, Jersey City, N.J	500,000	856, 685	
Fire Association, a Philadelphia, Pa	500,000	1,552,603	33, 23
Fireman's Fund, a San Francisco, Cal	1,000,000	2, 718, 144	91, 36
Franklin Fire, a Philadelphia, Pa	400,000	996, 672	20, 91
German Freeport III	200,000	1, 952, 065	52, 80
German, Peoria, Ill	200,000	126, 444	14, 75
German, Peoria, Ill German Alliance, a New York, N. Y German American, a New York, N. Y. Germania Fire, New York, N. Y.	400,000	629, 132	7,38
German American, a New York, N. Y	1,500,000	6, 442, 675	7, 38- 44, 589
Germania Fire, New York, N. Y	1,000,000	2,889,660	46,55
German National, Chicago, Ill	200,000	154, 347	15, 70
Girard Fire and Marine, Philadelphia, Pa	300,000	697, 864	13, 74
Glens Falls, Glens Falls, N. Y	200,000	2, 594, 065	17, 65
Globe and Rutgers, a New York, N. Y	400,000	1, 256, 147	16,02
Girard Fire and Marine, Philadelphia, Pa. Glens Falls, Glens Falls, N. Y. Globe and Rutgers, a New York, N. Y. Hanover Fire, a New York, N. Y.	1,000,000	925, 516	23, 16
narmord Fire, a narmord, Conn	1, 250, 000	5, 150, 696	145,78
Home, New York, N. Y	3,000,000	8, 720, 501	39,77
Home Fire and Marine, a San Francisco, Cal.	300,000	503, 695	37, 98
Home Fire and Marine, a San Francisco, Cal. Indemnity Fire, a New York, N. Y. Insurance Co. of North America, a Philadel-	200,000	94,785	37, 98 4, 78
phia, Pa	3,000,000	3,604,807	53, 39
Mercantile Fire and Marine, a Boston, Mass Michigan Fire and Marine, a Detroit, Mich	400,000	101, 793	13 02
Michigan Fire and Marine, a Detroit, Mich	400,000	282, 687	7, 93 34, 26
Milwaukee Mechanics, Milwaukee, Wis	200,000	1, 409, 831	34, 26
Nassau Fire, Brooklyn, N. Y	200,000	251, 458	7,39
National Fire, a Hartford, Conn	1,000,000	2, 314, 305	42, 44
National Union, Pittsburg, Pa New Brunswick, New Brunswick, N. J New Hampshire Fire, a Manchester, N. H	750,000	360, 399	20,93
New Brunswick, New Brunswick, N. J	200,000	144, 522	
New Hampshire Fire, a Manchester, N. H	1,000,000	1, 254, 267	8,92
New York Fire, New York, N. Y	200,000	61,682	6, 90
Niagara Fire, a New York, N. Y	500,000	1, 810, 455	33, 12
North German Fire, a New York, N. Y	200,000	93, 806	11,62
New York Fire, New York, N. Y. Niagara Fire, a New York, N. Y. North German Fire, a New York, N. Y. North River, New York, N. Y. North Niver, New York, N. Y. Northwestern Fire and Marine, Minneapolis,	350,000	440, 895	9,03
Minn	200,000	173, 370	
Northwestern National, Milwaukee, Wis	600,000	1, 235, 882	11,03
Orient, a Hartford, Conn	500,000	821, 958	14.37
Pelican, a New York, N. Y	200,000	119,803	7, 25
Orient, a Hartford, Conn Pelican, a New York, N. Y Pennsylvania Fire, a Philadelphia, Pa	400,000	3,004,552	7, 25 55, 18
Phenix, a Brooklyn, N. Y	1,000,000	2, 236, 779	61,84
Phoenix, a Hartford, Conn	2,000,000	2, 382, 271	28, 04
Providence-Washington, a Providence, R. I	500,000	668,039	15, 75
Queen, a New York, N. Y	1,000,000	2,722,650 37,385	24,05
ueen City Fire, a Sioux Falls, S. Dak	300,000	37, 385	1,99
Rochester German, a Rochester, N. Y	200,000	493, 216	10,70
Security Fire, New Haven, ConnSecurity Fire, a Baltimore, Md	500,000	385, 129	6, 15
Springfield Fire and Marine, a Springfield,	200,000	61,006	7,81
Mass	2,000,000	2,024,000	26, 16
Spring Garden, a Philadelphia, Pa	400,000	290, 485	9, 51
st. Paul Fire and Marine, a St. Paul, Minn	500,000	1, 363, 633	18,70
l'eutonia, a New Orleans, La	250,000	136, 624	5, 31
Fraders, a Chicago, Ill	500,000	1, 376, 031	58, 09
'nion, a Philadelphia, Pa	200,000	151, 334	8,72
Inited Firemen's, a Philadelphia, Pa	300,000	233, 891	11,04
Victoria Fire, a New York, N. Y	200,000	69,774	1,83
Victoria Fire, a New York, N. Y	300,000	1, 678, 128	17,57
Williamsburg City Fire, Brooklyn, N. Y	250,000	1, 492, 093	15,86

a Member of the Board of Fire Underwriters of the Pacific.

FOREIGN COMPANIES.

	Surplus and paid-in capi- tal Dec. 31, 1904.a	San Fran- cisco pre- miums, 1905.
Aachen and Munich, b Aix la Chapelle, Germany Alliance, b London, England Atlas, b London, England Austrian Phœnix, b Vienna, Austria British-America, b Toronto, Canada Caledonian, b Edinburgh, Scotland Commercial Union, b London, England Hamburg-Bremen, b Hamburg, Germany	\$2,370,284 8,984,275 c3,509,710 1,496,087 c1,040,015 c2,625,695 c12,250,000 c841,811	\$49, 421 43, 749 39, 792 30, 558 13, 333 47, 325 49, 002 56, 180
Helvetia Swiss b.  Law Union and Crown, b London, England Liverpool and London and Globe, b Liverpool, England London, b London, England London and Lancashire, b Liverpool, England.  New Zealand, b Anckland, New Zealand.  North British and Mercantile, b London, England North British and Mercantile, b London, England Northern, b London, England Norwich Union Fire, b Norwich, England  Palatine, b London, England Phemix, b London, England Prussian National, Stettin, Germany Rhine and Moselle, b Strasburg, Germany Royal, b Liverpool, England  Royal Exchange, b London, England Scottish Union and National, b Edinburgh, Scotland State Fire, b Liverpool, England Sun, b London, England	3, 049, 305 11, 875, 895 7, 670, 720 8, 776, 170 41, 222, 555 16, 160, 288 473, 993 e8, 757, 080 5, 164, 661 875, 745 6, 463, 795 1, 112, 675 7, 240, 505 3, 292, 395 900, 405 9, 769, 715 2, 000, 270	28, 030 56, 878 87, 719 68, 558 29, 299 44, 569 58, 946 58, 946 53, 690 30, 395 34, 209 53, 830 17, 394 59, 649 21, 916 15, 491 40, 019 25, 955

Taken from Best's reports.
 Member of the Board of Fire Underwriters of the Pacific.
 Statement as of December 31, 1905.
 Statement as of November 30, 1905.

Representatives of these companies, except the Helvetia-Swiss, which was not involved, without respect to the question of whether board or nonboard, met on April 21 in Oakland and formed an organization for facilitating adjustments and for securing uniformity of procedure. There were associated with these companies in the adjusting bureau also the following underwritiring agencies: Colonial Underwriters, English-American Underwriters, European Underwriters, Individual Underwriters, New York Underwriters, Scotch Underwriters, Philadelphia Underwriters, Protector Underwriters, Scotch Underwriters, Philadelphia Underwriters, also the Camden, a reinsuring company, the Manchester, whose risks had been insured in the Atlas, and the Kings County, a company which had withdrawn from the State, but still had outstanding insurance. Meetings of this organization were held daily up to May 16 and almost as frequently thereafter for at least another month. A general committee of fifteen on adjustments was appointed, whose principal work was the assigning to subcommittees of three of losses on which six or more companies were involved. Losses on which there were less than six companies were privately adjusted by the companies involved and did not come before the bureau.

The situation that the companies had before them on the 21st of April was the most difficult in the whole history of fire insurance. In this first place the conflagration itself was the largest that there had ever been; secondly, it was not an ordinary conflagration, but had been preceded by an earthquake for whose direct effects the companies were not liable and yet the evidence of which had been largely obliterated by the fire; third, as to some extent in all conflagrations or large fires, but of records of all kinds among the insured; fourth, San Francisco being the crocords of all kinds among the insured; fourth, San Francisco being the crocords of all kinds among the insured coast business was managed, there was a large destruction of the records of the c

"PREAMBLE AND RESOLUTIONS ADOPTED BY THE MEETING OF AMERICAN COMPANIES HELD IN NEW YORK, MAY 31, 1906.

COMPANIES HELD IN NEW YORK, MAY 31, 1906.

"Whereas on the 18th of April, 1906, a great earthquake occurred in the city of San Francisco, Cal., which destroyed property to the value of millions of dollars, and was followed by a conflagration made unprecedented in extent and damage by conditions induced by and following said earthquake;

"Whereas the problems arising in connection with the settlement of such losses are complex and intricate to an extent never before equaled in the history of underwriting by reason of the following and other factors, namely;

"(a) The difficulty of clearly segregating losses for which companies are liable from those from which they are exempt;

"(b) The existence of many varying forms of policy contract;

"(c) The loss of essential records, both by insurance companies and by the assured;

"Whereas it is highly desirable that all losses for which insurance companies are legally liable should be promptly settled with equity and fairness to all concerned; and

"Whereas it is expedient that a statement as to the legal and moral liability of companies in regard to claims arising from the catastrophe at San Francisco should be made, the subjoined is adopted as a fair statement of such liability, suitable to be used as the basis for adjusting losses:

"First, Where policies covered buildings (and, or their contents)."

ing losses:

"First. Where policies covered buildings (and, or their contents) which had certainly fallen before the fire, or which had been so damaged as to void the insurance under the express terms of the contract, claims under such policies should not be paid.

"Second. Where policies covered buildings (and, or their contents) which may have been damaged or destroyed by the authorities, civil and, or, military, subsequent to the configration, claims under such policies should not be paid, until the facts have been definitely ascertained.

and, or, finitury, so be paid, until the facts have been defined.

"Third. (a) Where policies covered buildings (and, or their contents) which were probably, but not certainly, so damaged by earthquake as to be brought under the provisions of the fallen building clause; or

"(b) Where policies covered buildings (and, or their contents) which had suffered from shock of earthquake but not to such an extent as to bring them within the provisions of the fallen building clause; or

"(c) Where policies covered buildings (and, or their contents) which had been damaged or destroyed by the authorities, civil and, or, military, before fire had reached them; or

"(d) Where policies covered property whose owners, by reason of the destruction of their books and records, are unable to supply the proofs of value required by the conditions of their insurance policies, in all such cases claims should be settled by a reasonable compromise.

Where policies covered contents of buildings which are certains.

promise.

"Fourth, Where policies covered contents of buildings which are certainly not affected by the exemption conditions of the policy, claims under such policies should be paid, as soon as adjusted, subject to such deduction, if any, as may fairly be made on account of the salvage resulting from the removal of portable property from building before fire had reached them.

"Resolved, That all the insurance companies interested in this disaster, both domestic and foreign, be, and they hereby are, cordially invited to unite in the carrying out of this plan of operations."

It had been evident from the first that there was an entire lack of unanimity regarding the place of compromise settlements. This had shad been considered. A minority of the companies had stood for complete adjustments—that is, showing not only sound value, but the handy adjusted claim, the same to be binding upon the companies. A minority of the companies had stood for complete adjustments—that is, showing not only sound value, but the handy adjusted claim, leaving, there will be a state of the companies individually to arrive with the lausted at the amount of the adjusted claim, leaving, there are the state of the companies individually to arrive with the lausted at the amount of the adjusted claim, leaving, there are the state of the companies of the companies of the state of the companies o

their losses in the old recognized way, adjusting each loss upon its individual merits.

The second class, on the other hand, was less homogeneous. It included, first, some companies so "hard hit" as to be unable, at the time at least, to contemplate payment in full; second, some companies that were quite willing to take any opportunity to escape as easily as possible, and, third, some companies which, sincerely enough, thought the plan a fair one and favorable for the insured, and were at least willing to put themselves on record in favor of it on a test vote.

As a matter of fact, when it came to actual settlement, some of the "six-bit" companies settled their claims quite as favorably as the "dollar for dollar" companies.

The difficulty of establishing claims where policies or the companies' records were destroyed, and particularly in the case where both were lost, was one of the elements of the early situation. Many of the companies did everything in their power to help the insured in this matter; others apparently tried to make as much trouble as possible. It was the same with the filing of proofs of loss. Some of the companies aided the insured by furnishing blank forms and by actual assistance in filling in the information; other companies, on the other hand, did every thing to prevent the filing of proofs of loss. Proofs of loss were refused, were thrown into the faces of claimants without being opened, and were even refused when sent by registered mail.

Reports of such gross incivilities very naturally found their way into the newspapers, as did likewise reports of many of the early settlements, which, as a matter of fact, were much lower on the average than they were later, some of the companies which began paying off early offering only 40 and 50 per cent, while others definitely denied liability altoyed, as it was very soon, by the "six-bit" split, led to a wave of popular indignation. The newspapers were largely responsible for this, but the blame for its inception unquestionably lies with those companies which began by using thoroughly disgraceful methods in dealing with their claimants.

Such a state of feeling between the insurers and the insured was most unfortunate. On the one hand, the timid—poor people for the most part, whose insurance was all they had—were frightened in thousands of cases into settling their claims at a much lower figure than was right; on the other hand, whatever natural instincts the insured may have had for telling the truth about their losses and for treating the representatives of the insurance companies as well-meaning gen

surence situation in which there has been such disgraceful intimidation and discourtesy. Discourtesy was even recognized as worth a definite amount in salvage.

It can not be said too emphatically, however, that this does not apply to all the companies nor even to most of them. Apparently the trouble was principally due to adjusters from the outside, who came prejudiced and impressed with the necessity of making drastic compromises. And this was quite natural after all. The early newspaper accounts of the calamity represented San Francisco as destroyed by an earthquake, the fire having simply burned the ruins. Nearly every person who came here from the East during the first few weeks came with this impression. It was weeks before a true understanding of the situation thoroughly affected the insurance companies, and some have not been affected yet.

The companies which are most to be praised are those which, using as nearly as possible the methods of ordinary times, made careful but fair adjustments. Such companies have no serious complaint to make of the insured, and difficult as the situation was their experience proves that the attempt to adjust each loss on its merits was the only satisfactory method.

that the attempt to adjust each loss on its merits was the only satisfactory method.

On their own initiative many of the companies published their willingness to have claimants clear their property and to extend the time for filing proofs of loss, as well as to waive notice of loss. Following a suggestion of Governor Pardee, however, Mr. E. Myron Wolf, insurance commissioner of California, addressed a letter to each of the companies requesting a definite waiving of notice of loss and an extension of the time for filing proofs of loss to August 17.

Eighty-eight companies granted this extension of time. The companies which did not grant the extension of time gave as their reason the fear that this action would invalidate their reinsurance. As a matter of fact no such difficulty ever materialized.

One of the laws passed at the special session of the legislature early in June was as follows:

An act to amend the political code by adding a new section thereto, to be numbered section 597a, relating to statements to be furnished to the insurance commissioner by insurance companies.

[Approved June 3, 1906.]

the insurance commissioner by insurance companies.

[Approved June 3, 1906.]

"The people of the State of California, represented in senate and assembly, do enact as follows: Section 1. A new section, to be known as section 597a, is hereby added to the political code, to read as follows: "597a. The commissioner has power to, and whenever he deems necessary may, in writing, require any company engaged in Insurance business in the State of California to furnish the commissioner, as of a date, past or present, to be designated by the commissioner, a full and complete list of all its policies of insurance on property or risks located within that portion of the State of California included within the territory described by the commissioner, and which policies had not by the terms thereof expired on the date designated by the commissioner. Such list must show the number of the policy, the name in which the policy was issued, the amount for which it was issued, then anount for which it was issued, then are not the nature of the risk assumed by the company, the location of the property and the residence of the insured, and the form or class of such policy as designated on the policy by the company. The commissioner shall require such list to be accompanied by the several forms of policies so designated and classified by the company, and the forms of policies is fany, attached to each particular form of policy. Any company which fails or neglects to furnish such lists and forms for the period of ten days from the date of the commissioner's request shall forfeit its right to do business in this State, and the commissioner shall thereupon revoke, in the manner provided in section 600 of this code, the certificate previously granted such company to do business in this State, and said company shall also be liable to a penalty in the sum of \$2,000, for the payment of which penalty suits may be instituted by the commissioner in the name of the people of the State of California, in a court of competent jurisdiction, to recover

upon the bond filed by said company, pursuant to section 623 of the political code.

"Sec. 2. This act shall take effect immediately."

Accordingly, Commissioner Wolf, on June 7, sent a letter to the companies which had not agreed to the extension of the time for filing proofs of loss calling for a list of policies and policy holders. Some of these companies thereupon decided to extend the time for filing proofs of loss, while some sixteen filed lists of policy holders. The companies which neither granted an extension of time nor filed a list

of policy holders were the following: American of Boston, American of Philadelphia, Delaware, Dutchess, New York, North German of New York, Spring Garden, Security of Baltimore, Traders, Westchester.

Punitive action with regard to these companies is still in abeyance. The first committee loss to be adjusted was reported back to the bureau to call a meeting of the companies concerned on each loss, at which the report would be read and explained and agreed to. This, however, turned out to be entirely impracticable, as the meetings were not attended. Thereupon reports were sent directly to the companies with the understanding that after one week payment might be demanded. The bureau practically finished its work in September. On November 1, 1.140 claims had been adjusted, on which the sound value was \$128,059,023.38, the insurance \$88,018,123.61, and the visible salvage \$10,683,728.62, showing, therefore, a 68.7 per cent ratio of insurance to value and an 8.35 per cent salvage. There had been 1,237 claims altogether; 175 of these had been canceled. On November 1, 22 claims were still unsettled.

The coinsurance clause was very little used in San Francisco. If the district of the salvage, it is interesting to notice that while ordinarily the insured is too likely to look at coinsurance as entirely to the advantage of the insurer, here is a case where manifestly it would have been avery greatly to the advantage of the insured.

On account of the great number of losses and on account of the lack of evidence in a great number of cases as to the nature and extent of the damage done adjustments on the whole could not be made with as great care as usual. The companies generally insisted, following the New York agreement, upon a 10 per cent reduction in the case of lack of books to prove the loss on stocks of merchandise, and, in general, this was thought to be reasonable, it being evident that a failure to prove a loss satisfactorily opened a proper field for compromise. The matter of earthquake damage, was handled by t

## SETTLEMENTS MADE BY THE COMPANIES.

The account of settlements made by the various companies which is given hereafter has a double purpose. There has been general interest throughout the country in the way in which the insurance companies were meeting the situation. To meet this demand it seemed only fair that some impartial account should be given, based on carefully collected information. Secondly, it will be a pity if the San Francisco conflagration passes out of remembrance without serving to point the way to some needed clianges in fire insurance: First, in the actual conduct of the business by the companies themselves; second, in legislation, and, third, in the attitude of the insured. The practically most important thing to know for this purpose is just what, in this crisis, the companies have done.

The amount given herewith is based on the tabulation of some 10,000 settlements. Information concerning these has been furnished by the

The amount given herewith is based on the tabulation of some 10,000 settlements. Information concerning these has been furnished by the insured, partly upon blank forms distributed by the chamber of commerce and partly on coupons printed in the newspapers. Reports on a large number of settlements have been received from the savings banks. This information was supplemented in some cases by personal statements from the companies themselves, a circular letter having been sent to all the companies inviting them to make statements if they so desired

desired.

ments from the companies inviting them to make statements if they so desired.

It was natural to suppose that claimants who would respond to solicitation of this kind would be mainly those who had complaints to make and that the information would thus not fairly represent the facts. This did not appear to be the case. A large number of responses were from persons who not merely had no complaints to make, but took occasion to express their appreciation of the courtesy and fair dealing they had experienced; a woman, for instance, having to take her baby with her to an insurance office, was told that the business would be concluded at her home; others told of the pains that the companies had taken to help them prove their claims.

Nor were all the good things said of the companies that were paying their obligations in full. Some companies while paying most of their large claims at a discount, paid some of their small claims in full to poor people who were suffering for the money. Another company that has not made settlements in full paid a widow with several children a policy that had clearly been forfeited.

In the following account of settlements no attempt has been made in general to go back of the actual bare facts. Behind the figures there are a thousand circumstances which have a bearing upon the case, but even if they were all known it would not be best to publish them. The companies have made their settlements, and there the case must rest.

To tell of the brave facing of the situation by some companies, the payment uncomplainingly of large assessments by the stockholders, the suffering caused among the poorer holders of stock, the weakness of spirit, in the case of other companies, of those who could best afford to pay, would be nearly as difficult as to tell the story of the individual settlements among the insured.

Neither has any attempt been made to go back of adjustments. Furthermore, some companies which are credited with having paid their claims in full, less a cash discount, were unquestionably n

" In the first edition of this report the Germania was, through an error, included in this list,

express this fact with the requisite briefness without seeming to do an injustice to their otherwise excellent records.

Payments at first, in general, were on far less favorable terms than later. This was not altogether unreasonable, since it was impossible to give the early claims as careful consideration as the later ones. The reason, however, is unfortunately much more easily explained by the fact that the first payments were largely to poor people who were in no position to insist upon anything better, while the same companies later, particularly on committee losses, found themselves unable to refuse more liberal payments.

A few of the companies paid their claims with no discount for cash; most of the companies, however, took a cash discount of 1 or usually 2 per cent, and sometimes more if called upon to pay before the end of sixty days. Two per cent was generally recognized to be under the circumstances entirely reasonable, and companies paying at this rate were held in practically as high esteem as those that paid in full at once. As a matter of fact, to pay a claim two months before it was due was worth all of 2 per cent—first, because of the difficulty of realizing quickly on securities, but, secondly, quite as much because it often happened that during the sixty days additional evidence was obtained upon the claim.

In the following list percentages usually refer to claims advented:

quickly on securities, but, secondly, quite as an ender or was obtained upon the claim.

In the following list percentages usually refer to claims adjusted; in case of large discounts, however, the percentages refer to the faces of the policies.

Payments were not due till sixty days after adjustment; payments "in full" or "in full with a cash discount" mean immediate payments, it being understood that in these cases the claim would have been paid in full on maturity.

In some cases figures have been given that have been submitted by the companies. These, however, because of the fact that they have not been made up by the companies in any uniform way do not seem very valuable for companies.

No aftempt has been made to include in this list other companies than those represented in the adjusting bureau, and as a matter of fact several of the underwriting agencies, for lack of information, are not reported upon. Nor are reinsurance settlements explicitly considered. Many of the companies which did not pay their direct claims in full paid their reinsurance claims in full, and very properly; the average of all their settlements is thus larger than the average of their direct settlements. The list follows:

Aachen and Munich, settled most of its claims at 75 per cent, but the set of the companies of the companies of the companies of their direct settlements.

settlements. The list follows:

Aachen and Munich, settled most of its claims at 75 per cent, but paid 80 to 90 per cent on many claims, particularly committee losses. Etna settled its claims at 100 per cent.

Agricultural began by discounting at 75 per cent, but later paid most in full, less 2 per cent for cash.

Alliance of Philadelphia paid its claims in full, less 2 per cent for cash.

Alliance of London, same policy and settlements as Commercial

Alliance of London, same policy and settlements as Union.

American of Boston settled its claims at 40 per cent.

American of Newark began by discounting, but later paid in full, less 2 per cent for cash.

American Central paid mostly in full, with from 2 to 5 per cent discount for cash.

American of Philadelphia settled its claims at 50 per cent.

Assurance Company of America settled its claims in general at 75

Atlanta-Birmingham. The representatives of this company left the State in May. Nothing has been paid up to the present time, although offers of 25 per cent cash and 15 per cent in notes have been recently received.

Atlas settled its claims in full and less 1 and 2 per cent for cash.

Austin Fire settled its claims at from 65 to 85 per cent, largely at about 75.

Austrian Phoenix denied liability and withdrew from the State,

Austrian Proents denied hability and withdrew from the State, having paid no claim.

British America of Toronto paid some claims at 85 and 90 per cent, but largely at one-third cash, one-third in six months, one-third in twelve months.

British American of New York, same settlements as the British

Buffalo German settled its claims in general at from 75 to 90 per

cent.

Caledonian of Edinburgh settled claims at from 75 per cent up to 98 per cent, but largely at about 90 per cent.

Caledonian-American, same settlements as Caledonian of Edinburgh. California settled its claims at 100 per cent.

Calumet. Certain stockholders subscribed special fund of \$500,000 upon the agreement of a majority of the claimants to accept this settlement, releasing thereby the plant and already existing assets of the company from further claims. The surplus to policy holders at the time was \$375,000.

Camden involved in San Francisco conflagration only as a reinsurer. Citizens settled its claims in full, less 2 per cent for cash.

Colonial Underwriters, same settlements as National of Hartford.

Commercial Union of London, policy contains earthquake clause. Settled its claims at 50 and 75 per cent, according to location. Paid claims of \$500 or less in full and at least \$500 on claims of \$500 or more.

Commercial Union of New York, same policy and same settlements Commercial Union of London. Concordia, settled its claims at 75 to 90 per cent. Connecticut, settled its claims in full, and less 1 and 2 per cent for

Continental, settled its claims at 100 per cent. Delaware, settled its claims at from 60 to 80 per cent, largely at 75

per cent.

Dutchess, settled its claims at 30 per cent.
Eagle, settled its claims mostly at 75 per cent.
English-American Underwriters, same settlements as the London and

Equitable, involved in the San Francisco conflagration only as a nsurer. Federal, settled its claims at from 85 per cent up, but largely above

Pederal, settled its claims at from 75 to 95 90 per cent.

Fire Association of Philadelphia, settled its claims at from 75 to 95 per cent; its early claims largely at 75 per cent; its later claims largely at 90 per cent.

Fireman's Fund, has paid 20 per cent on claims; has offered to pay 30 per cent more in cash and remaining 50 per cent in stock of company. Claimants have generally accepted this offer.

Franklin, settled claims at from 75 per cent up, largely at about 90

Franklin, settled claims at from 75 per cent up, largely at about 90 per cent.

German of Freeport, settled its claims mostly at 60 per cent.

German of Peoria, settled its claims at 50 per cent.

German Alliance, policy contained earthquake clause, which was not taken advantage of. Settled its claims in full, less 2 per cent for cash.

German American, policy contained earthquake clause, which was not taken advantage of. Settled its claims mostly in full, less 2 per cent for cash.

German National, settled its claims at 60 per cent.

Germania, settled its claims at from 75 to 95 per cent, largely at about 85 per cent.

Girard, settled its claims at from 75 to 90 per cent, mostly at 75 and 80 per cent.

Glens Falls, settled its claims at from 90 per cent up, but mostly in full, less 2 per cent for cash.

Globe and Rutgers, settled its claims mostly at 75 per cent; a few at 90 per cent.

Hamburg-Bremen, settled its claims at 75 per cent.

Hamburg-Bremen, settled its claims at 75 per cent.

Hanover, settled its claims in full, less 2 per cent for cash.

Hanover, settled its claims at 10 per cent up, hargon as the per cent.

Hartford, settled its claims in full, less 2 per cent for cash. Home, settled its claims in full, and less 1 and 2 per cent for cash. Home, Fire and Marine, same settlements as Fireman's Fund. Indemnity, same policy and settlements as Norwich Union. Insurance Company of North America, settled its claims in full, and less 2 per cent for cash.

Kings County, involved in San Francisco conflagration only as a substitute.

Law Union and Crown, settled its claims in full, less 2 per cent for

Law Union and Crown, settled its claims in rull, less 2 per cent for cash.

Liverpool and London and Globe, settled its claims at 100 per cent. London and Lancashire, began by paying its small claims in full, less 2 per cent for cash; in June dropped to payments of largely about 90 per cent, coming back finally to 98 and 100 per cent. The company states that its payments have averaged about 93 per cent of the amount of its claims.

London Assurance Corporation, settled its claims in full, less 2 per cent for each

London Assurance Corporation, settled its claims in full, less 2 per cent for cash
Manchester, settled its claims in full, less 2 per cent for cash; all policies had been reinsured in the Atlas.
Mercantile Fire and Marine, settled its claims mostly in full, less 2 to 5 per cent for cash.
Michigan Fire and Marine, settled its claims in full, less 2 per cent for cash.
Milwaukee Mechanics settled its claims at 70 per cent, having taken advantage of the Wisconsin safety fund law.
Nassau settled its claims at from 70 to 90 per cent, mostly at 75 per cent.

per cent.

National of Hartford began by discounting at 75 per cent, later settled nearly all its claims at upward of 90 per cent. The company states that its payments have averaged 94 per cent of the face of the

National Union settled its claims at 75 per cent up, largely at

National Union settled its claims largely at about 75 per cent.

New Brunswick settled its claims largely at about 75 per cent.

New Hampshire policy contained earthquake clause, which was not taken advantage of. Settled its claims in full, and less 1 per cent

taken advantage of. Settled its claims in full, and less 1 per cent for cash.

New York settled its claims at 40 per cent.

New York Underwriters, same settlements as the Hartford.

New Zealand settled its claims in full, less 2 per cent for cash.

About one-fifth of the entire number of outstanding policies contained an earthquake clause; company settled such claims at from 75 to 90 per cent.

Nigagan settled its claims in the claims at from 75 to 90 per cent.

per cent.

Niagara settled its claims in full, less 2 per cent for cash.

North British and Mercantile settled its claims in full, less 2 per cent for cash.

North German of New York has paid nothing; company in the hands

North German of New York has paid nothing; company in the hands of a receiver.

North German of Hamburg; company has denied liability and retired from the State, having paid no claims.

North River settled its claims mostly at 75 per cent; in a few cases at 90 per cent.

Northern of London settled its claims in full, less 1 per cent for ceach.

Northwestern Fire and Marine settled its claims in general at from 75 to 85 per cent.
Northwestern National settled its claims largely in full, less 2 per

Northwestern National settled its claims largely in full, less 2 per cent for cash.

Norwich Union policy contains earthquake clause. Settled its claims at 50 and 75 per cent, according to location. Claims of \$500 or less paid in full, and at least \$500 on claims of \$500 or over.

Orient, same settlements as London and Lancashire.
Pacific Underwriters, same settlements as Fireman's Fund.
Palatine, same policy and settlements as Commercial Union.
Pelican settled its claims in full, less 2 to 5 per cent for cash.
Pennsylvania settled its claims in full, less from 2 to 5 per cent for cash.

cash.

Phenix of Brooklyn began by discounting claims at 75 per cent; later settled claims in general at from 85 per cent up to 100 per cent; data furnished by the company indicate that about 75 per cent of the company's liability will have been settled at an average of 98 per cent of the amount of the claims.

Philadelphia Underwriters settled its claims at from 90 per cent up. Phenix of Hartford policy contained an earthquake clause, which led to settlement of early claims at 75 per cent. The bulk of its claims were, however, settled without reference to the earthquake clause, mostly in full, less 2 per cent for cash.

Phenix of London settled its claims in full, and less 2 per cent for cash.

Protector Underwriters, same policy and settlements as Phoenix of

Protector Underwriters, same policy and startford.

Providence-Washington settled its claims in general at from 90 per cent up, but largely in full, less 2 to 5 per cent for cash.

Prussian National settled its claims at 75 per cent.

Queen settled its claims at 100 per cent.

Queen city began by settling claims at 75 per cent; later settled claims in full, giving notes in some cases; the company states that payments on earlier claims have been brought up to the same standard.

Rhine and Moselle policy contains earthquake clause. Denied lia-

a Later in the hands of a receiver.

bility and withdrew from the State. Claims of \$500 or less have been paid at 50 per cent.

Rochester-German settled its claims largely at from 90 per cent up. Royal settled its claims at 100 per cent.

Royal Exchange settled its claims at from 75 per cent up, but largely at 85 to 95 per cent.

Scottch Underwriters, same settlements as Caledonian.

Scottish Union and National settled its claims in full, less 2 per cent for cess!

for cash.
Security, of New Haven, settled its claims largely in full, less 2

Security, of New Haven, settled its claims largely in full, less 2 Security, of Baltimore, in the hands of a receiver.

Springfield settled its claims in full, and less 1 per cent for cash.

Spring Garden settled its claims in general at 70 per cent.

State of Liverpool settled its claims mostly in full, less from 2 to 5 er cent for cash.

St. Paul Fire and Marine settled its claims mostly in full, less from 2 to 5 per cent for cash.

Sun settled its claims in full, less 2 per cent for cash.

Svea settled its claims at from 75 per cent up.

Teutonia settled its claims in full, less 2 to 5 per cent for cash.

Traders in the hands of a heceiver.

Transatlantic denied liability and withdrew from the State; no aims paid.

Transatiantic denied liability and withdrew from the State; no claims paid.
Union, of Philadelphia, involved in the San Francisco conflagration only as a reinsurer.
Union Assurance settled its claims in full, less 2 per cent for cash.
United Firemen's settled its claims at from 75 per cent up, but in general at about 90 per cent.
Victoria settled its claims in full, less 2 per cent.
Westchester settled is claims in full, less 2 per cent, but later paid largely in full, less from 2 to 5 per cent for cash.
Westchester, of Toronto, same settlements as British America.
Williamsburg City; most of its policies contain earthquake clause. Settled claims on these at 50 to 75 per cent, according to location. On such policies paid claims of \$500 or less in full and at least \$500 or claims of \$500 or more. Settled claims on policies that did not contain earthquake clause largely at 95 per cent.

## THE SAN FRANCISCO COMPANIES.

There are two classes of companies which may be given special attention—one, the San Francisco companies; the other, the so-called "earth-quake companies." The San Francisco companies suffered triply. In the first place, in their own home city they naturally had a particularly large amount at risk; secondly, their San Francisco securities were adversely affected; third, their stockholders were largely sufferers by the fire, and thereby lost to that extent the ability to come to their rescue. There were but three of these companies—the Fireman's Fund, the Home Fire and Marine, owned by the Fireman's Fund, and the California.

The California was a new company less than a year old. Its leaves

rescue. There were but three of these companies—the Fireman's Fund, the Home Fire and Marine, owned by the Fireman's Fund, and the California.

The California was a new company, less than a year old. Its losses were several times its capital and surplus. In starting the company the stockholders had paid at the rate of \$65 per share; after the fire they assessed themselves \$240 per share, therefore nearly four times the value of their stock, paid their losses out of this fund in full, leaving the original capital and surplus intact.

The Fireman's Fund found itself in a very serious position. It not only had a' large liability of its own, but also a large liability through its agency, the Pacific Underwriters, and through its ownership of the Home Fire and Marine. It seemed at first as though the company would be able to meet its obligations, and, while thinking itself to be able so to do, a new company, the Firemen's Fund Corporation, was organized, in which the business of the old company was reinsured. This was done to save its plant in case of a possible stampede and to set free a part of its reinsurance reserve for the payment of losses. The situation became steadily darker, however, until it became apparent that the company's assets were not more than 50 or 60 per cent of its liabilities. The plant of the Home Fire and Marine was thereupon abandoned, the Fireman's Fund, as owner, becoming responsible for its liabilities. The Home Fire and Marine being known to be insolvent, no attempt was made to reinsure its outstanding risks.

A material element of the situation was the remarkable degree to which the Fireman's Fund possessed the confidence and, as a matter of fact, the loyality of the people of San Francisco, and it found in this critical situation a great forbearance and a sincere belief in the desire of the company to do what was right. The plan that was evolved is a novel one. The plan, and it has been accepted by nearly all the claimants, provides for the payment of 50 per cent in cash and 50 per cen

EARTHQUAKE CLAUSES.

The so-called "earthquake clauses" found in the policies used in San Francisco are as follows:

(1) "This company shall not be liable for loss caused directly or indirectly by invasion, insurrection, riot, civil war or commotion, or military or usurped power, or by order of any civil authority; or for loss or damage occasioned by or through any volcano, earthquake, or hurricane, or other eruption, convulsion, or disturbance; or by theft; or by neglect of the insured to use all reasonable means to save and preserve the property at and after a fire, or when the property is endangered by fire in neighboring premises; or (unless fire ensues, and, in that event, for the damage by fire only) by explosion of any kind, or lightning; but liability for direct damage by lightning may be assumed by specific agreement hereon."

(2) "This company shall not be liable for loss caused directly or indirectly by invasion, earthquake, insurrection, riot, civil war or commotion, or military or usurped power, or by order of any civil authority; or by theft; or by neglect of the insured to use all reasonable means to save and preserve the property at and after a fire, or when the property is endangered by fire in neighboring premises; or (unless fire ensues, and, in that event, for the damage by fire only) by ex-

plosion of any kind, or lightning; but liability for direct damage by lightning may be assumed by specific agreement hereon."

(3) "This company shall not be liable for loss caused directly or indirectly by invasion, insurrection, riot, civil war or commotion, or military or usurped power, or by order of any civil authority; or for any loss or damage occasioned by earthquakes, hurricanes, or volcanic eruptions; or from the burning of forests or the clearing of lands; or by theft; or by neglect of the insured to use all reasonable means to save and preserve the property at and after a fire or when the property is endangered by fire in neighboring premises; or (unless free ensues, and, in that event, for the damage by fire only) by explosion of any kind."

(4) (On the face of the policy) "

does insure

# THE "EARTHQUAKE-CLAUSE" COMPANIES.

The companies whose policies contained an earthquake clause are given herewith, and the particular clause used is referred to by number as

herewith, and the particular clause used is referred to by number as given above:
Indemnity (1), Norwich Union (1), Providence-Washington (1) (20 policies), Williamsburg City (1).
Alliance of London (2), Commercial Union of London (2), Commercial Union of New York (2), Palatine (2). A few building policies contain (4).
Rhine and Moselle, clause same as (2) as regards reference to earth-guake.

New Zealand (300 old policies (2); company adopted New York

quake.

New Zealand (300 old policies (2); company adopted New York Standard form two years ago).

German Alliance (3), German American (3), New Hampshire (3), Phenix of Hartford (3).

One group of companies whose policies contained an earthquake clause, the German Alliance, German American, New Hampshire, and Phenix of Hartford waived the clause altogether.

The policies of the North German of Hamburg and the North German of New York both contain clause No. 5. In spite of the fact that the clause apparently distinctly limits the liability of the company so as to include damage by fire resulting from earthquake, the North German of Hamburg has based a denial of liability upon this clause.

The Williamsburg City at first denied liability altogether. The Alliance, Commercial Union of London, Commercial Union of New York, Indemnity, Norwich Union, and Palatine neither affirmed nor denied liability. They, with the Williamsburg City, were advised by counsel that they were not liable to their policy holders and that their stockholders could hold them legally responsible for any payments except in the case of compromise; they were advised that a basis for compromise could be found in the uncertainty attendant upon all litigation in the expense that would accompany suits and in the disturbance of their business relations, both in this State and abroad.

Engineers have been employed to make a survey of the city; on the basis of this an arbitrary line was drawn, so as to include all buildings supposed to have been destroyed by fires caused directly by the earthquake. In this region the companies compromised claims at 50 per cent. The destruction of buildings in the remaining district, although acknowledged not to have been due entirely to fires caused directly by the earthquake by the breaking of the water mains. In this region the companies compromised claims at 75 per cent.

## ORGANIZATIONS OF POLICY HOLDERS.

Many organizations were formed, mostly private, for the purpose of facilitating the collection of insurance. These were concerned mostly with bringing suits in this country and abroad against the companies which denied liability. Representatives of these organizations are now in Germany. The companies which denied liability are the Austrian Phoenix, the North German of Hamburg, the Rhine and Moselle, and the Trans-Atlantic.

One organization in particular deserves notice. This, the Policy Holders' League, was formed late in June at a mass meeting called by the commercial bodies of San Francisco. The organization was of a public character, membership being open to anyone. The league had the backing of the best, most conservative business men in San Francisco. Its purpose was a broad and generous one, to promote in all ways possible the best interests of the insured of San Francisco. In particular it was planned to make collections at actual cost. The league was organized too late, however, to be of any great service in this respect, and this feature was abandoned. The league has

continued though to act publicly in an advisory capacity—for instance, with regard to the Fireman's Fund and Calumet settlements.

WHAT THE EARTHQUAKE AND FIRE HAVE TAUGHT.

WHAT THE EARTHQUAKE AND FIRE HAVE TAUGHT.

There are many lessons to be learned from the earthquake and conflagration. In the first place it has been demonstrated that thoroughly well-constructed buildings on a good foundation are not materially damaged by such earthquake shocks as that of April 18. There is a great mass of evidence upon the effects of fire and earthquake upon various building materials and types of construction; there is no evidence at all upon the use of water in fighting conflagrations; there is a large amount of evidence upon the use of dynamite in stopping fire; there is nothing to be learned with regard to the niceties of adjusting; there is much evidence of the evils of the reinsurance system, as used in San Francisco; there is much to be learned with regard to the organization and handling of a situation of this kind on the side of both the insurers and insured.

We owe to the confiagration the fact that the status of the reinsurance reserve in the case of insolvent companies has been brought into question and that we are likely to have judicial decisions thereupon; that we are more definitely to ascertain the position that foreign insurance companies may occupy in our country, and that thereto we are to test the standing of the insured in foreign courts; that we are to test the standing of the insured in foreign courts; that we are to have judicial decisions as to liability under the earthquake clause.

The lesson that the insured will take most to heart is that insurance

clause.

The lesson that the insured will take most to heart is that insurance will not take care of itself, nor will his broker take care of it for him without some watching. The insurance interests of a business house are immensely important and should be looked after by a trained person. The confiagration has shown, as has the recent life-insurance investigation, the need of popular education in insurance.

THE CONFLAGRATION HAZARD.

him without some watching. The insurance interests of a business house are immensely important and should be looked after by a trained person. The configuration has shown, as has the recent life-insurance investigation, the need of popular education in Insurance.

It did not need the growth and the configuration of insurance men the importance of the first of the configuration hazard; it was a vital question already, in fact, it had been only a few months before that an elaborate report on the configuration hazard; it was a vital question already, in fact, it had been only a few months before that an elaborate report on the configuration hazard; it was a vital question already, in fact, it had been only a few months before that an elaborate report on the configuration hazard of San Francisco had been issued by the National Board of Fire Underwriters, being one of a series on the large cities of the configuration and definite larger than what were needed barely to pay ordinary losses. It seems an opportune time to discuss the subject of the configuration hazard—what the companies may reasonably do, and what the insured may do to safeguard his rights.

The rate in fire insurance is designed to cover, first, the fire hazard; for the configuration hazard of the fire hazard is of two kinds, first, the hazard of ordinary fires, in which one or a few buildings are burned; second, the configuration hazard were eliminated, not only would a large part of the premium be cut out, but the multitude of risks the fluctuations would be relatively small and would be due mainly to general conditions that affect all business in much the same way. It would then be unnecessary for companies to hold large surpluses. Such, for instance, would be the condition of a computation of the configuration hazard is of the farsh the insurance is usually a private enterprise, there is no more fundamental fact than that the companies stand simply as agents of the insurance is for the previous provides of the promium bound of the promium bound of

surplus shall be determined by the amount of the aggregate risks that are exposed to a single conflagration.

To summarize, then, surplus should be treated as a liability, and its amount determined by a reference to the aggregate risks exposed to a single conflagration. A company's business, then, in a single city must be limited not necessarily to exactly the amount of its surplus, for practically there is not enough insurance to be had to make this possible, but it should have some definite ratio to its surplus. But how is a new company to get a surplus? In either of two ways: Start small and grow big, or else put up the surplus in the beginning. And here is the function of the stock company rather than the mutual company. The insurance principle proper breaks down when it comes to dealing with the conflagration hazard and requires a boost from something else, namely, private capital that is willing to assume risk for the sake of gain. Pure insurance, only where there is a proper average, may be entirely mutual as life insurance and fire insurance in the case of well-scattered risks.

A new company, then, which desires to write business exposed to a conflagration hazard must put up a surplus. As the business develops and the surplus grows, the company may take on a growing amount of city business. If the company should desire to write less city business at any time or to retire altogether, part or all of the surplus would be freed from its character as a liability and would be at the disposal of the company.

The result arrived at is no strange thing. It is nothing but what

conflagration hazard must put up a surplus. As the business develops and the surplus grows, the company should desire to write less city business. If the company should desire to write less city business, the company.

The result arrived at is no strange thing. It is nothing but what has occurred to every thoughtful person who has known the insurance situation following a conflagration. It is simply an insistence upon some commensurateness between the resources of a company and the amount at risk in a region subject to a single conflagration; an attempt, therefore, to prevent companies with a capital and surplus and tempt, therefore, to prevent companies with a capital and surplus, therefore, to prevent companies with a capital and surplus, therefore, to prevent companies with a capital and surplus, therefore, to prevent companies with a capital and surplus, therefore, to prevent companies with a capital and surplus, the state of the company of ten times that size, namely, in this case the companies that are now able to pay only 30 to 60 per ent. Notice in the table the great range in value of the ratio of premium income to available assets.

You may say leave such companies to perish of their own egregious intemperateness. That would do very well if it were the company of the surplus and if insurers were intelligent enough and well informed enough this would be better than legislation.

Before you go into a theater it would be well if you were able yourself to examine into the safety of the building. Since that is out of the question, the next best thing is a building law.

It is almost equally difficult personally to know the fitness of an insurance company to assume a risk. In view of the impracticability of doing this, the next best thing is a law regarding liability for the uncarrined current premium; there ought in the provided in a prescribed manner that this measure of the potential liability have been provided in a prescribed manner that this measure of the potential liability in the provided provided

would be far more attractive to capital and would appear to a class of investors.

This, by the way, might apparently seem to be dictated by a thought of what would be best for the companies. Not so at all. The fundamentally mutual character of insurance is so dominant that the company is almost lost sight of. As a matter of fact, what is best for the insured and what is best for the company are in any large matters identical.

identical.

One point more; it may be said that a law of the kind proposed would work a hardship upon the small company. No great hardship; a small company may do as much country business as it pleases, and it may take a share of city business proportionate to its size. To attempt to minimize the advantage of size in fire insurance is ridiculous. Nowhere else is it more true that "to him that hath shall be given;" it reads: "To him that hath a large surplus shall be given;" it reads: "To him that hath a large surplus shall be given much city business and from him that hath not shall be taken away (by reinsuring it, if a company can be found to take it) most of that which an overenergetic agent has written."

And now let us come back to the immediately practical business as it is to-day. Massachusetts, which has always been the leader in intelligent insurance legislation, had a law a few years ago limiting the amount of risks that a company might assume in any one of certain

districts in Boston. The law was repealed. It was presumably found that with the law in operation it was impossible to obtain enough insurance, the reason, of course, being that, while the legally prescribed limit would have yielded as much insurance as before, as a matter of fact the conservative companies would not write up to the limit allowed. There was therefore a deficiency of, to be sure, a very poor type of insurance, namely, one that gave practically no protection against conflagrations, but nevertheless it gave fairly good protection in the case of ordinary losses, and for this purpose, in the lack of anything better, could not be spared.

This, then, apparently disposes of the practical possibility of placing a limit upon city risk. Yes, absolutely, in large cities if the supply of insurance is to be always limited to what is available now. But the one hope of bettering insurance protection against conflagrations is the enlistment of more insurance capital, and the one way of doing this is to make the business more attractive. A limited liability law would do this. As a matter of fact the safety-fund laws of various States, New York among the number, are exactly of this nature, but if the liability is to be limited, the simplest, most natural limit seems to be had by a reference to the aggregate amount exposed to a single conflagration, as outlined above.

Still, as a matter of fact, whether liability should be limited to the

is to be limited, the simplest, most natural limit seems to be had by a reference to the aggregate amount exposed to a single conflagration, as outlined above.

Still, as a matter of fact, whether liability should be limited to the surplus, the surplus and capital, or to the surplus, capital, and the excess of the unearned premium reserve over the actual cost of reinsuring the outstanding risks is a matter of detail, the important thing is to grant some form of limited liability in case of conflagration that will save the plant; but it should be granted only if there is the proper commensurateness between the conflagration risk and the company's assets. Is it worth while to think of conflagrations, or do they come so seldom that we may go on in sweet oblivion? Is the insurance business to be organized with the possibility of a conflagration clearly recognized, or is it to be based on ordinary loss, and heaven help us if we have a conflagration? A conflagration may be a theory in New York, but it is a fact in San Francisco. The conflagration hazard, basing it upon the three large conflagration, and spreading it over the twenty largest cities of the United States, can be demonstrated to have been (on the assumption that the rates have been adequate), on mercantile stocks half as large as the ordinary hazard, and on so-called "freproof" buildings several times as great as the ordinary hazard. This does not appear to be a hazard that should be neglected.

#### INSURANCE LEGISLATION.

INSURANCE LEGISLATION.

Nothing is more certain than that there ought to be more money invested in the fire-insurance business than there is to-day, or than there has ever been, if there is to be adequate insurance protection for large cities. To this end, as has been said, it is desirable that the business of fire insurance should be made as attractive to capital as may be consistent with the good of the insured.

A long step in this direction may be taken by applying intelligence and fair-mindedness to the subject of insurance legislation; in fact, intelligent legislation would have the effect of improving conditions for both the insurer and the insured, for inevitably any restriction upon the insurer is immediately shifted to the shoulders of the insured. But in our present condition in California the thing we least need now is more legislation. Publicity is better than legislation, and for some years fire insurance will continue to be a matter of public interest. There is no more inexorable economic fact than that unwise legislation will do one of two things, either raise the rates or drive companies out of business. The best thing that could possibly be done for the insured is to remove all unnecessary restrictions from the companies and to encourage the formation of organizations for properly adjusting rates and preserving stable conditions.

Such organizations seem to have the character of trusts, but in reality their nature is entirely different. Of course any organization may be used in such a way as to prevent competition, and doubless boards may be and have been used for this purpose; but there is nothing in the fundamental nature of a board as rate-maker that tends to restrict competition; quite the opposite; for this information regarding rates must of necessity become largely public property, and is to that extent generally available for whoever will to use. There will always be nonboard companies and rates will always be kept down by competition.

# A STANDARD FORM OF POLICY.

A STANDARD FORM OF POLICY.

There is one matter that will almost surely be brought up at the coming meeting of the legislature of this State, and that is the adoption of a standard fire-insurance policy. The more simple and uniform the contracts in an insured community the better all around. There are some very strong reasons for adopting the New York standard form of policy:

First, It is the best existing form. It was made carefully by a committee from the insurance companies and the State superintendent of insurance.

mittee from the insurance companies and the State superintendent of insurance.

Second. The creation of a new form would be a work that should require far more time and thought than could possibly be given to it now.

Third. The New York standard form has been adopted by a number of States and, in the twenty years it has been in use, has received a large number of legal interpretations. This is unquestionably the point of greatest importance, since a policy has no surely ascertained meaning till it has received the interpretation of the courts.

The policy, to be sure, does not impress one with its simplicity nor its fairness to the insured; it is not an ideal policy; but its faults are lessened by the interpretations of the courts. At any rate this is no time to experiment. San Francisco needs now more than ever all the insurance that it can get and it is not expedient, to say the least, to run the chance of driving companies away that are already not oversure that they wish to stay.

If a standard form of policy is adopted, there should be some prescribed method of adding qualifying clauses, as, for instance, in red ink. There are some companies that will not do business on this coast without an earthquake clause. They should be allowed to offer their goods for sale, provided the goods are properly marked.

A DEPOSIT LAW.

# A DEPOSIT LAW.

The State platform of one of the political parties contains a recommendation in favor of a State deposit law. This must surely have been adopted under a misapprehension, perhaps because of the feeling that if a deposit is to be made the more closely at home it is made the better. In reality a law requiring a company to make a deposit of any adequateness in the State, if adopted by all States, would drive foreign insurance companies from the country. If "foreign" means American companies that are non-Californian, then such a law even if passed by California alone would kill the California companies, because of the retaliatory laws of other States, which would require the California

fornia companies to make the same deposit in every State in which there was such a law. Policy holders would be sufficiently protected if the law provided for funds anywhere in the United States for the benefit of United States policy holders.

## THE STOCKHOLDERS' LIABILITY LAW.

One of the most remarkable features of this present insurance situation, as has been said before, has been the remarkably small number of appeals that have been made to the courts. The companies that have iound difficulty in making compromise settlements have not been the companies which were "hard hit" or "down and out," but the companies which were able to pay. In spite of the fact that California has a stockholders' individual liability law there is actually a likely to be no test made of it. This is certainly as critical a situation as is likely to occur, and if the law in this case is shown not to correspond to a popular want, it should by all means be repealed, at least so far as it applies to insurance companies, for its presence acts only to keep careful companies out of the State.

#### UNDERWRITING AGENCIES.

It is hard, at least for a layman, to understand how the existence of underwriters' agencies can be for the best good of legitimate underwriting. They possess no assets and are not recognized by the insurance commissioner. In a time such as the present their effect is to interject an irresponsible element between the insured and the real insurer. The only reason for the existence of such underwriting fictions is apparently that a company and a fiction can do more business than a company alone, but the question is, Can not any company through its ordinary channels do as much business as it legitimately should?

## FIRE WASTE.

The most discouraging feature of the fire-insurance situation in the United States is the indifference of the American people to the enormous annual fire loss, due principally to flimsy and meretricious construction. Is it generally known that the average rate in the United States is over twelve times as large as the average rate in Great Britain and twenty-eight times as large as the average rate in Spain?

It is to be feared that cheap construction is such an ingrained national fault that it is almost hopeless to combat it. But San Francisco, with its monumental lesson from earthquake and fire, should think of these things seriously. The insurance companies are exerting an influence for good construction in their rates, and they should have the support and interest of every good citizen. There is one sure way of preventing conflagrations, and that is by giving fire nothing to burn.

SELF-INSURANCE.

## SELF-INSURANCE.

One of the questions that has been raised by this situation is with regard to self-insurance. Under what conditions is self-insurance desirable and good protection? In the first place, there must be enough risks to yield a good average; second, these risks must be scattered in such a way as not to be subject to a single conflagration. Self-insurance in San Francisco, even if the risks were large in number, would not be sefe. ance in ... not be safe.

ance in San Francisco, even if the risks were large in number, would not be safe.

There are evidently some who suppose that carrying no insurance is in itself self-insurance. Not in the least; it is simply not being insured, not even by oneself. Insurance is a plan for averting the severe incidence of a loss by dividing its effects among all those who are exposed to a like hazard. In self-insurance the contributions are the whole of the risks; but their contributions must not be held in abeyance and then called upon when a loss comes, but they must be placed in a fund. The difference is just this: If the contributions are not actually segregated they are likely to be so tied up in the properties involved that when called upon suddenly the setting of them free is as disastrous as the unshared loss itself.

The contributions of the various properties should instead be collected into a fund and invested in easily convertible securities. In some conceivable cases the investment might be made in the very class of property insured. In such cases no insurance and self-insurance would be the same thing, as, for instance, in the case where a man owns a large number of rented dwelling houses; the loss of one of these does not come as a shock to the whole property.

On the other hand, suppose a property consisting of detached buildings of a manufacturing plant. When the paint shop burns it is a distinct loss and must be individually replaced; and yet the black-smith's shop can not be sold to pay for it, nor the office building; they are all needed, and indemnity can not be furnished from any of these sources. If a wise course has been pursued the premiums that would have been paid to an insurance company have been invested not in the business.

No properties should enter upon self-insurance until an insurance

ness.

No properties should enter upon self-insurance until an insurance fund has been collected. The entrance, therefore, should be gradual. Year by year, as the fund grows, insurance in companies may be discarded. What the size of this fund should be depends upon the nature of the properties and the number of separate risks.

# FIRE-INSURANCE PROFITS.

FIRE-INSURANCE PROFITS.

In connection with this configaration it is interesting to draw attention to the profit account in fire insurance. The underwriting profit has averaged lately—that is, for the last ten or twenty years before the San Francisco fire—about 3 per cent of the gross premium receipts. It is probable, however, that the loss in this fire will sweep out all such profit for the last fifty years. For if, offhand, we take the premium receipts in the United States during that time to have been \$6,000,000,000, which is probably more rather than less than the true amount, the profit must have been somewhere near \$180,000,000. The amount that will finally be paid in San Francisco is probably at least as much as this, thus leaving no underwriting profit during this time.

This does not mean, however, that the business has been conducted at a loss, for the principal source of profit is the interest on securities. As the assets of a company, which consist of the unearned premium fund, the surplus and the capital should be several times the capital, interest on these at, say, 4 per cent would give an excellent return upon the capital. When, however, one considers that the surplus is often largely made up of contributions by the stockholders and that not unfrequently they have been called upon to subscribe new funds to carry on the business, the return does not seem too large for the risk that is assumed.

# CONCLUSION.

A few things remain to be said in conclusion. In the first place, unquestionably, taken all in all, the companies have done remarkably well. An immense sum of money has been paid into this city, a far larger

a Later, suits have been begun in Chicago.

sum than companies have ever been called upon to pay at one time before. In spite of the earthquake, in spite of the nearness in time of the Baltimore and Toronto conflagrations, the companies will finally have paid undoubtedly in the neighborhood of 80 per cent of the amount of insurance involved. At Chicago there was 50 per cent paid, at Baltimore 90 per cent. The remarkable difference between the showing made by the companies at San Francisco and at Chicago, where there were 46 that failed, shows the great progress that has been made in thirty-five years in legitimate underwriting. And yet the San Francisco experience clearly points the way to needed improvements.

The people of San Francisco owe a particular debt of gratitude to the companies which made the fight for the old methods—for adjustment of claims on their merits and for payment of just claims in full.

It must be evident that such a report as this is entirely inadequate to express the situation in any vivid way. It has been a trying time that most people will be glad to forget. So much money in controversy has caused an overstrain on human nature on both sides.

Unfortunately also most of the figures as to loss and liability are only estimates.

only estimates.

only estimates.

A very great deal of time has been spent upon the collection and tabulation of the data upon which the account of settlements has been made. These figures are believed to be correct. If any injustice has been done it has certainly not been from a lack of careful consideration. May there never be another such fire!

Mr. LAMB. Mr. Chairman, I yield forty minutes to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER. Mr. Chairman, the amount carried by the present agricultural bill now pending before the House is \$8,125,790. In addition to this there are appropriations made in other bills amounting to \$3,000,000 in one instance and \$1,647,000 in another, making in round numbers the grand total cost of the Department of Agriculture this year \$12,772,790. This, when we first consider it, looks like a considerable amount of money. But it is nothing in comparison with the appropriations which are made for the other Departments of the Government, and in addition to that it is nothing in comparison to the wonderful benefit that comes to the country at large by reason of the great agricultural interests which these appropriations are intended to uphold and to sustain.

It should be a source of gratification and pleasure to every Representative upon this floor and to every patriotic American

representative upon this hoor and to every patriotic American citizen, when we realize that the past year has been the most prosperous agriculturally ever known in the history of our country, and indeed, exceeds the value of the products in any other country in any year of their existence.

The report of the Secretary of Agriculture, while always interesting, is especially so this year, because he takes up and presents for consideration these facts and figures, showing this wonderful progress from an agricultural standpoint and this marvelous development that has taken place in the country.

I desire to call attention to this statement:

I desire to call attention to this statement:

Taken at that point in production at which they acquire commercial value, the farm products of the year, estimated for every detail presented by the census, have a farm value of \$6,794,000,000. This is \$485,000,000 above the value of 1905, \$635,000,000 above 1904, \$877,000,000 above 1903, and \$2,077,000,000 above the census for 1809. The value of the farm products of 1906 was 8 per cent greater than that of 1905, 10 per cent over 1904, 15 per cent over 1903, and 44 per cent over 1899.

cent over 1899.

Farm products continue to be so far beyond the national requirements that the farm still overshadows the mill, the factory, and the workshop in providing exports. With his surplus beyond the nation's need the farmer has loaded the feets of oceans. These products were exported to the value of \$976,000,000 during the fiscal year ending June 30, 1906—enough to build a high-class railroad halfway around the earth. This is the largest amount ever reached by agricultural exports for this or any other country, and exceeded by \$24,000,000 the extraordinary value of 1901, which had previously been the record year.

Another matter for congratulation is given by the Secretary, as follows:

The farm real estate, as ascertained by this Department last year, increased in value \$6,131,000,000 since the census year, or enough to raise the census value to \$22,745,000,000. Domestic animals were worth \$2,979,000,000, according to the census enumerators, and now they are estimated to be worth more than \$4,000,000,000.

If real estate, domestic animals, other live stock, and implements and machinery are combined, the farmers' capital, as composed of these items, has increased by perhaps \$5,000,000,000 since the census valuation, or about 40 per cent, and now amounts to perhaps \$28,000,000,000.

This shows, gentlemen, how the farmer has helped himself and helped in this wonderful increase in agricultural products and in the marvelous development of farming lands, and has not only derived great personal benefit himself, but has shared his prosperity in the development of every other class throughout the country.

Another quotation from the Secretary's report:

Crops so large as to be beyond any rational comprehension have strained the freight-carrying ability of railroads.

We all know from actual observation and from experience that the railroads of the country are congested and are having great difficulty in carrying and caring for the products. lack cars, they lack engines, they lack tracks and other facilities to transact the business of the country. This has been brought about, as shown here, by this marvelous prosperity which has been dug out of the ground by these men who make their living in accordance with divine writ, "in the sweat of the face." This prosperity has been so general throughout the country that it has brought it not only to them, but to the other classes, who have shared it to such an extent that the railroads find that it is almost impossible for them to keep pace with the marvelous development which we have had. Therefore, it is a justification-in fact, it demonstrates the absolute necessity-of improving the waterways of the country in order that we may have the benefit of lower freight rates. Nothing will contribute more to the reduction of freight rates than the improvement of our

Hence this wonderful development which has so uniformly taken place demands the improvement of the natural arteries of trade given us by the God of Creation, and I hope and believe increased appropriations along this line will receive the approval of this House, and I know will receive the approval of the country. [Applause.]

Directly and indirectly the farmer has set up a demand for iron and steel that has exceeded the productive power of the chief producer among nations. His contribution to the supply of loan capital has been beyond calculation, and recalls the fact that the depression in the loan and investment market of 1903 was cleared away by the following crop.

Meanwhile the farmer has been a generous consumer, and has given powerful support to the market of the industrial producer, to the trade of the merchant, and to the wages of the working-

Indeed and in truth the farmer is a patriot and a public benefactor, because in helping himself he helps everybody else, and is the foundation rock upon which this whole structure stands, and it is by his brawn and honest muscle that the development of the country has been produced, not only in his own line, but

in every other line.

These facts not only show the benefits that come to him personally and the benefits that come to others, but there is another benefit that is still more marvelous. That is the fact that without him and without his products the balance of trade would be against us and be in favor of foreign countries. Leave it to the factory, the workshop, and everything of that character and we would be in debt to foreigners on the balance of trade; but taking into consideration the agricultural products of the country in connection with the manufacturing products and all other products of the country, then the balance of trade is in our favor. The report continues:

The balance of trade in the international exchange of agricultural commodities continues to run in favor of this country by an enormous amount; for 1906 the agricultural exports exceeded similar imports by \$433,000,000, an amount which places this year with the seven high years beginning with 1898 and much above the balance of 1905. This new foreign credit, which equaled that of a rich nation, was mostly transferred to large borrowers in this country for the purpose of enlarging their capital.

While the farmer placed to the national credit in other countries \$433,000,000 in 1906, other producers, all included, secured a balance in favor of this country of only \$85,000,000. During the last seventeen years the farmer has built up a balance of trade in foreign exchange of agricultural products amounting to \$6,068,000,000, while all other producers find themselves at the end of the same period with a total on the debtor side of the account to the extent of \$459,000,000.

Therefore, taking into consideration the manufactured products and all other exports, exclusive of agricultural exports, and the balance of trade would be against the United States in the sum of \$459,000,000; but taking into consideration the agricultural products, they pay the balance of trade against us, which amounts to \$459,000,000, and leave a balance in our favor of \$6,068,000,000. I say, if with no other monument to the agriculturist of this country or to his productive capacity than that, it secures to him the approval of every patriotic American citizen, because he not only takes care of and benefits himself, as I said a moment ago, but he benefits every other avenue of trade throughout the country; and not only that, he brings a balance of trade in favor of our country as against the nations of the world, whereas but for him the balance of trade, taking everything else into consideration, would be in favor of the foreigners and against us. Now, taking into consideration these facts and figures which I have presented to you, which come from an authoritative source and a reliable one, I say that there is no reasonable appropriation that can be made for the purpose of developing the agricultural interests of the country that would not be justified and which ought not to be made. The trouble, in my judgment, is that we do not go far enough. I believe that the agricultural interests of the country should have larger appropriations in various lines than we are now giving to them.

do not believe that they ought to be hampered in any way whatever, but that the arm of the Government should go out cheerfully at all times, wheresoever any benefit can be bestowed, wheresoever any good can be accomplished by experiments of any kind, and by the development of the country in any way,

to give the agriculturist of the country every possible benefit which we can extend to him. Instead of reaching out to him a parsimonious and a stingy hand, let us rather reach out to him an open and a full hand in order that we may help him, as he helps all others, as he helps and protects and takes care of the business interests of the country. [Applause.]

Now, there is one provision of this bill to which I want to call

special attention, and that is to the change which is proposed to be made in reference to the distribution of seeds. In order that we may fully understand it, I ask the Clerk to read from

the desk the provision as it appears in this bill.

The CHAIRMAN. The Clerk will read in the time of the gentleman from Mississippi.

The Clerk read as follows:

The Clerk read as follows:

Purchase and distribution of rare and valuable seeds: For the purchase, propagation, and testing of new, rare, and uncommon seeds, bulbs, trees, shrubs, vines, cuttings, and plants, foreign and domestic; for the rent of buildings (not to exceed \$3,000); the employment of agricultural explorers, local and special agents, clerks, assistants, and all other necessary labor required in the city of Washington and elsewhere; the purchase of necessary office fixtures and supplies, paper, twine, gum, printing, postal cards, fuel, gas and electric current, transportation, traveling expenses, and all necessary material for securing, testing, propagating, packing, and distributing the seeds, bulbs, trees, and so forth, above specified, \$238,000. And the Secretary of Agriculture is hereby directed to spend the said sum, as nearly as practicable, for the encouragement and advancement of agriculture and horticulture throughout the United States, through the systematic introduction of new, rare, or uncommon seeds, bulbs, trees, vines, cuttings, and so forth; in the establishment of new or the improvement of existing plant industries; in collating, digesting, reporting, and Illustrating the results obtained through the testing and distribution of new and rare seeds, bulbs, and plants herein provided for; and the Secretary of Agriculture is further directed to purchase such new and rare seeds, bulbs, plants, vines, and cuttings at public or private sale, and to arrange for the propagation, testing, and distribution of such seeds, bulbs, plants, and cuttings in such manner as he may deem expedient, obtaining, so far as practicable, the advice and cooperation of Senators, Representatives, and Delagates in Congress: Provided, That such seeds, bulbs, and plants shall be distributed to actual experimenters only for experimental tests, and that the Secretary of Agriculture shall cause a record to be kept of all persons to whom seeds, bulbs, or plants are sent, in order that reports on the results of the exp

Mr. CANDLER. Now, Mr. Chairman, when we reach this provision in the bill it is my purpose to move to strike it out and insert the provision of last year, which I will ask the Clerk to read in order that these two provisions may be compared in the

RECORD.

The CHAIRMAN. The Clerk will read in the time of the gentleman.

The Clerk read as follows:

The Clerk read as follows:

Purchase and distribution of valuable seeds; For the purchase, propagation, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; for rent and repairs; the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, printing, postal cards, gas, and electric current, traveling expenses, and all necessary material and repairs for putting up and distributing the same, and to be distributed in localities adapted to their culture, \$242,920, of which amount not less than \$202,000 shall be allotted for Congressional distribution. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at a public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States. An equal proportion of two-thirds of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the Department upon the receipt of their addressed franks; such franks to be furnished by the Public Printer, as is now done for document slips, with the names of Senators, Members, and Delegates printed thereon, and the words "United States Department of Agriculture, every and the provided, That all seeds, bulbs, plants, and cut

upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each Member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: Provided also, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latiture shall be ready for delivery not later than the 10th day of January: Provided further, That \$37,780 of which sum, or so much thereof as the Secretary of Agriculture shall direct, may be used to collect, purchase, test, propagate, and distribute rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries or from our possessions for experiments with reference to their introduction into and cultivation in this country; and the seeds, bulbs, trees, shrubs, vines, cuttings, and plants thus collected, purchased, tested, and propagated shall not be included in general distribution, but shall be used for experimental tests, to be carried on with the cooperation of the agricultural experiment stations: And provided also, That \$10,000 of the sum thus appropriated, or so much thereof as may be necessary, may be used for the erection of a suitable seed warehouse for packeting and mailing seeds on Congressional orders.

Mr. CANDLER. Mr. Chairman, I have had these two pro-

Mr. CANDLER. Mr. Chairman, I have had these two provisions read from the Clerk's desk in order that they may appear in the Record, one following the other, so that the Members may have an opportunity to examine them and determine for themselves which provision they believe is best for the interests of the country and for the welfare of the agriculturist.

You will note that the provision in the pending bill provides for seed for experimental purposes. There will be none for general distribution at all. The same amount of money, practically, is appropriated under this provision as is appropriated under the general provision in the law of last year which has just been read, and which I expect to offer as a substitute for this provision in the bill. This bill provides for an appropriation of \$238,000 for the purchase of rare seed in our own country and for importation of rare and uncommon seeds from foreign countries. After they get them, what do they propose to do with them? They say that they shall be distributed to actual experimenters only for experimental purposes. How many actual experimenters can you point out in your district now? If you were asked by the Department to furnish a list of such experimenters in your district to whom seeds might be sent, how many could you sit down and name as actual experimenters'

Mr. DRISCOLL. Will the gentleman yield? Mr. CANDLER. Certainly.

Mr. DRISCOLL. If any ordinary farmer should write for rare seeds or bulbs to the Department and say that he wanted them for experimental purposes, do you not think he would get them?

Mr. CANDLER. No, sir; and I will tell you the reason why. A gentleman in my district wrote and wanted some cane seed sorghum seed. I wrote a letter to the Department and requested that they attend to it. They wrote to me that they had written to him and would correspond with him about it, and if they came to the conclusion that he would properly experiment with the seed furnished him in accordance with the directions of the Department, the seed would be sent. When I was down home I met this farmer, Mr. Wash Taylor, who lives about 4 miles distant from Corinth, Miss., my town, and I want to say that he is a splendid gentleman and a good farmer. He has made by farming money enough to buy and pay for his own land, and buy and pay for his own stock, farming implements, etc., and the necessaries of life for his family and some surplus. I asked him about the seed, and he said that they had sent him a blank to fill out and asked him questions that he couldn't answer, and he took it to a merchant and asked him to fill it out, and he couldn't answer the questions that were asked, and then he said that he tore the thing up, and that he never did get the seed. I said: "I wish you had sent the blank to me, and I would have gone to the Department and tried to get them to send you the seed." He said: "Well, I didn't want to bother you any more, and so I tore the thing up and concluded to do without the seed."

Now, if this provision is carried out it will mean exactly this kind of treatment all over your district, and all over mine, and all over the country. They will ask you to furnish them so many names that they may correspond with them and determine whether your constituents have sufficient intelligence to receive seeds and make experiments in accordance with the directions of the Department. It is an effort to increase the power of the bureaucracy, which is one of the banes of this Government to-day. [Applause.] That is the trouble that there is in it now. The public are depending on the representatives of the people to transact the business, but it is growing from day to day until the bureaus are saying what your constituents shall have, what my constituents shall have, and what they shall not have; and whenever they put their seal of disapprobation on your request, you are at the end of your row and you are becoming powerless.

It has got so on the floor of this House, as you well know, that when you call up any kind of a bill, I don't care what it is or what it pertains to, the question is asked about it if it has received the indorsement of the Department. If it receives the indorsement of a chief of some bureau or the head of some Department, it goes; if it does not receive that, it is a cause of condemnation, and we are getting so we are forced to rely upon that instead of exercising our own judgment and our own opinion in the matter.

Mr. COCKS. Will the gentleman permit a question?

Mr. CANDLER. Yes; with pleasure.

Mr. COCKS. Has not the gentleman ever appealed to that same authority to back up a position that he has assumed?

Mr. CANDLER. Yes; because I realize the force of it on the floor of this House-that the Representatives here depend more upon the indorsement of some bureau chief than they do upon their own ideas and opinions,

Mr. DRISCOLL. Is it not the intention that each Member of Congress and each Senator shall receive an allotment of these

fancy bulbs and plants and seeds?

Mr. CANDLER. The provision in the bill is that it shall be carried out with "the advice and cooperation of Senators, Representatives, and Delegates in Congress;" but you will not be permitted to send out a single solitary package yourself.

Mr. DRISCOLL. Was it not the intention of the committee

that all farmers who wanted to experiment and who were recommended by the Members of Congress would receive these

fancy bulbs and seeds?

Mr. CANDLER. I presume not. I presume that those who voted for this measure did not have that intention in mind. I voted against this provision in committee myself because I be-lieved the result of it would be, if carried out, that the ordinary farmers in the country would not get the benefit of it. The reason I say those who voted for it must not have that intention in mind is because this language is used, that it shall be distributed to actual experimenters only for experimental purposes, and a man has to go into the experimental business.

Mr. CLAYTON. May I ask the gentleman a question? Is it

not true, under that provision he has just cited, it is vested in the Secretary of Agriculture the discretion as to whom or how

many of these seeds or plants shall be distributed?

Mr. CANDLER. It certainly is true.
Mr. CLAYTON. If the Members of Congress are to have any share in the distribution, I agree with the gentleman from Mississippi [Mr. Candler] that we ought to have it as a matter of right in our representative capacity, without having to resort to the necessity of going to the head of a Department with hat in hand begging a favor for a constituent. Let us have it in our own right. [Applause.] Mr. CANDLER. I as

I agree with the gentleman.

Mr. DRISCOLL. Can not this be amended so as to accomplish that result?

If the majority of the House will agree with Mr. CANDLER. me. I think we will amend it so that it will accomplish the result we have had heretofore, and that is to distribute the seeds ourselves and send them to our constituents [applause] and not take your hat in hand, as the gentleman suggests, and go and ask it as a matter of grace or favor. Let us have it as a matter of law and of right. [Applause.]

Mr. CLAYTON. Let me offer this suggestion. I do not say it would not happen, but this is possible. If it be true that these seeds and other special considerations, if you please, are used at any time for political effect, is it not possible at some future time for a partisan Secretary of Agriculture to single out some district where a political friend of his has a hard fight on hand and give him, if necessary, 400,000 packages of seeds and plants necessary to save his political life? Now, that is the sort of thing that we do not make possible. We want an equal distribution of such special provisions or encouragement that the Government has to hand out, and we want the same in our own right.

Mr. WADSWORTH. That is possible under the present law.
Mr. CLAYTON. Yes; but under this law which it is now proposed to enact, it is not possible.
Mr. WADSWORTH. It is not possible?

Mr. CLAYTON. Under this law which it is now proposed to enact, it will not be possible. This discretion is vested in the head of a Department, and there is nothing more odious or hurtful in any civilized government than judicial discretion badly used, except one thing, and that is the discretion lodged in the head of a Government bureau at Washington. We know that this favoritism is practiced every day. Why, it cropped out this favoritism is practiced every day. Why, it cropped out here in the discussion of the Geological Survey appropriation. Take the maps, for instance, of the Geological Survey, and you find districts where the topographic surveys have been made

and others where none has been made. You will find that cities have had topographic maps made of them—a species of favoritism—and we are asked to go further here to aid that species of favoritism exercised by the heads of bureaus. Congress ought not to permit it, and I hope it will vote down this proposition brought in here from the committee. I am in hearty accord with the sentiments expressed by the gentleman from

Mississippi. [Applause.]

Mr. CANDLER. Now, I want to say further, Mr. Chairman, that this report says that there has been omitted from the bill by the committee the paragraph making appropriations for what is commonly known as the "Congressional free-seed dis-tribution." It has been omitted and this provision is substituted and reported; but I want to say that this was not substituted and reported by a majority of the committee at the meeting when the matter was considered. The subcommittee made a report to the full committee reporting the provision as it now appears in the bill. When that was presented to the full committee I made a motion to strike it out of the report. I offered as a substitute in its place the provision which I sent to the Clerk's desk and which I shall offer on the floor of the House as a substitute for this provision. On that I demanded a roll call, and on that roll call there were seven votes in favor of the substitute, the provision which I shall offer, and seven votes in favor of this original provision, and hence the provision to put in the free-seed distribution in the committee was lost upon a tie vote, and hence the committee was divided equally on the proposition; and this does not come here, then, so far as the members of the committee who were present at that time are concerned, with the indorsement of the committee, but it comes here because the parliamentary status in which the question stood before the committee at that time required affirmative action to strike out this and substitute the other. A majority of the full committee not voting for it, it being a tie vote, the proposition was lost in the committee on the tie vote, and for that reason this very provision is in this bill to-day instead of the other provision. The committee was equally divided——

Mr. WADSWORTH. To be perfectly fair, will the gentleman state by what vote this amendment was adopted in the com-

mittee?

Mr. CANDLER. I do not remember.

Mr. WADSWORTH. I remember; it was eight to six.
Mr. CANDLER. Then, there were two who voted for this as a final proposition when the other was lost on a tie vote.

Mr. HEPBURN. I would like to call the gentleman's atten-

tion to lines 9 and 10, on page 36:

Provided, That such seeds, bulbs, and plants shall be distributed to actual experimenters only for experimental tests, etc.

Is that the way it should read, or should it read:

That such seeds, bulbs, and plants shall be distributed to actual ex-perimenters only, for experimental tests, etc.

I think there might be room there for a construction that would put these seeds only into the hands of seedsmen, so that they could sell them to the rest of us on proper occasions.

[Laughter and applause.]
Mr. CANDLER. Yes; I think that is the conclusion that is entirely justified from the language that is in the bill and which has the unanimous indorsement of the seedsmen of the United States of America. They were before the committee in a body, advocating this very identical proposition, and, no doubt, in reply it will be said that that was followed up by the Department of Agriculture, who recommended this provision. is true, too. But the seedsmen when they appeared before us in the committee admitted that what had been charged was practically true—that they were acting in concert to prevent this other provision going into the bill this year.

They admitted that last year when it was left out they held that hurried meeting, which you heard discussed upon this floor, and to which I referred in a speech which I made on a former occasion, at which they organized to prevent this proposition going into this bill this year. It was said at that time that they proposed to use the press, and you will find copied in the hearings on this question broadcast extracts from one end of this country to the other, taken from the press, taken from college professors, taken from scientists, and people of that character, but you will not find a letter, I do not believe, in all the hearings from a farmer who tills the soil himself protesting against it. You will find in the hearings protests against it from agricultural associations, that is true, but, as my friend from Kentucky [Mr. James] said last year, that is from the agriculturists of the country who do the talking, but do not do the work.

Then when the seedsmen said last year that they were going to use the press the evidence shows conclusively that they did use the press to create a public sentiment in the country, and how did they use it? They came here and employed a man in

this city who was a representative of the press, Mr. William Wolfe Smith, and he so testified himself before our committee that that was his business, that he was a newspaper correspondent, and he started out by saying that he was not a seedsman and was not interested in seeds, but a newspaper correspondent. Now, if the seedsmen wanted to create sentiment in the country by using the press, who would they secure in order to create that sentiment? Would they employ somebody who had access to the press, somebody who could use the press? They did not employ a seedsman. They certainly did not employ a farmer, but they employed a newspaper correspondent who was an expert in his line, and he evidently secured the publication of criticisms all over the country from one end of it to the other in order that he might create this sentiment.

I heard further-I did not know that when we had this hearing or I would certainly have asked about it-not only was this bureau, conducted by Mr. Smith, carried on and sustained during all the time last year and up to the present time, but that in addition to that, in order to get this adverse criticism in the newspapers, a news bureau was run in connection with it and free letters, purporting to give full information from Washington and knowledge in relation to the transaction of public affairs, were published. In other words, a newsy Washington letter was furnished free that went throughout the country and was published in the newspapers, and in it was always placed, so I am informed, a paragraph condemning the free distribution of seeds by Congress. And in that way possibly some of these adverse criticisms were obtained that were presented in the hearing and are printed in this pamphlet that lies on the desk before me. I say I have heard it; I do not state it as a fact. did not hear it until after the hearing, or I certainly would have inquired about it. But I have been informed from a reliable source that it is a fact and that is the way in which it was done.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. CANDLER. Mr. Chairman, I would ask that I may be permitted to proceed.

Mr. LAMB. Mr. Chairman, I yield to the gentleman ten minutes more.

Mr. SIMS. Mr. Chairman, I ask that the gentleman from Mississippi may be permitted to conclude his remarks.

The CHAIRMAN. The gentleman from Tennessee [Mr. SIMS] asks unanimous consent that the gentleman may be recognized to conclude his remarks. Is there objection?

There was no objection. Mr. CANDLER. I thank the gentleman from Tennessee and the House for this kind indulgence.

Mr. DAVIS of Minnesota rose.

The CHAIRMAN. Does the gentleman from Mississippi [Mr. Candler] yield to the gentleman from Minnesota [Mr. Davis]?

Mr. CANDLER. Certainly; with great pleasure. Mr. DAVIS of Minnesota. The gentleman from Mississippi is discussing this matter, I think, very fairly, but I think there is one matter he has omitted in connection with the testimony given before the committee by the various seedsmen who were there. It is unfortunate at this time that we have not the hearings. I understand they are not yet printed; at least, they were not a little while ago. But be that as it may, I would at this time like to ask the gentleman from Mississippi [Mr. CANDLER] this question: Was not the question repeatedly asked of the various seedsmen who gave testimony before our committee what their principal objection was to the distribution of these seeds-that is, the Congressional distribution-and, finally, did they not admit that the seed distribution as heretofore given was valuable and important to the farmer, and did they not, upon a question addressed to them by myself, say that the seeds were of a good quality and were very beneficial to the farmer, but that their sole or chief objection was that by reason of the Government engaging in the business it interfered with their business from a pecuniary standpoint, and that theirs was a purely selfish motive in that it interfered with their business; also, that the sum of \$60,000 or \$80,000 that was actually invested by the Government for seeds had a tendency to, and in some instances did, bankrupt some of their concerns, although they admitted that their concerns did a business equal, if not greater, than \$20,000,000 annually?

Mr. CANDLER. That, in substance, was the testimony

given.

Mr. JAMES. I would like to ask the gentleman from Mississippi [Mr. Candler] if on examination before his committee if Mr. C. F. Wood, of Louisville, Ky., testified that the \$232,000 appropriated here for free seeds would have purchased 40,000,000 packages, and he said: "Forty million, at 5 cents, is how much?" And the gentleman from Mississippi answered him and said: "You can calculate it as well as I can." And Mr. Wood answered by saying, \$2,000,000; is it not?" That is the amount that would have been taken from the people by the seed houses if it had not been for the Government distributing \$232,000 worth of seeds to the people. A profit to the dealers in seeds of \$1,768,000. It is not a matter of wonderment that they maintain a great lobby here to do away with this distribu-[Applause.]

Mr. CANDLER. That is correct. And I want to call attention to another thing in this connection with reference to the seedsmen's position. This is a contest, absolutely, so far as that is concerned, between the people of this country who object to this distribution and the farmers of this country-by their Representatives and the farmers themselves. That is the issue which has been presented, and that is the question upon which we will be called upon to vote.

Mr. CLAYTON rose.

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Alabama [Mr. Clayton]?

Mr. CANDLER. Certainly.
Mr. CLAYTON. May I interrupt the gentleman to remark in that connection that the seedsmen have had a lobby here for some time, have lobbyists in Washington now, and that the farmer is dependent upon nobody to represent his interests except the Representatives here who come from the farming districts? [Applause.] God bless the farmer and the Representatives from those districts! We are going to have these

[Applause.]

[ANDLER. Well, I am one of their representatives. Mr. CANDLER. join freely and fully in "God bless the farmer," and I am going

to stand by his interests.

Mr. HENRY of Connecticut. How about the farmers, the grangers, and the press of the country-not only the agricultural press, but the secular press?

Mr. CANDLER. I just discussed that a moment ago. I do not know whether the gentleman was present then or not.

Mr. SCOTT. Will the gentleman allow me an interruption in connection with what has just been said by the gentleman from Alabama? I would ask the gentleman from Mississippi if it is not true that the Committee on Agriculture brought in prac-tically a similar report last year when there was no such lobby and no person claiming to represent the seedsmen coming before the committee and asking for such legislation? Is that true?

Mr. CANDLER. There was no hearing on the subject. committee, however, were about equally divided last year.

Mr. SCOTT. I simply wanted that statement to go into the RECORD, in justice to the committee, that the committee took precisely the same action last year when there was no solicitation upon the part of the seedsmen before that committee.

Mr. ADAMSON. What year was it that the seedsmen did not

have a lobby here?

Mr. SCOTT. During the five years that I have been a member of the Committee on Agriculture, this is the first year that the seedsmen have been represented before that committee in any hearing.

Mr. ADAMSON. Were they not represented by the agricul-

tural press?

Mr. CLAYTON. Will the gentleman from Mississippi allow me to ask the gentleman from Kansas this question: The last year and the year before last and ever since you have been here and since I have been here, is it not true that the seedsmen have loaded your mail and mine with letters, newspaper extracts, magazine articles, and other articles against the distribution of seed by the Federal Government? Have they not been lobbying all along, persistently and consistently, in that way, and through their literary bureaus?

Mr. SCOTT. I wish to enter a most emphatic negative to all

those questions.

Mr. CLAYTON. I can state as a fact that I have received numerous newspaper extracts and letters from seedsmen for several years protesting against this appropriation, and fellow-Members around me on this side of the House and others on your side of the House have had the same contributions from their literary bureaus and the same letters from the seedsmen last year.

Mr. SCOTT. But no lobby.

Mr. CLAYTON.

Mr. CLAYTON. That was a lobby. Mr. WADSWORTH. What objection is there to that?

Mr. CLAYTON. I have no objection to it and I have no objection to their coming here lobbying. But I do not want what they have said to be invoked as an argument here against the farmer and his representatives here to defeat this meritorious distribution. You ought to listen to the appeals of the farmer.

Mr. WADSWORTH. I do not think that is fair. Any man has a right to petition and to protest. They have the right to

come to Congress if they think their interests are wrongfully affected.

Mr. CLAYTON. Certainly. Nobody disputes their right. The point I make is that the farmers have had no special champion of their rights and of their interests except such gentlemen as the distinguished and able gentleman from Mississippi and others of us from the great farming districts.

Several Members rose.

The CHAIRMAN. To whom does the gentleman yield?
Mr. CANDLER. I yield to my colleague on the committee,

the gentleman from Minnesota [Mr. Davis].

Mr. DAVIS of Minnesota, Mr. Chairman, I desire to say just a word as to what my recollection is of the statement made by the gentleman from Kansas [Mr. Scorr]. It is true that I have not been a member of the committee very long, but I say that during another session of this Congress, I do not think I saw any lobbyist in or about the committee and its sittings, but during the present session of Congress they were here with an attorney and appeared for several days, and the question arose upon questions put by the gentleman from Mississippi [Mr. Candler] as to what kind of a lobby they had last year, and the statement was made that they could not state that they had any distinct amount of money, but I think the amount of \$3,000, however, was broached somewhere during the conversation. But they said they did have a lobby two years ago. But this time they had organized a stronger lobby, and this was the first time they had ever appeared before the committee with an attorney to advocate their cause; and they did have an attorney and a very shrewd one. He did not deny, but, on the contrary, asserted that two years ago, and a year ago they had a lobby, but I wish to inform the House that if they had a lobby it was not as bold as it has been this year.

Mr. CANDLER. I now yield to the gentleman from Arkansas. Mr. MACON. I do not intend to make a speech in the gentleman's time, but the gentleman from Connecticut [Mr. Henry] a few moments ago interposed a suggestion about the agricultural papers of this country that are opposed to this free-seed distribution. I do not know all of the agricultural papers of the United States. I do not know what their policy is upon this subject, but I do know about one. There is an agricultural paper in the State of Arkansas that represents an organization of more than 80,000 farmers, and I do know that no single line has ever appeared in that sheet in opposition to the free distribution of seed in this country to the farmer. [Applause.]

Mr. CANDLER. That is a good paper. I hope the people

will continue to take it.

Now, just along the line that was suggested a moment ago by my friend and colleague on the committee [Mr. Davis of Minnesota], I want to call attention to the position taken by these seedsmen when they were before our committee. I pressed the question from the beginning to know about this concerted action that had been brought about. I asked the first man that went on the stand about it, and I continued to ask about it, and I want to give you a sample of some of the answers that they made and to show you, from their own testimony, how they stood on that question.

I quote now from the statement of Mr. Stokes. Mr. Cole

asked him this question:

Mr. Cole. The statement was made on the floor of the House last year that some of the Members were in favor of the free distribution of seeds because of the trust existing between these seed firms of the United States. Is there any trust?

Mr. Stokes. There' is absolutely no trust whatever. It was attempted at one time, years ago, and it ended disastrously. It was absolutely impossible to have a trust in seeds.

Mr. Lamb. I have never heard of it.

Mr. Stokes. There is no foundation for it in fact whatever.

Mr. Candler. Is there not concerted action among those representing the opposition to the free seed distribution?

Mr. Stokes. Yes.

Mr. Candler. Have they organized headquarters here in Washington to oppose it?

to oppose it?
Mr. Stokes. Mr. Smith can talk to you about that.

Mr. DAVIS of Minnesota. Mr. Smith was their attorney, was he not?

Mr. CANDLER. He represented them before the committee and introduced them one by one. Now, I want to read a little further:

Mr. Candler. Do you not know?
Mr. Stokes. Yes, sir.
Mr. Candler. You are one of the seedsmen?
Mr. Stokes. Gentlemen, I claim that as seedsmen we are bound to do it. We are bound to place our case before the people.
Mr. Candler. I want to know the fact about it.
Mr. Stokes. If we have a proper sense of the dignity of our business, we are bound to do what we can to present to the people in-general what we believe to be the facts.
Mr. Candler. I do not oppose any man doing what he deems legitimate and right, or any man doing anything that is legitimate and right to protect his own interests and sustain his own business; but I asked questions here yesterday along this line, and I want to know

whether that is the fact or not, because when this matter was under consideration before the second vote was taken in committee I heard—and it was stated in the Washington Post—that there was a hurried meeting of seedsmen from all parts of the country at the New Williard Hotel, and that they determined there to use such means as they could, and to put up such funds as were necessary, to prevent the continuance of this seed distribution; and this paper stated, according to my recollection of it, that they expected to use the press to create public sentiment in that way. I heard that they raised \$3,000 there then.

MIN. STOKES. No.

MIN. CANDLER. And that they have raised a fund since of \$20,000.

MIN. STOKES. No, sir; that is all in the air.

Now listen:

Now, listen:

Mr. Candler, But you got concerted action. Mr. Stokes. Yes; or we would not have been here to-day together.

[Applause.]

Mr. CANDLER. You stated a moment ago that Mr. Smith is in charge of your headquarters here at Washington to bring about such sentiment as he can in opposition to this appropriation.
Mr. STOKES. Yes.
Mr. CANDLER. And it takes money to do that?
Mr. STOKES. It takes some money to do that. It is perfectly proper and legitimate. We feel that a wrong is being done to us, and if we can do anything in a fair way to correct that wrong we are going to do it.

He said, "It takes money to do it."

Now, I want to show you the purpose of these seedsmen, and what they would like to have done:

Mr. CANDLER. You stated a while ago that you would like to see this money given to the Department of Agriculture to make these experiments with reference to the introduction of foreign and rare seed, and so forth and so on.

I asked several of them whether or not they were in favor of a reduction of this appropriation, and they said, "Oh, no; do not take it away from the Department; give it to them; and then they come in, don't you see, and say, "Why, don't take it away from us; of course not; but give it all to us, and give us the benefit of every bit of it, and do not give the benefit of it to any Member of Congress, in the distribution which has been made heretofore; but turn over this money to the Department absolutely, to be used in the way they see proper." That is the plan suggested by the seedsmen and recommended by the Department.

Mr. CLAYTON. Mr. Chairman—
Mr. CANDLER. Just a moment, and then I will yield. Let me finish the point I am talking about. I want to show you the position of the seedsmen. Then I will yield.

Mr. CANDLER. You stated a while ago that you would like to see this money given to the Department of Agriculture to make these experiments with reference to the introduction of foreign and rare seed, and so forth, and so on. Do you agree with the gentleman—I do not remember who it was now—who stated a while ago that as soon as these seed experiments were made and the benefits were derived from them and they were given to the people, and the seed should become to a certain extent common seed throughout the country, then you would oppose the further distribution of that seed by the Department of Agriculture?

Mr. STOKES. Yes.

Not only did they oppose the distribution of seed the seed the country of the

Not only did they oppose the distribution of seed through the Members of Congress, but they would absolutely oppose the distribution of them by the Agricultural Department itself. Their proposition is, first, to stop the distribution by Members of Congress, and then later, when the Agricultural Department distributes seeds throughout the country and they become to a certain extent common, then they propose to stop the Agricultural Department from sending them out, and do not want any seeds sent out by the Government at all.

Now listen. Mr. Stokes answered that question "Yes."

Mr. CANDLER. Then you would favor the distribution by the seeds-

Mr. Stokes. Yes; I think that would be eminently proper,

Of course he thought it would be eminently proper.

Mr. CANDLER. In other words, you want the experiment made by the Department of Agriculture at the expense of the public for the benefit of the seedsmen of the United States and not for the benefit of the

Was there any escape from that conclusion? There was none. Mr. Stokes said: "No, sir; it is for the benefit of the people.

There is no such thing as benefit to the seedsmen."

Oh, no; according to Mr. Stokes, it would not benefit the seedsmen of this country to prevent the distribution of seed; it would not benefit the seedsmen to enact a provision so that it would be impossible for anybody to get seed from anybody else but the seedsmen.

They didn't want to cut down the appropriation, you know; they didn't want that done; they wanted that continued to the Department, and so it is made here at \$238,000, while the appropriation last year was \$242,000.

Mr. GARRETT. Will the gentleman allow me an interruption?

That it is not a proper function of government to furnish seeds? That is the objection that was made in the beginning to this distribution, but the system has grown up, and there probably will never be a proposition to abolish this distribution of vegetable seeds that will not be accompanied by a proposition that will appropriate at least an equal amount of money to distribute other seeds. Now, is there any greater objection from the stand-point of principle toward the distribution of seeds under the amendment that the gentleman proposes to offer than there is to the principle in this bill as reported by the committee?

Mr. CANDLER. The principle is exactly the same.
Mr. GARRETT. And those who would support the bill as it

stands will simply vote to take the distribution away from the Representatives'

Mr. CANDLER. The only difference is that they would take it away from the representatives of the people who distribute it fairly throughout their districts to their constituents. That is the way I distribute mine. They would take the distribution away from the Representatives and confer it upon the Department of Agriculture.

Mr. GARRETT. Then the only proposition upon which we are asked to vote is the method of distribution, and the principle

is not involved in any way in it?

Mr. CANDLER. Not at all; it is as to the method of distri-

bution, and that is all there is in it.

Mr. BEALL of Texas. I would like to ask the gentleman if these seedsmen claim that the seed being distributed by the Department of Agriculture at that time was inferior to those sold by the seed dealers?

Mr. CANDLER. No; the evidence is strong that they are the best seeds that can be obtained; they have to be tested and have been tested and found to be true to type and strong as to vi-tality. They are required to come up to the highest standard in type and vitality.

Mr. BEALL of Texas. In these hearings did anybody claim that the seeds distributed would cost the people any more than

if purchased from seedsmen?

Mr. CANDLER. No, sir; they did not. On the contrary, the testimony clearly shows that if purchased of the seedsmen they would cost a great deal more.

Mr. JAMES. That they would cost \$2,000,000 if purchased of the seedsmen, and they only cost \$238,000 when distributed by

the Government.

Mr. BEALL of Texas. Did the gentleman ever hear any man who wanted garden seeds for his own use object to the Government distributing the seed?

Mr. CANDLER. Never. I never had an objection of that sort myself.

Mr. CLAYTON. I would like to ask the gentleman a question.
Mr. CANDLER. I will yield to the gentleman.
Mr. CLAYTON. I want to ask the gentleman if I understood I want to ask the gentleman if I understood from the testimony that he read here that the committee proposition in the pending bill did not save one cent to the Government, but provides for the same appropriation as last year, the only difference being that there is a change in the distribution of the seed? Under the law as it now stands so many are allotted to each Representative and he distributes them. Now, it is proposed in this bill to turn over the whole power of the distribution of seeds to the Agricultural Department and take it away from the membership of this House?

Mr. CANDLER. That would be the result.

Mr. CLAYTON. Then the committee proposition is not in the interest of public economy?
Mr. CANDLER. No.

No. It is not for the interest of the farmers, and Mr. CLAYTON. again I say, God bless them, let them have these seeds. plause.]

Mr. CANDLER. The appropriation last year was \$242,000, and the appropriation in this bill \$238,000.

Mr. COCKS. The gentleman says that is the difference. Is not there quite a difference between the method of distribution, and also the character of the seed will be different, will it not?

Mr. CANDLER. Oh, yes. Under this provision it proposes to limit it to rare and uncommon seeds in this country and the

importation of rare and uncommon seeds from foreign countries. Mr. COCKS. And also the propagation of our own known varieties of uncommon seeds.

Mr. CANDLER. Yes.

Mr. JAMES. I want to suggest to the gentleman, for the purpose of placing Kentucky right on this distribution of garden seeds, that I notice the first witness here is Mr. C. F. Wood, who is the representative of the seed house of Wood, Stubbs & Co., Mr. CANDLER. Certainly, with great pleasure.
Mr. GARRETT. When you come to the fundamental objection to this seed business, if there be an objection, is it not this:

of Louisville, Ky. I have heard it said by some gentlemen that the farmers' organizations of various States are opposed to the free distribution of seeds, and I have heard it said, and I beof Louisville, Ky. I have heard it said by some gentlemen that the farmers' organizations of various States are opposed to the lieve that fact is in the hearings, that the farmers met in Lexington, Ky., and presented resolutions there, which were passed, but they concealed from the committee the fact that those resolutions were introduced not by the farmer who tills the soil with his own hands, not by the farmer with the smell of newplowed earth upon his garments, not by the farmer who brings the harvest from the field, but by this kid-gloved individual, C. F. Wood himself, who represents the seed house of Wood, Stubbs & Co., who was there, and who presented these resolutions for the farmers of Kentucky, when he never plowed a fur-row in all his life. I deny the right of this gentleman to speak for the honest farmers of Kentucky when he is not one of them. [Applause.]

Mr. CANDLER. That is a fair sample of the farmers, in my judgment, who are protesting against this free distribution of

Mr. BURNETT. Did a single farmer appear before your committee to make any protest at all?

Mr. CANDLER. Not one. Mr. COOPER of Pennsylvania. I would like to ask the gentleman whether or not there was any evidence before the committee as to what are these rare and uncommon seeds they propose to distribute?

Mr. CANDLER. That is to be left to the scientists and agriculturists in the Agricultural Department to select.

Mr. COOPER of Pennsylvania. Was the gentleman given any information at all as to what they proposed to do along

Mr. CANDLER. Not a particle, except they said they would to a certain extent be like the 500 packages of novelties that were given to the Members a few years ago, that the seed which would be distributed under this might be prepared to some extent like they were, and a limited number sent out under the direction and with the advice of Members, but that none would be sent out by the Members of Congress themselves.

Mr. COOPER of Pennsylvania. Is it not true that these rare and uncommon seeds they propose to distribute are things that are confined to a narrow section of country, or to warm sections, or some particular climate or locality, and would not

be for general distribution?

Mr. CANDLER. Not knowing what these rare and uncommon seeds would be, I am at a loss to give the gentleman definite information on that subject.

Mr. LIVINGSTON. If the Department of Agriculture is to confine itself to the purchase of rare and uncommon seeds, what was the use of an appropriation of \$238,000? Why was not that amount stricken out, or a large bulk of it.

Mr. CANDLER. The seed men all recommended that the appropriation be retained for the Department, and I presume the Department wanted it.

Mr. LIVINGSTON. Then the purpose is to give the seed men

the market and take the benefits away from the farmer.

Mr. CANDLER. I am just going to say now, and I want to call special attention to this fact, that they have already been engaged in experiments with rare and uncommon seeds under the provisions of the bill as it has existed heretofore; that they can continue that kind of work to the degree that is necessary if the amendment which I propose to offer is adopted in the House. I wrote Mr. Galloway on the subject and asked for in-formation, and I have here his reply, which appears in the hearings:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF PLANT INDUSTRY,
Washington, D. C., December 11, 1906.

Hon. E. S. CANDLER, Jr., House of Representatives.

House of Representatives.

Dear Mr. Candler: I have yours of 10th instant in reference to information regarding the seed distribution. I expect to be present myself at the hearing to-morrow, Wednesday.

I can send no additional data to what was furnished last year, as there have been no specially new developments. Inclosed is copy of letter addressed to you last year; also of one sent to Mr. Tawney, signed by the honorable Secretary.

Special emphasis should be put on the fact that we are not spending \$242,000 for ordinary grain seed, but that the work is divided into three groups:

1. The securing, handling, and distributing of miscellaneous garden and flower seeds, grapevines, strawberry plants, ornamentals, etc., \$132,754.73.

2. The securing and distributing of compressively as the securing as the securing

\$132,754.73.

2. The securing and distributing of comparatively new or little-known kinds of various field and forage crop seeds, such as cotton, corn, alfalfa, etc.; the improvement of the same by breeding and selection, and the general upbuilding of agricultural industries through such work. For this work we expended last year \$72,385.27.

3. The introduction and dissemination of new and promising seeds and plants from foreign countries and the building up of new industries as the result of the work. Last year we expended \$37,780 for this work. I will be glad to explain verbally any further points in reference to the matter at any time.

Very truly, yours,

B. T. Galloway, Chief of Bureau.

Thetefore, under the provisions of the bill as it was passed

last year, this very thing could be done, and I propose to offer exactly that provision this year as a substitute for this provi-They carried on experimentation with rare and uncommon seeds purchased in our own country and rare and uncommon seeds imported from foreign countries, when the seed was distributed through the Members of Congress, paying \$132,000 in round numbers for the Congressional free-seed distribution, \$74,000 in round numbers for the propagation and distribution and experiments in rare and uncommon seeds produced and found in our own country, and \$37,500 to import rare and un-common seed from foreign countries. So under the provisions of the bill as it passed heretofore each and every kind of this work has been done and can be done in the future; therefore, as was suggested by the gentleman from Georgia [Mr. Livingston] a moment ago, \$238,000 might be extravagant to be appropriated for the purpose of investigation, experimentation, of the rare and uncommon seed, and limited to that line because prior to this time the amount that has been used for these two purposes under the bill as previously prepared and passed was in round numbers \$110,000—\$72,500 for home-produced seed and \$37,500 for foreign seed, which made that \$110,000. Now it is proposed under this provision of this bill to appropriate \$238,000 to do identically the work which has been done under the other

appropriation for \$110,000.

Mr. SIMS and Mr. LAMB rose.

The CHAIRMAN. To which gentleman does the gentleman from Mississippi yield?

Mr. CANDLER. I yield to my colleague [Mr. LAMB] for a

moment.

Mr. LAMB. Should this amendment prevail, what will become of the provision carried in the other bill for the distribution of flower seed, and how will you and I send our pretty girls any flower seed?

Mr. CANDLER. We will not have any flower seeds to send to the pretty girls, and they will look longingly with their bright and smiling faces, anxiously desiring the flowers, but we will be compelled to say "No" to the sweetest, noblest, and best of all God's creation, a pure, beautiful girl. [Applause.]

Mr. CLAYTON. Except a white-haired old lady, who is

just as sweet and lovely. Mr. CANDLER. Yes.

Mr. LIVINGSTON. Mr. Chairman, may I suggest to the gentleman from Mississippi, what excuse can we give when we go home if we knock out the appropriation which gives the per capita of this country 2 mills, having increased our own compensation 50 per cent on the floor of this House, what excuse shall we give our constituents?

Mr. WADSWORTH. I should say one was right and the

other was wrong.

Mr. CANDLER. I do not think any man can offer any excuse to justify himself at all when he runs his hands into his pockets and looks the honest old farmer in his face and acknowledges to him that he had the increased salary in his own pocket for which he voted and was enjoying the luxuries, the pleasures, and comforts derived therefrom, and then say to him that while I did that for myself, I took away the single package of garden seeds that has heretofore been sent to you.

Mr. SIMS. I wish to ask the gentleman a question.

Mr. WADSWORTH. Will the gentleman state to the House how he voted on the salary question?

Mr. CANDLER. I voted against it.
Mr. SIMS. I would like to ask the gentleman this question: If the bill as reported by the committee stands, there is \$238,000 to be used for the same purposes that \$110,000 was used last

year. Is that correct?
Mr. CANDLER. That is correct.

Mr. SIMS. Now, was there any evidence before your committee to show that there was any need to increase this \$110,000 appropriation to \$238,000, or that \$238,000 could profitably be expended along the line for which the \$110,000 was expended a year ago?

Mr. CANDLER. I think it could be much more profitably expended by dividing it as it has been divided heretofore. have no doubt but what the Department can use the \$238,000, and will use the \$238,000 in case it is left in the bill as it is now, but as to the profitableness with which it will be used I am not advised, because there was no evidence on the subject.

Mr. SIMS. That is what I wanted to know. Was there any evidence before the committee showing a demand for such use to the extent of more than double the appropriation for last

Mr. CANDLER. No, sir; there was not; on the contrary the printed estimates will show the fact that the original provision was in the estimates just like it was last year.

Mr. SIMS. Then why did the subcommittee, and afterwards the full committee, double the appropriation over and above the

estimate for that particular purpose?

Mr. CANDLER. I am frank to say I voted against it in the committee myself, because I wanted to keep the amount of money in this bill and I wanted the appropriation recommended by the committee for that amount of money, and I believed that when it came to the House this other provision would be inserted and no more money would have to be asked for. That is my reason.

Mr. CLAYTON. Has there been any complaint of the excellent distribution of the excellent seeds by the excellent head of the distribution bureau, Professor Galloway, except the com-

plaint made by the seedsmen?

Mr. CANDLER. None that I have ever heard of from any source whatever. [Applause.] I never heard of any opposition, as I said a moment ago, on behalf of the people. never received a single solitary protest in all my life from a I have received thousands upon thousands of requests from them asking me to send seed to them. I do not get a mail now, not one, but what in that mail I have requests for seed from the farmers of the country, garden seed and field seed, and they ask me for a great many varieties that I can not furnish, because I am not given them by the Department to distribute, and I am asked for flower seed by the ladies in almost every mail, and I keep a sack of flower seed in my office and I keep a sack of garden seed in my office so that I can respond to those requests the day they come to me and send them to them when I am asked for them. [Applause.]

Mr. SHEPPARD. Will the gentleman allow me to ask him

a question?

Mr. CANDLER. With great pleasure. Mr. SHEPPARD. Will he not be will Will he not be willing to extend the scope of the distribution in the amendment he intends to offer by including field seed as well as garden seed?

Mr. CANDLER. With pleasure, if it is not subject to a point

Mr. SHEPPARD. It will not be subject to a point of order

any more than the present one.

Mr. CANDLER. I do not object, but would be glad to see field seed included. I offer the amendment in the language of the last bill because I want a clear-cut and clean issue between this provision and the provision of last year, which we are entirely familiar with from experience as well as observation.

Mr. SHEPPARD. Is not the gentleman willing to fix it to

include field seeds?

Mr. CANDLER. If the gentleman will offer an amendment including field seeds, I will put it in without any hesitancy what-Now, then, I believe this to be the scope of these two provisions. I have tried, in the discussion of the provision which is now in the bill and the provision which I expect to offer as a substitute, to be entirely fair. I have earnestly endeavored to stay within the record as the testimony was developed in the

I have tried to state frankly and honestly the position that we occupy in reference to it, because I believed that the House was entitled to know that. When it comes here, of course, with this provision in the bill, and with the report made, and no minority report, but for an explanation upon that line everybody would have a perfect right to believe it had received the unanimous indorsement of the committee. Therefore I think it is entirely proper to explain that it did not receive the unanimous indorsement of the committee, but that the committee was equally divided upon the question, half of it voting one way and half voting the other.

Mr. LAMB. Does not the gentleman think this very provision

in the bill is subject to a point of order?

Mr. CANDLER. No, sir. Does the gentleman mean this provision here?

Mr. LAMB.

Mr. CANDLER. I am not an expert parliamentarian. I am inclined to believe it would be subject to a point of order. There are provisions in it, I am sure, that are subject to a point

Mr. LAMB. If the gentleman will compare it with the other he will come to the conclusion that it is subject to a point of

Mr. CANDLER. Unquestionably there are provisions in it, I think, that are subject to a point of order, because it is new

Mr. MANN. I will say to the gentleman that if no one else does so, I propose to raise a point of order on a large portion of

Mr. CANDLER. Unquestionably the provision in here providing that these seeds and bulbs and plants shall be distributed

to actual experimenters only for experimental purposes, and that the Secretary of Agriculture shall cause a record to be kept by everyone to whom seeds and bulbs and plants are sent, is new legislation in an appropriation bill, and in my judgment subject to a point of order. But I am not, as I said a moment ago, an expert parliamentarian. That is my judgment only in reference to that matter.

Now, then, I hope, gentlemen, that you will take occasion to examine in the Record, and I will put it there for that purpose, the provision in the bill which will be printed in the Record tomorrow morning, and then the provision which I propose to offer as a substitute for it, and, as I said at the outset, take the two and compare them and see which you believe is for the best interests of the people to whom these seeds shall go, the best method of getting them to the people, and the best method of justly distributing them to all people alike. If you come to the conclusion that the Department of Agriculture, through the Bureau of Plant Industry, can make a better, more equitable, and more just distribution than the representatives in Congress of the people themselves can make, then, of course, I take it that you will vote for the provision as it now appears in the bill; but if you come to the conclusion you know your own people better than the Chief of the Bureau of Plant Industry, that you can distribute the seed to them with greater accuracy, with more equity, in greater fairness, and better than he can distribute them, then I take it you will vote for this provision which I offer as a substitute and which has been in the bill heretofore.

I referred in the commencement of my remarks to the prosperity that exists throughout the country among the farmers. I want to discuss for a short time the development of the South. It is a source of gratification and pleasure to us in that section of the country that the agriculturist is coming to his own once more. [Loud applause.] I am glad to see him taking an interest in his own affairs and fixing, to a certain extent at least, the price of the product that he toils to produce, and not leaving it to Wall Street or to the stock gamblers, the cotton gamblers, the wheat gamblers, and to the gamblers in "futures" price of his product, and say he shall take that, without any regard to its actual and intrinsic value. [Applause.]

It is a source of gratification they are standing together, saying to the people of this country and saying to the people of foreign countries that we propose to fix the price of our products, and if you want them at that price you can buy them if you have the money, and if you do not want them we are able to take care of them and able to keep them; we will build warehouses in which to protect our products from the storms and weather and preserve them for future sale. I hope they will continue to stand shoulder to shoulder, man to man, for their own protection and their own welfare. Before they took this position we sold the cotton crop of 1900 for \$387,000,000. Now, with the farmers standing together, we sold it last year for \$667,000,000. By reason of this action on their part, fixing the price of their own product and not leaving it to the grain gamblers and the cotton gamblers and gamblers in futures to say what it shall be, they raised the price of that product nearly \$300,000,000 and brought prosperity to that section of the country, and in that way brought prosperity to every section of the country, because the prosperity of one section is the prosperity of them all,

There has been established an absolute standard of money in this country, and that standard is gold. I am frank to say that I believed in the free coinage of both silver and gold at the ratio of 16 to 1, without the consent of any nation on earth, and believe it yet under same conditions. But the standard was fixed as the gold standard by law. What has done more to sustain it than any other one thing is the cotton crop, which is exported to foreigners and brings gold to our country. Last year more than a million dollars of cotton each day, Sundays and holidays included, was exported to foreign countries and sold for gold. To be entirely accurate, last year \$401,000,000 worth of cotton was exported and sold and brought that amount of gold to the United States in exchange for that product, which was produced in the Southland.

Cotton is the great leveler in commercial and international exchange; and when I say that I speak advisedly, because that which can control the markets of the world as to money must, to a certain extent, control the destinies of the country and become a great leveler in the transactions between those countries. [Applause.]

I want to tell you that it is a fact that the cotton production in the last five years has amounted to more in dollars and cents than the total world's production of gold and silver both combined. Listen! In the last five years the total value of the world's gold and silver production was \$2,578,852,000. The total value of our cotton crop in the last five years was \$2,974,000,000.

Therefore, the total production of cotton in five years has amounted to more than the total value of the world's production of both gold and silver combined. That being true, then cotton is the great leveler in international trade. We say that cotton is king. Some people say, "No; iron is king." It is said that Mr. Carnegie made the remark that iron is king, and Mrs. Carnegie promptly replied, "If iron is king, then coal is queen." We say that the cotton crop is the king of the commerce of the world, and we do not admit anything to the contrary; but admitting, for the sake of argument, that iron is king, we stand in just as advantageous a position in reference to that great product as we do in reference to the cotton.

We find by investigation that there are in the Southland today 62,500 square miles of coal, while in England and Germany combined there are only 12,000 square miles and a little over. So within the borders of the Southland we have not only more coal land than both Germany and England combined, but more than all of Europe put together. So if iron is king and coal is queen, how does the country stand that possesses unquestionably that which is the king, namely, king cotton, and then possesses a majority of the iron lands of this country and a majority of the coal lands of this country? Having the two kings and the queen in the Southland, we ask nothing of anybody else. [Applause. 1

One other thing and then I shall be done. The one other great product in this country is timber. And do you know that to-day more than half of the standing timber in the United States is south of Mason and Dixon's line? So when we have the cotton, when we have the iron, when we have the coal, and when we have timber, all within that section of the country, no wonder that prosperity has perched upon our banners; no won-

der that we are happy and rejoicing. [Applause.]
Forty-five years ago those of the South who were old enough to be away from home were engaged in the conflict that was When those men returned to their homes then in progress. they found devastation and destruction on every hand; but standing brave, courageous, and noble as they were, asking no favors and no concessions, the only thing that they ever have asked and the only thing that we ask now is that we shall be permitted to work out our own salvation under the shining canopy of God Almighty's heaven, trusting to Him for guidance, protection, support, and comfort; looking to Him for the sunshine and the showers, for those things that will bring from the earth the production which will yield happiness, peace, and joy to our people. To-day we are coming back to our own. We are reaching the point where we can take care of our own affairs without asking anything from anybody anywhere. Only a few years ago we had to go to Wall Street or to some commercial center, to some great banking institution, to obtain the money with which to transact our business; but last year the people of the South were able to market their own cotton without asking a favor from any source, without asking a loan from anywhere; and this prosperity that has come over the Southland has permeated all this country of ours.

William D. Kelley said years ago that the prosperity of the South was the prosperity of every section of the country; and that is absolutely true. He looked forward to this day and saw with prophetic eye that the time would come back again when the Southland would blossom like the rose and when joy and happiness would be round about. That time has come. It will continue, and there is a greater time ahead of us for our people, if they will care for the heritage given to them and not waste it or fritter it away. We have stood upon the chivalry of our manhood and the purity of our womenhood, and upon that foundation we have builded a superstructure that has towered heavenward and shines in the very presence of God [Great applause.]

But we are all prosperous, I am glad to say, and I am glad that the time has come, and I hope it will grow stronger every day, when we shall have an interest one with another throughthis great, broad land.

When I came to Congress I said it was my purpose to be the Representative not of one section against the other, but to do anything I could and to exercise any influence I might possess and all the ability God had given me to develop and upbuild every section of our country from one end of it to the other. [Great applause, ]

I have tried to pursue that course since I have been here. Whether I have succeeded or not I do not know, but I expect to pursue that course in the future. I want to see this the greatest country, as it is, on the earth. I want to see this great country more powerful as the years go by. I want to see us all stand together as one people, working each with the other, looking wherever good may be done, and lending a helping hand to any section or any State or any community wherever the Government can constitutionally and lawfully extend its aid for its upbuilding and for its development. When that time shall arrive then we shall all consult in reference to governmental affairs. There was a time, and to some extent it existed a long time, when we were practically shut out from the councils of the Republic. Now we are back, and let us all be together, let us consult one with the other, and all work together for the advancement, the upbuilding, and glory of our beloved country; yes, let us all stand for an indissoluble Union of indestructible States, all clustered around and bearing allegiance to the Stars and Stripes, the emblem of liberty, our country's glory. Let the Angel of Peace kiss the frown from the brow of the Republic, and let the smile of an approving Heaven rest upon a great and reunited people. I am profoundly grateful to the membership of the House for your close attention and indulgence. Please accept my thanks. [Loud and prolonged applause.]

## MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Lowden having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Parkinson, its reading Clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 17099. An act to authorize the refund of part of fines imposed on the vessels Sotie R, Mathilda R, and Helen R; and H. R. 21677. An act to amend an act granting to the Daven-

port Water Power Company rights to construct and maintain a canal, power station, and appurtenant works in the Mississippl River in Scott County, Iowa.

The message also announced that the Senate had passed with

amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 24541. An act making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes.

## AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. WADSWORTH. I now yield forty minutes to the gentleman from Kansas [Mr. Scott].

Mr. SCOTT. Mr. Chairman, my colleague on the committee, the gentleman from Mississippi, with his usual eloquence and emphasis, with his characteristic acuteness and adroitness, has presented the view of the minority of the committee on this immortal seed question, a question which, like the poor in Scripture, we seem to have always with us. It had not been my intention or expectation to participate in this discussion, but in view of the fact that I hold with the majority of the committee in the report that has been made it would not seem out of place for me to state the reasons which influenced the majority in bringing in this report. I shall try to state these reasons briefly and dispassionately, because I believe they will appeal to the judgment of this House.

If we were of the opinion expressed by the gentleman from Mississippi, that this is a contest between the seedsmen and the farmers, his speech would have been unnecessary, because not one vote could have been obtained upon the floor of this Chamber for the proposition opposed to the one that he supports. we can not agree with that opinion for a great many reasons,

some of which I wish to present to this Chamber.

The majority hold, in the first place, that what has been known as Congressional free-seed distribution is unwarranted by any sound principle of government. The gentleman from Mississippi [Mr. CANDLER], in reply to a question, stated that there was no difference in principle between the proposal in the bill now before the committee and that involved in the Congressional free-seed distribution. I am sure that upon reflection he would not make that statement, for he is a man of too keen intelligence to fail to note the distinction between a proposition authorizing the Secretary of the Department of Agriculture to distribute plants and seeds for experimental purposes with a view to promoting the agricultural interests of the country, and a proposition to make a present to individual American citizens of a small amount of common ordinary garden seeds which they can obtain at any crossroad. I insist that as a matter of principle, of governmental policy, it would be absolutely impossible to differentiate between a proposal to distribute seeds to individual citizens and a proposal to distribute jackknives or lead pencils among individual citizens; and I maintain that as a matter of governmental policy it is wholly indefensible to take the money from the public Treasury, put there by taxes levied upon all the people, and spend it in making presents to a few of the people. It is that fundamental proposition upon which the majority of the committee rests its opposition, in the main, to this distribution.

In the second place, we opposed it because we do not believe

that it is authorized by law. The law creating the Department of Agriculture contains these words:

That there shall be established at the seat of Government of the United States a Department of Agriculture \* \* \* to procure, propagate, and distribute among the people new and valuable seeds and

The Department is constituted for the purpose of distributing new and valuable seeds and plants, not common and ordinary garden varieties of seeds and plants. That is absolutely the only authority in the statutes of the United States upon which this distribution rests, and I do not believe that upon that authority any warrant can be found for the practice of general free seed distribution.

Mr. ZENOR. I desire to ask the gentleman what he cites

from?

Mr. SCOTT. I cited the act organizing the Department of Agriculture, approved May 15, 1872.

Mr. CRUMPACKER. Will the gentleman answer a question

at this time?

Mr. SCOTT. Certainly; I yield to the gentleman.

Mr. CRUMPACKER. Does not that act also authorize the Secretary of Agriculture to buy seeds that may be improved by transporting them from one place in the country to another?

Mr. SCOTT. The paragraph in the act to which the gentleman from Indiana refers is doubtless section 527, which reads as follows:

SEC. 527. The purchase and distribution of seeds by the Department of Agriculture shall be confined to such seeds as are rare and uncommon to the country, or such as can be made more profitable by frequent changes from one part of our own country to another; and the purchase or progagation and distribution of trees, plants, shrubs, vines, and cuttings shall be confined to such as are adapted to general cultivation and to promote the general interests of horticulture and agriculture throughout the United States.

I do not see that the paragraph I have just read changes in any degree the evident intention of the original act under which

the Department was organized.

In the third place, the action of the majority of the committee was taken in consonance with the recommendation of the Secretary of Agriculture and those under him who are immediately connected with the work of the Bureau of Plant Industry. Secretary of Agriculture, in his annual report for 1903, made the following recommendation with regard to securing and distributing miscellaneous garden and flower seeds, and I beg to emphasize this and impress it upon the minds of those who seem to be of the opinion that nobody but the seed men are protesting against this distribution; that nobody representing the farmers is in favor of discontinuing it. There is not a Member on this floor who does not accord to the distinguished Secretary of Agriculture the most single-minded devotion to the interests of the farmers of this country, and his recommendation would seem to me, based as it is on a lifetime of experience as an actual farmer and on nearly twelve years of experience as Secretary of Agriculture, to be well worth the serious attention of the membership of this House. He says:

With regard to the securing and distribution of miscellaneous garden and flower seeds, the fact remains that this work does not accomplish the ends for which the law was originally framed. These seeds are the best that can be obtained in the market, but from the fact that large number of packets are wanted the seed obtained can be of standard sorts only, such as are to be found everywhere for sale in the open market. As there is no practical object to be gained in distributing this kind of seed, it seems very desirable that some change be made. To this end it would seem wise to limit our work entirely to the securing and distributing of seeds, plants, etc., of new and rare sorts.

And it is precisely in line with that recommendation that your committee has brought in the paragraph which is now in the bill.

Mr. LAMB. May I interrupt my colleague a moment there? Mr. SCOTT. Certainly.

Mr. LAMB. Can the gentleman account for the changed opinions of the Agricultural Department from last year when this discussion was up and now?

Mr. WADSWORTH. Why, there has been no change.

Mr. SCOTT. I don't remember that there has been any change.

Mr. LAMB. Yes; and I will produce the letters, and I will

refer the gentleman to Doctor Galloway's testimony.

Mr. WADSWORTH. That was because contracts had already been entered into which could not be broken. This bill was under consideration in June last, and the seeds for this year, which will be distributed now, were under contract and they could not be changed.

Mr. LAMB. My friend the chairman misunderstands me. When these hearings were had last year we had Mr. Galloway before us, and I will turn to the record. I have just been reading it a little while ago, and it is a strong indorsement of

the law as it now stands.

Mr. SCOTT. The gentleman from Virginia must have forgotten that the recommendation of the committee last year was

to strike out the entire paragraph in regard to the distribution of seed.

Mr. LAMB. No; I have not forgotten it.

Mr. SCOTT. I think it is entirely likely that Doctor Galloway did offer an adverse opinion to such action as that, but I am very certain from conversations which I have had with both the Secretary and Doctor Galloway that they have been of the opinion for many years that the real interests of agri-culture would be much better advanced by the distribution of new and valuable varieties.

Mr. SHACKLEFORD. In that connection I would like to ask

a question.

Mr. SCOTT. I yield to the gentleman. Mr. SHACKLEFORD. This question having been before Congress a number of times, where it has been passed upon by representatives of the people speaking in favor of this distribution, does not the gentleman from Kansas think that the Secretary of Agriculture and Doctor Galloway also should accept the verdict that has been rendered by the representatives of the people, and stop logrolling and lobbying against this sort of legislation?

Mr. SCOTT. I am quite sure that upon reflection the gentleman from Missouri will not accuse either Doctor Galloway or the Secretary of Agriculture of logrolling and lobbying for any

legislation.

Mr. SHACKLEFORD. I will not call it that, but they are constantly making reports which are read here in opposition to this proposition, when year after year Congress, representing the people, have declared that they favor that policy. Now, would it not be better for those gentlemen to carry out a policy that the people have declared for rather than spend their time always in trying to obstruct policies which the people favor?

Mr. SCOTT. In reply to the suggestion of the gentleman from Missouri, I wish to say that the Department of Agriculture has always carried out with scrupulous care the direction that has been given by any act of Congress. I wish to call the attention of the gentleman from Missouri, however, and also the other Members of the House, to the fact that the proposition that comes before us this year is in a very different shape from what it was last year, or what was brought before the House on any preceding year of which I know. Last year the proposition was to strike out of the agricultural bill entirely any appropriation for the distribution of plants and seeds of any character, whether new or valuable or common and ordinary. the proposition is to retain the distribution of new and valuable varieties of seeds and carry that forward as it has been done under authority of preceding acts while we strike from the bill only that part of the old law which related to free distribution of common and ordinary varieties of seeds. this presents a very different problem indeed, and I think because it presents a different problem that the officials of the Department are entirely right in coming before the committee when they are sent for (and they never have volunteered to come, they always wait to be called) and giving their opinion as to what plan would bring the best results.

Mr. SHACKLEFORD. Is this new plan now another campaign by which the seedsmen hope to flank our position on the other proposition of having the free distribution of seeds?

Mr. SCOTT. I wish to say that the seedsmen are not in any degree responsible for the provision which is offered in our present bill. That provision was drawn in the office of the Secretary of Agriculture, I presume by Doctor Galloway or perhaps upon consultation with the Secretary himself. And I would like to say further in this connection, while I have no criticism to offer upon the seedsmen for sending their representatives before the committee, that it was the unanimous opinion, I think, of my colleagues on the committee that they made a very poor showing of a very good case. I do not believe there was a man on the committee whose vote was influenced in any degree by any facts which were brought before the committee by this representation from the seedsmen. I wish also to make the further statement that the committee, it seems to me, does not deserve the insinuations that have been cast against it of being influenced by a lobby which had no right to be here. It is a matter well known to all Members of this House that the labor organizations of this country maintain a lobby here in Washington. It is well known that other interests maintain a lobby here.

Mr. SHACKLEFORD. Do the farmers?

Mr. SCOTT. I will come to that. No one criticises the labor unions or other interests for seeking to secure fair legislation. These men come before the committee openly and aboveboard to represent their interests, as they have a perfect right to do. The gentleman from Missouri asked if the farmers have a lobby. I desire to say that the farmers of the United States are well

represented before the Committee on Agriculture. A majority of the members of that committee are practical farmers.

They call before them every year the Secretary of Agriculture, who is the attorney at large, I think I may say, for all of the farmers of the United States. His aids and chiefs of the different bureaus are brought before them. Every year there come before us officials of the agricultural colleges, representing the farmers certainly, if any body of men can be said to represent them; and I believe it can be truthfully said the interests of the farmers are most carefully represented before the Committee on Agriculture.

Mr. RHODES. Mr. Chairman, a few moments ago the gentleman from Kansas [Mr. Scott] stated that it had always been the purpose and the practice of the Secretary of Agriculture to carry into execution the wishes of the Congress. I here wish to remind the gentleman of this fact, that my colleague [Mr. MURPHY] at the last session of Congress offered an amendment to this bill, which was adopted, providing for an appropriation of \$5,000 to be expended in the Ozark regions of Missouri for the investigation of the apple scab, a disease known to horticulturists and orchard people. I beg to inquire of the gentleman why that amount was not expended, as directed by the action of the Congress of the United States?

Mr. WADSWORTH. Does the gentleman know it was not ex-I remember the item perfectly.

Mr. RHODES. I was advised on Saturday that not one cent of it had been spent.

Mr. LEVER. As a matter of fact, was it not stricken out in

the Senate?

Mr. WADSWORTH. The item was in the bill. I remember it perfectly, and I am astonished when the gentleman asserts that it was not expended.

Mr. MANN. The gentleman should understand that it was

only last year that the appropriation was passed. There are four seasons in the year and-

Mr. WADSWORTH. Is the gentleman from Missouri [Mr. Rhodes] quite sure of his statement?

Mr. RHODES. I am quite sure. Mr. Chairman, in response to the gentleman from Illinois, I will say that four seasons of the year have fully come and gone, and if there are other seasons to which he refers, I know not what they be.

Mr. MANN. The four seasons have not come and gone since the agricultural appropriation bill became a law at the last

Congress.

ongress. The gentleman is entirely mistaken. Mr. WADSWORTH. It has only been in operation six months.

Mr. MANN. The Agricultural Department doubtless has not had time to make preparation to carry on this investigation after the first of the fiscal year, and, in my judgment, it does not run out until the 1st day of next July?

Mr. RHODES. With that explanation I feel satisfied.

Mr. MANN. It may be a continuing appropriation.
Mr. SCOTT. Concurring in what has been said by the chairman of the committee and the gentleman from Illinois, I wish to say I have no doubt that the particular work to which reference has been made will be carried out. There yet remain nearly six months of the period for which the appropriation was made, and I think upon application to the Secretary the gentleman will get a satisfactory answer to his question.

Mr. JAMES rose.

Mr. SCOTT. I yield to the gentleman from Kentucky [Mr. JAMES

Mr. JAMES. If I understand the gentleman's contention, it is that this is no fight between the farmers on one side and the seed sellers on the other?

Mr. SCOTT. That is my contention.

Now, I would like to have the gentleman en-Mr. JAMES. lighten this House as to who is paying William Wolfe Smith to maintain headquarters here in Washington and send letters to Members of Congress like the one I have in my hand.

I have no doubt that the Seedsmen's Associa-Mr. SCOTT. tion is paying the salary of Mr. Smith, the same as the labor organizations are paying the salaries of men to represent them.

Mr. JAMES. Are they doing that from patriotic motives to benefit the farmer, or from sordid motives to benefit themselves? Mr. LILLEY of Connecticut. What has that got to do about

Mr. JAMES. A good deal "to do about it." Mr. LILLEY of Connecticut. That has no relevancy to the expenditure of this money.

I am not responsible for the gentleman not see-Mr. JAMES.

ing that point.

Mr. SCOTT.

Mr. Chairman, I must protest against a colloguy in my time in which I do not participate. fluenced by selfish motives, and I have no doubt that the seeds-

men themselves would be the first to admit they are maintaining an organization for the purpose of benefiting themselves. think the gentleman from Kentucky [Mr. James] would hardly

deny they had that right.

Mr. JAMES. Yes. That is why I wanted to get the point before the committee, so that the Members might understand this agitation against the farmers having free seeds-that it did not start with the farmers themselves, nor was it started on behalf of the farmers, but it was started by the seed producers and seed sellers so that they could benefit themselves by selling to the people the seeds which are now furnished by the Government.

Mr. SCOTT. I think I can present some facts before I close that will convince the gentleman from Kentucky [Mr. James] and the other members of the committee that he is entirely mistaken when he says that the agitation started with the seedsmen and not with the farmers themselves. I do not refer to it at this time, because I want to proceed in an orderly manner, but I will reach it in a few minutes.

Mr. JAMES. I will be glad to see it.

Mr. DAVIS of Minnesota. I would like to interrupt the gentleman.

Mr. SCOTT. Along this line?

Mr. DAVIS of Minnesota. Along the line of the seedsmen and something Doctor Galloway should have said.

I will yield to the gentleman from Minnesota Mr. SCOTT. [Mr. Davis].

Mr. DAVIS of Minnesota. In the hearing which we had during the recent sessions of the Agricultural Committee, this testimony was given. I am reading from the beginning on page 32 and ending on page 33. It bears directly upon the point as to who is the greatest beneficiary under the present system that we desire to keep in vogue. I asked the following questions of

Mr. Davis. You would like the Department to go to the expense of introducing or propagating this new variety of seeds and then allow the seedsmen to sell them to the farmers at high prices. Is that it?

Mr. Forbes. I beg your pardon, Mr. Davis. We do not look for that assistance. We have been able to take care of ourselves in that way

Mr. Forres. I beg your pardon, Mr. Davis. We do not look for that assistance. We have been able to take care of ourselves in that way all these years.

Mr. Davis. I understood that the first expense in bringing forward a new seed you wanted to get rid of, and have the Department do that, and then allow you to distribute them at high prices?

Mr. Forres. No; we are willing to go on as we are going; but if Congress wants to assist us to the extent of helping us to find new, rare, and valuable varieties, such as we can not reach, we would be glad to have the assistance. You know, we travel far and near, going to Europe, to California, and sometimes to Australia, and have been hunting for newer varieties for decades. We are doing it, I think, fairly well.

Mr. Davis. But as soon as the seed becomes generally known do you not want Congress to stop distributing it and let you distribute it—as soon as it becomes well known?

Mr. Forres. We have a perfect right to get the same seeds that Congress will be instrumental in bringing into the country. We have a right, in common with the general agricultural public, to procure some of these new, rare, and valuable varieties that the Department will be instrumental in bringing in, and I hope they will be able to show us the way better than we have been doing it thus far.

Here is the nub of what I wanted to get at:

Here is the nub of what I wanted to get at:

Mr. Davis. But I am getting at the result when the Department gets the seed established. Then you want them to drop the distribution? Mr. Forbes. Certainly.

That, I claim, is the point. As soon as the Government goes to the expense of it, not the distribution, then the seedsmen want to distribute it. Is not that the idea of the seedsmen—to let the Department furnish it?

Now, on another point, reading from the hearing of Mr. Gal-I understand the gentleman says that this has been a distribution of simply common varieties of seeds. In the hearings of January 25, 1906, on pages 232 to 235, Doctor Galloway made the following statement:

made the following statement:

Mr. Galloway. I can make a statement now; yes.

I want to say that of the 477 Members—and I come in contact with nearly all of them in one way or another at some time—this is the first statement of that kind that has been made—that is, that there are more complaints about the worthlessness of the seed than there are about the goodness of it; because I do not see how anyone who took the ordinary precautions with the seed we send out could help from getting results. We send out seed that must necessarily be better than the ordinary seed that the seedsmen can secure.

Mr. Scott. Why?

Mr. Galloway. For the reason that we buy our seed in this way: In the first place, a considerable portion of the seed is grown for us out of what we call our own stock. We know the full history of the stock. We get, for example, a pound of lettuce seed of a high quality, and it is true to name. We can take that pound of lettuce and turn it over to a reliable man in California and get 100 pounds that is absolutely true to stock, and in order to make it true we send a man into the field where that lettuce seed is grown and have him rove the field—that is, we eliminate all of the lettuce before the seed have gotten away from the desirable characters. We have for that work a man who has had more experience than any other man in the United States—Mr. W. W. Tracy, sr. His special business is to keep track of our stock. That is the stock we start with. That is done for the greater portion of our seed, and the other we buy out of stock or in the open market under these conditions: We buy to-day, for ex-

ample, a lot of onion seed. That onion seed, we provide in the contract, must not only be true to name, but must have a certain standard of vitality. It is sent here, and more or less of it is tested in our laboratory, and if it does not come up to our standard it is rejected.

If it is found it is not true to name—and we can only determine that after our field tests are made the following summer—we always withhold a certain amount of pay to cover that; but then during the following summer we make field tests at the Arlington farm and six or seven other places, in cooperation with the experiment stations, of all the seed that enters into the Congressional distribution. We test it for vitality in the laboratory, and we test it for trueness to name in the field.

Mr. Scott. Where is your seed grown?

Mr. Galloway. The seed is grown all over the United States.

The point I make is this: First the seedsmen want to get

The point I make is this: First, the seedsmen want to get them, but they do not want the Government to distribute a single package of the seed after establishing a good variety, but to allow the seedsmen to take them and make money out of

Mr. SCOTT. I would have admitted at once, if the gentleman had intimated what his point was, that the seedsmen are prompted by selfish motives in the conduct of their business, as all other men are; that it will be of advantage to them, and they will always take advantage of it, to have this work carried on by the Government. But I maintain that this fact should not in the least degree alter the policy of the committee or of Congress. We are legislating for the whole country, and if our legislation is wise for all the people, we should not withhold it because it may happen to help the seedsmen along with the rest of the people. Under the provisions of former appropriation bills the Government has been spending nearly half of the appropriation for seed distribution in the exploitation of new and valuable varieties, and the seedsmen have had opportunity to take advantage of that fact. They may get a little greater advantage of it if the appropriation is increased, but it will be merely to the extent of the increased appropria-It will not change the principle under which we are operating in any degree.

Now, I wish to go back to the line of argument which I had in my mind in the beginning. I said that we proposed a new plan, first, because we believed the old plan was contrary to sound governmental policy; and, second, because we believed it was contrary to the acts of Congress establishing the Department of Agriculture. I followed that up by giving an extract from the report of the Secretary of Agriculture, showing that he condemned the free-seed distribution, and recommended the plan which has been brought in here by your committee.

I wish now to call the attention of the committee to an expression by Doctor Galloway, the Chief of the Bureau of Plant Industry, who appeared before us to present the paragraph now under discussion. You all know, of course, that Doctor Galloway is the Chief of this Bureau, has long been in the service, is one of the ablest men in the Department, and upon introducing himself he stated that he came there representing the views of the Department in this case; that he had talked it over carefully with the Secretary and was sure what he had to say would meet with the approval of the Secretary.

He was most emphatic in appealing to the committee to adopt the paragraph which is now in the bill; and in response to a question from the gentleman from Colorado [Mr. Brooks] he made a remarkable statement as emphasizing the value of the work that might be done under this paragraph. Mr. Brooks asked him if he would not give a specific example of the benefits that had accrued to the agriculture of the country by reason of the introduction into the country of new types of seeds and plants, and suggested the wilt-resisting cotton, the seedless orange, and the durum wheat.

Mr. Galloway responded that in his judgment the introduction of these three plants had been worth up to date at least \$25,000,000 to the people of this country.

Mr. Brooks inquired of him:

Did you ever know of any practical advantage that came to the agriculturalists of the country by the distribution of lettuce, radishes, onlons, and beets?

And the question seemed so preposterous, in view of the sentiments which Doctor Galloway had expressed, that he replied:

You are not asking me that question?

And Mr. BROOKS said:

No: I will withdraw that.

And there was laughter. Everyone who was in the committee room understood perfectly well that Doctor Galloway did not answer the question as to the good that had resulted from the distribution of common seeds, because there was no good, because there was not any such result, in his judgment.

Mr. Brooks followed his line of questions a little further. said:

In your judgment, Doctor Galloway, is there any Congressional district in this country where you can not profitably expend your energies along the line laid down here?

And Doctor Galloway answered:

Not one.

So that we have the Secretary of Agriculture and the Chief of the Bureau of Plant Industry emphatically on record as favor-

ing the change which the bill proposes to make.

Now, I call your attention to some other sentiments in this same line. The question has been asked here a great many times in this discussion, who was here to represent the farmers, and what evidence was there to show that the farmers were in favor of the discontinuance of the Congressional distribution of seeds and the change to the new plan that has been proposed. I hold in my hand the printed report of the hearings that we had on this subject before the Committee on Agriculture, and on page 69 I find a summary of the expressions from agricultural colleges on this question, and these brief extracts, only a sentence or two from each man quoted, occupy more than two pages of small type in this volume of hearings. I will read just one or two, to give you a sample of the sentiment expressed.

Mr. George B. Ellis, secretary of the Missouri State board of agriculture (may it not be assumed that he represents the

farmers?), says:

I am heartly in sympathy with the movement to discontinue the free distribution of seeds to farmers. Of my own personal knowledge I know that 99 per cent of the farmers who receive these seeds do not appreciate them and receive very little benefit from them.

Similar statements appear here from the director of the North Carolina Experiment Station; from Mr. A. M. Ten Eyck, professor of agronomy, Kansas State Agricultural College; from Mr. Alfred Atkinson, of the Montana Agricultural Experiment Station; from Mr. W. H. Stevenson, professor of soils, Iowa State College and Experiment Station; from Mr. E. Mead Wilcox, botanist of the Alabama Agricultural Experiment Station; from professors of the University of Illinois, University of Nebraska, University of Minnesota, the Minnesota Experiment Station, and scores of others, which I will not take the time of the committee to read. All declare that, in their judgment, the Congressional seed distribution is absolutely of no value to the agricultural interests of the country, and demand in the name of the formors that the system be changed. So much for the of the farmers that the system be changed. So much for the sentiment of agricultural college workers.

Now, the printed report of this same hearing presents the view of the granges and other farm organizations of the coun-I read from resolutions of the National Grange, Patrons of Husbandry, representing 800,000 farmers, adopted at Denver,

Colo., in November, 1906:

Whereas Congress annually appropriates \$242,000 for the purchase of field, flower, and garden seeds, most of which are of a common variety;
And whereas the Department of Agriculture at Washington expends as much more in their distribution, making, in round numbers, a half million dollars;
And whereas the farmers of the country receive comparatively no benefit from it, we believe the money could be more wisely expended: Therefore he it.

efit from it, we believe the money could be more wisely expended: Therefore, be it

Resolved, That we reaffirm and readopt the resolution unanimously adopted by the National Grange at its session held at Portland, Oreg., in November, 1904, which is as follows:

"We are unanimous in the conclusion that while the Agricultural Department at Washington should exert due diligence in its research for new food, forage, and other plants, and while there is something that can and perhaps should be done through the exchange of seeds, we can not conclude otherwise than that the general and free distribution of the many kinds and varieties of garden and field seeds by the Department is without benefit in any important sense and should be abandoned."

So you see that as long ago as 1904 the national grange had taken exactly the same position on this question, long before this alleged lobby had been organized or any newspaper bureau had been employed to concentrate sentiment upon Congress

The Farmers' National Congress, composed of a thousand delegates-can anyone assume that these men did not represent the real sentiment of the farmers, that the farmers composing this national congress were speaking without knowledge of the views of their constituents? That organization, which met at Quincy, Ill., last autumn, adopted this resolution:

Resolved, That we are opposed to the system of seed distribution as now conducted by the Federal Government, but believe in the work of exploring foreign countries for such seeds and plants as may be profitably introduced into this country, and recommend that the money expended for seed distribution as now conducted be added to the fund for maintaining American seed and plant explorers in other countries under direction of the United States Department of Agriculture, and the distribution of the same among the agricultural experiment stations of the country for practical test.

The paragraph we have introduced in the bill follows almost identically the line suggested by this resolution. I could occupy the time of the committee for hours in reading similar sentiments, but I do not want to weary you, and I shall not do so, although I have before me resolutions from practically every State grange in the United States and from innumerable subordinate granges cordially approving the purpose that is now before the House. If gentlemen will examine the hearings on this subject, they will find that from page 99 to page 114, inclusive, fifteen pages of solid type, the space in these hearings is occupied in giving the names of organizations and of newspapers and in noting the writers of individual letters in support of the proposition which is brought before your body to-day.

I want to read a few lines to show the sentiment that prevails in my own State. Here is an extract from a letter written by J. W. Berry, president of the board of regents of our State agricultural college, himself a practical and highly successful farmer, now a member of the State senate, and a gentleman who has been connected with farming all of his life. He surely can speak for the farmer, and he says:

This political seed sowing is entirely discredited by practical farmers. I am sure there is not a farmer in this county who would defend it or even apologize for it.

Mr. Frank C. Pomeroy, a member of the Kansas house of representatives, says:

I am a farmer and as such have received many packets of seeds, but would far rather buy my own from reliable seedsmen. The free distribution is a farce and should be abolished.

I have a number of letters here from the editors of country newspapers in my State, not reprints of manufactured editorials that have been sent to them for publication, as has been suggested, but personal letters that they took the time to write with their own hands. One of them is Mr. J. E. Junkin, who is at present the president of the National Editorial Association. He says:

The newspapers of Kansas regard the distribution of garden seeds by Congress as a joke. The appropriation devoted to improving plants would really bring some benefit to the agriculturists of the country.

These are only samples of expression, which could be duplicated by the hundred, to show that the country press, which must surely reflect the sentiment of the farmers, upon whom it depends for support, regards the old plan as a farce and a

The agricultural press of the United States also is a unit in support of the proposition now before the committee. At any rate, there was not brought before the Committee on Agriculture the name of a single agricultural newspaper in opposition to that proposal.

The CHAIRMAN. The time of the gentleman has expired. Mr. WADSWORTH. I ask unanimous consent that the gen-

tleman be allowed to finish. The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from Kansas be allowed to finish. Is there objection?

There was no objection.

Mr. SCOTT. I thank the committee for its courtesy, and shall endeavor not to abuse it. I think I have shown in bringing before the House some of the testimony which was brought before your committee, that the agricultural sentiment of the country is practically unanimous in opposition to the old plan and in support of the new plan. I do not question for a moment that there is a demand for these seeds. I think if we were to advertise throughout the country that Congress was going to buy \$238,000 worth of jackknives, we would have an application or two from our constituents to share in that distribution. But the fact that there is an application for something which can be obtained without money and without price does not warrant us in reaching the conclusion that the agricultural interests of the country would be advanced by yielding to that demand.

Mr. CRUMPACKER. Will the gentleman yield for a ques-

Mr. SCOTT. I yield with pleasure.

Mr. CRUMPACKER. I have wondered since the free distribution of Congressional seeds, as it is popularly termed, has been eliminated from this bill, why the entire appropriation has been recommended. If there is to be no saving by the change, I am one who believes it would be better to continue after the old fashion. I want the gentleman to state if he regards it as necessary to appropriate \$238,000 for the purchase of new and rare seeds and bulbs, to be used only by experimenters? of that large sum necessary after the popular distribution of garden seeds shall be eliminated?

Mr. SCOTT. In reply to the gentleman from Indiana, I would say that I do not regard the appropriation of that large sum as absolutely necessary any more than I would regard the appropriation which we make for the effort that is being made to exterminate the gypsy moth in Massachusetts as absolutely necessary. The country could get along without either of them. The sum was fixed as named in the bill for the reason that the Department officials came before the committee and told us they could use that amount to advantage in promoting the interests of the farmers of this country.

A good deal of emphasis was laid by the gentleman from

Alabama [Mr. Clayton] in the colloquy with the gentleman from Mississippi [Mr. Candler] upon the idea that under the proposed plan the Secretary of Agriculture may concentrate his distribution of plants and seeds into one district or into a few districts and in that way make this authority a political bludgeon. I wish to call the attention of the House to the fact that the paragraph in last year's bill, the paragraph which has been in all bills for many years, contains precisely the same provision as far as the distribution of seeds is concerned. There is not a line or a word in the bill of last year that would prevent the Secretary of Agriculture from sending every package of the Congressional seeds into one district. I will not take up the time of the committee to read the language, but any gentleman who desires to do it can read it and verify my statement. Under the language of last year's bill the Secretary is not required to distribute these seeds pro rata, giving to each Member of the House and Senate his proportionate share. It is left to the discretion, to the sound sense, and to the honesty of the Secretary of Agriculture.

Mr. CLAYTON. I would ask the gentleman to read the lan-

guage to which he refers.

Mr. SCOTT. I refrained from reading it only because I did

not want to occupy so much time.

Mr. CLAYTON. The gentleman's conclusion may be correct, but I doubt it very much, and I would like to have him read the language.

Mr. SCOTT. Here is the language:

An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture, after the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents or mailed by the Department, upon the receipt of their addressed franks, in packages of such weight, etc.

Mr. CLAYTON. Does not that language say that there shall be an equal proportion to the Members of Congress and the Sentors? Does it not bear out the contention I made and still make, and has not that been the uniform practice of the Department of Agriculture to so construe that law?

Mr. SCOTT. It has undoubtedly been so construed. I had not believed that the wording warranted that construction, that

it necessarily compelled it. It may be the gentleman is right.

Mr. CLAYTON. Is not the gentleman, in view of the section
of the law that he has just read, willing now to take back his assertion that he made a while ago? In all frankness and candor, was not the gentleman mistaken in his conclusions made a moment ago, and does he not now in all frankness and candor retract the same? [Laughter.]
Mr. SCOTT. I will say frankly that I had not observed the

words "equal proportion.

Mr. CLAYTON. That is the reason I wanted the gentleman to read it. I know that the gentleman, like myself, wears glasses and sometimes he misses a word, and hence I wanted him to read it. Now, I ask the gentleman to be frank and candid in accordance with his usual custom and to admit that he was in error.

Mr. SCOTT. I have just said that I had not observed the word "equal" in glancing hastily over this language, and if it affords the gentleman any satisfaction, I hope he will notice that I have made this admission, and I am sure he will agree that my former statement was not made with any intention to mislead the House. Indeed, it was not essential to the argument I had in mind to make, and that is this: That there can not be vested in any authority great power for good which does not carry with it a possibility of a great influence for evil. proposal now before the House gives to the Secretary of Agriculture the authority to distribute these seeds and plants for experimental purposes in his discretion, and of course it is true, as the gentleman has suggested, that he might concentrate all of that distribution in a small section of the country, but I am sure that neither the gentleman nor any Member of this House would believe for a moment that the Secretary will do that.

I wish also to call attention to what I think is the undue emphasis that has been placed upon the difficulties that might arise under the proposal here to place these seeds and plants in the hands of actual experimenters. Doctor Galloway outlined to the committee the plan which he proposed to follow in the event of the enactment of this legislation. He said, in brief, that he would ask a Representative, for example, to supply him with the names of a hundred men among his constituents whom he could recommend as intelligent and substantial farmers, and to those men he would send the seeds and plants with

which he wanted to have experiments conducted.

Mr. SULLOWAY. Will the gentleman allow a question?

Mr. SCOTT. I yield to the gentleman.

Mr. SULLOWAY. Does not the gentleman think it would

make it very interesting for those of us who want seeds if we had to select a hundred names out of our constituency of men who are farmers?

Mr. SCOTT. I think it would be just about as interesting as it is now to select 12,000 men from amongst 45,000 families.

Mr. SULLOWAY. Oh, that is not a fair statement of it.

Mr. SCOTT. I do not see any difference.

Mr. SULLOWAY. Besides that, we sometimes get more than twelve thousand. As the gentleman knows, there are a number of gentleman on the floor who come from cities and who have no occasion for seeds. They are left to the Secretary, and he distributes them.

Mr. SCOTT. The gentleman must acknowledge no matter how industrious a Member of Congress may be or how generous he may be in buying seeds around the corridors of this Capitol, as it has been stated before our committee has been done, there must yet remain a great many people in his district who can not be favored with this gift, so that it seems to me that as a mere selfish proposition there would be no advantage in the one case over the other. But I certainly hope that the gentleman and all Members of this House will consider that we are trying to legislate here for the benefit of agriculture in the United States of America and not for the benefit of ourselves, not for the benefit of individual farmers who may receive from us, if they are on our lists, the grand total of 15 cents worth of garden seed every year.

Mr. DRISCOLL. Will the gentleman permit a question now?

Certainly. Mr. SCOTT.

Mr. DRISCOLL. What good reason is there that these rare seeds and bulbs and plants should not be allotted to us for dis-

Mr. SCOTT. The idea of the Secretary is that better results can be obtained if those seeds and plants can be sent to men who will agree in advance to experiment with them and report upon those experiments.

Mr. DRISCOLL. Then we will have to rely upon the discretion or authority or generosity of some bureau of the Depart-

Mr. SCOTT. I do not see that we will at all; and in that same connection I wish to say that I differ with the gentleman from Mississippi, who insists that this plan would lead further in the direction of bureaucracy in the Department. The Department will ask us for the names of farmers whom we are willing to recommend as good experimenters, as intelligent, active men who will take these seeds and plants, grow them according to directions, and report the results.

Mr. DRISCOLL. Why should not the Secretary allot so many, as he does now of strawberry plants, grapevines, and things of that sort, and let us select the people to whom they

Mr. SCOTT. The gentleman from New York will remember that on the present allotment the understanding is, and, indeed, it is set down in the law, that those receiving these seeds shall report the results, and he knows also that they never do. The Secretary believes that the plan which he has suggested would be more certain to have careful work done with the seeds and plants, and thus bring better results.

Mr. DRISCOLL. Those people are not expected to report the results. We get an allotment arbitrarily and we send them out

with no expectation of getting these reports.

Mr. SCOTT. The law directs that a report should be made. Mr. DRISCOLL. Why should we not have the same privilege with these others which are substituted for the common seeds

That is a matter which rests wholly with Con-Mr. SCOTT. Of course if the Congress wishes and decides to have the distribution made that way a simple amendment to this paragraph will bring that result; but I am assuming that Members of this House will prefer to trust in the wisdom and discretion of the Secretary and allow the new plan to be put into operation

under such directions as he may prescribe.

Mr. JAMES. Does not your bill provide that the Secretary, in complying with the direction of Congress, shall have discretion whether or not the seeds he desires to send out will be adaptable to the soil and climate of a particular locality?

Mr. SCOTT. Undoubtedly so.

Mr. JAMES. Now, does the gentleman believe that the Secretary of Agriculture is a better judge of citizens to whom seed ought to be sent in his district, and the soil in his district, and the climate in his district, when perhaps he has never been there, than the gentleman is himself?

Mr. SCOTT. I wish to say that the Government of the United States has spent a great many hundreds of thousands of dollars in carefully surveying the soil of the United States

to think that the gentleman will find officials in the Department of Agriculture who have a more intimate and accurate knowledge of the agricultural possibilities of his own district than the gentleman has himself.

Mr. JAMES. And whether or not farmers would keep their word and reply to these things and make experiments? Does the gentleman think the Department knows enough about human nature and about the different men throughout the dis-

trict?

Mr. SCOTT. The proposal of the Secretary is to ask the Representative to recommend a certain number of farmers. Secretary then enters into correspondence with those farmers, sends them blanks to fill out, or in any other way that he may prescribe, attempts to make sure that they will cooperate with him, and, upon receiving that assurance, he then begins the experiment.

Mr. JAMES. It is discretionary with him, at least?
Mr. SCOTT. It is absolutely discretionary with him. It can

not be done in any other way.

Mr. Chairman, I have occupied the floor much longer than I intended to, and I shall not delay the committee further. I merely venture, in closing, to express the hope that the Members of this body will take into account the fact that the new provision complies literally and exactly with the law, that it has the indorsement and recommendation of the Secretary of Agriculture and the bureau chiefs under him, that it has the approval of the agricultural press of the country, the approval of the national and the State granges, and all the other agricultural organizations of the country, and the approval in the very largest measure of the local press of the country, which certainly must reflect the sentiment of the people upon whom it depends for support. Through every avenue of expression open to them the farmers of America have made clear their opposition to the old plan and their approval of the new. this reason, and being absolutely clear in my own conviction that the new plan will bring immeasurably greater benefit to agriculture than the old, I support the pending measure, and earnestly hope it will be retained in the bill. [Applause.]

Mr. HENRY of Connecticut. Mr. Chairman, in view of my somewhat lengthy remarks of a year ago in opposition to the Congressional distribution of cheap and common seeds, when the last agricultural appropriation bill was before the House, I do not care to occupy the time of the committee with remarks which would necessarily be largely a repetition of the argument then made. I will, however, take the privilege of using the time allowed me in presenting the objections to the distribution of common varieties of seeds from the view point of a prominent seedsman, Mr. Charles Francis Wood, of Louisville, Ky., as stated by him before the House Committee on Agriculture a

short time ago:

short time ago:

The original appropriation for the free distribution of rare seeds and plants (while it was confined strictly within the limits of the law) was never objected to by us, and I may say that the question of the appropriation was not taken up by the seedsmen at first at all, but was taken up by the National Grange, an association of farmers of the United States. They agitated the question of this Congressional free distribution of seeds themselves, realizing that many parts of it, as it was carried out, were not doing the country any good. They recognize that it was a misuse of public funds, that it was doing the country no good, and that it was injuring a legitimate private business.

The question, as I understand this matter, is whether this appropriation shall be made, or if it is made, shall it be confined to the strict limits of the law. The law says this act was for the dissemination of new and improved varieties of seeds; and we, as seedsmen, and the country at large, the farmers, do not question this enactment or the wisdom of it. We say, however, gentlemen, that as the law has been construed in the last eight or ten years and as a portion of it is devoted to injuring a legitimate business, that portion of it should be carefully considered by Congress and stricken out of the appropriation. This appropriation is divided up into three classes: First, the Congressional free distribution of seeds; second, the dissemination of new and improved varieties of seeds; and, third, the exploitation of foreign countries with a view of finding new seeds for introduction to our citizens. These last two classes we, as seedsmen, and the country at large do not object to; but we do say that the first clause of this appropriation is a serious menace and injury to our business, and that it does the country at large no good. It is an appropriation of \$132,000 to be spent in common garden seeds, which are put in small packages and sent indiscriminately throughout the country to a list of constituents and at the

There is evidence to prove that the combined agricultural press is solidly opposed to this free distribution; evidence that every grange, every horticultural society, every board of trade, every interest pertaining to the farmer has passed resolutions condemning it. All of which shows that a large majority of these things have been done voluntarily on their part. These are not printed petitions, set forms. Some are written in the crabbed handwriting of the old farmer who can hardly write, who has gone to the trouble of writing out a set of resolutions to present to his little meeting, asking that this Congressional free distribution of seeds be stopped. Others are editorials and mapping the crop zones of the country, and I am inclined taken from the best and most influential of all the press of this

country, condemning this appropriation and showing up the folly

These extracts from letters, resolutions, and editorials are attached as an appendix to my remarks, and are worthy of the careful consideration of every Member of this House.

I also include a summary of the statement of Dr. B. T. Galloway, chief of the Bureau of Plant Industry, likewise made

before the Committee on Agriculture, giving the views of Secretary Wilson and the Department of Agriculture.

In reply to an inquiry made by Chairman Wadsworth, Doctor Galloway said:

Doctor Galloway said:

I shall present the Department's view and represent the Secretary in this matter, because I talked the problem over very fully with him, and the policy of the Department on this whole subject, I think, is pretty well understood. After all that has been said before the committee regarding the distribution of miscellaneous vegetable and flower seed it is not necessary to add very much from the standpoint of the Department. For the past six years the Department has sent out annually about 7,000,000 packages, of 5 papers each, of vegetable seed, and has never had any of these seed left on hand. During the six years the number of packages sent out has remained the same, while the cost has decreased about 12 per cent. This has been accomplished through improved methods of handling the work, by the introduction of modern machinery, and by doing away with the middleman in contracting.

The Department really does the work which was formerly done by the contractor, and thus saves the profit paid to him. In this way we have been able to save about \$30,000 annually in the last six years, and have used this money in connection with the distribution of rare and uncommon seeds.

machinery, and by doing away with the middleman in contracting.

The Department really does the work which was formerly done by the contractor, and thus saves the profit paid to him. In this way we have been able to save about \$30,000 annually in the last six years, and have used this money in connection with the distribution of rare and the contractor of the number of packets of seeds put up is one wholly dependent upon the kinds bought. If we bought certain kinds of seeds we could supply each Member of Congress with 20,000 packages of 5 packets each, but they would necessarily be very cheap kinds. If, on the other hand, we attempted to secure only novelties, i. e., very would be limited to 3,000 or 4,000 packages each, so that the number of packages is a matter wholly of the kind of seeds that we secure. We have endeavored to secure the very best quality of seed of the kind that is obtainable, and I think that I can say fairly that the seeds we are now sending out are better than those we sent out six or seven yet must be understood that these seeds are of the average ordinary kind that the seedsmen themselves handle, and if, as I said before, we attempt to secure the novelties, which the seedsmen also handle, they would cose us eight or ten times as much.

I think, well understood for sometime, and had stribution has been quite fully set of the seeds are the heart that can be obtained in the market, but from the fact that large numbers of packets are wanted, the seed obtained can be of standard sorts only, such as are to be found everywhere for sale in the open market.

The Secretary further say:

The Secretary and of the Department in this whole to make the open market.

The pa

practicable, cooperate with the State experiment stations and practical farmers, fruit growers, and others, in order that the seeds, bulbs, and plants may be distributed with due regard to their adaptability to the various soil and climatic conditions prevailing in the United States. The Secretary of Agriculture is hereby also directed to prepare annually a report showing what the results of the distribution have been."

That directs the Secretary, first, to secure these rare and uncommon seeds, both domestic and foreign, and to distribute them to actual experimenters only; to distribute them in cooperation with the Members and Senators and the State experiment stations, and each year publish a report on the results of the work.

#### APPENDIX.

APPENDIX.

EXTRACTS FROM LETTERS OF AGRICULTURAL EDITORS.

The New Jersey Farmer, Westfield, N. J.: The Farmer is opposed to the free-seed distribution.

Southern Tobacco Journal, Winston-Salem, N. C.: You may put me down as being opposed to the free distribution of garden seed. It is a gross humbug, to say the least.

The Southern Farm Gazette, Starkville, Miss.: We regard the free distribution of seeds as one of the worst fakes that was ever perpetrated on the American people.

The Rural Californian, Los Angeles, Cal.: This thing is an old chestnut. According to our way of thinking it is wholly useless.

The Southern Ruralist, Atlanta, Ga.: We appreciate the work you are doing to have the free-seed distribution done away with and will be glad to cooperate with you.

The Prairie Farmer, Chicago, Ill.: We have referred to this matter in various issues in the Prairie Farmer, always urging that the same be discontinued.

In various issues in the Frairie Farmer, always urging that the same be discontinued.

Ranch and Range, Denver, Colo.: From principle we are making a protest against this wholesale slaughter of the people's money.

Daily National Live Stock Reporter, Chicago, Ill.: We are heartily in favor of the attitude you assume with reference to this subject.

Town and Country Journal, San Jose, Cal.: We quite agree with all your say.

Town and Country Journal, San Jose, Cal.: We quite agree with all you say.

The Twentleth Century Farmer, Omaha, Nebr.: We hope that this appropriation will be abolished, as we believe this money can be put to much better use.

Rural Californian, Los Angeles, Cal.: We will help you in fighting the free distribution.

Poultry Husbandry, Waterville, N. Y.: We quite agree with you in the matter of free-seed distribution.

The Tri-State Farm Journal, Crisfield, Mo.: We will give our subscribers a straight talk on the matter.

Western Breeders' Journal, Clay Center, Kans.: This practice has our unhesitating condemnation. The original idea was all right, and if carried out would have meant great things for the American farmer, but the plan as it is now perverted is the rankest kind of foolishness and useless expenditure of the people's money, and borders close to actual graft.

Texas Stockman and Farmer, San Antonio, Tex.: We have already but the plan as it is now perverted is the rankest kind of foolishness and useless expenditure of the people's money, and borders close to actual graft.

Texas Stockman and Farmer, San Antonio, Tex.: We have already gotten after the Government seed fake, editorially and otherwise, and will keep the "lick" up.

The Southern Home, Louisville, Ky.: The Southern Home has been opposed to the indiscriminate free distribution of seeds.

The Southern Reporter, Charleston, S. C.: The Southern Reporter may be put on record for the purchase and distribution of rare and valuable seeds, rather than common garden seeds.

Farm and Ranch, Dallas, Tex.: The Farm and Ranch has been fighting this old fraud for many years.

The Ranch, Seattle, Wash.: We are in full accord with the ideas expressed in your letter.

Progressive Country Life, Washington, D. C.: We heartily indorse the action against free seeds.

Successful Farming, Des Moines, Jowa: We are with you in the fight against the Congressional free seed distribution.

Inland Poultry Journal, Indianapolis, Ind.: The Inland Poultry Journal is very much in favor of eliminating all this tommyrot.

Wallace's Farmer, Des Moines, Jowa: I am entirely in sympathy with you and your fight against the free seed distribution.

Missouri Agricultural College Farmer, Columbia, Mo.: We are with you in this fight against the free seed distribution.

The American Cultivator, Boston, Mass.: We have always taken the standpoint that the free seed business is a kind of graft, and ought to be opposed on that principle, if for no other.

The Garden Magazine, New York, N. X.: We are unqualifiedly opposed to the general distribution of seeds.

The Connecticut Farmer, New Haven, Conn.: The consensus of opinion among those of our subscribers we have been able to reach is in favor distinctly of the abolishment of this practice.

Farm and Fireside, Springfield, Ohio: Farm and Fireside has steadfastly and consistently opposed free-seed distribution.

American Farmer, Indianapolis, Ind. We have been fightin

number of years back been howling and editorializing in opposition to this matter.

The Northwestern Agriculturist, Minneapolis, Minn.: We have long been on record ourselves in opposition to this petty, contemptible graft, Farm and Home. North Yakima, Wash.: For many years we have been exposing the frauds of the free-seed deal.

Farm, Field, and Fireside, Chicago, Ill.: We have frequently taken up the abuse of the free-seed distribution, and have followed the subject closely.

The Fruit Grower, St. Joseph, Mo.: The Fruit Grower has published a number of articles denouncing the whole business.

The Farm Magazine, Omaha, Nebr.: The Farm Magazine has been running editorial comment every issue relative to the evils of the free-seed practice.

running editorial comment every issue relative to the evils of the free-seed practice.

Farm Life, Chicago, Ill.: We have always opposed the free distribu-tion of seed.

The Farmers' Tribune, Sioux City, Iowa: The Farmers' Tribune has for years been opposed to free-seed graft.

The Farmer and Stockman, Ashburn, Ga.: I am on principle opposed to the free distribution of seed by the Government.

Fruitman and Gardener, Mount Vernon, Iowa: The horticultural and gardening interests are a unit in opposing the worse than useless waste of money on inferior seeds.

The Farmers' Advocate, Topeka, Kans.: I consider the free distribution of seeds by Congress, as is generally given out, a petty political graft which is an imposition on people.

The Field and Farm, Denver, Colo.: We have been hammering on this question a good many years, and it is our intention to keep hammering. We trust the fight against this pernicious practice will prove effective.

Farmers' Review, Chicago, Ill.: We have that concerted efforts in this

The Field and Farm, Denver, Colo.: We have been hammering on this question a good many years, and it is our intention to keep hammering. We trust the fight against this pernicious practice will prove effective.

Farmers' Review, Chicago, Ill.: We hope that concerted efforts in this direction by all interested will result in doing away with the evil.

The Farmers' Guide, Huntington, Ind.: The Farmers' Guide has been opposing this for several years.

House and Garden, Philadelphia, Pa.: We are entirely in sympathy with the movement against this free distribution.

The Modern Farmer, St. Joseph, Mo.: The Modern Farmer has been talking against free seed for the last ten years. We think the Government has no business distributing free seed or free anything else.

Farm, Stock, and Home, Minneapolis, Minn: Our paper has ever since its founding, nearly twenty-two years ago, been consistently and continually opposed to the Government seed distribution.

Kansas Farmer, Topeka, Kans.: The free-seed graft amounts to the aggregate to an enormous raid on the Treasury. It is a perversion of the useful original purpose of aiding in the introduction and distribution of new varieties of cultivated plants. How any honorable man can support its continuance is hard to understand.

Kimball's Dairy Farmer, Waterloo, Iowa: With reference to the free-seed proposition, we are mighty glad to write as strong an article as we are able on this question.

The Strawberry, Three Rivers, Mich.: We trust that the vigor with which this work is being prosecuted may result in permanently eliminating this unjustifiable expenditure.

Oklahoma Farmer, Guthrie, Okla.: We consider this an outrage on both seed producers and sellers, and a scheme which does the farmers but little good.

National Stockman and Farmer, Pittsburg, Pa.: We are very much opposed to the perpetuation of the free-seed evil.

North Pacific Rural Spirit, Portland, Oreg.: An unjust practice of the Government.

The North Dakota Farmer, Lisbon, N. Dak.: We have always contended that th

ing it.

Editor The Southern Tobacconist and Modern Farmer, Richmond, Va.:

You are at liberty to use my name as an opponent of the free seed dis-

You are at neerly to use my name as an opponent of the free seed distribution.

The Dairy Record, St. Paul, Minn.: You may count on us for whatever little we can do in this matter, as we are in hearty sympathy with those who want it abolished.

New York Produce Review, New York City: We have opposed this matter for years editorially, and are pleased to add another shot.

The Elgin Dairy Report. Elgin, Ill.: We have your favor regarding the seed business and have already communicated with our Congressmen in regard to the same.

Southern Ruralist Company, Atlanta, Ga.: We have already taken this matter up with our Representatives in Congress, and shall have something to say about it editorially.

The Practical Farmer, Philadelphia: I have written to Senator Procron protesting against the insulting and utterly unwarranted insinuations of the friends of the free-seed graft in the House, and gave him some information as to the ways the seeds are handled in the South.

South.

Rural Spirit, Portland, Oreg.: We are mailing Senator Proctor a copy of our paper in which one of our editorials expresses our views pretty fully regarding free-seed distribution. Trust that this will aid somewhat toward the desired end.

The Florists' Review, Chicago, Ill.: We shall be glad to have you advise us as to the date of the hearing on free seeds before the Senate Committee on Agriculture. We shall endeavor to be represented. Southern Agriculturist and Home, Nashville, Tenn.: We have already written letters on the free-seed question to our Representatives in Washington, but at your suggestion we are writing Senator Proctor. The Ohio Farmer, Cleveland, Ohio: We have written to Senator Redieted Proctor.

Among other papers whose editors have written letters expressing

The Ohio Farmer, Cleveland, Ohio: We have written to Senator RedINCLO PROCTOR.

Among other papers whose editors have written letters expressing
helv views on this subject are the following:

The Southern Planter, Richmond. Va.

The Florists' Review, Chicago, Ill.

The Farm and Ranch, Dallas, Tex.

The Farmers' Voice, Chicago, Ill.

The Indiana Farmer, Indianapolis, Ind.

The Implement Age, Philadelphia.

Illinois State Journal, Springfield. Ill.

Farm Implements, Minneapolis, Minn.

Agricultural Experiments, Minneapolis, Minn.

The Kentucky Farmer and Breeder, Lexington, Ky.

The Agricultural Epitomist, Spencer, Ind.

The Columbus (Ga.) Ledger.

The Nut Grower, Poulan, Ga.

The Montgomery (Ala.) Advertiser.

Minneapolis (Minn.) Journal.

The Montgomery (Ala.) Times.

The Evening Standard, New Bedford, Mass.

The Boston (Mass.) Globe.

The Jamestown (N. Y.) Post.

The Hornellsville (N. Y.) Times.

The Standard, Bridgeport, Conn.
The Albany (N. Y.) Argus.
Pittsburg (Pa.) Chronicle-Telegraph.
The Detroit (Mich.) Times.
The Farm Students' Review, University of Minnesota.
I also beg the indulgence of the committee to introduce some extracts from letters from the daily newspapers; not editorials, but letters, showing the editors are personally interested. They are as follows:

LETTERS FROM DAILY NEWSPAPERS.

The Gazette-Chronicle, Augusta, Ga.: We will take pleasure in giving editorial attention to this matter and in doing what we can with our own Representatives in Congress.

Denison (Tex.) Herald: The Herald has already taken up this matter in opposition to the free distribution of seed by the Government and has had considerable to say about it one way and another. Wheeling (W. Va.) Intelligencer: We have written the Members of Congress from this district urging the same view that you take.

Waco (Tex.) Times-Herald: We have always been opposed to it, and for several years we have been condemning it in our editorial department.

The South, Holly Springs, Miss.: Emphatically opposed to the custom

ment.

The South, Holly Springs, Miss.: Emphatically opposed to the custom by the Government.

Daily Messenger, Washington, N. C.: Favor using seed appropriation only for purchase and distribution of rare and valuable seeds.

The News and Herald, Winnsboro, N. C.: This money should be spent only for new seeds to send out for the purpose of experimenting.

The Asheville (N. C.) Citizen: Opposed to the promiscuous distribution of common seeds.

Appalachian, Bryson, N. C.: Condemn distribution of common seeds.

Cherokee News, Gaffney, S. C.: Opposed to seed graft. Favor discriminate distribution experiment stations.

Clinton (S. C.) Chronicle: We regard the free distribution of cheap seeds as nothing better than a species of graft.

The Lantern, Chester S. C.: The appropriation for distribution of common seeds is pure waste.

The Covington (Tenn.) Leader: We have never seen any practical results from the Government's indiscriminate distribution of seed. Is a useless waste of public money.

Commercial, Collins, Miss.: We are strictly in favor of abolishing this expensive and foolish custom.

The Calhoun Monitor, Pittsboro, Miss.: Am unalterably opposed to the free distribution of seeds in the manner in which it is now conducted.

The Enterprise, Mullins, S. C.: A useless expense to the Government.

the free distribution of seeds in the manner in which it is now conducted.

The Enterprise, Mullins, S. C.: A useless expense to the Government. The Dixie Home, Birmingham, Ala.: The Government should not make this appropriation.

The Durham (N. C.) Recorder: The Government has no more business coming in contact with the seed business than any other.

Darlington (S. C.) News: Am opposed to distributing seeds at random over country, but favor money being given to Secretary of Agriculture to secure new and valuable seeds for experiment stations.

Fort Worth (Tex.) Record: The Record has repeatedly declared itself opposed to this iniquity.

Fairfax (S. C.) Enterprise: Am in favor of the Government appropriation being used in the purchase and distribution of valuable seeds only.

Everything, Greensboro, N. C.: The free-seed graft is purely a high-nded outrage. The entire appropriation should be changed to differ-

Everything, Greensboro, N. C.: The free-seed graft is purely a nignhanded outrage. The entire appropriation should be changed to different hands.

News and Sun, Griffin, Ga.: Do not favor indiscriminate distribution of cheap seeds, but do think it very proper that new or rare seeds should be thus sent out for fair tests in different parts of the country. The Ledger and Grit and Steel, Gaffney, S. C.: Am opposed to the distribution of seeds as has been carried on in recent years.

The Hartford (Ky.) Herald: Am not in favor of the free distribution of common garden seeds.

The Houston (Tex.) Chronicle: We have always condemned the free-seed graft.

The Houston (Tex.) Chronicle: We have always condemned the free-seed graft.
Hickory Flat (Miss.) Banner: Am in favor of stopping distribution of garden seeds.
The News, Jackson, Miss.: The News is much opposed to free seed distribution as an unnecessary expense and a paternalistic practice which should be stopped.
The Batesburg (S. C.) Advocate: The free distribution of seeds should not be tolerated.
Lexington (Ky.) Leader: The free garden seed distribution seems to us to be contrary to our governmental traditions and a subversion of the original purpose for which the seed appropriation was intended. It looks to us like a waste of money.
The Greene County Herald, Leakesville, Miss.: A nuisance and an intolerable waste of money.

The Greene County Herald, Leakesville, Miss.: A nuisance and an intolerable waste of money.

Kings Mountain (N. C.) Herald: I oppose the free distribution of worthless seeds.

Virginia Pilot, Norfolk, Va.: We have had several editorials opposing the continuation of the seed distribution.

Our Mountain Home, Asheville, N. C.: Have no sympathy with the free-seed business.

New Albany (Miss.) Gazette: The distribution of common garden seed is money wasted.

The Siler City (N. C.) Grit: The money should be given to Secretary Wilson to secure new and valuable seeds to distribute through the experiment stations.

periment stations.

The Landmark, Statesville, N. C.: The distribution is the veriest humbug.

humbug.

Sanford (N. C.) Express: The seeds are worthless and the farmers know it. Cut out the common garden seeds, as the Senate proposes, and let the Secretary of Agriculture use the funds for making experiments and developing new seeds.

The Record, Rock Hill, S. C.: Am opposed to the distribution of common garden seeds. It is a waste of money, which should go toward strengthening the efforts of the Secretary of Agriculture in propagating new and valuable seeds.

The People, Camden, S. C.: I am opposed to the proposition mentioned as now before the Senate committee referring to the free distribution of seed.

The Prentiss Plaindealer, Booneville, Miss.: So far as I am indi-

bution of seed.

The Prentiss Plaindealer, Booneville, Miss.: So far as I am individually concerned I have for years known that the practice of sending out seeds was a farce and of no practical benefit, except as a means of reminding us that we had a Congressman, which, if it were not for the annual seed distribution, we probably would overlook.

The Sterling (Kans.) Bulletin: The newspapers of Kansas regard the

distribution of garden seeds by Congressmen as a joke. The appropriation devoted to improving plants would really bring some benefit to the agriculturists of the country.

The Spencer (Iowa) Herald: Government seed distribution is a wrong idea, and should be stopped. There is nothing that can be said in favor of it as now conducted.

Sioux City (Iowa) Courier: We have always been opposed to the free distribution of the seeds in question. The present system is an outrage and nothing but a nuisance.

The Every Other Daily Union, Belle Plaine, Iowa: I can not too emphatically state that I think the practice is an abuse which is run into the ground. The distribution of rare and valuable seeds is an entirely different matter, and, as I understand the law, it was the distribution of such seeds only that was originally contemplated.

The Winfield (Kans.) Weekly Tribune: I regard the free-seed distribution the most ridiculous of the many absurd propositions this Government is tied to. It ought to be abolished.

The Winterset (Iowa) Madisonian: I think the cost of the distribution is more than the value of the service rendered and that the money could be more wisely expended in other channels.

Rockwell City (Iowa) Advocate: The free distribution of garden seeds is a useless expense.

The Atlantic (Iowa) Messenger: The plan to send rare and valuable seeds to experiment stations is a good one, but the old free-seed graft should be retired.

Clinton (Iowa) Daily Advertiser: The work of the Department should be confined to introducing new varieties of vegetables and other products.

The Semiweekly Gazette, Cedar Falls, Iowa: I believe it a useless

Clinton (Iowa) Daily Advertiser: The work of the Department should be confined to introducing new varieties of vegetables and ofther products.

The Semlweekly Gazette, Cedar Falls, Iowa: I believe it a neseless waste of money to distribute the kinds of seeds now being distributed. It accomplishes no good purpose and is becoming a huge joke throughout the country. The seeds are very ordinary as to class and inferior as to quality.

The Mail and Times, Des Moines, Iowa: Favor the use of the seed money for the purchase and distribution of rare and valuable seeds only. I hope this sensible change may be brought about.

The Denison (Iowa) Bulletin: The present distribution of garden seeds by the Government is considered a farce by nine out of every ten people who think about it at all. And nearly the same proportion of people believe that the purchase of tons of indescribably poor and mixed-up seeds every year is a waste and a graft which ought to be exposed.

The Advocate, Eldorado, Kans.: I never could see the sense in the distribution of common garden seeds as conducted in the past.

Encampment (Wyo.) Herald: Consider seed distribution foolish waste of money as now conducted.

The Duluth (Minn.) Evening Herald: This has been a hobby with the Evening Herald for some time past, and a great many articles and editorials have appeared in its columns denouncing this graft. This abuse has been carried on so long a time that people have lost sight of this extravagant nuisance. I sincerely trust the present Congress will abolish the custom.

abuse has been carried on so long a time that people have lost sight of this extravagant nuisance. I sincerely trust the present Congress will abolish the custom.

Iowa-Posten, Des Moines, Iowa? I have always looked at this free-seed distribution by the Government as a puerlie undertaking which can exist only because the farmers in Congress are in a hopeless minority. A practical, intelligent farmer could never sanction such waste of money to no purpose.

Daily Capital, Jamestown, N. Dak.: We are opposed to the old method of distribution of rare and valuable seeds only, when carried on along the lines of work conducted by State experiment stations. The work of the single experiment station in North Dakota has saved the farmers millions of dollars.

The Daily Eagle-Star, Marinette, Wis.: We have published considerable matter in opposition to this free-seed distribution.

Journal, Lansing, Iowa: Free distribution of garden seeds should be discontinued by the Government.

The Republican, Lincoln, Kans.: I believe the free distribution of common garden seeds to be the most foolish, useless, and defenseless method of dissipating the public funds that exists in the American Congress at the present time. I am heartly in favor of the purchase and distribution of rare and valuable seeds. This has resulted in great good to western Kansas by the introduction of several new forage crops during the past fifteen years, and, I think, is a valuable investment of public funds.

The Journal, North Freedom, Wis.: I didn't think Congress could be inveigled into any such political fraud as the seed question, with the evils of the distribution of seed.

Newton (Iowa) Journal: I consider the distribution of any rare or valuable seeds, which may be imported or originated through the Agricultural Department, is something which we believe ought not to be disturbed, but the general free distribution, through Members of Congress, of peas, beans, corn, squash, and similar seeds we believe a great evil.

The Minneapolis (Minn.) Dally News:

Congress, of peas, beans, corn, squash, and similar seeds we believe a great evil.

The Minneapolis (Minn.) Dally News: I am certainly opposed to free seed distribution, and must say most emphatically my opposition is not due to any advertising influence. Distribution of rare or valuable seeds should be continued. The sending of bushels of common grain seeds through the mail should be stopped.

The McGregor (Iowa) News: We are in favor of the distribution of rare and valuable seeds only, instead of the present methods.

The Pratt (Kans.) Union: I am heartily opposed to the foolish free distribution of common garden seeds. I use my columns constantly in opposition to all such waste of funds. Choice seeds would do good.

The Republican Register, Washington, Kans.: The garden-seed graft has had its day. The free distribution of seeds, as it has been practiced in the past, doesn't benefit anybody on earth. The farmer doesn't want the seeds, and he frequently finds that if he does sow them they are no good.

the seeds, and he frequently finds that if he does sow them they are no good.

The Democrat, Akron, Ohio: We are in thorough sympathy with your statement in this regard and trust you will be successful in abating the nuisance.

The Bay City (Mich.) Tribune: We have already had several editorials condemning the free-seed distribution.

The Crawfordsville (Ind.) Journal: We are glad to state that we are in perfect accord with your views on the subject of free-seed graft, and that we have been hammering away against it for some time.

The Dayton (Ohio) Journal: The distribution of new, rare, and valuable seeds is something that the Government ought to do more in than it is doing, but when it comes to the distribution of the seeds of com-

mon products the proposition is absurd. The expenditures for seeds have been made without due consideration for results.

The Detroit (Mich.) Journal: The Journal has been pounding on the free-seed graft for years back.

The Daily News, Dayton, Ohio: This is a practice which has been much abused, and has really resulted in no material benefit to the people. The Joliet (III.) Daily News: Our people here are opposed to the free-seed distribution on general principles.

The Morning News, Muskegon, Mich.: The promiscuous distribution of seeds is a useless expense, and brings no adequate returns to the Goyennment or the people.

The Philadelphia (Pa.) Inquirer: We beg to inclose you editorial in reference to "No more free seeds."

The Pittsburg (Pa.) Gazette: Several years ago the Gazette took this matter up, but did not seem to make any great progress toward a settlement. However I trust you will be more successful.

Pittsburg (Pa.) Chronicle-Telegraph: Our editorial writer, Mr. Simpson, will have something to say regarding the "free-seed distribution legislation," as he entirely agrees with your favor in regard to the matter.

The Utlea (N. Y.) Press: We have had several editorials on this

Pittsburg (Pa.) Chronicle-Telegraph: Our editorial writer, Mr. Simpson, will have something to say regarding the "free-seed distribution legislation," as he entirely agrees with your favor in regard to the matter.

The Utica (N. Y.) Press: We have had several editorials on this subject. We shall be glad to keep the matter up, and think it is in the best interest of all to have that appropriation done away with.

The Patriot, Concord, N. H.: Neither as an editor nor as a citizen do I believe in the governmental free distribution of common garden seeds or of any other kinds of seeds. The whole thing should be summarily dispensed with and disposed of.

Hampshire Gazette, Northampton, Mass.: We believe it inexpedient for the Government to distribute seeds as it has done for years.

Beverly (Mass.) Evening Times: We are in full sympathy.

The Lancaster (N. H.) Gazette: Among practical gardeners there has never been any attempt to use the seeds that have been so promiscously sent out. By all means cut out the squash and pumpkins, and if the appropriation is to be continued let us have the rare and valuable seeds distributed to the different experiment stations.

The Newburyport (Mass.) Dally News: We have used about all of your matter on the seed question, considering it timely and exactly meeting our views upon the question.

Plymouth (N. H.) Record: The free-seed distribution as carried out now is not doing the good intended, and the seeds as sent out now are principally good for chicken feed.

The Syracuse (N. Y.) Post-Standard: We deem the annual appropriation ridiculous, and have pleasure in cooperating for the defeat and permanent discontinuance of this old-time abuse.

Providence (R. I.) Journal and Evening Bulletin: The Providence Journal and the Evening Bulletin have for years contended against the wasteful use of money for free-seed distribution. We have printed countless editorials on the matter and shall continue to do so until the practice is abandoned.

Terre Haute (Ind.) Morning Star: I have taken the

EXPRESSIONS GENERAL PRESS.

EXPRESSIONS GENERAL PRESS.

The Christian Union, Des Moines, Iowa: By all means let us have the new and valuable seeds, rather than pumpkins and parsnips.

Scottish Chief, Moxton, N. C.: I think some plan ought to be arrived at of distributing a better class of seed. The distribution of poor seeds brings the Agricultural Department into disrepute.

Confederate Veteran, Nashville, Tenn.: I agree with you that there should be a radical change in the practice of sending out seeds by the Government, and only the rare and valuable kinds sent out.

White Ribbon Bulletin, Fargo, N. Dak.: I regard the free distribution of garden seeds as an unnecessary expenditure of public money.

A. O. U. W. (Ancient Order United Workmen) Messenger, Nashville, Tenn.: The wholesale giving away of cheap and worthless seeds is a very unnecessary expense and should be stopped.

Textile Excelsior, Charlotte, N. C.: I am opposed to the practice, first, last, and all the time.

National Printing Company, proprietors Bohemian-American Newspaper Union, Omaha, Nebr.: It has been our policy from way back to denounce the fake seed distribution. Many times we have pointed out the uselessness of the same and the constant waste.

Spirit of the West, Des Moines, Iowa: Spirit of the West is entirely willing to cut out the free distribution of pumpkin and squash seed and turn the appropriation over to Secretary Wilson to do the rest.

The Southern Lumberman, Nashville, Tenn.: From what we do know of it, are opposed to the custom.

Southern Christian Advocate, Spartanburg, S. C.: I am absolutely opposed to the free distribution by the Government of seeds, in most cases absolutely worthless.

RESOLUTIONS NATIONAL GRANGE, PATRONS OF HUSBANDRY, REPRESENTING 800,000 FARMERS, ADOPTED AT DENVER, COLO., NOVEMBER, 1906.

Whereas Congress annually appropriates \$242,000 for the purchase of field, flower, and garden seeds, most of which are of a common va-

or held, hower, and garden seeds, most or which are of a common variety; and
Whereas the Department of Agriculture, at Washington, expends as much more in their distribution, making, in round numbers, a half million dollars; and
Whereas the farmers of the country receive comparatively no benefit from it, we believe the money could be more wisely expended: Therefore, be it

Resolved. That we reaffirm and readont the resolution unanimously.

be it \*\*Resolved\*, That we reaffirm and readopt the resolution unanimously adopted by the National Grange at its session held at Portland, Oreg., in November, 1904, which is as follows: "We are unanimous in the conclusion that while the Agricultural Department, at Washington, should exert due diligence in its research for new food, forage, and other plants, and while there is something that can and perhaps should be done through the exchange of seeds, we can not conclude otherwise than that the general and free distribution of the

many kinds and varieties of garden and field seeds by the Department is without benefit in any important sense and should be abandoned.

RESOLUTIONS ADOPTED BY THE JOINT CONVENTION OF THE FARMERS' IN-STITUTE AND KENTUCKY STATE GRANGE, AT LEXINGTON, KY., OCTOBER 24, 1906.

Whereas the distribution of common garden seeds by the United States Department of Agriculture has become a misuse of public funds;

Whereas the distribution of common garden seeds by the United States Department of Agriculture has become a misuse of public funds; and Whereas the farmers of this country derive comparatively no benefit from it, and we believe that the money could be more wisely expended: Therefore, be it Resolved, 1. That we are opposed to the Congressional free distribution of seeds as now conducted.

2. That we heartily indorse the action of the Agricultural Committee of the House in omitting from the agricultural appropriation bill the amount annually expended for this purpose.

3. That we appeal to the President of the United States and our Senators and Representatives in Congress to oppose this appropriation in the future and to devote the amount now annually appropriated toward the upbuilding of our agricultural colleges and experimental stations, the development of important crops, and the advancement in education pertaining to agriculture.

The South Texas Fruit and Truck Growers' Association, consisting of affiliated local associations throughout south Texas and the Gulf coast country, the total membership of which is over 1,300, passed unanimously the following resolutions during their regular meeting at Edna, November 13 and 14:

"Whereas the free garden seed received from Members of Congress at the expense of the General Government are usually of varieties known to be unsuited to the soil and climate of south Texas, and hence are worthless to us; and

"Whereas the expense to the General Government of obtaining seed and distributing them is a considerable item, and a serious economic waste wholly unjustified by the results obtained; and

"Whereas the expense to the General Government of obtaining seed and distribution given is a considerable item, and a serious economic waste wholly unjustified by the results obtained; and

"Whereas the expense to the General Government of obtaining seed and distribution of which would be of lasting value to every vegetable grower and to the whole State: Therefore be it

"Resolved,

"W. H. Travis,
"Palacios, President,
"S. A. McHenry.
"Santa Maria, Vice-President.
"C. A. Walton,
"Victoria, Secretary-Treasurer."

Wilson Grange, East Wilton, Me.: \* \* The members of Wilson Grange, No. 321, do wish to enter protest against the free distribution of so-called "rare and valuable" seeds and any appropriations whatever for this purpose, and also ask all Representatives and Senators to vote squarely against it—E. E. Hardy, master.

Canton Grange, No. 110, Canton, Me.: \* \* Disapprove of the practice of Congress in annually appropriating a large sum for the purchase and distribution of so-called "rare and valuable" seeds, considering it an extravagant and useless expenditure of the people's money.

\* \* And we petition Senators Hale and Frye, from Maine, also the Representatives in Congress, to vote against any appropriation for the free distribution of common garden seeds at the next session of Congress.—Mrs. C. W. Walker, secretary.

Pine Grove Grange, Bath, N. H.: \* \* Voted unanimously that the free distribution of seeds by the United States Government be discontinued, as it is certainly a needless was to of money.—Henry S. Long, master.

master.

Chester Grange, No. 169, Chester, N. H.: It was voted that the sentiment of the grange was against the sending of free seeds.—Susie M. Gillingham, secretary.

Worcester and Norfolk Pomona Grange, No. 10: \* \* Passed a unanimous vote against the free-seed distribution.—Moses U. Gaskill,

workester and worlder rounds of the free-seed distribution.—Moses U. Gaskill, master.

Granite Grange, South Worthington, Mass.: Voted unanimously:
"Not in favor of the free-seed distribution."—C. D. Blair, secretary.
East Lyme (Conn.) Grange, No. 157: It was voted: That we condemn the practice of the Government in sending out "free seeds."

Rippowam Grange, No. 145, Long Ridge, Stamford, Conn.: We \* \*
No hereby condemn unequivocally the free distribution of seeds.

Lindenwald Grange, No. 985, Kimderhook, N. Y.: Resolved, That it is the unanimous sentiment that the free distribution of garden and other seeds by the Members of Congress is unnecessary and useless waste of money that should be stopped at once, and we petition our Congressmen and Senators to use their utmost endeavors to put an end to this useless waste of money.—Eugene Merwin, secretary.

Onondaga County Pomona Grange, N. Y.: Passed resolutions opposing the annual appropriation for the purchase and free distribution of seeds by Congress, and recommended the 30 subordinate granges of the county to do likewise. Our farmers' club will also pass resolutions.—John T. Williams.

Tarrytown Horticultural Society: Resolved, That we, the members of the Tarrytown Horticultural Society, sternly oppose any further appropriation of public money for the free distribution of common seeds.

Knowboro (N. Y.) Grange, No. 758: \* \* Passed resolutions

seeds.

Knoxboro (N. Y.) Grange, No. 758: \* \* Passed resolutions protesting against the distribution of free seed.—Mrs. E. T. Stone, secretary.

Thorofare Grange, Paulsboro, N. J.: Our grange is sending a set of resolutions to our Congressional Representatives to vote against any

further appropriation for free-seed distribution.—Rodman W. Clermont, secretary.

Ramsey (N. J.) Grange, No. 135: Ramsey Grange condemns the free-seed distribution, as they think it unnecessary expense. Ramsey Grange has 200 members.—John H. Coe, master; E. C. Gurney, secretary.

Central Grange, No. 194, Towanda, Pa.: \* \* \* We are opposed to any "free-seed appropriation."—D. W. Post, secretary.

Fairview Grange, No. 517, Farmington, Pa.: Resolved, That this grange and the farmers of this section demand that Congress pass a law abolishing the sending out of free seeds by Members of Congress.—Frank B. Brown, Harry Van Dusen, Wallace W. Davis, committee.

Wyebrook Grange, No. 1306, Barneston, Pa.: \* \* \* Unanimously condemn the practice of free-seed distribution, and hereby demand that the law be repealed.—J. F. Lautz, master.

Spring Brook (Pa.) Grange, No. 1037: \* \* \* Has passed resolutions about the free-seed bill and sent same to the chairman of the committees.—W. J. Jones, secretary.

Beaver Grange, No. 538, Conneautville, Pa.: Beaver Grange took action and went solid "antiseed."—S. B. Lawrence, W. R. De Groot, committee.

Holton (Mich.) Grange, No. 585: \* \* \* Unanimously voted against the free-seed distribution.

Grange, No. 1202, Lake City, Mich.: Adopted resolutions condemning Grange, No. 1202, Lake City, Mich.: Adopted resolutions condemning Grange, No. 1486, Uhrichville, Ohio: \* \* \* Is opposed to the present practice of the free distribution of garden or other seeds the the next session of Congress.—Ida M. Teachout, secretary.

Berlin Grange, No. 629, Delaware, Ohio: Unanimous opinion that such distribution is a useless expenditure of public money.—Else English, secretary.

Washington Grange, No. 51, Logan, Ohio: Stands unanimously opposed to the free distribution of so-called "rare and valuable" seeds as a genuine farce; that it is sheer waste of public money to continue the shameful fallacy.—E. Parish, master; J. W. Schaal, secretary.

Corydon (Pa.) Grange, No. 1078: \* \* Resolved, That we protest agains

Wright, secretary.

White Clover Grange, No. 279, Nehalem, Oreg.: Resolved, That we are unalterably opposed to the continuance of such distribution, and hereby request our Representatives in Congress to oppose all appropriations for such purposes.—B. A. Todd, master; Lillian M. Zaddach,

tions for such purposes.—B. A. roud, master secretary.

Natal Grange, No. 302, Mist, Oreg.: The free distribution of, "rare and valuable" seeds by Congress is a delusion and a fraud as far as assisting agriculture is concerned. Resolved, That we denounce the practice of making appropriations for the purchase of such seeds.—Nettie B. Peterson, secretary.

Romola Grange, No. 1192: Resolved, That we do bitterly protest against the free distribution of seeds by Congress.—D. E. Robb, secretary.

Romola Grange, No. 1192: Resolved, That we do bitterly protest against the free distribution of seeds by Congress.—D. E. Robb, secretary.

Fleetville Grange, No. 1199: Resolved, That we declare ourselves in favor of discontinuing the free-seed appropriation.—E. E. Barber, master; W. H. Van Fleet, secretary.

Rhode Island State Grange, F. E. Marchant, master: You can count upon my doing anything possible to do away with the present method.

Kentucky State Grange and Farmers' Institute: Joint resolution unanimously adopted, recommending that the practice of the United States Congress of furnishing free seeds of all kinds to farmers throughout the United States be discontinued.

Delaware State Grange, Wesley Webb, secretary: I am in favor of confining the free-seed distribution to new and valuable varieties, as was originally intended.

Michigan State Grange, Jennie Buell, secretary: I assure you that in so far as I can assist the cause of the suppression of free-seed distribution I shall gladly do so.

California State Grange, J. W. Webb, lecturer: Hits me just right. For years I have protested. Wish you abundant success.

Emily L. Burnham, Michigan State Grange: I will bring the matter of the free distribution of seeds before the State Grange at its next meeting, also before the subordinate grange of which I am a member.

New Hampshire State Grange, H. O. Hadley, master: I believe, as you and as a large majority of the farmers, that this waste of money should be stopped.

'Nashna (N. H.) Grange, J. Earlfred Hall, master: I am heartily in favor of your idea and will present it to the next meeting of Nashua Grange.

Erral (N. H.) Grange, S. R. Hanscom: I shall be most happy to

favor of your idea and will present it to the next meeting of Sashua Grange.

Erral (N. H.) Grange, S. R. Hanscom: I shall be most happy to do what little I can to stop the useless waste of Government funds through this free distribution. I will place your letter before my grange at its next meeting and have them act upon the matter.

Maine State Grange, O. Gardner, master: I am in full sympathy with you in regard to the free-seed-distribution humbug and will assist in every way in stopping the confounded nuisance.

Minnesota State Grange, S. G. Baird, master: Will be glad to do anything to help the good work along.

Also a few selected opinions of individuals, which will be of interest: Harvie Jordan, president Southern Cotton Association: I will use the subject-matter as a basis for an editorial in the Cotton Journal at some time in the near future.

J. Harvey Whiteman, attorney, Wilmington, Del.: I take pleasure in adding my support to the movement that has been inaugurated looking

toward the appropriation of funds, which have hitherto been applied to the distribution of seeds, to the Department of Agriculture in the various agricultural colleges.

Charles A. McClure, Walthall, Miss.: In reference to free distribution of seeds I will say that it is condemned by the farmers and people of this section. I think that the distribution of rare and valuable seeds would be universally favored.

James H. Jackson, M. D., the Jackson Sanatorium, Dansville, N. Y.: I heartily approve of your fight.

C. Watt Brandon, Pinedale, Wyo.: I would most certainly be in favor of rare and valuable seeds and seeds adapted to the various altitudes. Many of the seeds now sent to this high altitude, 7,169 feet, are seldom planted.

C. W. Eichling, manager Avenue Floral Company, New Orleans, La.: I shall not fail to bring the matter before the four horticultural societies we have in the South. I can assure you in advance of their hearty cooperation.

B. F. Smith, fruit and plant grower, Lawrence, Kans.: I was on the committee on resolutions at the August meeting of our county horticultural society. Our society was about unanimous in vote against free distribution of free seed.

W. A. Wickham, Tipton, Iowa: In regard to the Congressional freeseed distribution I will say that I am, and always have been, unalterably opposed to it.

C. M. Gallup, Brooklyn, Conn.: I am a farmer. I have never heard a

seed distribution I will say that I am, and always have been, unalterably opposed to it.

C. M. Gallup, Brooklyn, Conn.: I am a farmer. I have never heard a farmer say a word favorable to the free-seed distribution, and I live in a section purely agricultural.

C. D. Tuener, Hillsboro, N. C.: We have great confidence in the integrity and ability of Secretary Wilson and his associates. Therefore we would say give him all power consistent with reason to manage the affairs of his Department in such manner as he deems best.

Otis Bigelow, Silver Spring, Md.: I have written a strong letter of protest in the name of the farmers and gardeners of this and other States.

Mason Snowden, Wilkinson, County, Cotton, Association, Washington, County, Cotton, Association, County, Cotton, County, Cotton, Cotton, Cotton, Cotton, County, Cotton, C

protest in the name of the farmers and gardeners of this and other States.

Mason Snowden, Wilkinson County Cotton Association, Woodville, Miss.: In regard to doing away with the free-seed distribution, will say that I am in favor of its annulment.

George P. Hardwick, secretary Farmers' Industrial Union, Britt, Iowa: I have nothing to offer favoring the free distribution of property, whether it be seeds or otherwise.

Colon C. Lillie, president Michigan State Dairy Association: I am heartily in sympathy with your efforts in this matter.

J. R. Simonton, Yarmouth (Mass.) Grange: I have always thought it amounted to nothing and should be stopped.

J. J. Haynie, editor Waynesboro (Miss.) News-Beacon: It would seem to us that this arrangement would be of incalculable benefit.

J. W. Berry, president board of regents Kansas State Agricultural College: I am sure there is not a farmer in this county that would defend it or even apologize for it. Mr. Breed, who represented this county at the farmers' meeting at Rock Island, Ill., says all the farmers at that congress consider this Government distribution a farce. You can count on my active support.

G. A. Ivins, board of directors, Iowa State Horticultural Society: I heartily concur with you in the movement of stopping the free-seed distribution.

Event C. Pomeroy Kansas house of representatives, Holton Kansas

heartily concur with you in the incomplete the distribution.
Frank C. Pomeroy, Kansas house of representatives, Holton, Kans.: I am fully in accord with your effort to turn the money annually invested in the free-seed farce to better purpose.

James Withycombe, director Oregon Agricultural College and Experiment Station: I am heartily in sympathy with your movement for the elimination of the free-seed graft.

Andrew Olander, Isanti: I will do all I can to help do away with

Mr. LAMB. Mr. Chairman, I yield ten minutes to the gentleman from Indiana [Mr. ZENOR].

Mr. ZENOR. Mr. Chairman, I am very much obliged to the gentleman from Virginia [Mr. LAMB] for his courtesy.

I do not propose, Mr. Chairman, to discuss generally the provisions in this bill. I confess I am not very familiar with the bill, as I have not examined it very carefully, but I desire to emphasize my objection to that particular portion of it to which attention has been called, and which has occupied the time up to this point in the discussions before the committee.

Mr. Chairman, this measure affects in a large measure about twenty billions of the wealth of this nation invested in farms and farming property, and it affects more or less about 5,737,372 farmers. The total value of the entire products of the farms of the United States, as given by the census of 1890, amounts to \$4,739,118,552. As a matter of course not all the farms are operated by their owners, but the number of farms measure the number of farmers in the United States.

According to the census there are 5,737,372 farmers. tal value of the products is as I have suggested. I represent in part, I think, one of the greatest States in this Union. At any rate, Mr. Chairman, it is the peer of any other State in this Union as an agricultural State [applause]—a State that embraces an area of 36,000 square miles, containing, according to the ratio of population and farms as given by the census, about 400,000 farmers. The total value, as shown by the census in 1890, of the products of the farms of Indiana was \$204,450,196. According to the same authority there was paid out by the farmers of Indiana in the year 1899 for labor employed upon the farms \$9,685,540, and paid out for fertilizers \$1,553,710, making a total expenditure in the operation of the farms of Indiana \$1:,239,250. According to the census of 1890 there were at that \$11,239,250. According to the census of 1890 there were at that time 10,272,000 and upward of farmers in the United States. This bill carries an appropriation for the agricultural interests of this great country, representing about one-fifth of our total national wealth, the small and comparatively insignificant sum of \$7,635,790-about one-thirtieth part of 1 per cent of the

aggregate annual appropriations for the ordinary operating expenses of the Government, less than 3 per cent of the amount carried in the annual naval budget, and not to exceed 21 per

cent of our annual Army supply.

I have said that this measure to a certain extent affects the entire farming interests of this country. I have listened with a good deal of interest to the discussion of this particular feature of the bill, and I think that the proposed change made in this bill is an unwise policy to inaugurate at this time. I think this an unwise change to make and that the public seed distribution should be continued as now provided by law. This policy was immediately adopted upon the establishment of the Agricultural Bureau in 1862, and with but a slight modification made by the act of July 25, 1866, has ever since been followed. act only changed the language in reference to the character and quality of the seed to be purchased and distributed. By the last act these seeds were to be "rare and uncommon," whereas in the original act they were "new and valuable seeds." In that act—that is, the original act of 1862—it was provided that the

distribute among the people new and valuable seeds and plants." Subsequent to that time there was a change made with reference to the purchase and distribution of seed. The act of 1866, July 23, now embraced in the Revised Statutes as section

Secretary of Agriculture should purchase certain seeds—to use the exact language of that part of the statute, "to purchase and

527, has this language:

The purchase and distribution of seeds by the Department of Agriculture shall be confined to such seed as are rare and uncommon to the country or such as can be made more profitable by frequent changes from one part of our country to another; and the purchase or propagation and distribution of trees, plants, shrubs, vines, and cuttings shall be confined to such as are adapted to general cultivation and to promote the general interests of horticulture and agriculture throughout the United States.

Now, the gentleman from Kansas suggests that there were no changes made in reference to this law. But it is apparent, Mr. Chairman, that for some reasons that occurred to the Agricultural Department it was necessary to make a change in the manner in which the seeds were purchased by the Government. So Congress authorized the Secretary to phrchase these same kind of seeds, "rare and uncommon," and this statute provides it may be done either from our own people here or from foreign countries. The advocates of this change claim that there is no special change in the general provision of the law, nor will there be in the administration, except as to the manner and method of the distribution.

Mr. Chairman, I listened as well as I could to the gentleman from Kansas, and he says that he predicates his objection to the law as it now stands, and as it has stood for these many years, upon the ground that it is a violation of the fundamental principles of our Government. A violation, says he, of the fundamental principles of our Government. He does not believe that the Government ought to engage in the business of buying seed for the farmers to any extent or for any purpose and assume the burden of their free distribution among the farmers. That this is a business that does not belong to the Government.

Mr. Chairman, since I have been a Member of this House there have been a great many measures that have led to a great diversity of opinion among the Members of this House as to their wisdom or policy, and many laws that have been enacted have created a division of sentiment as to whether they were not partial in their objects and purposes—a species of favoritism, and operated for the especial benefit of some as against the in-

terests of others,

I listened with a great deal of interest to a discussion which took place on a bill introduced by my colleague from Indiana [Mr. Crumpacker] but a few days since, and which I gladly supported and voted for, to control the exercise of the discretion and provide for a review of the decision of one of the heads of the Departments here at Washington. In the Post-Office Department the Postmaster-General became substantially an autocrat in determining what character of mail should go through the public mails, and through his decision cutting off, proscribing, and forbidding carrying certain matter through the mail. This bill, introduced by my colleague and passed by this House authorizing a review of that decision, a decision that was to all intents and purposes final, no matter what interests it involved or who it may have affected, and unless this bill shall become a law this arbitrary power will remain and continue to be exercised by this Department of the Government. Mr. Chairman, the proposition contained in this bill to withdraw from the Members of Congress the distribution of these seeds and vest the power in the Agricultural Department is virtually creating the same condition in the Agricultural Department as to seeds, only in a different form, to that which we are trying to destroy in the Post-Office Department.

This provision in this bill proposes to turn over and vest in the discretion and power of the Secretary of the Agricultural Department the complete control of the seed distribution, and confines the same to those only who will establish experiment stations, and not to the farmers, as heretofore. The effect of this will be to create a corps of new officers-experts and scientists-here in Washington, at a large expense. It proposes to appropriate \$238,000. It proposes to create a bureau here and rent rooms at an annual cost of \$3,000, and the Lord only knows what additional cost will ensue to equip this new branch of the public service. Why not let this money go into the purchase of seed for distribution among the farmers of this country, instead of creating a coterie of Federal officers here for the purpose of experimenting with the seed that they say the Government shall purchase? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ZENOR. Will the gentleman allow me ten minutes more? The gentleman from Indiana asks unani-The CHAIRMAN. mous consent to continue his remarks for ten minutes. Is there

There was no objection.

Mr. JAMES. Mr. Chairman, I ask unanimous consent that the gentleman have leave to conclude his remarks.

The CHAIRMAN. Permission has already been granted for

Mr. ZENOR. If the gentleman from Kansas [Mr. Scott] is so scrupulous about this being a violation of fundamental principles of our Government, if he thinks it is the pursuance of an unwise policy, I ask him how he stands on the proposition of a ship subsidy, which proposes to take out of the Federal Treasury of this country a large sum of money—over \$3,750,000 annually-and donate it to special interests under the pretense of increasing and building up the merchant marine of this country? That proposition seems now to be pressing and will, in all probability, in a few days be presented for the action of this House. Only yesterday Members listened to a message from the President of the United States advocating it.

I want to know if the gentleman can discriminate between that kind of favoritism, that kind of bounty, that kind of appropriations, and reconcile his conscientious scruples with the support of that measure while insisting that he and those sharing his views feel constrained to oppose the present law authorizing the free distribution of seeds to the farmers of the No, Mr. Chairman, it seems that the tendency of legislation in recent years to favor the already wealthy and influential, and not only to concentrate all wealth in the hands of the few, but likewise all power in some department of this Government or some bureau in the city of Washington, until we are rapidly becoming a Government of bureaus and departments, instead of a representative Government by the people. For years this policy of free-seed distribution among the farmers throughout the country, this slight aid in improving the quality and character of farm seeds and grain, has been carried on through the Members of Congress. These seeds, through the very excellent administration of Secretary Wilson. of the Agricultural Department, have come to be of a very high grade, and much sought and appreciated by the farmers as a rule, and they will feel that this change, this withdrawal from them of this small pittance, is as ungracious as it is unjustifiable under all the circumstances. They will be apt to compare this effort to economize and reform with the action of this House but a few days since in reference to the salaries of its Members and the various heads of the Departments and members of the Cabinet.

I have before me the act of June 30, 1906, the last appropriation act, wherein it is made mandatory upon the Secretary of Agriculture to equally distribute the amount of seeds which are purchased for distribution among the Members of Congress, and it is also made mandatory upon Members of Congress to distribute those seeds to the people of their districts, and there is also a requirement that, upon being so requested by the Secretary, the Members of Congress shall make a request of the farmers to whom the seed is sent to make report of the results to the Agricultural Department. Whether this may be construed as mandatory or permissive, it matters not. No complaint has ever been made that the distribution of those seeds is not properly made by the Members of the House. Yet it is proposed to with-draw this little benefit that goes to the farmers under the pretense that it is a useless extravagance and does them no good. I do not pretend to say, Mr. Chairman, that I reflect the universal sentiment of my district. There are some persons who be-lieve there is no great benefit derived by the farmers from the free distribution of seeds, but I undertake to say that the great bulk, the great majority of the people of the district, and I believe of the State of Indiana, indorse the free distribution of seeds.

Is there any benefit? Go and ask the farmer who has been receiving these seeds and get his reply to that question. will find that out of every ten six or eight will give you an affirmative answer. This practice and policy has been going on since 1806 up to the present hour, and it is very difficult for anyone to estimate the exact benefit derived by the farmers. How are you to get at it by a mathematical calculation what benefit is derived by the farmers by the distribution of these public seeds? It is difficult to do it, but the farmers themselves understand the proposition.

Mr. Chairman, it was replied by the gentleman from Mississippi [Mr. Candler], who is a distinguished member of the committee, who heard all the evidence before that committee, in answer to a question propounded by the distinguished gentleman from Kentucky [Mr. James], that there was a certain class of individuals who had been exploiting public sentiment, who had been attempting to create public sentiment in favor of the repeal of this law and in favor of the destruction of this

free distribution of seeds.

It was in evidence before that committee, as stated by the gentleman from Mississippi [Mr. Candler], that certain parties in-terested in the sale of seeds—certain retail dealers, certain jobbers-had been able to come here and organize a strong lobby or concerted effort to make a protest against the further continuance of this free-seed proposition and in favor of a change in the law. No farmers are represented here by a lobby. are unable to gather about these Halls and committee rooms to protect their interests when threatened by the combined assaults of sordid interests. I have a great contempt for a lobby of any kind. I am not, however, disposed to criticise the right any man or of any interest to be heard before a committee of this House or any committee of Congress, for I believe in the right of every man and every interest to be so heard, whether through the instrumentality of a properly accredited representa-tive or through the party directly interested; but I do think that where a lobby is organized and comes before a committee, actuated by a sordid and selfish motive, and favors the repeal of a law in their own personal interest and for their own personal benefit, especially where the law sought to be changed or repealed is one solely in the interest of the farmers, that that lobby should be open to criticism, and what they say ought to be taken with a great deal of allowance.

For, as a rule, lobbies are seldom formed and rarely ever occupied in the promotion of legitimate legislation, and are still less frequently actuated by pure and patriotic motives. This free-seed distribution, I confess, seriously in some instances interferes with the profits of these men who are engaged in the sale of seeds. We all understand that the men engaged in this business have always protested against this free distribution of seeds by the Government. It has been suggested that the same amount of seed purchased and distributed by the Government for \$242,000 last year would have cost the farmers, if they had purchased same at retail prices from private dealers, the sum of \$2,000,000. Therefore you can see the margin of profit in this business to the seed dealers of the country. these gentlemen succeed in changing or altering the policy of this Government and destroy the distribution of these seeds, gentlemen can see the great profit that they expect to make But that is not the serious objection, in my judgment, to this proposition of changing this policy of the Government.

I am opposed to it because it is not a matter of economy and it does not lighten the burdens of the Government. to appropriate \$238,000 to purchase the same kind of seeds and then place the distribution of these seeds under the control of a bureau in the city of Washington. What for? For the benefit of the agricultural interests, for the benefit of the farmer, to develop the agriculture of the country? No. But for a few scientists and experts who may experiment through the Agricultural Department at the cost of \$238,000 annually, the same we are now paying for the free seeds, with a view of possibly discovering some method of improving the quality of a few seed, without any provision by which the farmer can be bene-Where are the experimental places to be estabfited by it. lished? Where? Are they to go to your own district? there is no provision for that in this bill; it is in the discretion of the Secretary of Agriculture, and I want now to take this opportunity and occasion to pay the Secretary of Agriculture my humble compliment by saying that I believe that I reflect the universal opinion of the farmers in this country, especially of my own district and State, when I say that the Secretary of Agriculture is a man eminently fitted and worthy of the position that he holds, and the peer of any man, in my judgment, who

has ever administered the affairs of that Department.

I might say the same of Doctor Galloway. But these men seem to have indorsed a change of policy. Where are the bene-

fits of this change to go? Is it of advantage to the Government? It does not go to the farmers. How are you going to improve the quality of the seeds sent out? In what manner? By what method? Is the farmer of this country to derive any benefit from it? Why do you want to experiment to improve the quality of seeds in the country if it does not redound to the benefit of the farmers of this country? How are you going to get the benefits to them? There is no provision in this bill Is it simply for the purpose of gratifying the curiosity and demonstrating the skill of these expert scientists that may be selected to investigate and inquire into the improvement and quality of the seeds of this country. I do not believe it is a proper policy.

Sir, as I have already suggested, I shall not be astonished if the constituents of some of the Members of this Congress will not challenge their attention to the fact that this spasmodic effort to inaugurate reforms could have been accomplished with far better grace by letting their salaries remain where they have had the approval of many years, and have always been sufficient to induce worthy and distinguished statesmen to seek their suffrages to represent them in this the greatest legislative body in the world, and permit them to enjoy the small favor of a few high-grade Government seeds. They may be They may be reminded by some of their farmer constituents that they are unable to appreciate the disinterested statesmanship that would move this body to increase the pay of its Members 50 per cent, or about \$1,300,000 annually, and at the same time, under the prefense of economy, retrenchment, and reform, abolish the free-seed distribution to the producers, who have these in-creased burdens to meet out of the proceeds of their sweat and

Sir, I do not believe it is a wise change, and I am therefore opposed to the provision as it stands in this bill and shall vote to support the amendment to be later on offered by the gentleman from Mississippi. [Applause.]
Mr. WADSWORTH. Mr. Chairman, I move that the commit-

tee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Foster of Vermont, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24815, the agricultural appropriation bill, and had come to no resolution thereon.

## ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

H. J. Res. 190. Joint resolution extending protection of second proviso of section 1 of the act of December 21, 1904, to certain

entrymen:

H. R. 23561. An act to authorize the construction of a bridge across the Columbia River between Walla Walla and Benton counties, in the State of Washington, by the North Coast Railroad Company ;

H. R. 23560. An act to authorize the construction of a bridge across the Columbia River between Benton and Franklin counties, in the State of Washington, by the North Coast Railroad Company:

### ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 23114. An act extending to the subport of Bellingham, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement;

H. R. 24048. An act authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Spokane and Inland Empire Railroad Company, its successors and assigns :

H. R. 15769. An act granting an increase of pension to William

W. Bennett; and

H. R. 3980. An act granting an increase of pension to Frank G. Hammond.

Mr. WADSWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, submitting estimates for sites for public buildings at Hagerstown, Md., and Warren, Ohio-to the Committee on Appropriations, and ordered to be printed.

A letter from the Chairman of the Interstate Commerce Commission, transmitting a report of the investigation of the eastern bituminous coal situation-to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for investigation of black sands of the United States-to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of W. C. Waldrop, administrator of estate of Wellington Waldrop, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Stephen E. Brown against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, trans-

mitting a copy of the findings filed by the court in the case of Charles W. Hewgley against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for purchase of land for brigade post at Fort Oglethorpe, Ga .- to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the chairman of the Interstate Commerce Commission submitting an estimate of appropriation for the Commission for the fiscal year ending June 30, 1908—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, recom-mending a reappropriation of money for furnishing the New York custom-house—to the Committee on Appropriations, and ordered to be printed.

A letter from the Postmaster-General, recommending an appropriation in payment of the W. C. Walsh Company for mail service in Chicago—to the Committee on Appropriations, and ordered to be printed.

letter from the Secretary of the Interior, transmitting, with letter from the Commissioner of the General Land Office, a draft of an amendment to the act of June 16, 1880, for the relief of certain settlers-to the Committee on the Public Lands, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FRENCH, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 6229) to authorize the sale of public lands for cemetery purposes, reported the same with amendment, accompanied by a report (No. 6715); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SAMUEL W. SMITH, from the Committee on the District of Columbia, to whom was referred the bill of the Senate (S. 6470) in relation to the Washington Market Company, reported the same with amendment, accompanied by a report (No. 6718); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCALL, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 12222) authorizing the Secretary of the Treasury to fix the compensation of inspectors of customs, reported the same with amendment, accompanied by a report (No. 6722); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SAMUEL W. SMITH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 20067) to remove dirt, gravel, sand, and other obstructions from the paved sidewalks and alleys in the District of Columbia, and for other purposes, reported the same without amendment, accompanied by a report (No. 6724); which said bill and report were referred to the Committee of the Whole House on the state

of the Union.

Mr. GREENE, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 22123) to amend an act to authorize the Baltimore and Washington Transit Company of Maryland to enter the District of Columbia, approved June 8, 1896, reported the same with amendment, accompanied by a report (No. 6736); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Ohio, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 7042) to transfer jurisdiction of the Washington Aqueduct, the filtration plant, and appurtenances to the Commissioners of the District of Columbia, reported the same without amendment, accompanied by a report (No. 6743); which said bill and report were referred to the Committee of the Whole House on the state

of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 24750) amending section 553 of the Code of I-aw for the District of Columbia, reported the same without amendment, accompanied by a report (No. 6744); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 34) to empower the Secretary of War to allow burial of wives of deceased enlisted men in national cemeteries in the same graves as de-ceased soldiers, reported the same without amendment, accompanied by a report (No. 6711); which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 4267) to prohibit the sale of intoxicating liquors near the Government Hospital for the Insane and the District Almshouse, reported the same with amendment, accompanied by a report (No. 6714); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 24603) to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Coosa River in the State of Alabama, reported the same without amendment, accompanied by a report (No. 6716); which said bill and report were referred to the House Calendar.

Mr. OLCOTT, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 7170) to amend an act relating to service on foreign corporations, approved June 30, 1902, entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia,'" reported the same with amendment, accompanied by a report (No. 6720); which said bill and report were referred to the House Calendar.

Mr. ALLEN of Maine, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 9326) for the widening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street, reported the same with amendment, accompanied by a report (No. 6721); which said bill and

report were referred to the House Calendar.

Mr. OLCOTT, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 23384) to amend an act entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia,' regulating proceedings for condemnation of land for streets, reported the same without amendment, accompanied by a report (No. 6725); which said bill and report were referred to the House Calendar.

Mr. CAMPBELL of Kansas, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 23830) governing the maintenance of stock yards, slaughterhouses, and packing houses in the District of Columbia, reported the same without amendment, accompanied by a report (No. 6726); which said bill and report were referred to

the House Calendar.

Mr. ALLEN of Maine, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 23940) for the extension of Albemarle street, NW., District of Columbia, reported the same without amendment, accompanied by a report (No. 6727); which said bill and report were referred to the House Calendar.

Mr. SHACKLEFORD, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 23941) to amend section 14 of the act approved July 29, 1892, entitled "An act for the preservation of the public peace and

the protection of property within the District of Columbia," reported the same without amendment, accompanied by a report (No. 6728); which said bill and report were referred to the House Calendar.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 24361) to amend an act entitled "An act to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charleroi, Washington County, to a point in Rostraver Township, Westmoreland County," approved March 14, 1904, reported the same with amendment, accompanied by a report No. 6729); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 24367) to authorize the Inter-State Bridge and Terminal Railway Company of Kansas City, Kans., to construct a bridge across the Missouri River at or near Kansas City, Kans., reported the same with amendment, accompanied by a report (No. 6730); which said bill and report were referred to the House Calendar.

Mr. OLCOTT, from the Committee on the District of Columbia. to which was referred the bill of the House (H. R. 24746) for free lectures, reported the same without amendment, accompanied by a report (No. 6731); which said bill and report were re-

ferred to the House Calendar.

Mr. KLINE, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 24841) to authorize The National Safe Deposit, Savings and Trust Company of the District of Columbia to change its corporate name, eported the same without amendment, accompanied by a report No. 6732); which said bill and report were referred to the House Calendar.

Mr. ALLEN of Maine, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 24932) for the extension of School street NW., reported the same with amendment, accompanied by a report (No. 6733); which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Inter state and Foreign Commerce, to which was referred the bill of the House (H. R. 24272) permitting the building of a dam across the Mississippi River at or near Pike Rapids, in Morrison County, Minn., reported the same with amendment, accompanied by a report (No. 6734); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 24283) permitting the building of a railway bridge acro's the Mississippi River, in Morrison County and State of Minnesota, reported the same with amendment, accompanied by a report (No. 6735); which said bill and report

were referred to the House Calendar.

Mr. KLINE, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 21669) to provide for the incorporation of banks within the District of Columbia, reported the same with amendment, accompanied by a report (No. 6737); which said bill and report were referred to the House Calendar.

Mr. TAYLOR of Ohio, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 21684) to amend section 2 of the act entitled "An act regulating the retent on contracts with the District of Columbia," approved March 31, 1906, reported the same without amendment, accompanied by a report (No. 6739); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12690) to define the term of "registered nurse" and to provide for the registration of nurses in the District of Columbia, reported the same with amendment, accompanied by a report (No. 6740); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22350) to authorize the recorder of deeds of the District of Columbia to recopy old records in his office, and for other purposes, reported the same with amendment, accompanied by a report (No. 6741); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5698) to regulate the practice of veterlary medicine in the District of Columbia, reported the same with amendment, accompanied by a report (No. 6742); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17212) to amend an act to incorporate

the Supreme Lodge of the Knights of Pythias, reported the same without amendment, accompanied by a report (No. 6738); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7034) to incorporate the International Sunday School Association of America, reported the same without amendment, accompanied by a report (No. 6745); which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 5660) for the relief of Capt. William N. Hughes, reported the same without amendment, accompanied by a report (No. 6710); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22367) for the relief of Patrick Conlin, reported the same with amendment, accompanied by a report (No. 6712); which said bill and report were referred to the Private Calendar.

Mr. OLCOTT, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 3702) the relief of the Gurley Memorial Presbyterian Church of the District of Columbia, and for other purposes, reported the same without amendment, accompanied by a report (No. 6717); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7028) for the relief of the Allis-Chalmers Company, of Milwaukee, Wis., reported the same without amendment, accompanied by a report (No. 6719); which said bill and report were referred to the Private Calendar.

# ADVERSE REPORT.

Under clause 2, Rule XIII, adverse report was delivered to the Clerk, and laid on the table, as follows:

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 19517) to amend and construe an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ended June 30, 1900, and for other purposes," in so far as the same relates to Virginia military, continental, or State land warrants, reported the same adversely, accompanied by a report 6723); which said bill and report were laid on the table.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as

By Mr. FOSS, from the Committee on Naval Affairs: A bill (H. R. 24925) making appropriations for the naval service for the fiscal year ending June 30, 1908, and for other purposesto the Union Calendar.

By Mr. SIMS: A bill (H. R. 24926) to amend section 1301, chapter 45, of the Code of Laws for the District of Columbia, relating to negligence causing death—to the Committee on the District of Columbia.

By Mr. CANDLER: A bill (H. R. 24927) to increase the compensation of rural letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. JONES of Washington: A bill (H. R. 24928) authorizing the construction of a dam across the Snake River, in the State of Washington, by the Benton Water Company-to the Committee on Interstate and Foreign Commerce.

By Mr. DUNWELL: A bill (H. R. 24929) to increase the salary of the deputy naval officer at the port of New York-to the Committee on Ways and Means.

By Mr. BABCOCK: A bill (H. R. 24930) prohibiting the distribution of circulars and certain other advertising matter on private property within the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 24931) regulating certain licenses in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. ALLEN of Maine, from the Committee on the District of Columbia: A bill (H. R. 24932) for the extension of School street NW .- to the House Calendar.

By Mr. JENKINS: A bill (H. R. 24933) to provide two additional judges and other officers for the district of Alaska, and for other purposes—to the Committee on the Judiciary.

By Mr. GRAFF: A bill (H. R. 24934) for the relief of cer-

tain counties in the State of Illinois-to the Committee on the Public Lands.

By Mr. WILEY of Alabama: A bill (H. R. 24935) to prevent the exclusion of a newspaper or periodical from the United States mails as second-class matter, after having been entered to such privilege, without due process of law—to the Committee on the Post-Office and Post-Roads.

By Mr. BURTON of Delaware: A joint resolution (H. J. Res. 228) authorizing the President of the United States to appoint a commission to examine and report upon a route for the construction of a free and open waterway to connect the waters of Delaware River and Raritan Bay-to the Committee on Rivers and Harbors.

By Mr. BURKE of South Dakota: A resolution (H. Res. 792) to increase the salary of the assistant index clerk of the House to the Committee on Accounts.

By Mr. LOUDENSLAGER: A resolution (H. Res. 793) providing for the payment to L. S. Terry of money for services in the Pension Committee—to the Committee on Accounts.

By Mr. SULLOWAY: A resolution (H. Res. 794) to pay Her-

man Gauss for expert and extra services rendered-to the Committee on Accounts.

#### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following

titles were introduced and severally referred, as follows:

By Mr. ANDREWS: A bill (H. R. 24936) granting an increase of pension to Annie J. Jones—to the Committee on Invalid Pen-

By Mr. BRUMM: A bill (H. R. 24937) granting an increase of pension to William D. Guertler-to the Committee on Invalid

Also, a bill (H. R. 24938) granting an increase of pension to Elizabeth J. Coates—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 24939) granting an increase of pension to Emma H. Cooper—to the Committee on Invalid

By Mr. CALDERHEAD: A bill (H. R. 24940) granting an increase of pension to Timothy H. Gibson-to the Committee on Invalid Pensions

By Mr. CAMPBELL of Kansas: A bill (H. R. 24941) granting a pension to Sarah G. Bloxom—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 24942) granting a pension to Adam Young—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 24943) granting an increase of pension to Moses H. Pride—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24944) granting an increase of pension to

Also, a bill (H. R. 24944) granting an increase of pension to Louis Lamb—to the Committee on Pensions.

By Mr. CLAYTON: A bill (H. R. 24945) for the relief of M. I. Gallups, R. S. Smith, W. N. Gill, J. A. Weaver, I. S. Cadenhead, Davis Gillenwaters, and John McLemore—to the Committee on the Judiciary

By Mr. CURRIER: A bill (H. R. 24946) granting a pension to Phebe Wright-to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 24947) granting an increase of pension to Edward Mailey-to the Committee on Invalid-Pen-

By Mr. DE ARMOND: A bill (H. R. 24948) for the relief of the heirs of Jacob Hufty, deceased—to the Committee on War Claims.

Also, a bill (H. R. 24949) for the relief of Mary E. Willett—
to the Committee on War Claims.
Also, a bill (H. R. 24950) for the relief of the heirs of Hugh
G. Glenn, deceased—to the Committee on War Claims.
By Mr. ELLERBE: A bill (H. R. 24951) for the relief of
George M. Stackhouse—to the Committee on Claims.

By Mr. FULKERSON: A bill (H. R. 24952) granting an increase of pension to David M. Myers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24953) granting an increase of pension to William T. Conlin-to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 24954) granting an increase of pension to Vachael Parrish-to the Committee on Pensions. Also, a bill (H. R. 24955) granting an increase of pension to

G. W. Evans—to the Committee on Invalid Pensions. Also, a bill (H. R. 24956) granting a pension to Jennings Duggins—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 24957) granting an increase

of pension to Francis H. Ferry-to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 24958) granting an increase of pension to Henry Kanline-to the Committee on Invalid Pen-

By Mr. GRANGER: A bill (H. H. 24959) granting an increase pension to William McClarance-to the Committee on Invalid Pensions.

By Mr. GREENE: A bill (H. R. 24960) granting an increase of pension to Charles S. Sawyer—to the Committee on Invalid Pensions.

By Mr. GRIGGS: A bill (H. R. 24961) granting an increase of pension to Augustus H. Hansell—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 24962) granting a pension to

George Wells—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 24963) for the relief of the trustees of the Macedonia Church, in Frederick County, Va.-to the Committee on Claims.

By Mr. HERMANN: A bill (H. R. 24964) granting a pension to Milton Lee—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 24965) granting an in-

crease of pension to Jacob Gilbrech-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24966) granting a medal of honor to Jesse S. Harrold—to the Committee on Military Affairs.

By Mr. HOUSTON: A bill (H. R. 24967) granting an increase of pension to J. L. Adams-to the Committee on Pensions.

By Mr. KELIHER: A bill (H. R. 24968) granting an increase of pension to John Burke-to the Committee on Invalid Pen-

Also, a bill (H. R. 24969) granting an increase of pension to Charles N. Stafford—to the Committee on Invalid Pensions.
Also, a bill (H. R. 24970) granting a pension to Joseph P. Dalton—to the Committee on Invalid Pensions.
By Mr. McCARTHY: A bill (H. R. 24971) granting an in-

rease of pension to Elijah Devore—to the Committee on Inva-

By Mr. MADDEN: A bill (H. R. 24972) granting an increase of pension to Leonidas Wilson—to the Committee on Pensions. Also, a bill (H. R. 24973) granting an increase of pension to

D. C. Brownson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24974) granting an increase of pension to Phillip Isaac Frank—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 24975) granting a pension to Henry Kline—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 24976) granting a pension to Smith Crowell—to the Committee on Invalid

Also, a bill (H. R. 24977) granting an increase of pension to

Albert De Barry—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 24978) for the relief of the heirs of Thomas M. Grahame—to the Committee on War Claims,

By Mr. PADGETT: A bill (H. R. 24979) for the relief of G. M. D. Alexander, administrator of the estate of R. M. Alexander, administrator of the contact of the committee of the ander, deceased—to the Committee on War Claims.

By Mr. POLLARD: A bill (H. R. 24980) granting an increase

of pension to Stephen Prior-to the Committee on Invalid Pen-

By Mr. RICHARDSON of Alabama: A bill (H. R. 24981) for the relief of James Henry and Porter Henry-to the Committee on War Claims

By Mr. SCOTT: A bill (H. R. 24982) granting an increase of ension to James F. Trobridge—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 24983) granting a pension to Julia M. Hinsdill—to the Committee on Invalid Pensions.

By Mr. TYNDALL: A bill (H. R. 24984) granting an increase of pension to Lauranah J. Hedgepeth-to the Committee on Invalid Pensions.

# CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred, as follows:

A bill (H. R. 17260) granting a pension to Josephine Stewart-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21128) granting a pension to Johanna O'Brien— Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21130) granting a pension to Margaret Mc-Nally—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24781) granting a pension to John S. Woods-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23499) granting an increase of pension to Thomas J. Myers-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24575) granting an increase of pension to James M. Freeman-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9448) granting an increase of pension to T. B. Hockey—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10181) granting an increase of pension to John Crew—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Henry Vickers et al., citizens of Greater New York, against interference in affairs of the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of John M. Gudrongen et al., of Climax, Minn., for amendment of the free alcohol bill—to the Committee on Ways and Means.

By Mr. ADAMSON: Petition of George J. Baldwin, for an Appalachian forest reservation—to the Committee on Agriculture.

Also, petitions of the Savannah Clearing Association and the Fourth National Bank of Atlanta, Ga., for bill H. R. 23017—to the Committee on Banking and Currency.

By Mr. BARCHFELD: Petitions of citizens of Manning, S. C.; Fond du Lac, Wis.; Trudean, N. J.; Charleston, W. Va.; Sedro Woolley, Wash.; Schoolcraft, Mich.; Sandy Hill, N. Y.; Stevens and Grant counties, Mich.; Grand Forks, N. Dak.; Alexander, Ill.; Ballingham, Wash, and Cumborland, N. Laggingt ander, Ill.; Bellingham, Wash., and Cumberland, N. J., against bill S. 5221, to regulate the practice of osteopathy in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BEALL of Texas: Paper to accompany bill for relief of Samuel Mahuren—to the Committee on War Claims, By Mr. BOUTELL: Petition of the New Immigrants' Protect-

ive League, against the Lodge-Gardner bill-to the Committee on Immigration and Naturalization.

By Mr. BROWN: Petition of citizens of Wausau, Wis., against the Lodge-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. BURLEIGH: Paper to accompany bill for relief of

James K. Garland—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: Paper to accompany bill for relief of Sarah G. Bloxom-to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: Papers to accompany bills for relief of Louis Lamb and Moses H. Pride—to the Committee on Invalid Pensions,

By Mr. DALZELL: Paper to accompany bill for relief of Edward Mailey-to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: Papers to accompany bills for relief of Henry L. Pengilly and Henry Denzer-to the Committee on Invalid Pensions.

Also, petition of Michael Cook Post, Grand Army of the Republic, of Faribault, Minn., for passage of the age pension bill-

by Mr. DE ARMOND: Paper to accompany bill for relief of Finus M. Wyatt—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of heirs of Hugh C. Glenn, Mary E. Willett, and heirs of Jacob Hufty—to the Committee on War Claims.

By Mr. ESCH: Petition of the National Private Commercial School Managers' Association, for revision of the postal laws to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of the Massachusetts State Federation of Women's Clubs, for forest-reservation law (8, 4953)—to the Committee on Agriculture.

Also, petition of N. H. Ray, of Shabbona, Ill., for an amendment of the railway-rate law to permit exchange of advertising

for transportation—to the Committee on Interstate and Foreign Commerce.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of W. W. Wilkerson (previously referred to the Committee on Military Affairs)-to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: Petition of Hebrew citizens of Massachusetts, against enactment of a law to restrict immigration-to the Committee on Immigration and Naturalization.

By Mr. GARRETT: Paper to accompany bill for relief of William B. Booker—to the Committee on War Claims.

By Mr. GRAHAM: Petition of John W. Morris, against sec-

tion 3 of bill S. 976—to the Committee on Invalid Pensions.
Also, petition of Bertrand Rockwell, for bill H. R. 23109 (increase of pay in the Regular Army)—to the Committee on Military Affairs.

Also, petition of the First National Bank of America, for bill H. R. 23017 (reform of currency laws)—to the Committee on Banking and Currency.

By Mr. GRANGER: Petition of the Rhode Island State Grange, against passage of the ship-subsidy bill-to the Committee on the Merchant Marine and Fisheries.

By Mr. GREENE: Petition of the International Seamen's Union of America, against the ship-subsidy bill-to the Committee on the Merchant Marine and Fisheries.

By Mr. HALE: Paper to accompany bill for relief of James M. Freeman (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. HAYES: Petition of George W. Congle et al., citizens, against the employment of Asiatic coolies on the Panama Canal—to the Committee on Foreign Affairs.

Also, petition of the California Promotion Committee, for an appropriation to improve Sacramento River-to the Committee on Rivers and Harbors.

By Mr. HIGGINS: Petition of Norwich City Lodge, No. 62, O. B. A., of Norwich, Conn., against any further restriction of immigration-to the Committee on Immigration and Naturalization.

By Mr. HINSHAW: Petition of the Soldiers' Relief Commission, for an amendment to the McCumber bill-to the Committee on Invalid Pensions.

By Mr. KAHN: Petition of Joseph Burke, of San Francisco, against the employment of Asiatic laborers on the Panama Canal—to the Committee on Interstate and Foreign Commerce.

Also, petition of the California Promotion Committee, for improvement of Sacramento River-to the Committee on Rivers

By Mr. KELIHER: Petition of the Massachusetts State Board of Trade, for improvement of the Government Post-Office Department favorable to rates for second-class matter-to the Committee on the Post-Office and Post-Roads.

Also, petition of the Boston Association of Retail Druggists, against application of the Sherman trust law inimical to organization and cooperation of small dealers-to the Committee on Interstate and Foreign Commerce.

Also, petition of H. M. Batchelder et al., against bill H. R. 7053-to the Committee on the Post-Office and Post-Roads.

By Mr. KENNEDY of Nebraska: Paper to accompany bill for relief of Beatrice H. Duncan-to the Committee on Invalid Pensions.

Also, petition of the Western Fruit Jobbers' Association, for further enlargement of the powers of the Interstate Commerce Commission-to the Committee on Interstate and Foreign Com-

petition of 45 citizens of Omaha and South Omaha,

for the Hamilton bill—to the Committee on Invalid Pensions.

By Mr. KLEPPER: Petition of the forty-fourth general assembly of the State of Missouri and the board of aldermen of the city of Excelsior Springs, against extension of time by the Federal Government for building a bridge on the Winner Piers—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUDENSLAGER: Petition of the New Jersey State Federation of Women's Clubs, that the forest-reservation bill be passed—to the Committee on Agriculture.

By Mr. McCALL: Petition of the Taunton Association, of Massachusetts, for intervention by the United States in behalf of natives of the Kongo Free State—to the Committee on For-

eign Affairs. Also, petition of the Federation of Jewish Charities and the United Hebrew Benevolent Association, against enactment of the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. McNARY: Paper to accompany bill for relief of Charles J. M. Temple, Otis H. Barnes, Patrick F. Shevlins, and

William V. Monroe—to the Committee on Invalid Pensions,
By Mr. MOORE of Pennsylvania: Petition of the Wholesale Association of Pennsylvania, for bill H. R. Liquor Dealers' 4490, relative to the tax on distilled spirits—to the Committee on

By Mr. MANN: Paper to accompany bill for relief of Henry Kline-to the Committee on Invalid Pensions.

By Mr. OVERSTREET of Indiana: Petition of the Indiana Grain Dealers' Association, for legislation in harmony with the action of the Union Grades Congress relative to a uniform

classification of grain and seeds throughout the United States, and placing such classification under supervision and control of the Federal Government-to the Committee on Interstate and Foreign Commerce.

By Mr. PADGETT: Paper to accompany bill for relief of Matthew G. McKelvey-to the Committee on Invalid Pensions. Also, papers to accompany bills for relief of J. W. Choate and J. M. D. Alexander—to the Committee on War Claims.

By Mr. RANDELL of Texas: Petition of citizens of Sherman, -to the Committee on Rivers and Harbors.

By Mr. REYBURN: Petition of the Wholesale Liquor Dealers' Association of Pennsylvania, for bill H. R. 4490—to the Committee on Ways and Means.

By Mr. RICHARDSON of Alabama: Paper to accompany bill for relief of James Henry and Porter Henry—to the Committee on War Claims.

By Mr. RYAN: Petition of Division No. 2, of Buffalo, N. Y., Order Railway Conductors, against bill S. 5133—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Illinois: Petition of the Chicago Clearing House Association, for bill H. R. 23017-to the Committee on Banking and Currency

By Mr. SMITH of Maryland: Paper to accompany bill for relief of William Turner—to the Committee on Invalid Pensions. By Mr. STANLEY: Petition of the Journal, of Henderson,

Ky., against tariff on linotype machines-to the Committee on Ways and Means.

By Mr. STERLING: Petition of Rev. F. L. Gould et al., citizens of Allerton, Ill., for bill H. R. 13655 (the Littlefield-Dolliver bill)—to the Committee on the Judiciary.

By Mr. TYNDALL: Paper to accompany bill for relief of J. T. Blackman—to the Committee on Claims.

By Mr. WEISSE: Paper to accompany bill for relief of Arthur S. Tibbitts-to the Committee on War Claims.

## SENATE.

# Saturday, January 26, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Hale, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### SETTLERS ON PUBLIC LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office submitting the draft of a proposed amendment to the second section of the act of June 16, 1880, for the relief of certain settlers on public lands and to provide for the payment of certain fees, purchase money, and commissions paid on void entries on public lands; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

## FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Louise A. Crosby, widow of Pierce Crosby, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be

# MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bill and joint resolution, with amendments; in which it requested the concurrence of the Senate:

S. 7099. An act granting an increase of pension to Esther A.

Cleaveland; and S. R. 86. Joint resolution granting an extension of time to certain homestead entrymen.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the

H. R. 529. An act granting an increase of pension to Francis L. Arnold ;

H. R. 830. An act granting an increase of pension to Hezekiah

H. R. 1019. An act granting an increase of pension to Daniel B. Bayless

H. R. 1233. An act granting an increase of pension to Lucretia Davis:

H. R. 1373. An act granting an increase of pension to Florence

H. R. 1778. An act granting a pension to Jefferson L. Jennings;

H. R. 2049. An act granting an increase of pension to Henry Arey;

H. R. 2246. An act granting an increase of pension to Henry Damm:

H. R. 2777. An act granting an increase of pension to Albert F. Durgin;

H. R. 2781. An act granting an increase of pension to Martin V. B. Wyman;

H. R. 2878. An act granting an increase of pension to John M.

H. R. 3002. An act granting an increase of pension to David C. Johnston;

H. R. 3204. An act granting an increase of pension to Charles H. Anthony;

H. R. 3208. An act granting a pension to Isabel T. Borthwick; H. R. 3352. An act granting an increase of pension to George R. Roraback:

H. R. 3720. An act granting an increase of pension to Joseph McNulty;

H. R. 3977. An act granting an increase of pension to John Vorous:

H. R. 5709. An act granting an increase of pension to Mary H. Patterson:

H. R. 5854. An act granting an increase of pension to Jonas

H. R. 5856. An act granting an increase of pension to Martin Offinger:

Offinger; H. R. 6161. An act granting an increase of pension to Horatio Ernest;

H. R. 6491. An act granting an increase of pension to Albert Riley:

H. R. 6575. An act granting an increase of pension to Rawleigh M. Monin;

H. R. 6589. An act granting an increase of pension to Manoah W. Dunkin;

H. R. 6880. An act granting an increase of pension to Marine D. Tackett;

H. R. 6887. An act granting an increase of pension to James E. Taylor;

H. R. 6943. An act granting an increase of pension to Linas Van Steenburg:

H. R. 7415. An act granting an increase of pension to George W. Brawner:

H. R. 7416. An act granting an increase of pension to Joseph R. Boger;

H. R. 7538. An act granting an increase of pension to Thompson H. Hudson;

H. R. 7918. An act granting an increase of pension to John M. Buxton;

H. R. 8164. An act granting an increase of pension to Jackson Mays;

H. R. 8586. An act granting an increase of pension to Milton J. Timmons;

H. R. 8673. An act granting an increase of pension to Marcena C. S. Gray;

H. R. 8718. An act granting an increase of pension to William T. Rowe;

H. R. 8816. An act granting a pension to Mary Schoske; H. R. 9073. An act granting an increase of pension to Melissa

McCracken; H. R. 9450. An act granting an increase of pension to Alexander Brown:

H. R. 9576. An act granting an increase of pension to Henry Wagner:

H. R. 9655. An act granting an increase of pension to William Crooks:

H. R. 9767. An act granting a pension to William J. Crane; H. R. 10188. An act granting an increase of pension to James

H. R. 10598. An act granting an increase of pension to Robert W'Wills.

W. Mills; H. R. 10874. An act granting an increase of pension to Fred-

erick Pfahl;
H. R. 11098. An act granting an increase of pension to Joseph

A. Robinson;
H. R. 11279. An act to remove the charge of absence without

leave from the military record of Oscar O. Bowen; H. R. 11523. An act granting an increase of pension to Robert

L. Hamill; H. R. 11535. An act granting a pension to Margarette R.

H. R. 11693. An act granting an increase of pension to James H. Davison; H. R. 11740. An act granting an increase of pension to Robert R. Dill:

H. R. 11754. An act granting an increase of pension to Charles W. Helvey;

H. R. 11980. An act granting an increase of pension to William H. Boulton;

H. R. 11994. An act granting an increase of pension to Martha W. Wright;

H. R. 12033. An act granting an increase of pension to George W. Irwin;

H. R. 12095. An act granting an increase of pension to Atticus Lewis;

H. R. 12154. An act granting an increase of pension to Henry
 E. Collins;
 H. R. 12250. An act granting an increase of pension to Samuel

Naus;
H. R. 12355. An act granting an increase of pension to Thomas

B. Thompson; H. R. 12458. An act granting an increase of pension to Thomas

H. R. 12458. An act granting an increase of pension to Thomas J. Saylor:

H. R. 12496. An act granting an increase of pension to Hurlbutt L. Farnsworth; H. R. 13681. An act granting a pension to Amos Vaughan, alias

William Shanks; H. R. 13706. An act granting an increase of pension to Albert

C. Roach; H. R. 13769. An act granting an increase of pension to David

Angel; H. R. 13835. An act granting an increase of pension to William Crane:

H. R. 13920. An act granting an increase of pension to Oren D. Curtis;

H. R. 13960. An act granting an increase of pension to Thomas B. Manning;

H. R. 14777. An act granting a pension to Mary A. Clark; H. R. 15012. An act granting an increase of pension to Oliver Curry:

H. R. 15136. An act granting an increase of pension to George H. Justin;

H. R. 15189. An act granting an increase of pension to Sidney
S. Skinner;
H. R. 15353. An act granting an increase of pension to Abby J.

Bryant; H.R. 15903. An act granting an increase of pension to Henry

S. Scudder; II. R. 16020. An act granting an increase of pension to Andrew Brink:

H. R. 16046. An act granting an increase of pension to David Province:

H. R. 16322. An act granting an increase of pension to George C. Limpert;

H. R. 16391. An act granting an increase of pension to William Jackson:

H. R. 16855. An act granting an increase of pension to Milton Peden;

H. R. 16907. An act granting an increase of pension to Clarke
 S. Cole;
 H. R. 16978. An act granting an increase of pension to Max

Mueller; H. R. 17061. An act granting an increase of pension to Iva O.

Shepardson;
H. R. 17547. An act granting an increase of pension to Florence

L. M. Mentz; H. R. 17618. An act granting an increase of pension to Anna F. Burlingame;

H. R. 17750. An act granting an increase of pension to John Gustus;

H. R. 17783. An act granting an increase of pension to James West;

H. R. 17831. An act granting an increase of pension to James Bowman;

H. R. 18213. An act granting an increase of pension to William Ingram;

H. R. 18245. An act granting an increase of pension to Samuel D. McCurdy;

H. R. 18344. An act granting an increase of pension to William Todd;

H. R. 18450. An act granting an increase of pension to Eliza Howell:

H. R. 18602. An act granting an increase of pension to James E. Netser;

H. R. 18968. An act granting a pension to Vance Perkins;

H. R. 19042. An act granting a pension to Georgetta K. Collum; H. R. 19131. An act granting an increase of pension to Edward K. Mull; H. R. 19175. An act granting an increase of pension to Josiah

H. R. 19369. An act granting an increase of pension to John F. G. Cliborne;

H. R. 19450. An act granting an increase of pension to Henry

H. R. 19498. An act granting an increase of pension to Sarah

H. R. 19499. An act granting an increase of pension to Thomas Milson:

H. R. 19537. An act granting an increase of pension to Edward S. E. Newbury

H. R. 19578. An act granting an increase of pension to Mary A. Rogers

H. R. 19589. An act granting a pension to Aaron Davis;

H. R. 19592. An act granting an increase of pension to William B. Corley ;

H. R. 19613. An act granting an increase of pension to James

H. R. 19650. An act granting an increase of pension to Alexander W. Taylor:

H. R. 19775. An act granting an increase of pension to Greenup Meece

H. R. 20008. An act granting an increase of pension to Caroline A. Smith;

.H. R. 20107. An act granting an increase of pension to William A. Brown

H. R. 20125. An act granting an increase of pension to Mary Küchler

H. R. 20126. An act granting an increase of pension to Margaret Pint:

H. R. 20187. An act granting an increase of pension to John J. Duff

H. R. 20243. An act granting an increase of pension to Auton Heinzen

H. R. 20261. An act granting an increase of pension to Burris Subers

H. R. 20283. An act granting an increase of pension to Henry D. Bole

H. R. 20413. An act granting a pension to Eva Louise Eberlin; H. R. 20446. An act granting an increase of pension to Andrew

H. Groves H. R. 20455. An act granting an increase of pension to Harvey McCallin :

H. R. 20493. An act granting an increase of pension to Charles F. Connery

H. R. 20577. An act granting a pension to Mary Kaisted;

H. R. 20615. An act granting an increase of pension to Julia T. Baldwin ;

H. R. 20616. An act granting an increase of pension to Isaac Fornwalt:

H. R. 20684. An act granting an increase of pension to William M. Neal

H. R. 20687. An act granting an increase of pension to John M. Dixon;

H. R. 20688. An act granting an increase of pension to Joseph

H. R. 20713. An act granting an increase of pension to Timothy Quinn:

H. R. 20732. An act granting an increase of pension to Le Roy Benson:

H. R. 20738. An act granting a pension to Sarah A. Hawkes;

H. R. 20740. An act granting an increase of pension to Guthridge L. Phillips

H. R. 20823. An act granting an increase of pension to William H. Webb:

H. R. 20858. An act granting an increase of pension to William C. Thompson:

H. R. 20953. An act granting an increase of pension to James

H. R. 20057. An act granting an increase of pension to William

H. R. 21022. An act granting an increase of pension to Thomas N. Gootee:

H. R. 21025. An act granting an increase of pension to Enoch May

H. R. 21039. An act granting an increase of pension to Nelson J. Weller

H. R. 21087. An act granting an increase of pension to Albert

H. R. 21097. An act granting an increase of pension to Henry W. Martin;

H. R. 21103. An act granting an increase of pension to Jacob Palmer:

H. R. 21111. An act granting an increase of pension to Arthur Graham;

H. R. 21115. An act granting an increase of pension to Sylvester Bickford

H. R. 21118. An act granting an increase of pension to Jacob Hartman

H. R. 21120. An act granting an increase of pension to John Lynch;

H. R. 21121. An act granting an increase of pension to Marcus Wood:

H. R. 21133. An act granting an increase of pension to James W. Cosgrove

H. R. 21134. An act granting an increase of pension to Frederick Kriner;

H. R. 21175. An act granting a pension to Martin J. Flagstad; H. R. 21238. An act granting an increase of pension to John W. Gahan;

H. R. 21249. An act granting a pension to Minnie Scheele:

H. R. 21257. An act granting an increase of pension to Thomas Morris:

H. R. 21268. An act granting a pension to Rollin S. Belknap; H. R. 21276. An act granting an increase of pension to Chris-

tian Roessler H. R. 21289. An act granting an increase of pension to Jesse

Lewis H. R. 21294. An act granting an increase of pension to Lissie

D. Allen H. R. 21298. An act granting an increase of pension to John A.

Pence H. R. 21301. An act granting an increase of pension to John R.

Goodier H. R. 21312. An act granting an increase of pension to Ernst

H. R. 21316. An act granting an increase of pension to Samuel Rhodes

H. R. 21356. An act granting an increase of pension to Edward C. Miller

H. R. 21373. An act granting an increase of pension to Carrie E. Cosgrove

H.R. 21374. An act granting an increase of pension to Charles H. Homan H. R. 21410. An act granting an increase of pension to Blanche

M. Kell; H. R. 21423. An act granting an increase of pension to Martha

E. Wood H. R. 21425. An act granting an increase of pension to Jasper

N. Brown H. R. 21426. An act granting an increase of pension to John J.

H. R. 21433. An act granting an increase of pension to George W. Lasley

H. R. 21461. An act granting an increase of pension to Henry Huff

H. R. 21462. An act granting an increase of pension to William H. Wickham;

H. R. 21473. An act granting an increase of pension to James B. Wood

H. R. 21476. An act granting an increase of pension to Hiram A. Winslow

H. R. 21506. An act granting an increase of pension to Jacob Howe

H. R. 21508. An act granting an increase of pension to Samuel Barber

H. R. 21515. An act granting an increase of pension to Joseph Wheeler H. R. 21516. An act granting an increase of pension to James

H. R. 21540. An act granting an increase of pension to John

L. Wilson H. R. 21563. An act granting an increase of pension to Mer-

ritt M. Smart H. R. 21588. An act granting an increase of pension to Rob-

ert Medworth H. R. 21604. An act granting an increase of pension to Wil-

liam Girdler; H. R. 21618. An act granting an increase of pension to Le-

onidas W. Reavis; H. R. 21621. An act granting an increase of pension to Minerva

H. R. 21718. An act granting an increase of pension to Franz Z. F. W. Jensen; H. R. 21740. An act granting an increase of pension to Maria

R. Klindt; H. R. 21764. An act granting an increase of pension to Ment Stannah:

H. R. 21769. An act granting a pension to Emma C. Aikin;

H. R. 21782. An act granting an increase of pension to Anderson Graham:

H. R. 21787. An act granting an increase of pension to Alexander Porter;

H. R. 21838. An act granting an increase of pension to Fan-

nie J. Terry;
H. R. 21853. An act granting an increase of pension to Wil-

liam A. Whitaker; H. R. 21894. An act granting an increase of pension to Jacob W. Pierce

H. R. 21923. An act granting an increase of pension to Sebastian Fuchs;

H. R. 21962. An act granting an increase of pension to Henry Osterheld:

H. R. 21988. An act granting a pension to Philip Dieter; H. R. 22002. An act granting an increase of pension to John W.

H. R. 22007. An act granting an increase of pension to Sanford

D. Payne;

H. R. 22017. An act granting an increase of pension to Adolphus Cooley;

H. R. 22018. An act granting an increase of pension to Charles H. R. 22020. An act granting an increase of pension to Samuel

Keller;

H. R. 22022. An act granting an increase of pension to Josiah H. Shaver;

H. R. 22025. An act granting an increase of pension to Thomas H. Cook ;

H. R. 22034. An act granting an increase of pension to James A. Wonder

H. R. 22035. An act granting an increase of pension to Benjamin Swayze

H. R. 22036. An act granting a pension to Emma A. Hawkes; H. R. 22050. An act granting an increase of pension to John W.

H. R. 22068. An act granting an increase of pension to John P. Macy

H. R. 22079. An act granting an increase of pension to James D. Grayson

H. R. 22089. An act granting an increase of pension to Adaline G. Bailey;

H. R. 22099. An act granting an increase of pension to Libbie D. Lowry

H. R. 22101. An act granting a pension to Mack Rittenberry; H. R. 22153. An act granting a pension to Antonio Archuleta;

H. R. 22187. An act granting a pension to Hiram C. Jett; H. R. 22215. An act granting an increase of pension to Eliza A. Hughes:

H. R. 22222. An act granting an increase of pension to John

W. Booth; H. R. 22223. An act granting an increase of pension to Uriah

Kitchen; H. R. 22239. An act granting an increase of pension to Elizabeth T. Hays;

H. R. 22240. An act granting a pension to James M. Ping; H. R. 22252. An act granting an increase of pension to Wil-

liam W. Tyson; H. R. 22262. An act granting a pension to Elizabeth S. Osborne:

H. R. 22269. An act granting an increase of pension to John L. Rosencrans

H. R. 22276. An act granting an increase of pension to Warren A. Sherwood;

H. R. 22279. An act granting an increase of pension to Thomas M. Griffith:

H. R. 22282. An act granting an increase of pension to Edward H. Lunn;

H. R. 22284. An act granting an increase of pension to George

H. R. 22285. An act granting an increase of pension to Dennis Remington, alias John Baker

H. R. 22297. An act granting an increase of pension to Hugh L. Dicus:

H. R. 22318. An act granting an increase of pension to James D. Cox

H. R. 22322. An act granting an increase of pension to Maria Cross

H. R. 22359. An act granting an increase of pension to Louisa L. Wood;

H. R. 22388. An act granting an increase of pension to Daniel A. Peabody

H. R. 22408. An act granting an increase of pension to Aaron Preston;

H. R. 22425. An act granting an increase of pension to Thomas Sires

H. R. 22428. An act granting an increase of pension to Dora T.

Bristol; H. R. 22434. An act granting an increase of pension to Peter McCormick;

H. R. 22440. An act granting an increase of pension to Daniel

H. R. 22443. An act granting an increase of pension to Lyman S. Strickland;

H. R. 22462. An act granting an increase of pension to Aaron Chamberlain:

H. R. 22522. An act granting an increase of pension to Susan Harroun:

H. R. 22542. An act granting an increase of pension to Charlotte S. O'Neall:

H. R. 22550. An act granting an increase of pension to Jonathan B. Reber: H. R. 22601. An act granting an increase of pension to John J.

Clark;

H. R. 22609. An act granting an increase of pension to Thomas Bayley:

H. R. 22620. An act granting an increase of pension to Charles S. Abbott; H. R. 22623. An act granting an increase of pension to George

W. Willison

H. R. 22634. An act granting an increase of pension to Helon Wilson; H. R. 22635. An act granting an increase of pension to Cath-

arine Williams: H. R. 22642. An act granting an increase of pension to John

Gregory: H. R. 22696. An act granting a pension to Charles F. Elling-

wood: H. R. 22715. An act granting an increase of pension to Ter-. rance Dovle:

H. R. 22746. An act granting an increase of pension to Felix G. Cobb:

H. R. 22747. An act granting a pension to Celestia E. Outlow; H. R. 22750. An act granting an increase of pension to William Jenkins:

H. R. 22762. An act granting an increase of pension to John M. Gilbert :

H. R. 22764. An act granting an increase of pension to Samuel V. Carr

H. R. 22772. An act granting an increase of pension to Mary S. Sanders: H. R. 22820. An act granting an increase of pension to George

S. Schmutz H. R. 22838. An act granting an increase of pension to W. Ira

Templeton; H. R. 22842. An act granting an increase of pension to William

C. Hodges H. R. 22846. An act granting an increase of pension to Martin Holmes, alias George Langin;

H. R. 22927. An act granting an increase of pension to William A. Leach;

H. R. 22929. An act granting an increase of pension to John O. McNabb; H. R. 22951. An act granting an increase of pension to Alice

E. Ragan; H. R. 22978. An act granting an increase of pension to Thomas

Adams; H. R. 22985. An act granting an increase of pension to Henry

Bauerlin;

H. R. 22990. An act granting an increase of pension to Francis A. Lander ; H. R. 23057. An act granting an increase of pension to James

M. Davidson; H. R. 23096. An act granting an increase of pension to James

L. Colding: H. R. 23121. An act granting an increase of pension to Frank

Vroman; H. R. 23135. An act granting a pension to Roseanna King; H. R. 23136. An act granting an increase of pension to Syl-

vanus Sloat : H. R. 23143. An act granting an increase of pension to John

H. Robbins H. R. 23153. An act granting an increase of pension to George

Quien: H. R. 23182. An act granting an increase of pension to Martha Ella Wrenn;

H. R. 23187. An act granting a pension to Jennie E. Luckenbach;

H. R. 23195. An act granting an increase of pension to Aurora Garwood Ellis

H. R. 23197. An act granting an increase of pension to Agnes E. Brown;

H. R. 23234. An act granting an increase of pension to James W. Walsh, alias James Powers;

H. R. 23241. An act granting an increase of pension to Mary Loomis:

H. R. 23247. An act granting an increase of pension to George I. Stults:

H. R. 23250. An act granting a pension to Georgie A. Mercer; H. R. 23265. An act granting an increase of pension to Henry Helton

H. R. 23278. An act granting an increase of pension to James M. Morris

H. R. 23279. An act granting an increase of pension to David H. Moore

H. R. 23281. An act granting an increase of pension to William T. Fisher

H. R. 23299. An act granting an increase of pension to Henry Goodlander

H. R. 23327. An act granting an increase of pension to Paul Sheets:

H. R. 23339. An act granting an increase of pension to Martha

L. Burnham : H. R. 23357. An act granting an increase of pension to James M. Houston;

H. R. 23365. An act granting an increase of pension to William

H. R. 23371. An act granting an increase of pension to Clark Crecelius:

H. R. 23394. An act to provide for an additional district judge for the northern and southern districts of California;

H. R. 23423. An act granting an increase of pension to Elbridge Simpson

H. R. 23458. An act granting an increase of pension to Edgar D. Ellis

H. R. 23468. An act granting an increase of pension to Martin Becker

H. R. 23475. An act granting an increase of pension to Thomas

J. Green : H. R. 23477. An act granting an increase of pension to Caro-

line Vick H. R. 23481. An act granting an increase of pension to John G. Price:

H. R. 23495. An act granting an increase of pension to Adam Sliger

H. R. 23522. An act granting an increase of pension to George

W. Shacklett ; H. R. 23526. An act granting an increase of pension to Stephen

H. R. 23527. An act granting an increase of pension to Joseph E. Knighten

H. R. 23528. An act granting an increase of pension to John M.

H. R. 23549. An act granting an increase of pension to Isaiah Carter:

H. R. 23550. An act granting an increase of pension to Elizabeth C. Smith:

H. R. 23593. An act granting an increase of pension to Charles M. Buck :

H. R. 23599. An act granting an increase of pension to Alfred B. Stansil:

H. R. 23608. An act granting an increase of pension to John Manley

H. R. 23622. An act granting an increase of pension to Benjamin Maple:

H. R. 23624. An act granting an increase of pension to Alvina M. Williams

H. R. 23644. An act granting an increase of pension to Charles J. Schreiner;

H. R. 23645. An act granting an increase of pension to Isaac L. Griswold;

H. R. 23650. An act to quiet title to lands on Jicarilla Reservation, and to authorize the Secretary of the Interior to cause allotments to be made, and to dispose of the merchantable timber, and for other purposes

H. R. 23651. An act granting an increase of pension to John

W. Wilson; H. R. 23652. An act granting an increase of pension to William H. Zimmerman

H. R. 23653. An act granting an increase of pension to Dewitt

H. R. 23656. An act granting an increase of pension to John Kilpatrick;

H. R. 23683. An act granting an increase of pension to Thomas Phillips

H. R. 23684. An act granting an increase of pension to Harry C. Cadwell:

H. R. 23686. An act granting an increase of pension to William H. Kehlbeck;

H. R. 23687. An act granting a pension to Blanche C. Polk; H. R. 23699. An act granting an increase of pension to Joseph Countryman:

H. R. 23703. An act granting an increase of pension to Clarendon Kelly:

H. R. 23705. An act granting an increase of pension to Frederick P. Gaudineer;

H. R. 23739. An act granting an increase of pension to Elizabeth Pillow

H. R. 23762. An act granting an increase of pension to Adelaide Wagner:

H. R. 23764. An act granting an increase of pension to Joseph

H. R. 23770. An act granting an increase of pension to Henry

H. R. 23772. An act granting an increase of pension to Temperance Davis

H. R. 23773. An act granting an increase of pension to Samuel H. Pierce

H. R. 23774. An act granting an increase of pension to James Kelley:

H. R. 23777. An act granting an increase of pension to James Marshall:

H. R. 23778. An act granting an increase of pension to Henry Clapper:

H. R. 23781. An act granting an increase of pension to Honora

H. R. 23783. An act granting an increase of pension to George W. Buzzell;

H. R. 23792. An act granting an increase of pension to Zeurial McCullock

H. R. 23795. An act granting an increase of pension to Patrick McMahon: H. R. 23803. An act granting an increase of pension to David

C. Jones H. R. 23804. An act granting an increase of pension to Phoebe

E. Sparkman ; H. R. 23805. An act granting an increase of pension to Thomas

Hamilton: H. R. 23810. An act granting an increase of pension to Ira J.

Everson H. R. 23811. An act granting an increase of pension to Theron

H. R. 23812. An act granting an increase of pension to Joseph

Dewhurst: H. R. 23845. An act granting an increase of pension to George W. Cassle:

H. R. 23846. An act granting an increase of pension to Sarah Ann Kendig

H. R. 23858. An act granting an increase of pension to Hugh M. Cox

H. R. 23870. An act granting an increase of pension to America J. Austin;

H. R. 23872. An act granting an increase of pension to Charles Blacker:

H. R. 23874. An act granting an increase of pension to William R. Horn;

H. R. 23877. An act granting an increase of pension to Mary A. Edwards

H. R. 23899. An act granting an increase of pension to James Hanna:

H. R. 23915. An act granting a pension to William Stegal; H. R. 23957. An act granting an increase of pension to John

Heinrichs: H. R. 23958. An act granting an increase of pension to Thomas

W. Parsons H. R. 23969. An act granting an increase of pension to Wil-

liam Morson: H. R. 23973. An act granting an increase of pension to Henry

Loor Reger H. R. 23981. An act granting an increase of pension to Sarah

Elizabeth Fuller: H. R. 23984. An act granting an increase of pension to Jacob

Miller ; H. R. 24017. An act granting an increase of pension to Timothy

H. R. 24018. An act granting an increase of pension to John Adams Miller;

H. R. 24019. An act granting an increase of pension to John Brown:

H. R. 24023. An act granting an increase of pension to Joseph H. Clark

H. R. 24056. An act granting an increase of pension to Reuben

Copher; H. R. 24064. An act granting a pension to Mary Murray;

H. R. 24078. An act granting an increase of pension to Warren

H. R. 24096. An act granting an increase of pension to Oscar F. Peacock; H. R. 24099. An act granting an increase of pension to Benja-

min J. Puckett

H. R. 24155. An act granting an increase of pension to Richard N. Porter :

H. R. 24182. An act granting an increase of pension to John

H. R. 24185. An act granting an increase of pension to William S. Weller: H. R. 24187. An act granting an increase of pension to Nancy

G. Reid: H. R. 24188. An act granting an increase of pension to Samuel

Moore H. R. 24192. An act granting an increase of pension to Charles

H. R. 24208. An act granting an increase of pension to Albert

Sunderland:

H. R. 24214. An act granting an increase of pension to Eliza-

H. R. 24231. An act granting an increase of pension to Absalom Sivley:

H. R. 24259. An act granting an increase of pension to Hannibal A. Johnson :

H. R. 24268. An act granting an increase of pension to Louisa Olin

H. R. 24303. An act granting an increase of pension to Gillum M. Ezell:

H. R. 24321. An act granting an increase of pension to Belah H. Wilcox

H. R. 24323. An act granting an increase of pension to Talcott M. Brown :

H. R. 24360. An act granting an increase of pension to Jeremiah F. Pittman:

H. R. 24380. An act granting an increase of pension to Charles Woodruff Woolley

H. R. 24383. An act granting an increase of pension to Shadrack H. J. Alley

H. R. 24415. An act granting an increase of pension to Laura

H. R. 24418. An act granting an increase of pension to Kate

H. R. 24479. An act granting an increase of pension to Simeon D. Pope:

H. R. 24513. An act granting an increase of pension to Bowman H. Buck; H. R. 24616. An act granting an increase of pension to Mathias

Shirk :

H. R. 24620. An act granting an increase of pension to Elizabeth Balew; and

H. R. 24671. An act granting an increase of pension to Augustine Sorrell:

The foregoing House pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

# PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Woman's Christian Temperance Union of Greencastle, Ind., praying for an investigation into the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was ordered to lie on the table.

He also presented a petition of the White and Black River Improvement Association, of Newport, Ark., praying that an appropriation of \$50,000,000 be made for the improvement of the waterways of the country; which was referred to the Committee on Commerce.

He also presented a memorial of the National German-American Alliance, of Philadelphia, Pa., remonstrating against the enactment of legislation to further restrict immigration; which was referred to the Committee on Immigration.

Mr. CULLOM presented the petition of Alfred L. Castle, of the State of Illinois, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims

Mr. GALLINGER presented a petition of the congregation

of the Advent Church of Dover, N. H., and a petition of the congregation of the Methodist Episcopal Church of Dover, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were

referred to the Committee on the Judiciary.

He also presented a memorial of the Liberal Immigration League, of New York City, remonstrating against the enactment of legislation to further restrict immigration; which was re-

ferred to the Committee on Immigration.

Mr. KEAN presented a petition of the mayor and common council of the city of Millville, N. J., praying that an appropriation be made for the improvement of the Maurice River, in that State; which was referred to the Committee on Commerce.

He also presented the petition of Harvey Garrison, of New Jersey, praying for the enactment of legislation for the relief Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

Mr. HOPKINS presented a petition of sundry citizens of Honolulu, Hawaiian Islands, praying that an appropriation be made for the erection of a dry dock in the harbor at that place; which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. DEPEW presented petitions of sundry citizens of Port Chester, Queens County, Middleport, and Brasher Falls; of the congregations of the First Baptist Church of Andover, and the Baptist Church of Fort Edward; of the Woman's Christian Temperance Union of Poland; of Huguenot Grange, No. 1028, Patrons of Husbandry, of Ulster, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. CARMACK presented a petition of sundry citizens of Lexington, Tenn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a petition of the Central Labor Union, American Federation of Labor, of Danbury, Conn., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Business Men's Association of New Britain, Conn., praying for the enactment of legislation providing for a reclassification and increase in the salaries of postal clerks in all first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

### REPORTS OF A COMMITTEE.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 7840) granting an increase of pension to Lewis A.

Towne; and

A bill (H. R. 13884) granting a pension to Helen Augusta Mason Boynton.

# SARAH A. CLAPP.

Mr. GEARIN. On yesterday I reported from the Committee on Claims the bill (H. R. 1738) for the relief of Sarah A. Clapp. I ask leave to submit a report in connection with that bill, and that it be printed.

The VICE-PRESIDENT. Without objection, it is so or-

dered.

# BILLS INTRODUCED.

Mr. HANSBROUGH introduced a bill (S. 8126) authorizing the enlargement of military reservations by exchange of lands; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. DU PONT introduced a bill (S. 8127) authorizing the appointment of Lieut. Col. Frederick Fuger, United States Army, retired, on the retired list of the Army with the rank of brigadier-general; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. TALIAFERRO introduced a bill (S. 8128) granting to the St. Johns Light and Power Company a right of way for street railroad purposes through the United States military reservation of Fort Marion, in St. Augustine, Fla., and through other Government property in said city; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. SCOTT introduced a bill (S. 8129) granting an increase of pension to Asa S. Hugill; which was read twice by its title, and, with the accompanying papers, referred to the Committee

on Pensions.

He also introduced a bill (S. 8130) granting an increase of pension to Isaac Wharton; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions

Mr. CULLOM introduced a bill (S. 8131) for the relief of certain counties in the State of Illinois; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CARMACK introduced a bill (S. 8132) for the relief of J. Bloomstein, administrator of the estate of Jacob Bloomstein; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. HEYBURN introduced a bill (S. 8133) to amend an act entitled "An act providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture," approved February 1, 1905; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Agriculture and Forestry.

Mr. PETTUS (for Mr. Morgan) introduced a bill (S. 8134) for the relief of the heirs of Andrew J. Brazelton, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PETTUS introduced a bill (S. 8135) to authorize the Mobile Railway and Dock Company to dredge a channel from the 30-foot curve on the west side of the deep water in Mobile Bay into Dauphin Island Bay through Pass Drury; which was read twice by its title, and referred to the Committee on Commerce.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. TALIAFERRO submitted an amendment proposing to appropriate \$10,000 to enable the Secretary of Agriculture to continue the experiments in the orange-growing States for the eradication of the pest known as the "white fly," intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate \$75,000 for the purchase and improvement of playgrounds sites in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. LODGE submitted an amendment relative to the salaries of consular clerks, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

## AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. BLACKBURN submitted an amendment intended to be proposed by him to the omnibus claims bill; which was referred to the Committee on Claims, and ordered to be printed.

## CONSIDERATION OF PENSION BILLS.

Mr. McCUMBER. Yesterday there were about twenty-five of the pension bills which were not prepared. They were reported yesterday, but did not reach the clerks at the desk in time to be considered. I ask unanimous consent for their passage this

Mr. HALE. Let the Senator wait until the morning business is closed.

Mr. McCUMBER. If that be the desire, I will do so.

The VICE-PRESIDENT. The Chair will recognize the Senator from North Dakota for that purpose later.

## COAL-LAND ENTRIES IN ALASKA.

Mr. NELSON. Mr. President-

There is a resolution which came over from yes-Mr. HALE. terday, which I ask the Chair to lay before the Senate.

Mr. NELSON. I wish the Senator would allow me just a moment before that is taken up. I desire to call attention to the bill (H. R. 17415) to authorize the assignees of coal-land locations to make entry under the coal-land laws applicable to Alaska. It was passed at the last session, and the Senator from Wisconsin [Mr. Spooners] entered a motion to reconsider the bill. I ask unanimous consent that the motion to reconsider may be adopted, and that the bill be recommitted to the Committee on Public Lands. I understand that that course is satisfactory to the Senator from Wisconsin.

Mr. SPOONER. I doubt if it will be necessary to recommit the bill unless the Senator desires it. I am quite willing to have the motion disposed of on Monday.

Mr. NELSON. I ask to have the motion considered and the bill recommitted. I think that is what the Senator wants.

Mr. SPOONER. No; I am not sure but that I will ask unanimous consent to withdraw the motion.

Mr. NELSON., To withdraw the motion to reconsider?
Mr. SPOONER. Yes. So if the Senator will let it go until
Monday I think it can be arranged.

Mr. NELSON. All right.

SOLICITATION FOR LEGISLATION BY OFFICERS AND EMPLOYEES

The VICE-PRESIDENT. The Chair lays before the Senate resolution No. 231, coming over from yesterday, proposing to direct the Secretary of the Navy to investigate as to whether a certain order and regulations in regard to influencing legislation are being violated by any officer or employee of his Department.

Mr. HALE. Unless some Senator desires to have the resolution read, it need not be read again. It was read at the desk

yesterday carefully, and it is quite a long resolution.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. DICK. Mr. President, I desire to ask the Senator from Maine if the noted statement is the sole basis for the resolution? I read from a memorandum in the resolution which calls for the action of the Senate, and I am wondering if that is the sole offense with which these naval officers are charged.

Mr. HALE. I must say that it is hardly an offense with which these officers are charged. It is, in a way, interfering and trying to influence legislation in a manner contrary to the orders and regulations of the Department and the Presidential order. I notice that in the other House a Member of that body has called attention to such importunities and has brought out more fully circulars that have been sent to midshipmen at Annapolis, furnishing them with a form to send to their parents in order that they may send it to Congressmen.

I have no desire, I will say to the Senator, to punish anyone, but it has become apparent that here was a determination to force a bill through when it should be left to the responsibility of the House and Senate as to what course it should take in what is called the "personnel bill." It is a very important bill, and I have no doubt it will receive very careful consideration from the committees in both Houses. I am certain that it will in the Senate. It involves very grave and serious questions, and that there will be some legislation on the subject I have no

But, in common with other Senators and with other Members, I felt that just now there is a violation of this order. However other Senators may think about the order, it is existing and in I do not care to discuss it. I felt that it was proper to call the attention of the Secretary of the Navy to it; that is all. will say to the Senator from Ohio that that is the only object I have in view. However any Senator may feel about the Presidential order, I do not think, on reflection, in this situation at the end of the session he can object to our calling the attention

of the Secretary to the matter.

Mr. DICK. Mr. President, I have read the memorandum very carefully, and I fail to see wherein the circulation of the memorandum conflicts either with the order of the President or the regulations cited in the resolution. The memorandum, which has been circulated among midshipmen and naval officers, says:

This is the short session of Congress, and with the exception of the appropriation bills none will receive consideration that do not command the interest and support of a large proportion of the Senators and Representatives. This bill has an excellent chance of being enacted into law at this session if each officer and midshipman will promptly and effectively do his part toward obtaining the interest and support necessary to success. Each officer and midshipman knowing that the bill, if enacted into law, would tremendously add to the efficiency of the personnel, should immediately write or telegraph the Senators and Congressmen representing his State and district, giving his own reasons in his own way for urging them to consider and act on the bill at this session of Congress. Each one should also write influential friends at home and urge them to write or telegraph their Senators and Congressmen to act at this session on the Navy personnel bill transmitted to Congress in a special message by the President on December 17. Urge them to protest against any delay. Also all local newspapers should be requested to aid in the fight.

Then the resolution follows, which is-

That the Secretary of the Navy be, and is hereby, directed to investigate as to whether the foregoing order and regulations have been, or are being, violated by any officer or employee of his Department and to report the result of his investigation to Congress.

The attention of the Secretary of the Navy is directed first to the order of the President, which is as follows:

All officers and employees of the United States of every description, serving in or under any of the Executive Departments, and whether so serving in or out of Washington, are hereby forbidden, either directly or indirectly, individually or through associations, to solicit an increase of pay, or to influence or attempt to influence in their own interest any other legislation whatever, either before Congress or its committees, or in any way save through the heads of the Departments in or under which they serve, on penalty of dismissal from the Government service.

I fail to see, Mr. President, where urgent action upon the personnel bill, which has been recommended in a special message by the President and recommended by the Secretary of the Navy, and which confessedly is important legislation, conflicts with this order of the President, since it can hardly be construed as legislation directly affecting their pay or in their personal interest.

So two sections of the regulations for the government of the Navy of the United States are cited. The first is article 231:

Combinations of officers for the purpose of influencing legislation, remonstrating against orders, or complaining of details of duty are forbidden; and no person shall delay obedience to an order for the purpose of making remonstrance or complaint.

Then article 232:

All petitions, remonstrances, memorials, and communications from any officer or officers of the Navy or Marine Corps, whether on the active or retired list, addressed to Congress, or to either House there-

These communications are not addressed to Congress or to either House, but to individual Members-

or to any committee of Congress, on any subject of legislation relating to the Navy, pending, proposed, or suggested, shall be forwarded through the Navy Department, and not otherwise, except by authority of the Department.

It does not seem to me that the memorandum which has been submitted as evidence of such interference in any way conflicts with the order or the regulations of the Department.

Mr. HALE rose.

Mr. DICK. I yield to the Senator.

Mr. HALE. I do not want to interfere with the Senator. do not want to take up much time with this matter.

Mr. DICK. I thought the Senator wanted to ask me a ques-

Mr. HALE. The Senator will bear in mind that all that is asked in this matter, which has appealed to a good many Members and Senators, is that the Secretary shall look into it and report. If the Secretary thinks there has been no infraction of these orders, if he thinks that this is not a combination of officers, he will so report to us, and that will be the end of it.

The memorandum that the Senator refers to is only a portion. I am getting every day more details of the circulars that have been sent out. One which every midshipman has sent to his

parents contains the following:

Believe me, however, I am not making a plea for the service at large. I am working to further my own ambitions of serving the United States in positions of high rank at an early age, and my reason for inclosing these papers is not to stir you up as a public-minded citizen to adjust an important factor of our national welfare, but to let you know that while furthering my own individual ends you would be doing nothing that a patriotic or thoughtful man should not do.

This thing has been gone into a great deal more elaborately than I knew at first and more elaborately than I knew yester day. I received a copy of this circular since the resolution was presented yesterday. I only wish to say to the Senator that I was careful in offering the resolution to leave it entirely with the Secretary to report to us. If he thinks there has been no infraction, he will report that there has been none, and that will be the end of it.

But I will say to the Senator that I think, after some experience, it is not a bad thing to call attention to these combinations of officials that have set up organizations, as they do bureaus, to influence Congress. The business of officers is otherwise. The business of officers of the Army and Navy is otherwise. The business of clerks and employees in all Departments is different from that. They ought not to do it. These associations boycott somebody every now and then. The association of the Post-Office Department, which is a combination just like this, boycotted certain Members and, I think, defeated certain Members. The President had that in mind. This is undoubtedly a combination for a certain purpose; but if the Secretary finds that nothing harmful has come of it, he will say so to us.

I do not want to take any more time.

Mr. HANSBROUGH. I ask the Senator if he will not yield to me that I may have a resolution that is rather pressing laid before the Senate.

Mr. DICK. I will yield.

Mr. HANSBROUGH. I ask that the action of the House of Representatives on Senate joint resolution No. 86 may be laid before the Senate.

Mr. HALE. Let us dispose of this matter first. I doubt whether, under the rules of the Senate, the Senator has a right to yield.

Mr. HANSBROUGH. The rule allows the action which I have requested.

The VICE-PRESIDENT. Does the Senator from Maine vield to the Senator from North Dakota?

Mr. HALE. I have not the floor. The Senator from Ohio has

I wish he would not yield.

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from North Dakota?

Mr. DICK. I understand that the resolution is of a privileged character and that action on it is very important.

Mr. HANSBROUGH. The resolution is of a privileged char-

EXTENSION OF TIME TO HOMESTEAD ENTRYMEN.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. R. 86) granting an extension of time to certain homestead entrymen.

The amendments of the House of Representatives were, in line 4, after "Montana," to insert "Washington;" in line 5 to strike out "six months';" in line 6, after "to," to insert "make entry under such declaratory statement or;" in line 9, after "make," to insert "such entry or;" and in line 10, after "them," to insert "Provided, That this extension of time shall not shorten either the period of commutation or of actual residence under the homestead law: Provided further, That the provisions of joint resolution No. 81, approved January 18, 1907, shall apply to the States of Idaho and Washington."

Mr. HANSBROUGH. I move that the Senate concur in the House amendments with an amendment to strike out of the last amendment "joint resolution No. 81" and insert "public resolution No. 4."

The VICE-PRESIDENT. The Secretary will state the pro-

posed amendment to the amendment.

Mr. HALE. Is this going to take up time? It is an unusual proceeding to interpose such a matter when we are going on with business that is before the Senate. It can only by unanimous consent be brought in, and it will evidently give rise to

Mr. HANSBROUGH. I ask that the rule relative to privi-

leged matters may be read. It is a short rule.

The VICE-PRESIDENT. The portion of the rule to which the Senator refers is the following subdivision of Rule VII:

5. The presiding officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without de-

Mr. HALE. That does not take a Senator off the floor when

he is making remarks.

Mr. HANSBROUGH. I asked the Senator from Ohio to yield, and he very kindly did so. I am sure I do not desire to delay the matter the Senator from Maine is interested in. I have had no idea that it would give rise to any debate. I think it will not give rise to any debate if the Senator will allow it to go on.

Mr. HALE. Suppose it does not give rise to debate, ought not

the other matter to be first gotten out of the way?

Mr. HANSBROUGH. What is the status?
Mr. HALE. I yield, Mr. President.
The VICE-PRESIDENT. The Senator from North Dakota proposes an amendment to the last amendment of the House to the joint resolution, which will be stated.

The Secretary. In the proviso, the last amendment, strike out the word "joint," before "resolution," and insert the word "public;" and after the word "resolution" strike out "numbered eighty-one" and insert "numbered four."

The VICE-PRESIDENT. The question is on agreeing to the

amendment to the amendment of the House.

Mr. LODGE. I wish to ask the Senator a question. understood the resolution as it passed the Senate it extended the time until May.

Mr. HANSBROUGH. Until May 15 to entrymen-to those

who have not yet made residence upon the public land.

Mr. LODGE. Do I understand that the limitation is now removed and that there is no limitation at all of the extension of

Mr. HANSBROUGH. It is limited to May 15.

Mr. LODGE. I could not understand it from the amendment read at the desk. It said "strike out the words 'six months,'" I do not know in what connection those words occur. I have not seen it.

Mr. HANSBROUGH. That is a mere formality. the Senator that this resolution has had very careful considera-

Mr. LODGE. I only wanted to know whether the extension is to May 15, as it passed the Senate.

Mr. HANSBROUGH. It is precisely the same.

Mr. HEYBURN. Mr. President, I desire some information which the Senator from North Dakota can probably give me. When the resolution recited in the bill as it comes from the House was before the Senate it did not include the State of Idaho, and it went back to the House with Idaho in it; that is, the provision extending the resolution to Idaho was included in another resolution.

Mr. HANSBROUGH. And it is in this resolution. Idaho is

included in both resolutions.

Mr. HEYBURN. It was added by the House. Then this remedies a mistake in reciting the former resolution?

Mr. HANSBROUGH. I will point it out. The last proviso in the resolution, as I propose to amend it, reads:

Provided further, That the provisions of public resolution No. 4, approved January 18, 1907, shall apply to the States of Idaho and Wash-

So the Senator's State is included.

Mr. HEYBURN. And the change from the resolution as recited in the House bill substituting the public resolution still carries that right to the State of Idaho?

Mr. HANSBROUGH. It does. Mr. HEYBURN. That is satisfactory, if it is true. Mr. HANSBROUGH. It is true.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Dakota to the last amendment of the House.

The amendment to the amendment was agreed to. The amendments as amended were concurred in.

Mr. HANSBROUGH. I am very much obliged to the Senator from Ohio.

The VICE-PRESIDENT. The Senator from Ohio will suspend while the Chair lays before the Senate bills from the House of Representatives for reference.

Mr. HALE. I ask that the Chair will not interrupt the proceedings now going on. I am very desirous that the matter which has been up shall be concluded.

The VICE-PRESIDENT. It will take but a moment. It is

desired that the House bills on the table should be referred before the Senator concludes. Without objection, the Secretary will state the bills.

#### HOUSE BILLS REFERRED.

H. R. 11279. An act to remove the charge of absence without leave from the military record of Oscar O. Bowen was read twice by its title, and referred to the Committee on Military

H. R. 23394. An act to provide for an additional district judge for the northern and southern districts of California was read twice by its title, and referred to the Committee on the Judiciary; and

H. R. 23650. An act to quiet title to lands on Jicarilla Reservation, and to authorize the Secretary of the Interior to cause allotments to be made, and to dispose of the merchantable timber, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

SOLICITATION FOR LEGISLATION BY OFFICERS AND EMPLOYEES.

The Senate resumed the consideration of the resolution sub-

mitted yesterday by Mr. HALE.

Hr. DICK. Mr. President, it is to be conceded that combinations among officers, clerks, and officials in general in military and civil pursuits may be made for harmful purposes, but I hope whether this resolution is adopted or not, and whatever the results of the investigation of the Secretary of the Navy, if he be directed to make one, that neither the Senate nor the House will construe this order or these regulations as if to bar any man in the service of the country, whether in civil or other pursuits, from communicating with his Representative and his Senators or exercising what might be termed the right of petition. I feel that Senators ought, perhaps, rather to invite than to repel the opinions and judgment of men who are in these professional capacities; and I shall be very unwilling to support a resolution which implies even that any officer serving in civil or other capacity thereby forfeits the slightest right he exercises as a free citizen in matters of legislation before Con-

Mr. DANIEL. Mr. President, the Senator from Maine [Mr. HALE] is a very wise legislator, and I generally listen to his propositions and suggestions with great respect. doubts, however, as to the propriety of this resolution. I think it is one that should be fully discussed, and one that preferably

We have before us, exhibited as a part of the resolution, an Executive order of 1902, in which all civil as well as military employees of the Government are forbidden to solicit an increase of pay or to influence or attempt to influence in their own in-

terest any other legislation whatever.

Now, let us ask ourselves the question, by the fact that a citizen assumes the clerkship of a court, or a position in the internal-revenue service, or undertakes any business for the Government connected with the public lands, or a lawyer who may be employed to represent the Government: Do these classes of persons thereby disable themselves from communicating with their Senators or Representatives in Congress and stating their own views upon any question of legislation or upon any question of compensation? Are they obliged to submit their opinion to their superior officers in the civil service and abstain utterly from giving to their Representatives and Senators their notions, views, or arguments as to any particular matter here?

Let us inquire by what right anyone can eliminate the freedom of an American citizen, who may be a taxpayer or no, but who is at the base of our sovereignty, by whose voice Presidents and Congresses, at least Representatives, are chosen. How is it that by a mere Executive declaration he can be shorn of his privilege of free thought and free speech? Is it best for this Government that he should be so shorn?

It is a new idea. We have conducted a republican government for more than a hundred years. In its freedom and largely by its freedom we have produced the most wonderful republic of history. Is there any clause in the Constitution of the United States which confers power upon any Executive officer, whether he be a President for the time being or what not, to put his hand over the mouth of a free, independent American citizen, and say to him: "You shall utter no word respecting your interests, and you shall urge no opinion upon the man who you may have, in part, chosen to go to Washington to represent you?"

Has Congress conferred or undertaken to confer any power on the Executive, apart from what may be his constitutional right as Chief Executive, thus to gag and thus to eliminate from the society of those who have a right to hold opinions and to express them, the class of people who may for the time being be rendering some service to the Government of the United States under Executive appointment or under service classification in the service of the United States?

My remarks so far, Mr. President, are applicable only to the civil appointees who are in the service of this people. It may be that there may be a differentiation between them and those who are in the naval or military service. The naval and military service is more restricted; the discipline of both Navy and Army requires more rigid rules. Yet my mind hesitates to give immediate assent, and I gravely question the right of a commander to sever the tie of communication between a sol-dier or a man in the Navy with that class of men who represent the sovereign authority of the United States in the House of Representatives and the sovereign authority of the United States in the Senate, both composing the Congress who are here to make laws for the people.

It is possibly true—and I say possibly on account of the

doubt in my own mind on the subject-that such a rule might be made applicable to those in the military and naval service. To them the President occupies a separate and exclusive relation, one that nobody else can occupy, and one that is peculiar to itself. He is the Commander in Chief. Congress also occupies a peculiar relation, in that it has power given to it in specific terms under the Constitution to make rules and regulations for their conduct. Under the clauses of the Constitution as to the Commander in Chief and those as to the rules and regulations that may be passed by Congress it may be. I will not undertake to say either that it is or that it is not, for I have long since learned that a patient consideration of questions like this is essential to the crystallization of the mind after reflection and study upon the right solution of them. I am not one of those, Mr. President, who can be waked up suddenly with ready-made conclusions upon the many questions which may be presented to us here.

But as to the civil service it is very different. I am not so well informed as to be able to lay positive and clearly formed views before the Senate, but at least this is a very grave matter, and it is one on which the Senate should hesitate to express to the country its opinion or to base action upon that opinion until it has had opportunity for full reflection.

I would much prefer, especially if it be agreeable to the Sen-

ator from Maine, that this resolution should be referred to the committee of which he is chairman, the Naval Committee, which is a very enlightened body, or, perhaps, better to the Committee on the Judiciary, that they may give to the Senate a sedate and well-considered view. I think the dignity of the subject deserves it, and it is one that, to my mind, is not at any rate clear of doubt.

Mr. HEYBURN. Mr. President, I am in hearty accord with the suggestion of the Senator from Virginia [Mr. Daniel] that this is a matter of grave importance and one that should not be acted upon under the necessary rule of haste that would govern us in disposing of it at this time. This resolution affects over 200,000 citizens, at least as an expression of opinion, because of certain words in an Executive order, which provides

All officers and employees of the United States of every description, serving in or under any of the Executive Departments—

The word "employees" includes every man working in a

navy-yard; it includes every man working in the public-land service. Such men are employees of the Government.

We are not passing an Executive order. Mr. HEYBURN. I understand that, but we are impliedly

recognizing the existence of it.

Mr. LODGE. As I understand, we are simply reciting it. Mr. HEYBURN. Mr. President, this Executive order has been called to my attention in a practical sense many times. I will not at this time pause to recite all the occasions, but on more than two occasions recently orders have been telegraphed to men who come within this classification, forbidding them to attend the conventions of their party; men who are accus-tomed to taking part in the political affairs of the country, who go to the conventions for the purpose of participating in the formulation of declarations of principles that shall express the will of the party for the guidance of, or at least as a suggestion to, the men who make the laws. I have on a number of occasions, when public questions have arisen, communicated with men who come within this class, asking them for facts, conditions, and circumstances surrounding the questions or affecting the questions to be determined here. I do not of course suppose it would be claimed for a moment that any law could be passed that would prevent a member in either House of Congress from communicating with a man in regard to a public measure simply because he was an employee of the Government. I do not believe it would be within the power of the President, in making an Executive order, or of Congress, in the enactment of a law, to prevent any member of either House from obtaining information which would enable him to more intelligently perform a public duty simply because he must inquire of those who are within the Government service.

or in any way

Those are the words contained in the Executive order in this connection.

All officers and employees of the United States of every description, serving in or under any of the Executive Departments—

That is very broad; that covers every employee in the public-

land service, in the forestry service, and in many other branches

and whether so serving in or out of Washington, are hereby forbidden, either directly or indirectly, individually or through associations, to solicit an increase of pay—

The word "solicit" there would be probably held to include suggesting legislation that would increase their pay. That would perhaps be termed a "solicitation on the part of the employee of the Government"—

or to influence or attempt to influence in their own interest any other legislation whatever, either before Congress or its committees, or in

Would that mean voting at an election? Would that mean electioneering for a man because it was known that he entertained certain views with reference to the organization of the Government or any of its branches that might affect his interest? It is broad enough to cover that. It has been held in its application to cover it. We certainly could not indorse that doc-

save through the heads of the Departments.

That would preclude an employee from taking part in the forming or passing of any resolution that was intended to influence the minds of Senators or Members of the other House.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Maine?

Mr. HEYBURN. I do.

Mr. HALE. The Senate is soon to adjourn, and there can, therefore, be no vote on this resolution to-day. from Idaho will yield to me, I will say that practically I have accomplished all that I desired in the matter, and I will move that the resolution be referred to the Committee on Naval Affairs.

Mr. HEYBURN. Mr. President, I think that motion can hardly be made until I have concluded the very brief remarks which I intend to make, as I desire them to appear all at once. Mr. HALE. I put myself entirely in the hands of the Sena-

Mr. HEYBURN. Very well. In a moment I will yield to the Senator from Maine to make his motion.

Mr. HALE. I will make the motion after the Senator has concluded his remarks.

Mr. HEYBURN. Mr. President, the remarks I have already made apply to the Executive order. I would call attention to the fact that article 232, which is referred to in the pre-amble, does not contain the word "employees." That word is found only in the Executive order, and not in article 232 of the regulations for the government of the Navy of the United States, so that that word would not apply.

Mr. TILLMAN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from South Carolina?

Mr. HEYBURN. I do.

Mr. TILLMAN. I see that the Senator has the Executive order in his hand. Will he kindly give us the date of it?
Mr. HEYBURN. The Executive order was issued January

31, 1902.

Mr. TILLMAN. It seems, then, that it has gone unchallenged and has been in effect all these years, and now it is suddenly discovered that the President has transcended his anthority

Mr. HEYBURN. Mr. President, I would not so state it. I would not say that the President has transcended his author-It is not necessary to be so harsh in criticism of an official act as to charge that it was an act transcending the authority of the official. All executive officers, and some legislative officers of the Government, sometimes are mistaken in the limits of their power and in their expressions on such questions as this. It is entirely becoming, and entirely within our province, at this time to criticise this as a measure pending before us, and limit our criticism to the resolution before us, without entering upon any criticism of the individual or official act of the President of the United States. I do not desire to be understood as indulging in a criticism of the President's act, but as indulging in a criticism of the resolution now before us, incidentally referring to the official proclamation.

Now, I desire to call attention to the last paragraph, which

is the resolution itself, which reads:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to investigate as to whether the foregoing order—

That includes the Executive order I have referred toand regulations-

That does not include employees at all-

have been, or are being, violated by any officer or employee of his Department-

That would mean a very extensive investigation, because I have, and I have no doubt that every other Senator has, letters every day from employees of the Government affecting public questions that might be said to affect them in their material interests, either as to the tenure of their employment or their compensation or in a dozen other ways-

and to report the result of his investigation to Congress.

Mr. President, I do not think that we ought to give the implied sanction of the Senate to the Executive order at this time in the manner proposed by this resolution. We are the representatives of the employees of the Government just as much as we are the representatives of the farmers, and they are not disfranchised or deprived of any rights pertaining to citizenship because they are in the employ of the Government. I certainly should oppose the adoption of a resolution that would even imply that they were.

Mr. SPOONER. I move to amend the resolution—
Mr. HALE. If the Senator will allow me—
The VICE PRISTIPLY Deep the Senator from Wice relation.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Maine?

Mr. SPOONER. Certainly.

Mr. HALE. I was about to move to refer the resolution to the Committee on Naval Affairs.

Mr. SPOONER. I think it would be well, if it is to be referred, that it be referred after proper amendments have been made to it in the Senate.

Mr. HALE. Yes.

Mr. SPOONER. I move to strike out of the first line of the preamble the words "order and."

The VICE-PRESIDENT. The amendment proposed by the Senator from Wisconsin will be stated.

The Secretary. In the first line of the preamble, after the word "following," it is proposed to strike out the words "order and;" so as to read:

Whereas the following regulations are now in force, etc.

The amendment was agreed to.

Mr. SPOONER. I move also to strike out from and including the heading "Executive order," on the first page of the resolution, all that follows on that page, so that it will leave the resolution with the preamble simply setting forth the "Regulations for the government of the Navy of the United States."

Mr. HALE. I have no objection to that.

Mr. SPOONER. With that amendment, I hope the resolution will be adopted.

The VICE-PRESIDENT. The amendment submitted by the Senator from Wisconsin will be stated.

It is proposed to strike out from the pre The SECRETARY. amble of the resolution, on page 1, the following:

#### EXECUTIVE ORDER.

WHITE HOUSE, January 31, 1902.

All officers and employees of the United States of every description, serving in or under any of the Executive Departments, and whether so serving in or out of Washington, are hereby forbidden, either directly or indirectly, individually or through associations, to solicit an increase of pay, or to influence or attempt to influence in their own interest any other legislation whatever, either before Congress or its committees, or in any way save through the heads of the Departments in or under which they serve, on penalty of dismissal from the Government service.

Theodore Roosevelt.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Wisconsin [Mr. SPOONER].

The amendment was agreed to.

Mr. GALLINGER. I would suggest that the words "or employees in the executive branches of the Government" should likewise be stricken out in the first paragraph of the preamble.

I think that would be an improvement. Mr. SPOONER. Yes; let those words be stricken out.
The VICE-PRESIDENT. The proposed amendment will be

stated.

The Secretary. In the first paragraph of the preamble, in line 2, after the word "officers," it is proposed to strike out "or employees in the executive branches of the Government.

The amendment was agreed to.

Mr. DANIEL. Mr. President, is this resolution now before the Senate for action?

Mr. HALE. I was on the point of moving that the resolution be referred to the Committee on Naval Affairs.

Mr. DANIEL. Do I understand that there are certain amend-

ments pending to the resolution?

The VICE-PRESIDENT. The Senator from Wisconsin proposed certain amendments to the resolution, which have been agreed to.

Mr. DANIEL. I did not understand that.

Mr. HALE. Of course if the resolution can be passed unanimously, I shall be glad to have that course followed; but if there should be a vote called for upon it, we might possibly find ourselves without a quorum.

Mr. GALLINGER. I think the resolution will pass.

Mr. HALE. Very well.

The VICE-PRESIDENT. The question is on agreeing to the

Mr. DANIEL. I object to the passage of the resolution at this time.

The VICE-PRESIDENT. Objection is made.

Mr. HALE. Then I move that the resolution be referred to the Committee on Naval Affairs.

The motion was agreed to.

### ESTHER A. CLEAVELAND.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 7099) granting an increase of pension to Esther A. Cleaveland, which was, in line 8, before the word "dollars," to strike out "twenty and insert "eighteen."

Mr. McCUMBER. I move that the Senate disagree to the amendment of the House of Representatives and ask for a conference with the House on the bill and amendment, the con-

ferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. McCumber, Mr. SCOTT, and Mr. TALIAFERRO.

# CONSIDERATION OF PENSION BILLS.

Mr. McCUMBER. I now ask that the Senate take up for consideration the pension bills on the Calendar and those reported this morning.

The VICE-PRESIDENT. In the absence of objection, the Senate will now proceed to the consideration of pension bills on the Calendar and those reported this morning. The Secretary will report the first pension bill on the Calendar.

# SAMUEL W. WHYBARK.

The bill (H. R. 6519) granting an increase of pension to Samuel W. Whybark was announced as first in order; and the Senate, as in Committee of the Whole, proceeded to its con-Samuel W. Whybark, late captain Company G, Forty-seventh Regiment Missouri Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### AMOS SNYDER.

The bill (H. R. 6524) granting an increase of pension to Amos Snyder was considered as in Committee of the Whole. poses to place on the pension roll the name of Amos Snyder, late of Company B, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

#### WILLIAM JACKSON.

The bill (H. R. 6537) granting an increase of pension to William Jackson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Jackson, late major, Third Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## DANIEL O. CORBIN.

The bill (H. R. 6894) granting an increase of pension to Daniel O. Corbin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel O. Corbin, late of Company H, Eighteenth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JOHN S. ROSEBERRY.

The bill (H. R. 7555) granting an increase of pension to John S. Roseberry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John S. Roseberry, late of Company A, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

#### GEORGE S. BOYD.

The bill (H, R, 10219) granting an increase of pension to George S. Boyd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George S. Boyd, late of Company I, Fifteenth Regiment New York Volunteer Engineers, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## CLARISSA A. FREDERICK.

The bill (H. R. 10317) granting an increase of pension to Clarissa A. Frederick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clarissa A. Frederick, widow of Lawrence P. Frederick, late of Company A, One hundred and fifty-third Regiment New York Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

## AMAZIAH G. SHEPPARD.

The bill (H. R. 10440) granting an increase of pension to Amaziah G. Sheppard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amaziah G. Sheppard, late of Company B, Seventy-ninth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### HARRIETT I. LEVIS.

The bill (H. R. 10721) granting an increase of pension to Harriett I. Levis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harriett I. Levis, widow of Hosea J. Levis, late of Company E. One hundred and third Regiment Ohio Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## THOMAS PROSSER.

The bill (H. R. 10738) granting an increase of pension to Thomas Prosser was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Prosser, late of Company A, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

#### JESSE S. MILLER.

The bill (H. R. 11141) granting an increase of pension to Jesse S. Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jesse S. Miller, late major Eleventh Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ISAAC RICHARDS.

The bill (H. R. 11174) granting an increase of pension to Isaac Richards was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac Richards, late of Company F, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# NICHOLAS A. BOVEE.

The bill (H. R. 11362) granting an increase of pension to Nicholas A. Bovee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nicholas A. Bovee, late of Company E, Seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JESSE A. ASK.

The bill (H. R. 11708) granting an increase of pension to Jesse A. Ask was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jesse A. Ask, late of Company H, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### HENRY A. GEDULDIG.

The bill (H. R. 11869) granting an increase of pension to Henry A. Geduldig was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry A. Geduldig, late of Cogswell's independent battery, Illinois Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## BENJAMIN B. REAM.

The bill (H. R. 15874) granting an increase of pension to Benjamin B. Ream was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin B. Ream, late of Company C, Ninety-eighth Regiment New York National Guard Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# HENRY J. RICE.

The bill (H. R. 11959) granting an increase of pension to Henry J. Rice was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry J. Rice, late first lieutenant Company F, One hundred and seventy-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# HOWARD BROWN.

The bill (H. R. 12124) granting an increase of pension to Howard Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Howard Brown, late of Company C, Ninth Regiment Maine Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ALLEN M. HAIGHT.

The bill (H. R. 12497) granting an increase of pension to Allen M. Haight was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Allen M. Haight, late of Company E, Fifty-second Regiment Pennsylvania

Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### GANCELO LEIGHTON.

The bill (H. R. 12523) granting an increase of pension to Gancelo Leighton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gancelo Leighton, late of Seventh Battery, Massachusetts Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

# ALFRED FEATHERINGILL.

The bill (H. R. 13956) granting an increase of pension to Alfred Featheringill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alfred Featheringill, late of Company F, Fifty-ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$45 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SARAH A. JONES.

The bill (H. R. 13201) granting a pension to Sarah A. Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah A. Jones, widow of Abraham Jones, late of Company G, First Regiment Alabama Vidette Volunteer Cavalry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ROBERT M. C. HILL.

The bill (H. R. 13253) granting an increase of pension to Robert M. C. Hill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert M.C. Hill, late of Company E, Sixth Regiment Kansas Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

### JEREMIAH BARD.

The bill (H. R. 13740) granting an increase of pension to Jeremiah Bard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jeremiah Bard, late of Company A, McLaughlin's squadron Ohio Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ISAAC GORDON.

The bill (H. R. 13805) granting an increase of pension to Isaac Gordon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac Gordon, late of Company E, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### HELEN AUGUSTA MASON BOYNTON.

The bill (H. R. 13884) granting an increase of pension to Helen Augusta Mason Boynton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Helen Augusta Mason Boynton, widow of Henry V. N. Boynton, late lieutenant-colonel Thirty-fifth Regiment Ohio Volunteer Infantry, and brigadier-general, United States Volunteers, and pay her a pension of \$30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# LEWIS A. TOWNE.

The bill (S. 7840) granting an increase of pension to Lewis A. Towne was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis A. Towne, late musician, band, Second Regiment Michigan Vol-unteer Cavalry, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

# BRIDGES ACROSS CALUMET RIVER, INDIANA.

Mr. HEMENWAY. I ask unanimous consent for the present consideration of the bill (H. R. 23718) to authorize the Chicago,

Lake Shore and South Bend Railway Company to construct a bridge across the Calumet River in the State of Indiana.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HEMENWAY. I also ask unanimous consent for the present consideration of the bill (H. R. 23939) to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Calumet River in the State of Indiana.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### FLINT RIVER DAM AT PORTER SHOALS.

Mr. CLAY. I ask unanimous consent for the present consideration of the bill (H. R. 24275) permitting the building of a dam across the Flint River at Porter Shoals. It can not possibly lead to debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SAVANNAH RIVER DAM AT GREGG SHOALS.

Mr. LATIMER. I ask unanimous consent for the present consideration of the bill (H. R. 21402) permitting the building of a dam across the Savannah River at Gregg Shoals.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## REPRINT OF PURE-FOOD BILL.

Mr. HEYBURN. I am informed at the document room that the copies of the pure-food law are exhausted, and I have been requested to ask for a reprint of that law, in connection with the regulations that have been adopted by the Department of Agri-

culture. I make that request.

The VICE-PRESIDENT. Without objection, that order will be made.

#### FUNERAL OF THE LATE SENATOR ALGER.

Mr. FRYE. I think the Senate ought to adjourn at this time, in order to attend the funeral of the late Senator Alger. will be carriages at the door of the Senate to accommodate Sen-The last carriage will leave the door at precisely half past 1 o'clock, so that it is necessary that the Senate should now adjourn. I make that motion.

The motion was agreed to; and (at 1 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, January 28, 1907, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

## Saturday, January 26, 1907.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

## COMMITTEE APPOINTMENT.

The SPEAKER announced the appointment of Mr. Reid, of Arkansas, to the Committee on the Judiciary.

## BRIDGE ACROSS THE COOSA RIVER IN ALABAMA.

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24603) to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Coosa River, in the State of Alabama.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Atlanta, Birmingham and Atlantic Railroad Company, a corporation organized under the laws of the State of Alabama, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Coosa River near Talladega, Talladega County, in the State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WILLIAMS. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman if this is a unanimous report of the committee?

Mr. LIVINGSTON. It is.

Mr. WILLIAMS. I have no objection.
Mr. LIVINGSTON. Mr. Speaker, when the request came to me from the president of the railroad company, whose head-quarters are in Atlanta, Ga., to introduce this bill, without a thought that the bridge would be built in Alabama across the Coosa River, that it was a local question, I introduced it when I should have referred it to the Alabama delegation. But it never occurred to me, and I want to say that it was introduced with no idea of discourtesy to that delegation.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

#### INTERNATIONAL SUNDAY SCHOOL ASSOCIATION.

Mr. KEIFER. Mr. Speaker, I ask unanimous consent to take from the Calendar the bill (S. 7034) to incorporate the Interna-tional Sunday School Association of America.

The SPEAKER. Has the bill been heretofore read to the

House?

Mr. KEIFER. I think the bill was read on the 17th.

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from Ohio whether the bill has been favorably reported by the Committee on the District of Columbia?

Mr. KEIFER. It has, and I understand it is a unanimous report.

Mr. MANN. I have no objection.

Mr. CRUMPACKER. Mr. Speaker, I desire to ask the gentleman from Ohio a question, and I reserve the right to object. This bill confers upon the proposed corporation an unlimited power to buy, receive, hold, and own real estate, and I think it is in some respects a dangerous precedent.

I do not like to object to the organization of a corporation for such a worthy purpose as the promotion of Sunday schools. But I do object to the policy of vesting in any such a corporation an unlimited power to receive and hold real estate and withdraw it practically from the taxable resources of the country. Not a great many years ago it was necessary in England to pass what is known as the "statute of mortmain" to withdraw from dead hands property placed in religious trust and out of the reach of the tax collectors, and for these considerations I shall object to the consideration of the bill.

Mr. KEIFER. Allow me to explain. I think the gentleman is entirely mistaken.

Mr. CRUMPACKER. If I am, I will withdraw my objection, Mr. KEIFER. I think it is fair to say that this organization as it is proposed to be incorporated has been one of universal usefulness in this country. It has its different branches of work established all over the country, east, west, north, and south. It is probably essential to its entire universal charitable and useful purposes to have and own in certain localities some property, but it is not intended to become a property-owning corporation, except to own property that is necessary for the purposes of transition and the transaction of its necessary business and for the purpose of building up a fund to promote Sunday schools in America and purely by donations. Nothing is to be purchased, as I understand it; this corporation will have no property except such as may be donated, and in its unincorporated condition it never has had. If the objection of the gentleman shall prevail, it could to-day, in the name of some individual as a trustee, take and hold real or personal estate for the unincorporated to the condition of the gentleman shall prevail. It is the condition of the gentleman shall prevail the condition of the unincorporated that the condition of the purely condition. porated International Sunday School Association. But at the same time all this question of taxing property that would be owned by a Sunday school association is a question of State taxation and not a question for us to determine here.

Mr. CRUMPACKER. Does the bill reserve the right to re-

peal, alter, or amend the charter?

Mr. KEIFER. I am not sure, because I have not looked at it with that view. This bill was introduced by Senator Mc-CREARY, of Kentucky, and was referred to the Committee on Judiciary in the Senate. It underwent some revision there, first, because they concluded that it was best to require the principal office to be kept continuously in the District of Columbia, and in the Senate the bill was further amended by providing that the majority of the incorporators should be citizens of the United States. Some of those named in the bill are citizens of Canada, but a large majority are citizens of the United States. There is no purpose to build up a property organization. It is not for the purpose of acquiring property and using it except for the purposes of carrying on their work by employing people to work all over the country. It applies as well in Chicago, Philadelphia, Louisville, and Birmingham, and all over.

Mr. CRUMPACKER. I, of course, know nothing about the purpose of the organization except as it is expressed in the bill, and unless the bill limits the amount of real estate the proposed corporation may own to that which is reasonably necessary for the purpose of its creation, I shall oppose it, and feeling that way, I shall object to its consideration this morning.

Mr. KEIFER. Let me call the gentleman's attention to

this language

to take and hold real or personal estate by purchase, gift, devise, or bequest, and to manage, sell, convey, or transfer the same for the purposes of the association.

Mr. CRUMPACKER. Yes, without limit,

Mr. KEIFER. That is exactly the language the gentleman said he would want

Mr. CRUMPACKER. I will ask the gentleman to withdraw his bill for this morning.

Mr. KEIFER. I shall be compelled to do this if you object, but will call it up soon again.

Mr. LAMB. Why not withdraw the objection. Mr. CRUMPACKER. I will not withdraw the objection. Mr. Speaker, I object.

REPRINT OF A BILL.

Mr. MADDEN, by unanimous consent, obtained leave for a reprint of the bill (H. R. 23558) amending an act to regulate commerce, approved February 4, 1887, and all acts amendatory

#### AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I move the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill, and pending that motion, I ask unanimous consent that general debate may be closed at 1.15, the time to be equally divided between the majority and minority.

The SPEAKER. The gentleman from New York asks unanimous consent that general debate on the agricultural appropriation bill close at 1.15 p. m. to-day, the time to be equally

divided. Is there objection?

There was no objection,

The SPEAKER. The question is on the motion of the gen-tleman from New York, that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill. The question was taken; and the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill, with Mr. Fos-TER of Vermont in the chair.

Mr. WADSWORTH. Mr. Chairman, I yield thirty minutes

to the gentleman from Illinois [Mr. MANN].

Mr. RICHARDSON of Alabama, Mr. Chairman, before the gentleman from Illinois proceeds I would like the privilege of asking the chairman of the committee, the gentleman from New York [Mr. Wadsworth], one or two questions on a subject in which I am interested.

Mr. LAMB. I would suggest, Mr. Chairman, that the gentleman will have full opportunity for that under the reading of the

bill under the five-minute rule.

Mr. WADSWORTH, I have yielded the floor to the gentleman from Illinois [Mr. Mann], but I should be very glad to answer any questions, if the gentleman from Illinois will

Mr. MANN. Mr. Chairman, I hope the gentleman from Alabama will ask the questions on debate under the five-minute

The CHAIRMAN. The Chair will recognize the gentleman from Illinois.

Mr. MANN. Mr. Chairman, I desire to call the attention of the committee, for a short time, to the question of seed adulteration. At the last session of Congress there was enacted a law in reference to the adulteration of food. All my life I have had some connection with the subject of food, as every other Member of Congress has had, and all my life, nearly, I have had some connection with the question of seeds. In early life I had occasion to study somewhat the subject of seed as a matter of business, and in a very modest way at present for years I have been an amateur collector of seeds and have become yery much interested in the subject, and in the course of my personal investigations I have learned somewhat in reference to the amount of the adulteration of these seeds which are sold throughout the country by the seedsmen to those who plant, especially forage crops and cereal seeds. I do not make these remarks in connection with the free seed distribution, though it is doubtless true that if the seedsmen of the country would give more attention to the question of the adulteration of seed by some of their members and less attention to the small free seed distribution by Congress they would confer a greater benefit upon

the country. [Applause.] And although I have never believed myself that the free distribution of seed was a governmental function, I have no doubt whatever that the seed distribution made by Congress of pure seed has a great tendency to impel the seedsmen also to sell pure seed in competition with those which come in the hands of private individuals received from the Government. But the adulteration or misbranding of seed, while it is not in one way so extensive, and my information leads me to believe that not more than 10 to 20 per cent of the seed which is sold is adulterated, yet 10 or 20 per cent of the seed sold, if adulterated, is a very large proportion; but it is to be considered that the adulteration of the seed to which I refer is an adulteration willfully made for the express purpose of defrauding the person who purchases the seeds. There are in this connection four general classes which may be condemned. First, the direct adulteration of seed, which means the mixing of an inferor or smaller priced seed with a superior and higher priced seed and selling it under the name of the higher priced seed; or, second, the substitution of one kind of seed for another.

An illustration of the first method is, for instance, the adulteration of the common blue-grass seed with the Canadian bluegrass seed, the Kentucky blue-grass seed being a higher priced seed and of much more value when sown than the Canadian blue-grass seed. An illustration of the second proposition is the sale of the Canadian blue-grass seed unadulterated under the name of Kentucky blue-grass seed. Another form is the introduction of weed seed. One of the most common and pernicious enemies of clover is the dodder plant, with which I suppose most of the farmers of the House are familiar. The dodder is a parasite, starts from seed grown in the ground and as soon as it attaches itself to the neighboring plant it disconnects itself from the ground and lives as a parasite on the plant to which it connects itself. You will often see in a clover field a yellow spot. That yellow spot means a spot of dodder, and it is one of the most pernicious enemies of the clover field. We have just across the Canadian border a country which forbids at home the sale of these seed, the weed seeds, but permits them to be exported. Along the same line is a kind of seed known as "catchfly," another enemy of the clover seed. The Canadian government by its law forbids the sale of clover seed in Canada if the seed in that country contains catchfly seed, but permits its export, and last year in two samples there were 10,000 pounds of the so-called "clover seed" imported into this country from Canada consisting almost entirely of catchfly seed, used either for direct sale or more probably for adulteration. Another method is the sale of dead seed. One gentleman of the House called my attention yesterday to a case with which he was familiar where a seed concern in his State had gone into the hands of a receiver. In the inventory was listed a considerable quantity of onion seed more than two years old. They had testified in the receivership proceedings that onion seed more than two years' old would not germinate, and yet a considerable value was placed upon the inventory item of onion seed more than two years' old, and when asked why they considered it of value the answer was, "It is of value because it increases the bulk and quantity of the seed which we sell" by adulteration.

Last summer there was but little good onion seed grown in the Two years ago there was a smaller quantity than usual of good onion seed grown in the country. this year gentlemen will find very little of it in their Congressional distribution. You may find some, but all of the old onion seed that may have been in the warehouses for the last ten years, perhaps, will be sold this year as fresh onion seed, though not a pound or particle of it will germinate. It will be mixed with seeds, and the percentage of germination of the lot may be one-half. All of the new seed may germinate, but none of the old seed will do so.

Now, Mr. Chairman, as I said, in Canada, which is one of our close neighbors in the furnishing of some kinds of seeds, they forbid the sale of red clover, alsike, timothy, and other seeds containing various of these weed seeds, mentioning among them the catchfly, and then they say:

The provisions of this act shall not apply to seeds marked "Not absolutely clean," and held or sold for export only.

Under the item which has been carried for several years in the Agricultural appropriation law the Department of Agriculture has been collecting samples of seeds and making analyses. These samples of seed are obtained by mail, by purchase. As a rule the seed houses which send out a quantity of seed by mail are more particular than when sold in other ways. I have obtained, myself, from the Department of Agriculture, seed which they have collected in this way, and from seed which they have collected at my request, forage seed, during a recent period, not running very far back, over 100 samples bought in

the open market, which were adulterated. Some of these adulterations run as high as 90 per cent adulterant. Of the seed which has been examined by the Department there were 352 samples of alfalfa seed. One hundred and sixty of these, or nearly one-half, were found to contain dodder seed, the parasite to which I have referred. Of 522 samples of red clover seed, 116 contained dodder seed. Of 61 samples of low-grade red clover seed, imported during the fiscal year 1905-6, 75 per cent contained dodder seed. And these samples contained also nearly 30 other kinds of weed seed.

Of seventeen samples, representing an aggregate of 282,000 pounds imported during the fiscal year 1906, less than 50 per cent was pure alfalfa seed that germinated. Two lots, representing 33,000 pounds each, germinated 8 and 9 per cent onlyonly 8 or 9 per cent of this imported seed. Of sixty-one samples of red-clover seed imported during the same period, representing an aggregate of 990,000 pounds, less than 43 per cent was red-clover seed that germinated. These seed are sent here for the purpose of adulteration. In Europe there is a system of voluntary seed examination, prevalent as a matter of custom, by which seed in a given locality is examined and the certificate is made, and no one buys seed in one locality from a seed man in another locality, except upon a large scale; and the result is that there is sent to this country an immense quantity of these inferior seeds.

I have found some samples of orchard-grass seed which were adulterated by crushing up old oats and mixing with the orchard-grass seed, and I doubt very much whether any Member of the House would be able to distinguish it unless he were a seed expert.

Among the samples collected I have brought a few onto the floor of the House. There is one kind of seed of which a large quantity has been imported into this country. It is not planted by itself. I believe there is one seed house which advertises it for people to plant. Probably not a hundred pounds of that kind of seed a year is planted by itself all over the United States. Considerable quantities are imported. It is the so-called "yellow trefoil" seed. The average person can not dis-tinguish it from clover or alfalfa. It is imported into this country for one purpose only, and that purpose is for using it as an adulterant. It is of itself of little value. It destroys the usefulness of a clover field or an alfalfa field. It is a distinct injury to the seed with which it is mixed and to the plant which comes from that seed. And yet we permit the importa-tion of that seed for the sole purpose of swindling the people who buy the seed for planting.

Here is a sample [exhibiting] of red-clover seed adulterated with 11 per cent of yellow trefoil. Another sample [exhibiting] of red clover which is adulterated with 14 per cent of yellow trefoil.

Mr. SOUTHARD. How much of that seed is imported every year?

Mr. MANN. I am not able to tell the gentleman exactly, although I requested the Bureau of Statistics to furnish me that information. They did not have the exact amount, but the Agricultural Department informed me that a considerable amount of that seed is imported, being imported mostly from Hamburg, which is the center of seed distribution in the world.

Mr. STERLING. Mr. Chairman, I would like to ask the gentleman if it is imported in its mixed form or does it come in unmixed and is mixed after it is received in this country?

Mr. MANN. A considerable proportion of it is imported without being mixed at all. A considerable portion of it is imported after it is mixed with alfalfa and clover seed.

Mr. STERLING. I would like to ask the gentleman, if he knows, does the Agricultural Department import vegetable seeds, or any portion of them, that have been distributed through the membership of this House or is it raised in this country?

Mr. MANN. I think the Agricultural Department does import some seed for distribution.

Mr. STERLING. The ordinary garden seed?

Mr. MANN. I do not think the ordinary garden seed is imported, but certain classes of seed, such as certain kinds of celery and Danish and Holland cabbage seed, are imported by the Department and distributed; and where they import seed there are some classes of seed that it would be cheaper to import than to raise in this country.

Mr. SOUTHARD. I would like to ask the gentleman a further question. Now, as to this yellow trefoil, I understand it is a plant of little value. For what purpose is it raised in foreign countries—for the seed, or for what purpose?

Mr. MANN. I have no doubt there are places where the yel-

low trefoil will grow on poorer ground than clover will grow on, and undoubtedly it is grown in some places abroad and might |

possibly be done in this country, but, as a matter of fact, it is not grown in this country to any extent.

Mr. WADSWORTH. Is it grown for forage purposes or simply for manure purposes?

Mr. MANN. It is like all other plants that may be used for

forage or soiling purposes. It is a legume. Here is a sample of Kentucky blue grass with 31 per cent of Canada blue grass. Here is another sample adulterated with

77 per cent of Canada blue grass; another with 25 per cent of Canada blue grass, and another with 90 per cent of Canada blue grass, it being remembered that there is a distinct difference in the value both as a forage crop and as to price between the two. I have noticed in American seed catalogues that Canada blue grass is quoted at 61 cents a pound. Canada blue grass is worth in some catalogues \$6.50 a hundred, while the lowest price quoted for Kentucky blue grass is \$12 per 100 pounds.

Mr. KEIFER. Mr. Chairman, I desire to ask the gentle-man, before he gets so far away from alfalfa seed, whether in any of the adulterations reported it is shown that Russian thistle seed is found? Russian thistle seed, if I may be allowed-

Mr. MANN. Is the greatest disaster to this country.
Mr. KEIFER. I agree with the gentleman, and was anxious
to know whether alfalfa seed which has been reported as adulterated contained Russian thistle seed?

Mr. MANN. I think Russian thistle seed does not usually get into alfalfa seed.

Mr. KEIFER. If the gentleman will allow me to say, that in points in western Nebraska, farther west, the alfalfa has Russian thistle seed in it, but it is taken out when carefully cleaned.

Mr. MANN. I think it goes out in the cleaning. Here is another sample of Kentucky blue grass with 25 per cent of Canada blue-grass seed; another with 36 per cent; another with 24 per cent of Canada blue-grass seed; another with 24 per cent of Canada blue-grass seed; another with 83 per cent, and another with 28 per cent of Canada blue-grass seed.

Now, I have a great number of other samples like these showing the same adulteration, all purchased at different times from different seedsmen in the market, some adulterated with small quantities of Canada blue-grass seed, some with large quantities; and these adulterations are not accidental; they are intentional adulterations. The Canada blue-grass seed is purchased by itself, mixed with the other seed, and sold in the name of the other seed, at the price of the other seed or at some slight reduction from the proper price of the other seed.

Mr. DRISCOLL. Does the gentleman believe that the Canada blue-grass seed, which he says is cheaper, does any damage permanently?

Mr. MANN. The Canadian blue-grass seed is a good foragecrop seed.

Mr. DRISCOLL. Now, may not some farmers buy the mixture intentionally?

I have no doubt that some farmers buy the mix-Mr. MANN. ture intentionally.

Mr. DRISCOLL. Are they not entitled to do so?

Mr. MANN. I have no objection to their selling the mixture intentionally; but what I object to is selling Canada blue-grass seed by the seedsman who knows very well that a quantity of this seed has been placed in Kentucky blue-grass seed; and when he sells what he calls Kentucky blue-grass seed to people he is selling Canada blue-grass seed, which is worth only half as much. [Applause.]

Mr. DRISCOLL. Is it not true that if a seedsman sells one seed and represents it to be another he is liable in damages if it turns out to be a different crop from what he has repre-

Mr. MANN. Oh, I do not propose to discuss with the gentle-man a question of law. He is a great lawyer, and can answer the question better than I can.

Mr. DRISCOLL. Does the gentleman think this is, under

any circumstances, a proper subject of legislation?

Mr. MANN. I would not be discussing it if I did not think it a proper subject of legislation.

Mr. DRISCOLL. You think the Government ought to legislate on that?

Mr. MANN. I would not take the time of the House if I am not think so. The Government is the only power that can legislate in reference to the importation of seeds, and the only power that can legislate in reference to interstate commerce in

Mr. DRISCOLL. Does not the gentleman think this subject will regulate itself just the same as the sale of furniture or clothing or shirts or anything else in the market?

Mr. MANN. I am not going to discuss the question of shirts. The gentleman and I might not agree on that; but in reply to his question I will say that this subject has not regulated itself

up to the present time.

Mr. CAMPBELL of Kansas. It is getting worse all the time. Mr. MANN. The truth is that, let alone, the evil is constantly growing, and the importation of worthless and adulterant seeds from all over the world into the United States is increasing. They are dumping their chaff upon us. They are dumping their weed seeds upon us; they are dumping seed upon us which is used only for purposes of adulteration; and whereas the other countries of the world require that pure seed shall be sold to their own farmers, they permit worthless and impure seed to be sent to this country, and this Government sits by and makes no effort to protect the farmers of the United States against this spurious importation.

Mr. CLARK of Missouri. If the gentleman from Illinois will permit me, I will state to the gentleman from New York [Mr. Driscoll] that a farmer who lives in the blue-grass country would not take that Canadian blue-grass seed as a gracious gift-

would not have anything to do with it.

Mr. SIMS. The gentleman says foreigners are dumping these things on us. Are not our own seedsmen buying them and dumping them on American citizens by means of fraudulent representations, and not telling the truth about what they are doing?

Mr. MANN. The gentleman is correct, and so was I. Mr. WADSWORTH. Will the gentleman allow me to read

him this paragraph from the Secretary's report?

Mr. MANN. If the gentleman will yield me more time, I will

let him do anything.

Mr. WADSWORTH. I will yield the gentleman two minutes Here is what the Secretary of Agriculture says on just what the gentleman has mentioned:

The investigations of seed adulterations previously mentioned in these reports have been continued, and there is evidence that the publication of the names of firms found to be seiling adulterated seed has been the means of checking the evil. In all this work the Department has but one object, namely, to protect the farmer from the unscrupulous dealers who make a practice of foisting bad seed upon him. The rank and file of Amercan seedsmen do not follow any such practice and are as anxious as the Department to protect the farmer.

Mr. MANN. There is no doubt about that at all. Mr. WADSWORTH. I object to all seedsmen being branded as thieves

Mr. MANN. I hope the gentleman did not understand that I branded all seedsmen as thieves.

Mr. WADSWORTH. The most of them are honorable mer-

Mr. MANN. If the very distinguished gentleman from New York had listened to what I said-

Mr. WADSWORTH. I beg the gentleman's pardon. I was

listening to him.

Mr. MANN. He would have discovered that I said, to begin with, that a very small proportion, not more than 10 to 20 per cent, of the seed which had been examined had been found to be adulterated, and it is partly for the purpose of protecting the respectable seedsmen from the improper rivalry of the impure seedsmen that I think we ought to have legislation on this subject.

Now, here is orchard grass. Orchard grass is one of the favorite forage crops, especially in places where there is shade. The favorite adulterants of orchard grass are meadow fescue and rye grass seed, the orchard grass seed being much more expensive than the other two. Here is one sample adulterated to the extent of 37 per cent, another to the extent of 24 per cent. another 50 per cent, another 56 per cent, another 40 per cent. I have not time to refer even to all the samples I and so on. have here, and I have many other samples of this sort in my

Here is a sample of alfalfa adulterated with burr clover seed to the extent of 11 per cent; one adulterated with trefoil to the extent of 33 per cent and burr clover 3 per cent; another sample of alfalfa adulterated with yellow trefoil 31 per cent and burr clover 6 per cent; another adulterated with trefoil 39 per cent and burr clover 3 per-cent.

Mr. WADSWORTH. Have you the names of the sellers of those adulterated seeds?

Mr. MANN. I have not the names here; and I do not pro-

pose to give them.

Another one is adulterated with 35 per cent of trefoil and 5 per cent of burr clover, and so on. The gentleman from New York asked me if I had the names. I never considered it desirable or proper when endeavoring to obtain legislation to jump on particular individuals, and I do not think that is the method. Of course we have the names and records of each one of these samples and know exactly from whom they came.

Mr. WADSWORTH. The reason I asked the gentleman the

question is because under the power given the Secretary of Agriculture he has the right to publish the names.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. LAMB. I now yield five minutes to the gentleman from

Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Chairman, I desire to submit some observations upon the all-absorbing seed question. ported by the Committee on Agriculture makes an appropriation, or recommends an appropriation, of \$238,000 for the purchase, propagation, and testing of new, rare, and uncommon seeds, bulbs, trees, shrubs, vines, cuttings, and plants, foreign and domestic, to be distributed after consultation with Sena-tors and Representatives and Delegates in Congress "to actual experimenters only for experimental tests." This is the only provision made in the bill for the distribution of seeds. There has been a great deal of criticism of the practice that has been in vogue for a number of years in the distribution of garden seeds, ordinarily termed "Congressional seeds," to the people throughout the country. It may be that this practice is subject to some degree of criticism. My experience has been that it has resulted in a considerable good. Farmers and gardeners in the district. I have the bonor to represent have informed me redistrict I have the honor to represent have informed me repeatedly that they had got better results from Government garden seeds than from any seeds that they had ever procured, coming largely from that well-known principle that the frequent change of seeds from one part of the country to another is often a very profitable thing. Now, if the Committee on Agriculture had recommended the discontinuance altogether of Congressional distribution of seeds, and had reduced the appropriation correspondingly, the proposition would have addressed itself to me with a good deal more force than it now does. eliminate Congressional distribution of garden seeds, but we do not save one single penny by the operation. We spend all the money. Now, during the current fiscal year there is an appropriation of \$242,000 for the distribution of seeds.

Mr. SOUTHARD. Will the gentleman yield for an interruption?

Mr. CRUMPACKER. I will.

Mr. SOUTHARD. Is it not true that you can find seeds put up in New York in almost every market in the country?

Mr. CRUMPACKER. I suppose so; I do not know much about that. But the appropriation for the current fiscal year Of that, \$132,000 is used for Congressional disis \$242,000. tribution, as it is termed. One hundred and ten thousand dollars is being used now by the Secretary of Agriculture for the purchase, propagation, and testing of new, uncommon, and rare seeds, bulbs, etc., domestic and foreign. The present bill recommends the appropriation of \$238,000 for that purpose. will be the result? Perhaps one individual in each township in the county or the district might possibly conduct some ex-I simply want to say that I am in favor of the old periments. plan, and shall vote against the recommendation of the committee unless the money heretofore spent there shall be saved to the Treasury.

The CHAIRMAN. The time of the gentleman from Indiana has expired

Mr. LAMB. I now yield to the gentleman from Georgia [Mr.

OVERSTREET]

Mr. OVERSTREET of Georgia. Mr. Chairman, I desire in the brief space of time allotted me to make some remarks on the pending bill and in a general way to lay before this House some facts I feel impelled from a sense of duty to set forth. During the short time I have been a Member of this House I have painfully observed that the great agricultural interests of this country have been neglected by Congress and are suffering at the hands of our National Government. How it is that this great industry, the foundation stone upon which rests all our national greatness, has not received proper recognition from in-telligent Representatives in Congress is beyond my understand-The oldest, the most dignified, and the most independent of all the vocations among men, it deserves better treatment at our hands; but I want it understood in the beginning of these remarks that I am not asking alms of the National Treasury. My people did not send me here for that, but they expect of me that I shall demand their rights upon every issue raised whereby their interests are affected, and I will ask nothing more and I shall be satisfied with nothing less. [Applause.]

On the 13th of December just passed, the House being in the Committee of the Whole House and having under consideration the legislative, executive, and judicial appropriation bill, my colleague [Mr. Livingston] offered the following amendment:

The compensation, at not more than \$10 per day and actual necessary traveling expenses, of special agents to investigate trade conditions abroad, with the object of promoting the foreign commerce of the

United States, \$50,000, not more than \$20,000 of which shall be used in the investigation of markets for cotton products; and the results of such investigation shall be reported to Congress.

The object of the amendment was to reinstate the current law as contained in that appropriation bill for the present fiscal year. The previous Congress had allowed the appropriation, but the committee at this session failed to incorporate it in the bill, and Mr. Lavingston's amendment sought to remedy that feature of it. But the amendment was lost, and the small, pittful sum of \$20,000 that heretofore had been allowed, in order But the amendment was lost, and the small, pitithat our cotton trade might be extended and new markets for our cotton and cotton products opened up, has been disallowed, and what little aid the Government was giving the farmer in this direction has been withdrawn. Now, Mr. Chairman, for the life of me I saw no argument advanced, either by the gen-tleman from Massachusetts [Mr. Sullivan] or the gentleman from New York [Mr. LITTAUER] that authorized the defeat of this amendment, and when this bill comes back to the House with a similar amendment from the Senate, as I understand it will come, I sincerely trust that this House will agree to the amendment and let it become the law again. During the debate on the amendment my colleague [Mr. BARTLETT] produced some strong arguments in favor of the measure, and in the course of his remarks said:

This great crop of ours is greater in value than all of the other crops of the country except corn, and the most remarkable thing is that with that crop, amounting to \$650,000,000 a year, the raw material is not consumed at home, like that other great agricultural product which exceeds it in value, but two-thirds of it is sbipped and brings into this country every year hundreds of millions of dollars of foreign gold to create and increase our prosperity, not simply of its producers, but of the entire country.

While there was no yea-and-nay vote taken and I can not state positively how each Member voted, I will venture the statement that about the only Members voting for it were from cotton-producing States, and the rest, practically, voting against it. How, sir, can legislation be enacted that will redound to the benefit of the farmer unless the Members of this House will be more liberal and broad minded when they come to vote upon questions that affect the farmers' interest? We are not here to legislate for any particular section of the country or for any particular class of her citizens, but to pursue a policy that will be beneficial to all sections of the country and helpful to all classes of our people. This is a Government whose greatness and glory and whose permanency depend upon the intelligence of her people and the simplicity and uniformity of her laws. [Applause.]

There are Members here who are not acquainted with the cotton industry. They should be willing to hear the testimony and act upon it, of those who know the needs of the farmer. An industry that increases the wealth of the country six hundred and fifty millions annually, an amount almost sufficient to pay the yearly expenses of this Government, deserves the most careful consideration at our hands. A parsimonious policy adopted by the Government toward the cotton planter can not but be detrimental to our manifold and diversified industries. comparison, these United States may be likened unto a great, complex piece of machinery, but so nicely and precisely con-structed that if any of its smallest parts are out of gear the whole machinery is thrown into confusion and disorder. The cotton-producing States compose a part of this Commonwealth, and, in my judgment, not so insignificant a part as the votes of Members of this House would seem to indicate, and whenever you vote down a measure that is calculated to benefit a portion of this country you not only do harm to that immediate section, but you are helping to retard the prosperity of this great counbut you are neighing to retain the prosperity of this great cointry, whose Constitution you have sworn to defend and support and whose every interest it is your solemn duty to protect. I can scarcely believe that there is a gentleman here who would intentionally do an injustice to these people whose chief dependence is upon the production of cotton, but they certainly do not understand the situation. All we ask is that this Congress take hold of this question and cooperate with us in maintaining a steady and stable price for our product. This may be done in many ways. The opening up of new markets for our cotton goods would tend to diminish the surplus that now remains under present conditions, and would thereby cause the price to be regulated by the natural law of demand and supply. A change in the method of issuing monthly bulletins by the Department of Agriculture showing the condition of cotton would also help, I believe, in maintaining a steady price. These bulle-tins should be issued weekly or daily, perhaps, and give to the cotton grower and the legitimate trade the information in installments, as it were, instead of withholding it until when it is given out to the public such excitement is produced among those betting upon the result of the estimate that the fluctuation in prices ranges at once from twenty to fifty points above or below

the normal price, according as the report is "bullish" or "bearish," as it is termed. The planter feels obliged during all seasons of the year and every day in the week (Sunday excepted) to put his cotton upon the market in large or small quantities, as the case may be. He has to meet his obligations when they fall due. He knows when they mature, and cotton has to be sold to be converted into money for this purpose.

I know of instances where planters had shipped their entire crop of cotton to factors for the purpose of holding for better prices, and had advanced to them from time to time on this cotton as collateral an amount of money almost equal to the value of the cotton when a Government report would be issued indicating a larger yield than was expected, and upon the publication of this report prices rapidly declined until the planters' margin was exhausted and his cotton was put upon the market and sold at the lowest price of the season. In a few days, after the public had time to study and digest the report and confidence in the market had been reestablished, the number of points lost by the issuance of the report had been regained, and a much higher mark made than had been reached previous to the report. So that the Government report caused a decline in cotton sufficient to close the planter out at a distinct loss. And this is not an isolated case, either. Every Member of this House who comes from a section where cotton is produced will bear me out in the statement that numbers and numbers of farmers every year lose heavily by reason of the monthly crop bulletins issued by the Government. The position I take is: It makes no difference whether the report is correct or incorrect, the effect upon the market is the same. The information that is gathered day by day and week by week from the different correspondents throughout the cotton belt is thrown upon the market all in a lump, and the result is always the same, a fluctuating and spasmodic market for several days, and the farmer is bound to lose, for a quantity of cotton is certain to be closed out on rapid declines. I am borne out in this opinion by a statement of Mr. Harvie Jordan, president of the Southern Cotton Association, in a hearing had before the Committee on Agriculture last year, where he used the language:

I think it would have a tendency to break up speculation to have it so arranged that these estimates should not be issued at one time. They could show the condition of one State one day, and the condition of another State another day, and so on. Every safeguard should be thrown around the cotton crop of this country. It brings into this Union \$650,000,000 annually and preserves a balance of trade with foreign countries in our favor. And a variation of one-half a cent a pound means a loss or gain of \$25,000,000.

Now, Mr. Chairman, look just a moment in another direction. The statistics of the world show a world-wide prosperity, the newspapers of England are replete with the unprecedented prosperity of the past year, and the United States are enjoying the same blessings despite the onerous loads imposed by unfair taxation. We have prospered under bad economic laws, and with better laws this prosperity would have been more equitably distributed. We are one of the leading nations of the earth, if not the leading nation, because of our free institutions, of the unequaled area open to free trade between the States, of our vast area of diversified natural productions, and of our regard for law, even though that law bears hard upon agriculture and in favor of manufactures. [Applause.]

The South, too, has prospered in spite of unjust and unfair legislation against her and in spite of the efforts of her enemies to retard her growth. Up to 1850, under a more generous legislation, she was a leader in production, but this beautiful region was impoverished by the civil war, and since then she has had only the legislative scraps from the national table. Despite all this the South has steadily grown in population and wealth. In agriculture she has gone forward by leaps and bounds, and on account of her rapidly increasing manufactures the eyes of envy from the East are turned against her. In cotton manufactures she has surprised the world. Cotton mills have begun to hum in the South with a musical cadence that promises a full symphony in the days to come. The cotton is there and there to stay, and the mills will more and more seek locations nearer the base of supplies.

The census authorities inform us that in 1900 cotton manufacture stood at the head of the textile industries with respect to all items covered by census reports, the value of the product being \$332,800,000. The little mills of fifty years ago, operating a few hundred spindles, have given place to large establishments operating thousands of spindles, the improvement of which has brought a speed of from 5,000 to 10,000 revolutions a minute, and I am proud to say that this same census document gives the greater percentage of increase in cotton manufacture to the sunny South. The increase for all cotton-mill products in the United States was seventy-one millions, of which fifty-three million four hundred thousand was in the South.

In 1890 there was but 239 mills, with a capital of \$54,000,009,

employing 36,415 hands, and creating a product of \$42,000,000. In 1900 there were 401 establishments engaged in cotton manufacturing in the South, with a capital of \$125,000,000, employing 97,559 hands, and creating a product valued at \$95,000,000, an increase of \$53,000,000 in a single decade, or 128.8 per cent. The same census tells us that the lumber and timber industry has increased more rapidly in the South than in any other part

of the country.

It might be interesting to notice some figures recently published in the Manufacturers' Record, which is considered a re-

liable publication. It says:

liable publication. It says:

In six years, with an increase in the population of about 2,400,000, or something more than 10 per cent, the South has increased the value of its farm products by \$728,000,000, or 57 per cent, and the value of its manufactures \$761,000,000, or 52 per cent. It has added 3,393,000 spindles to its cotton-mill outfit, an increase of 55 per cent, and its mills used in 1906 about 2,375,000 bales of American cotton, or 48 per cent more than in 1900.

In the six years the South's annual pig-iron production has increased by \$96,000 tons, or 34 per cent; its coal production by 34,202,000 tons, or 69 per cent; the value of exports at its ports \$1,777,000,000, or 38 per cent, though it furnishes more merchandise for export than it handles through its own ports, and in that time its railroad mileage has increased by 11,441, or nearly 22 per cent, and the assessed value of its property by \$2,490,000,000, or nearly 48 per cent.

And just let me say that the Empire State of the South has

And just let me say that the Empire State of the South has not been laggard in her contributions to the general prosperity nor in those developments which mark a free and great people. Cotton is her greatest crop, and in 1890 she gave the country a crop valued at \$62,750,000. In 1902 this had swollen to \$69,000,000, in 1903 to \$89,000,000, in 1904 to \$92,000,000, and in 1905 to \$103,000,000. In 1905 the census reported ginned for Georgia 1,750,000 bales, as against 2,598,949 for Texas. In the production of cotton Georgia ranks second.

In the production of cotton-seed oil and cake she also ranks second. In the production of turpentine and rosin Georgia acknowledges no superior, holding first rank in the imperial galaxy of States. In the olden days she won the title of Empire State of the South and proudly maintains that position to this good day.

In war as in peace her sons may be found in the front rank of men from any State or country for bravery, honesty, and chivalry, while her women are not excelled in all this world for

beauty, refinement, and grace. [Applause.]

And among other Georgians the people of the First district claim to be an empire in the imperial State of Georgia, "an imperium in imperio," and I desire for a few moments to direct attention to this section of our country. It is my good fortune to represent a district of wealth, influence, and power. Its people are American to the core, believe in American worth, and hold for high American ideals. I have the honor to represent a district composed of twelve counties which for industry and honesty can not be excelled by any other twelve counties in the American Union, and in the productions which mark the progress of an industrious people they take high rank with the thousands of great counties which make up our glorious commonwealth. [Applause.] In it may be found the great canning district of Chatham County, which sends to the world the choicest products of canned corn, beans, tomatoes, and peas. melons Georgia excels all other States, while the First district furnishes no inconsiderable share. It is there sweet potatoes abound. Among all the increases which mark the census of 1900 there was no greater increase than that shown by Effingham, Bryan, and Liberty counties. Since the census of 1900 two new counties have been formed, Jenkins and Toombs, which now form a part of my district. The statistics of 1900 do not include these counties as separate entities, although their products for the most part are totaled in the other ten. In 1900 six of these counties—Bryan, Bulloch, Burke, Chatham, Effingham, Emanuel, and Liberty—produced 190,154 bushels of Irish potatoes—enough to feed 15,800 families a whole year, while Chatham alone produced 125,375 bushels, or enough to feed 10,000 families for a year. In the year 1900 we produced 595,375 bushels of sweet potatoes, as shown by the following table by counties:

	Bushels.
Bryan	30, 460
Bulloch	84, 542
BurkeChatham	79, 482 50, 748
Effingham	41, 239
Emanuel	78, 263
Liberty	50, 475
McIntosh	41, 265
ScrevenTattnall	52, 364 86, 564
AULUMIA	. 00, 004

Eight counties in this district produced 150,000 bushels of pease, Screven being first with 38,813 bushels, Emanuel second with 33,443, while Bulloch and Tattnall ran close for third place. One county in my district, Tattnall, has made considerable progress in the production of tobacco, and it may be through its influence that the culture of tobacco may be more generally

extended. While we are not in the best hay-producing region of the world, the forage crop of five of our counties in 1900 amounted to 12,000 tons, of which Burke County produced fully one-third. The Department of the Census says that recent experiments in Georgia indicate that, with the necessary buildings and machinery, sugar making can be as profitably conducted in Georgia as in Louisiana. People from Vermont glory in their maple sirup, but the Georgia cane sirup is unsurpassed any-

In 1900, 517,550 gallons of sirup were made in my district, distributed as follows:

	Gallons.
Bryan County	1, 170
Bulloch County	123, 269
Burke County	33, 644
Chatham County	12,650
Effingham County	43, 825
Emanuel County	92, 590
Liberty County	42, 716
McIntosh County	20, 550
Screven County	88, 186
Tattnall County	58, 900

It has been said that ours is a cotton country to the exclusion of everything else. From what has preceded it is plain that the first district of Georgia is susceptible of a wide diversification of crops, and that we have already diversified them to a large extent.

In corn, while we may not be able to compete with the great corn districts of the Northern and Western States, we are still able to make a good showing, as the following table discloses:

COTTO TTO 1300.			
COTH THE 1300.		Bush	nels.
Bryan County		93.	690
Bulloch County		464,	090
Burke County		667,	
Chatham County		40,	
Effingham County	50	127,	
Emanuel County		509,	
Liberty County		166,	980
McIntosh County		429.	
Screven County		401.	
Tatthan County		401,	010
	113	2004	0.00

From Census Bulletin No. 40, for 1905, the cotton production of the first district aggregates as follows:

	Bales.
Bryan County	1, 611
Bulloch County	18, 166
Burke County	38, 610
Chatham County	96
Effingham County	2,052
Emanuel County	
Jenkins County	6, 786
Liberty County	1,692
McIntosh County	47
Screven County	22, 144
Tattnall County	
Toombs County	6, 431

In 1905 the number of bales of sea-island cotton raised in the United States was 112,539, of which 19,490 bales were produced in the first district, or one-seventh of the entire seaisland cotton crop of the whole United States was produced in my district, and of the amount Bulloch County stands first with 10,494 bales, and Tattnall second with 7,506, the rest of the counties producing very little sea-island cotton. In fact, Bulloch and Tattnall counties seem almost to have a monopoly in the production of this great staple. It is the finest cotton in the world, and during the Christmas holidays it was sold on the streets in the city of Statesboro for 36 cents per pound.

The people of the district are proud of their great port at Savannah. The city's exports for the year 1905 were greater than the combined exports of all south Atlantic ports, and the accompanying table shows how rapidly business is increasing.

Exports for the year ending June 30—  1904 1905 1906 Imports for the year ending June 30—	\$53, 770, 382 62, 244, 837 64, 839, 551
1904	924, 061
1905	1, 488, 692
1906	1, 503, 069

During the twelve months ending June, 1906, 44,372,031 of southern pine lumber were shipped from Savannah to New York, and during the same period 1,453,385 bales of cotton were received at Savannah for shipment.

So much for the district that lay in General Sherman's pathway on his celebrated march to the sea, and nothing now remains to mark his route. Such rapid recuperation from desolation and ruin the world had never seen before and I doubt if it ever will again. But, Mr. Chairman, this marvelous progress has not been with the aid of the Government. It has been wrought out of the loins of nature with the brains and

brawn of southern manhood in spite of governmental favoritism toward manufactures and large corporate interests. In spite of the fact that the law-making power of this country has never recognized the rights of the "man behind the plow," has never consented to give him a square deal under the Constitution and laws of the land, but has left him to work out his own salvation with the intellect and muscle that the God of nature gave him, I say, in spite of all these things, he has made wonderful progress and added untold millions to the wealth of this country, and under more favorable conditions and more just and equitable laws his prosperity would have been tenfold greater than now.

But, sir, the plain working people, who are the mainstay of the nation's wealth, are reading the dispatches that are sent from this capital giving a daily record of what Congress is doing, and they will demand a more satisfactory reason than has yet been given why the Members of this House, with the impetuosity of young schoolboys, rush about in wild confusion eager to increase their own pay and in the next breath turn an unwilling ear to legislation designed to benefit the honest voters who sent them here. It is not right, and the day of reckoning will come when the people will rise up in their might and hurl from power the unfaithful Representative who legislated in his own selfish interest and neglected the interests of the people whom he was elected to serve. [Loud applause.]

Mr. RICHARDSON of Alabama. Mr. Chairman, on reading the report of the Agricultural Committee, as well as looking over the bill now under consideration, I notice that the appropriation of \$52,000 heretofore made for the Bureau of Biological Survey has been omitted. A few minutes since I desired to ask the chairman of the committee [Mr. Wadsworth] why that ap-propriation had been omitted. I did not have the opportunity to make the inquiries. I desired to know what reason there was for omitting that appropriation from this bill. I wanted to know if the Secretary of the Department of Agriculture had recommended it. I wanted to know, further, whether the Biological Survey had any opportunity of being heard or whether any witnesses in the hearings favorable to the elimination of this appropriation had been heard before the committee. I have been informed, reliably, I think, that the Secretary of Agriculture recommended a 25 per cent increase of the appropriation. The chairman of the committee, the distinguished gentleman from New York [Mr. Wadsworth] called at my seat a few moments since and told me that a provision had been made in the bill in lieu of the appropriation stricken out in behalf of the Bureau of Biological Survey, which, he thought, was sufficient, and could be found in the bill under the heading of "Entomological investigations," which provision I find relates alone to an investigation of the history and habits of "insects" injurious and beneficial to agriculture, horticulture, and arboriculture, ascertaining the best means of destroying those found to be injurious, including an investigation into the ravages of insects affecting field crops, etc. He admits that an important feature of the Bureau of Biological Survey has been omitted and not provided for at all, and that is game preservation and protection. Mr. Chairman, I think there is nothing more essential to the farming interests than to preserve and protect the lives of such birds as we know will destroy the "insects" that ravage the farmer's field crops after planting and while germinating. I have been advised from Montgomery, Ala., that on yesterday a vote was taken in the lower house of the legislature of Alabama almost unanimously indorsing a bill for the preservation and protection in our State of game. markable unanimity was brought about in the vote of the lower house of the Alabama legislature by reason of an able speech that was made by the gentleman in charge of the preservation and protection of game of the Bureau of Biological Survey, Mr. Palmer, who was invited to address the legislature by a joint resolution of the two houses. The address delivered by Mr. Palmer was strong, full of common sense, and abounding with most valuable information. It was commended highly by the leading newspapers of our State.

Our people are anxious to adopt some reasonable, sensible, and practicable law for the preservation and protection of the game of our State, and the address of Mr. Palmer was a great stimulant to guide the lawmakers of our State in the right way to do this. I feel confident that a law will be agreed upon by the legislature of Alabama at its present session that will protect and preserve the game of the State. Alabama desires to follow the example of many of the States of the Union in such enactments as will prevent the useless destruction of game. I can not, Mr. Chairman, in this discussion, with the time allowed me by the distinguished gentleman from Virginia [Mr. Lamb], who is in charge of this bill on this side of the Chamber, present the wonderful benefits that have accrued in behalf of the interests of

farmers in many of the States of the Union by protecting and preserving the lives of certain classes of birds that destroy insects that ruthlessly ravage and destroy seed planted by Accurate statistics can be invoked to show the beneficial results from the standpoint of the farmers' interests in the States enforcing reasonable game laws and those that do not. We of the South, as a matter of sentiment, deplore the disappearance of the mockingbird. In certain sections of the South where this splendid songster but a few years since abounded and could be heard at all times, night and day, but now is rarely seen or heard. For mercenary purposes their nests are robbed of their young and the young birds sold and sent off to an "imprisonment for life" in a cage. For myself I would an "imprisonment for life in a cage. welcome a fair law that would protect the lives of our valuable birds. I would do it from a practical beneficial as well as a

sentimental standpoint.

The information I desired to obtain from the chairman of the committee I hope will be given before this discussion closes. What reason was there for striking out the appropriation under existing law of \$52,000 for the benefit of the Bureau of Biological Survey? Did anyone appear before the committee asking that no money be appropriated for this Bureau? Did anyone contend that the Bureau was not efficiently, beneficially, and economically administered? I am informed that the Secretary of Agriculture advised that the appropriation provided now by law be increased. If this be true, then this House ought to be advised definitely why this important Bureau "should be dismissed without honor," because this is the effect of it. The "entomological investigations" that the chairman so kindly and courteously called my attention to certainly does not make provision for the useful functions of the "Bureau of Biological Survey." It is undeniable that this Bureau is conducted by competent chiefs. I print for information the fol-lowing well-expressed clipping from the New York Evening Post of January 24, which presents the workings of this Bureau most truthfully and justly:

WORK OF THE BUREAU.

WORK OF THE BUREAU.

The Bureau of Biological Survey studies the geographic distribution of animals and plants and maps the natural life zones of the country. It also investigates the economic relations of birds and mammals, recommends measures for the preservation of beneficial and the destruction of injurious species, and has been charged with carrying into effect the provisions of the Federal laws for the importation and protection of birds, and the game laws of Alaska. The work of the sarvey began on July 1, 1885. It is effected under three heads:

1. Geographic distribution, in charge of Vernon Bailey.—The office of geographic distribution has charge of field and office work relating to the collection, preparation, and elaboration of specimens and information illustrating the status and geographic distribution of North American animals and plants. It is engaged also in mapping the ranges of mammals, birds, reptiles, and plants, and the preparation of reports thereon.

2. Economic ornithology and mammalogy, in charge of A. K. Fisher.—The office of economic investigation has charge of field and laboratory work relating to the food habits of mammals and birds and of the collection of seeds and insects and other objects belonging thereto; also of the preparation of reports on the economic relations and food habits of birds and mammals.

3. Game preservation and protection, in charge of T. S. Palmer.—The office of game protection has charge of matters relating to the

3. Game preservation and protection, in charge of T. S. Palmer.—
The office of game protection has charge of matters relating to the preservation, protection, and introduction of game and other animals and of matters coming under the jurisdiction of the department by reason of the Lacey Act.

I am advised, Mr. Chairman, that by the work and efforts of this Bureau many foreign birds of most injurious and destructive tendencies have been kept out of our country, and they have encouraged the bringing in of desirable species. The Bureau sees to it that the interstate-commerce provisions of the game law are not violated. Shipments of game killed in violation of State laws into other States come under the jurisdiction of this Bureau, and this fact makes its maintenance most important. We ought not, while throughout the Republic there is a growing and wholesome development of public opinion for the protection and preservation of game, to put an obstacle in the path of such wise, humane, and profitable tendencies by driving this Bureau out of existence. Truly, Mr. Chairman, we ought to increase this appropriation, and I hope it will be done. It is money well spent by the Government.

I call the attention of the committee to the appropriation for

the Biological Survey under existing law:

the Biological Survey under existing law:

Salaries, Bureaa of Biological Survey: One biologist, who shall be chief of bureau, \$3,000; one clerk, class 1, \$1,200; two clerks, at \$1,000 each, \$2,000; one clerk, \$900; one messenger or laborer, \$480; in all, \$7,580.

Biological investigations: General expenses, biological investigations: For biological investigations, including the geographic distribution and migrations of animals, birds, and plants, and for the promotion of economic ornithology and mammalogy; for an investigation of the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry; for the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; for freight and express charges; for office fixtures and supplies, gas

and electric current, telegraph and telephone service; for preparation and publication of reports, and for illustrations, field work, and traveling and other expenses in the practical work of the Bureau, and to enable the Secretary of Agriculture to carry into effect the provisions of an act approved May 25, 1900, entitled "An act to enlarge the powers of the Department of Agriculture, prohibiting the transportation by interstate commerce of game killed in violation of local laws, and for other purposes," \$44,420.

Total for Bureau of Biological Survey, \$52,000.

It seems to me, Mr. Chairman, that the report of the committee ought certainly to have given us the benefit of some reason why this Bureau should be abolished. Absolute silence is there.

I have listened, Mr. Chairman, with a great deal of interest and sympathy to the earnest efforts of my distinguished friend from Mississippi [Mr. Candler], who is an honored member of this great Committee of Agriculture, to have stricken from this bill that paragraph that prohibits the Representatives of this House from distributing seeds among their constituents and turn it over to the Secretary of Agriculture and those he may name. I heartily indorse everything that he said in his great efforts for the interests of our farmers, and he deserves and will achieve

But it is quite a coincidence, Mr. Chairman, that the very seeds that we propose to distribute to our farmers should be denied by this bill that protection which the preservation of the lives of birds would give-which makes the birds the farmer's best

The protection of birds is not provided for in this bill at all. It is left out entirely. It is not even claimed to be within the purview of the section to which the chairman of the committee [Mr. Wadsworth] called my attention. I notice in another paragraph in this bill there is an item to enable the Secretary of Agriculture to meet the emergency caused by the continued spread of "the gypsy and brown-tailed moths" amounting to \$150,000. I am not fully advised as to the operations of the "brown-tailed" moth, but I have read somewhere that it is an "airy insect" that attacks coniferous trees, and that the only tree that can resist partially its savage attacks is the deciduous tree. It may be of a most violent and dangerous disposition. I presume it is, by reason of the fact of an appropriation of \$150,000, while the birds are left out entirely. The friends of the birds—the protection and preservation of game—will look kindly to this.

Mr. LAMB. I yield to the gentleman from Texas [Mr. Shep-PARD.]

Mr. SHEPPARD. Mr. Chairman, I desire briefly to advert to the splendid work of the Bureau of Soils of the Department of Agriculture. In my judgment, there is no bureau in this Gov-

ernment of more fundamental and far-reaching importance. The agricultural interests of the United States constitute by far the greatest natural resource from which the wealth of the people is derived. The farm value of agricultural products of the nation amounted to six and three-quarter billions of dollars in 1905, and this amount is annually increasing at a rate of 10 to 15 per cent. Since the last census was taken, in 1899, the annual value of farm products has increased \$2,000,000,000per cent-above the amount for 1899.

Coupled with this increase in values of farm products has arisen an almost universal interest in the possibility of the exhaustion of the areas of land held under cultivation and particularly in the development of lands not now used for crop production, the extension of areas cultivated to special and highly valuable crops, and the introduction of new crops and of diversi-

fied crop interests into all sections of the country.

The past decade of the agricultural history of the country has been marked by entirely new lines of agricultural enterprise. The free government lands have largely been occupied by homesteads, and this outlet for surplus population, this resource for the production of increased amounts of the great staple crops, has become practically exhausted. At the same time the rate of increase of population from natural causes and from immigration has been such as to call attention of all thoughtful men to the possibilities of feeding and clothing the increased population. It is obvious that unless the agricultural lands of the country are rapidly and systematically developed the home demands for farm products will soon equal the home production, and the exportation of farm crops, which now dominate the export trade, must gradually decrease and soon cease. An attendant circumstance already demanding serious thought is the growing cost of all those fundamental necessities of life which taken in the aggregate has so markedly caused an increase in the cost of living during the past five years. Little relief from this condition can be anticipated unless, through increased areas and improved methods, the farm lands of the nation can be made to keep pace with this demand by increased production.

In this problem are embraced not only the needs and the welfare of the population actually engaged in farming but, as surely

though indirectly, the needs and welfare of the entire consuming public.

The land actually held in farms at the present time comprises but one-half of the total land area of the country. Any great extension of this area is no longer possible since the unoccupied lands are largely mountainous areas or tracts hopelessly arid, and for which no irrigation water can be made available.

Of land held in farms less than one-half, or less than one-fourth of the total national domain, is actually improved land suited to the production of staple and special crops. The remainder consists of swamps, wood lots, hillside pasture, and unimproved grazing lands. While some relief may be secured from the utilization of portions of this partially occupied land, the great resource of American agriculture must be in the more intensive cultivation of lands already tilled, in the diversification of crops produced in all regions, and in the increasing general knowledge of agricultural principles by means of which each acre may be

made to produce continuously in the greatest abundance.
So long as great areas of virgin land remained over which the increasing population might spread and upon which it might depend for increased food supplies little attention was paid to a careful inquiry into the actual land resources of the nation. long as new lands might be acquired cheaply and in considerable areas the intensive development of all sections except the neighborhood of great cities was neglected and relegated to a future That day has now arrived when the agricultural possibilities of the country must be carefully ascertained for the benefit of those now owning and tilling the land, and for the benefit of those who in cities and towns afford the great home market for farm products.

Since 1899 a study of the soils of the United States has been conducted by the Department of Agriculture, and soil surveys have been made of portions of forty-three States and four Territories, aggregating a total area of nearly 120,000 square miles. This work has shown that while the soil resources of the country may be limited in areal extent, there is a great diversity of soil conditions existing under a great range of climatic surroundings.

The 250 areas already examined have shown the existence of 450 different soils adapted to the widest diversity of crops and requiring greatly different methods of cropping and cultivation to secure the maximum returns.

Examinations of the soils of particular regions have developed an understanding of the characteristic soils upon which each of the great staple crops is produced to best advantage. It has been found that the soils of the great prairie corn belt differ materially from the characteristic wheat soils, and the profit-able extension of either wheat or corn production must take into account the facts so ascertained.

Studies of soils in the Gulf coast States have determined the characteristics of the soils upon which upland rice may be grown, and the soil surveys have indicated that westward from the mouth of the Mississippi nearly to the Rio Grande exists a belt of country within which the production of rice might be widely extended so soon as the location of the appropriate soils is With such an extension areas of prairie growing lands now valued at \$10 to \$15 per acre would become possible rice lands with a value two to three times as great.

The introduction of cigar filler tobacco into Texas and Alabama has followed and depended upon the examination of small areas of soils in those two States. Further studies of the Gulf State soils have shown that over hundreds of square miles of the typical tobacco soils exist and are now given over to cotton production or to grazing. Their value for tobacco raising is far There are few crops which depend so closely upon the greater. characteristics of the soil for peculiar properties and consequent wide variations in value as the tobacco crop, and without an accurate knowledge of soil conditions the introduction of new varieties of tobacco into any region is accompanied by great risk of loss and by a strong probability of discouragement and failure.

The increasing development of the production of winter and early spring truck crops for the northern markets has given rise to the necessity for a complete study of the soils of the Atlantic and Gulf States. The soil requirements of the different crops are very different and the conditions of soil and of climate vary markedly in different regions. The winter-grown crops of Florida and southern Texas require different soils and different soil handling from the early spring and summer crops of the Atlantic coast. The vegetables and melons and fruits each have their characteristic requirements and the extension of their production over areas now forested or newly cleared calls for a thorough foreknowledge of soil conditions.

The extension of orcharding into new regions has spread fruit culture over many sections whose soil adaptations are not clearly understood. The development of the Appalachian fruit belt

from Pennsylvania southward to Georgia has shown that certain valuable varieties of apples may only be produced in re-stricted areas and upon a limited range of soils. The pippin belt of Virginia differs in soil and in climate from the conditions required for the red apples of the limestone valleys and the Piedmont Plateau. The orchard region of the Ozarks in Mis-souri and in Arkansas differs from all other sections of the country. In fact, each fruit belt possesses its own peculiar soils, some adapted to orcharding and others practically useless for such purposes. Many successes, as well as many failures, have had their cause in this fact.

In the Western States the attempt to bring additional land under cultivation and to increase the intensity of agricultural production through the irrigation of lands formerly dry farmed gives rise to a necessity for a careful study of these soils, their crop adaptation, the proper methods of trigation, and also the control of dissolved mineral matter which tends to accumulate as "alkali" under improper use of irrigation water. Millions of acres of valuable arid lands have been damaged or ruined by alkali, and the prevention of further damage, as well as the reclamation of land already injured, calls for an extension of the alkali work and further demonstrations of the methods of alkali reclamation.

These are but a few examples to show how the field study of the soils of the United States has led to an appreciation of the great soil problems with which the people of this country must deal. In order that the development of American agriculture may keep pace with the increase in population and the demand for products of the soil a very careful husbanding of soil re-sources is imperative. There remain no great areas over which farm occupation may spread. It is therefore through better knowledge of the resources of the entire country, through a closer specialization in adapting soils to crops, through a closer specialization in adapting soils to crops, through more systematic crop rotation, and better methods of soil management and conservation that the needs of the present and the future must be met. With careless methods and unsystematic agriculture the limit of crop production is being too closely approached. With increased knowledge of the fundamental principles of crop production and of crop distribution over the soils known to exist considerable increases in crop production may be provided for. That this may be secured in advance of the time of urgent need, a full study of the varied resources of American soils must be begun in time and pressed to completion. There is no greater fundamental necessity confronting the entire population of the country.

Under the capable and painstaking supervision of Dr. Milton Whitney, the Chief of the Bureau of Solls, remarkable progress is being made, and Congress should not hesitate to place the his hands sufficient funds. With a corps of efficient and devoted assistants, both in the office and in the field, he is achieving results which demonstrate beyond all question the supreme importance of this Bureau as a means of ascertaining the exact capabilities of American soils. [Applause.]

Areas surveyed and mapped by the Soil Survey, May, 1899, to June 30,

State or Territory, Area surveyed during 1906.		Areas pre- viously reported.	Total area surveyed.	
	Sq. miles.	Sq. miles.	Sq. miles.	Acres.
Alabama	629	6,863	7,492	4, 794, 880
Arizona		611	611	391,040
Arkansas		877	1,613	1,032,320
California	144	6, 355	6,479	4, 146, 560
Colorado	78	2,350	2,428	1,553,920
Connecticut		518	518	331, 520
Delaware		314	314	200, 960
Florida		1,708	2,388	1,528,320
Georgia		-1,813	2,422	1,550,080
Idaho		1,135	1,135	726, 400
Illinois		5, 925	5,925	3, 792, 000
Indiana		2,036	2,923	1,870,720
Indian Territory		-,	440	281,600
Iowa		2,303	2,303	1,473,920
Kansas	389	2,345	2,734	1,749,760
		1,370	2,049	1,311,36
Kentucky		3,568	4, 393	2,811,52
Louisiana			2,663	1,704,32
Maryland		2,663	796	
Massachusetts		796		509, 440
Michigan	460	3,078	3,538	2,264,32
Minnesota		486	1,064	680, 96
Mississippi		2,902	3,805	2, 435, 20
Missouri		3,783	4,570	2, 924, 80
Montana	325	107	432	276, 48
Nebraska		1,561	2,088	1,336,320
New Hampshire	200		200	128,000
New Jersey		1,303	1,303	833, 92
New Mexico	*********	129	129	82,56
New York	600	3, 280	3,880	2, 483, 20
North Carolina	360	6,618	6,978	4, 465, 92
North Dakota	865	1,825	2,690	1,721,600
Ohio		3,055	3,740	2,393,600

Areas surveyed and mapped by the Soil Survey, etc .- Continued.

State or Territory.	State or Territory. Area surveyed during 1906. Areas previously reported.		Total area	surveyed.
Oklahoma Oregon Pennsylvania Porto Rico Rhode Island South Carolina South Dakota Tennessee Texas Utah Vermont Virginia Washington West Virginia Wisconsin Wyoming	1,016 655 597 1,441 740 588 330 868	\$\sqrt{sq. miles.}\$ \tag{446} 1,978 330 1,085 4,002 485 3,046 7,479 1,501 227 4,276 680 254 1,591 309	Sq. miles. 720 446 2, 994 330 1, 0885 4, 657 485 3, 643 8, 920 1, 501 1, 227 5, 016 1, 268 584 2, 459	Acres, 469, 800 285, 446 1, 918, 160 211, 200 694, 400 2, 980, 480 310, 400 5, 708, 800 960, 644 145, 280 3, 210, 243 811, 520 378, 766 197, 760
Total	19, 341	99, 346	118,687	75, 959, 680

Cost of soil survey work by years.

Year.	Square miles.	Cost of field work.
1900	2,386 5,596 14,541 23,300 29,058 24,613 19,341	\$6, 383 13, 500 43, 047 63, 313 72, 601 68, 447 55, 561
Total	118,838	322,852

The average cost has been \$2.72 per square mile for the total area

surveyed.

During 1906 the average cost was \$2.84 per square mile.

With a larger number of field parties the average cost per square mile is relatively reduced, because there is little increase in cost of supervision and inspection.

Areas completed or in progress during the fiscal year 1907. SUMMER SEASON.

State.	Area.	Square miles.
Arkansas	Fayetteville area Prairie County Willows area Riley County Blue Earth County Crookston area Putnam County Lancaster County Marimae County Madison County Niagara County Transylvania County Ransom County Williston area Meigs County Grainger County Chesterfield County	375 604 777 778 530 868 921 649 522 370 864 610
	WINTER SEASON.	
Alahama	Butler County	769

Alabama Do. Do. Do. Arkansas California Florida Louisiana Mississippi Do. North Carolina South Carolina Texas Do. Do.	Butler County Marion County Talladega County. Conway County. Colusa-Redding area Jefferson County Winn Parish Jasper County Oktibeha County Prentiss County Robeson County Lee and Sunter counties Bastrop Delta and Lamar counties
Do	Robertson County Wilson County

Mr. LAMB. Mr. Chairman, I yield to the gentleman from Tennessee [Mr. Sims].

Mr. SIMS. Mr. Chairman, I wish to read for the information of the House the following concurrent resolution adopted by the legislature of Tennessee unanimously:

House joint resolution No. 7.

(1) Be it resolved by the house of representatives of the fifty-fifth general assembly of the State of Tennessee (the senate concurring), That the course of President Roosevelt in discharging the negro soldiers implicated in the Brownsville, Tex., shooting affair be, and the same is hereby, heartily commended.

(2) Be it further resolved, That our delegation in Congress, both in

the Senate and House of Representatives, are respectfully asked to give their support to the President's course in discharging the negro soldiers. Adopted January 10, 1907.

Concurred in by the senate January 11, 1907.

This resolution was adopted by a unanimous vote in both houses.

EDW. B. Martix,

Chief Clerk of House of Representatives.

Mr. Chairman, it is known that the State of Tennessee is a close State politically. The Republicans have had pretty well founded hopes for years that they might be able to carry that State, and notwithstanding this fact this resolution was passed by both houses of the legislature of Tennessee by a unanimous vote, showing that neither politics nor the fear of political consequences prevented the members of the legislature of the State of Tennessee from doing that which they thought was right, and they request respectfully that the Senators from Tennessee and the Representatives from Tennessee shall reflect their wishes in this matter. In respectful consideration of the action of my State by the resolution just read I introduced the following resolution:

Resolved, That in the judgment of the House of Representatives the recent action of the President of the United States in discharging without honor enlisted men of Companies B, C, and D of the Twenty-fifth Infantry was within the scope of his authority and power, and is approved and commended as a proper exercise of same.

Mr. Chairman, I never have on the floor of this House discussed what is called "the negro question," and I never intend to, but I hope that what I may say on this subject will be entirely divorced from any thought of whether these soldiers were black or white, but in another body action has been taken which necessarily does challenge the propriety, if not the authority, of the President of the United tSates to take the action which he In the debate his constitutional power was challenged, and, if I mistake not, it was proclaimed that he had violated the Constitution of the United States. If so, the President is subject to impeachment. Impeachment proceedings must be commenced and prosecuted by the House of Representatives.

While an ambiguous resolution has been adopted, contended for by those who favored an investigation as neither admitting nor denying his authority, but simply an investigation of the facts, I think it is proper that this body should express itself in no uncertain or ambiguous manner as to the proper exercise of authority by the President. This resolution has gone to the Committee on Military Affairs. I hope and believe that that committee will consider this resolution at an early day and report it favorably, and when they do I expect to take the time of the House to discuss it; but I want to state here that if the Committee on Military Affairs does not, in their wisdom, see proper to do this, if I can be recognized, at the proper time I shall move to discharge them from the further consideration of this resolution, and bring it before the House for its consideration.

I think it is right that we should do so, and in doing this it is not my purpose to discuss the question of punishment of the soldiers. That question should not be considered in connection soldiers. The action of the President was not taken as a matter of punishment, but as a matter of discipline; and I have no patience with those gentlemen who say that in this case we should permit ten guilty to escape rather than punish one innocent man. The Government, in the exercise of its functions. must often do that which may appear to be a restriction of the rights and the conveniences of those who may be termed "innocent," and which must be done regardless of the rights, privileges, and conveniences of those who may be denominated "innocent." Suppose these three companies of relative Suppose these three companies of soldiers had gone into the Republic of Mexico, and should have come in contact with persons suffering with a dangerous contagious disease, and become infected-at least, some of them-and it was impossible to know just who had come in contact with this disease. Would anybody say it would not be a proper exercise of authority and discretion, and a commendable one, to quarantine all the soldiers of those companies that went into Mexico until such a period of time had elapsed as would show by the course of the disease who was and who was not affected? Of course those soldiers who had not come in contact with the infectious disease would have been deprived of their liberty, would have suffered an inconvenience, for the benefit of the

The CHAIRMAN. The time of the gentleman has expired. Mr. LAMB. Mr. Chairman, I yield to the gentleman from

Arkansas [Mr. Floyd].

Mr. FLOYD. Mr. Chairman, I propose in the limited time allotted to me to discuss that provision of the bill which proposes to eliminate the free-seed distribution as heretofore practiced and to substitute therefor a provision for the propagation of rare and uncommon seed.

I want to say that I enter my protest against this provision

as now incorporated in the bill. It has been insisted upon the floor in this House that the distribution of seed under the methods formerly practiced by the Department, under the direction of Congress, is not a function of the Government. I desire to insist that if there is anything in that legal point, that if it is not a proper function of the Government to distribute seed generally throughout the United States, for a stronger reason it is not a function of the General Government to distribute seed to a particular class, to experimenters for experimental purposes only, and that is what is proposed in this bill. proposed to strike out the \$238,000 that was incorporated in the law of last year for general free distribution and to insert in lieu thereof a provision appropriating an equal amount for the purchase, propagation, and testing of new, rare, and uncommon seed, bulbs, trees, shrubs, vines, cuttings, and plants, foreign and domestic, to be distributed to experimenters only for experimental purposes.

If this provision is adopted, who will receive the chief benefit of it? If an appropriation is to be made for the "purchase, propagation, and testing of new, rare, and uncommon seeds. bulbs, trees, shrubs, vines, cuttings, and plants, foreign and domestic," and the things so purchased are not to be distributed generally, "but are to be turned over to experimenters for experimental purposes only," would it not be possible for these seed companies, that are now protesting so loudly against Congressional free distribution of seed, to be among the chief beneficiaries of this \$238,000 appropriation? What would hinder it? I fail to note any restrictions in the bill that would prevent Besides, who is better qualified or prepared to make such experiments than the great seed companies that are already engaged in the business of raising seeds, bulbs, plants, shrubs, and trees for the markets? These concerns are not precluded from the benefits of the act; indeed, I do not see how they legally could be, and hence I fear that the adoption of this provision would result not only in depriving the people of the country of the benefits heretofore received from a general freeseed distribution, but that the very interests—concerns and men that are protesting against this general free distribution of garden and field seed—would be the chief beneficiaries of an appropriation for the purchase of "rare and valuable seeds," to be distributed "to experimenters only, for experimental purposes only.

I can not too strongly express my disapproval of the proposition and shall vote against it, and shall vote for the substitute, to be offered by the gentleman from Mississippi [Mr. CANDLER], which, if carried, will appropriate this item of \$238,000 for purchase and free distribution of garden, flower, and field seed, in keeping with a long-established custom of the country.

Now, the only objection to this custom, which has been in force and in practice since the creation of the Agricultural Department, that I have heard comes from those people in this Government who are engaged or interested in the propagation or sale of seed; in other words, the great seed houses. A year ago when this matter was before Congress the newspapers reported that there was held at the New Willard Hotel, in this city, a meeting of the representatives of these seed companies to devise ways and means whereby they could induce Congress to vote down the appropriation for this purpose; and it was reported that they passed resolutions providing that they should use the press, and the press was used for that purpose. But now what is proposed? It is proposed to strike that provision out and appropriate an equal amount of money-no economy to the Government-for the purpose of testing and propagating rare and uncommon seed, not to be distributed generally among the people like the former distribution was made, but to be parceled out and turned over to the experimenters for experimental purposes only. Now, if there is no law to justify the usual custom, I would like to have some distinguished lawyer who favors it to show what the authority is for this proposition.

Mr. COCKS rose.

The CHAIRMAN. Will the gentleman from Arkansas [Mr. FLOYD] yield to the gentleman from New York [Mr. Cocks].

Mr. FLOYD. Certainly, Mr. COCKS. I would like to call the gentleman's attention to the fact that a large portion of this appropriation will be used for the propagation of plants in this country as well as those brought from other countries. In other words, plant breeding is the real essential feature. If we could increase the number of grains of wheat grown in this country, and if by ten kernels the corn crop could be increased in the country, would it not be an improvement?

Mr. FLOYD. Certainly; and the best way to encourage this increase and to stimulate the farmers of this country is to have the Agricultural Department of this great Government examine and test these seeds and send out the best quality of seed of every kind—wheat, cotton, corn, vegetables, and other seeds—directly to the farmers, and let the farmers themselves experiment with them.

Mr. SIBLEY. Will the gentleman yield to me for a moment?
Mr. FLOYD. Certainly.

Mr. SIBLEY. In reply to the question the gentleman from New York asked, Is it not a fact that America owes her supremacy as a grower of wheat to the effect that this very free distribution of Fulse wheat, which to-day holds the markets of the world and made American wheat preeminently supreme, came from the operation of this very seed law which they want

[Applause.]

Mr. FLOYD. I think so; and I am glad that the distinguished gentleman called my attention to that fact, for more than twenty years ago one of my distinguished predecessors sent this quality of wheat into my country, and I have had applications made for it time and again since I have been a Member of Congress, and have been repeatedly assured that the introduction of this and other varieties of wheat in this way was of infinite advantage to the wheat industry in my section. And the little distribution of cotton seed made last year, my own allotment which I sent out to some of my constituents, likewise proved to be of great value as an object lesson to those who received a supply. I was told by men who had planted the cotton seed sent them, and who experimented with it, that they had planted it alongside of the cotton planted with the ordinary seed they had been using and that the yield was 25 per cent greater than from the other seed used by them.

I want to call attention to the fact that it was remarkable that the great seed houses of this country should form an organization, a lobby, to try to influence Members of Congress to vote against this proposition. I can not believe that they are doing this on account of the value of the seed distributed or of any commercial disadvantage by reason of competition that is brought about by sending out these little packages throughout the country. I think the distinguished gentleman from Illinois [Mr. Mann] dropped a suggestion which shows the real reason for the fight of the seed houses against this proposition; that is, they are adulterating seed, mixing them. sending out an inferior quality of seed, and when the great Agricultural Department purchases seed for distribution, tests them as to quality, and sends them out among the people, the persons receiving them in every community, in every section of the country, have an example of the distinction between seed of real value and the worthless adulterated stuff that some of these great concerns are pouring upon the American market.

Mr. COCKS. I would like to call the gentleman's attention to

the provision in the bill at the bottom of page 33, where we have provided for analysis of every kind of seed and that the adulteration should be published to the world. Not only in this

bill, but in last year's bill as well.

Mr. FLOYD. Mr. Chairman, I say that in my opinion the knowledge that is brought to the people of this country by sending out pure seed, pure in quality, and thus giving them an opportunity of testing them in comparison with those that are sold in the market, is the underlying cause of the seedsman's opposition, and is full justification on our part of this little free

distribution of seed. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired. Mr. FLOYD. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and they are hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, in full compensation for the fiscal year ending June 30, 1908, for the purposes and objects hereinafter expressed,

Mr. MACON. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Insert after the enacting clause the following:

Insert after the enacting clause the following:

"That the term 'dealing in futures' as used in this act shall include all transactions which in any wise depend upon margins as a basis of settlement or which do not in good faith contemplate the actual delivery by the seller to the buyer of the thing or things represented or contracted to be sold, and the failure of the seller to make actual delivery to the buyer of, or the failure of the buyer to in good faith make legal demand of the seller for, the thing or things represented or contracted to be sold, shall be sufficient proof to establish the character of the transaction.

"That it shall be unlawful for any telegraph or telephone company, corporation, organization, or association, or any person or persons within the jurisdiction of the United States of America to receive, deliver, transmit, or convey any interstate or foreign message or other information of any character or description to be used in any manner connected with or in furtherance of any project or transaction concerning or pertaining to the interstate or foreign buying or selling or otherwise dealing in futures in agricultural products or commodities of any

quantity or description. Any telegraph, or telephone company, corporation, organization, or association, or any other company, corporation, organization, or association, violating any of the provisions of this act shall be deemed guilty of a misdemeanor for each and every violation of the same, and, upon conviction, shall pay to the United States a penalty of not less than \$5,000 for each offense, and any person violating any of the provisions of this act shall be deemed guilty of a felony for each and every violation thereof, and, upon conviction, shall be punished by a fine of not less than \$1,000 and imprisonment in the penitentiary for some period of time not less than one year.

"That interstate or foreign buying or selling or otherwise dealing in futures in agricultural products or commodities of any kind whatsoever is hereby declared to be unlawful. Whoever shall so engage in buying or selling or otherwise dealing in futures in agricultural products or commodities in the United States of America shall be guilty of a felony, and, upon conviction, shall be fined in any sum not less than \$1,000 or imprisoned in the penitentiary for some period of time not less than one year, or both.

"That no letter, postal card, circular, newspaper, pamphlet, or writing or publication of any other kind containing money or any other representative of value or information of any character to be used in any manner connected with or in furtherance of any project or transaction concerning or pertaining to the interstate or foreign buying or selling or otherwise dealing in agricultural products or commodities shall be carried in the mail or delivered at or through any post-office or branch thereof or by any letter carrier, postal agent, or other authority. Whoever shall knowingly deposit or cause to be deposited or who shall knowingly send or cause to be sent anything to be conveyed or delivered in violation of this section, or who shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried

Mr. WADSWORTH. I raise the point of order on that, Mr. Chairman. It is not germane, and it is new legislation.

Mr. MACON. Mr. Chairman, I would ask the gentleman to be courteous enough to withhold his point of order.

Mr. WADSWORTH. I think we have passed a good deal of time in general debate, and this is not germane to the bill, and I can not withdraw it. I would like to accommodate the gentleman.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. MACON. I will undertake to see if I can not raise some point of order against some new provision that is contained in

Mr. WADSWORTH. That is your privilege.

Mr. MACON. It is not fair for you to try to bring this bill up, with new matter in it, and yet deny me the right to be heard on the floor on an amendment.

The CHAIRMAN. Does the gentleman desire to be heard on

the point of order?

Mr. MACON. Mr. Chairman, the amendment that I offer, and to which the gentleman from New York seems to seriously object, is certainly germane to the matter before the House for consideration. The agricultural appropriation bill is supposed to deal with agricultural matters exclusively, and my amendment is in the interest of agriculture in the highest sense, and I can not understand how anyone could get his consent to make a point of order against it. The gentleman claims that it is new legislation, and hence objectionable under the rules of the House. I think he must object to it upon other grounds than that, for there are many new pieces of legislation embodied in this very bill that he as chairman of the committee presented to and is now attempting to conduct through the House just as he presented it. Certainly this amendment is no more offensive to the rules of the House than is the new legislation that he has in the bill to increase salaries. I notice that one of the arguments used by the gentleman in his report sustaining the committee's action in taking the free garden seed from the farmers is that the agricultural organizations of the country were against the proposition. I do not believe that is true, but if it is true and is good argument upon which to take free seed from the farmers, then I desire to offer the approval and indorsement of my amendment by the farmers' organizations of the country as a reason why it should be allowed to become a part of this bill,

I have received telegrams, letters, petitions, and resolutions from farmers and farmers' organizations from all over the Union urging the kind of legislation set forth in my amendment. In fact, the amendment is taken from a bill that I introduced in the House at a former day of this session, which called forth the indorsements just mentioned. If the gentleman can show more agricultural indorsements of his action of striking down the farmers' seed than I can show indorsing my course in introducing the bill that I now offer as an amendment to the pending bill, I will not complain of the point of order that he makes against it; but I insist that if it is the farmers he is trying to benefit and please, he will withdraw his point of order, for I have here on my desk a telegram informing me that the national convention of the Farmers' Educational and Cooperative

Union of America, a farmers' organization representing more than a million tillers of the soil, assembled at Atlanta, Ga., on the 24th instant, had unanimously indorsed my bill to prohibit dealing in futures in agricultural products, and had extended me a vote of thanks for having introduced it. I also have a resolution adopted by the Southern Cotton Growers' Association of the State of Mississippi unanimously indorsing it, and many other resolutions adopted by county and local agricultural organizations indorsing it.

Yet, sir, when I present the measure here for the consideration of the Representatives of these people who support the world the chairman of the Committee on Agriculture rises in his place and throttles their efforts to carry out the will of the people who sent them here by interposing the technical parliamentary obstruction of a point of order. Ah, Mr. Chairman, is it possible that the gentleman will interpose so flimsy an obstruction to prevent the people's Representatives from voting upon a proposition that means so much to them? [Applause.]

Mr. Chairman, I ask to be allowed to extend my remarks in

the Record by incorporating as a part of my remarks the telegram and a few of the resolutions to which I have referred. I will only burden the RECORD with a few of them.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to extend his remarks in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The following is the matter referred to:

ATLANTA, GA., January 24, 1907.

Hon. R. B. Macon,

House of Representatives, Washington, D. C.:

The national convention of the Farmers' Educational and Cooperative Union of America assembled at Atlanta, Ga., January 24, 1907, unanimously extend to you a vote of thanks for your earnest and persistent. efforts in behalf of the American farmer, especially your introduction of the antibucket-shop bill of December 10, 1906.

R. H. McCulloch, Secretary.

HEADQUARTERS MISSISSIPPI DIVISION SOUTHERN COTTON ASSOCIATION, Jackson, Miss., January 3, 1907.

Hon. ROBERT B. MACON, M. C., Washington, D. C.

Dear Sir: By direction of the Mississippi division of the Southern Cotton Association, in convention assembled in the city of Jackson, on January 2, I am inclosing you a resolution which is self-explanatory. This resolution was unanimously adopted by the convention. With esteem and regards, I am, Yours, very truly,

WILL H. Woods, M. D.,
Secretary Mississippi Division Southern Cotton Association.

Resolved by the Mississippi Division of the Southern Cotton Association, That we approve and indorse the bill introduced by Representative Macon, of Arkansas, in the Congress of the United States, to make the dealing in future contracts for the sale and purchase of agricultural products felonious; and also the application of Representative Livingston, of Georgia, for a fraud order against the New York Cotton Exchange; and that the Senators and Representatives from Mississippi are directed to cooperate with Messrs. Livingston and Macon in their efforts to benefit the cotton interests of the South, and to secure justice for our section. for our section.

for our section.

Resolved further, That the president of the division is authorized and directed to wire Representative Livingston our support and thanks on this question, and also that the secretary be instructed to have copies of same sent to Representative Macon, of Arkansus, and to the Mississippi Senators and Representatives.

OFFICE OF SECRETARY TREASURER,
POINSETT COUNTY UNION, No. 71, F. E. AND C. U. OF A.,
Harrisburg, Ark.

RESOLUTIONS.

RESOLUTIONS.

Whereas a system of speculation exists, known as "gambling in futures," whereby a certain class of people control and manipulate the price of cotton and other farm products; and
Whereas were it not for the unfair operations of these professional gamblers the prices of farm products would be governed by the law of supply and demand, thus insuring to the producers a fair and just share of the value of his products instead of suffering the losses incurred by fictitious prices fixed months before the said products are marketed; and Whereas the Hon. Robert B. Macon, Representative from the First Congressional district of Arkansas, has introduced in the Congress of the United States a bill which seeks to abolish and prohibit so-called "bucket shops" and gambling in futures: Therefore, be it Resolved by Poinsett County Union, No. 71, of the Farmers' Educational and Cooperative Union of America in convention assembled in Harrisburg, Ark., on January 5, 1907:

1. That we condemn in severest terms the system and practice of gambling in futures as being unfair, unjust, immoral, and a privilege that should not be permitted by the laws of Government and State.

2. That we heartly indorse the bill introduced by Congressman Macon to prohibit gambling in futures, and commend him for the loyal efforts he is exerting in behalf of the farmers' cause.

3. That we earnestly call upon all Senators and Congressmen who favor protecting the rights and interests of the producing classes of America to assist in the passage of this most wholesome and just law.

Resolved further, That we call upon farmers' organizations everywhere to adopt resolutions indorsing the aforementioned bill, and that a copy be furnished the Poinsett County Times and the Arkansas Union Tribune for publication.

Read and adopted this 5th day of January, 1907.

The CHAIRMAN. The matter included in the amendment offered by the gentleman from Arkansas is clearly new legislation and the point of order is sustained. The Clerk will read. The Clerk read as follows:

The Clerk read as follows:

Salaries, Office of Chief of Weather Bureau: One Chief of Bureau, \$5,000; one Assistant Chief of Bureau, \$3,000; one chief clerk, \$2,250; four chiefs of division, at \$2,000 each, \$8,000; one librarian and climatologist, \$2,000; six clerks of class 4, \$10,800; six clerks of class 3, \$9,600; eighteen clerks of class 4, \$10,800; six clerks of class 3, \$9,600; eighteen clerks of class 2, \$25,200; twenty-six clerks of class 1, \$31,200; seventeen clerks, at \$1,000 each, \$17,000; nine clerks, at \$900 each, \$8,100; four copylsts or typewriters, at \$840 each, \$3,360; one copylst or typewriter, \$720; two assistant foremen of division, at \$1,600 each, \$3,200; one proof reader, \$1,400; one chief mechanic, \$1,400; one lithographer, \$1,300; three lithographers, at \$1,200 each, \$3,600; two pressmen, at \$1,250 each, \$2,500; ten compositors, at \$1,250 each, \$12,500; one skilled mechanic, \$1,200; one capitain of the watch, \$1,000; one electrician, \$1,000; six skilled artisans, at \$840 each, \$5,040; three messengers or laborers, at \$720 each, \$3,600; three firemen, at \$720 each, \$2,160; three watchmen, at \$720 each, \$2,160; five folders and feeders, at \$720 each, \$3,600; three folders and feeders, at \$720 each, \$3,900; three folders and feeders, at \$720 each, \$3,900; three folders and feeders, at \$600 each, \$1,800; four messengers, messenger boys, or laborers, at \$600 each, \$7,800; four messengers, messenger boys, or laborers, at \$450 each, \$7,900; five messengers, messenger boys, or laborers, at \$400 each, \$7,900; one charwoman, \$360; three charwomen, at \$240 each, \$7,900; one charwoman, \$360; three charwomen, at \$240 each, \$7,900; five messengers, messenger boys, or laborers, at \$450 each, \$2,250; one charwoman, \$360; three charwomen, at \$240 each, \$7,900; five messengers, messenger boys, or laborers, at \$450 each, \$2,250; one charwoman, \$360; three charwomen, at \$240 each, \$7,900; five messengers, messenger boys, or laborers, at \$450 each, \$2,250; one charwoman, \$360; three charwomen, at \$240 each,

Mr. CAMPBELL of Kansas. Mr. Chairman, I move to strike out the entire paragraph just read.

The CHAIRMAN. The gentleman from Kansas moves to

strike out the paragraph.

Mr. WADSWORTH. Which paragraph?

Mr. CAMPBELL of Kansas. The paragraph beginning on page 4 and ending with line 13 on page 6, relating to the Weather Bureau.

Mr. Chairman, if the information generally given out by this Bureau is not more accurate than that given out relative to the weather conditions in Kansas, this Bureau is a wholly useless and even harmful department of the Government. A few days ago the Chief of this Bureau solemnly gave out to the country the information that weather conditions in Kansas had not changed within the last seventeen years. This misinformation was given to the country with all the authority of an official report. Now, as a matter of fact, there is not a farmer in Kansas, there is not a farmer's wife in the State who does not know more about the weather conditions in Kansas than the Chief of this Bureau if he has told all he knows about it. Why, Mr. Chairman, everybody who knows Kansas, who knows anything at all about the State and its present condition, knows that the velocity of the wind has materially decreased and that the rainfall has very materially increased within recent years. In all probability the gentleman in charge of this Bureau entertains the delusion about the weather in Kansas that is entertained about Kansas generally by people who have never been there. He no doubt has visions of the savages still roaming over the prairies of Kansas. He probably has visions of buffalo disporting themselves in the buffalo wallows of that great State. No doubt he thinks that we still have chinch bugs and grass-hoppers. He probably indulges in the delusion that we have absolutely nothing out there but hot winds, cyclones, and all that is native to the desert.

As a matter of fact, we have no more cyclones in Kansas than they have in Massachusetts, and we have as seasonable a rainfall, and have had for many years, as they have in any other of the midcontinent States of the Union. It is a slander upon the great State of Kansas to have a Government official publish solemnly to the world the statement that the conditions there have not changed in all the years, and that the wind still howls and blows there as it was originally supposed to do when the Government said that it was a part of the American Desert, and

that the rainfall has not increased.

Mr. McNARY. I should like to ask the gentleman if they have any cyclone cellars in Kansas?

Mr. CAMPBELL of Kansas. Why, there is another delusion. [Laughter.] There are no more cyclone cellars in Kansas than there are in Massachusetts.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. CAMPBELL of Kansas. I would like five minutes more. The CHAIRMAN. The gentleman from Kansas asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. SOUTHARD. I would like to ask the gentleman from Kansas how he determines that the rainfall has increased in the way he states

Mr. CAMPBELL of Kansas. Aside from the fact that at our State university we have been making monthly tests for more than thirty years, showing that the rainfall has materially increased, the farmers out there know that there has been an in-

crease in the rainfall, and I happen to know it myself. I had a letter from there this morning informing me that there has been an increase in the rainfall within the last ten days. [Laughter.] We get as much water in Kansas to-day, per capita, as they get anywhere else in the country.

Air. WADSWORTH. I suppose the gentleman from Kansas would be willing to exempt Kansas from the operation of the

Weather Bureau?

Mr. CAMPBELL of Kansas. If the Weather Bureau is to give such reports as that recently given out by its Chief, I think that we would be very fortunate in being excepted from the provisions of the bill.

Mr. MANN. Would not the gentleman from Kansas be willing to offer an amendment leaving the Weather Bureau in operation in the places where it is thought to be necessary, and excepting

Mr. CAMPBELL of Kansas. I feel sure that if this Chief of the Weather Bureau has the same misinformation about Illinois that he has about Kansas, the gentleman from Illinois would

protest for Illinois.

Mr. MANN. But he has not. He has the right information We do not ask the gentleman from Kansas to about Illinois. instruct us whether he is right about Illinois, but we may be willing to take the opinion of the gentleman from Kansas as to the conditions in his own State. I suggest that he allow the Weather Bureau to operate in Illinois, where it is of great benefit, and provide that it shall not operate in Kansas, where, he says, it is of no value. Let him make that exception if he is sincere, and I would not doubt his sincerity for an instant.

Mr. CAMPBELL of Kansas. The gentleman from Illinois seems to think I am indulging in levity on this matter. As a matter of fact, the people of Kansas generally resent the recent statement of the Weather Bureau Chief as to weather conditions There is no man in that State but that has the highest opinion of the Agricultural Department of this Government, and no man in the State, including myself, would do injustice to the Chief of the Weather Bureau, and I would not take this opportunity to criticise him if he had not done the greatest possible injustice to the State of Kansas in his recent statement.

Mr. Chairman, I have made this motion for the purpose of calling the attention of the House to the fact that official statements should not be made on misinformation, and the misinformation in this instance has been of great detriment to the people

and State of Kansas.

Mr. Chairman, I do not know that the gentleman Mr. MANN. from Kansas takes himself seriously on his motion. The Weather Bureau is probably one of the bureaus that does more good than any other bureau of the Government. I suspect, however, that there has been a change in weather conditions in Kansas since the distinguished gentleman from Pittsburg, Kans., came into existence and came into prominence. the sun shines less hotly in Kansas than it did before the smiling countenance of the gentleman from Pittsburg appeared on the scene. I presume the Chinook winds, as they start toward Kansas, draw back in dread, because they are afraid of facing the distinguished gentleman from Kansas. [Laughter.] Probably the hot winds and the arid lands out there feel that they should disappear while the fog and mists cloud the sun and pour rain water on the earth since the distinguished gentleman from Pittsburg, Kans., appeared on the horizon. Yet, with all due credit to the great abilities-and we all admire the gentleman from Kansas [Mr. Campbell]—and to the great influence of the gentleman over nature, there are some of us who are disinclined to take the opinion of the old housewives upon the subject of the effect of medicine instead of the scientist who has thoroughly investigated the subject.

Mr. CAMPBELL of Kansas. May I interrupt the gentleman? Mr. MANN. The gentleman may always interrupt me.

CAMPBELL of Kansas. Dr. F. H. Snow is no less a scientist than is the Chief of the Weather Bureau here in Washington, and he has kept a scientist's account of the weather in Kansas for more than thirty-odd years, and his observations are to the effect that the rainfall has very materially increased within these years and that the velocity of the winds has very materially decreased.

Mr. MANN. Oh, I have already accounted for that, I will

say to the gentleman.

Mr. CAMPBELL of Kansas. No, no; the gentleman has not; and I may say to him that since my advent to Washington I have found the wind quite as vicious upon Pennsylvania avenue as it is upon Broadway, in Pittsburg, Kans.

Mr. MANN. I was just about to call the attention of the committee to the fact that so long as the distinguished gentleman from Pittsburg, Kans., remained in Kansas the sun refused to shine so hotly upon the arid regions, and the south winds re-

fused to blow so warmly over the vegetation; but when the gentleman from Pittsburg, Kans., is translated from Kansas to the Halls of Congress, he is unable to exercise that controlling power, that careful consideration over the destinies of Kansas, and during his absence Kansas is in danger and needs the protecting care of the Weather Bureau. [Laughter.]

WADSWORTH. Mr. Chairman, I am inclined to think that there is no wind left either in Illinois or Kansas. [Laugh-

ter.

The CHAIRMAN. The question is on the motion of the gentleman from Kansas, to strike out the paragraph.

The question was taken, and the motion was rejected. Mr. MACON. Mr. Chairman, I would like to ask the gentle-man from Kansas a question. I would like to know how the wind in this House compares with the wind in Kansas?

Mr. CAMPBELL of Kansas. Oh, Mr. Chairman, that question is irrelevant, incompetent, and immaterial.

Mr. MARSHALL. Mr. Chairman, I would like to ask the gentleman from Kansas a question.

The CHAIRMAN. The gentleman from Kansas no longer has the floor. The Clerk will read.

The Clerk read as follows:

Contingent expenses, Weather Bureau: Stationery and blank books; furniture and repairs to same; freight and express charges; subsistence, care, and purchase of horses and vehicles for official purposes only, and for horse and carriage for use of Chief of Weather Bureau; repairs of harness; advertising, dry goods, twine, mats, olls, paints, glass, lumber, hardware, ice, washing towels, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Weather Bureau in the city of Washington, \$10,000.

Mr. TAWNEY. Mr. Chairman, I make the point of order against the language in line 21, page 6, after the word "only,

"and for horse and carriage for the use of Chief of Weather Bureau." That is new legislation and is unauthorized by law.

Mr. WADSWORTH. Mr. Chairman, the point of order is well taken, and there are other points of order that can be raised against legislation in this bill. I simply want to say with reference to all of them that they have all received, I may say, the unanimous support of the Committee on Agriculture, and the Department of Agriculture has been built up to its present efficiency by legislation on this appropriation bill. If we had waited the slow progress of special bills for each single object sought very little would have been accomplished, and I simply want to call the attention of the House to that fact, and reiterate that there has never been any legislation on this bill by the committee that did not meet the unanimous support of that committee and was not for the good interest of that great Department.

Mr. TAWNEY. Mr. Chairman, I do not make this point of

order in any spirit of criticism of the Committee on Agriculture. I do it more as a matter of self-protection. Members of this House, at least some of them, will recall a very excited debate some years ago on the subject of the abuses that had grown up here in Washington with respect to the use of carriages by sub-

ordinate officers.

If we give to the Chief of the Weather Bureau a horse and carriage, as here proposed, the Chief of the Bureau of Standards, who is farther removed from the Capitol than is the Chief of the Weather Bureau, will of course come to the Committee on Appropriations in the next session and say that we have given this to the Chief of the Weather Bureau and that he wants a horse and carriage for his convenience. So that in a short time we will have the same practice, the same abuses that we complained of before and which Congress checked when it put a stop to the appropriation of money for the purchase and maintenance of horses and carriages for private use. that reason, Mr. Chairman, that I have made the point of order, and not by way of criticism of the committee at all.

Mr. GROSVENOR. I would like to ask the chairman of the Committee on Appropriations a question, if he will recognize me for that purpose. Does the chief of the Government Printing Office, or by whatever title he may be known, have a car-

riage?

Mr. TAWNEY. He has an official carriage for official pur-

Mr. GROSVENOR. Then the proposition that was made to Members that he would be glad to have us call and see him and ride in a carriage to and from is an exhibition of his own personal generosity to Members of the House?

Why, he has a dozen carriages up Mr. CRUMPACKER. there.

Mr. TAWNEY. I will say to the gentleman from Ohio the Government Printer has a number of carriages, but he has no carriage that is not used for official purposes that is maintained at the expense of the Government.

Mr. GROSVENOR. Then the proposition involves simply a

deflection of the Government carriage from its ordinary pur-

Mr. TAWNEY. Well, I do not know anything about that, but the gentleman from Ohio knows very well the abuses that existed in the Departments which only a few years ago we remedied by legislation, and if the gentleman will take the estimates which come from the Departments every year he would see that every Department recommends a repeal of this legislation in order that the heads of the Bureaus can have the benefit of free carriages and free horses for their private as well as official

Mr. GROSVENOR. I want the gentleman to understand I am not serious about anything except the inquiry about where these carriages were to come from. That is all I wanted to

The CHAIRMAN. The point of order is sustained.

Mr. MANN. I would like to be heard on the point of order. The CHAIRMAN. The Chair begs the gentleman's pardon. The Chair will hear the gentleman from Illinois.

Mr. Chairman, I do not think the point of order is good. The Weather Bureau is created under an act of Congress. We all know, as a matter of fact, that under the operations of the Weather Bureau and under act of Congress it is absolutely essential that the collection of information upon which prognostications are made is made in the nighttime.

Mr. SOUTHARD. But they are not made by a horse and

carriage.

Mr. MANN. They are made in the nighttime, and you might as well say it would not be correct to provide fuel at a station or light at a station. It is absolutely necessary in the conduct of business that some things should be appropriated. We can not say in an appropriation bill all the things that are necessary in connection with the office work; and if it is in the power of the Chief of the Weather Bureau to provide a central station to which he may be called or is called in the early hours of the morning, and where he must be without facilities to get away from, with no provision made for his sleeping there, with no home provided for him by the Government, I say it is fully within the power of Congress in connection with the work under the direct scope of the original act to provide him the means of getting from and to that place.

Mr. SOUTHARD. Has the gentleman here any informa-tion that the Chief of the Weather Bureau goes cut there at

might to take observations or conduct operations of that kind?

Mr. MANN. Why, Mr. Chairman, I am surprised at the question of the gentleman from Ohio. [Laughter.] The Chief of the Weather Bureau of course is often at the chief weather office at night, and it is absolutely necessary that he have a horse and carriage as far as he is concerned. The only question is whether the Government shall afford him one or whether he shall be required to employ his own horse and car-Now, it being something that it is necessary for him to do, it being something that the Government requires him to do, I think the Government, so far as the point of order is concerned, is able to furnish him the facilities.

Mr. WADSWORTH. Let me state to the gentleman that if he will go to line 20 of the same paragraph he will see "subsistence, care, and purchase of horses and vehicles for official

purposes only."

Mr. MANN. I am talking about the point of order.

Mr. WADSWORTH. The Comptroller has ruled that he can not ride in it himself either from the Department to his house or from the house to the Department.

Mr. MANN. Oh, I think the gentleman is mistaken about that.

Mr. WADSWORTH. That is the ruling of the Comptroller.

Mr. MANN. I beg the gentleman's pardon—
Mr. LAMB. That was stated before the committee by the

Chief of the Weather Bureau himself.

The Comptroller would properly rule he can not Mr. MANN. use a horse and carriage except for official purposes, for official But this appropriation is not for the personal use of the Chief of the Weather Bureau, and if we have the power to appropriate in the bill for horses and carriages for official use of the Department, we have the power to say that one of those horses and carriages shall be for the official use of the Chief of the Weather Bureau.

Mr. SOUTHARD. Mr. Chairman, it is very evident that the gentleman from Illinois [Mr. Mann] has a different idea from that entertained by most of us of what this reform that we are talking about is or ought to be. I presume very likely observations are taken at the Weather Bureau in the nighttime, but they are taken by men who are stationed there for that purpose. They are taken in the regular and orderly course of business, and they are taken daily or nightly at stated times. They will

be taken in the same manner whether this horse and carriage is furnished or not. Men are empoyed to do that work. doubtless live near where their work is done, and this horse and buggy or wagon or whatever it may be will serve no purpose except a private purpose—that is, the one that will be denied by this point of order if the point of order is sustained. All it will accomplish is this: It will prevent the Chief of the Weather Bureau from having a horse and carriage for his private use. Now, as has already been stated, I have no objection to it, but if he is to have a horse and carriage, in justice to the Director of the Bureau of Standards, whose place of business is farther removed from the center of the city than is that of the Chief of the Weather Bureau, the Director of the Bureau of Standards should have one also. And there are other heads of Bureaus in the Departments who should be provided with horses and carriages in the same way. Now, the proposition is perfectly plain. If this horse and carriage is to be provided to the Chief of the Weather Bureau, it ought to be provided for others. It is not for official purposes that it is desired—and I suppose that I am speaking to the point of order-and, not being for official purposes, there is no authority for it unless the authority is given, and to provide for it in this legislative bill will be new legislation.

Mr. SCOTT. If the facts were as stated by the gentleman from Ohio [Mr. Southard] the committee would not be warranted in bringing in this item, and the Chair would, of course, be warranted in ruling it out in consonance with the point of order. But the gentleman is mistaken in his statement of facts. The truth of the matter is that the Chief of the Weather Bureau is on duty twenty-four hours in every day. That does not mean that he must be at his desk twenty-four hours, but it does mean that he is likely to be summoned to the Bureau at any time within the twenty-four hours. He is likely to have a call at his home or at the opera or wherever he may be at any time in the night to go to the Bureau in order to give his expert counsel in connection with some extraordinary weather condition that may have arisen somewhere in the country. Further than that, in the absence of the Secretary and Assistant Secretary of Agriculture he is the Acting Secretary. The Weather Bureau is 2 miles from the Department of Agriculture. It is frequently necessary for him to make official trips between those two places. When he is summoned from his home-he lives at a distance from the street car lines and about three-quarters of a mile from the Weather Bureau-it is a difficult and tedious matter for him to reach the Weather Bureau by means of public transportation.

Mr. SOUTHARD. Can the gentleman suggest a phenomenon which would cause him to be called to the Agricultural Depart-

ment? I only ask——
Mr. SCOTT. I did not hear the gentleman's question.
Mr. SOUTHARD. Could he suggest a phenomenon which would be likely to call him from his place of business or observatory to the Agricultural Department? I would like to know how frequently such a thing would occur.

Mr. SCOTT. Not to the Agricultural Department, except in

the absence of the Secretary and Assistant Secretary, at which time he would be acting chief, necessarily spending a part of his time there and part of his time at the Weather Bureau.

Mr. SOUTHARD. Would he use this horse and wagon to visit the Agricultural Department?

Mr. SCOTT. I think so; as it is a distance of 2 miles from his own Bureau.

Mr. WADSWORTH. Mr. Chairman, I would suggest that the remarks of the gentlemen are on the merits of the question and not on the merits of the point of order.

The CHAIRMAN. The gentlemen will confine their remarks

on the point of order.

Mr. SCOTT. I have only one word further to say in connection with the point of order. The language contained in last year's bill was believed by the committee and was intended by the committee to authorize the employment of a carriage for the use of the Chief of this Bureau. It was ruled, however, by the Comptroller of the Treasury that it did not confer such authority, and it was for the purpose of meeting that ruling the language of the present bill was introduced.

Mr. CRUMPACKER. Mr. Chairman—

Mr. TAWNEY. A parliamentary Inquiry. Has the point of order been sustained?

The CHAIRMAN. The Chair has not yet ruled.
Mr. CRUMPACKER. Mr. Chairman, I desire to speak upon
the point of order. I invite the Chair's attention to the phraseology of the clause, the last part of which the point of order was made against. The clause is "subsistence, care, and purchase of horses and vehicles for official purposes only, and for horse and carriage for use of Chief of Weather Bureau."

reading the clause together the only interpretation that can be placed upon it is that the horse and carriage for the use of Chief of Weather Bureau is not to be used necessarily for official purposes, because there is authority in the first part of the clause to purchase all the horses and carriages that may be necessary for official purposes, and that would include all official use of the Chief of the Bureau that may be necessary; and any court or any administrative officer would construe the last provision not confined to official use, but to include private and personal use of the Chief of the Bureau.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

The Clerk read as follows:

Salaries, station employees, Weather Bureau: Professors of meteorology, inspectors, district forecasters, local forecasters, section directors, research observers, observers, assistant observers, operators, repair men, station agents, messengers, messenger boys, laborers, and other necessary employees, for duty in the United States, in the West Indies or on adjacent coasts, in the Hawaiian Islands, and in Bermuda, and the employees of the Weather Bureau outside of the city of Washington, may hereafter, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leave of absence not to exceed fifteen days in any one year, which leave may in exceptional and meritorious cases where such an employee is ill, see extended in the discretion of the Secretary of Agriculture, not to exceed fifteen days additional in any one year, \$551,550.

Mr. SCOTT. I move to strike out the last word. I offer this

Mr. SCOTT. I move to strike out the last word. I offer this pro forma amendment, Mr. Chairman, for the purpose of answering authoritatively a question which was put to me during the discussion yesterday, to which I gave at that time a conjectural reply. I will ask that the letter which I hold in my hand be read from the desk in my time. Before it is read, Mr. Chairman, I should like to say, by way of introduction, that during the discussion yesterday the gentleman from Missouri [Mr. Rhodes] asked me why the special appropriation of \$5,000 which was carried in last year's bill for work in combating orchard diseases in the Ozark regions of Missouri and Arkansas had not been carried into effect. He said he had received information that no work had been done. I replied at that time that, without having any personal knowledge of the matter, I felt confident he would discover upon inquiry of the Department that the work had been done or would be done; and to show that this conjecture was correct I will ask the Clerk to read the letter which I send to the desk.

The Clerk read as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF PLANT INDUSTRY,
Washington, D. C., January 26, 1907.

Hon. C. F. Scott, House of Representatives, Washington, D. C.

House of Representatives, Washington, D. C.

Dear Mr. Scott: In the discussion which took place yesterday upon the appropriation bill for this Department I notice a statement was made that not one cent of the \$5,000 which the Department was directed to spend in connection with the fruit work in the Ozark region had been spent. This item was put in the appropriation bill last year by Mr. Murphy, of Missouri. The gentleman who made the statement yesterday was evidently misinformed, as we have already expended a larger part of this amount, and before the present season is closed we shall expend more than the \$5,000, drawing the additional funds from the special allotment for fruit diseases.

The past season's work is completed, and we now have in the hands of the printer a farmers' bulletin giving details of the investigations, results secured, etc. The work will go on this spring, and by the 1st of July we shall probably have expended two or three thousand dollars more than the \$5,000 item inserted in the bill. This, as you know, we have authority to do under the general clause directing us to investigate and treat fruit diseases throughout the country.

Very sincerely, yours,

B. T. Galloway, Chief of Burcau.

B. T. GALLOWAY, Chief of Burcau.

Mr. SCOTT. Mr. Chairman, I have before me some advance sheets of the bulletin referred to in Doctor Galloway's letter. From those I find that the work in Arkansas was conducted at Bentonville and vicinity in the orchards of Mr. H. W. Gipple, Capt. George T. Lincoln, and Doctor Alden. In Missouri the work was conducted in the orchard of Fassnacht Brothers at Springfield and that of Mr. J. E. Hansell at Fordland.

I have in my hand also a letter from the manager of the Missouri State Fruit Experiment Station, Mountain Grove, Mo., dated April 26, 1906, in which statements are made to the effect that the station will cooperate with the Department of Agriculture in undertaking the work proposed. I also have the report made by the gentleman who had immediate charge of the work, setting forth the progress that had been made at the date of his letter, which was September 21, 1906. I have also a letter from Senator Berry, of Arkansas, to Hon. James Wilson, Secretary of Agriculture, speaking of this special work, highly commending it, and inclosing resolutions, which I will ask the indulgence of the House to permit me to read.

Resolutions adopted by the Benton County Horticultural Society at its regular meeting, November 3, 1906, at Bentonville, Ark.

Whereas because of the inestimable value of the pathological work done in Benton County and northwest Arkansas by the Department of Agriculture, through its representatives, Messrs. Scott and Rorer: Be it, therefore,

Resolved, That in acknowledgment of the services rendered, we,

members of the Benton County Horticultural Society, do express our sincere thanks to the honorable Secretary of Agriculture and the heads of various departments who have shown us such kindly interest; and, be it further Resolved, That Messrs, W. M. Scott and J. B. Rorer be elected honorary members of the Benton County Horticultural Society; and that these acknowledgments be duly transmitted to the Agricultural Department.

H. W. GIPPLE, President, I. B. LAWTON, Secretary.

These letters, reports, and resolutions would seem to make it certain that the work authorized by the special appropriation has been done and done to the entire satisfaction of the people most concerned. I have presented them at this time because I thought the House would be glad to learn the actual facts in connection with this work.

Mr. FLOYD. Will the gentleman yield to me for a state-

Mr. SCOTT. For a question, certainly.

Mr. FLOYD. I desire to state that I live in the district affected, and I desire to say that I was present at the horticultural society's meeting and that I know from the fruit growers that the work done by the Agricultural Department in that respect is universally commended by the people of that section and is highly beneficial to the fruit interests.

Mr. MANN. I suggest that the next time they have the matter up they might refer to the gentleman from Missouri [Mr. Murphy] who brought up this investigation.

Mr. SCOTT. I will say, in reply to that, Mr. MURPHY is from Missouri, and the resolutions which I have referred to came from societies in Arkansas, with which it is entirely natural he should not be in touch.

The Clerk read as follows:

The Clerk read as follows:

Buildings, Weather Bureau: For the purchase of sites and the erection of not more than five buildings for use as Weather Bureau observatories, and for all necessary labor, materials, and expenses, plans and specifications to be prepared and approved by the Secretary of Agriculture, and work done under the supervision of the Chief of the Weather Bureau, including the purchase of instruments, furniture, supplies, flagstaffs, and storm-warning towers to properly equip these stations: Provided, That if any of the money for these several buildings remains unexpended for the special purposes for which it is appropriated, so much of it as is necessary may be expended for the repair, improvement, and equipment of any other buildings or grounds owned by the Government and occupied by the Weather Bureau outside of the District of Columbia, \$53,000.

Mr. PERKINS. Mr. Chairman, I wish to make a point of order against the paragraph just read, beginning with line 24.

order against the paragraph just read, beginning with line 24, page 8, and ending with line 13, page 9, on the ground that it is new legislation and not authorized to be inserted in an appropriation bill.

The CHAIRMAN. The gentleman makes a point of order against the whole paragraph?

Mr. PERKINS. Yes.
The CHAIRMAN. The Chair will hear the gentleman.
Mr. PERKINS. I do not make this point of order in any captious spirit, but I can not understand this provision of the bill and its history. Last year the appropriation bill contained a provision which was precisely the same, word for word, appropriating the sum of \$53,500, I think, for five new buildings.

I take it, Mr. Chairman, that the rule is familiar that this appropriation for the purchase of sites and for the erection on the sites of five new buildings is subject to a point of order. That has been held repeatedly in reference to bills of this kind. What fills me with surprise and leads me to make this point of order is that for several years to my knowledge, and for many years more, I dare say, there has been this same provision for five new buildings for the use of the Weather Bureau. Perhaps the chairman of the committee can explain this, but I confess I can not understand the provision, or why we should be asked year after year to buy five additional buildings for this Bureau.

Mr. WADSWORTH. Mr. Chairman, in answer to the gentleman I want to say that this represents what might fairly be man I want to say that this represents what the limit was termed the improvement of the Weather Bureau plant. We termed the improvement of the Weather Bureau plant. In a are renting offices in a great many places at high rent. great many other places we have shanties out on the plains or on the Lakes, and every year for the last five or six years we have allowed the Secretary of Agriculture, through the Chief of the Weather Bureau, to improve that service by purchasing sites and putting up new buildings at moderate cost. I believe this simply represents the legitimate improvement in the plant of the Bureau.

Mr. PERKINS. Will the gentleman yield for a question? For how many years have these appropriations been made?

Mr. WADSWORTH. For at least three or four years. They represent an authorization in all to buy ten or fifteen sites and

to erect ten or fifteen buildings.

Mr. PERKINS. If the thing was done intelligently, why should not the committee make one appropriation for all the buildings required for the Weather Bureau and have done

Mr. WADSWORTH. Because it could not be done wisely and judiciously all in one year. Sometimes the Chief of this Bureau has only built three or four buildings out of this appropriation. I would think it very unwise to give him four or five hundred thousand dollars in a lump sum and let him go on and erect buildings in different parts of the country ad libitum.

Mr. PERKINS. If only three or four additional buildings

are required, why does the committee make a larger appropria-tion than is necessary? In other words, has not this come to be

a standing appropriation?

Mr. WADSWORTH. Not necessarily. Mr. PERKINS. Continued year after year.

Mr. WADSWORTH. It simply represents the improvement of the plant of the Weather Bureau.

Mr. PERKINS. Year after year the same appropriation of the same amount is made for the same number of buildings.

Mr. WADSWORTH. I think the cost of five buildings was arrived at at the time this appropriation was first made, amounting to \$53,000. It is rather arbitrary, I confess, and if the gentleman wants to fix it at an even figure, \$50,000 or \$60,000, I do not think the committee would object.

Mr. PERKINS. I ask for information why the same appropriation of this same amount is made year after year? The question is as to whether this particular item is investigated by the committee each year, or whether it has become a standing

appropriation. Mr. WADSWORTH. Oh, no; in the hearings it has been the custom of the committee to inquire what use has been made of

the appropriation.

The CHAIRMAN (Mr. LAWRENCE). The Chair would like to ask the gentleman from New York if he contends that there is legislation on our statute books authorizing the erection of five buildings?

Mr. WADSWORTH. The legislation establishing the Signal Service, which is the foundation of the Weather Bureau. We passed the organic law establishing the Signal Service, which was afterwards absorbed by the Weather Bureau, and I think that organic law gives us that right.

The CHAIRMAN. The Chair would like to call the attention of the chairman of the Committee on Agriculture to a ruling made in the first session of the Fifty-seventh Congress

The ruling I refer to is on page 349 of the Manual, where an appropriation for Weather Bureau observatories was held not to be a continuation of a public work or object. Has there been any legislation since that first session of the Fifty-seventh Congress?

Mr. WADSWORTH. I do not recall any special legislation,

only legislation contained in appropriation bills.

The CHAIRMAN. Will the gentleman from New York call the Chair's attention directly to the legislation which he thinks authorizes this appropriation?

Mr. WADSWORTH. The organic law establishing the Weather Bureau I think the Chair will find gives certain broad general powers

The CHAIRMAN. Can the gentleman give the year when the

organic law was passed?

Mr. SOUTHARD. Mr. Chairman, I have the law here, and it is dated October 1, 1890, and reads as follows:

That the civilian duties now performed by the Signal Corps of the Army shall hereafter devolve upon a bureau to be know as the "Weather Bureau," which, on and after July 1, 1891, shall be established in and attached to the Department of Agriculture, and the Signal Corps of the Army shall remain a part of the military establishment under the direction of the Secretary of War, and all estimates for its support shall be included with other estimates for the support of the military establishment.

SEC. 3. That the Chief of the Weather Bureau, under the direction of the Secretary of Agriculture, on and after July 1, 1891, shall have charge of the forecasting of weather, the issue of storm warnings, the display of weather and flood signals for the benefit of agriculture, commerce and navigation, the gauging and reporting of rivers, the maintenance and operation of seacoast telegraph lines, and the collection and transmission of marine intelligence for the benefit of commerce and navigation, the reporting of temperature and rainfall conditions for the cotton interests, the display of frost and cold wave signals, the distribution of meteorological information in the interests of agriculture and commerce, and the taking of such meteorological observations as may be necessary to establish and record the climatic conditions of the United States, or as are essential for the proper execution of the foregoing duties. duties.

Mr. WADSWORTH. That is what I referred to. Under these broad powers the building of observatories for taking ob-

servations is provided for.

The CHAIRMAN. The Chair thinks he should follow the ruling made in the Fifty-seventh Congress—that there is no authority in law to appropriate for these observatories. The Chair therefore sustains the point of order.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. TAYLOR of Ohio having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 15202. An act granting a pension to Henry Peetsch; H. R. 20060. An act granting an increase of pension to Anna

E. Hughes;

H. R. 19105. An act granting an increase of pension to William H. Moser;

H. R. 21043. An act granting an increase of pension to Robert J. Dewey; and

H. R. 9577. An act for the relief of Charles H. Stockley. The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 1566 An act for the relief of Isaiah Heylin McDonald;

S. 7768. An act for an increase of pension to Alonzo P. Mann; 7550. An act for the relief of Harry A. Young;

S. 3645. An act to correct the military record of Edwin II. Mover:

S. 2083. An act granting an increase of pension to Asa K. Harbert:

S. 7150. An act granting an increase of pension to John Bell; S. 6899. An act granting an increase of pension to George H. Nye

S. 7880. An act granting an increase of pension to Sarah E. Stockton;

S. 5457. An act granting an increase of pension to Albert Teets:

S. 3998. An act granting an increase of pension to Thomas Warner; S. 1622. An act granting a pension to Jane Agnew;

S. 6127. An act granting an increase of pension to John R. Callender;

S. 7605. An act granting an increase of pension to Judiah B. Smithson; S. 6652. An act granting an increase of pension to Hiram H.

Lockwood: S. 7841. An act granting an increase of pension to Frank De

S. 5730. An act granting an increase of pension to William O.

Spelman; S. 7355. An act granting an increase of pension to William

McHenry Plotner; S. 7272. An act granting an increase of pension to George W. Cook:

S. 7196. An act granting an increase of pension to William H. Hubbard;

S. 4693. An act granting an increase of pension to Irwin M. Hill:

S. 7820. An act granting an increase of pension to Benjamin B. Cravens

S. 7642. An act granting an increase of pension to Oliver H. Rhoads;

S. 3268. An act granting an increase of pension to Jacob A. Ward:

S. 6612. An act granting an increase of pension to George H.

S. 4873. An act granting an increase of pension to D. Laning S. 6606. An act granting an increase of pension to Alexander

S. 5374. An act granting a pension to Floyd A. Honaker; S. 6909. An act granting an increase of pension to William H. Adams;

S. 7044. An act granting an increase of pension to Sylvester O. Pevear; 8,6665. An act granting an increase of pension to Samuel B.

T. Goodrich;

S. 177. An act granting an increase of pension to Alvah D. Wilson:

S. 7394. An act granting an increase of pension to Henrietta C. Cooley;

S. 1261. An act granting an increase of pension to Edwin P. Richardson;

S. 7745. An act granting an increase of pension to Frederick S. 7574. An act granting an increase of pension to Emily J.

Larkham: S. 7843. An act granting an increase of pension to Isaac Oakman:

S. 6734. An act granting a pension to John C. Snell;

S. 7685. An act granting an increase of pension to Albion W. Tebbetts;

S. 7380. An act granting an increase of pension to Andrew J. Harris:

S. 7058. An act granting an increase of pension to Gilbert Bailie:

S. 7533. An act granting an increase of pension to Orvil Dodge:

S. 4742. An act granting a pension to Mary E. Allen;

S. 7061. An act granting an increase of pension to Hugh Mc-Naughton:

S. 5681. An act granting an increase of pension to William Grant;

S. 7171. An act granting an increase of pension to Margaret Holden:

S. 5884. An act granting an increase of pension to Cyrus

S. 7136. An act granting an increase of pension to Cornelia W. Clay

S. 5400. An act granting an increase of pension to John A.

S. 7509. An act granting an increase of pension to William T.

S. 4958. An act granting an increase of pension to William W. Duffield:

S. 5782. An act granting an increase of pension to Octave L. F. E. Fariola;

S. 4396. An act granting an increase of pension to Thomas C.

S. 3434. An act granting an increase of pension to Charles M. Canfield:

S. 7379. An act granting a pension to Mary E. Dougherty:

S. 7025. An act granting a pension to James C. West; S. 7672. An act granting an increase of pension to Elvina

Adams S. 5261. An act granting an increase of pension to Stephen A. Barker

S. 7673. An act granting an increase of pension to William W. Jordan:

S. 7668. An act granting an increase of pension to Henry H. Buzzell:

S. 7666. An act granting an increase of pension to True San-

born, jr. S. 7430. An act granting a pension to Mary F. Johnson;

S. 7818. An act granting an increase of pension to Edward Bird

S. 4559. An act granting an increase of pension to John A. Wagner:

S. 7491. An act granting an increase of pension to Anna V.

S. 5970. An act granting an increase of pension to Julia A.

S. 7492. An act granting an increase of pension to Benjamin Clow;

S. 3563. An act granting an increase of pension to Orrin D.

S. 7452. An act granting an increase of pension to Thomas Harrop S. 6956. An act granting an increase of pension to Eli Ford,

alias Jacob Butler S. 6711. An act granting an increase of pension to Harvey

B. F. Keller: S. 6713. An act granting an increase of pension to James L.

S. 7683. An act granting an increase of pension to William

Wakefield;

S. 6635. An act granting an increase of pension to John A. 8,5380. An act granting an increase of pension to Richard

S. 6044. An act granting an increase of pension to John H.

Arnold : S. 4629. An act granting an increase of pension to Mary Jane

Miller; S. 6634. An act granting an increase of pension to John P.

Murray; S. 7021. An act granting an increase of pension to Hugh K.

McJunkin : S. 5171. An act granting an increase of pension to Jennie H.

Marshall: S. 2748. An act granting an increase of pension to Joel R. Smith:

S. 7078. An act granting a pension to Daniel Schaffner;

S. 7218. An act granting an increase of pension to Samuel D. Thompson;

S. 2954. An act granting an increase of pension to Hanna Welch:

S. 7827. An act permitting the building of a railway bridge across the Mississippi River in Morrison County, State of Min-

S. 7879. An act granting to the Los Angeles Inter-Urban Railway Company a right of way for railroad purposes through the United States military reservation at San Pedro, Cal;

S. 7995. An act granting an increase of pension to Ashley

S. 7996. An act granting an increase of pension to Robert B. Lucas

S. 8014. An act to authorize The National Safe Deposit, Savings and Trust Company of the District of Columbia, to change its name to that of National Savings and Trust Company; and S. 7706. An act for the relief of Robert Broadbent Holst,

Axel Rosendahl, and Will J. Elliott.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 5063. An act granting an increase of pension to William G. Miller

H. R. 5172. An act granting an increase of pension to Milton Stratton:

H. R. 5200. An act granting an increase of pension to John F.

H. R. 5209. An act granting an increase of pension to Edward

H. R. 5648. An act granting an increase of pension to William

H. R. 5803. An act granting an increase of pension to Edwin L. Roberts

H. R. 6145. An act granting an increase of pension to Parris J. Latham

H. R. 6189. An act granting an increase of pension to Arthur Tibbitts

H. R. 6705. An act granting an increase of pension to William H. Zachery H. R. 7211. An act granting a pension to James C. Souther-

land: H. R. 6920. An act granting an increase of pension to Simon

Millison: H. R. 9212. An act for the relief of Joseph W. I. Kempa,

executor of the last will and testament of William J. Grutza, deceased:

H. R. 7247. An act granting an increase of pension to Lorenzo

H. R. 8915. An act granting an increase of pension to Susan H. R. 7411. An act granting an increase of pension to Tobias

H. R. 7417. An act granting an increase of pension to Gibson

H. R. 7544. An act granting an increase of pension to Gustavus

F. E. Raschig; H. R. 7834. An act granting an increase of pension to Joseph

H. R. 8136. An act granting an increase of pension to Joseph

A. Scrogg H. R. 8159. An act granting an increase of pension to Charles Leathers

H. R. 8312. An act granting an increase of pension to Abram

H. R. 8335. An act granting an increase of pension to John T.

H. R. 8338. An act granting an increase of pension to Isaac S. Doan ;

H. R. 8373. An act granting an increase of pension to Patrick H. R. 8668. An act granting an increase of pension to Stephen

H. Rogers

H. R. 8683. An act granting an increase of pension to William D. Voris

H. R. 8732. An act granting a pension to Ellen S. Gifford;

H. R. 11564. An act granting an increase of pension to James

H. R. 11636. An act granting an increase of pension to Lawrence Hagan H. R. 11701. An act granting an increase of pension to Marvin

Waldorph H. R. 12106. An act granting an increase of pension to George

W. Reagan ; H. R. 12152. An act granting an increase of pension to Leon-

idas E. Mills; H. R. 12370. An act granting an increase of pension to Mary E. Randolph;

H. R. 12554. An act granting an increase of pension to William Larraby;

H. R. 12557. An act granting an increase of pension to John

C. Berry; H. R. 12574. An act granting an increase of pension to Jacob R. Burkhardt ;

H. R. 12676. An act granting an increase of pension to Francis M. Morrison:

H. R. 13053. An act granting an increase of pension to Eli

H. R. 13054. An act granting an increase of pension to James

H. R. 13813. An act granting an increase of pension to Samuel Brown;

H. R. 13815. An act granting an increase of pension to Christian M. Good;

H. R. 14238. An act granting an increase of pension to William H. Van Tassell;

H. R. 14263. An act granting a pension to Fidelia Sellers H. R. 14673. An act granting an increase of pension to David

H. Semans H. R. 7912. An act granting an increase of pension to James

M. Lawder H. R. 8925. An act granting an increase of pension to Chester

Simpson: H. R. 8958. An act granting an increase of pension to David Bowen

H. R. 9090. An act granting an increase of pension to Amasa

H. R. 9100. An act granting a pension to Nancy C. Paine;

H. R. 9113. An act granting a pension to Elizabeth Cleaver; H. R. 9218. An act granting an increase of pension to William T. Blanchard

H. R. 9250. An act granting an increase of pension to Obediah B. Nations

H. R. 9402. An act granting an increase of pension to Adam S. Van Vorst

H. R. 11169. An act granting an increase of pension to Robert P. Call:

H. R. 11232. An act granting an increase of pension to Aaron L. Packer

H. R. 11322. An act granting an increase of pension to Luther

H. R. 11562. An act granting an increase of pension to Adam

H. R. 10240. An act granting an increase of pension to John H. Curnutt

H. R. 10400. An act granting an increase of pension to Thomas Harrison

H. R. 9403. An act granting an increase of pension to Kate E. Hanna :

H. R. 9816. An act granting an increase of pension to Charles A. Spanogle, alias Andrew C. Spanogle; H. R. 10032. An act granting an increase of pension to Octavo

Barker

H. R. 10403. An act granting an increase of pension to James H. Odell

H. R. 10760. An act granting a pension to Libbie A. Merrill;

H. R. 10773. An act granting an increase of pension to George C. Rathbun :

H. R. 19907. An act granting an increase of pension to James Butler:

H. R. 18410. An act granting an increase of pension to Andrew J. Cushing H. R. 20955. An act granting an increase of pension to Edward

L. Carpenter : H. R. 15193. An act granting an increase of pension to Fred-

erick W. Studdiford : H. R. 15150. An act granting an increase of pension to John

H. R. 14862. An act granting an increase of pension to Ann E.

H. R. 14767. An act granting an increase of pension to Henry

H. R. 14690. An act granting an increase of pension to Hen-

rietta Hull: H. R. 14689. An act granting an increase of pension to Her-

man G. Weller H. R. 16249. An act granting an increase of pension to Thomas Miller

H. R. 16087. An act granting an increase of pension to Charles W. Foster :

H. R. 16002. An act granting a pension to Theodore T. Bruce; H. R. 15980. An act granting an increase of pension to John T.

H. R. 15890. An act granting an increase of pension to Hiram C. Barney

H. R. 15790. An act granting an increase of pension to Nicholas W. Dorrel :

H. R. 15580. An act granting an increase of pension to James P. Hudkins

H. R. 15430. An act granting an increase of pension to Oliver

H. R. 15421. An act granting an increase of pension to Paul Diedrich

H. R. 15455. An act granting an increase of pension to John D. Brooks

H. R. 14985. An act granting an increase of pension to Mary Grambers

H. R. 15297. An act granting an increase of pension to Nelson Hanson:

H. R. 21579. An act granting an increase of pension to Sarah R. Harrington ;

H. R. 19541. An act granting an increase of pension to Job F. Martin:

H. R. 19553. An act granting an increase of pension to James Robertson

H. R. 19510. An act granting an increase of pension to Richard B. West

H. R. 19426. An act granting an increase of pension to George N. Griffin

H. R. 19479. An act granting an increase of pension to George W. Savage

H. R. 19420. An act granting an increase of pension to Eliza A. McKean

H. R. 19412. An act granting an increase of pension to Jefferson K. Smith;

H. R. 19386. An act granting an increase of pension to Robert Stewart

H. R. 19363. An act granting an increase of pension to Theodore Bland

H. R. 19281. An act granting an increase of pension to Mary H. R. 19280. An act granting an increase of pension to Peter

J. Williamson H. R. 19117. An act granting an increase of pension to Mary

E. Higgins H. R. 20061. An act granting an increase of pension to Cas-

H. R. 19603. An act granting an increase of pension to Jacob

H. R. 19584. An act granting an increase of pension to Joseph B. Pettey

H. R. 19579. An act granting an increase of pension to Robert F. Mayfield;

H. R. 19490. An act granting a pension to Estelle I. Reed;

H. R. 19237. An act granting an increase of pension to James

H. R. 19216. An act granting an increase of pension to Theophil Brodowski H. R. 19048. An act granting an increase of pension to Alfred

Branson H. R. 19044. An act granting an increase of pension to Samuel

C. McCormick H. R. 19577. An act granting an increase of pension to Mary L. Patton

H. R. 19023. An act granting an increase of pension to John T. Lester

H. R. 19045. An act granting an increase of pension to Mary A. Agev

H. R. 19629. An act granting an increase of pension to Oliver Morton: H. R. 19648. An act granting an increase of pension to Sarah

A. Wilson : H. R. 17486. An act granting an increase of pension to Rudolph

H. R. 18295. An act granting an increase of pension to Joshua

H. R. 18218. An act granting an increase of pension to Josep'a

L. Topham H. R. 18114. An act granting an increase of pension to Henry

B. Parker

H. R. 18474. An act granting an increase of pension to Robert Sturgeon: H. R. 18089. An act granting an increase of pension to Daniel

J. Harte: H. R. 18031. An act granting an increase of pension to Daniel

H. Toothaker; \*H. R. 17958. An act granting an increase of pension to Alexander Dixon;

H. R. 17864. An act granting an increase of pension to Mary E. Austin;

H. R. 17770. An act granting an increase of pension to Julia P. Grant;

H. R. 18247. An act granting an increase of pension to William Baird;

H. R. 18179. An act granting an increase of pension to William G. Baity:

H. R. 18155. An act granting an increase of pension to Frank S. Hastings;

H. R. 17969. An act granting an increase of pension to Charles Walrod;

H. R. 17646. An act granting an increase of pension to James M. Sheak;

H. R. 17539. An act granting an increase of pension to Ambrose D. Albertson;

H. R. 17172. An act granting an increase of pension to John Short;

H. R. 16895. An act granting an increase of pension to William M. Baker;

H. R. 16546. An act granting an increase of pension to Louis F. Beeler;

H. R. 16488. An act granting an increase of pension to Charles

H. R. 18884. An act granting an increase of pension to Weymouth Hadley;

H. R. 18871. An act granting an increase of pension to Emanuel Raudabaugh;

H. R. 18797. An act granting an increase of pension to John M. Defoe;

H. R. 18791. An act granting a pension to Michael Bocoskey; H. R. 18771. An act granting an increase of pension to William

G. Bailey; H. R. 18761. An act granting an increase of pension to Benja-

min Bolinger;
H. R. 18758. An act granting an increase of pension to Mary

A. Daniel;

H. R. 18637. An act granting an increase of pension to Henry L. Sparks;

H. R. 18634. An act granting an increase of pension to Mary Sullivan;

H. R. 18608. An act granting an increase of pension to Mary E. Strickland:

H. R. 18494. An act granting an increase of pension to Emmagene Bronson;

H. R. 18582. An act granting an increase of pension to Sarah E. Hoffman;

H. R. 10916. An act granting an increase of pension to Charles H. Shreeve;

H. R. 18261. An act granting an increase of pension to John T. Mitchell:

H. R. 4351. An act granting an increase of pension to George A. Johnson:

H. R. 23939. An act to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Calumet River in the State of Indiana;

H. R. 19758. An act granting an increase of pension to Josefita Montano;

H. R. 19807. An act granting an increase of pension to John W. Marean;

H. R. 19818. An act granting an increase of pension to William F. Clinkscales;

H. R. 19858. An act granting an increase of pension to Richard E. Clapper;

H. R. 19871. An act granting an increase of pension to John G. Kean, alias Cain;
H. R. 19872. An act granting an increase of pension to Richard.

H. R. 19872. An act granting an increase of pension to Richard E. Hassett;

H. R. 19873. An act granting an increase of pension to Robert Webb;

H. R. 19891. An act granting an increase of pension to Edwin D. Bates:

H. R. 19915. An act granting an increase of pension to Greenleaf W. Crossman;

H. R. 19923. An act granting an increase of pension to Bettie Ferguson;

H. R. 19949. An act granting an increase of pension to Charles Van Ostrand;

H. R. 19963. An act granting an increase of pension to Charles Carter:

H. R. 19990. An act granting an increase of pension to Susan F. Christie;

H. R. 19998. An act granting an increase of pension to Eunice Cook: H. R. 19651. An act granting an increase of pension to Joseph H. Prendergast;

H. R. 19661. An act granting an increase of pension to Jacob McWilliams;

H. R. 19639. An act granting an increase of pension to Lucy A. Kephart;

H. R. 19672. An act granting an increase of pension to Thomas McDermott;

H. R. 19703. An act granting an increase of pension to Seth Chase;

H. R. 19708. An act granting an increase of pension to William A. Lefler;

H. R. 19713. An act granting an increase of pension to Mary B. Mason;

H. R. 19715. An act granting an increase of pension to Susan M. Brunson; H. R. 19716. An act granting an increase of pension to Mary

F. Johnson;
H. R. 19722. An act granting an increase of pension to William H. Physics.

liam H. Burns; H. R. 19738. An act granting an increase of pension to Ben-

jamin St. Clair; H. R. 19885. An act granting an increase of pension to Frank

Scherer;
H. R. 20029. An act granting an increase of pension to John

B. Maison;
H. R. 20064. An act granting an increase of pension to William C. Ameddin.

liam C. Arnold;
H. R. 20078. An act granting an increase of pension to Walter

M. English; H. R. 20085. An act granting an increase of pension to Robert

Lafontaine; H. R. 20087. An act granting an increase of pension to Cassia

C. Tyler; H. R. 20088. An act granting an increase of pension to Mary J. Thurmond:

 $\rm H.\,R.\,20096.$  An act granting an increase of pension to Theresia Bell;

H. R. 20117. An act granting an increase of pension to Preston
 J. Michener;
 H. R. 20129. An act granting an increase of pension to John

Lemly;
H. R. 20146. An act granting an increase of pension to Harriet

C. Kenney; H. R. 20154. An act granting an increase of pension to George

H. Dyer;
H. R. 20166. An act granting an increase of pension to Sarah

Salmon; H. R. 20198. An act granting an increase of pension to Mary E.

Maddox;
H. R. 20199. An act granting an increase of pension to Mary E.
H. R. 20199. An act granting an increase of pension to Joseph

N. Cadieux; H. R. 20219. An act granting an increase of pension to Ellen

Downing; H. R. 20222. An act granting an increase of peasion to Henry

C. Joseph; H. R. 20229. An act granting an increase of pension to Jehu F. Wotring;

H. R. 20250. An act granting an increase of pension to Thomas McBride;

H. R. 20269. An act granting an increase of pension to Sarah A. Galloway;

H. R. 20272. An act granting an increase of pension to James L. House;

H. R. 20279. An act granting an increase of pension to Edmund Hostetter;
 H. R. 20292. An act granting a pension to Howard William

Archer; H. R. 1144. An act granting an increase of pension to Frank-

lin McFalls;
H. R. 20327. An act granting a pension to Elizabeth A.

Downie; H. R. 20350. An act granting an increase of pension to Theo-

dore F. Reighter; H. R. 20351. An act granting an increase of pension to Peter

M. Simon; H. R. 20357. An act granting an increase of pension to Jane

Auldridge; H. R. 21015. An act granting an increase of pension to Evan

H. Baker;
H. R. 21001. An act granting an increase of pension to George Rhodes;

H. R. 20965. An act granting an increase of pension to Harvey Sine;

H. R. 20958. An act granting an increase of pension to Darius E. Garland

H. R. 20028. An act granting an increase of pension to Reuben A. George

H. R. 20899. An act granting an increase of pension to Charles W. Carpenter;

H. R. 20735. An act granting an increase of pension to Berge Larsen:

H. R. 16222. An act granting an increase of pension to Napoleon B. Ferrell; H. R. 20721. An act granting an increase of pension to James

O. Pierce

H. R. 20712. An act granting an increase of pension to Samuel W. Searles

. H. R. 20683. An act granting an increase of pension to James

H. R. 21849. An act granting an increase of pension to John

P. Dix; H. R. 21228. An act granting an increase of pension to Pleasant Crissip;

H. R. 21216. An act granting an increase of pension to Eliza J. McCardel:

H. R. 21185. An act granting an increase of pension to Mary M. Goble :

H. R. 21179. An act granting an increase of pension to Charles Green:

H. R. 21142. An act granting an increase of pension to Joseph

H. R. 21124. An act granting an increase of pension to William B. Crane;

H. R. 20724. An act granting an increase of pension to Rhoda A. Hoit:

H. R. 20725. An act granting a pension to Hope Martin;

H. R. 20726. An act granting an increase of pension to Mary J. Smith;

H. R. 20829. An act granting an increase of pension to David M. Watkins:

H. R. 20962. An act granting an increase of pension to Frank-

lin H. Bailey; H. R. 20964. An act granting an increase of pension to John

Fox: H. R. 21119. An act granting an increase of pension to Alexander Boshea;

H. R. 21302. An act granting an increase of pension to Nicolaus Kirsch;

H. R. 21304. An act granting an increase of pension to Jacob

H. R. 21641. An act granting an increase of pension to Levi

H. R. 2421. An act granting an increase of pension to Daniel S.

H. R. 2399. An act granting an increase of pension to Charles F. Sancrainte;

H. R. 2286. An act granting an increase of pension to Jacob Miller:

H. R. 2175. An act granting an increase of pension to James

W. Bliss, alias James Warren;
H. R. 2056. An act granting an increase of pension to Lucas Longendycke:

H. R. 2055. An act granting an increase of pension to Joanna

L. Cox; H. R. 1937. An act granting an increase of pension to Joseph B. Williams:

H. R. 1723. An act granting an increase of pension to Rutson J. Bullock :

H. R. 1717. An act granting an increase of pension to George M. Fowler:

H. R. 1693. An act granting an increase of pension to Joseph Q. Oviatt;

H. R. 4673. An act granting an increase of pension to Samuel

H. R. 4670. An act granting an increase of pension to Edward B. Tanner:

H. R. 4346. An act granting an increase of pension to Thomas H. B. Schooling ;

H. R. 4166. An act granting an increase of pension to John G. V. Herndon

H. R. 4151. An act granting an increase of pension to John W.

Howard; H. R. 4149. An act granting an increase of pension to Thomp-

son Wall: H. R. 637. An act granting an increase of pension to William

H. Bone; H. R. 676. An act granting an increase of pension to Musgrove E. O'Connor :

H. R. 725. An act granting an increase of pension to George E.

Smith; H. R. 742. An act granting an increase of pension to James Wintersteen:

H. R. 1150. An act granting an increase of pension to Emma J. Turner:

H. R. 1185. An act granting a pension to Josiah C. Hancock; H. R. 1252. An act granting an increase of pension to Mary E.

H. R. 1337. An act granting an increase of pension to James B. Evans;

H. R. 1512. An act granting an increase of pension to Melvin T. Edmonds:

H. R. 2726. An act granting an increase of pension to John C. Keach; H. R. 2769. An act granting an increase of pension to Ethan A.

Valentine: H. R. 2764. An act granting an increase of pension to George

L. Robinson; H. R. 2793. An act granting an increase of pension to Nathan

D. Chapman; H. R. 3749. An act granting an increase of pension to John

G. H. Armistead;

H. R. 3989. An act granting an increase of pension to Hiram T. Houghton: H. R. 21307. An act granting an increase of pension to Samuel

Fauver H. R. 21519. An act granting an increase of pension to Mon-

tezuma St. John;

H. R. 18574. An act granting an increase of pension to Levi Miles

H. R. 22424. An act granting an increase of pension to William Faulkner

H. R. 16493. An act granting an increase of pension to William T. Sallee H. R. 7378. An act granting an increase of pension to John L.

Brown: H. R. 7393. An act granting an increase of pension to Ferdi-

nand David: H. R. 22607. An act granting an increase of pension to John

T. Hetherlin; H. R. 22265. An act granting an increase of pension to Eliza-

beth Jane Hancher: H. R. 22566. An act granting an increase of pension to Joseph

H. R. 4692. An act granting an increase of pension to Levi Welch;

H. R. 4719. An act granting an increase of pension to Mary J. Trumbull;

H. R. 4833. An act granting an increase of pension to Samuel Anderson;

H. R. 5173. An act granting an increase of pension to Jacob Henninger H. R. 5174. An act granting an increase of pension to Patrick

Turney H. R. 5187. An act granting an increase of pension to Robert John

H. R. 5595. An act granting an increase of pension to Elisha Brown;

H. R. 5729. An act granting an increase of pension to Norman H. Cole; H. R. 5776. An act granting an increase of pension to Priscilla

A. Campbell; H. R. 5801. An act granting an increase of pension to Algernon

H. R. 5829. An act granting an increase of pension to George

H. R. 11307. An act granting an increase of pension to Joseph

J. Roberts H. R. 21162. An act granting an increase of pension to John W. Humphrey

H. R. 21033. An act granting an increase of pension to William P. Huff:

H. R. 22568. An act granting an increase of pension to John H. Christman:

H. R. 10402. An act granting an increase of pension to Albert H. Campbell H. R. 20715. An act granting an increase of pension to Charles

Ballantyne : H. R. 21828. An act granting an increase of pension to Noah

H. R. 21859. An act granting an increase of pension to Simon Stone;

H. R. 20896. An act granting an increase of pension to James F. Henninger;

H. R. 23307. An act granting an increase of pension to Andrew Casev

H. R. 17773. An act granting an increase of pension to Carel Lane

H. R. 17810. An act granting an increase of pension to Saul Coulson

H. R. 22052. An act granting an increase of pension to James A. Meredith;

H. R. 2826. An act granting an increase of pension to Samuel Prochel

H. R. 21086. An act granting an increase of pension to Jerry Johnson:

H. R. 20844. An act granting an increase of pension to Milton Russell:

H. R. 20614. An act granting an increase of pension to James Howardson:

H. R. 20613. An act granting an increase of pension to Hiram Steele;

H. R. 22281. An act granting an increase of pension to Leonard Tyler;

H. R. 19967. An act granting an increase of pension to Martin

L. Ohr; H. R. 22997. An act granting an increase of pension to Edmond D. Doud;

H. R. 17988. An act granting a pension to Edward G. Hausen; H. R. 20717. An act granting an increase of pension to Adelbert E. Bleekman;

H. R. 15463. An act granting an increase of pension to John Robb, first:

H. R. 20852. An act granting an increase of pension to Theodore T. Tate;

H. R. 20851. An act granting an increase of pension to Henry Hamme:

H. R. 20586. An act granting an increase of pension to Calvin Judson:

H. R. 19762. An act granting an increase of pension to Clara C. Edsall :

H. R. 20581. An act granting an increase of pension to Nettie G. Kruger

H. R. 20415. An act granting an increase of pension to John H. Krom;

H. R. 22280. An act granting an increase of pension to Emily V. Ackley;

H. R. 9921. An act granting a pension to Ann Lytle;

H. R. 21575. An act granting an increase of pension to Calvin

E. Morley; H. R. 22207. An act granting an increase of pension to William A. Harlan

H. R. 18248. An act granting an increase of pension to John D. Evans

H. R. 20571. An act granting an increase of pension to Frederick J. Dowland;

H. R. 22932. An act granting an increase of pension to Bryngel Severson :

H. R. 22717. An act granting an increase of pension to Mary A. Brick :

H. R. 6165. An act granting an increase of pension to Nelson Everson

H. R. 21148. An act granting an increase of pension to Jacob A. Graham :

H. R. 7551. An act granting a pension to Daniel Robb;

H. R. 22684. An act granting an increase of pension to William Sherk:

H. R. 19448. An act granting an increase of pension to Abiram P. McConnell;

H. R. 20286. An act granting an increase of pension to Bartholomew Holmes

H. R. 20587. An act granting an increase of pension to Francis

H. R. 15139. An act granting an increase of pension to James P. Mullen;

H. R. 15317. An act granting an increase of pension to James B. F. Callon;

H. R. 15631. An act granting an increase of pension to Henry C. Worley;

H. R. 15839. An act granting an increase of pension to Mary J. Burroughs

H. R. 3226. An act granting an increase of pension to John

E. Leahy H. R. 15860. An act granting an increase of pension to Sarah

C. Morris H. R. 15868. An act granting an increase of pension to William H. Scullen

H. R. 17484. An act granting an increase of pension to John E. Gillispie, alias John G. Elliott;

H. R. 6057. An act granting an increase of pension to Emery Crawford;

H. R. 6060. An act granting an increase of pension to Lorenzo B. Fish:

H. R. 6088. An act granting an increase of pension to James R. Chapman:

H. R. 6424. An act granting an increase of pension to George Price

H. R. 6493. An act granting an increase of pension to Eli Roynton H. R. 6519. An act granting an increase of pension to Samuel

W. Whybark ; H. R. 6524. An act granting an increase of pension to Amos

Snyder H. R. 6537. An act granting an increase of pension to William

Jackson

H. R. 6894. An act granting an increase of pension to Daniel O. Corbin :

H. R. 7555. An act granting an increase of pension to John S. Roseberry

H. R. 7581. An act granting an increase of pension to Emile Cloe:

H. R. 7666. An act granting an increase of pension to Joseph C. Mahaffey

H. R. 7804. An act granting an increase of pension to John Frett, jr.

H. R. 8247. An act granting an increase of pension to Sarah J. Littleton:

H. R. 8553. An act granting an increase of pension to Thomas E. Aylsworth; H. R. 8667. An act granting an increase of pension to Andrew

H. R. 9024. An act granting an increase of pension to Lewis

H. R. 9278. An act granting an increase of pension to Melville

A. Nichols; H. R. 9673. An act granting a pension to Oliver H. Griffin;

H. R. 10033. An act granting an increase of pension to Samuel C. Roe

H. R. 10219. An act granting an increase of pension to George S. Boyd

H. R. 10317. An act granting an increase of pehsion to Clarissa A. Frederick

H. R. 10440. An act granting an increase of pension to Amaziah G. Sheppard;

H. R. 10721. An act granting an increase of pension to Harriett I. Levis;

H. R. 10738. An act granting an increase of pension to Thomas Prosser H. R. 11141. An act granting an increase of pension to Jesse

S. Miller; H. R. 11174. An act granting an increase of pension to Isaac

Richards; H. R. 11362. An act granting an increase of pension to Nicholas A. Bovee

H. R. 11708. An act granting an increase of pension to Jesse A. Ask;

H. R. 11869. An act granting an increase of pension to Henry A. Geduldig

H. R. 11959. An act granting an increase of pension to Henry

J. Rice; H. R. 12497. An act granting an increase of pension to Allen M. Haight;

H. R. 12523. An act granting an increase of pension to Gancelo Leighton:

H. R. 13201. An act granting a pension to Sarah A. Jones; H. R. 13253. An act granting an increase of pension to Robert

M. C. Hill; H. R. 13740. An act granting an increase of pension to Jere-

miah Bard; H. R. 13805. An act granting an increase of pension to Isaac

Gordon; H. R. 13806. An act granting an increase of pension to John

Campbell; H. R. 13956. An act granting an increase of pension to Alfred Featheringill;

H. R. 13975. An act granting an increase of pension to Thomas H. Primrose:

H. R. 14046. An act granting a pension to Jimison F. Skeens; H. R. 14378. An act granting an increase of pension to Charles Settle:

H. R. 14675. An act granting an increase of pension to James Davis:

H. R. 14715. An act granting an increase of pension to Harmon W. McDonald;

H. R. 14860. An act granting an increase of pension to William D. Campbell:

H. R. 14884. An act granting an increase of pension to Henry Stauffer:

H. R. 14983. An act granting an increase of pension to R. T. Dillard Zimmerman;

H. R. 14995. An act granting an increase of pension to James H. Bell:

H. R. 15017. An act granting an increase of pension to Joseph Strope:

H. R. 15630. An act granting a pension to Sarah Kizer;

H. R. 15874. An act granting an increase of pension to Benjamin B. Ream :

H. R. 17094. An act granting an increase of pension to James H. Sperry

H. R. 18242. An act granting an increase of pension to Francis

H. R. 22416. An act granting an increase of pension to Barbara E. Schwab;

H. R. 22937. An act granting an increase of pension to Edward Murphy

H. R. 21749. An act granting an increase of pension to Annie

H. R. 21058. An act granting an increase of pension to William H. Isbell

H. R. 21054. An act granting an increase of pension to William G. Wilson

H. R. 21045. An act granting an increase of pension to Unity A. Steel;

H. R. 20463. An act granting an increase of pension to Nicholas D. Kenny

H. R. 20431. An act granting an increase of pension to John Neumann:

H. R. 20424. An act granting an increase of pension to George W. Wheeler:

H. R. 20363. An act granting an increase of pension to Otis E. Rush:

H. R. 20384. An act granting an increase of pension to Mary Wilson:

H. R. 20391. An act granting an increase of pension to Mary Jane Meldrim;

H. R. 20303. An act granting an increase of pension to John Crowley

H. R. 13884. An act granting a pension to Helen Augusta Mason Boynton;

H. R. 23718. An act to authorize the Chicago, Lake Shore and South Bend Railway Company to construct a bridge across the Calumet River in the State of Indiana;

H. R. 24275. An act permitting the building of a dam across the Flint River at Porter Shoals; and

H. R. 12124. An act granting an increase of pension to Howard Brown.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

8. 4350. An act for the relief of Arthur A. Underwood; and 8. 4819. An act for the relief of M. A. Johnson.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 6364) to incorporate the National Child Labor Committee, had asked a conference with the House of Representatives on the disagreeing votes of the two Houses on the bill and amendments, and had appointed Mr. SPOONER, Mr. CLARK of Wyoming, and Mr. Bacon as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the joint resolution (S. R. 86) granting an extension of time to certain homestead entrymen Nos. 1, 2, 3, and 4, and had agreed to the amendment of the House No. 5, with the following amendments:

Line 4, strike aut "joint" and insert "public." Line 5, strike out "eighty-one" and insert "four."

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 7099) granting an increase of pension to Esther A. Cleaveland, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCumber, Mr. Scott, and Mr. Taliaferro as the conferees on the part of the Senate.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Total, Weather Bureau, \$1,466,540.

WADSWORTH. Mr. Chairman, let the Clerk correct the total, leaving out \$53,000, which has just been struck out.

The CHAIRMAN. The total will be corrected. The Clerk read as follows:

The Clerk read as follows:

Provided, also, That the Secretary of Agriculture is authorized to expend \$5,000 of the amount hereby appropriated to especially investigate hemorrhagic septicæmia, infectious cerebro-spinal meningitis, and malignant catarrh, prevalent among domestic animals in the State of Minnesota and adjoining States, to work out, if possible, in cooperation with the Minnesota Experiment Station, the problem of prevention by developing autitoxin or preventive vaccines and to secure and diffuse information along these lines: Provided, That the Secretary of Agriculture is authorized to purchase in the open market samples of all tuberculin serums, antitoxins, or analogous products, of foreign or domestic manufacture, which are sold in the United States for the detection, prevention, treatment, or cure of diseases of domestic animals, to test the same and to publish the results of said tests in such manner as he may deem best.

Mr. PERKINS. Mr. Chairman. I move to strike out the

Mr. PERKINS. Mr. Chairman, I move to strike out the last word in order that I may ask the gentleman in reference to this provision. I see that for two years, certainly, and, I think, for several years, there has been carried an appropriation for the expenditure of \$5,000 to investigate, in cooperation with the Minnesota Experiment Station, certain things

there specified.

Mr. WADSWORTH. That was carried by the bill last year for the first time. It does not increase the appropriation; it simply sets aside \$5,000 of the lump sum of the appropriation to investigate this special trouble in Minnesota. I would like to have the gentleman from Minnesota, a member of the committee, heard on that matter, because he is more familiar with it than any other member of the committee.

Mr. PERKINS. What I would like to suggest is that there are many items in this bill, and it is so in other bills, that get in once for some special investigation, and then year after year go on and go on and become a permanent part of the expenditures of the Government. If there is a special investigation in connection with the Minnesota Experiment Station perhaps it is proper enough if it is to be done and then be done. But if in the future it is to run along indefinitely, I think we ought to raise the point of order and get rid of it.

Mr. WADSWORTH. There is no intention, I think, in the present committee at least, to allow it to continue indefinitely. It is a good deal like the appropriation to examine the scab in orchards of the Ozark region, to which the gentleman from Kansas [Mr. Scott] called attention a short time ago. That work is finished, and that appropriation will be done away with. When this special work is finished we will not be troubled with it further

Mr. PERKINS. The gentleman must admit that in this bill there is a large amount of appropriations for special investigations which we have been carrying for years, and apparently are no nearer the end than they were in the beginning.

Mr. WADSWORTH. My answer to that is that the large appropriations are for scientific investigation generally, and appropriations are for scientific investigation generally, according to my experience, never end, but they are always finding out something new, something interesting, something valuable to the country of the

Mr. PERKINS. Mr. Chairman, I would like to know of the gentleman whether he thinks this experiment in cooperation with the Minnesota Experiment Station is to be one of these

scientific investigations that will go on forever?

Mr. WADSWORTH. No; I do not think so. I think perhaps the appropriation here made ought to wind it up. I think the committee has been very careful about that. It has avoided to the very limit all special appropriations. It has yielded now and then, I admit.

Mr. PERKINS. I have great confidence in the chairman of the committee, but I know the demands in behalf of science are very strenuous.

Mr. DAVIS of Minnesota. Mr. Chairman, in my own time I would like to explain just a few moments for the benefit of the gentleman from New York [Mr. Perkins]. We have in Minnesota an experiment station which I do not think is excelled by any other State in the Union, as we are, to a certain extent, pioneers on the subject of agricultural colleges and experiment stations. We have a very finely equipped institution along that line. During the past six or seven years, however, a certain disease of the kind specified in this particular paragraph has to a certain extent been prevalent in certain portions of Minnesota, Iowa, Wisconsin, and the two Dakotas. We have been en-deavoring with the material at our command to find some antitoxine or some remedy for this disease. The matter was presented to Secretary Wilson two years ago, and particularly to the Assistant Secretary, Mr. Hayes, who knew particularly of the accommodation for handling a matter of this kind in Minnesota. It was especially urged that a definite amount be set aside, and particularly \$5,000, in order that the Department here at Washington might send special bacteriologists to Minnesota to cooperate with our institution for the purposes of dis-

covering a remedy, if possible, for this disease, which has become quite prevalent and is causing great disaster to horses and cattle in the territory that I have mentioned. sider that it is very material, and it can be handled better from the station at Minnesota than any other locality.

Mr. PERKINS. Will the gentleman yield to a question?

Mr. DAVIS of Minnesota, Certainly.

Mr. PERKINS. Have they discovered any remedy for the disease? Are they any further along than they were two years

Mr. DAVIS of Minnesota. I would say that the appropriation made two years ago-

Mr. WADSWORTH. No; only one year ago.
Mr. DAVIS of Minnesota. The appropriation was made last year and was not available until after the season, I might say, for swamp fever and septicema was prevalent. The Department of Agriculture has sent a scientist there for the purpose, and they now have quite a number of animals in the Departments for use to experiment with.

Mr. PERKINS. I have no doubt they have plenty of animals, The question is whether or not they have discovered any reme-

dies for the disease.

Mr. DAVIS of Minnesota. We have not as yet, but we have the animals, and we are now experimenting on them for that

Mr. PERKINS. They have the sick animals, but they have as yet no remedy?

Mr. DAVIS of Minnesota. I understand that it is somewhat difficult from, say, the latter part of October of last year until

this time to discover a remedy for a disease of this nature.

Mr. PERKINS. How long have the scientific men in Minnesota been endeavoring to discover remedies for this disease?

Mr. DAVIS of Minnesota. Not, particularly as to these two diseases, more than two years. They have sent in some valuable information to the headquarters here in Washington, but desire material aid from the Bureau here at Washington to continue this investigation.

Mr. PERKINS. How many years does the gentleman think we will have to carry this appropriation before as a result of

all this scientific investigation a remedy is discovered?

Mr. DAVIS of Minnesota. The gentleman has asked me a question that I am unable to answer. I will state, however, that we will not carry it any longer than the Secretary of Agriculture deems it wise and expedient; and if the remedy is discovered and the disease stamped out, then and in such case the whole expense will be stopped. If, however, the Secretary of Agriculture deems it advisable in the future to continue this work longer than the present appropriation, I for one would advocate it being done. I do not think it will take longer to stamp it out than it did to stamp out the so-called "rinderpest" in New York. I do not know how long that took, but I am informed it took quite a series of years and a great many thousand dollars more than we ever expect to ask.

Mr. PERKINS. I imagine that it stamped out itself and died

out, as most diseases do at the last.

Mr. DAVIS of Minnesota. How much did it cost the Govern-

Mr. PERKINS. Oh, I do not know.

Mr. KENNEDY of Nebraska. Mr. Chairman, I move to strike out the last two words. I notice on line 11, page 11, the appropriation has been increased from \$837,200 to \$897,200—that is, it has been increased \$60,000 over last year.

Mr. WADSWORTH. Yes. Do you desire to know the object

Mr. KENNEDY of Nebraska. Yes; I want to ask the chairman of the committee what the estimate of the Secretary of Agriculture was for the purpose for which this money is appro-

Mr. WADSWORTH. We have allowed an increase of \$60,000 over last year to provide for the reconstruction and repairs of buildings at quarantine stations, Bethesda, Baltimore, and other places where those repairs were necessary. There was an estimate of appropriation of \$20,000 asked for to buy additional land at Bethesda, and that the committee refused; so that the \$60,000 practically represents the cost of repairs of buildings on the several quarantine stations over the country. There is one at Baltimore, one at Boston, one at New York, and I think there is one at New Orleans and one at San Francisco. These buildings, let me say, are necessarily short lived, as they are of a very cheap kind and do not last long.

Mr. KENNEDY of Nebraska. Then the amount appropriated

this year gives the Secretary of Agriculture all he asked for

Mr. WADSWORTH. Except for the purchase of some land at Bethesda. We thought it inadvisable to buy land at two or three hundred dollars an acre for the purpose of raising a few more crops to feed the animals there under experiment, and we thought it wiser to go in the open market and buy their fodder as it was needed.

Mr. KENNEDY of Nebraska. I wish to say, Mr. Chairman, I have asked for this information not for the purpose of objecting to the increased appropriation, but to make sure that an appropriation had been allowed which was liberal enough for the purpose required.

The CHAIRMAN. The pro forma amendment is withdrawn,

and the Clerk will read. The Clerk read as follows:

For experiments in animal breeding and feeding in cooperation with the State agricultural experiment stations, \$50,000: Provided, That of said sum \$25,000 shall be apportioned and allotted by the Secretary of Agriculture in such amounts as he may determine, not to exceed \$7,500 to any one State or Territory, for use in experiments in developing types of horses hardier, more resistant to disease, and better suited to climatic conditions, promoting thereby the interests of agriculture in the United States, in such only of the several States and Territories as shall, prior to the 1st day of July, 1907, appropriate a like amount to that to be secured hereunder for the same purpose.

Mr. TAWNEY Mr. Chairman I desire to reserve the point

Mr. TAWNEY. Mr. Chairman, I desire to reserve the point

of order on this paragraph.

Mr. PERKINS. I rise, Mr. Chairman, to make the point of order against the paragraph and especially against the proviso beginning in line 6 and running to line 16.

Mr. WADSWORTH. Mr. Chairman, I will turn this matter

over to my friend from Colorado [Mr. Brooks].

Mr. BROOKS of Colorado. Mr. Chairman, I would like to ask the gentleman from New York-I did not quite catch his point of order. As I understand it was made to the proviso.

Mr. PERKINS. To the whole section also, but I will state to

the gentleman from Colorado I have no desire to object captiously to any proper investigation by the Agricultural Department, but to the proviso of making horses hardier. If you are going to start in with that, you will have experiments involving vast sums of money, running over generations of horses, and to make an appropriation for a few years of \$25,000 a year to make horses hardier I must say does not at all commend itself to anyone who knows what is required for the development and breeding and production of horses.

Mr. BROOKS of Colorado. Mr. Chairman, do I understand, therefore, that the point of order lies to the whole paragraph or

to the proviso?

The CHAIRMAN. The Chair understands it relates to the proviso.

Mr. PERKINS. No. Mr. Chairman, the point of order is also

to the whole paragraph.

Mr. BROOKS of Colorado. Well, Mr. Chairman, although the point of order may extend to the proviso, it certainly should not extend to the whole paragraph, and therefore, indeed, to the appropriation for experiments in feeding and breeding, to which it certainly can not lie. These experiments are covered by and within the purview of the laws governing the organization of the Agricultural Department in four specific particulars. In the first place, the general law incorporating the office of the Commissioner of Agriculture specifically recognizes the jurisdiction of the Department over subjects allied to agriculture in the widest and most general and most comprehensive sense of the term.

The CHAIRMAN. The Chair will call the attention of the gentleman from Colorado to the fact that if part of a paragraph

is out of order the whole is out of order.

Mr. BROOKS of Colorado. I quite understand that proposition, but in order to show that the proviso is in order the whole paragraph logically must be in order. My contention is that the original appropriation is in order, because it is within the scope of the law incorporating the Department, because it is within the scope of the law organizing the Bureau of Animal Industry, because it is within the scope of the law establishing the agricultural colleges, and particularly the law authorizing the Government to contribute to the support of the experimental stations. From each one of those four acts

Mr. TAWNEY. Mr. Chairman, will the gentleman from Colorado [Mr. Brooks] permit a question?
Mr. BROOKS of Colorado. I will.

Mr. TAWNEY. Does the act creating the Department of Agriculture or the acts authorizing Congress to appropriate for the support of the State experimental stations authorize the distribution of money to the States, as you here propose?

Mr. BROOKS of Colorado. The laws authorizing contributions to the agricultural colleges do so by inference, but I am not discussing that phase of the proposition now. The propesition that the gentleman from Minnesota [Mr. TAWNEY] raises is a different one, and that is a question of the limitation. so far as the work of the experiments in feeding and breeding, which have gone on for years, is concerned, that certainly There are to-day, as the hearings show, is a continuing work. two experiments now in operation where the Government has its own plant, its own stock, and is developing its own work.

Now, if it be in order to carry on these experiments in feeding and breeding, it certainly is in order to say that those experiments shall be devoted either to horses or cattle or any other domestic animals. That carries us by the first portion of the section, beyond the proviso. If it be in order to direct these experiments to feeding and breeding of horses, then the question comes up on the limitation, and that is the question which both the gentleman from Minnesota [Mr. TAWNEY] and the gentleman from New York [Mr. PERKINS] have raised. And I submit, Mr. Chairman, that the precedents are very clear that if the Government can appropriate a specific sum for a specific purpose it can say that that sum shall not be used for another purpose.

I do not care to take the time of the Chair unduly, but there are two decisions that I would like to have the Chair consider. The whole question was considered in the Fifty-fourth Congress, with Mr. Reagan in the chair, and the proposition was thor-oughly established by the precedents then cited that where the Congress had the power to extend its benefits to a class it had the right to say that the members of that class should qualify themselves in a specific particular. There the question arose on a pension bill, and the decisions then quoted established the proposition that the Congress could say, even on an appropria-tion bill, that those who sought to avail themselves of appropriations by Congress could well be held and required to come within certain provisions; so Congress in appropriating for the States can well say that only those States which are complying with certain antecedent requirements shall be benefited. And there is a very recent decision of Mr. Burton of Ohio, in the second session of the Fifty-eighth Congress, where the Chair held that on a provision like this:

Provided, That one half of any sum or sums retained by said Homes on account of pensions received shall be taken from the sum therein

And the Chair in quite an elaborate argument held that that was simply providing that those who sought to avail themselves of the provision could be required to come within the class

In the same way, away back much further, Mr. Reagan, of Texas, sustained the same proposition, where the proviso was as

Provided, That no portion of this sum shall be expended for printing United States notes of larger denominations in lieu of notes of smaller denominations.

In other words, where the proviso is simply that certain antecedent requirements shall be exacted, the Congress has the power to make such requirements, and that is all that this provision does. It is within the power of Congress to appropriate for experiments in cooperation with the agricultural experiment stations, and it is within the power of Congress to say that those appropriations shall be for a legitimate limited purpose, under the organic act—for instance, breeding With those two propositions conceded, it follows inevitably that Congress can say that only those States that comply with the antecedent requirements or limitation shall be entitled to the benefit of the act. Now, one word as to the purpose. The appropriation is de-

signed simply to force a reasonable and rational degree of cooperation from the States and communities benefited. The committee thought that if the Government was to aid these experiments then it was no more than proper, it was no more than right, that the States should aid in the work contemplated, and the States where these experiments are now under contemplation and where they are going on have contributed and are cooperating very liberally. I think it would be a very unfortunate thing, and not at all in the line of good legislation, if this reasonable limitation and requirement should be stricken out.

Mr. TAWNEY. Will the gentleman from Colorado permit a question?

Mr. BROOKS of Colorado. Certainly.

Mr. TAWNEY. By this proviso he concedes that it is competent for the States to do this work, because it withholds any Federal aid until they have appropriated from their own treasury a certain amount of money which is to be expended for the accomplishment of this purpose.

Mr. BROOKS of Colorado. Naturally the States can do what they want to.

Mr. TAWNEY. Is it not therefore necessarily a State func-

Mr. BROOKS of Colorado. Not at all exclusively.

Mr. TAWNEY. In what respect is it not exclusively a State

Mr. BROOKS of Colorado. It is entirely a function of the Government, because it is a function of the Government to develop the agricultural interests of the country.

Mr. TAWNEY. But it is not the right nor duty of the Federal Government to enter into copartnership with the States.

Mr. BROOKS of Colorado. But it is the right and duty of the Government to cooperate with the State experiment stations, and when we so cooperate we can specify how this right and duty of the National Government to cooperate with the experi-ment stations shall be exercised. The express right is given to operate experimental farms-

Mr. CRUMPACKER. Will the gentleman allow me to ask him a question, for information purely, about the interpreta-tion of this proviso? Does it contemplate that the Secretary of Agriculture shall conduct an experiment, using the allotment he shall make to the station in connection with a State appropriation, or is it to turn the allotment over to the State authorities to conduct the experiment?

Mr. BROOKS of Colorado. Oh, no; that construction could not be supported.

Mr. CRUMPACKER. The gentleman's understanding is that the experiment shall be made by the Secretary of Agriculture?

Mr. BROOKS of Colorado. Exactly. Mr. CRUMPACKER. And that makes an allotment to the State upon the condition that the State makes an appropriation

of a similar amount for that use? Mr. BROOKS of Colorado. For the same purpose, through the experiment station.

Mr. CRUMPACKER. To be put under the control of the Secretary of Agriculture?
Mr. BROOKS of Colorado. Exactly.

Mr. PERKINS. Will the gentleman allow me to ask him a question?

Mr. BROOKS of Colorado. Certainly.
Mr. PERKINS. I wish he would tell us in what practical way he expects these tests are to be carried on by which we are to develop a hardier breed of horses. Is the Government going to have a large stud established in each State wherein to breed horses and keep them for a long period of years from the time they are colts in order to ascertain results?

Mr. BROOKS of Colorado. To some extent.

Mr. PERKINS. How far does the gentleman think \$7,500 would go in carrying on an extensive experiment in any of the United States to breed a hardier race of horses?

Mr. BROOKS of Colorado. I do not think that \$25,000 would go very far at all, but I think that \$75,000, with what we have already expended, would enable the Government to carry on, as it is now carrying on, these experiments, and that they would be of great value to the agricultural interests of this country.

Mr. PERKINS. How much does the gentleman think we would have to pay for stallions that would develop a hardier race of horses?

Mr. BROOKS of Colorado. The Government purchased a horse two years ago, which breeders say is one of the finest specimens in the United States, for \$3,500.

Mr. PERKINS. And that was one horse at one place?
Mr. BROOKS of Colorado. The entire cost of stock for the larger, the major, experiment thus far has been a little over \$10,000.

Mr PERKINS. Do you think you are going very far in the development of a hardier race of horses for \$10,000?

Mr. BROOKS of Colorado. I think we shall be enabled to es-

tablish certain general principles and to work to a type. I think that is entirely feasible.

Mr. PERKINS. Does the gentleman really think the development of a superior type of animal like the horse could be accomplished by the appropriation of \$7,500 or \$25,000? it not be hundreds of thousands of dollars carried through many years?

Mr. BROOKS of Colorado. I will reply to the gentleman by saying that the English Government has in the past twenty years greatly improved the types of horses at a less expense than I will say further that since the appropriation has been made and since this work has been initiated the Canadian government has started upon the same work; and I will also further say that the government of the Duchy of Oldenburg, the Russian Government, and the French Government, and the Austrian Government have all been carrying on similar experiments, and we are lagging very far behind them in what we are doing.

Mr. PERKINS. The great development of high-grade horses in England has been the result of generations of experiment by the owners of race horses, and of the great studs and stables there, and the breeding of cavalry horses. If we are going to

undertake that, we have a big job before us.

Mr. BROOKS of Colorado. The royal live stock commission does not agree with the gentleman. It says that the work of the Government has been of priceless benefit to the interests of England.

The CHAIRMAN (Mr. Foster of Vermont). The Chair is prepared to rule. In the opinion of the Chair, the proviso is clearly subject to the point of order, and as the point of order is made to the whole paragraph, the Chair sustains it as to the whole paragraph.

Mr. BROOKS of Colorado. Does the ruling of the Chair eliminate the entire paragraph?

The CHAIRMAN. The Chair understood that the point of order was made against the paragraph, and it is sustained against the paragraph, on the ground that a portion of it is clearly subject to the point of order.

Mr. BROOKS of Colorado. Then, Mr. Chairman, I offer the

amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert a new paragraph to read as follows:

"For experiments in animal feeding and breeding, in cooperation with the State agricultural experiment stations, \$50,000."

Mr. TAWNEY. Mr. Chairman, I reserve the point of order, and desire to ask the gentleman a question. This is simply reenacting the language of this paragraph down to the proviso?

Mr. BROOKS of Colorado. Without the proviso.

Mr. TAWNEY. Then what is the necessity of increasing the

appropriation?

Mr. BROOKS of Colorado. Because the work is growing, and it is required for these experiments that there be for this year quite an additional expense.

Mr. TAWNEY. I will not make a point of order against the paragraph, but I will move to amend, reducing the appropriation to \$25,000 instead of \$50,000.

Mr. BROOKS of Colorado. I should like to be heard on the amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by striking out "fifty" and inserting "twenty-five."

Mr. BROOKS of Colorado. I liope the gentleman from Minnesota will not insist on his motion. The appropriation is small enough anyway.

Mr. Chairman, under this little appropriation of \$25,000 the Government is to-day carrying on experiments in some eight different States. The result, therefore, is that the amount apportioned to any one State is so very small that it is impossible to do anything in a systematic way, and the condition of the experiments in Vermont and the experiments in Colorado is such that there is urgently needed and required this year a considerable additional sum. It will not be required every year, but it is required this year. These experiments soon ought to be mainly self-sustaining, and, in the opinion of the Department of Agriculture, they will be.

Mr. TAWNEY. The Department estimated only \$25,000 for this service, did it not?

Mr. BROOKS of Colorado. That is true, but the head of the Bureau of Animal Industry came before the committee and said that if the work was to proceed, they urgently needed more money, and he strongly favored the increased appropriation, The Secretary of Agriculture in personal conversation said this same thing. The Assistant Secretary said the same thing. This little appropriation, spread over eight States, is so small that it really can amount to but little. Now, the condition of the experiments requires some new stock; not very much, but some. After this year it ought to be easily possible to conduct these experiments with the \$25,000, but not this year. Therefore I earnestly hope that the amendment of the gentleman from Minnesota [Mr. TAWNEY] will not prevail. It will hinder, curtail, and limit the work very seriously.

Mr. TAWNEY. Mr. Chairman, my purpose in offering the amendment was to keep the appropriation within the amount estimated by the Department to be necessary during the next fiscal year for this service authorized by the previous appropriation act; and I am informed that it was understood among the members of the committee that if the proviso went out the amount should be reduced to \$25,000, which is the current appro-

I do not wish to be understood as trying to cripple this service in the least, but when the Department makes its estimate as to how much is necessary for a given service, you can always de-

pend upon the amount being sufficient for that service. They rarely ever, unless there is a blunder made, underestimate the amount to be expended in the next fiscal year. When the proviso which necessitated the increase to \$50,000 had gone out there is no longer necessity for the full amount asked for.

Mr. BROOKS of Colorado. Mr. Chairman, there certainly was no such understanding, and the facts would show the contrary. If it was necessary to have the proviso to enable and compel the States to cooperate in order to make an adequate appropriation, then much more would it be necessary to have some increase if the States did not contribute. If the States contributed the total amount would be \$75,000; if the States did not contribute, it would be only \$50,000. If the whole proviso is stricken out and also the increase, it leaves only \$25,000, or one-third of the amount the Department thinks is necessary to appropriate for this work. It is absolutely absurd that there could have been any such understanding. What we are working for is to enable us to do systematic work, and if you take away the provision making the States contribute and take away the \$25,000, you leave us utterly unable to cope with the work. The appropriation is, as I have said, spread over eight States, and it is much too small, and I hope the committee will not agree to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota to the amendment.

The amendment to the amendment was agreed to.
The CHAIRMAN. The question now is on the amendment as

The amendment as amended was agreed to.

The Clerk read as follows:

The Clerk read as follows:

For meat inspection: That hereafter, for the purpose of preventing the use in interstate or foreign commerce, as hereinafter provided, of meat and meat food products which are unsound, unhealthful, unwholesome, or otherwise unfit for human food, the Secretary of Agriculture, at his discretion, may cause to be made, by inspectors appointed for that purpose, an examination and inspection of all cattle, sheep, swine, and goats before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering, or similar establishment, in which they are to be slaughtered and the meat and meat food products thereof are to be used in interstate or foreign commerce; and all cattle, swine, sheep, and goats found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, sheep, swine, or goats, and when so slaughtered the carcasses of said cattle, sheep, swine, or goats shall be subject to a careful examination and inspection, all as provided by the rules and regulations to be prescribed by the Secretary of Agriculture, as herein provided for.

Mr. MANN. Mr. Chairman, I make the point of order against this paragraph.

Mr. CRUMPACKER. Will not the gentleman from Illinois eserve the point of order and have an explanation?

Mr. MANN. The explanation can be made on the point of

Mr. CRUMPACKER. Not properly. Mr. WADSWORTH. Will the gentleman state his point of order?

Mr. MANN. I am not sure that this is subject to a point of I make it because it is as easy to discuss the status under the point of order as it is otherwise. Beginning at line 17 on page 14 and ending with line 11 on page 28 the entire paragraph is simply a copy practically of the meat-inspection provision in the law of last year. A few changes have been made in the wording.

Mr. WADSWORTH. There is no change, except one.

Mr. MANN. The only difference in the paragraph is the insertion of the word "hereafter."

Mr. CRUMPACKER. That is new legislation.

Mr. MANN. If the old existing law is permanent legislation, then there is no necessity for the provision in this bill. I understand it to be the position of the distinguished gentleman from New York in charge of the bill that the old law, in fact, is permanent legislation, and that this item had been inserted in the bill at this time not because he believed, and probably not because the committee believed, that there is any doubt of it, but because a gentleman now in the position of solicitor to the Department of Agriculture has had some doubts about the matter. Now, Mr. Chairman, I have no doubt myself, not the slightest, and I do not believe that any lawyer wherever he may be placed will have any doubt, that the legislation of last year is permanent legislation, although it appeared in an appropriation act.

The legislation of last year provides not for something in connection with appropriations of that year, but it provides legislation in the form not as a proviso, but as a positive enactment and follows it up with the statement that there is

permanently appropriated for each year \$3,000,000.

Mr. TAWNEY. The word "hereafter" is not used.

Mr. MANN. The word "hereafter" does not appear, and it is not necessary. I call the attention of the Chairman to the

decision of the Comptroller, found in 6 Comptroller's Decisions, page 904, where there was a proviso reading like this, after an appropriation of \$1,900,000 had been made for certain expenses in connection with the collection of revenue:

Provided, That the compensation of the chief of the internal-revuue agents should not exceed \$10 per day and all the other agents of exceeding \$7 per day, etc.

The question raised was whether that proviso was a limitation upon that appropriation or whether it was permanent legislation. The word "hereafter" did not occur in the provision. The Comptroller said:

By necessary implication these provisos repeal and abrogate what was then existing law. They appear to be permanent and general in their scope and not intended to affect only the expenditure of this particular appropriation. I therefore conclude that this provision of law is general and permanent in its nature.

In a case where the Comptroller held that, the word "hereafter" not being inserted, it was not permanent legislation he expressly held that if it appeared to be the intention of Congress to make permanent legislation, it was or would be permanent legislation although in an appropriation act. This decision made in reference to the word "hereafter" was a decision arising in reference to the Light-House Board and lighthouse expenditures. In the act of Congress it was provided in the expenditures of the Light-House Board in the sundry civil appropriation bill as follows:

Provided, That lenses and lense glass for the use of the Light-House Establishment may be imported free of duty.

The question arose whether that was a limitation on that appropriation or whether that was a permanent enactment of law making free lenses and lense glass. The question was as to whether this proviso, and it was in the nature of a proviso, was permanent legislation affecting the tariff laws or whether it simply applied to that appropriation, and it is worth while to read what the Comptroller said and decided in respect to the matter. I read from volume 7, Decisions of the Comptroller of the Treasury, at page 839:

matter. I read from volume 7, Decisions of the Comptroller of the Treasury, at page S39:

But the practice of Congress of inserting general and permanent legislation in annual appropriation acts in the form of a proviso has become so extensive that it is frequently difficult to determine whether a particular proviso in such an act is intended to apply only to the appropriation for the fiscal year to which it is attached or is intended to be permanent legislation and apply to future appropriations for the same object. In view of this practice it would not be permissible to presume that a proviso in such an act is limited in its application to the particular fiscal year for which the appropriation is made merely because the provision is in the form of a proviso. In general, I think, a proviso in such an act, which is itself limited in its duration, should not be construed as permanent legislation unless the language used in the proviso or the nature of the provision renders it clear that such was the intention of Congress.

Usually the word "hereafter," when used in a proviso in such an act, indicates an intention to extend the application of the proviso to future appropriations. The absence of this word and of other words indicating futurity from the language of this proviso is to be observed. Where, however, the provision is in its nature general, and bears no particular relation to the object of the appropriation to which the proviso is attached, it may clearly indicate an intention of general and permanent legislation. For example, if this proviso had excepted from duty all articles imported for the use of the Government, I think I should infer that such a provision was intended to be general and permanent legislation, although included in a particular annual appropriation, and although it did not use the word "hereafter." But the proviso indicates an intention to enact general and permanent legislation, and that it must be construed to be limited in its operation to the particular appropriation of which it f

In that case it was held that in the particular case the proviso was not general legislation. As a matter of fact, everything connected with this pending item in the last and existing appropriation acts shows that it was not intended as a matter of the fiscal year, but was intended as permanent legislation. How ridiculous it would be to hold that you make the law read so, and so, and then provide for a permanent appropriation of \$3,000,000 and say that the intention of Congress was that it should only apply to the one year. And the position of the solicitor—the very distinguished solicitor of the Department of Agriculture—is certainly contrary to the knowledge of every Member of this House and of every lawyer of the country. Mr. CRUMPACKER. Will the gentleman explain the objec-

tion or the harm of leaving this provision in the bill, if there should be any possible doubt about it? What is the harm of leaving it in?

Mr. MANN. The harm is that it brings up the whole matter again, after the fight of last year, which was then a very diffi-cult proposition to the House, to the other end of the Capitol, and to the other end of the avenue and to the whole country, when everybody was stirred up. This legislation was compromise legislation, and if it is permanent as compromise legislation let it remain where it is until the proper committee reports a proper change in the legislation. This throws the whole matter

open for discussion, not only in this House, but in another body and possibly in still another body-a conference committee-and

I think we ought to know whether it is permanent law or not.

Mr. WADSWORTH. Mr. Chairman, I think the gentleman is making a mountain out of a molehill. The status of legislation inserted on an appropriation bill has always been, to a certain extent, uncertain. You have just seen an item stricken out that has been carried in this bill for three or four years. You have seen it stricken out to-day on a point of order not exactly parallel, and I only quote it to show you how uncertain all legislation on appropriation bills is. Comptrollers may differ in their opinions. Now, we simply reinsert it as a matter of safety, and we put in the word "hereafter." If this stands, the whole item may be omitted next year. That is the whole situa-tion in a nutshell, and I think the gentleman from Illinois is really making a mountain out of a molehill. It is simply a question of printing.

Mr. MANN. I thought last year a distinguished Senator was making a mountain out of a molehill, but whether he was or not he got the legislation-over the head of the distinguished gentleman from New York at that.

Mr. CRUMPACKER. Let me ask the gentleman from New York, the chairman of the committee, if the Department of Agriculture is in any doubt whatever as to the question about this being permanent legislation?

Mr. WADSWORTH. They are in doubt, and it is on their suggestion we inserted the word "hereafter." That the gentleman from Illinois has told you.

Mr. CRUMPACKER. I simply desire to say, Mr. Chairman, that I agree with the gentleman from Illinois on the law proposition. I believe he is right, but when on a question of such vital importance it is necessary to make an elaborate law argument to demonstrate which side is correct, and when the uncertainty can be obviated with so little effort, as it can be in this case, it seems to me it would be the part of prudence to allow the provision to be incorporated in the bill containing the word "hereafter," so that in the future there can be no possible question of the fact that it is permanent legislation. This is a provision of great importance, and it would be a great public calamity if the Comptroller of the Treasury or any court should officially decide that if this provision should be omitted, that the last provision being incorporated in an appropriation bill had relation only to the fiscal year provided in that bill is not permanent law. To avoid any possible question—and there seems to be some doubt in the mind of the Department of Agriculture— I think the only prudent course is to leave the provision in the bill and reenact it this year, and then it will not be necessary in

The CHAIRMAN. The Chair is prepared to rule.

Mr. MADDEN rose.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. WADSWORTH. I yield.

Mr. MADDEN. Mr. Chairman, I just wanted to say I think it would be very unfortunate if by any chance whatever there should be any mistake made in the phraseology of this paragraph. If the word "hereafter," in the judgment of the Department, seems to be necessary to make it effective, that word ought to go in. The great agricultural interests of the country and meat interests of the country demand a permanent appropriation for the inspection of the meats prepared by the packers of the country, and there ought not to be anything done that would jeopardize the work upon which they have entered, and if this word becomes necessary to make this permanent law, certainly think there ought not to be any question urged to the paragraph.

The CHAIRMAN. The Chair is clearly of the opinion that the introduction of the word "hereafter" is new legislation, and therefore sustains the point of order to the whole paragraph.

Mr. MANN. Mr. Chairman, I have no objection whatever to that particular item in the bill, if it is understood that this matter is to go through in the same way it was last year.

Mr. WADSWORTH. Absolutely.
Mr. MANN. I am not willing, so far as I am concerned, to open up this subject to discussion and debate as to the merits of the original proposition at this time. If it is understood that the thing is to go as it was last year and be settled upon the same basis, I am willing to withdraw the point of order.

Mr. KENNEDY of Nebraska. Before the Chair acts on the

proposed understanding I would like to ask the chairman of the committee a question or two.

Mr. WADSWORTH. What is that?
The CHAIRMAN. The chairman of the committee is being interrogated by the gentleman from Nebraska.

Mr. WADSWORTH. There is so much noise about me, Mr. Chairman, that I can not hear.

Mr. KENNEDY of Nebraska. I would like to ask the gentleman, Mr. Chairman, whether or not there is any change in this portion of the bill?

Mr. WADSWORTH. Not the slightest; only the word "hereafter" has been added, as the gentleman from Illinois has called attention. That is the only change; not a "t" crossed nor an

" dotted differently from last year.

Mr. KENNEDY of Nebraska. I would like to ask further whether or not any doubt has arisen as to the sufficiency of the \$3,000,000 annual appropriation to meet the purposes of the act?
Mr. WADSWORTH. Not the slightest. The Department of

Agriculture reports that they will have something to spare, pos-

Mr. KENNEDY of Nebraska. Is there anything before the gentleman's committee, or within his knowledge, which leads him to believe that any further legislation is necessary on this subject at this time?

Mr. WADSWORTH. There is not. The testimony of Doctor Melvin before the committee was to the effect that the law was

working very smoothly and very effectively.

Mr. KENNEDY of Nebraska. Then it is the gentleman's information as chairman-

Mr. WADSWORTH. It is: and that is the opinion also given by Doctor Melvin in his testimony before the committee.

Mr. KENNEDY of Nebraska. Then it is the gentleman's

opinion, as chairman of the committee, that if this act is passed now in this permanent form no amendment will be necessary in the near future?

Mr. WADSWORTH. I do not think any amendment will be

Mr. MANN. Mr. Chairman, in view of the assurance that has been given, which, of course, can bind no Member of the House, I ask unanimous consent to withdraw the point of order.

The CHAIRMAN. To rescind the point of order and the decision of the Chair thereon?

Mr. MANN. Yes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KENNEDY of Nebraska. Mr. Chairman, if it is in order, I will ask unanimous consent that the reading of this portion

of the bill relating to meat inspection be omitted.

Mr. WADSWORTH. Mr. Chairman, I have no objection to that, except at the bottom of page 27 I want to strike out an unnecessary clause. It is a repetition, or an unnecessary appro-

Mr. MANN. The gentleman does not want to make \$6,000,000

of appropriation?

The CHAIRMAN. The gentleman from Nebraska [Mr. KEN-NEDY] asks unanimous consent that the further reading of this portion of the bill be omitted. Is there objection? pause.] The Chair hears none.

The gentleman from New York [Mr. Wadsworth] offers an amendment, which the Clerk will report.

Mr. WADSWORTH. Mr. Chairman, has unanimous consent been granted to omit the reading?

The CHAIRMAN. Yes.
Mr. WADSWORTH. At the bottom of page 27 there is the following clause, commencing with line 23:

That there is permanently appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$3,000,000, for the expenses of the inspection of cattle, sheep, swine, and goats, and the meat and meat-food products thereof.

And so forth.

I move to strike that all out, as that is carried now by another bill, is a permanent appropriation, and is unnecessary here, and if included would be interpreted to carry \$6,000,000. I therefore move to strike out from line 23, including line 23, page 27, down to line 11, on page 28, including line 11.

The CHAIRMAN. The gentleman from New York [Mr.

WADSWORTH] offers an amendment which the Clerk will report. The Clerk read as follows:

On page 27 and 28, strike out all of lines 23, 24, and 25 on page 27, and all of lines 1 to 11, both inclusive, on page 28.

Mr. KENNEDY of Nebraska. Mr. Chairman, I move to amend the amendment by striking out lines 23, 24, and 25 on page 27, and down to and including the word "year," in line 6, page 28. I call the attention of the committee to the fact that the gentleman's amendment would strike out the provision requiring annual estimates to be made.

Mr. WADSWORTH. That is in the current law now.
Mr. KENNEDY of Nebraska. We will have the same trouble about that as we have about the other provisions of the act of

lousness of putting any of it in is that they propose to strike out the only important thing there is in it.

Mr. WADSWORTH. Let me explain that, Mr. Chairman. In making the copy for the printer we did not cut out just far enough. That is one of those mistakes that will occur in any committee

Mr. MANN. I am talking about the holding of some gentleman in the Agriculture Department that the "whereases" are not permanent law. The real thing is permanent law. This inserts the "whereas" and strikes out the "real thing," which is

The CHAIRMAN. The amendment of the gentleman from Nebraska takes precedence.

Mr. WADSWORTH. I have no objection to letting it go if

he wants it. I am not going to waste time on it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

The question was taken; and the amendment was agreed to. The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York.

The question was taken; and the amendment was agreed to. The Clerk read as follows:

Total, Bureau of Animal Industry, \$1,031,980; (also \$3,000,000 carried by a permanent appropriation under an act of Congress approved June 30, 1906 (public act No. 382).

Mr. WADSWORTH. Mr. Chairman, the committee just inserted that for the information of the House. It is not necessary to go in for this year, and therefore I move to strike out that portion reading:

Also \$3,000,000 carried by a permanent appropriation under an act of Congress aproved June 13, 1906 (public act No. 382).

That is simply for the information of the House. It is not necessary to reprint it in the act.

The CHAIRMAN. The Chair desires to call the attention of the committee to the effect of the last amendment that was made.

Mr. WADSWORTH. The amendment offered by the gentleman from Nebraska?

The CHAIRMAN. The gentleman from New York offered an amendment striking out the whole paragraph. The gentleman from Nebraska made a preferential amendment, striking out a portion of the paragraph, intending to perfect the paragraph. His motion prevailed. The question then recurred on the amendment offered by the gentleman from New York; and that motion was put and prevailed, and the amendment was agreed to. In the opinion of the Chair, that strikes out the whole para-

Mr. WADSWORTH. That is a parliamentary situation that perhaps the gentleman did not intend. I supposed the effect of his motion was to strike out all from line 23 down to line 6, and including the words "for each year," and leave the remainder of the paragraph. I say that was the intent of the gentleman from Nebraska, whether the parliamentary situation leaves it that way or not.

The CHAIRMAN. The gentleman from New York can offer an amendment restoring the matter.

Mr. WADSWORTH. Very well. The Clerk has got the other pending first. In line 13 strike out "three millions" and everything following that in the paragraph.

Mr. KENNEDY of Nebraska. Mr. Chairman, I rise to a point

of order.

Mr. WADSWORTH. I will get that all right. Now. Mr. Chairman, I make a new motion to reinsert in the bill the paragraph on the bill beginning on page 28, commencing with line 6, with the words "And the Secretary of Agriculture" down to and including line 11.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. KENNEDY of Nebraska. Mr. Chairman, I would like to have that reported again.

The Clerk read as follows:

Insert on page 28 the language printed, beginning in line 6 with e words "and the Secretary of Agriculture," going to the end of the paragraph.

Mr. KENNEDY of Nebraska. That is all right.

The question was taken; and the amendment was agreed to. Mr. WADSWORTH. Now, Mr. Chairman, on line 13, commencing with the words "also three million dollars," including lines 14, 15, and 16, I move to strike that out, as it is simply unnecessary, and was printed merely for the information of the

The Clerk read as follows:

Strike out in lines 13, 14, 15, and 16 the language within the

Mr. KENNEDY of Nebraska, Mr. Chairman, I would like Mr. MANN. There will be no trouble about that. The ridicu- to ask the chairman of the committee a question. I understand

that the insertion of this meat-inspection law in this bill is because there is some question whether or not it is permanent Now, if this is true, and that is sufficient reason for inserting this meat-inspection law in this bill at all, then it would seem to be necessary to carry the permanent annual appropriation also in this bill.

Mr. WADSWORTH. No; that is cared for in another appro-

priation bill. It is a permanent appropriation.

Mr. MANN. It is carried in the old law precisely the same as it is here.

Mr. WADSWORTH. But it is a permanent appropriation, Mr. MANN. The whole thing is a permanent law, and the gentleman knows it as well as I do.

Mr. KENNEDY of Nebraska. This is my understanding of the whole situation. There was inserted in the agricultural appropriation bill last year a provision for meat inspection, and an annual permanent appropriation of \$3,000,000. That law is repeated in this bill to-day, because it is a question whether that law passed last session is permanent law. Now, the greater includes the lesser; and if there is any question in the minds of the members of the committee, if there is any question in the minds of the Members of this House, as to whether or not the law passed last year is permanent law, and it is necessary to reenact it at all, then it is just as necessary to reappropriate this \$3,000,000, because the appropriation was simply a part of the act, and if this motion prevails we will be in the position of reenacting the law without the permanent annual appropria-

of reenacting the law without the permanent annual appropria-tion for carrying on this very important work.

Mr. WADSWORTH. That is a separate paragraph, and it is contained in these words: "That there is permanently appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$3,000,000, for the expenses of the inspection of cattle, sheep, swine, and goats, and the meat in food products thereof, which enter into interstate or foreign commerce." That makes it a permanent appropriation, and it is

not necessary to repeat it.

Mr. KENNEDY of Nebraska. But, Mr. Chairman, that has been stricken out on the motion of the gentleman from New

Mr. MANN. That is a part of the existing law. Mr. KENNEDY of Nebraska, Yes, if the law of last year stands; but if it is necessary to reenact the law at all, it is necessary to reappropriate the money.

Mr. BUTLER of Pennsylvania. It is not necessary.
Mr. WADSWORTH. That is a matter of appropriation.

The other is a matter of legislation.

Mr. KENNEDY of Nebraska. Mr. Chairman, I contend that if there is any question about the necessity for reenacting the law at all, and it is necessary to reenact it, it is just as necessary now to reappropriate the \$3,000,000 annually to carry on the work.

Mr. WADSWORTH. It is a perfect example of the uncertain status of legislation on appropriation bills. The Department says to us that that portion of the law is unnecessary, but that the word "hereafter" should be used in the first part of the law, covering the legislative paragraphs of the bill.

Mr. KENNEDY of Nebraska. Mr. Chairman, my answer is that that position is not tenable at all. Either the law, so far as it relates to meat inspection, which we passed last year, is good in its entirety and carries with it the appropriation or it is not good at all. Now, the House has taken the position to-day that it is necessary to reenact the law. If it is necessary to reenact the law it is necessary to reappropriate the money.

Mr. WADSWORTH. I can only say to the gentleman that the law officer of the Department of Agriculture does not think it necessary, and the committee has been governed to a great

extent by his judgment of the situation.

Mr. KENNEDY of Nebraska. Mr. Chairman, I have great respect for all the officials of the Government. My judgment is that the official of the Agricultural Department, in desiring us to reenact this law, is wrong; but if he is right as to the law in its entirety, then he is wrong as to the other, because the greater includes the lesser, and the appropriation is only a part of the law which we are required to reenact.

The CHAIRMAN. The question is on agreeing to the amend-

The amendment was agreed to.

The CHAIRMAN. If there be no objection, the Clerk will correct the total.

There was no objection,

Mr. CRUMPACKER. Mr. Chairman, I move to strike out the last word, for the purpose of calling the attention of the committee to a situation that I think is somewhat serious, in relation to the incorporation of the meat-inspection law in this bill. have added one word to the first paragraph of that law, and the

Chair has held that the change makes the act new legislation under the rules of the House. Now, if we reenact it into law, it will, of course, be the reenactment of the original meat-inspection law with an amendment, and the effect of it will be, by necessary implication, to repeal the original law, and it will likewise repeal or abrogate the power of the Government to prosecute for any offenses that might possibly have arisen under that law

Mr. MANN. If the gentleman will yield, I desire to recall to his attention the provision in the statute providing that where a law is repealed it still controls as to any prosecution for a

violation of that law before the repeal.

Mr. CRUMPACKER. Is there a general provision of that kind?

Mr. MANN. There is a general provision of the Revised Statutes covering that point as perfectly and as strongly as it can possibly be done in the English language.

Mr. CRUMPACKER. I remember a discussion in the Federal court at Chicago, in the Standard Oil case recently, a very able discussion, upon the motion to quash the indictments, I think, or perhaps on demurrer to a plea, where the court took the question under advisement and held ultimately that the saving clause was broad enough to authorize the Government to prosecute for offenses that were committed before the passing of an amendment to the Elkins law.

Mr. MANN. If the gentleman will pardon me, in the rate law there was a provision which expressly provided that the repeal of any old law should not affect prosecutions then pending in court, and it was claimed by defendant's counsel that the special provision in reference to repeals took the whole thing out from under the operation of the general provisions of the statute.

Mr. CRUMPACKER. If the gentleman from Illinois is satisfied that there is a general statute reserving the right of the Government to prosecute for crimes that may have been committed under the law in existence now, I am satisfied; but in the absence of such a statute, I think the gentleman will agree with me that the reenactment of this law would be very dangerous.

Mr. MANN. It would be very dangerous.

Mr. CRUMPACKER. Unless we incorporate into it a savings clause, saving to the Government the right to prosecute for offenses that may have heretofore been committed.

Mr. MANN. I will say to the gentleman that at the request of the district attorney at Chicago, who tried this matter, I went into the subject here to ascertain the history of the provision that went into the bill, and in connection with that had occasion to look up the general provision of the law-and there is such a general provision that absolutely covers the case.

Mr. CRUMPACKER. I withdraw the pro forma amendment. The gentleman from Indiana withdraws The CHAIRMAN. the pro forma amendment, and the Clerk will read.

The Clerk read as follows:

the pro forma amendment, and the Clerk will read.

The Clerk read as follows:

General expenses, Bureau of Plant Industry: To investigate fruits, fruit trees, grain, cotton, tobacco, vegetables, grasses, forage, drug, medicinal, poisonous, fiber, and other plants and plant industries, in cooperation with other branches of the Department, the State experiment stations, and practical farmers; to study plant industries, in cooperation with other branches of the Department, the State experiment stations, and practical farmers; to study plant physiology in relation to crop production; to originate and improve crops by breeding and selection; to investigate and encourage the adoption of improved methods of farm management and farm practice; to investigate the feeding value of farm crops and the use of fertilizers; to investigate the causes of decay in forest timber and timber used for construction purposes, and to devise means for preventing the decay of the same: to investigate the practical application in agriculture of the fixation of atmospheric nitrogen by bacteria and other micro-organisms in soils and in the root tubercles of leguminous and other plants; to cultivate and distribute these nitrogen fixers; to study and find methods for preventing algal and other contaminations of water supplies; to carry on special investigations of the conditions of grain production, handling, grading, and transit, and of the means of improving the same; to model fruits, vegetables, and other plants, and furnish duplicate models to the experiment stations of the several States, as far as found practicable; to investigate the methods of harvesting, packing, storing, and shipping fruits and vegetables within the United States and to foreign countries; to cultivate and care for experimental gardens and grounds, manage and maintain conservatories, greenhouses, and plant and fruit propagating houses; to enable the Secretary of Agriculture to continue the necessary improvements to establish and maintain a general experimental farm an

ment, be granted leaves of absence not to exceed fifteen days in any one year, which leave may in exceptional and meritorious cases, where such an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed fifteen days additional in any one year.

Mr. CRUMPACKER. Mr. Chairman, I move to amend by striking out the word "making," in line 19, page 32, and inserting the words "growing and curing." As it reads now it is to investigate and report on the cost of making tea.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 32, line 19, strike out the word "making" and insert the words "growing and curing."

Mr. WADSWORTH. Mr. Chairman, I have no objection to that.

The question was taken; and the amendment was agreed to. Mr. PERKINS. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of the bill a question. For some years I see a provision has been carried in this bill, which appears on page 32, line 5, "to model fruit, vege-tables, and other plants, and furnish models," etc. I see it has been a provision in the bill for many years.

Mr. WADSWORTH. That is for the purpose of furnishing

models of different varieties of apples, peaches, plums, including

new varieties that may be raised.

Mr. PERKINS. What does the gentleman mean-making casts of them?

Mr. WADSWORTH. Yes; making exact facsimiles or models of the new varieties.

Mr. PERKINS. And they are sent to various colleges?

Mr. WADSWORTH. Yes; and to experimental stations; and models are kept in the museum of the Department.

Mr. PERKINS. It requires to be done every year?

Mr. WADSWORTH. Yes; for new varieties are constantly being grown:
Mr. PERKINS. Mr. Chairman, I withdraw the pro forma

amendment.

The Clerk read as follows:

For collating, mapping, illustrating, digesting, printing, reporting, publishing, and disseminating information on the results of these investigations and experiments. And the Secretary of Agriculture is hereby directed to obtain in the open market samples of seeds of grass, clover, or alfalfa, test the same, and if any such seeds are found to be adulterated or misbranded, or any seeds of Canada blue grass (Poa compressa) are obtained under any other name than Canada blue grass or Poa compressa, to publish the results of the tests, together with the names of the persons by whom the seeds were offered for sale.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk, to'go in after line 2, page 34. The Clerk read as follows:

The Clerk read as follows:

Insert after line 2, page 34, the following:

"Hereafter the Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request from time to time, samples of seed which is being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture, and have the right to introduce testimony, and if it appear from the examination of such samples that any seed offered to be imported into the United States is adulterated or misbranded, or is otherwise falsely labeled in any respect, or is of a quality forbidden entry into, or forbidden to be sold or restricted in sale in the country from which it is exported, or is intended for adulteration purposes, or is a kind mainly used in this country, in the opinion of the Secretary of Agriculture, for adulteration purposes, the said seed shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any seed refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal, under such regulations as the Secretary of the Treasury may prescribe: Provided, That the Secretary of the Treasury may prescribe: Provided, That the Secretary of the Treasury may prescribe: Provided, That the Secretary of the Treasury may prescribe: Provided, That the Secretary of the Treasury may prescribe: Provided, That the Secretary of the Treasury may prescribe: Provided, That the Secretary of the Treasury may prescribe: Provided, That the Secretary of the Treasury went provided in the Secretary of the Treasury, when demanded, for the purpose of excluding it from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond: And provided further, That all charges for storage, cartage, and labor on seed which is refused admission or delivery shall be paid by the owner or consignee, and in default of such p

Mr. WADSWORTH. Mr. Chairman, I have no doubt that is subject to a point of order; but I will not raise it, because I consider it excellent legislation.

Mr. DRISCOLL. Mr. Chairman, I make the point of order. Mr. MANN. There is no doubt but that the item is subject to a point of order if the gentleman from New York raises it.

The CHAIRMAN. The Chair sustains the point of order. The Clerk read as follows:

For actual and necessary traveling expenses; for telegraph and telephone service; for gas and electric current; for forage, ice, postage, and washing towels; for express and freight charges; for the purchase of chemicals, materials, office, field, and laboratory supplies, fertilizers, office fixtures, fuel, apparatus, machinery, tools, and other implements, and repairs to same, horses, vehicles, horseshoeing, and

harness; for rent and repairs, not to exceed \$19,000, in the District of Columbia; and for all other necessary expenses.

Mr. MURPHY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 12, page 34, after the word "expenses," insert:
"Provided, That the Secretary of Agriculture is authorized to expend
\$5,000 of the amount hereby appropriated to specially investigate
parasites and orchard diseases prevalent in the Ozark and mountain
region in the States of Missouri and Arkansas, and work out, if possible, in cooperation with the fruit experiment stations in said State,
the problem of prevention of such diseases and destruction of parasites,
and diffuse information along these lines."

Mr. WADSWORTH. Mr. Chairman, I reserve the point of order.

Mr. MURPHY. Mr. Chairman, this is the same provision inserted in the agricultural appropriation bill passed at the last session. The gentleman from Kansas has explained how this work has been carried on, and that it is a good thing, and that it is a benefit to those people there. A representative of the Department of Agriculture called me to the door during that time and was asking me about it and telling me what the Department had done. He told me that they had sent estimates embodying this character of work.

Why it was stricken out of the bill I do not know. He tried to make me believe that that provision was yet in the bill, and I had a hard time convincing him to the contrary, not having the bill there. I think that this amendment ought to be adopted. I would like to have a little of the work done in my district as

well as in some of the other districts.

Mr. WADSWORTH. Mr. Chairman, the House will recall the correspondence sent to the desk by Mr. Scott, of Kansas, which covers this whole question. The Department says they have already expended four or five thousand dollars in that investigation, and that they propose to spend some more, and that they have the power to do so under the general powers given to them by the act, and that with the expenditure of this additional sum the work will be completed.

Mr. MANN. Will the gentleman yield to a question?

Mr. WADSWORTH. Yes.

Mr. MANN. I was told that the committee, in making its report, reduced the amount.

Mr. WADSWORTH. No; we did not.

Mr. MANN. That it reduced the amount estimated equal to the amount now proposed.

Mr. WADSWORTH. No; we allowed the estimates in full. Mr. MANN. The estimate on this item is less than the current law, as I understand.

Mr. WADSWORTH. No; it is not. The estimate is increased \$106,000, as will be seen by the report. The Bureau of Plant Industry, increase on the lump sum, \$81,100, equal to exactly what they estimated for, and on the salary list the increase is \$25,640, making a total increase for the Bureau of Plant Industry of \$106,740, exactly the estimates of the Department.

Mr. MANN. Then my information was wrong. May I ask the gentleman this: Whether in leaving out the amount which was estimated for, as suggested by the gentleman from Missouri [Mr. Murphy], it was the opinion of the committee that the Department had the jurisdiction already to spend the money for that purpose?

Mr. WADSWORTH. Absolutely.

Mr. MANN. And it was expected they would do it if that was necessary?

Mr. WADSWORTH. Absolutely; and the letter read at the desk confirms my judgment.

The CHAIRMAN. Does the gentleman from New York insist

on his point of order?

Mr. WADSWORTH. Mr. Chairman, I will let the question be decided on its merits. I hope the amendment will not be adopted, because it is unnecessary.

The CHAIRMAN. The question is on agreeing to the amend-

ment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr.

MURPHY) there were—ayes 30, noes 47. So the amendment was rejected.

The Clerk read as follows:

Grain investigations: To enable the Secretary of Agriculture to establish, at such points as he may deem expedient, laboratories for the purpose of examining and reporting upon the nature, quality, and condition of any sample, parcel, or consignment of seed or grain, including rent and the employment of labor in the city of Washington and elsewhere, \$15,000, or so much thereof as may be necessary; and the Secretary of Agriculture is authorized to report upon such samples, parcels, or consignments from time to time, and the reports so made shall serve as a basis for the fixing of definite grades and for the issuance of certificates of inspection when requested by the consignor or consignee of any grain entering into interstate or foreign commerce.

Mr. KENNEDY of Nebraska. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the com-

mittee a few questions. On line 16, page 34, the bill now before the House reads: "to establish at such points as he may deem expedient." I notice that in the law as enacted last year the expedient." I notice that in the law as enacted last year the words "of export" were inserted after the words "at such points." That is, the old law made provision for this work to be carried on at such points of export as the Secretary might determine. The present bill provides for establishing laborateries at such points as the Secretary may determine without limiting them to points of export. I would like to ask the chairman what the intention is as to that matter?

Mr. WADSWORTH. It is to affect interstate commerce as

well as commerce destined for foreign lands.

Mr. KENNEDY of Nebraska. For instance, Mr. Chairman, we have established in the city of Omaha what is rapidly becoming one of the greatest grain markets of the country. Does this bill contemplate that the Secretary of Agriculture may establish one of these points at the city of Omaha?

Mr. WADSWORTH. Certainly he has the power to do it if he deems it expedient, and I am sure that under the persuasion of my distinguished friend from Nebraska [Mr. Kennedy] he

will establish one there.

Mr. KENNEDY of Nebraska. I may have some doubt about that, but as I understand the chairman of the committee it is the intention to leave the Secretary free to establish these laboratories anywhere in the United States.

Mr. WADSWORTH. Yes; where he deems expedient, with

that limitation.

Mr. KENNEDY of Nebraska. I am sure we will try to have him see that it is expedient to establish one in the city of Omaha. I withdraw the pro forma amendment.

Mr. MANN. Mr. Chairman, I renew the motion. Will the gentleman in charge of the bill undertake to say that it is the purpose of the General Government to establish seed laboratories for the purpose of determining the grade and quality of all the grain that is to be used in the market? Are we to have a warehouse-inspection service in Omaha and St. Louis and St. Paul and Minneapolis and Chicago and everywhere else at the expense of the General Government?

Mr. WADSWORTH. If the gentleman would read the para-

graph he will see just what powers are granted to the Sec-

Mr. MANN. Oh, the powers granted to the Secretary of Agriculture would authorize him, if he could have the money, to establish a seed laboratory in every city in the Union. The only limitation is the money now. Is it the purpose, is my question?

Mr. WADSWORTH. Of course it is not the purpose to establish them ad libitum all over the country in every hamlet and

village. The gentleman should not ask such a question as that.

Mr. MANN. The grain-inspection service at Chicago alone and Omaha alone amounts to a great deal more than the appropriation here.

Mr. WADSWORTH. It is:

Mr. WADSWORTH. It is:

To enable the Secretary of Agriculture to establish, at such points as he may deem expedient, laboratories for the purpose of examining and reporting upon the nature, quality, and condition of any sample, parcel, or consignment of seed or grain, including rent and the employment of labor in the city of Washington and elsewhere, \$15,000, or so much thereof as may be necessary; and the Secretary of Agriculture is authorized to report upon such samples, parcels, or consignments from time to time, and the reports so made shall serve as a basis for the fixing of definite grades and for the issuance of certificates of inspection when requested by the consignor or consignee of any grain entering into interstate or foreign commerce.

Mr. MANN That is exactly what I am trying to find out

Mr. MANN. That is exactly what I am trying to find out. The power conferred there is a power to grade grain which is now contained in the local States.

Mr. WADSWORTH. On request.

Mr. MANN. That is the way it is all done. All grain that comes in the great grain centers is graded and sold by sample and then put in the warehouses there. It is graded and sold and shipped by grades. Now, is it proposed by the Committee on Agriculture to provide as an opening wedge here that the General Government proposes to do the grading of grain, which will cost millions of dollars? That is the authority conferred by this proposition.

Mr. WADSWORTH. Let me send to the desk and have read

what the Secretary of Agriculture says upon that subject.

The CHAIRMAN. The gentleman from New York asks consent to send to the Clerk's desk and have read the following. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

# GRAIN STANDARDIZATION.

From time to time during the past five years demands have been made upon the Department for aid in the grading and handling of grain. It has been fully recognized that this is a matter which demands most careful investigation, as both our home and foreign markets are involved. Grain grading as now practiced by the various State and other organized bodies has not been satisfactory, chiefly on account of the lack of uniformity. The Department has consistently

held the ground that some system of standardization is absolutely necessary as a first step toward securing uniform methods of grain grading. With a view to eventually bringing about this standardization, Congress at its last session authorized the establishment of laboratories for the purpose of examining and reporting upon the nature, quality, and condition of any sample, parcel, or consignment of seed or grain entering into interstate or foreign commerce. After a careful study of the situation two laboratories, all the funds at hand would permit, have been established—one at Baltimore, Md., the other at New Orleans, La. At both places the Department has received the cordial coperation of the chambers of commerce, and is now about to enter upon the regular duties connected with the laboratories.

It will be the object of these laboratories to make a thorough study of present systems of grain grading with a view to reaching, if practicable, conclusions which will make standardization possible. It is recognized that much preliminary work must be done, and, furthermore, that special apparatus will have to be devised for quickly determining the moisture content of grain, and for conducting other observations and investigations. A moisture-determining apparatus has already been devised and is now in use at our laboratories. It is believed that improvements can be made in these devices and the Department's officers are already at work on this problem.

Recognizing the need for the closest relations with the grain trade, the Department has secured the services of an expert in grain grading, whose long experience should be of the greatest value in working out the many problems which must necessarily be connected with this important line of work.

Mr. KENNEDY of Nebraska. Mr. Chairman, I would like

Mr. KENNEDY of Nebraska. Mr. Chairman, I would like to ask the gentleman from Illinois a question, with the consent of the gentleman from New York.

Mr. WADSWORTH. Very well; just for a question.

Mr. KENNEDY of Nebraska. I would like to ask the gentle-man from Illinois if he objects to the establishment of one of

these points at Chicago?

Mr. MANN. Why I object, Mr. Chairman, to having the General Government enter upon a policy of having all the grain grading done by the General Government without knowing that is the policy

Mr. KENNEDY of Nebraska. Then you object to establish-

ing one of these points in the city of Chicago?

Mr. MANN. They will not establish one in Chicago at my request, I will say to the gentleman.

Mr. SOUTHARD. I think there is one already established

in Chicago.

Mr. MANN. There may be, but if one even should be established it would be established at one of the greatest grain centers in the world, but I do not ask for it, and the Chicago people are not asking for it, I will say to the gentleman. have now an almost perfect system of grading grain, which I commend to the gentleman from Omaha, because if they would grade grain at Omaha as they do at Chicago they would have far better success in handling good grain.

Mr. KENNEDY of Nebraska. I will ask the gentleman from Illinois another question. Then you are perfectly satisfied with the inspection you have in Chicago, and should this provision remain in the bill you do not want one of these points estab-

lished in Chicago?

Well, the gentleman has not asked me another Mr. MANN. question. He is asking me the same question over again, and I have answered it.

Mr. KENNEDY of Nebraska. Then the gentleman is satisfied that the inspection now had in the city of Chicago is sufficient?

Mr. MANN. I am satisfied it is sufficient.
Mr. KENNEDY of Nebraska. Now, I will say to the gentleman from Illinois that we are so anxious to establish a high standard of grading grain in the city of Omaha that we want the Government to establish one of these points in that city.

Mr. MANN. What the gentleman wants is to have the General Government do it and pay for it, instead of the local gov-

ernment, and in our case we are willing to pay the expense.

Mr. WADSWORTH. Now, I hold in my hand the Daily
Consular and Trade Reports, bearing specifically on this subconsular and Trade Reports, bearing specifically on this subject, dated January 25. I can only read the headings. "Grain trade complaints;" "Germany—European dealers uniting against American practices;" "United States alone to blame;" "Coercive measures threatened;" "France—Faulty American grain-inspection methods;" "Strenuous objections"—that is, to our methods; "Variances at shipping ports"—that measures that grain coming if you please from Norfolk is graded dis that grain coming, if you please, from Norfolk is graded dif-ferently from grain coming from New York.

And it goes on. In Spain it is the same way. They com-

plain of the receipts of grain there not coming up to the stand-

ards and suggest this simple remedy:

## SIMPLE REMEDY PROPOSED.

The remedy sought is so easy of application and the demand for its application is so entirely reasonable that to the importer protracted resistance is incomprehensible. The proper remedy may be applied either by the American Government or by the cooperation of American trade bodies. The starting point of the reform would be, naturally, the establishment of standard descriptions by law. This done, if the Government were charged with the issuance of inspection certificates, the service would be removed from local influences, and the so-called "official American certificates" would be rehabilitated. If this very

rational proposition be objected to, the surest means of effectively combating it would be the holding of a conference of American grain-inspecting bodies for the adoption of grain standards and for the adoption of ways and means of drawing standard samples, to be deposited in American consulates at great European ports, or to be issued upon demand to importers, and to provide for a board of inspectors, the members thereof to be transferred at intervals and liberated from every form of local pressure.

Mr. TAWNEY. I want to ask the gentleman a question?
The CHAIRMAN. Does the gentleman from New York [Mr. Wadsworth] yield to the gentleman from Minnesota [Mr. TAWNEY 1?

Mr. WADSWORTH. Yes.

Mr. TAWNEY. As I understand it, this proposition the gen-

tleman claims is merely to establish standards of grain?

Mr. WADSWORTH. I should say, in collaboration with the

different local authorities.

Mr. TAWNEY. Now, if you have the standard established there is only one way to determine whether the grain sold measures up to that standard or not, and that is to have the grain inspected for the purpose of ascertaining that fact. Now, who is to make the inspection? If you are going to improve our market and get away from the coercive measures of the foreign country referred to in the consular report you read, who is to make the inspection of the grain that is shipped for the purpose of ascertaining whether or not it comes up to the standard fixed by the Agricultural Department?

Mr. WADSWORTH. I think eventually it will be done by the

Government.

Mr. TAWNEY. Eventually it will be done by the Government, and this is the entering wedge to that service. The State of Minnesota has to-day a most perfect wheat inspection, or grain inspection, service, and the standards of wheat inspected under that service are accepted everywhere and anywhere throughout the world.

Mr. MANN. Except Chicago.

Mr. TAWNEY. It is accepted at Chicago. [Laughter.] Mr. KENNEDY of Nebraska. And I wish to insert "e Omaha.'

Mr. GRONNA. Is the gentleman from Minnesota [Mr. Taw-NEY] aware of the fact that at Duluth the bankers of the State of North Dakota made an investigation and found that there were thousands of bushels of grain shipped out from the elevators at Duluth that are of higher grade than that at which it was bought?

Mr. TAWNEY. That may all be.
Mr. GRONNA. As a matter of fact, and I want to call the attention of this committee in connection with what the chairman of this committee has said, to the fact that Europe has discriminated against the wheat and against the other grain of the American farmer because he had no standard. [Cries of

Mr. TAWNEY. Mr. Chairman, if this service is to be extended to the inspection of all grains for export it means that it must be extended to the inspection by the Federal Government of all grains produced in the United States. When that service is established the inspection service which we now have in the Agricultural Department will be as nothing compared to the size of that inspection authorizing the United States to inspect the grains of the United States.

Mr. SOUTHARD. Mr. Chairman—
The CHAIRMAN. Does the gentleman from Minnesota [Mr.

TAWNEY] yield to the gentleman from Ohio?

Mr. TAWNEY. I yield.

Mr. SOUTHARD. Why is it necessary to extend that service any more than it would be to extend uniform weights and measures throughout the United States. I suppose that the gentleman knows that practically all the measures that we have in the United States now were established by Executive order simply or was established by the providing of uniform weights and measures to the different Government institutions that use weights and measures. Why is it not in the line of good government, in the line of what the Government ought to do, to establish standards for the inspection of grains, and when the dealers in grain, as they will, realize that standards have been established to which they may conform, it becomes then the in-terest of every man dealing in grain to conform to those standards.

Mr. TAWNEY. The gentleman has evidently never investigated the subject of the inspection of grain or he would not attempt to draw a parallel between that and a standard of weights and measures. If we fix a standard in wheat, say, by authority of law, the consumers of wheat in this country will not know whether that wheat measures up to the standard or not unless the wheat that is sold for consumption has the certificate of the Government official who has inspected the wheat for the purpose of determining whether it comes up to the stand-

ard fixed by the law or by the Department or not. Therefore I say that when you are embarking upon this service you are embarking upon a service the end of which you do not know and can not foresee.

Every State that is producing wheat to any great extent has its own inspection law. Minnesota has its State inspection law and has a large force of inspectors. That force of inspectors is under the railroad and warehouse commission of the State. is a regular force of men employed at the principal terminal points where wheat is received, and that wheat is inspected according to the standard fixed by the State of Minnesota, which standard, I say, is accepted at Omaha, Chicago, and all over the United States, and it is really the only reliable standard.

Mr. SOUTHARD. Is not the gentleman confusing the work of inspection with the work of providing standards for in-

spection?

Mr. TAWNEY. No; I am not. I understand the gentleman to say that this is to establish standards in grain. The necessary logical sequence of that is the establishment of an inspection service throughout the United States for the purpose of determining whether or not the grain that is produced and offered for sale measures up to the standard that is fixed. Now, you can not have one and have any benefit from it, unless you have the other and establish an inspection force.

Mr. SOUTHARD. Why any more inspection than weight? Mr. TAWNEY. Why, certainly, it seems to me if this provision is to extend as far as the gentleman from New York says it is, we ought to consider very seriously and very care-

fully before embarking upon this new service.

Mr. DAVIS of Minnesota. Mr. Chairman, I do not understand that the object of this provision is intended to go any further than fixing standards. I do not understand that it is contemplated by its provisions that after the standard is fixed that the Government of the United States should furnish at Government expense inspectors or men to gauge and inspect grain thereafter.

Mr. MANN. Will the gentleman yield for a question?

Mr. DAVIS of Minnesota. I will.

Mr. MANN. What is the meaning of that portion of the provision which says "and for the issuance of certificates of inspection when requested by the consignor or consignee;" and is that to be at the expense of the Government; and if not, what authority has the Government to receive money gratui-

tously?

Mr. DAVIS of Minnesota. I look upon that the same as I do all the provisions of the pure-food law, which the gentleman helped to enact, wherein and whereby the Secretary of Agriculture is authorized to and is now fixing standards. Will the gentleman say that after the standards under the pure-food law are fixed by the Secretary of Agriculture, that the Governnent is going to furnish inspectors at every point where every thing is sold in order to see that the provisions of the law are not contravened after the standard is fixed? Can not the States look after that; and in regard to grain, can not the States do as we are now doing in Minnesota by inspection, and make that conform to the standard? The small sum of \$15,000 that is appropriated in this bill is simply for establishing the grade of wheat in certain localities. For instance, No. 1 hard and No. 1 northern Minnesota and Dakota will have a definite grade and standard fixed under this bill, and certain winter and southern wheats will have certain grade thereafter.

Mr. DRISCOLL. Will the gentleman allow me to ask him a

question?

Mr. DAVIS of Minnesota. Certainly.

Mr. DRISCOLL. If you are just going to fix standards, why can not you do it at Washington, and why have these investigations at different parts of the country?

Mr. DAVIS of Minnesota. Because they do not raise wheat

in Washington.

Mr. DRISCOLL. But you can get your samples here. Mr. DAVIS of Minnesota. Oh, there will be, no doubt, a large

number of samples. The object of this provision is to establish laboratories at different points, where they will have a greater number of samples, and it will be more convenient.

Mr. MANN. Will the gentleman yield? Mr. DAVIS of Minnesota. Certainly.

Mr. MANN. I am quite in sympathy with the purpose of that part of the bill which provides for the fixing of standards; but I would like to see whether it is the purpose there to go into the business of issuing grain certificates, charging for them, and then taking the money and hiring men-to go into the business of keeping or issuing grain certificates, so that it becomes a policy of the Government to inspect all grain that is shipped in interstate commerce?

Mr. DAVIS of Minnesota. Mr. Chairman, I will say that if I

lived in a city like Chicago, that has become one of the small grain markets of the world at the present time, I would say that perhaps the \$15,000 appropriated by this provision would be sufficient to inspect the grain received there.

Mr. MANN. The gentleman in that respect, as in some others, displays his lack of knowledge.

Mr. DAVIS of Minnesota. Perhaps so. But I wish to say this, that the gentleman from Illinois is apparently living in the past. There was a time when Chicago was considered a great grain market in fact. To-day it is the greatest grain market upon the board of trade, where they deal in options; but if he will examine the daily reports for the last two years, this present year and three years ago, he will discover that the daily receipts of grain at the city of Chicago run from twenty-five to fifty and sometimes seventy-five or a hundred carloads a day. If he goes to Duluth he will find that during the same time they receive from 500 to 1,000 carloads a day. If he goes to the city of Minneapolis he will find the same thing. He will find, furthermore, that for the last year or two Duluth receives more flax daily than Chicago receives wheat. Chicago used to be a city in the wheat line, but now it has become truly the Windy City in the option line. [Laughter.] I will say, furthermore, that the wheat that goes to Chicago is piled up in a few terminal elevators for the purpose of influencing the board of trade market. It is used by Mr. Armour, with his immense elevators there, to control the price of wheat upon the board of trade. The wheat that goes to Minneapolis is not received there for any such purpose, and they receive sometimes as high as a million bushels a day, but it is ground into flour and then shipped to feed the denizens of Chicago. The wheat that is received at Duluth, that which is not ground into flour, is shipped by way of the Lakes to Buffalo and from thence to New York and across the ocean. Those are the wheat markets of the world at the present time. I will say, however, that Omaha more than doubles Chicago, receives almost 5 bushels of wheat to 1 bushel received in Chicago. [Laughter.]

At the same time, the State of Minnesota expends almost

\$15,000 monthly to inspect its own wheat. But there is a diversity of opinion as to what the proper standard is, and this proposition in this bill is for the purpose of establishing laboratories at St. Paul, Duluth, Omaha, and possibly a good one at Chicago, or some other little actual cash wheat market like that, for the purpose of fixing a standard of the wheat that gravitates toward that center. That is what it is for; not for inspection after the

standard is fixed. [Laughter and applause.]
Mr. MANN. Mr. Chairman—

The CHAIRMAN. Debate upon this paragraph has been ex-

Mr. MANN. Mr. Chairman, I move to strike out the last word. The CHAIRMAN. That is the pending motion.

Mr. MANN. Then I move to strike out the last two words.

The CHAIRMAN. That can only be done by unanimous con-

I will not ask unanimous consent.

Mr. TAWNEY. Mr. Chairman, I want to offer an amendment to strike out the words "including rent and the employment of labor in the city of Washington."

Mr. MANN. The Chairman has just ruled that an amendment

is not in order.

The CHAIRMAN. The gentleman from Minnesota offers an

amendment which the Clerk will report.

Mr. MANN. If the gentleman's amendment is in order, why was not my amendment in order? Have I not as much right as the gentleman from Minnesota to offer an amendment? what the

The CHAIRMAN. The Chair wishes to know amendment of the gentleman from Minnesota is.

Mr. MANN. I beg the Chair to listen to my amendment be-

fore ruling it out.

The CHAIRMAN. The Chair will hear the gentleman, gladly. Mr. MANN. I moved an amendment to strike out the last two words of the paragraph, and the Chair ruled that it was not in

The CHAIRMAN. The Chair desired to know what the amendment offered by the gentleman from Minnesota was in order to determine whether it had precedence over the motion made by the gentleman from Illinois. The Chair, having ascertained by an inspection of the amendment what the amendment offered by the gentleman from Minnesota is, now holds that the motion of the gentleman from Illinois must be disposed The motion of the gentleman from Illinois is to strike out the last two words.

Mr. MANN. Is debate in order upon either motion?

The CHAIRMAN. Before the amendment of the gentleman can be disposed of the pending motion must be disposed of, which is to strike out the last word. That was made by the

gentleman from Illinois. Does the gentleman from Illinois withdraw it?

Mr. MANN. The gentleman from Illinois did not make that motion.

The CHAIRMAN. The gentleman from Nebraska made the motion first, and the Chair thereupon announced that unless objection was heard the pro forma motion of the gentleman from Nebraska would be considered as withdrawn. Thereupon the gentleman from Illinois rose and said he renewed the motion.

Mr. MANN. I think the Chair is right.

The CHAIRMAN. Does the gentleman from Illinois withdraw the motion?

Mr. MANN. I do not withdraw the motion.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out the last word.

The question was taken; and the motion was lost.

The CHAIRMAN. The motion now is to strike out the last two words.

Mr. MANN. Mr. Chairman, I have no desire to detain the House by voting on an amendment of that sort. The Chair ruled that debate was exhausted on the paragraph, and if that be the ruling of the Chair, I have no desire to proceed.

The CHAIRMAN. The Chair intended to state that the time

for discussion upon the pending motion was exhausted, and the pending motion was to strike out the last word. Now the gen-

tleman from Illinois has the floor.

Mr. MANN. Mr. Chairman, I do not propose to enter upon any defense of the city of Chicago against the assault of my distinguished friend from Minnesota [Mr. Davis]. I am willing to appreciate the greatness of Minnesota as well as the greatness of her Representatives upon the floor of the House. willing to appreciate the greatness of Duluth, of St. Paul, and of Minneapolis. It is true, Mr. Chairman, that in the march of events the wheat production of the country has moved very largely away from the vicinity of Illinois, Iowa, Indiana, and Missouri up into the Northwest.

It is also true that it is now moving away from Minnesota up into the Canadian country. Fortunately, however, for the States which I have mentioned they had something to take the place of wheat, and instead of raising wheat they are now raising corn and cattle and other articles agricultural for the market. When the time comes that the wheat productiveness of the soil of Minnesota has passed I do not know what they will raise in Minnesota. They have not yet been able to find that corn will grow well there. I hope they will find something to raise that will do as well for the country as has wheat.

But, so far as the great market of Chicago is concerned, Chicago is the greatest grain market of the world. It receives more grain per year than is received in any other market in the world, and while it is true that there is some speculation on the Board of Trade at Chicago, it is also true that the real stuff shipped into that town is greater per year than anywhere else and that the market for grain is fixed in accordance with the real article.

It is also true that because of the rigid inspection in Chicago some people have shipped poor grain to other places. I believe that the inspection in the Minnesota towns is good, although it was said by the distinguished gentleman from North Dakota and frequently urged in another place, the inspection in Minnesota is calculated to deceive the farmer and is in the interest purely of the speculators. I have not believed those accusa-The gentleman would now have the General Government enter upon a scheme by which we would take away from the States all of the rights that they have over grain. Is it the position of the gentleman from Minhesota that the doctrine recently laid down, in a way, by the Secretary of State, that the power of the States was likely to be taken away from them by the General Government because the States do not properly exercise their functions? Is the gentleman from Minnesota prepared to say that the States are not properly inspecting grain? Is it the purpose of these gentlemen to have the General Government enter upon the plan of doing all the grain inspection for foreign and domestic commerce? The proposition in the bill is not merely to establish standards--nobody objects to that—but to permit the Department of Agriculture to inspect grain and issue cerificates of inspection-to whom? to a favorite, to a special person, or to everybody? Which is it to be? Is it to be merely the one whom the Secretary of Agriculture or some of his people may look upon favorably, or is everybody to be put on the same plane? The gentleman says it is not necessary; the authority is there.

Mr. COOPER of Wisconsin. Will the gentleman permit a

question?

Mr. MANN. Certainly.

Mr. COOPER of Wisconsin. Is not the language beginning

on line 22 susceptible of the construction put upon it by the gentleman from Minnesota [Mr. Davis]? I call the attention of the gentleman from Illinois to this language in line 24 and

The reports so made shall serve as a basis for the fixing of definite grades and for the issuance of certificates of inspection, etc.

Why could not, as suggested by the gentleman from Minnesota [Mr. Davis], this report of the Secretary of Agriculture be used as a basis for the fixing of the grades and for the issuing

of certificates by these local people?

Mr. MANN. I have no doubt, I may say to the gentleman, that that will be the effect. I think that is what the Secretary wants to do, but what the gentlemen are defending on the floor is the provision of the bill which probably will not be put into operation, and which if put into operation would take away from the States absolutely the present control they have over grain and turn it over to the General Government.

Mr. COOPER of Wisconsin. In reply to that suggestion, it seems to me that any fair construction of that language must coincide with the interpretation put upon it by the gentleman from Minnesota [Mr. Davis]. The report of the Secretary of Agriculture is to be simply the basis for the issuance of certificates by the local authorities.

Mr. MANN. I think the gentleman has not read the paragraph through. If he will read the last three lines of the paragraph, he will change his opinion.

Mr. COOPER of Wisconsin. Oh, no; not at all.

Mr. MANN. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. TAWNEY. Mr. Chairman, I now call up the amendment

which I have offered.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 34, line 19, beginning with the word "including," strike out the words "including rent and the employment of labor in the city of Washington."

Mr. TAWNEY. Mr. Chairman, my purpose in offering this amendment is this: This provision authorizes the employment of personal services here in the city of Washington in the Department of Agriculture out of a lump-sum appropriation, which is in direct violation of the act of 1882 and in violation also and opposed to the policy of Congress ever since that time. There are not to-day any personal services performed in the city of Washington and compensated out of lump-sum appropriations. I observe that in several instances in this bill this act of 1882 and the policy of Congress were entirely disregarded, and the Agricultural Department is given lump-sum appropriations for the employment of personal services here in Washington, which, I think, Congress ought not to approve. I do not think the House ought to approve any change whatever in the policy which has

heretofore obtained and which the law expressly provides for.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Minnesota.

Mr. WADSWORTH. Mr. Chairman, I have no objection to

that going out. I think it is immaterial.

Mr. CRUMPACKER. Mr. Chairman, with only that language which the gentleman indicated going out, I think it would make very bad connection in the bill. Take the provision included in the gentleman's motion, beginning with the word "including," in line 19, and going to and including the word "Washington," in line 20. It would read then "or consignment of seed or grain and elsewhere," so that I think he had better incorporate in his amendment to strike out the words "and elsewhere.

Mr. TAWNEY. I will include those words "and elsewhere."

The CHAIRMAN. Without objection, the amendment will be amended so as to include the words indicated. The question is on agreeing to the amendment.

Mr. WADSWORTH. Mr. Chairman, I have no objection.

The question was taken; and the amendment was agreed to. Mr. WADSWORTH. Mr. Chairman, has that paragraph been passed?

The CHAIRMAN. Yes; unless somebody else has an amendment to offer.

Mr. WADSWORTH. Then I desire to move that the com-

mittee do now rise.

Mr. TAWNEY. I desire to offer another amendment. I desire to move to have stricken out all after the word "grades," in line 25, page 34, down to and including the end of the

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 34, line 25, strike out, after the word "grades," the words "and for the issuance of certificates of inspection when requested by the consignor or the consignee of any grain entering into interstate or foreign commerce.

The CHAIRMAN. The question is on agreeing to the amend-

The question was taken; and the amendment was agreed to. Mr. SCOTT. Mr. Chairman, I would like to ask the gentleman from Minnesota [Mr. TAWNEY] if he does not think that

he has stricken out more than is necessary?

Mr. TAWNEY. No; I do not. I want to strike out all that which authorized the issue of certificates upon the request of the

consignor or consignee.

Mr. SCOTT. That is what I understood the gentleman to say, but does not the gentleman think that if he would leave in the last line of the paragraph to the word "commerce," in the third line, it would be better?

Mr. TAWNEY. I will stop at "consignee," in line 2.
Mr. SCOTT. That was the suggestion I wished to make to the gentleman.

Mr. WADSWORTH. I supposed that was the original motion of the gentleman from Minnesota.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Beginning in line 25, page 24, after the word "grade," strike out "and for the issuance of certificates of inspection when requested by the consignor or consignee."

Mr. WADSWORTH. That is all right.

The amendment was agreed to.

Mr. WADSWORTH. Mr. Chairman, I move that the committee do now rise.

Mr. KENNEDY of Nebraska. Mr. Chairman, I wish to say

The CHAIRMAN. A motion to rise has precedence, unless withdrawn.

Mr. KENNEDY of Nebraska. Just a moment.

Mr. WADSWORTH. For what purpose does the gentleman desire to sit any longer?

Mr. KENNEDY of Nebraska. I would like to say a word about how this affects the West.

Mr. WADSWORTH. How long? Mr. KENNEDY of Nebraska. Tv

Two minutes.

Mr. WADSWORTH. I yield two minutes to the gentleman, Mr. Chairman.

Mr. KENNEDY of Nebraska. Mr. Chairman, the corn, wheat, and other grain raised in the State of Nebraska is at least equal to the grain raised in any part of the country. The grading of grain as now conducted in the city of Omaha is as honestly done as anywhere in the United States. I am heartily in favor of this paragraph. The object which is sought to be attained is perfectly clear, and that is the establishment of uniformity in the grades. The extracts read here to-day from the consular reports show that some questions have arisen with reference to grades of grain generally, and I fear, Mr. Chairman, that these questions have arisen in regard to grain shipped from Chicago as well as from other points, and that these questions have arisen as to wheat shipped from Minnesota as well as from other points. What we want in the West, and the West is gradually becoming the great grain center, is to have an honest and uniform grade established and maintained, so that we may have the full benefit of the excellent quality of grain which we grow and handle-

Mr. GRONNA. May I ask the gentleman a question?
The CHAIRMAN. Does the gentleman yield?
Mr. KENNEDY of Nebraska. Yes.
Mr. GRONNA. Does not the gentleman from Nebraska believe that the only solution of this question is national inspection of grain?

Mr. KENNEDY of Nebraska. Mr. Chairman, I do not believe that there is any necessity at this time for a general national inspection of grain, but I do believe that this legislation is on the right line, and that it will be beneficial and ought to be sustained by this House.

Mr. WADSWORTH. Mr. Chairman, I move that the com-

mittee do now rise.

Mr. LAMB. Mr. Chairman, I hope the chairman of the committee will withdraw the motion.

Mr. WADSWORTH. And, Mr. Chairman, pending that motion, I yield to the gentleman from South Carolina [Mr. Lever] to ask unanimous consent.

Mr. LEVER. Mr. Chairman, in view of the statement made by the gentleman from Illinois on the subject of seed adulteration, I ask unanimous consent that these circulars of the Department of Agriculture may be printed in the RECORD.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none. The circulars are as follows:

[United States Department of Agriculture, Office of the Secretary.—Circular No. 12.]

ADULTERATION OF ALFALFA SEED.

The act of Congress making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1905, contains the following item:

"The Secretary of Agriculture is hereby directed to obtain in the open market samples of seeds of grass, clover, or alfalfa, test the same, and if any such seeds are found to be adulterated or misbranded, or any seeds of Canada blue grass (Poa compressa) are obtained under any other name than Canada blue grass or Poa compressa, to publish the results of the tests, together with the names of the persons by whom the seeds were offered for sale."

Under date of May 25, 1904, a circular letter announcing that the collection and testing of seeds, as directed by this act, would begin July 1, 1904, was sent to the seedsmen of the United States whose names appear in the 1904 edition of "The American Florist Company's Directory of Florists, Nurserymen, and Seedsmen of the United States and Canada," and to wholesale seedsmen whose names are not included in that directory. A copy of the circular sent to the Florists' Exchange was published by that journal in its issue of June 18, 1904.

In carrying out the provisions of the act quoted above, in so far as it relates to alfalfa, offerings for sale were solicited through agents of this Department from 742 seedsmen. Upon examination of the samples of alfalfa seed obtained in the open market as a result of these negotiations 23 lots were found to be adulterated, as shown in the following table:

Results of tests of samples obtained in the open market as alfalfa seed and found to be adulterated.

Seed offered for sale as alfalfa by—		Seeds used as adulterants.		
Address.	Bur clover.	Yellow trefoil.	Total adul- terants	
N. Y.	Per et.	Per ct. 43.8	Per ct. 43.8	
		41. 64 30. 22	41. 64 34. 28	
65-69 Ellicott street, Buffalo,		10. 4 40. 46	10.4 44.44	
do	3.6	38.86	42.46 36.86	
1 Water street, New York, N. Y.		34.34	34.34	
13 South Phelps street, Youngs-		35. 62	10.7 35.62	
7 and 9 Upper First street,	3.82	39.78 39.82	39, 78 43, 64	
do	3.44	32, 42	35, 86	
do	4.38	41.74	46.12	
	2.92	36.3	39. 22	
do	2.88		27.32	
			38.12 34.6	
	Address.  13-17 Buffalo street, Lockport, N. Y. do. 217 Warren street, Syracuse, N. Y. do. 65-69 Ellicott street, Buffalo, N. Y. do. do. 1 Water street, New York, N. Y. 213 South Phelps street, Youngstown, Ohio. do. 7 and 9 Upper First street, Evansville, Ind. do. do. do. do. do. do.	Address. Bur clover.  13-17 Buffalo street, Lockport, N. Y	Address. Bur clover. trefoil.    13-17 Buffalo street, Lockport, N. Y	

Results of tests of samples obtained in the open market as alfalfa seed and found to be adulterated—Continued.

Seed offered for sale as alfalfa by—		Seeds used as adulterants.		
Name.	Address.	Bur clover.	Yellow trefoil.	Total adul- terants.
Teweles & Co., L	113-119 Clybourn street, Milwaukee, Wis.	Per et. 11.34	Per ct.	Per ct. 11.34
Young & Halstead Do Do	Foot of Grand street, Troy, N.Y.	5. 06 5. 66 6. 74 5. 85	17. 02 17. 44 15. 22 16. 625	22. 08 23. 1 21. 96 22. 475

The Department takes this occasion to 'call attention again to its offer, repeatedly made in official publications, in circulars sent to seedsmen, and in announcements through the agricultural press, to test and report upon samples of seeds sent for that purpose by any farmer or seedsman.

James Wilson, Secretary.

Washington, D. C., December 29, 1904.

[United States Department of Agriculture, Office of the Secretary.—Circular No. 14.]

cular No. 14.]

ADULTERATION OF ALFALFA AND RED CLOVER SEED.

Seeds of alfalfa and red clover have been obtained and tested in accordance with the following paragraph contained in the act of Congress making appropriations for the Department of Agriculture:

"The Secretary of Agriculture is hereby directed to obtain in the open market samples of seeds of grass, clover, or alfalfa, test the same, and if any such seeds are found to be adulterated or misbranded, or any seeds of Canada blue grass (Poa compressa) are obtained under any other name than Canada blue grass or Poa compressa, to publish the results of the tests, together with the names of the persons by whom the seeds were offered for sale."

In carrying out the provisions of this act, 1,272 seedsmen were asked by special agents of this Department for samples of red clover and alfalfa seed, as offered for sale by them. From these seedsmen, 658 samples were obtained and examined. As a result, the following lots were purchased in the open market and found to be adulterated. In accordance with the mandatory nature of the act quoted above, publication is here made of the names and addresses of the seedsmen who sold the lots found to be adulterated, together with the percentages of adulteration in each lot.

Results of tests of samples bought in the open market as red clover seed.

Results of tests of samples bought in the open market as red clover seed and found to be adulterated.

Seed sold as red clover by—		Seeds used a adulterants	
Name.	Address.	Yellow trefoil.	Total adul- terants.
Rawson & Co., W. W	12 and 13 Faneuil Hall square, Boston,	Per ct. 10.55	Per ct. 10.55
Ross Bros Small & Co., W. H	90 and 92 Front street, Worcester, Mass 7 and 9 Upper First street, Evansville, Ind.	26. 85 14. 08	26. 85 14. 08

Results of tests of samples bought in the open market as alfalfa seed and found to be adulterated.

Seed sold as alfalfa by—		Seeds used as adulterants.						
Name.	Address.	Sweet clover.	Bur clover.	Yellow trefoil.	Total adul- terants.			
Barrett Co., The W. E	1521 Fifteenth street, Denver, Colo		16.86 5.02	3. 47 16. 86 5. 02	3. 47 16. 86 5. 02	3. 47 16. 86 5. 02	3. 47 16. 86 5. 02 39. 48	Per cent. 36.33 16.86 44.56
Dallwig, W. E. Everitt, J. A. Do. Gregory & Son, James J. H. Grossman, W.	227 West Washington street, Indianapolis, Inddo		3. 90 3. 00	38, 43 39 58 1, 25	5,7 42,7 43,4 3,0 1,2			
Hamilton Bros Huntington & Page Kirchner, Jacob F McMillan Seed Co., L. D	Cedar Rapids, Iowa. 130 East Market street, Indianapolis, Ind. 156 North Street, Pittsfield, Mass. 23 South Broad street Atlanta, Ga	9, 52	5.49 3.37	88.54	5.4 41.9 9.6			
Martin, B. E. May & Co., L. L. National Seed Co. Platt Co., The Frank S	Main and Walnut streets, Salem, Ill. 381 and 383 Minnesota street, St. Paul, Minn 101 West Main street, Louisville, Ky. 374 and 376 State street, New Haven, Conn.		16,53 5,88	6.98	6.9 31.7 16.5 45.7			
tush Park Seed Cottd., J			2:57	. 63 31, 26	12.6 3.5 37.			

In order to aid seedsmen in avoiding the purchase of adulterated seeds, this Department will examine and report promptly as to the presence of adulterants in any samples of seed submitted for that purpose.

JAMES WILSON, Secretary of Agriculture.

[United States Department of Agriculture, Office of the Secretary—Circular No. 15.]

ADULTERATION OF KENTUCKY BLUE GRASS AND ORCHARD GRASS SEED.

Seeds of Kentucky blue grass and of orchard grass have been obtained and tested in accordance with the following paragraph contained in the act of Congress making appropriations for the Department of Agriculture:

"The Secretary of Agriculture is hereby directed to obtain in the open

market samples of seeds of grass, clover, or alfalfa, test the same, and if any such seeds are found to be adulterated or misbranded, or any seeds of Canada blue grass (Poa compressa) are obtained under any other name than Canada blue grass or Poa compressa, to publish the results of the tests, together with the names of the persons by whom the seeds were offered for sale."

In carrying out the provisions of this act 251 samples of seed of Kentucky blue grass and 265 samples of orchard grass were obtained in the open market and examined. Of these, 41 samples of seed of Kentucky blue grass were found to be adulterated with seed of Canada blue grass, while 133 samples of orchard grass seed were found to be adulterated, the seeds most commonly used as adulterants being English rye grass

and meadow fescue, the value of neither being more than one-third to one-half that of orchard grass seed. That the adulteration of orchard grass is very general is evidenced by the fact that samples containing adulterants were obtained from twenty-four States.

While Canada blue grass is imported into the United States in quantities varying from 600,000 to 700,000 pounds per annum, it is used only occasionally in this country, and it is evident that the bulk of the seed imported is sold as Kentucky blue grass.

In accordance with the provisions of the act of Congress quoted, publication is here made of the names and addresses of the seedsmen who sold the lots found to be adulterated, together with the percentages of adulteration in each lot.

Results of tests of samples of seed obtained in the open market as Kentucky blue-grass seed and found to be adulterated.

Seed sold as Kentucky blue grass by—		Quantity examined.	Seeds used as adulter ants.	
Name.	Address.	Quantity examined.	Canada blue grass.	Total adulterants.
Frank H. Battles Brewster, Crittenden & Co Do. Do. A. C. Brown M. F. Crissman Do. Curry-Arrington Co Do. Zach Davis Co Do. Do. Do. J. A. Everitt Do. Godden Co., Amzi Griswold Seed Co Do. Joseph Harris Co Do. Arthur G. Lee & Bro Do. Leonard Seed Co Do. M. G. Madson Seed Co Plant Seed Co Do. Marrin C. Ribsam Ross Bros Do. Martin C. Ribsam Ross Bros Do. Schisler-Corneli Seed Co Do. Schisler-Corneli Seed Co Do. Schisler-Corneli Seed Co Do. A Tilton & Son Do. Le Wheeler	28 Selye Terrace, Rochester, N. Y. 44 N. St. Paul street, Rochester, N. Ydodo 217 S. Fifth street, Springfield, Ill Manchester, Ohiodo	Seed bought in bulk Mail sample  do Seed bought in bulk Mail sample Seed bought in bulk Mail sample  do Seed bought in bulk Mail sample Seed bought in bulk	Per cent. 19. 32 23. 77 24. 08 28. 85 30. 65 21. 49 21. 54 22. 77 42. 23 25. 48 21. 62 29. 3 25. 1 50. 03 35. 99 32. 5 47. 55 42 46. 19 47 48. 55 47 48 48 48 48 49 49 49 49 49 49 49 49 49 49 49 49 49	Per cent.  19.3 23.7 24.0 28.3 30.6 21.4 21.5 27.7 23.2 25.4 21.0 26.6 27.4 21.0 25.1 25.1 25.1 25.1 25.1 25.1 25.1 25.1

a 17.56 per cent redtop. b 8.17 per cent timothy, c 4.2 per cent timothy.

d 45.4 per cent redtop.
e 4.1 per cent timothy; 2.9 per cent redtop.

Results of tests of samples of seed obtained in the open market as orchard grass seed and found to be adulterated.

Seed sold as orchard grass by—				ed as adulter- ants.	
Name.	Address,	Quantity examined.	Meadow fescue and rye grass.	Total adulter- ants.	
T. Lee Adams Do	do 417 Walnut street, Kansas City, Modo Augusta, Ga	Seed bought in bulk Mail sample Seed bought in bulk	18.8 10.78 13.2 26.7 29.68 22.25 24.3 51.15 37.4	Per cent. 23.93 18.8 10.77 13.2 26.7 29.66 a 38.56 b 27.4 51.11 c 43.56 d 19.7 26.56 c 33.37 f 29.33 21.66	
Do. F. W. Bolgiano & Co. Do. C. S. Brent Do. Do. Brewster, Crittenden & Co. Do. A. C. Brown	do 935 B street, Washington, D.C.	Seed bought in bulk Mail sample Seed bought in bulk Mail sample do Seed bought in bulk Mail sample	19. 4 25. 4 25. 8 26. 62 29. 79 2. 45 31. 65 39. 71 18. 4	21. 05 19. 4 25. 4 25. 8 26. 65 29. 72 2. 45 32. 65 39. 71 18. 4	

<sup>\* 6.7</sup> per cent other fescue grasses; 6.8 per cent bromus; 2.8 per cent de 19.7 per cent other fescue grasses.

\*\*olinia.\*\*

Results of tests of samples of seed obtained in the open market as orchard grass seed and found to be adulterated-Continued.

· Seed sold	l as orchard grass by—		Seeds used as adu	
Name,	Name, Address. Quantity examined.		Meadow fescue and rye grass.	Tota adulte ants
ohn J. Buffington & Co	104 South Charles street, Baltimore, Md	Mail sample	Per cent. 9:19	Per ce
DoV. Burrell	do	Seed bought in bulk		b;
Do	dodo	Seed bought in bulk	25, 26 55, 85	- 0
Do	Charleston, W. Va	Mail sample	40.45	
Doesmore-Eastlake Mercantile Co	do	Mail sample	43.75 6.75	d
Do W. Clark & Sons	do 59 Seneca street, Buffalo, N. Y	Seed bought in bulk	12.75 26,5	e
Do	Binghamton, N. Y.	Seed bought in bulk	26.15	1
Do	do	Seed bought in bulk	26. 4 23. 4	
F. Crissman	Manchester, Ohio	Mail sample Seed bought in bulk	44.5 49.95	7
sman Bros	Rochester, N. Y	Mail sample	19.86	
Dory-Arrington Co	do	Seed bought in bulk	16.21 36.3	Man.
Ďoh Davis Co	do	Mail sample Seed bought in bulk Mail sample	37.45	f
Do	do		19.74 19.62	13
Doward P. Dibble	do Honeoye Falls, N. Y	Seed bought in bulk Mail sample	19.55 15.36	
ber Seed Co	St. Joseph Mo.	OD	35.8	3
Do	do Indianapolis, Ind	Mail sample	10.7 11.4	
Do	do	dodo	13.86	1167
Dolden Co., Amzi	Birmingham, Ala	Mail sample	6.25 25.3	100
Do nes J. H. Gregory & Son	do Marblehead, Mass	Seed bought in bulk	24.2 21.11	SILVE
Domon & Harris Co	do Exchange and Federal streets, Portland, Me	Seed bought in bulk	20.85	
mon & Harris Co	Exchange and Federal streets, Portland, Me	Mail sample	21. 25 20. 25	
Domes Seed Co	do Harrisburg, Pa	Mail sample	42.78	
Do	Rrattlehoro Vt	Mail sample	46. 15 21. 2	341
Don Hubbard & Co	do	Seed bought in bulk	18, 36 24, 35	- 100
Do	do	Mail sample Seed bought in bulk	26.05	im to 3
n D. Imlay	dodo	Mail sample Seed bought in bulk	20. 28 19. 65	0
a Seed Co	613 Locust street, Des Moines, Iowa	Mail sample	18.89	1 1 - 1
f. Isbell & Co Doton T. Jones	Jackson, Michdo	Seed bought in bulk	22: 85 28: 94	
ton T. Jones	do 14 Liberty street, Utica, N. Y.	Mail sample	39.55 41.43	
Dodall & Whitney Co	do Federal and Temple streets, Portland, Me	Mail sample	26.2	
Doy Seed & Fuel Co	do Noblesville, Ind	Mail sample	1.29 50.6	
Donard Seed Co	do	Seed bought in bulk	50	5710
Do	do	Seed bought in bulk	27.21 24.5	
ingston Seed Co	Columbus, Ohio	Mail sample	19.76 25	lexin.
Do	do 216 Walnut street, Cincinnati, Ohio	Mail sample	21.75	
Do	do Binghamton, N. Y	Mail sample	3.1 44.48	n
Do	do	Seed bought in bulk	48.7	h
Do	do	Seed bought in bulk	73.65 9.9	
s. Meherin	d0	Seed bought in bulk	35.05 1.1	
rry F. Michell Co	1018 Market street, Philadelphia, Pa	Mail sample	37.35	1
3. Mingle & Co	103 Market street, Philadelphia, Pa	Mail sample	34.6 26	j
Dosouri Seed Co		Seed bought in bulk	28.45 13.4	
souri Seed Coter Mott Seed and Bulb Co	Jamestown, N. Y	do	44.4	
Dorray's seed store	420 South Adams street, Peoria, Ill	Mail sample	42, 2 18, 25	
Doional Seed Company	do	Seed bought in bulk	19.82	
Doahoma seed house (Barteldes & Co.)	Oklahoma City, Okla	Seed bought in bulk	26, 68 3, 55	
ahoma seed house (Barteldes & Co.) Do,	do	Seed hought in bulk	18.75 13.58	12-13
. Olds Seed Companyrge H. Price	Clinton, Wis. 511 Broadway, Albany, N. Y.	Mail sample	98,55	= = 1
Do	do	Seed bought in bulk	43, 27 40, 45	
ekin's seed house Do		Mail sample Seed bought in bulk	12.26 15.29	k l
ert C. Reeves Co	187 Water street, New York, N. Y	Mail sample	7.45	771
tin C. Ribsam	Broad and Front streets, Trenton, N. J	Mail sample	6. 6 23. 68	n
Dos Brothers	do	Seed bought in bulk	12.54 32	0
Do G. Scarlett & Co	l do	Seed bought in bulk	31.97	17.8
n. E. Schaeffer	Lockport, N. Y	do	9.45 19.08	THE THE
Do	do	Seed bought in bulk	22.3	1 (0.11)
legel & Fottler Co	26 South Market street, Boston, Mass	do	0.0	p
D0	do	Seed bought in bulk	6.2	1 - 1

<sup>\*2.79</sup> per cent timothy,

\$9.59 per cent bromus.

\$8.15 per cent bromus.

\$9.99 per cent other fescue grasses; 3.35 per cent bromus.

\$6.1 per cent bromus; 3.75 per cent other fescue grasses.

\$1.55 per cent other fescue grasses.

\$2.45 per cent Kentucky blue grass.

\$16.05 per cent chess.

<sup>\* 17.65</sup> per cent molinia.

\* 16.05 per cent molinia.

\* 21.44 per cent other fescue grasses.

\* 17.24 per cent other fescue grasses.

\* 22.6 per cent other fescue grasses.

\* 30.9 per cent other fescue grasses.

\* 6.7 per cent bromus; 22.17 per cent other fescue grasses.

\* 14.2 per cent other fescue grasses.

Results of tests of samples of seed obtained in the open market as orchard grass seed and found to be adulterated—Continued.

Seed sold as orchard grass by—			Seeds used as a terants.	
Name.	Address.	Quantity examined.	Meadow fescue and rye grass.	Total adulter- ants.
Vogeler Seed and Produce Co	do Helena, Montdo 9 Chatham Row, Boston, Massdo Painesville, Ohiodo Salt Lake City, Utahdo Chamber of Commerce Building, Buffalo. N. Ydo Church street and Terrace, Buffalo, N. Ydo Augusta, Ga	Mail sample Seed bought in bulk	Per cent. 9.39 10.85 42.45 40.25 32.8 9.04 12.35 18.8 51.95 39.38 37.85 23.13 24.2 29 28.6	Per cent. 9, 35 10, 88 42, 44 40, 22 45, 77 23, 3 9, 0 12, 33 18, 8 51, 9 39, 37, 8, 23, 11 24, 2 29 28, 6

a 12.88 per cent timothy.

In order that seedsmen, as well as farmers, may avoid the purchase of adulterated seeds, this Department will examine and report promptly as to the presence of adulterants in any samples of seed submitted for that purpose.

JAMES WILSON, Secretary of Agriculture.

WASHINGTON, D. C., February 7, 1906.

[United States Department of Agriculture, office of the Secretary—Circular No. 18.]

ADULTERATION OF RED CLOVER SEED.

Seed of red clover has been obtained and tested in accordance with the following paragraph contained in the act of Congress making appropriations for the Department of Agriculture:

"The Secretary of Agriculture is hereby directed to obtain in the open market samples of seeds of grass, clover, or alfalfa, test the same, and if any such seeds are found to be adulterated or misbranded, or any seeds of Canada blue grass (Poa compressa) are obtained under any other name than Canada blue grass or Poa compressa, to publish the results of the tests, together with the names of the persons by whom the seeds were offered for sale."

In carrying out the provisions of this act, 521 samples of seed of red clover were obtained in the open market and examined. Of these, 116 samples were found to contain seed of the destructive parasitic plant dodder, and five samples were found to be adulterated with seed of yellow trefoil.

Yellow trefoil is not used as a forage plant in the United States, but the seed is imported from Europe at about 5 cents per pound for use as an adulterant of red clover and alfalfa seed.

In accordance with the provisions of the act of Congress quoted, publication is here made of the names and addresses of the seedsmen who sold the lots found to be adulterated, together with the percentage of adulteration in each lot.

Results of tests of samples of seed obtained in the open market as red-

Results of tests of samples of seed obtained in the open market as red-clover seed and found to be adulterated.

Offered for sale as red clover by—		Yellow trefoil
Name.	Address.	used as adul- terant.
Ayer, O. F	Ulster, Pa Redfield, Conn. 61 Washington street, Paterson, N. J. 1 Water street, New York, N. Y. 6 Prescott street, Lowell, Mass.	Per cent. 27,74 52,64 45,39 30,72 18,29

In order that seedsmen as well as farmers may avoid the purchase of adulterated seeds, this Department will examine and report promptly as to the presence of adulterants and dodder in any samples of seed submitted for that purpose.

JAMES WILSON, Secretary of Agriculture.

WASHINGTON, D. C., May 19, 1906.

[United States Department of Agriculture, office of the Secretary—Circular No. 20.]

ADULTERATION OF ALFALFA SEED.

Seed of alfalfa has been obtained and tested in accordance with the following paragraph contained in the act of Congress making appropriations for the Department of Agriculture:

"The Secretary of Agriculture is hereby directed to obtain in the open market samples of seeds of grass, clover, or alfalfa, test the same, and if any such seeds are found to be adulterated or misbranded, or any seeds of Canada blue grass (Poa compressa) are obtained under any other name than Canada blue grass or Poa compressa, to publish the results of the tests, together with the names of the persons by whom the seeds were offered for sale."

In carrying out the provisions of this act 352 samples of seed of alfalfa were obtained in the open market and examined. Of these, 160, or nearly one-half of the samples, were found to contain seed of the destructive parasitic plant dodder; 9 samples were found to be adulterated with seed of yellow trefoil, and 9 samples adulterated with bur clover.

clover. Yellow trefoil is not used to any extent as a forage plant in the

United States, but the seed is imported from Europe at about 5 cents per pound for use as an adulterant of red clover and alfalfa seed. Although bur clover is cultivated in the Gulf States, the seed found mixed with that of alfalfa is not the commercial bur clover seed of this country, but a by-product secured in cleaning South American wool, and is imported from Germany in low-grade alfalfa seed.

In accordance with the provisions of the act of Congress quoted, publication is here made of the names and addresses of the seedsmen who offered for sale the lots found to be adulterated, together with the percentage of adulteration in each lot:

Results of tests of samples of seed obtained in the open market as alfalfa seed and found to be adulterated.

Seed offered for sale as alfalfa by—		Seeds	used as terants.	adul-
Name.	Address.	Yellow trefoil.	Bur clover.	Total adul- ter- ants.
T-m will page		Per et.	Per ct.	Per ct.
Barrett Co., The W. E	65-87 Canal street, Providence, R. I.	7.87		7.87
Caughey & Carran	620-624 Chamber of Commerce, Detroit, Mich.		8.79	8, 79
Flower & Co., S. W	Toledo, Ohio	3.75	3.90	7.65
Funk, J. J	Fremont, Nebr	10.54	1.31	11, 85
Gilbreath Seed Co., Wm. S.	368 South Meridian street, In- dianapolis, Ind.	5.53	6.96	12, 49
Do	do	38. 27	5.90	44.17
Huntington & Page	130 East Market street, Indian- apolis, Ind.	47.05	*******	47.05
Kunkel & Sons, Martin.	331 West Second street, Daven- port, Iowa.	35.75	4.11	29. 86
Providence Seed Co	6 Exchange place, Providence, R. I.	8.60	1,12	9.72
Ross Bros. Co	90-92 Front street, Worcester, Mass.	46.78	6,50	53. 28
Teweles & Co., L	113-119 Clybourn street, Milwaukee, Wis.		20.28	20.28

In order that seedsmen, as well as farmers, may avoid the purchase of adulterated seeds, this Department will examine and report promptly as to the presence of adulterants and dodder in any samples of seed submitted for that purpose.

Respectfully submitted.

B. T. GALLOWAY, Chief, Bureau of Plant Industry.

Approved:
JAMES WILSON,
Secretary of Agriculture. WASHINGTON, D. C., August 6, 1906.

Mr. LAMB. Mr. Chairman, I hope that we may be able to get through with the next paragraph in the bill before rising. Mr. WADSWORTH. Mr. Chairman, I move that the commit-

tee do now rise.

The question was taken; and the Chair announced that the

ayes seemed to have it.

Mr. LAMB, Mr. RUCKER, and several Members. Division!

The committee divided; and there were—ayes 52, noes 59. [Applause.]

Mr. WADSWORTH. Mr. Chairman, I demand tellers; and I desire to say there is no wish to take advantage of the absence of any Members; but it is Saturday afternoon and a quarter to 5 o'clock, and I think the attendance will be as full on Monday

The CHAIRMAN. Tellers are demanded. [After counting.] Tellers are ordered; and the gentleman from New York [Mr. Wadsworth] and the gentleman from Virginia [Mr. Lamb] will take their places as tellers.

The committee again divided; and the tellers reported-ayes 71, noes 69.

So the committee determined to rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Foster of Vermont, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24815, the agricultural appropriation bill, and had come to no resolution thereon.

#### LATE REPRESENTATIVE JOHN H, KETCHAM.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent for the adoption of the order which I send to the Clerk's desk.

The SPEAKER. The gentleman from New York asks unanimous consent to adopt the order which the Clerk will read. The Clerk read as follows:

Ordered, That Sunday, February 24, 1907, at the conclusion of the addresses on the life, character, and public services of Hon. H. C. Adams, shall be set apart for memorial addresses on the life, character, and public services of Hon. John H. KETCHAM, late a Representative from the Twenty-first Congressional district of the State of New York.

The SPEAKER. Is there objection?

There was no objection.

#### MILITARISM IN THE UNITED STATES.

Mr. SULLIVAN. Mr. Speaker, I ask unanimous consent for leave to print in the RECORD two protests against the growth of militarism by leading citizens of the United States.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to insert in the RECORD a protest by leading citizens of the United States against the growth of militarism in

the United States. Is there objection?

Mr. PAYNE. What is the request, Mr. Speaker?

The SPEAKER. The gentleman from Massachusetts [Mr. SULLIVAN] asks unanimous consent to print in the RECORD a protest from leading citizens of the United States against the growth of militarism.

Mr. PAYNE. Mr. Speaker, I object.

#### RIVER AND HARBOR APPROPRIATION BILL.

Mr. BURTON, from the Committee on Rivers and Harbors, reported the bill (H. R. 24991) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other puposes; which, together with the report thereon, was ordered to be printed, and referred to the Committee of the Whole House on the state of the Union.

Mr. MANN. Mr. Speaker, I wish to reserve all points of

order upon the bill.

The SPEAKER. There is no objection to the gentleman doing so if he desires, but the gentleman will notice that it has never been held-

Mr. MANN. It is reported in the House with a privileged

report. For that reason I reserve the points of order.

The SPEAKER. That is, the gentleman reserves the points of order as they are usually reserved on appropriation bills? It is not a point against the report of the committee?

Mr. MANN. Oh, no; not at all.

The SPEAKER. The gentleman freserves all points of order on the bill. The gentleman from Illinois [Mr. MANN]

## RETURN OF A BILL FROM THE PRESIDENT.

CAMPBELL of Kansas. Mr. Speaker, I send to the Clerk's desk a resolution, and ask unanimous consent for its present consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 16944) to amend section 878 of the Code of Law for the District of Columbia.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolu-

The question was taken; and the resolution was agreed to.

INTERNATIONAL SUNDAY SCHOOL ASSOCIATION OF AMERICA.

Mr. KEIFER. Mr. Speaker, I ask unanimous consent to call up for present consideration the bill S. 7034.

The SPEAKER. The gentleman from Ohio [Mr. Keifer] asks manimous consent for the present consideration of the bill S. 7034, of which the Clerk will read the title.

The Clerk read as follows:

To incorporate the International Sunday School Association of

The SPEAKER. Is there objection?

Mr. KEIFER. Objection was made to-day by the gentleman from Indiana [Mr. CRUMPACKER], and I have consented to two short amendments, which are now in the hands of the Clerk, and I ask for their adoption.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendments.

The Clerk read as follows:

After the word "real," in line 7, page 2, of the printed bill, amend by serting "estate not exceeding \$1,000,000 in the aggregate." At the end of the bill a new section as follows: "SEC. 9. The right to alter, amend, or repeal this act is reserved."

The amendments were agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. Keifer, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution

H. J. Res. 190. Joint resolution extending protection of second proviso of section 1 of the act of December 21, 1904, to certain

H. R. 23560. An act to authorize the construction of a bridge across the Columbia River between Benton and Franklin counties, in the State of Washington, by the North Coast Railroad

Company; and H. R. 23561. An act to authorize the construction of a bridge across the Columbia River between Walla Walla and Benton counties, in the State of Washington, by the North Coast Railroad Company.

#### LEAVE OF ABSENCE.

By unanimous consent, Mr. Kline obtained leave of absence for three days, on account of business

Mr. WADSWORTH. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 4 o'clock and 58 minutes p. m.) the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of Commerce and Labor, transmitting a statement of documents received and distributed during the year 1906-to the Committee on Printing, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation for temporary quarters for the post-office at Youngstown, Ohio—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Commissioner of Internal Revenue submitting an estimate of appropriation for salaries internal revenue—to the Committee of agents and officers on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for the arsenal at Augusta, Ga.to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Orrin L. Mann against The United States-to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Martha J. Bowen, widow of Edwin A. Bowen, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John Craig against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Whitman L. Orcutt against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary E. L. Callaway, widow of James E. Callaway, against The United States-to the Committee on War Claims, and ordered to be printed.

letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Omar H. Case against The United States-to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, trans-

mitting a copy of the findings filed by the court in the case of Margaret C. French, widow of Columbus C. French, against The United States-to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James W. Hanna against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Frank Crathorne against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James P. Barnett against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William H. Sparrow against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Harriet C. Begole, mother of William M. Begole, deceased, against The United States-to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Joseph C. Grissom against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Jay H. Neff, administrator of estate of Andrew J. Neff-to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Basil D. Mowery against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Eleazer Sarsons against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary J. Ely, widow of Benjamin F. Ely, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of David Skeeles against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Michael Trucks against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of estate of Austin B. Hawkins against The United States, dismissed by consent of parties-to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Robert Pruitt and others against The United States, dismissed for want of jurisdiction-to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of B. K. Coble and others against The United States, dismissed on motion of the Attorney-General-to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Calvin Watterson and others against The United States, dismissed for want of jurisdiction—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Jennie Coop and others against The United States, dismissed on stipulation of parties-to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a letter from the Commissioner of Indian Affairs, a draft of a bill to amend the act providing for allotment of lands in severalty to Indians-to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a

memorial of the national council of the Chickasaw Nation relative to the segregation of the coal lands of the Choctaw and Chickasaw nations-to the Committee on Indian Affairs, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PAYNE, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 7147) to amend section 2536 of the Revised Statutes, relative to assistant appraisers at the port of New York, and further defining their powers, duties, and compensation, reported the same without amendment, accompanied by a report (No. 6749); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 16011) to prohibit the shipment of gunpowder and other explosive or inflammable substances on railroads engaged in interstate commerce by deceptive marking, invoice, or shipping order, and providing penalties therefor, reported the same with amendment, accompanied by a report (No. 6746); which said bill and report were referred to the House Calendar.

Mr. SMITH of Kentucky, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 24747) providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit, reported the same without amendment, accompanied by a report (No. 6748); which said bill and report were referred to the House Calendar.

Mr. OLCOTT, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 6338) to amend section 2 of an act entitled "An act to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington," reported the same with amendment, accompanied by a report (No. 6750); which said bill and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bill of the following title was reported from committee, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. PRINCE, from the Committee on Military Affairs, which was referred the bill of the House (H. R. 8791) authorizing the Secretary of War to recognize William Mitchell, deceased, as having been a member of Company C, First Regiment Tennessee Volunteer Mounted Infantry, civil war, reported the same without amendment, accompanied by a report (No. 6747); which said bill and report were referred to the Private Calendar.

## ADVERSE REPORT.

Under clause 2, Rule XIII, adverse report was delivered to the Clerk, and laid on the table, as follows

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 3535) to authorize the President to appoint John E. Phelps, late colonel Second Arkansas Cavalry Volunteers, first lieutenant in the United States Army and place him on the retired list, reported the same adversely, accompanied by a report (No. 6751); which said bill and report were laid on the table.

### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows: By Mr. COUDREY: A bill (H. R. 24985) in relation to pensions—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 24986) debarring foreign insurance companies from using the United States mails and prescribing penalties therefor-to the Committee on the Post-Office and Post-Roads.

By Mr. BURKE of South Dakota: A bill (H. R. 24987) to authorize the sale and disposition of a portion of the surplus or unallotted lands in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect—to the Committee on Indian Affairs.

By Mr. BUCKMAN: A bill (H. R. 24988) to authorize the Pike Rapids Power Company, a Minnesota corporation, its successors or assigns, to construct a dam across the Mississippi River in Morrison County, Minn.—to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: A bill (H. R. 24989) to provide for the commutation for town-site purposes of homestead entries in certain portions of Oklahoma-to the Committee on

the Public Lands.

By Mr. BATES: A bill (H. R. 24990) amending the pension act approved March 2, 1903 (Public Act No. 134)-to the Com-

mittee on Invalid Pensions.

By Mr. BURTON of Ohio, from the Committee on Rivers and Harbors: A bill (H. R. 24991) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes-to the Union Calendar.

By Mr. BURLESON and Mr. LIVINGSTON: A resolution (H. Res. 795) requesting the Secretary of Commerce and Labor to investigate the causes of fluctuation in the price of cottonto the Committee on Interstate and Foreign Commerce.

By Mr. HEFLIN: A joint resolution (H. J. Res. 229) providing for the printing of 250,000 copies of the special report on the diseases of horses-to the Committee on Printing.

# PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as

By Mr. ACHESON: A bill (H. R. 24992) granting an increase of pension to John H. D. McGill, alias Harry Duncan—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 24993) granting an increase of pension to Cynthia E. Lane-to the Committee on Invalid Pensions.

Also, a bill (H. R. 24994) granting an increase of pension to

Joseph M. Chase—to the Committee on Invalid Pensions. By Mr. BATES: A bill (H. R. 24995) granting an increase of pension to Henry Sartorius-to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 24996) for the relief of N. C. Tankersley—to the Committee on War Claims.

By Mr. BOUTELL: A bill (H. R. 24997) granting an increase of pension to Homer W. Ayers—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 24998) granting an increase of pension to George W. Spray-to the Committee on Invalid

Also, a bill (H. R. 24999) granting an increase of pension to Anna M. Yates-to the Committee on Pensions.

Also, a bill (H. R. 25000) granting an increase of pension to Matthew Gormley—to the Committee on Invalid Pensions. By Mr. DICKSON of Illinois: A bill (H. R. 25001) granting

an increase of pension to Cenith D. Dodson-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25002) granting an increase of pension to James Fagan—to the Committee on Invalid Pensions.

By Mr. FOSTER of Indiana: A bill (H. R. 25003) granting an increase of pension to John A. Stephens-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25004) granting an increase of pension to James P. Noel—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 25005) granting a pension to Emeline H. Hardie—to the Committee on Invalid Pensions.

By Mr. FULKERSON: A bill (H. R. 25006) granting an increase of pension to James M. Bailey—to the Committee on Invalid Pensions.

By Mr. GILHAMS: A bill (H. R. 25007) granting an increase of pension to Samuel Eddy-to the Committee on Invalid Pen-

Also, a bill (H. R. 25008) granting an increase of pension to Henry A. Rice-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25009) granting an increase of pension to

Nehemiah Lounsbury-to the Committee on Invalid Pensions. By Mr. HUMPHREYS of Mississippi: A bill (H. R. granting a pension to Carter Monroe—to the Committee on Invalid Pensions.

By Mr. JOHNSON: A bill (H. R. 25011) granting a pension

to Azelia Mittag—to the Committee on Pensions, By Mr. JONES of Virginia: A bill (H. R. 25012) for the relief of the trustees of Lebanon Disciples Church, Warwick County,

Va.—to the Committee on War Claims.

By Mr. McGUIRE: A bill (H. R. 25013) granting to the regents of the University of Oklahoma section No. 36, in town-

ship No. 9 north, of range No. 3 west, of the Indian meridian, in Cleveland County, Okla .- to the Committee on the Territories

By Mr. MEYER: A bill (H. R. 25014) for the relief of William W. Handlin-to the Committee on the Judiciary.

Also, a bill (H. R. 25015) for the relief of the Citizens' Bank of Louisiana, in the city of New Orleans—to the Committee on

By Mr. POLLARD: A bill (H. R. 25016) granting an increase of pension to Frederick Gottlieb Ackerman-to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 25017) granting an increase of pension to John Brannon-to the Committee on Invalid Pen-

Also, a bill (H. R. 25018) granting a pension to George Webb Bretram-to the Committee on Pensions.

Also, a bill (H. R. 25019) granting an increase of pension to Hiram Toliver—to the Committee on Invalid Pensions.

By Mr. REYBURN: A bill (H. R. 25020) granting a pension to Cinderella B. McClure—to the Committee on Invalid Pensions.

By Mr. RHODES: A bill (H. R. 25021) granting an increase of pension to Elizabeth Auerswald-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25022) for the relief of Elizabeth Auerswald—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25023) granting an increase of pension to Virginia C. Galloway—to the Committee on Pensions.

Also, a bill (H. R. 25024) granting an increase of pension to Carroll J. Harrelson—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 25025) granting an in-

crease of pension to John Ham-to the Committee on Invalid

By Mr. TYNDALL: A bill (H. R. 25026) granting an increase of pension to George W. R. Smith-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25027) granting an increase of pension to George W. Dobbs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25028) granting an increase of pension to

Oscar Grant—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 25029) granting an increase of pension to Robert McVey-to the Committee on Invalid Pensions.

# PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of officers of various branches of the National Home for Disabled Volunteer Soldiers, against discontinuance of the canteens-to the Committee on Appropriations.

Also, petition of citizens of Worcester, Mass., of foreign birth, against pending legislation as to immigration-to the Committee on Immigration and Naturalization.

Also, petition of the National German-American Alliance, of the United States, against passage of the pending immigration legislation and asking creation of a commission to examine the general subject-to the Committee on Immigration and Naturalization.

Also, petition of the White and Black River Improvement Association, for an annual appropriation of \$50,000,000 for systematic improvement of waterways-to the Committee on Rivers and Harbors

Also, petition of John A. Stuckerth, of New York, against restriction of immigration-to the Committee on Immigration and Naturalization.

By Mr. ACHESON: Paper to accompany bill for relief of John D. McGill, alias Harry Duncan-to the Committee on Invalid Pensions.

By Mr. ANDREWS: Petition of Orvid Johnson and 19 other citizens of Chaves County, N. Mex., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

BARCHFELD: Petitions of citizens of Waverly, Iowa; Madison, Ind., and Kalamazoo, Mich., against bill (S. regulating the practice of osteopathy in the District of Columbia-to the Committee on the District of Columbia.

Also, petition of citizens of Huntington, W. Va.; Bay City, Mich., and Bruce, S. Dak., against bill (S. 5221) to regulate the practice of osteopathy in the District of Columbia-to the Committee on the District of Columbia.

By Mr. BATES: Petition of C. B. Billings, of Edinboro, Pa., for bill H. R. 16955 (practice of osteopathy in the District of Columbia) -to the Committee on the District of Columbia. Also, petition of Frank L. Keelan, secretary of the Wholesale Liquor Dealers' Association of Pittsburg, Pa., for bill H. R. 4490-to the Committee on Ways and Means.

Also, petition of McLane Post, Grand Army of the Republic, of Union City, Pa., to amend the pension act of March 2, 1903to the Committee on Invalid Pensions.

Also, petition of William Wean, secretary of the Patriotic Order of Sons of America of Philadelphia, Pa., for passage of bill S. 4403-to the Committee on Immigration and Naturalization.

Also, petition of Pennsylvania Farmers' Institute Workers, for an appropriation for experiment station work—to the Committee on Agriculture.

By Mr. BELL of Georgia: Papers to accompany bill H. R. 2417, to establish an assay office at Dahlonega, Ga.—to the Committee on Coinage, Weights, and Measures.

Also, paper to accompany bill for relief of William M. Brown—

to the Committee on Invalid Pensions.

By Mr. BIRDSALL: Petition of the Presbyterian Church at Hopkinton, Iowa, for a constitutional amendment abolishing polygamy—to the Committee on the Judiciary.

Also, petition of the United Spanish War Veterans, for restoration of light beer and wines to the Army canteens-to the

Committee on Military Affairs.

By Mr. FOSTER of Indiana: Petition of Local Union No. 444, Painters, Decorators, and Paper Hangers of America, of Princeton, Ind., for settling national disputes by a court of arbitra--to the Committee on Foreign Affairs.

By Mr. FULLER: Petition of the Western Cottage and Piano Company and other firms, against undue restriction of immigration-to the Committee on Immigration and Naturaliza-

Also, petition of 66 American artists, for admission of works of art free of duty-to the Committee on Ways and Means.

Also, petition of the Chicago Clearing House Association, for bill H. R. 23017, for national banks to issue unsecured credit notes—to the Committee on Banking and Currency.

By Mr. GRAHAM: Petition of the Liberal Immigration

League, against restriction of immigration-to the Committee

on Immigration and Naturalization.

Also, petition of the Wholesale Liquor Dealers' Association of Pennsylvania, for the pending bill in the Committee on Ways and Means (H. R. 4490)-to the Committee on Ways and

Also, paper to accompany bill for relief of Henry Kanline-

to the Committee on Invalid Pensions.

By Mr. HAYES: Petition of W. Hayes et al., citizens of San Jose, Cal., against employment of Asiatic coolies on the Panama Zone-to the Committee on Foreign Affairs.

Also, petition of the Chicago Clearing House Association, for bill H. R. 23017 (credit currency bill)—to the Committee on

Banking and Gurrency.

Also, petition of Reinhold Richter Camp, No. 2, Department of California, United Spanish War Veterans, for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. HEFLIN: Paper to accompany bill for relief of John

L. Hayes—to the Committee on War Claims,

By Mr. HENRY of Connecticut: Petition of the Business Men's Association of New Britain, Conn., for an increase of post-office clerks' salaries—to the Committee on the Post-Office and Post-Roads.

By Mr. HILL of Connecticut: Petition of the New Britain (Conn.) Business Men's Association, for an increase of salaries of post-office clerks-to the Committee on the Post-Office and

Post-Roads.

By Mr. HUMPHREY of Washington: Paper to accompany bill for relief of Carter Monroe-to the Committee on Invalid Pensions.

By Mr. JOHNSON: Paper to accompany bill for relief of Mrs.

Agelia Mittag—to the Committee on Pensions.

By Mr. JONES of Virginia: Paper to accompany bill for relief of the Lebanon Disciples' Church—to the Committee on War Claims.

By Mr. LORIMER: Petition of Joseph E. Otis, president of the Western Trust and Savings Bank, of Chicago, Ill., for bill H. R. 23017—to the Committee on Banking and Currency.

By Mr. MANN: Petition of the Chicago Clearing House Association, for bill H. R. 23017, for national banks to issue unsecured credit notes-to the Committee on Banking and Currency.

Also, petition of the Illinois Commandery of the Naval and Military Order of the Spanish-American War, for an adequate training ship—to the Committee on Naval Affairs.

By Mr. MEYER: Paper to accompany bill for relief of Citizens' Bank of Louisiana—to the Committee on Claims.

Also, paper to accompany bill for relief of W. W. Handlin—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Thomas H. Unde-to the Committee on War Claims.

By Mr. POLLARD: Paper to accompany bill for relief of Frederick G. Ackerman—to the Committee on Invalid Pensions. By Mr. PRINCE: Paper to accompany bill for relief of Frank W. Latimer—to the Committee on War Claims.

Also, paper to accompany bill for relief of Alfred L. Castle-to

the Committee on War Claims,
By Mr. RYAN: Petition of the Western Fruit Jobbers' Association, for certain amendments to the railway rate bill-to the Committee on Interstate and Foreign Commerce.

By Mr. SOUTHARD: Paper to accompany bill for relief of Myron T. Palmer—to the Committee on Military Affairs.

By Mr. SULLIVAN: Petition of the Massachusetts Institute of Technology and the Society of Art, for forest reservation in the White Mountains-to the Committee on Ways and Means.

By Mr. WANGER: Paper to accompany bill for relief of George W. Earl, jr .- to the Committee on War Claims,

## SENATE.

Monday, January 28, 1907.

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. Gallinger, and by unanimous consent, the further reading was dispensed with, The VICE-PRESIDENT. The Journal stands approved

INVESTIGATION OF MONOPOLIES IN COAL AND OIL,

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, pursuant to law, a report of its investigation of the subject of railroad discriminations and monopolies in coal and oil; which, with the accompanying paper, was referred to the Committee on Interstate Commerce and ordered to be printed.

CHOCTAW AND CHICKASAW COAL LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a memorial of the National Council of the Chickasaw Nation, approved by the governor of that nation December 22, 1906, relative to the segregated coal lands of the Choctaw and Chickasaw nations; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

# ALLOTMENT OF INDIAN LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs submitting a draft of a bill to amend section 4 of the act approved February 8, 1887, to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and Territories over Indians, and for other purposes; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be

# MAIL MATTER OF LIBRARY OF CONGRESS.

The VICE-PRESIDENT laid before the Senate a communication from the Librarian of Congress, transmitting, pursuant to law, a statement of the mail matter entered at the Washington city post-office by the Librarian of Congress under the penalty privilege for the period July 1 to December 31, 1906; was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 7034) to incorporate the International Sunday School Association of America with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the

concurrence of the Senate:

H. R. 24285. An act to provide for holding terms of United States courts at Clarksdale, Miss.;

H. R. 24603. An act to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Coosa River, in the State of Alabama; and

H. J. Res. 230. Joint resolution continuing the Postal Commission until the close of the present session of Congress.

The message further announced that the House had passed a concurrent resolution requesting the President to return to the House of Representatives the bill (H. R. 16944) to amend section 878 of the Code of Law for the District of Columbia; in which it requested the concurrence of the Senate.

#### CREDENTIALS.

Mr. CARTER presented the credentials of Joseph M. Dixon, chosen by the legislature of the State of Montana a Senator from that State for the term beginning March 4, 1907; which were read and ordered to be filed.

#### PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of the Chicago Clearing House, of Chicago, Ill., praying for the enactment of legislation permitting national banks to issue unsecured credit notes; which was referred to the Committee on Finance.

He also presented a petition of the Western Fruit Jobbers' Association, of Kansas City, Mo., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. FRYE presented a petition of the Woman's Christian Temperance Union of Camden, Me., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of the congregation of the First Congregational Church of Hinsdale, Me., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Committee on the Judiciary.

He also presented a petition of the State board of agriculture, of Boston, Mass., praying for the enactment of legislation providing for the suppression of the gypsy and brown-tail moths; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Anacostia Citizens' Association of the District of Columbia, praying for the enactment of legislation providing for the extension of the tracks of the Washington Traction and Electric Company from First and G streets NW., by way of Massachusetts avenue and First street, to First and E streets SE.; which was referred to the Committee on the District of Columbia.

He also presented the petition of J. W. Latimer, of Washington, D. C., praying that an appropriation be made for the purchase of metallic file cases for the clerk's office of the supreme court of the District of Columbia; which was referred to the Committee on Appropriations.

Mr. PLATT presented the petition of Frank Keck, of New York City, N. Y., praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

He also presented a petition of sundry citizens of New York City, N. Y., praying for the enactment of legislation to modify the present postal fraud-order law; which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Cairo, of the Aid Society of Nichols, of the Woman's Christian Temperance Union, and of sundry citizens of Castile, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PENROSE presented the petition of Thomas P. Murphy, of Pennsylvania, and the petition of Joseph V. Cunningham, of Pennsylvania, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which were referred to the Committee on Claims.

He also presented a memorial of the board of trade of Philadelphia, Pa., remonstrating against the repeal of the national bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Lancaster, Reading, Birdsboro, and Baumstown, all in the State of Pennsylvania, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Kane, Lititz, and Darby; of the congregation of the Baptist Church of Canton; of the Woman's Home Missionary Society of the Methodist Episcopal Church of Pittsburg; of the congregation of the Memorial Presbyterian Church, of Lancaster; of the Christian Endeavor Society of the Fourth Methodist Protestant Church of Pittsburg; of the Woman's Christian Temperance Union of Pittsburg; of the Young Men's Christian Association of Litiz; of the Woman's Christian Temperance Union of Montoursville; of the congregation of the Methodist Episcopal Church of

Pittsburg; of the congregation of the Free Methodist Church, of Franklin, and of the congregations of the Presbyterian, the Church of Christ, and the Methodist Episcopal churches of Canton, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. DEPEW presented petitions of sundry citizens of Mahopac, Ossining, Port Chester, Copenhagen, Pleasant Plains, Westfield, and Onondaga County, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. NELSON presented petitions of the congregation of the First Swedish Church of Tracy, of sundry citizens of Little Sauk, Round Prairie, Hamline, St. Paul, Hubbard, Lynd, and Marshall, all in the State of Minnesota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Chamber of Commerce of Stockton, Cal., praying that an appropriation be made for the deepening of the channels of the Sacramento and San Joaquin rivers in that State; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of San Diego, Cal., praying for the passage of the so-called "naval personnel bill;" which was referred to the Committee on Naval Affairs.

He also presented a petition of the United Spanish War Veterans' Association of San Francisco, Cal., praying for the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of the Chamber of Commerce of Berkeley, Cal., praying for the enactment of legislation providing for the reclassification and increase in the salaries of postal clerks in all first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BLACKBURN presented a petition of sundry citizens of Columbus and a petition of the congregation of the Methodist Episcopal Church of Ashland, in the State of Kentucky, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. WARNER presented a memorial of sundry citizens of Springfield, Mo., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. SIMMONS presented a memorial of sundry citizens of Randolph County, N. C., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Wilmington, N. C., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. FRAZIER presented petitions of sundry citizens of Petersburg, Knoxville, Obion, Bon Air, Beulah, McLemoresville, Cowan, and Lebanon, all in the State of Tennessee, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented the petition of Edward McGowan, of Tennessee, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

Mr. HOPKINS presented a petition of the Woman's Christian Temperance Union of West Bureau, Ill., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Chicago Clearing House Association, of Chicago, Ill., praying for the enactment of legislation permitting national banks to issue unsecured credit notes; which was referred to the Committee on Finance.

Mr. DU PONT presented a petition of sundry citizens of New Castle, Del., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. DICK presented a paper to accompany the bill (8, 7560) granting an increase of pension to James Vincent Brough; which was referred to the Committee on Pensions.

Mr. HALE presented petitions of sundry citizens of Orono, Turner, Madison, and Steuben, all in the State of Maine, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to

the Committee on the Judiciary.

He also presented a petition of sundry women's clubs of Skowhegan, Me., praying for the enactment of legislation to regulate the employment of child labor in the United States; which was

referred to the Committee on Education and Labor.

Mr. DANIEL presented a memorial of the Council of Jewish Women, of Richmond, Va., and a memorial of the Liberal Immigration League, of New York City, N. Y., remonstrating against the enactment of legislation to further restrict immigration; which were referred to the Committee on Immigration.

He also presented a memorial of sundry citizens of Richmond, Va., remonstrating against the enactment of legislation to abolish the Biological Survey department in the Department of Agriculture; which was referred to the Committee on Forest

Reservations and the Protection of Game.

He also presented a petition of the Chicago Clearing House, of Chicago, Ill., praying for the enactment of legislation permitting national banks to issue unsecured credit notes; which was referred to the Committee on Finance.

Mr. PROCTOR presented a petition of the congregation of the Congregational Church of Peacham, Vt., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on

the Judiciary.

He also presented memorials of the Dairy and Food Department of Coopersville, Mich.; of the Houston Truck Growers' Association, of Houston Heights, Tex.; of Newark Grange, No. 366, Patrons of Husbandry, of Newark, N. Y.; of Thorofare Grange, No. 59, Patrons of Husbandry, of Thorofare, N. J.; of the Rhode Island Horticultural Society, of Providence, R. I., and of Fairview Grange, No. 1137, Patrons of Husbandry, of Sharpsburg, Ohio, remonstrating against the enactment of legislation providing for the free distribution of seeds and plants. lation providing for the free distribution of seeds and plants; which were referred to the Committee on Agriculture and Forestry.

Mr. SPOONER presented the petition of G. R. Pike and sundry other citizens of Eau Claire, Wis., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the

Judiciary.

He also presented a petition of the mayor and board of aldermen of Manitowoc, Wis., praying for the enactment of legisla-tion providing for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HEYBURN presented a petition of sundry citizens of Bannock County, Idaho, praying for the enactment of legislation providing for the irrigation of lands adjacent to Pocatello, in that State; which was referred to the Committee on Indian Affairs.

## REPORTS OF COMMITTEES.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 24538) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1908, to report it with amendments, and I submit a report thereon. To-morrow morning, after the routine morning business, I shall ask the Senate to take up the bill and dispose of it, because it is very important, as we are greatly behindhand with the appropriation bills, and they should be passed as fast as they reach us.

The VICE-PRESIDENT. The bill will be placed on the

Calendar.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 16868) for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebro-spinal meningitis, and typhoid fever in the District of Columbia, reported it without amendment.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amend-

ment, and submitted reports thereon:

A bill (S. 4875) granting an increase of pension to Nathan S. Wood;

A bill (S. 3266) granting an increase of pension to William P. McKeever:

A bill (S. 7220) granting an increase of pension to Nancy Bethel; and

A bill (S. 7598) granting an increase of pension to Jesse C.

Mr. SMOOT, from the Committee on Pensions, to whom were

referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 7948) granting an increase of pension to Jane Tate; A bill (S. 7918) granting an increase of pension to R. T. Melvin: and

A bill (S. 7919) granting an increase of pension to John D.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6076) granting an increase of pension to John

McKnight; and

A bill (S. 6954) granting an increase of pension to Henry

Matter.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 7223) granting a pension to Joseph W. Little; and A bill (S. 7268) granting an increase of pension to De Wayne

W. Suydam.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 4936) granting an increase of pension to Jacob Grell, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and

submitted reports thereon:

A bill (S. 7724) granting an increase of pension to Paul J. Christian:

A bill (S. 7357) granting an increase of pension to Levi S. Bailey; and

A bill (S. 1299) granting an increase of pension to Ludwig

Schultz.

Mr. PERKINS, from the Committee on Appropriations, to whom was referred the bill (H. R. 23821) making appropriations for fortifications and other works of defense. armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom

were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 463) granting an increase of pension to Justin C. Kennedy:

A bill (S. 7782) granting an increase of pension to Henry F. Renter: and

A bill (S. 6567) granting an increase of pension to George C. Gibson.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4501) granting an increase of pension to Horatio S.

Brewer

A bill (S. 7678) granting an increase of pension to Joseph Kennedy

A bill (S. 7063) granting an increase of pension to William F. Hastings; and

A bill (S. 7482) granting an increase of pension to Wilford

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 7054) granting an increase of pension to Charles H. Clapp

A bill (S. 7610) granting an increase of pension to Frederick Kurz;

A bill (S. 7609) granting an increase of pension to Thomas Strong

A bill (S. 6962) granting an increase of pension to Franklin Rust: A bill (S. 6570) granting an increase of pension to George W.

Cole; A bill (S. 7477) granting an increase of pension to Patrick

A bill (S. 7479) granting an increase of pension to George L.

Corey;
A bill (S. 6467) granting an increase of pension to John M.

A bill (S. 7570) granting an increase of pension to George W. Hapgood; and

A bill (S. 7634) granting an increase of pension to Charles Shattuck

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (S. 7493) granting an increase of pension

to George Arthur Tappan, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7) granting an increase of pension to Edwin B. Luf-

kin; and

A bill (S, 8015) granting an increase of pension to Samuel B. Hunter.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 8038) granting an increase of pension to John F.

Ackley;

A bill (S. 7064) granting a pension to Edward T. Blodgett; A bill (S. 6669) granting an increase of pension to Timothy

B. Lewis; A bill (S. 6663) granting an increase of pension to Thomas M. Chase:

A bill (S. 12) granting an increase of peusion to Nancy Littlefield:

A bill (S. 6913) granting an increase of pension to Samuel C. Murdough: and

A bill (S. 7427) granting an increase of pension to George L. Danforth.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7175) granting an increase of pension to Adline

 $\Lambda$  bill (S. 5940) granting an increase of pension to Henry Bittleston;

A bill (S. 7098) granting an increase of pension to Henrietta

Teague;
A bill (S. 7998) granting an increase of pension to George N.

Julian; and A bill (S. 5692) granting an increase of pension to Margaret E. Craigo.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

out amendment, and submitted reports thereon:

A bill (8, 7174) granting an increase of pension to Rebecca Faggart:

A bill (S. 6912) granting an increase of pension to James G. Harvey; and

A bill (S. 7667) granting a pension to Henry Lunn.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2394) granting an increase of pension to John A. J.

A bill (S. 7329) granting an increase of pension to Nathaniel L. Turner; and

A bill (S. 7567) granting a pension to William Booth.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7822) granting an increase of pension to William N. Bronson:

A bill (S. 3275) granting an increase of pension to Thomas J.

Harrison; and
A bill (8, 7503) granting an increase of pension to George W.

A bill (S. 7503) granting an increase of pension to George W. Baker.

Mr. PILES, from the Committee on Pensions, to whom was referred the bill (S. 7504) granting an increase of pension to David Decker, reported it without amendment, and submitted a report thereon.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13031) granting an increase of pension to Thomas H. Leslie; and

A bill (S. 4865) granting an increase of pension to James W. Muney.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 7237) granting an increase of pension to Daniel Mc-Connell; and

A bill (S. 6475) granting an increase of pension to Harvey Key.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7475) granting an increase of pension to William D. Hudson:

A bill (S. 3929) granting an increase of pension to Ellen L. Stoughton;

A bill (S. 7870) granting an increase of pension to Albert Bennington; and

A bill (8, 7531) granting an increase of pension to William F. Letts

Mr. CARMACK (for Mr. Patterson), from the Committee on Pensions, to whom was referred the bill (S. 588) granting a pension to Priscilla L. Hamill, reported it with amendments, and submitted a report thereon.

He also (for Mr. Patterson), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3446) granting an increase of pension to Anna M. Woodbury;

A bill (S. 4890) granting an increase of pension to Lorin N. Hawkins:

A bill (S. 2743) granting an increase of pension to Daniel B. Morehead; and

A bill (S. 5623) granting an increase of pension to Nicholas M. Hawkins.

Mr. CARMACK (for Mr. Patterson), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1526) granting an increase of pension to Theodore W. Gates; and

A bill (S. 5191) granting an increase of pension to Robert H. White.

REPORT ON SECOND-CLASS MAIL MATTER.

Mr. PENROSE, from the joint commission of Congress appointed under the act approved June 30, 1906, to investigate, consider, and report, by bill or otherwise, to Congress its findings and recommendations regarding the second class of mail matter, submitted a report thereon.

#### FOUNTAIN AT PADUCAH, KY.

Mr. HANSBROUGH. I am directed by the Committee on the Library, to whom was referred the bill (H. R. 24047) to authorize Chapter No. 376 of the Daughters of the American Revolution to erect a fountain on the property of the United States at Paducah, Ky., to report it favorably without amendment. I call the attention of the senior Senator from Kentucky [Mr. Blackburn] to the bill.

Mr. BLACKBURN. Mr. President, I am sure that no one will object to the passage of the bill, and I ask unanimous consent to consider it now.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## DISTRICT STREET RAILWAY FRANCHISES.

Mr. PLATT. I am directed by the Committee on Printing to report a resolution, and I submit an accompanying report. I ask for the present consideration of the resolution.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed 1,500 copies of the volume entitled "Laws relating to street railway franchises in the District of Columbia, 1905," of which 500 copies shall be for the use of the Senate and 1,000 copies for the use of the Commissioners of the District of Columbia.

## FUNERAL EXPENSES OF THE LATE SENATOR ALGER.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. Bursows on the 25th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay the necessary expenses in connection with the funeral of Hon. RUSSEL A. ALGER, late a Senator from the State of Michigan, out of the contingent fund of the Senate, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

# COURTS IN MISSOURI.

Mr. FORAKER. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 24104) transferring Phelps County to the eastern division of the eastern judicial district of Missouri, to report it favorably, and to ask for its present consideration.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consider-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### RILLS INTRODUCED

Mr. NELSON introduced a bill (S. 8136) to provide for the reservation of the coal, lignife, oil, and natural gas in the public lands, for the leasing of the same, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands

He also introduced the following bills; which were severally read twice by their titles and referred to the Committee on Com-

A bill (S. 8137) to amend an act entitled "An act permitting the building of a dam across the Mississippi River between the counties of Stearns and Sherburne, in the State of Minnesota,'

approved June 28, 1906;
A bill (S. 8138) to amend an act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota," approved June 4, 1906;

A bill (S. 8139) to authorize the Pike Rapids Power Company. a Minnesota corporation, its successors or assigns, to construct a dam across the Mississippi River in Morrison County, Minn.

Mr. PENROSE introduced a bill (S. 8140) to provide for the compensation of the appraiser of merchandise at the port of Philadelphia; which was read twice by its title, and referred to the Committee on Finance.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S 8141) granting an increase of pension to Mary Webster Lusk; and

A bill (S. 8142) granting an increase of pension to John F. Blanchard.

Mr. SIMMONS introduced a bill (S. 8143) to increase salaries of rural free-delivery carriers; which was read twice by its title, and referred to the Committee on Post-Offices and Post-

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 8144) granting an increase of pension to Elizabeth

A. Bonner;
A bill (S. 8145) granting an increase of pension to Jane

Payne (with accompanying papers);
A bill (S. 8146) granting an increase of pension to Benjamin

F. Freeman (with accompanying papers); and A bill (S. 8147) granting an increase of pension to Ann E. Macy

Mr. CLARKE of Arkansas introduced a bill (S. 8148) granting a pension to Mary F. Bitely; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRAZIER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims

A bill (S. 8149) for the relief of the heirs of Joseph W.

Baugh, sr., deceased; and A bill (S. 8150) for the relief of the trustees of the Christian

Church, in Franklin, Williamson County, Tenn. He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pen-

A bill (S. 8151) granting an increase of pension to John C.

Bennett; and A bill (S. 8152) granting an increase of pension to W. F. Fowler.

Mr. FULTON introduced a bill (S. 8153) granting an increase of pension to Henry B. Johnson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 8154) to regulate embalining in the District of Columbia, and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. McCUMBER introduced a bill (S. 8155) to create a commission to inquire into the matter of salaries and compensations of Federal officials and employees, to report to Congress a proposed bill for the purpose of curing inequalities and discrepancies that have arisen in the matter of salaries and compensa-tions of officials and employees, and for other purposes; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. McCUMBER. As the bill is brief and upon a subject of very lively interest, I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

A bill (S. 8155) to create a commission to inquire into the matter of salaries and compensations of Federal officials and employees, to report to Congress a proposed bill for the purpose of curing inequalities and discrepancies that have arisen in the matter of salaries and compensations of officials and employees, and for other purposes.

Whereas great inequalities and discrepancies have arisen in the matter of salaries and compensations of Government officials and those employees in the several branches of the Government service in substantially the same grade or character of work, or duties requiring the same ability, due in part to the fact that such salaries and discrepancies have been arbitrarily fixed in individual cases and at divers times without any comprehensive standard applicable to all cases of like character; and

been arbitrarily fixed in individual cases and at divers times without any comprehensive standard applicable to all cases of like character; and

Whereas such salaries and compensations were in many cases fixed by law or departmental order many years ago, and at a time when the conditions in respect to the amount and character of labor or duties to be performed and the cost of living differed materially from that of the present, and when salaries and compensations paid in all lines of private business or enterprise differed materially from what is being paid at present: Therefore,

Be it enacted, etc., That a commission composed of three members be appointed by the President of the United States, by and with the consent of the Senate, not more than two of whom shall belong to the same political party, whose duty it shall be to investigate all such discrepancies and inequalities with a view to the correction thereof, and to report to the Congress on or before the 1st day of January, 1908, a proposed bill for fixing the salaries and compensations of the officials and employees hereinafter mentioned.

In determining the amount of salaries or compensations to be paid any such officials or employees, said commission shall take into consideration the advanced cost of living in places where such official or employee is required to perform his duties or services, the general advance of salaries or compensations for other classes of services or labor since such salaries or compensations were last fixed by law or otherwise.

Said commission shall accompany such proposed bill with such infor-

recommendations.

In addition to the foregoing duties said commission shall accompany such proposed bill with such information and data as it may deem necessary to explain its provisions or recommendations.

In addition to the foregoing duties said commission shall made investigation and report the following:

First. The total number of Federal officials and employees holding positions not of a temporary character.

Second. The total amount of salaries and compensations paid such officials or employees.

Third. The number of employees in each of the Executive Departments in the city of Washington.

Fourth. Of those employees how many are there who may be designated as officials and how many designated as clerks?

Fifth. Of these clerks how many are men and how many are women? Sixth. Of the men how many are married and how many are single?

single?

Eighth. In how many instances are both husband and wife employed?

Ninth. In how many instances are there two or more members of the same family employed?—giving number employed in each family.

Tenth. How do the salaries of clerks in the Departments in the city of Washington compare with the salaries of clerks performing like services in other large cities of the country?

Eleventh. How do such salaries compare with the salaries of clerks performing like services in the smaller cities and rural districts of the country?

Eleventh. How do such sailaries compare with the sailaries of cierus performing like services in the smaller cities and rural districts of the country?

Salaries and compensations of the following officials and employees shall be considered and provided for under this act:

President of the United States.

Vice-President.

Secretary of State, Secretary of Treasury, Secretary of War, Attorney-General, Postmaster-General, Secretary of Navy, Secretary of Interior, Secretary of Agriculture, Secretary of Commerce and Labor, commissioners, directors, and heads of the several bureaus.

Members of Supreme Court.

Circuit court of appeals.

Circuit court of appeals.

Circuit courts and Territorial courts of the United States.

United States district attorneys, marshals.

Members of the Interstate Commerce Commission.

Ambassadors, ministers, consuls-general, and consuls.

Officers of the Army and Navy.

Internal-revenue collectors and collectors of customs.

Postmasters of each class and postal clerks.

Rural and city mail carriers.

All officers, clerks, and employees of the several Executive Departments of the Government, both within and without the city of Washington.

Executive officers of the District of Columbia.

ments of the Government, both within and without the city of Washington.

Executive officers of the District of Columbia.

Registers and receivers of land offices.

And such other Federal officers or employees as such commission shall deem it advisable to consider hereunder.

The commission, if it deems it advisable, shall give reasonable time for hearings and shall have authority to send for persons and papers and to administer oaths and affirmations. All necessary expenses, including clerical and stenographic assistance, printing, and stationery, shall be paid upon vouchers to be approved by the chairman of the commission

sion.

Any vacancies occurring in the commission by death, disability, or from any other cause shall be filled by appointment by the President. Said commission shall receive a salary at the rate of \$5,000 per annum each, and all necessary traveling expenses, to be paid monthly by the proper disbursing officer.

Such commission shall continue for the purpose of furnishing such information as may be required by Congress or either branch thereof until otherwise provided by law.

Twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay such salaries and expenses.

Mr. DICK introduced a bill (S. 8156) granting an increase of pension to Joseph R. Bartlett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLARD introduced a bill (S. 8157) granting an increase of pension to Bridget Coady; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARNER introduced the following bills; which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8158) granting an increase of pension to George W. Wade: and

A bill (S. 8159) granting an increase of pension to Thomas B.

Fogle.

Mr. WARNER introduced a bill (S. 8160) granting a pension to John W. Casebolt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 8161) in relation to salaries of district attorney and assistant district attorneys for the northern district of Illinois; which was read twice by its title, and, with the accompanying papers, which were ordered to be printed, referred to the Committee on the Judiciary.

Mr. FLINT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 8162) granting an increase of pension to Henry

Lohr; and A bill (S. 8163) granting an increase of pension to Jennie P. Donglas.

Mr. CLARK of Montana introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (S. 8164) granting to the State of Montana 50,000 acres of land to aid in the maintenance of a school for the blind; and

A bill (S. 8165) granting to the State of Montana 50,000 acres of land to aid in the maintenance of a school for feeble-minded.

Mr. McCREARY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 8166) for the relief of Mattie R. West; and

A bill (S. 8167) for the relief of J. D. Eades, sr. (with accompanying papers).

He also introduced a bill (S. 8168) to correct the military record of Solomon B. Saylor; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CARMACK introduced a bill (S. 8169) to authorize the Secretary of the Treasury to adjust the accounts of the Vicksburg, Shreveport and Pacific Railway Company for transport-

ing the United States mails; which was read twice by its title.

The VICE-PRESIDENT. Shall the bill be referred to the Committee on Claims?

Mr. CARMACK. I do not care. It struck me that it ought to go to the Committee on Post-Offices and Post-Roads, but let

it go to whatever is the appropriate committee.

The VICE-PRESIDENT. The Chair will refer it, with the accompanying paper, to the Committee on Claims; and if the Senator should desire later a different reference it can be made.

Mr. PERKINS introduced a bill (S. 8170) anmending an act to create a customs district of the Territory of Arizona, approved April 29, 1890; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 8171) making an appropriation for the custom-house in San Francisco, Cal., and releasing the contractor to the extent necessary to replace work or materials, and to compensate him for increase in the cost of labor and materials above the prices prevailing previous to April 18, 1906; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds

Mr. HEYBURN introduced a bill (S. 8172) granting a pension to Orlando Robbins; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 8173) to increase the efficiency of the Army of the United States; which was read twice by its title, and referred to the Committee on Military

Mr. BURKETT introduced a bill (S. 8174) to incorporate a company for breeding horses on the Crow Indian Reservation, Mont., and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Indian Affairs.

He also introduced the following bills; which were severally ent consideration.

read twice by their titles, and referred to the Committee on Pensions

A bill (S. 8175) granting an increase of pension to Nancy C. Baxter; and

A bill (S. 8176) granting an increase of pension to Jake Holestone (with accompanying papers)

Mr. BACON introduced a bill (S. 8177) for the relief of the president and managers of the Union Society (Bethesda Orphan House) of Savannah, Ga.; which was read twice by its title, and referred to the Committee on Claims.

Mr. HEMENWAY introduced a bill (S. 8178) to remove the charge of desertion from the military record of John C. Partlow; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DANIEL introduced a bill (S. 8179) for the relief of Lieut. Commander Kenneth McAlpine, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 8180) to protect the monuments already erected on the battlefields of Bull Run, Va., and other monuments that may be there erected; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 8181) authorizing the placing of Capt. Carter P. Johnson, Tenth United States Cavalry, on the retired list, with the rank and pay of a major; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. CLAY introduced a bill (S. 8182) authorizing the Twin City Power Company to build two dams across the Savannah River above the city of Augusta, in the State of Georgia; which was read twice by its title, and referred to the Committee on

Mr. BEVERIDGE introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8183) granting an increase of pension to Andrew J. Moore; and

A bill (S. 8184) granting an increase of pension to Peter B. Kellenberger

Mr. PILES introduced a bill (S. 8185) granting a pension to Elisha Painter; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ALDRICH introduced a bill (S. 8186) to construct and place a light-ship at or near Ohio Shoal, Narragansett Bay, Rhode Island; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MONEY introduced a bill (S. 8187) for relief of the estate of Rebecca E. Sexton; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 8188) authorizing certain changes in the permanent system of highways in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CLARKE of Arkansas introduced a bill (S. 8189) granting to the St. Louis, Iron Mountain and Southern Railway Company, a corporation, the right to construct, maintain, and operate a single track railway across the lands of the United States in the southeast quarter of the northeast quarter of section 21, township 14 north, range 6 west of the fifth principal meridian, in the county of Independence and State of Arkansas, reserved for use in connection with the construction of Lock No. 1, Upper White River, Arkansas; which was read twice by its title, and referred to the Committee on Commerce.

## AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. NELSON submitted an amendment granting an extension of time to the homestead settlers on ceded Indian reservations in Minnesota in which to make payments thereon, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

## AMENDMENT TO OMNIBUS CLAIMS BILL,

Mr. DANIEL submitted an amendment intended to be proposed by him to the omnibus claims bill; which was referred to the Committee on Claims, and ordered to be printed.

## BOARD ON GEOGRAPHIC NAMES.

Mr. LODGE submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the Public Printer be ordered to print and bind 2,500 copies of the third report of the United States Board on Geographic Names for the use of the Board.

## CHARLES S. HANKS-RAILROAD STATISTICS.

Mr. CULBERSON. I offer a resolution, and ask for its pres-

The resolution was read, as follows:

Whereas according to press accounts Charles S. Hanks, in a recent address delivered before the Boston Chamber of Commerce, said, among other things:

"Since last June I have been at work in Washington at the Interstate Commerce Commission, and I have spent several thousand dollars of the good money of the United States in clerical services to show that the freight and passenger rates of this country can be reduced 10 per cent without affecting the dividends on the stock of any railroad or the wages of any employee. In connection with this work certain other facts have come to my attention which may interest you."

Therefore, be it

Resolved, That the Interstate Commerce Commission be, and is hereby, directed—

Resolved, That the Interstate Commerce Commission be, and is hereby, directed—

1. To inform the Senate whether said Charles S. Hanks is employed in any capacity in connection with said Commission; and if so, in what capacity, by whom employed, and from what appropriation he is paid.

2. To send to the Senate a full statement of the facts found by said Hanks which show or tend to show that the freight and passenger rates can be reduced as stated by him in said address.

Mr. ALDRICH. I would suggest to the Senator from Texas that he add a clause to his resolution calling for the names of

all other employees

Mr. CULBERSON. I do not desire that. The resolution is based upon an address delivered by this gentleman in which he stated that he had been at work at the Interstate Commerce Commission, and that there were such facts which had come to his knowledge as he indicated that the rates on passengers and freight could be reduced 10 per cent. This address was delivered before the Chamber of Commerce in the city of Boston, and the purpose of the resolution is to secure those facts, if they have been reported to the Commission, and also to discover the capacity, if any, in which this gentleman served the Commission. I wish to know that in order to see what importance or authority to attach to his findings.

Mr. ALDRICH. Mr. President, I do not object at all to the resolution of the Senator from Texas. I think it is quite proper and quite pertinent. But there have been stories floating about that there was a large force employed by somebody in examinations of this character, and I should be glad to have not only the names of the employees, but the information which they have gathered from various sources. I think it is due to us, who are engaged more or less in the work of legislating in this direction, that we should have all the information, especially information which is gathered by Government employees, for our benefit in legislation. Therefore I suggested that perhaps the resolution

should be enlarged in its scope.

Mr. CULBERSON. I would have no objection to voting for a resolution submitted by the Senator from Rhode Island covering that point, but I trust he will allow this resolution to be considered this morning and passed.

Mr. HALE. Allow me to make a suggestion to the Senator

from Texas.

Mr. CULBERSON. Certainly.

Mr. HALE. The statement made by this man as to what he had been doing and his expending of the Government money in certain directions is quite a remarkable statement, and I think we ought to have information upon that point, how much and for what purposes.

Mr. ALLISON. And from what appropriations?

Mr. HALE. And, as the Senator from Iowa says, from what appropriations. That information can be gotten speedily from the Commission. There is no reason why a reply to this part of it should not be sent to the Senate, so that we may have it

during the remnant of the session.

But when the Senator comes to the other proposition, that the Commission shall report upon the great subject of reducing rates 10 per cent, I am afraid if we embody that in the resolution and connect it with the other, we will not get a report from the Interstate Commerce Commission at all during this session, because that will open a very wide door; it will open a new examination and involve a great deal of labor on the part of the Commission.

I do not object to the resolution; I should like to have the report; but I suggest to the Senator whether he had better not divide his resolution and let the resolution that calls for information about the performances of this man stand by itself, so that we can have it very early. I think we ought to have it Mr. CULBERSON. Mr. President, I call the Senator's atten-

tion to the fact that the resolution does not ask the Commission to send here all the facts in its possession on this very important subject, but to send only such as have been collected by this particular official, if he in fact be an official.

HALE. Will not the Senator read that part of the

resolution?

Mr. CULBERSON (reading):

Second. To send to the Senate a full statement of the facts found by said Hanks which show, or tend to show, that the freight and passenger rates can be reduced as stated by him in said address.

It is confined to a report or reports which may have been made to the Commission by Mr. Hanks.

Mr. HALE. I see; I did not observe it on the reading of the resolution at the desk. If that will not so extend the scope of the inquiry and investigation of the Commission that we can not get it all at an early day, as we ought to have it, I think the resolution is right. We ought to have the information. A statement of that kind ought to be known to Congress and the facts ought to be sent here. If the Senator does not think that calling, as the resolution does, for what this man has brought out will delay an answer to the resolution, I do not see any objection to it.

Mr. GALLINGER. Mr. President, I shall not object to the

resolution, but it seems to me this man has been a very industrious individual, if since last June he has made investigations that enable him to say that the rates for freight and passenger traffic on all the railroads of the United States can be reduced 10 per cent. It is a most remarkable statement for any man to make. I have no idea that he has ascertained anything of the kind, and yet it may be well enough for us to see what this Mr. Hanks has discovered.

Mr. ALDRICH. Mr. President, I do not know Mr. Hanks personally, but I have heard something of his employment. My impression is that he is not employed by the Interstate Commerce Commission, and that he is not paid from their appropriations, but paid from the appropriations for either the Department of Justice or the Department of Commerce and Labor. If I am right in that supposition, the resolution of the Senator from Texas will fail of results, as he makes inquiry of the Interstate Commerce Commission. I would suggest that he will probably come nearer getting the information on both subjects if he asks the question of the President of the United States.

Mr. CULBERSON. Mr. President, I have no special knowledge of this matter except as gleaned from the newspapers. This gentleman is reported to have said:

Since last June I have been at work in Washington at the Inter-state Commerce Commission.

I do not know exactly what he means; and the purpose of the resolution is to find out where he is working, by whom he is employed, and what facts he has ascertained in the inquiry made by him.

I trust that there will be no objection to the consideration and

passage of the resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

EXECUTIVE FUNCTIONS AND RESERVED STATE RIGHTS.

Mr. RAYNER. Mr. President, I wish to give notice that on Thursday, January 31, after the completion of the routine morning business I will, with the permission of the Senate, call up Senate resolution 199, on the question of executive usurpation, for the purpose of submitting some remarks.

INTERNATIONAL SUNDAY SCHOOL ASSOCIATION.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 7034) to incorporate the International Sunday School Association of America, which were, on page 2, line 7, after "real," to insert "estate not exceeding \$1,000,000 in value in the aggregate;" and on page 4, after line 3, to insert "Sec. 9. The right to alter, amend, or repeal this act is reserved."

Mr. McCREARY. I move that the Senate concur in the two amendments of the House.

The motion was agreed to.

CODE OF LAW FOR THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was read, considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 16944) to amend section 878 of the Code of Law for the District of Columbia.

HOUSE BILLS REFERRED.

H. R. 24285. An act to provide for holding terms of United States courts at Clarksdale, Miss., was read twice by its title, and referred to the Committee on the Judiciary.

H. R. 24603. An act to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Coosa River in the State of Alabama, was read twice by its title, and referred to the Committee on Commerce.

POTOMAC RIVER BEIDGE AT SHEPHERDSTOWN, W. VA.

Mr. DANIEL. I ask unanimous consent for the consideration of the bill (H. R. 24111) to authorize the Norfolk and Western Railway Company to construct a bridge across the Potomac River, at or near Shepherdstown, W. Va.

I will state, by permission, that a bill almost similar has passed the Senate and gone to the House, and this bill has passed the House and come to the Senate. The only difference is that, under the operation of this bill, the company must commence the construction of the bridge in one year, while under the other in two years. The Senate bill was reported from the Committee on Commerce.

The VICE-PRESIDENT. The Senator from Virginia asks unanimous consent for the present consideration of a bill which

will be read for the information of the Senate.

Mr. BEVERIDGE. I shall not object to the consideration of the bill. I am very glad not to object to its consideration, but hope that after it is disposed of the consideration of no further bills will be asked, as I wish to make my remarks.

Mr. DANIEL. I thank the Senator for his courtesy.

sure it will take no time.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### COAL-LAND ENTRIES IN ALASKA.

Mr. BEVERIDGE. Mr. President-

Mr. SPOONER. Will the Senator yield to me for a moment?

Mr. BEVERIDGE. Certainly.

Mr. SPOONER. Mr. President, at the last session I entered a motion to reconsider the vote by which the bill (H. R. 17415) to authorize the assignees of coal-land locations to make entry under the coal-land laws applicable to Alaska was passed. I should like now to call up that motion, and I ask unanimous consent that the vote by which the bill was passed be reconsidered, and that the bill be now recommitted to the Committee on Public Lands.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and it is

so ordered.

Mr. SPOONER. I now move that the bill be recommitted to the Committee on Public Lands,

Mr. BEVERIDGE. I ask the Senator from Wisconsin is that a bill affecting coal lands in Alaska?

Mr. SPOONER. It is.

Mr. BEVERIDGE. Then ought it not to be referred to the Committee on Territories?

Mr. SPOONER. I think not. It was reported by the Commit-

tee on Public Lands.

Mr. BEVERIDGE. That may be; but I call the Senator's attention to the fact that the Committee on Territories are now considering a bill on that subject,

Mr. HEYBURN. Mr. President—
The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. SPOONER. It is by the courtesy of the Senator from

Indiana [Mr. Beveridge], as I understand, that I obtained the floor.

The VICE-PRESIDENT. Then does the Senator from Indiana yield to the Senator from Idaho?

Mr. BEVERIDGE. I do.

Mr. HEYBURN. Mr. President, it seems to me that this bill

should go to the Committee on Mines and Mining.

Mr. BEVERIDGE. Mr. President, if this matter is going to lead to debate, I shall withdraw my suggestion; but I wish to call attention to the fact as being important, though I shall not press it at this time, that such laws as exist in reference to mining and to coal mines and coal lands in Alaska already have been considered by the Committee on Territories. We now have before our committee for consideration, and shall undoubtedly at the next meeting report out, a bill affecting that very subject. It seems to me that we ought to have this matter concentrated in some committee.

Mr. SPOONER. As an original proposition, that perhaps might be true, but the suggestion of the Senator from Indiana comes on the last day, after the settlement. The truth is that this bill came from the House of Representatives after having been considered by the Committee on Public Lands; it was referred by the Senate to the Committee on Public Lands here, was considered and amended by that committee, and it was committed to my friend from Minnesota [Mr. Nelson], a member of that committee, to report it to the Senate.

Mr. BEVERIDGE. I withdraw my suggestion. Let it go

this time; but do not do it again.

Mr. SPOONER. I now move that the bill be recommitted to the Committee on Public Lands.

VICE-PRESIDENT. The Senator from Wisconsin moves that the bill be recommitted to the Committee on Public

Mr. HEYBURN. Mr President—
The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator fram Idaho?

Mr. SPOONER. Certainly.

Mr. HEYBURN. I ask that the matter go over, unless we are going to take time enough now to determine what committee is to consider this measure and other bills of this class. there is any class of legislation that should go to the Committee on Mines and Mining, it seems to me it is that pertaining to coal mines and other classes of mining. All such bills should go to the Committee on Mines and Mining. The Committee on Public Lands is constituted primarily for the consideration of matters pertaining to the public domain other than mining matters. It seems to me, I repeat, that this should go to the Commitee on Mines and Mining.

Mr. BEVERIDGE. I think, as the Senator from Wisconsin states, that this bill ought to go now to the Committee on Public Lands, as that committee practically already has it in charge. Otherwise I should insist on its going to the Committee on Terri-

tories.

Mr. SPOONER. I may say, Mr. President, that my motionif the Senator from Indiana will pardon me a moment—is that this bill go to the Committee on Public Lands, that they may consider in connection with it, it being a House bill, the recommendation made by the President, which involves the publicland service as well as the coal and other nonmineral phases of the subject. I think my friend from Idaho had better make the point hereafter as to other measures which are more exclusively and palpably within the jurisdiction of the Committee on Mines and Mining, if he will pardon the suggestion.

Mr. HEYBURN. Mr. President, it has been my intention for some time to see if I could not induce the Senate to believe that all questions relative to the mining of coal, iron, or the precious or valuable metals should go to the Committee on Mines and Mining. It was because of the very suggestions made by the Senator that I rose to make the remarks that I have made.

The message of the President referred to by the Senator, I take it, is the one which recommends the leasing of coal lands. That means the leasing of the right to extract the coal. So far as the surface of the land under which the coal may lie is concerned, I would not think it important that that branch of the matter should go to the Committee on Mines and Mining; but when it pertains to the question strictly in regard to the mining of coal, I think that committee should begin now to have jurisdiction of every measure that comes here involving the question of extracting the useful or valuable metals

or substances from the soil. That is mining.

Mr. SPOONER. Bills have been pending before the Committee on Public Lands which are intended to enable the Government to retain, in the public interests, a certain control over the mining of coal, without interfering at all with the develop-ment of the public-land States so far as the surface is concerned, contemplating the disposition of the surface for agricultural purposes, but reserving to the Government the right as to the disposition of the coal and oil and similar nonmineral substances or deposits. That, of course, covers mining, not in the technical sense in which the Senator refers to it, but incidentally; and it covers also the surface. So it seems to me an entirely proper thing that this bill should go to the Committee on Public Lands. It is the committee which, without objection from the Committee on Mines and Mining, took jurisdiction of it and dealt with it, and I am simply moving to send it back to the committee whence it came, in order that they may reconsider it, and also consider in connection with it the bills introduced by my friend from Minnesota [Mr. Nelson] and other Senators, which involve the disposition of the surface, which would not be within the jurisdiction of the Committee on Mines

and Mining, and, incidentally, the other phases of the subject.

Mr. HEYBURN. Mr. President, I would inquire of the Senator is it not a fact that this bill went to the Committee on Public Lands before the President presented to the Senate, in a message now upon our table, the question of leasing the coal lands?

Mr. SPOONER. But it does not contain anything now that it did not when it went there, and the Senator did not object to it going there.

Mr. HEYBURN. It did not seem necessary at that time to object to the reference, because the bill did not involve the question of mining. But I will suggest to the Senator that, if the bill is reported again along the lines suggested in the President's message in regard to the leasing of these lands, it should have incorporated in it every feature necessary to pro-

vide for the safety of miners working in the mines, for the method of mining, the limitations, and everything pertaining to the manner of mining. That belongs to the Committee on Mines the manner of mining. and Mining.

Mr. SPOONER. I think it must be apparent to the Senate that this bill ought to go to the committee whence it came, and

that my motion is the proper motion.

Mr. NELSON. Mr. President, this bill came from the Committee on Public Lands of the other House and was considered by the Committee on Public Lands of this body. It involves not only the matter of mining, but what disposition is to be made of the surface lands. In that view of the case, I think, under present contingencies, the bill ought to be referred to the Committee on Public Lands, whence it came.

The VICE-PRESIDENT. Without objection, the bill will be

recommitted to the Committee on Public Lands.

EMPLOYMENT OF CHILD LABOR IN THE DISTRICT OF COLUMBIA.

Mr. BEVERIDGE. I ask the Chair to lay before the Senate the bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia.

The VICE-PRESIDENT. The Chair lays before the Senate

the bill indicated by the Senator from Indiana.

Mr. BEVERIDGE. Mr. President, I began my remarks on last Wednesday by showing the appalling figures of the official census concerning child labor in the United States and by showing further that, startling as these figures are, they are far below the truth. I gave some items of this kind, of which perhaps the most conclusive were the census figures from Maryland, where something over 5,000 children were reported, and where, under the new law, already, within six months, children to more than twice the census figures are shown to be working in that State. This is proved by the following affidavit from the assistant chief of the bureau of statistics and information of the State of Maryland, which I send to the Secretary's desk and ask to have read.

The VICE-PRESIDENT. Without objection, the Secretary

will read as requested.

The Secretary read as follows:

Maryland Bureau of Statistics and Information,

Baltimore, Md., January 24, 1907.

This is to certify that the Maryland bureau of statistics and information has, since July 1, issued upward of 10,000 permits to work to children between 12 and 16 years of age, who could pass the test of reading and writing simple sentences in the English language, working in the stores, offices, workshops, and manufacturing establishments of this State. That the said office has rejected application for permits of about 1,200 children who were disqualified either by ignorance or physical disability.

J. G. Schonfarber.

J. G. SCHONFARBER, Assistant to Chief, Bureau of Statistics.

STATE OF MARYLAND, City of Baltimore, to wit:

Be it remembered that on this 24th day of January, 1907, before the subscriber, a justice of the peace in and for the State of Maryland and Baltimore City, personally appeared J. G. Schonfarber, and made oath in due form of law that the aforegoing statement is true.

[SEAL.]

OSCAR C. MARTENET, Justice of the Peace.

CENSUS GIVES ONLY OVER 10 YEARS OF AGE,

Mr. BEVERIDGE. Mr. President, another proof of the inadequacy of the census figures is the fact that they do not assume to give any children employed under the age of 10. The census enumerators were not instructed to return children under 10. I showed on last Wednesday that a vast number of children, giving, as examples, names, places, and ages, in the glass factories of New Jersey and of West Virginia and on the coal breakers of Pennsylvania and elsewhere were at work below 10 years of age. Before I am through with the presentation of the evidence in this case—because that is what it amounts to, evidence in a case—I shall show that large numbers elsewhere, particularly in the cotton mills of the South, are at work, some of them at an age as low as 5 years; that in the sweatshops of some of the Northern States children are at work at an age as low as 3 years. Yet few, if any, of these were included in the census figures and none were sought for. I give this by way of recapitulation.

Now I shall continue Mr. Durland's testimony. I presented his affidavit last Wednesday as to the truth of all he says.

Mr. President, I may further state, for the benefit of those

who on last Wednesday afternoon during our session were absent at luncheon, that I am sustaining each statement made as to facts by the affidavit of the person who investigated them. I am not taking the course usually taken in the Senate of merely making statements that have been set forth in magazines or newspapers or heard by somebody, but I am supporting them all by affidavit; and I am doing this because I know that every fact in support of this great reform will be questioned, if not

denied, just as every proposition of law will at first be declared

to be heresy.

It is said that certain interests are even now at work opposing this bill. Three-fourths of the cotton factories of the Southern States are determined that it shall be defeated—not all of them, Mr. President, for, I thank God, there are some mill owners in the South who would rather have less money and more conscience, who employ children only because their competitors do, and who pray for the passage of this bill. But it is safe to say that three-quarters of that tremendous industry, the extent of which you may see by looking at the map on my left, will resist this measure—are resisting right now.

It is said that the great Southern Railway system, which is set out on the map in red and a large part of whose business and a good fraction of whose profits come from these cotton mills, is also against this or any similar reform. It is said that the enormous coal industries of Pennsylvania, as shown on the map farther toward the door, with their immense power, and the railroads that gridiron that portion of the State and that carry the product of those mines—the Pennsylvania, the Lehigh Valley, the Delaware and Lackawanna, and the Delaware and Hudson-will also oppose it.

And these are not all. As this debate proceeds if it becomes necessary, indeed, if I have time and the geographer has time, other maps will be presented showing the location of other industries and the extent of other interests which will fight this

great reform.

Therefore I tell Senators who were at luncheon the other day that I am supporting what is here presented by the oath of the person who made the investigation. I intend to continue this morning at some length in completing the case as to the evidence.

I intended to take, Mr. President, a good deal of time, because we are told that this whole matter was a vast exaggeration, that the extent of child labor is not nearly so great as earnest and sympathetic persons were stating it to be, and that the allegations of cruelty were not borne out by the facts.

So, the first thing necessary is to bring to the attention of the Senate and the country, and to repeat and repeat to the point of iteration, the facts in the case, every one of them being susceptible of proof in a court of justice. Then, when the facts are before us and the country knows the extent of this infamy and what it means now and in the future, we will have a sound basis upon which to act. And the country can judge us if we

I see some Senators here who were not here the other day when I read Mr. Lovejoy's statement from the Outlook. I suppose it is not necessary for me to say that, in the absence of an affidavit, any article printed in the Outlook carries weight with the American people, because it has the personal indorsement of its editor, that great American moralist and publicist known and honored by all the civilized world, Dr. Lyman Abbott. But I have not even depended on that; I support every statement by the oath of the person who makes it.

ANOTHER DESCRIPTION OF THE BREAKERS.

Now I shall read a few of the concrete illustrations: and since we have been on the subject of the coal breakers of Pennsylvania, concerning which I read at considerable length last Wednesday, perhaps we had better complete that. But before I do, Mr. President, I wish to read one sentence from an editorial in the New York Sun of last Friday, entitled, "Mr. Beverender on good and bad States." It is not necessary to read the whole editorial—I will try to answer fully later on its arguments against this bill—but this particular sentence from the Sun's editorial should be read at this juncture and borne in mind by every Senator and every American, as I read the descriptions, sworn to, of the child labor this bill will abolish. The New York Sun, speaking of these children this bill is intended to rescue and arguing against the bill itself says:

It is likely enough that many of these child laborers will grow up into capitalists and become "too rich," like their present oppressors—

That is the opinion of that paper. As I read the condition of these children in the coal breakers of Pennsylvania, in the cotton mills of the South, in the cotton mills of Maine, in the glass works of West Virginia, and in the sweatshops of New Jersey you will see the material out of which our future "capitalists," according to this paper, are to be made. Here is Mr. Durland's description of the breakers:

When the coal comes up out of the mines it is sent to the towering breakers and run through a series of sifting and sorting troughs, astride of which the boys sit, their little backs bent over the streams of moving coal, as with their bare hands they pick the stone and refuse from the good coal. The fingers soon become scarred and calloused and their nails worn or broken to the quick. The breaker atmosphere becomes impenetrable. Fine particles of coal dust fill the air and are taken into the lungs with every breath. This is the dark

cloud that hovers like a pall above every dry breaker in the anthracite region.

The tissues of the boys' lungs gather the black specks until the whole lung is discolored, and I have seen boys who have been away from the breakers and mines for cight and even ten years cough up these particles whenever they were attacked by a slight cold.

Experiment has shown that the work of the breaker boys can be done by machinery. Automatic slate pickers have been demonstrated to be practicable. Flesh and blood are at present deemed cheaper commodities than iron and steel, and the State permits the boys to do this work at 14.

#### GIRLS WORK IN SILK MILLS OF PENNSYLVANIA.

Now Mr. Durland takes up the silk mills. He says:

Now Mr. Durland takes up the silk mills. He says:

Less kindly is the State toward the girls. They may work at 13 years: They may work at tecleve-hour shifts by day or by night. Their work is often in a warm, moist atmosphere, out of which they pass into the chill dawn of winter mornings. They must stand at their work. They must be unceasingly diligent lest an unnoticed broken strand of silk entangle others and damage the work.

They are unprotected from moral dangers shocking almost beyond credence. The State has refused to protect these children because the abolition of child labor at night would necessitate the remodeling of certain industrial plants, and the citizens of the State bow to the wishes of the manufacturers in this matter as quietly as if it were a moot point, complicated by subtle technicalities. The moral phase of the matter is completely subjugated to the pecuniary.

"I deplore this business as much as you do," a silk-mill owner said to me one day, "but I am part of a great industrial system, and so long as the system exists I must run my mill as other mills are run." The gentleman had come to me to beg that I keep silent on what I had seen in his mill the previous night. The foreman in charge, with more kindliness than business discretion, had allowed me to go through the mill with absolute carte blanche. When I saw a small girl whose thin features and lusterless eyes attracted my attention, I asked her age.

"Eleven mast, sir" she answered.

"Eleven past, sir," she answered.
"How long have you worked in the mill?"
"Two years." So she began at 9 years, and in a State right next to us where the law fixes the limit at 13.

Do you always work night shift?-

Night shift, mind you-

Yes, sir: all the time.
A little boy was working over a loom a few feet off.
"How old are you, my boy?" I asked.
"Fourteen past, sir."
I should not have thought him more than 11.

Now, let us see the conditions under which they are working. Of course these are not our children. They are the children of somebody else that are working twelve hours a night. If they were our children, we would forget lunch and not sit up nights contriving arguments to show that the Constitution won't let us rescue them.

Mr. Durland continues:

The perpetual click of the rattling looms, the whirr of belts, the crunch and rumble of wheels made a deafening din. The looms moved so regularly that I found my eyes easily tired watching them. It needed only a few moments of fixed gazing to appreciate the story told by one little girl who had had to quit the mill.

I ask the attention of every Senator in the Chamber to this, because it is typical. Said this child:

"The tangles were always worst when I was tiredest. I had to twist back the reel for a long, long time until all the tangles were gone. The big girl who had charge of our department often scolded me, and sometimes the man who was night superintendent told me he would discharge me if I couldn't do better. Then my head would ache something awful, and I would have to cry, and some other girl would straighten out the tangle."

Another one employed in a mill near Scranton, who had been transferred to day shift, said:

"When I first went to work at night the long standing hurt me very much. My feet burned so that I cried. My knees hurt me worse than my feet, and my back pained all the time."

I stop here to remark that this is no occasional instance. It is typical and common.

Mother cried when I told her how I suffered, and that made me feel so badly that I did not tell her any more. It does not hurt me so much now, but I feel tired all the time. I do not feel near as tired, though, as I did when I worked all night.

My eyes hurt me, too, from watching the threads at night. The doctor said they would be ruined if I did not stop the night work. After watching the threads for a long time I could see threads every-

A little girl 9 years old, mind you, went through this-

When I looked at other things there were threads running across them. Sometimes I felt as though the threads were cutting my eyes.

No wonder. She had been working twelve hours at night, looking at the ceaseless play of the threads; she was 9 years old; she had been standing on her feet; and this is going on in a country about which we make earnest and passionate Fourth-of-July orations.

But Mr. Durland says that-

Bad as this aspect is, there is another, a sadder and more terrible feature. The close atmosphere of the factory rooms in the dead of night tends to stupefy the children. To freshen them and drive the natural drowsiness away they are encouraged to spend their midnight half hour running in the open air.

Mark that humanity. The silk mills really give the children a half hour for luncheon at midnight. I hope American women

will think of all these things when they put on their silks. Mr. Durland goes on:

The mills usually occupy isolated sites. They are often on the edge of a mining village, sometimes by the banks of the Susquehanna, or near the foot of the hills. Open fields and shadowy woods surround

And then occurs a statement which I prefer not to read, but

which every Senator will quickly infer.

I shall read from another article in the Outlook. davit is among my papers here some place. I assure Senators I have it. It will be presented and will appear in the Record. This is a continuation of the description of this evil. Here is the affidavit, and I ask that it be read from the Clerk's desk:

This is to certify that Rev. Peter Roberts, Ph. D., of Mahanoy City, Pennsylvania, appeared before me this day, February 5, 1907, and, being duly sworn, affirms that the facts, conversations, and interviews as set forth in his article on the question of "Child Labor in Eastern Pennsylvania," which appeared in the Outlook, a weekly magazine published in New York City, the issue of December 7, 1904, are true to the best of his knowledge and belief. To whom it may concern:

Rev. Peter Roberts, Ph. D., 517 E. Center Street, Mahanoy City, Pa. Sworn to before me this 5th day of February, A. D. 1907. [Seal.] Justice of the Peace.

My commission expires first Monday in May, 1910.

MORE EXAMPLES OF GIRLS' WORK IN PENNSYLVANIA.

Says Doctor Roberts:

Ten or fifteen years ago night work for girls was unknown in this

This is Pennsylvania-

Ten or fifteen years ago night work for girls was unknown in this State. The evil arose when the silk-throwing plants were built in anthracite communities; and as these enterprises multiply, the number of tender children employed at night increases.

So you see we are not talking about something that is old. We are talking about a new and increasing evil. If the census-figures showing 750,000 children at work in other occupations than agriculture be correct—and I have shown that they are far beneath the truth—the increase since 1900 would make to-day over 1,500,000 children engaged in something else than agriculture.

Says Doctor Roberts:

A plant in Dickson City, employing some 300 hands, draws its labor supply from a radius of 2 miles, and young girls not 16 years of age work twelve hours for five nights in the week. When an employer was asked "Do they work as well by night as by day?" he answered, "No: they don't sleep in the day, and when midnight comes they get drowsy"—

Children working on their feet all night How extraordinary! get drowsy! How indolent of the children-

"and the waste is larger." I saw little girls going to and fro before scores of revolving spindles, having their short dresses tied with a cord to keep them from being entangled in the machinery as they stretched on tiptoe to catch the broken thread.

And these little girls in short dresses, standing before these whirlers—some of them making 25,000 revolutions a minute—from 6 p. m. to 6 a. m., get dronesy. It means more waste—the waste of nerve and tissue of future mothers in the Commonwealth of Pennsylvania sylvania.

Future mothers, you know, of the "capitalists" of the New York Sun's prophecy

I shall refer to the book again upon another phase of the subject.

MR, NICHOLS'S ACCOUNT OF THE BREAKERS.

Now I will read the only article I shall read which will not be supported by an affidavit, and the reason of that is that the writer is dead. It is an article entitled "Children of the Coal writer is dead. It is an article entitled "Children of the Coal Shadow," by Francis H. Nichols, in McClure's. He also adds his testimony to Mr. Lovejoy's, Mr. Durland's, and Mr. Spargo's about the work of boys on breakers and just what that work means:

After being ground in heavy machinery in the cupola of the breaker, the broken coal flows down a series of chutes to the ground floor, where it is loaded on freight cars waiting to receive it. The chutes zigzag through the building, about 3 feet apart. Between them, in tiers, are nailed a series of planks; these serve as seats for the "slate pickers." Mixed with the coal are pieces of slate rock, which it is the duty of the slate picker to detect as they pass him and to throw into another chute which passes to the refuse heap below.

A few of the slate pickers are white-haired old men, superannuated or crippled miners who are no longer able to blast coal below ground, and who, for the sake of a dollar a day, pass their last years in the breaker; but an overwhelming majority in all the breakers are boys. All day long their little fingers dip into the unending grimy stream that rolls past them.

The coal so closely resembles slate that it can be detected only by the closest scrutiny, and the childish faces are compelled to bend so low over the chutes that prematurely round shoulders and narrow chests are the inevitable result. In front of the chutes is an open space reserved for the "breaker boss"—

Senators who heard the evidence given the other day will re-

Senators who heard the evidence given the other day will remember that both Mr. Spargo and Mr. Lovejoy testified that the boss sat some distance back with a stick in his hand and

occasionally, with a piece of slate or coal, spurred the boys on to greater effort. "By a multitude of witnesses," says the

In front of the chutes is an open space reserved for the "breaker boss." who watches the boys as intently as they watch the coal.

The boss is armed with a stick, with which he occasionally raps on the head and shoulders a boy who betrays lack of zeal. This is in

the head and shoulders a boy who betrays tack of zeat. This is in America, you know.

The breakers are supposed to be heated in winter, and a steam pipe winds up the wall, but in cold weather every pound of steam is needed in the mines, so that the amount of heat that radiates from the steam pipe is not sufficient to be taken seriously by any of the breakers'

tollers.

From November until May a breaker boy always wears a cap and tippet and overcoat, if he possesses one, but because he has to rely largely upon the sense of touch he can not cover his finger tips with mittens or gloves. From the chafing of the coal his lingers sometimes bleed, and his nails are worn down to the quick.

The hours of toil for slate pickers are supposed to be from 7 in the morning until noon and from 1 to 6 in the afternoon; but when the colliery is running on "full-capacity orders" the noon recess is reduced to half an hour, and the good-night whistle does not blow until half past 6. For his eleven hours' work the breaker boy gets no more pay than for ten. past 6. For than for ten.

Mr. CARMACK. About what are the ages of these boys?

Mr. BEVERIDGE. The Senator evidently was not here Wednesday. I have not attempted to recapitulate all that testimony. I then read an article supported by the affidavit of Mr. Lovejoy, giving the names and ages of the children. They range all the way from 8 years up to 14 years, all of that being a violation of law; and I am coming to the age.

The writer goes on and describes how difficult it is to get any of them to say anything about it, because they think it is the inspector perhaps, or something of that kind, and they do not want to betray their fraudulent certificates. But he got into communication with the boys through a labor union.

communication with the boys through a labor union.

For this reason my inquiries of mine boys as to their work and ages were always conducted under the sacred auspices of the union.

The interrogative colloquy was invariably something like this:

"How old are you?"

BOY. "Thirteen, going on 14."

SECRETARY OF THE LOCAL. "On the level, now, this is union business.

You can speak free, understand."

BOY. "Oh, dat's a diffurnt t'ing altogether. I'm 9 years old. I've been working since my fadder got hurted in th' explosion in No. 17 a year ago last October."

A system of compulsory registration of births, such as exists in most of the other States of the Union, might settle the question of the ages of the children, but, strangely enough, such does not exist in the State of Pennsylvania. Without some such source of evidence, notaries and inspectors, knowing to a moral certainty the perjury, can prove nothing.

I send to the desk and ask to have read an affidavit. I call

I send to the desk and ask to have read an affidavit. I call the attention of the Senate to the fact that this affidavit is made by a school-teacher now living and teaching in Washington, who taught a school near one of the breakers and later on taught a school in New Jersey, and she made personal observations con-cerning the facts to which she testifies.

Without objection, the Secretary The VICE-PRESIDENT.

will read as requested.

The Secretary read as follows:

DISTRICT OF COLUMBIA, United States of America, 88:

District of Columbia, United States of America, ss:

Miss Olive G. Murphy personally appeared before me, a notary public, who on eath says she has taught in the public schools of Dickson City, Pa., a town 6 miles from Scranton, Pa.

During the strike the breaker boys came to her primary school. She then realized how little these boys had been in school.

They were between 9 and 12 years of age, and were in a class of children 6 and 7 years of age. The breaker boys were not able to read in the first reader or write their names, which proved to her that they had been working before the age limit.

The boys not only lost the education which is due to them, but their health was impaired by breathing the coal dust, injuring their lungs; working in darkness, injuring their eyes; position while working, giving them cramped bodies.

She has lived in Scranton and has seen the home life, which told her that school was the only place where the miner's child could receive an education to fit him to become an American citizen.

She saw in Paterson, N. J., at Barber's linen mill, the small girls outside with wet clothing, as if they had been out in the pouring rain. The work in this mill is not fit for any child, especially the small girls who work there.

OLive G. Murphy.

OLIVE G. MURPHY.

Subscribed and sworn to this 25th day of January, 1907.
[SEAL.] EDGAR L. CORNELIUS,
Notary Public.

Mr. BEVERIDGE. I send to the desk and ask to have read another affidavit.

CHILD LABOR IN MAINE.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

I, Arthur F. Cushman, of Auburn, in the county of Androscoggin and State of Maine, on oath say that the facts stated in the article appearing in the Lewiston Evening Journal, of Lewiston, Me., on Saturday, June 16, 1906, entitled "Child Labor in the Lewiston Mills," and signed by me, were at that time true to the best of my knowledge and belief.

And I, on oath, do further say that the facts stated in the article appearing in the Maine Magazine of November, 1906, entitled "Child

Slaves of Maine," and written by me, were at that time true to the best of my knowledge and belief, and that the photographs appearing in said last-mentioned article were taken by me under the conditions described therein.

ARTHUR F. CUSHMAN. LEWISTON, January 10, 1907.

STATE OF MAINE, Androscoggin, 88:

Subscribed and sworn to before me.

RALPH W. CROCKETT, Notary Public.

Mr. BEVERIDGE. The extract which I wish to read from Mr. Cushman's article in the Maine Magazine is as follows:

Mr. Cushman's article in the Maine Magazine is as follows:

There are 2,000 children, 14 years of age and under, working in the cotton and woolen mills and shops of Maine. That is my estimate, made after careful consideration of the data I have myself gathered. It is substantiated by the investigations of half a dozen honest men and women who have thrown their time, energy, and means into the work. Indeed, the labor unions constitute the only body of men who have presented a consistent front against this slaughter of children's tender bodies and innocent souls.

Two thousand children!

This number is constantly increasing. The increase is more noticed in the number of girls employed.

Over half of these attend no school throughout the year. Some of them, even as young as 11 years of age, have spent their last day in school.

Lewiston and Auburn alone furnish three-quarters of a thousand of these unfortunate children, and a more sickly, pinched, dull-eyed, and colorless cheeked gathering of little tots can not be found outside our

An attempt has been made by the mill managements in times past deny these facts and figures, but in the face of the evidence I have my disposal they dare not now repeat that denial over their own signatures

There was, I believe, a denial of some of these statements, and almost at the same time the Lewiston Journal of April 16, 1906, published a description of the killing of Francis Russell, who was a boy of 11 years of age working in the mill. There was no denying that boy's age. I have the Lewiston Journal's account of the accident.

Mr. Cushman published in the Lewiston Journal a rather extensive article, from which I extract merely the bare statements of fact. He says:

of fact. He says:

It is not my purpose to make any statements here that can not be substantiated by the actual data in black and white, which I have at my disposal. After perhaps the most careful investigation regarding child labor ever made in this community, an investigation covering nine months of persistent effort, from June, 1905, to March of the present year, an investigation that has brought me into close touch with the home life, the street life, and the mill life of these children of poverty, an investigation itself following nearly three years of careful, open-minded observation—after all this I am prepared to say that here in Lewiston, in five of these million-dollar cotton mills, human lives are being blotted and crushed, human ambitions are being stifled and drowned, human souls are being starved, poisoned, destroyed, not because these children are not smart, not because they are not good, not because they are not willing to work, but because mill owners must prind their dividends out of the flesh and blood, out of the intellects and souls, not of grown men, not always even of women, but of children.

Starting with the summer vacation for 1905, a systematic division of territory, a careful study of conditions and subsequent laying of plans occupied the time through\_the rest of June and through July to the 1st of August. I have thought it best to observe absolute secrecy in pursuing this work.

This has been a success. It has allowed me to associate with mill help with never a suspicion of my purpose. I have entered into their lives; I have studied them, their motives, their incentives; I have won their confidences.

Beginning with August I visited in succession each of the upward of thirty mill gates, some of them twice and some three times. At these gates, while the help were passing in and out, I have taken a "census."

It should be borne in mind that these figures are without value, almost, unless I have been able to tell pretty nearly, upon casual observation, about how old a mill child is. I would only say that I have cultivated the acquaintance of these children for what is now over three years. You have passed a law that no cigarettes shall be sold to boys under 14 years of age, and you leave it with the dealer to estimate the ages of his youthful customers. You allow no liquors to be sold to minors, but you leave it with the city liquor agent to guess how old his applicants are. With fully as much care and discrimination—with, perhaps, even more care and discrimination—I have estimated the ages of these child workers as they have passed before me, in and out of their daytime prisons. I may have made mistakes, perhaps serious mistakes, but I have made generous allowances, and as I review the results of these nine months of work I fully believe that if my figures are far from correct, it is because they are too low rather than too high.

Then he proceeds to give the mills in detail and the gates by

Then he proceeds to give the mills in detail and the gates by numbers and the children and the ages of the children found at each, and that, of course, is too long either to have read or to spread at length in the Record. The summary is what we care about.

Now, the figures given above indicate about 467 boys and girls seemingly under 15 years old employed during vacations in the public schools. Figures do not tell the story of tired eyes, wasted, pinched bodies, drooping heads, and dragging feet. We may say that there are very nearly or quite half a thousand of these children laborers, and yet the meaning of these statistics will hardly dawn upon us. Out of all of them, as they have passed before me, I doubt if I could have picked out half a hundred of them whom I would not place under a doctor's care were they children of mine. Whether this widespread anemia, which often ends in consumption, is due to sustained overwork, which no child's stomach is able to make up in nourishment, or whether it is

due to undernournishment from cheap or adulterated food which it is ever the lot of the children of the poverty stricken to eat, I do not

ever the lot of the children of the poverty stricken to eat, I do not care to say.

I will state the situation as I, personally, have found it. However, the mortality among these children must be great. I have heard United States statistics quoted to the effect that the average child under 15 who goes to work in the mill averages to live but five years, but have been unable to get a copy of these figures. Doctors who practice in southern mill districts, where hours are longer, place the average at three or four years. In Maine, where the hours of work are only eleven a day and where the climate is colder and dryer, the children would live much longer than this on the average. Many of them live to raise families. But what children are theirs!

Returning again to the facts that I, personally, have been witness to, I desire to state further that the 467 boys and girls given in the above table are about one-half of the actual number of boys and girls working in the mills who are yet, as we may say, in short trousers or short dresses.

The rest of this article I shall refer to on the question of the nonenforcement of law when I come to that topic.

THE CHILDREN OF FOREIGNERS.

Thus far, Mr. President, these items, uninteresting perhaps to Senators, but of infinite consequence to this nation, have concerned foreign children more than American children. names which I read the other day in Mr. Lovejoy's article indicated that they were foreigners, that they were Slavs and Italians and Hungarians. (This extract is inserted hereafter under head of "Nonenforcement of Laws.") Anybody who has Anybody who has made a study of the situation knows that this is also true in the New England States. In Maine, in New Hampshire, in Vermont, immense numbers of foreigners—French, Russians, Canadians, and Slavs-have gone into the mill towns and are at work.

But that does not decrease my sympathy, if I was taking this up as a matter of sympathy, which I am not. I am interested in this matter not only from the point of view of sympathy for these children, but for the future of this Republic. All of us have seen growing within the last ten or fifteen years a class which men of all parties concede to be very dangerous to free institutions; and that that class shall not increase as it is now increasing, but that it shall be exterminated is the chief concern in the consideration of this bill.

But even if it were only sympathy, my sympathy is as broad for the child of the foreign immigrant as it is for the

child of an American.

Mr. President, the children of foreigners, if they have a chance, make admirable American citizens. I wish every Senator who doubts this might read a remarkable article in the American Magazine some three months ago, entitled "A mother of Americans," and citing merely the cold facts without adornment. It told of how a young Lithuanian woman and her husband had gone to Chicago, and described the magnificent children they reared and the splendid citizens of this Republic which these "foreign" parents' sacrifice and toil and love of liberty, which brought them to this country, had produced in their children.

"Foreigners?" I suppose we were all "foreigners" once. I have no patience with the narrow view that some of us monopolize all the real and original humanity of the world. These people who come here make in the course of one generation admirable citizens if their bodies are not broken and their souls are not crushed and their minds are not stunted in the meantime. And when you do that to any children, whether they are Americans or "foreigners," you have spoiled citizenship and

ruined human life.

But now, Mr. President, I come to a section of the country where this evil is greatest and most shameful and where it is practiced upon the purest American strain that still exists in this country—the children in the southern cotton mills, to whom I am now going to call the attention of the Senate. I am sorry that so few Senators upon the other side of the Chamber are interested in this question. I should like them to hear it. The evil is practiced in these States upon children who are the unadulterated, unmixed "American," the pure Scotch-Irish, whose fathers fought at Guilford Court House and Cowpens

and followed Marion to victory.

Their blood has never been adulterated from that day to this. Every sociological investigator testifies that those southern children of this origin are capable of infinite development. But the children are not being developed. The mills are being "developed." I shall show you by the actual testimony of personal veloped." investigators that instead of being developed, these children are

being ruined by the tens of thousands.

CHILD LABOR IN SOUTHERN COTTON MILLS.

First, Mr. President, I shall read from an article in World's World's Work is another one of the publications which can not be classed with those publications as to which I quoted an opponent of child-labor legislation as calling them, in vast contempt, "them there magazines." All these magazines are

very high class, which do not accept anything that they do not have reason to believe is accurate.

I have not been able to procure the affidavit of Miss Ashby, who wrote this article, because she is now married to an English officer and at present lives in South Africa. But I will procure it before the debate terminates, if the letter can get to the interior of South Africa by that time. She went south as an investigator of the American Federation of Labor, and I shall present in concluding, when I sum up the testimony in this case, her article in the American Federationist, illustrated by pictures, so that Senators who doubt, so that Senators who think that words too lurid are being used, can with their own eyes take the testimony of the photographic lens as to what those children look like and what kind of a looking woman this sweet-souled investigator is. I shall exclude from this, as from all other articles, everything except merely the definite, detailed description of the fact.

Miss Ashby says:

Walking up the long, orderly building, deafened by the racket, yet fascinated by ingenious machinery, you become suddenly aware of a little gray shadow flitting restlessly up and down the aisles—a small girl, and with bare feet and pale face. She has a worn and anxious aspect, as if a weight of care and responsibility rested already on her baby shoulders. She either does not look at you at all or she turns her eyes but for a moment, unchildlike in their lack of interest, looking back immediately to the spinning frame.

A thread breaks first at one end of the long frame, then at the other. The tiny fingers repair the damage at the first place and she walks listlessly to the other. Something goes wrong above, and the child pushes forward a box to stand on that she may reach it. With a great shock it dawns on you that this child is working.

This is a scene with which I became too painfully familiar ever to forget or to misrepresent. During the latter half of December, 1900, and the first half of January, 1901, I visited twenty-four cotton mills in sixteen cities and villages of Alabama. I chose Alabama because the industry, although comparatively new there (only four out of the twenty-four mills I went through averaging more than five years' existence), is in an active stage of growth, and a child-labor bill had been pending before the legislature.

It was defeated after a severe fight, and the present law,

It was defeated after a severe fight, and the present law. which is practically no law at all, was put on the statute books. Miss Ashby continues:

I was prepared to find child labor, for wherever easily manipulated machinery takes the place of human muscles the child is inevitably drawn into the labor market, unless there are laws to protect it. But one could hardly be prepared to find in America to-day white children, 6 and 7 years of age, working for twelve hours a day—aroused before daybreak and toiling till long after sundown, in winter, with only half an hour for rest and refreshment.

That is what is going on in the South, as I shall show by scores of actual examples, giving the definite description of the children, how old they were, where they worked, and how they looked, all given under oath.

When the mills are tempted by pressure of work they make the same old mistakes of their industrial ancestry.

Their industrial ancestors I am going to refer to at some length. They were the English. This infamy began in England a hundred and some years ago, but England began to reform it a hundred years ago, although, even then, too late.

Some of them run the machinery at night, and the little children are called on to endure the strain of all-night work—
I would not read the following if I did not have another wit-

ness to this fact-

and are sometimes kept awake by the vigilant superintendent with cold water dashed into their faces. I should hardly have believed it had I not seen those things myself.

One evening in December I stumbled through a totally unlighted mill village, falling by the way into ditches and deep ruts, and knocked at the door of one of the wooden huts where I saw a light. I asked the woman who opened it if I might come in. Assenting, she ushered me in. She was surrounded by a brood of very small boys, and her consumptive husband sat beside the fire. The smallest child, a poor little fellow that looked to be about 6 years old, nestled up to me as I talked to them. All worked in the mill except the mother, they told me.

"Not this one!" I exclaimed, looking down at the wee, thin boy beside me.

"Why, yes." He had worked for about a year; last year he worked forty nights; he was nearly 8 years old now. They left that mill because the night work was too hard on the children.

In answer to a query from me, the child said that he could scarcely sleep at all in the daytime.

At one place I heard of children working on the night shift, turned out for some fault at 2 o'clock in the morning, allowed by a compassionate clerk to go to sleep on a bench in the office, as they were afraid to go home.

Ladies told me, too, of a common sight in the mill cettages—children

nome.

Ladies told me, too, of a common sight in the mill cottages—children lying face downward on the bed sleeping with exhaustion, just as they had come in from the night shift, too utterly weary even to remove their clothes.

ALL THESE ARE "AMERICAN" CHILDREN-NOT "FOREIGNERS."

That is not on the coal breakers of Pennsylvania or in the cotton mills of the North. These are not foreigners' children-Huns and Slavs and Bulgarians. These are American children working in the South to-day.

Continues Miss Ashby:

Often the whole family, except the baby actually in the cradle, is in the mill. Two or three of 8 years or older might be on the pay roll, but the youngest paid worker can get through her "side"—

"Side" is the term by which they measure the pay-

At 10 cents a day-

At 10 cents a day! A child 6 years of age, working twelve hours, standing on her feet, at 10 cents a day!

at 10 cents a day-with more ease if she has her little brother of 6 to help her.
I have seen

help her.

I have seen a boy under 4 beginning his life of drudgery by pulling the yarn off bobbins to make bands.

A manager courteously conducting me through the mill would often explain—at some exclamation from me—"these very little ones are not working; they are only helping their brothers and sisters." I accepted the explanation until it dawned on me how numerous were these wee unpaid assistants.

Turning back once more to the purely human aspect of this uncivilized system I would say that no array of facts and figures are needed by those who have seen it in operation. I am familiar with the slums of two continents, but I can say I have never seen a more pitiful sight than the mill children, nor known little ones for whom the outlook was more hopeless.

It is not only that they are pale, shrunken, and howed—they lock.

more hopeless.

It is not only that they are pale, shrunken, and bowed—they look as if their brains were hypnotized and their souls paralyzed. A friend of mine in Atlanta, thinking to give some of these little victims a treat, asked a number out to her place in the country and turned them into the woods to play. What was her distress and amazement to find that they did not know what the word or the thing meant.

American children, not foreigners like in Pennsylvania and in New England, but American children in the Southern States.

American children, not foreigners like in Fellisyivania and in New England, but American children in the Southern States that do not know what "to play" means. I shall quote from this book some more when I come to an examination of the impossibility of the States handling this evil.

Mr. President, I send to the desk and ask to have read a cable-

gram.

The PRESIDING OFFICER (Mr. SMOOT in the chair). The

Secretary will read as requested.

Mr. NEWLANDS. May I ask the Senator from Indiana in what State the condition to which he refers as to age exists?

Mr. BEVERIDGE. I will describe it very definitely. is a map [indicating] where you see the Southern Railroad with little black dots on the map. The little black dots represent cotton factories which have grown up along the line of that road, and they honeycomb the States of Georgia, Alabama, South Carolina, and North Carolina. They also exist elsewhere—everywhere, more or less. The things that I have now been reading from were from Alabama, and what I shall immediately read from are Georgia; and on a little later I shall present some affidavits from North Carolina and South Carolina. I have spent one day on Pennsylvania and some of the other places in the North where, without using a word that is too strong, the crushing of these children is given, notwithstanding it is excused upon the ground that they are the children of foreigners. In the Southern States they are not the children of foreigners, and when I get to that part of my argument I am going to call the serious attention of Southern Senators to a future for the South which this very evil is now creating.

The PRESIDING OFFICER. The Secretary will read as re-

quested.

The Secretary read as follows:

[Cablegram.]

PARIS, January 21, 1907.

Senator Beveringe, Washington: Ready swear accuracy child-labor articles Post.

Mr. BEVERIDGE. I shall now read illustrations of what exists in the South, written in a remarkable series of articles in the Saturday Evening Post, of Philadelphia, from Mrs. Van Vorst's personal investigations. I tried to get her affidavit, as I got the affidavit of the rest of the witnesses from whom I read, but she is now in Paris. So she was cabled as to whether she would make the affidavit, and she has sent back the cablegram you have just heard, that she is willing to make affidavit to the truth of every one of the statements that are here made. She says:

A SOUTHERN "MILL TOWN."

Anyone who has visited a mill town knows the deserted aspect of its streets during the daytime. Had it not been for the roar of the engines which throbbed on as the pulse continues to beat, in unconsciousness, I might have supposed Alabama City to be a village whence all life had suddenly fied.

I page over a decomption by

I pass over a description here and get down to her questioning of the children and her description of the children. She went to one of the mills and first encountered a little girl, a little girl that had worked twelve hours a day and was too tired to stand. Mrs. Van Vorst says:

She sank down beside me, leaning back against the post of the door-steps. Her face was hardly less white than the knitted woolen "cloud" which covered her head.
"I am tired enough to sit down," she sighed.
"Do you get tired in the mill?" I asked.

"I reckon I do. We live up on the hill yonder, and when I first started to work it didn't seem nights like I ever could get home. Now I don't mind it."

"How long have you been at work?"

"Over a year."
"And how old are you?"
"Eleven."
"What are the hours in the mill?"
"About twelve a day, I reckon."

Listen to this description. She tells how she arrived at her estimate of twelve hours a day:

"Well, there's the first bell at half-past 4-"

That is in the morning, Mr. President-half-past 4 in the morning-

"that's for ringin' us up; then there's the second bell for breakfast; and they don't give us more than a few minutes to eat before they begin callin' us at 20 minutes to 6."

A girl of 11 years, and I will show instances of girls of 5, 6, and 7 that are gotten out of bed at half-past 4 in the morning and are standing on their feet at 6, working for twelve hours a day, until the sun goes down.

"And you get out at—"
"Twenty minutes a-past 6."

A girl awakened at half-past 4 a. m.; in the mill at 6; working all day until half-past 6 p. m. That is the kind of a person out of which we are going to make the "capitalists" of the future, according to the editorial that I read when I began my remarks.

With only half an hour for lunch? She leaned listlessly against the wooden post.

Here is another example. I choose to give these specific illustrations so that we will not be indulging in any suppositious cases. Here is another girl:

She was the victim, and there are many, not only of greed, but of the ignorance of parents. Her father and brothers made enough to support the family and to put money aside, for the house in which they lived they had built themselves, and they owned it and the ground on which it stood.

Then Mrs. Van Vorst, to be absolutely truthful, gives a statement about the generosity of the mill owners themselves.

The founders of the mills at Alabama City have made the village as attractive as possible (given the monotony which any place must present where everybody has about the same income, and that income very small). The little one-story houses occupied by the mill families are built with sloping, irregular roofs, verandas which are more or less screened by vines the company has planted. About each home there is a small bit of ground inclosed with a fence, all of which, together with the fact that no two of the cottages are just alike, gives a pleasing aspect to the town. No law obliges such corporations to provide a schoolhouse and teacher or a library, and one's first impulse is to feel that here, really, is a mill run almost on philanthropic principles. Alabama City is undoubtedly the most attractive mill town in the South, but the difficulty of procuring operatives and of keeping them is so great that it is a good investment to make the surroundings as alluring as possible, and it is cheaper to offer swimming pools and amusement halls and lodge rooms than it is to raise the wages of 2,000 laborers.

amusement halls and longe rooms than it is to race the second sec

Then she joined the operatives. Then she says:

Three things struck me most forcibly: The ghastly appearance of all the hands; the extreme animation and cheerfulness of the little children; the appalling languor of the girls and boys who were fifteen and over.

Here, as well as when I begin to examine the reasons for the deterioration of the British people, I might as well point out that when the children begin work, say, at 7 or 8, they are extremely animated. The vitality which ought to go for growth, which ought to go for development, goes into the work they are doing, and it is with neurotic activity that they toil. But so exhausted do they become by that kind of labor in that kind of an atmosphere that one of the consequences is that by the time they have reached 15 and 16 they are practically nervous wrecks.

The girl who volunteered to "show me around" was typical; she had the natural awkwardness of those whose muscles have deteriorated because of poor nourishment. She hitched along, wielding her arms and hands, like so much dead weight, as best she could. Her face was pale to transparency. How old was she? "Most 16." And how long had she been at work? "About eight years."

Down in the "weave room" my guide was a girl of 14, whose apprenticeship at "spinnin" had lasted five years.

The first girl began work at 8 years of age and the last girl

at 9 years of age. There's just piles of little ones in here-too little, I think.

That is what the girls were saying to Mrs. Van Vorst.

When the owner used to come through we used to "run out," those

tinlest ones...

"Run out?" I asked.

"Yes; hide 'em in the closets or anywhere for fear he'd stop 'em workin'."

There are humane men among these mill owners.

#### A FUTURE " CAPITALIST."

Here is a description of one of the future "capitalists," which the New York Sun seems to think will develop from these chil-This is the best description of the best child that Mrs. Von Vorst specifically describes:

His legs and arms protruded, bare and lank, from clothes long since outgrown, and his whole attitude expressed such physical exhaustion that instinctively I exclaimed to the woman who waited at the door-

"Is that your boy?"

Perhaps she detected something more than curiosity in my tone, for she answered:

"Yes, mam. He's been sleepin'. He's on fer night work neow."

"Yes, mam. To yours of age, and had begun to work at 7. This boy was 15 years of age, and had begun to work at 7. He could not read or write and insisted that next year he was going to school. He was helping to support his mother. He was a fine type of boy.

was a fine type of boy.

He had never had a book in his hands or "scratched a line," as his mother put it; he had had no contact with that outside world of imagination and learning in which the rest of us dwell. He had been for years up before dawn and plied in the service of a machine for twelve hours a day; he had spent his childhood as a laborer, a bread winner, who earned food and shelter not only for himself, but for another; he had lived without pleasure, without amusements, without hope—without hope, yes; but never without courage.

And when at last an opportunity presented itself, what form did it take? The chance to extenuate his remaining energies working night and day; to be drenched to the skin; to be too tired to eat when food was put before him, too exhausted to sleep when his head touched the pillow. This was his chance, and he met it fighting the good fight and bound to be victor. His lank and withered body gave evidence sufficient of what he was going through.

he was going through.

In Georgia, I think it was—the Senators from that State can tell me if it was not—there was a "gentleman's agreement" among mill owners in lieu of the law such as they have now. I will have something to say about that law later on.

Mr. BACON. What is the Senator's remark?
Mr. BEVERIDGE. A "gentleman's agreement" among manufacturers it was called.

Mr. BACON. Does the Senator mean to inquire whether or not there is a law in the State on that subject?

Mr. BEVERIDGE. No; I do not inquire. I know.
Mr. BACON. I do not understand the Senator's remark.
Mr. BEVERIDGE. What I am explaining, or was just about to explain, is that there was in Georgia among the cotton manufacturers a "gentleman's agreement" about the working of chil-

Mr. BACON. There was.

Mr. BEVERIDGE. That took the place of the law. You have a law down there at present which, for the purpose of stopping child labor, is not worth the paper it is printed on, as the Senator himself ought to know, and if he does not I shall convince him of it by testimony which can be established in

Mr. BACON. Of course, that is a very pointed remark, and if the Senator will permit me to say a word-Mr. BEVERIDGE. Certainly.

Mr. BACON. I have no design to interrupt the Senator in his presentation

Mr. BEVERIDGE. That is all right.

Mr. BACON. But as he has, in the first place, appealed to me, and then, in the second place, proceeds to express his opinion with such definite precision and absolute conclusiveness and to lay upon me the responsibility of a possible want of sincerity-

Mr. BEVERIDGE. No, no; I did not say that.

Mr. BACON. I simply wish to say to the Senator, for I disagree with him with very great hesitation and much diffidence and great regret in view of the predetermined judgment he has pronounced upon the matter

## THE GEORGIA LAW.

Mr. BEVERIDGE. I wish to say that I disclaim any intention of reflecting on the Senator's sincerity, and I do not know how in the world he ever could infer it from what I said. I simply said that I am familiar with the Georgia law; I am familiar with the so-called "gentlemen's agreement" that preceded it; I am familiar with the fact that the law does not amount to anything in Georgia, and I was quite sure that the Senator-acute, able, public man as he is, and I say that with all possible earnestness—knew those things. In fact, I do not think the Senator will stand up and deliver any eulogy on the law of Georgia, or if he does, he certainly will not deliver any eulogy upon what happens under it.

Mr. BACON. Mr. President, I would not undertake to follow the Senator in his criticism at this time especially, but in order that I may not be misunderstood I will simply say to the Senator that the need for a law had been generally recognized in my State. One has been passed that is working well at the present time, and it is worth a little more than the paper it is

written upon, and the question which is, I think, in the minds of Senators here is not as to whether there has been and is a great evil in regard to this matter, but really whether this is a matter for the attention of the States or a matter to be dealt

with, as the Senator proposes, by Federal legislation.

I do not disagree with the Senator in any manner or in any degree as to the importance of legislation of this kind and as to the importance of the correction of the evil which he is so eloquently setting forth and portraying. I am waiting with much patience when the Senator shall reach what I regard as the crucial question here, which is one of law, and when we have the argument in no ambiguous terms of the Senator there will be, he has promised us, no doubt left in the minds of any Senator as to the correctness of his position.

Mr. BEVERIDGE. I will do that, Mr. President; and I would not take so much time, as I stated in the beginning of my remarks, with the statement of facts and the presentation of evidence in the case if I did not mean that it shall be understood that no man can say that this evil is exaggerated; that we indulge in vague charges without coming down to specifications of the actual evil and the infamous inhumanity of it. and the danger of it to our institutions. That is why I am taking so much time, I will say to the Senator from Georgia, with the facts.

So far as his State is concerned, I say to the Senator, and I think that he will agree with me, if it was in my State I should attack it with tenfold more vigor than I do the evil in another

I do not think that in its broader aspects this is a State question at all. I do not intend now to get into the legal part of this argument; but I will say this—that I have so drawn this bill as to eliminate the question of "State rights," because I myself profoundly respect those who sincerely hold to that political doctrine. I have so drawn the bill that every "States rights" man can vote for it without violating his constitutional convictions. If I had not meant to do that, I should have drawn the I'll on precisely the lines of the meat bill; but I did not want to meet the question of "States rights," because I knew there are men here who sincerely believe in that political philosophy, and have been in the past, who would be again, willing to risk their lives in its support.

I do not intend to get into any debate upon that, but I think that the broader aspect of this evil is purely national. It is not only State citizens that you are ruining, it is the citizens of the Republic as well. It is not only Georgia children that are being murdered, it is American children as well. It is not confined to Pennsylvania alone. It exists all over the Republic. I shall show by an affidavit that in the Northern States, in which the best factory inspection in the United States exists, Illinois, the law is violated. It is something which in its broader aspect the States, as I shall show when I come to argue that part of it,

can not reach.

But what I am doing now is presenting facts. I know it is monotonous, I know it is wearisome; but it is like trying a case in court. The evidence must be presented. I am very much obliged to the Senator for his patience.

Mrs. Van Vorst continues:

The "gentlemen's agreement" made in Georgia among employers affects only the cotton industry. In all other manufactures no laws, written or unwritten, exist to protect the laborer.

This is July 7, 1906:

## WORK IN A BAG MILL.

At a bag company works in Atlanta there are in the spinning room the usual 100 "kids" out of a total of 160 hands. The sweepers and doffers whom I questioned gave their ages as 7, 9, and one little waif responded apologetically: "I am 5—I am only he pin."

The overseer himself volunteered this conclusive testimony: "There's children in here, lots of 'em that I'm morally satisfied are under 12 years old; but when the parents swear, what can you do about it?"

Of course under this bill if he found himself before a United States court, with a penitentiary staring him in his face, he would know "what to do about it." He would err on the right side. That is what he "would do about it," and not accept the false and perjured certificate of unworthy parents, when he morally knew that the child whose life he was crushing out was under-age. I have no respect for the man whose conscience can be relieved by a perjured certificate as to the age of a child. Hear Mrs. Van Vorst further:

Bad as are the conditions in this company's spinning rooms, it is nevertheless not here, but in the bag mill, where there is nothing to restrain employers, where the worst conditions prevail.

The foreman, a kindly man, remarked as he accompanied me to this section of the factory:

"The dust here keeps me with a cold in my head about the whole time."

Fine, pernicious, it rose, this dust, in snowy clouds, filling the air. As I looked into the workshop it seemed as though a veil had been drawn before my eyes.

There were 130 hands in the room—70 of them were little children, the rest were women. Here and there were perceptible in the ghastly artificial light the wooden frames upon which the bags must be stretched and turned. They lifted their prongs high above the heads of the tailest child laborer. Yet with an upward gesture that carried him almost off his feet he must fling one bag after another over this instrument, turn them, and slip them free again with frantic speed.

The women, meanwhile provided with electric sewing machines, whose insistent "burring" produced a peculiar bediam, were "running up" the seams on these same long and narrow bags which we are accustomed to see used for flour, meal, and the various grocers' provisions. The materials they are made of is stiffened with a dressing of white clay, which, at the first touch, is scattered from the coarse meshes of the loose-woven cotton cloth, and begins to fly about in the air, forming a cloud, settling over everything, filling gradually the lungs that inhale it at every breath.

We are often told how necessary fresh air is for those who exercise, and who, consequently, with an accelerated circulation, need more rapidly to purify their own blood. What it is difficult to imagine, must be the physical condition of the children at these mills! In such an atmosphere as we have above described, one boy turns in a day from 3,000 to 6,000 bags.

Everything, as well as the law, seems to further this voluntary destruction of lives. The public schools in the neighborhood of the mill close at 2 o'clock, so that the youngest children can go into the factory for a half day's work. And the company offers an extra 25 cents in a week's wages for the boys who, ambitious beyond their force, succeed in daily repeating thousands of times the gesture which twists their bodies out of shape.

There is, in the neighborhood of the mill, a Methodist social settlement directed by four residents who are doing admirable work among the mill hands.

I want to stop right here and say t

I want to stop right here and say to any Senator who doubts' this sworn evidence, that I have very large photographs showing the children in these establishments, and you can see what kind of children are working twelve hours a day in such conditions as these. The camera tells no lies.

Here is one illustration:

Out of forty boys who attend one of their gymnasium classes, there are just two boys who have reached the age of 12.

Here is another case:

In this mill there were children at work spinning, rolling yarn onto shuttles, preparing it for the dye room; but as I was accompanied by a clerk from the office I had no chance to question these toilers.

Then she went to another mill.

Then she went to another mill.

It was approaching the noon hour, and as I left the mills, walking along in the direction of the village, which lay across the canal, I came upon a small boy whose clothes, flecked with cotton, betrayed him as one of the child-labor brigade.

"Do you work at the mill?" I asked him.

"I quit." he affirmed.

"Why?" I queried again.

"They made me work till 12 o'clock."

"Till 12 at night?"

"Yes, mam; an' I had to come home alone, so I thought I might as well quit."

A little farther along there was a group of boys varying in age between 3 and 10 years—

tween 3 and 10 years-

This is in Georgia-

The oldest a mere wraith. His face was pale to ghastliness, and his hair had grown long and sparse with a vitality that contradicted the lifelessness of his flesh and skin.

I put the usual question, and he answered:

"I did work to the mill. But I took chills, an' so I quit."

There is no question about those children's age. Here is another description of child labor in a mill.

Mr. BACON. At what point in Georgia was that?
Mr. BEVERIDGE. At the cotton works in Atlanta, I think.

Mr. BEVERIDGE. At the cotton works in Atlanta, I think.
Mr. BEVERIDGE. Yes; I think all these mills are at Atlanta, though this whole series of articles deals with the condition in various States, and it is generally known where they are located. I suppose the affidavits must be now on the way.

Toll-worn and haggard, silent, dogged, they resembled in no way he little folks who are yet on the side of life which is all expectancy and hope.

She could get the names of the "truants" in the schools, and having thus obtained the names of the "truants," she would visit the homes where the children were "truants," because they were in the mills until they got home.

The oldest of the trio who returned to this miserable home of which he was the mainstay was 14; he had been nine years at work, and during that existence among the whirling bobbins of the spinning room, something of the machine's monotony had reflected itself irreparably in his jaded eyes."

Of course he will be one of future captains of industry of whom the Sun editorial prophesies.

He was dressed with a self-respecting neatness; his hair was brushed back against his gray, wrinkled forehead—it seemed, indeed, observing his ghastly pallor, as though he were, by his own hands, made ready for the grave, waiting only the final blow which would carry him hence.

The other two hands were a girl of 8, who kept still some of the buoyancy of childhood, and a boy of 11, who looked like so much formless clay which had been carried as débris from the potter's wheel. Silently this little trio filed into the kitchen; there was not half an hour to spend at home, to dine, and to return again to the greedy mill.

You might think, you who have watched your own rosy cheeked children devour with normal appetities the hot and savory food set be-

fore them at noon, that these little laborers, who already had accomplished a six hours of work, would have fallen ravenously upon their dinner. Without speaking these three children took their places at the table, and, as though with an effort, they swallowed this meal.

They did not touch the bacon—their throats, dry and parched from the overheated atmosphere of the spinning room, refused the nourishing food and craved some stimulant, like the clear black coffee, of which they greedily partook.

She describes that too much in detail for me to take time to read it. After the description, she goes on:

"There's everyday school," she went on, "and there's night school three times a week, where I try to send the children, but it seems like they wuz too tired when night comes."

How much did they make—these three breadwinners?

Fifty to sixty cents a day.

When the children had slowly and with difficulty swallowed the tasteless dinner, they set out again, silent and dogged, for the mills. And no exception were they. From the rows of frame houses along the canal there came other children making their way, silent, dogged, toward the great brick fabric which produced manufactures to the value of \$10,000,000 yearly.

Mr. BACON. The last instance the Senator read was in Atlanta, was it?

Mr. BEVERIDGE. I suppose those are the mills. I suppose she means those mills.

Mr. BACON. But I am speaking about the particular instance which the Senator is now reading.

Mr. BEVERIDGE. I take it, it is Atlanta.

Mr. BACON. I think not, from the fact that there is no canal there. That is the reason I asked the Senator the question.

Mr. BEVERIDGE. At any rate, it is some mill town; but that is not important.

Mr. BACON. If the Senator will pardon the interruption at this point

Mr. BEVERIDGE. I shall be glad to have the Senator's in-

terruption.

Mr. BACON. I desire to say that while I have no doubt that there have been great evils in this regard in Georgia, while I have no doubt that there have been instances such as the Senator has read, and while I have no doubt, in a general way, that there has been a great deal of evil from child labor in the factories in Georgia, as there has been everywhere where there has been factory work, if not in Indiana—and I presume it is true to a greater or less degree there, although the Senator's remarks as to what condition exists in Indiana would indicate that, in his opinion, such a condition does not exist there—I want to simply say that, while there may be these instances, as doubt-less there have been, and while I would not minimize the fact that the general matter of child labor in the State has been one which has constituted an evil, still it is a very great injustice to present these isolated instances as representative of general conditions. For myself I have been in a position where I have seen a great deal of the factory population, although I never owned a dollar's worth of stock in a factory in my life. I know that the instances which have been recounted here are not representative of the general conditions.

I simply want to make that general statement in justice to an industry in my State, which is a very large one, and very largely under the control and management of men whom I know personally to be men of high character. While these evils have existed to an extent possibly which should not have been permitted under their supervision and management, possibly in isolated instances such as have escaped their immediate attention, in the large manufacturing centers of Atlanta and Augusta and Macon and Columbus, where these cotton manufactories are, and other towns, dozens of which I could mention, the factory population generally are in a comfortable situation. They live in well-built and well-ventilated houses, not crowded, and the conditions are not such as have been portrayed by these magazine writers, whose articles I have sometimes read, about the factories in my own immediate neighborhood, where I have known the facts. They have taken isolated cases and have endeavored to make it appear that they represent general conditions.

If I do not trespass upon the Senator too long, I wish to add, as he has brought up the State of Georgia pointedly

Mr. BEVERIDGE. Not more pointedly, I will say to the Senator, than I have brought up Pennsylvania or Maine, or than I intend to bring up North Carolina and South Carolina; not more pointedly than I did Alabama, and not more pointedly than I will New Jersey or any other State where such conditions exist.

I quite understand that the Senator desired to make no particular allusion to my State.
Mr. BEVERIDGE. No; but just to re

No; but just to refer to the States where the conditions exist.

Mr. BACON. If the Senator will permit me a moment-

Mr. BEVERIDGE. Certainly.

Mr. BACON. What I wanted to say is that the Senator has pointedly alluded to the Georgia law, which was intended to correct these evils, and he has spoken of that law as not being worth the paper on which it is written. I wish to ask the Senator, in this connection, in order that it may go out to the country with the learned speech of the distinguished Senator from Indiana, to permit me to insert in the RECORD in his remarks the law of the State of Georgia in regard to child labor.

Mr. BEVERIDGE. No; I do not want it published in the RECORD in the midst of my speech, for I am myself going to give

an abstract of your law.

An abstract is not the law.

Mr. BEVERIDGE. And I am going to show by prominent newspapers of the Senator's town, and I will put in the sworn statements before I get through, as to the applications under this I will talk about the law a little later, when we new law. come to discuss its utter inefficiency under existing conditions.

As to these being "isolated" instances which do not do jus-

tice, etc., if that is the point the Senator wants to make, I am glad he wants to make it and to have him make any other point

he wants to make.

Mr. BACON. The Senator's speech will doubtless have a wider circulation than that of any other Senator would have, and as he is more familiar with this subject, having made a study of this question and having denounced this law, of which he proposes to give only an abstract—it is not a very long enactment—I should like very much, in justice to the lawmaking power of my State, to have the law published, in order that the public may judge, not according to the Senator's opinion, but according to their own opinion, when they read the law, whether or not it is an effective and just law.

Mr. BEVERIDGE. The Senator can put the law in his own I shall put an abstract of the law in my speech. speech.

Mr. BACON. But this will not go in the RECORD as my speech at all, but will go in as the Senator's speech.

Mr. BEVERIDGE. Ten RECORDS could not contain all the child-labor laws of the various States.

Mr. BACON. If the Senator declines to yield, I shall not attempt to interrupt him any further.

Mr. BEVERIDGE. The Senator must excuse me.

THESE NOT ISOLATED CASES.

The Senator says-and I want his attention-that these are "isolated" cases. On the contrary, they are typical cases. The Senator will have an opportunity to disprove them if they are not true. Everyone who has made these statements has made, or will make, an affidavit as to their truth.

When the Senator says that these are exceptional cases, what does he say about the estimate that there are to-day some 60,000 children 14 years of age or under that work in the cotton mills of the South? That is the fact, and the census figures themselves six years ago, when the industry was only in its infancy, showed there were some 30,000 children under 16 years working in the factories in the South. Does the Senator think that 30,000, does he think that 60,000 child slaves are "isolated" or "occasional?" It looks to me as though they are usual.

Before I get through I will take up other States. I will do so because the Senator seems to think we are not dealing with a great national evil, with a great sociological and humanita-

rian question.

Senators seem to think that they are the attorneys of the States here, and that when something is mentioned in which their States are named they must get up and denounce and deny it.

I am sorry I have to mention the fact that this occurs in the State of Pennsylvania or New Jersey or Maine or Georgia or any other State. It is the evil I am after, and it is the evil

that the American people are going to stop.

When the Senator says these instances are "isolated" and "exceptional" and do injustice to these "best people," I will read to the Senator a little bit later on, when I come to an examination of the system of law in one of the Southern States. what some of the manufacturers said before the House Committee about their being the "best people" in another State, and I will bring affidavits from that very State to show that those children are being practically murdered there.

I want to show the fact that just a year or two ago, under one of the best laws in the United States—and when I come to discuss the laws of the States dealing with this evil I shall present affidavits showing that the mill owners of Georgia, of Alabama, and of some of the rest of the Southern States were taking train loads of shipments of children from Tennessee, where the law was properly executed and where they were prevented from perpetrating further outrages upon them.

The Senator is mistaken. He has not studied this question as I have. He has not informed himself upon it as I have and as hundreds of other very devoted people have. And let me say to the Senator people almost as eminent as the Senator him-self, and as earnestly for "State rights" as the Senator, who have come, after years of effort for this reform, to the profound conviction that they must appeal to the Nation.

I give as an example of that kind of man Dr. Felix Adler, of York, and perhaps there is not a more eminent or learned publicist and scholar living that Dr. Felix Adler. Unquestionably he is the most accomplished and learned "States-rights" man in this country. He believes in it as a principle of government, and yet, after having spent years in the study of this question, seeing it was national in character, he believes the evil can only be reached by a law that is national in its application. repeat, the Senator is mistaken if he thinks it is "occasional" and "isolated." Are 60,000 "occasional" and "isolated?"

Mr. CARMACK. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana "occasional"

yield to the Senator from Tennessee?

Mr. BEVERIDGE. Certainly.
Mr. CARMACK. I want to ask the Senator a question for information. He said there are 60,000 children in the cotton mills of the South. I want to know what proportion that bears to the total number of employees?

Mr. BEVERIDGE. There have been various statements made as to the fact, and I shall produce, before I get through the evidence in this case, a clipping from a paper in North Carolina, which gives the statement, I think, of the president of the Cotton Association, to the effect that 75 per cent of the operatives were children.

Mr. CARMACK. Under 14 years of age?

Mr. BEVERIDGE. Yes.

Mr. BACON. Mr. President

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Georgia?

Mr. BEVERIDGE. I yield.

Mr. BACON. I will not interrupt the Senator any further.

Mr. BEVERIDGE. That is all right; go on.

Mr. BACON. The Senator in reply to the suggestion as to the efficacy of the Georgia law made a statement as to the number of children under age in the South who are now employed in the mills. I should like to ask the Senator, as he seems to have exhaustively studied the question, if he is prepared to state how many children in Georgia under 12 years of age or under 14 years of age are to-day employed in the mills?

Mr. BEVERIDGE. I will answer the Senator even more directly than that. I will state that under the new law, which went into effect this very year, there had been applications for the employment of children up to last week in the county clerk's office—I believe it is in Atlanta, or whichever is the greatest city in your State—for 3,000 children, just as there were in Maryland applications since the new law went into effect there for 11,000 children, 1,200 of which were affected, although the census shows there were only 5,000 children of that age at work after the law went into effect on the first of the year; and I shall present it. There have been applications for more than 3,000.

Mr. BACON. How many of the applications have been granted?

Mr. BEVERIDGE. All were granted.

Mr. BACON. Has the Senator any evidence that they were

all granted?

Mr. BEVERIDGE. Yes, sir. There is no factory inspection in your State. I will further say to the Senator that any of the cotton manufacturers down there with whom the Senator is on friendly terms will tell him that the law is not worth, so far as standing in the way of the employment of children is concerned, the paper on which it is written. I have had the statement made to me that it was just precisely the kind of law they wanted. If the Senator wants to defend some por-tion of his case—I believe he is on the subcommittee which is to pass upon the question as to whether or not we can do anything with this bill—I advise him not to take that phase of it.

I will come to the exact statement about those 3,000. I do not want to disarrange my papers or I would try to fish it up now.

At present I will continue the testimony:

ANOTHER MILL.

Passing apparently unnoticed through the spinning rooms I questioned the children at will. Thirty of those to whom I spoke gave their ages as under 12.

That is "occasional" and "isolated"—thirty in one mill.

There were none younger than 9, but many of those 11 and 12 had been five years at work. They worked with a mechanical activity, with nervous energy and determination, and though I saw not one face that had in it a ray of hope, yet I heard never a murmur of complaint nor an exclamation of impatience or revolt.

Over and over again, as I talked with the children, I tried to join the broken threads of the spools onto the whirling bobbins. Missing the "roller" nine times out of ten, and letting thus the "sliver" accumulate in soft, vaporous clouds, I caused some amusement among my youthful instructors.

As far as light and air and new machinery were concerned, the conditions in the mill seemed to be irreproachable. However, though light and air may, in a nursery, prove adequate requisites, in a factory which works its employees mercliessly they contribute only to prolonging for a brief space "the slow death" of the child hands.

Here is another

Mr. BACON. Mr. President—
The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Georgia?

Mr. BEVERIDGE. Certainly.

Mr. BACON. I hate to interrupt the Senator, but then the Senator's statements, as I say, go out to the world, and the condition that he speaks of as being one that renders absolutely worthless the Georgia law, under which a large number of applications have been made, I want to just read one single sentence from the Georgia law

Mr. BEVERIDGE. Go ahead; read it.

Mr. BEVERIDGE. Go anead; read it.

Mr. BACON. Showing that the condition to which he refers must terminate on the 1st day of January, 1908.

Mr. BEVERIDGE. Yes; it is since the 1st day of January that applications have been made.

Mr. BACON. Exactly. Section 3 of the Georgia statute is as follows:

Be it further enacted by the authority aforesaid, That on and after January 1, 1908, no child under 14 years of age shall be employed or allowed to labor in or about any factory or manufacturing establishment within this State between the hours of 7 p. m. and 6 a. m.

So that so far as night work is concerned, it is absolutely excluded and prohibited.

Mr. BEVERIDGE. What the Senator reads is a good deal as though we should pass this kind of a law: "Be it enacted by the Senate and House of Representatives, That men shall be good."

You have no factory inspection; you have no way of enforcing your law; you have no way of properly determining the ages of children, and your law is not enforced.

Mr. BACON. It is made a penal offense to violate its provisions. It can be enforced that way.

Mr. BEVERIDGE. Certainly, it is made a penal offense; but who is to inform and who is to find out? Has there been any prosecution thus far? No; there has been no prosecution thus far, and it is getting along in the year, too.

"DON'T KNOW HOW TO PLAY."

Here is another:

There is another.

There was in this busy mill an unusual freedom, a surprising indifference to the intrusion of an outsider upon its precincts. I took advantage of it, and lingered to talk with a girl who had followed me out of the spinning room onto the stairs. Her eyes reflected the misery and insufficiency to which she had too soon been accustomed.

"Have you been long at work?" I asked her.

"Yes, four years. I'm 15 now. I come in when I wuz eleavun."

I am going to pass rapidly through this because I want to get to the legal part of the argument, but I must read this to the Senator. Let us see where it is from? In one of the Southern mill towns-

Up in a back yard in Avenue B I found a group of children who belonged in the factory rightly, but who were not at work for the same reasons that big hands are "not at work;" some were ill, some were discontented. They made a pitiful group. Ghastly was their pallor in the broad daylight, and pathetic their childish efforts to amuse themselves. This bruised and limping detachment of the child-labor bettallors. "What are you playing?" I asked.

A tall boy of 10 or 12, with an uncertain hip which seemed to give under him at every step, answered sheepishly:

"We don't know how to play."

There, Mr. President, are two evidences that investigators found children that did not know how to play and did not know what they were playing.

"Why aren't you at work?" This was a more suggestive question. "I got struck in the cardin' room." He touched his hip. "I am only taking a day off."

That boy was 11 years of age. Here was another case:

The first joint of his thumb was gone-

And I want to say to the Senator from Georgia and to all Senators and to the whole country that I can produce evidence, if necessary, that it is not uncommon among the mill children of the South for them to be without one and two fingers, and sometimes two fingers and a thumb, and that, too, before they are 10 years old.

"How did you lose that?" I queried-

Meaning his thumb-

"Cardin'," he answered in his mild, aged manner. "I have been over a year't the mill."
"How old are you?"
"Ten."

So he lost his thumb at 9.

"Are there any boys as young as you are in the mill?"

"Heaps of 'em younger," he affirmed; and then, lest I get an exaggerate; impression, he corrected:

"There's none younger'n 8 years old."

"Do you like to work?" I went on.

There was a lassitude about his whole tiny person, yet his response was nevertheless resolute.

"I like work better'n doin nothin'."

"Wouldn't you like to go to school?"

"I never have been to school," he said, "but I'd love that better'n anything."

I should like the attention of the Senator from Georgia to

I should like the attention of the Senator from Georgia to This is from the article of Mrs. Van Vorst

Determined, as was my declared intention from the beginning, to relate only what I myself saw and heard, I have in writing these accounts kept to the truth in every detail. Yet I doubt whether these simple descriptions have conveyed vividly enough the impression of misery, of hopelessness, of weariness, and depletion given by the children who toil, to one who considers them from the human point of view, and not merely as the inconveniences of a "necessary evil."

#### WHAT MILL SUPERINTENDENT SAID.

So far the intervention of the "police" throughout Georgia and Alabama has been but nominal. In such mill villages as Pell City, Lindale, Alabama City, and West Huntsville, where the "corporation" owns the land, the buildings on it, the schools, the church, there the corporation practically makes the only laws applied, and applies them according to its fancy. The nature of this corporation is in no wise different from that of the feudal baron, and were it not for the love of freedom, which, because they are Americans, actuates even the most foriorn specimens of the cotton mill and causes them, in frequent outbursts of revolt, to be ever on the move, changing one slave master for another—were it not for this spirit of independence shown on the part of the laborers, the abuses perpetrated in the "corporation" villages would resemble nothing so much as the oppression of the people by the grand seigneurs of the Middle Ages; that same oppression which, weighing too long time and too heavily, brought about at last a vengeance so bloodthirsty and so appalling that the slothful patrons, quaking in prison, dubbed it the "Reign of Terror," and history gave it the more dignified appellation of "the great revolution."

Nothing could be clearer than the statement regarding child labor made to me by one of the mill agents in Alabama:

"If the parents swear falsely about the ages of their children, what are we to do? We are here, first of all, to make money."

And a more humane superintendent, who had been for years in the mills near Huntsville, put the case in this way:

"No one would want to have children, but you can't get the big help, and if you won't take the children the parents won't stay; and when they swear, what are you going to do? There should be compulsory school education. The law now is a dead letter."

That, I will say to the Senator from Georgia, is a statement of a mill owner himself, and the same statement has personally been made to me by a mill owner of Georgia concerning the recent law that was passed there.

## THE EVIL NATIONAL.

Mrs. Van Vorst continues:

The question of child labor is not confined to any one section of the country; it is national; and in the South it is native, one may say, owing to the absence as yet of all foreign element in the laboring population.

It is native—that is, it is American—children that are being ruined in the South. Let the Senator from Georgia think of that.

Now I send to the Secretary's desk and ask to have read an affidavit.

The VICE-PRESIDENT. Without objection, the Secretary will read.

The Secretary read as follows:

Personally appeared before me this 22d day of January, 1907, Elbert Hubbard, to me known, and made affidavit as follows: I reside at East Aurora, N. Y., and am president and manager of the Roycrofters Corporation, said corporation employing about 500 workers. I have been a day laborer, a factory foreman, and for ten years was superintendent of the Larkin Soap Company, of Buffalo, N. Y. I am familiar with labor conditions in many States and countries. My article on child labor, which was printed in The Philistine Magazine for May, 1902, was written after personally visiting various cotton mills in six different States, and the facts therein stated are substantially true and correct, and still exist.

Sworn to before me this 22d day of January, 1907.

[SEAL.]

Notary Public for and in Eric County, N. Y.

Mr. BEVERIDGE. That is dated last week. He says he has become familiar with labor conditions, and he wrote from personal investigation the article which I am going to read. Note that Mr. Hubbard says that what I shall now read is true to-day. Mr. KEAN.

Mr. KEAN. It was written in 1902. Mr. BEVERIDGE. In 1902, but there has been no change in the law down in South Carolina about which this article was Hubbard says it is all true now. I have not perwritten. sonally investigated, but men and women who have make oath to those statements. If the Senator thinks this evil is not greater than it was when this article was written I shall prove by a large number of affidavits, which I am going to have read

in a moment, that it is worse,

I want to read here-and while I am taking a great deal of time to present the evidence in this case, I can tell Senators that it is only the beginning of the evidence that is at my disposal, and that, if this debate proceeds much longer and if it is required, much more evidence and many more statements, all susceptible of proof in court, will be produced whenever it is

CHILD LABOR IN SOUTH CAROLINA.

Says Mr. Hubbard, under oath, mind you:

The infant factory slaves of South Carolina can never develop into men and women. There are no mortality statistics; the mill owners bafile all attempts of the outside public to get at the facts, but my opinion is that in many mills death sets the little prisoner free inside of four years.

Beyond that he can not hope to live, and this opinion is derived from careful observation and interviews with several skilled and experienced physicians who practice in the vicinity of the mills.

Boys and girls from the age of 6 years and upwards are employed. They usually work from 6 o'clock in the morning until 7 at night. For four months of the year they go to work before daylight and they work until after dark.

four months of the year they go to work before daylight and they work until after dark.

At noon I saw them squat on the floor and devour their food, which consisted mostly of corn bread and bacon. These weazened pigmies munched in silence and then toppied over in sleep on the floor in all the abandon of babyhood. Very few wore shoes and stockings; dozens of little girls of, say, 7 years of age wore only one garment, a lineywoolsey dress. When it came time to go to work the foreman marched through the groups, shaking the sleepers, shouting in their ears, lifting them to their feet, and in a few instances kicking the delinquents into wakefulness.

wakefulness.

The long afternoon had begun—from a quarter to 1 until 7 o'clock they worked without respite or rest.

These toddlers I saw, for the most part, did but one thing—they watched the flying spindles on a frame 20 feet long and tied the broken

That reminds me of what I read to the Senate—but not many Senators heard it, for somehow they do not seem to care to listen to this evidence—concerning the silk girl of the Pennsylvania mill, who watched the thread and its play until at night she could not sleep for seeing the threads that seemed to burn into

Of course it is not so interesting, I suppose, to learn about the murder of these children as it is to hear an academic discus-

sion about artificial "rights" of artificial things, or a "constitutional" discussion on the law. I will say to the Senator from Georgia that I will come to that in due season, but not until the facts have been laid before the country. So, again to the evidence. Mr. Hubbard goes on:

They could not sit at their tasks. Back and forward they paced, watching with inanimate, dull look the flying spindles. The roar of the machinery drowned every other sound—back and forth paced the baby toilers in their bare feet and mended the broken threads. Two, three, or four threads would break before they could control the 20 feet—the threads were always breaking.

The noise and the constant looking at the flying wheels reduce nervous sensation in a few months to the minimum. The child does not think; he ceases to suffer.

He does his work like an automaton; he is a part of the roaring machinery; memory is seared; physical vitality is at such low ebb that he ceases to suffer. Nature puts a short limit on torture by sending insensibility. If you suffer \* \* it is a sure sign you are alive.

At a certain night school where several good women were putting forth efforts to mitigate the condition of these baby slaves, one of the teachers told me that they did not try to teach the children to read; they simply put forth an effort to arouse the spirit through pictures and telling stories. In this school I saw the sad spectacle of half the class—of a dozen or more—sunk into sleep that more resembled a stupor. The teacher was a fine, competent woman, but worn-out nature was too much for her. To teach you must make your appeal to life.

The reason that thought flags and stupor takes possession of the child who works at one task for eleven hours a day is through the fact that he does not express himself. We grow through expression, and expression, which is exercise, is necessary to life. The child in the mill never talks to anyone—even if the rules did not forbid it, the roar of the machinery would make it impossible. All orders are carried out in pantomime, emphasized by pokes, punches, pinches, shakes, and kicks, This wee slave loses all relationship with his fellows and the world about him.

Then he describes some of the other children he met, and here is an instance he gives. I want to say to the Senator from Georgia, about this evil being sporadic, that if I had given a large number of figures it would have been said there is no inhumanity in that. It is a good thing for children to work, we hear. "I worked," one Senator says, "and I have succeeded," etc.

So I have given specific instances, which I stated at the beginning of this speech were typical, because I wanted to place the finger on definite cases, at definite places, and just what a child 6 years old working twelve hours a day does, and what such labor means. That is the reason I have read these descriptions that shock the Senator and will shock the

Mr. Hubbard grows specific and particular. He says-and under oath, don't forget that:

I thought to lift one of the little toilers to ascertain his weight. Straightway through his 35 pounds of skin and bones there ran a tremor of fear, and he struggled forward to tie a broken thread. I attracted his attention by a touch and offered him a silver dime. He looked at me dumbly, from a face that might have belonged to a man of 60, so furrowed, tightly drawn, and full of pain it was.

That sounds precisely like the description that Durland gives, that Roberts gives, that Spargo gives, and that Mrs. Kelley gives, that Mrs. Van Vorst gives, that Miss Ashley gives. Can it be that all these men and women, as high grade as any in this country, have made a mistake, have told an untruth, and then made affidavit to it?

They say these are typical and not occasional. But of course all these people, who probably never saw one another, and who investigated independently, agreed in some mysterious way, some psychical way, to tell the same lie, and then, acting separately, have the audacity to swear to that lie. So Mr. Hubbard goes on :

He did not reach for the money. He did not know what it was. I tried to stroke his head and caress his cheek. My smile of friendship meant nothing to him. He shrank from my touch as though he expected punishment. A caress was unknown to this child, sympathy had never been his portion, and the love of a mother, who only a short time before held him in her arms, had all been forgotten in the whir of wheels and the awful silence of a din that knows no respite.

There were dozens of just such children in this particular mill.

It was not "isolated" in that instance, as the Senator from Geograp ways. But of course all this is false—how could it.

Georgia says. But, of course, all this is false—how could it be true of "our best people," who are the mill owners, according to the Senator from Georgia?

A physician who was with me said that they would all be dead probably in two years and their places filled with others. There were plenty more.

And a manufacturer in my own town voiced the spirit that animates most men who take a position like the head of this mill took. He said, "We are a prolific race. If they die there will be plenty more." But, Mr. President, think as you like, I say that is not the way we are going to conduct the American Republic from this time forward.

Mr. President, I intend to read no more upon this particular point, because I see it is already getting late.

Mr. TILLMAN. Will the Senator from Indiana allow me? The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from South Carolina?

THE OUTRAGE A NATIONAL, NOT A SECTIONAL, ONE.

Mr. BEVERIDGE. Yes.

Mr. TILLMAN. I hope the Senator will not omit to put into the Record any well-authenticated statements from respectable and honest people that will bear upon this evil. Every thoughtful man recognizes it as a very great evil, and I will go as far as any man in trying to stamp it out in a legitimate and constitutional way. I hope the Senator will not omit, as I said a while ago, to get all well-authenticated facts into the Record, so that we may have ammunition with which to begin crusades at home to keep our legislatures from being influenced by northern millionaires who have gone down there and built mills and made industrial slaves out of white children instead of the chattel black slaves of the old days. I will join the Senator if he can show me how to do it here constitutionally.

Mr. GALLINGER. Mr. President, the observation the Senator from South Carolina [Mr. TILLMAN] has just made beyond a doubt is to a certain extent correct. There is northern money in South Carolina; and God help South Carolina if there was not northern money there. [Applause in the galleries.]

want to add one further suggestion on that point.

Elbert Hubbard has been quoted in this discussion. his statement was not read in full. I sometimes read the fulminations of that very versatile man, and I recall very distinctly that in one of Elbert Hubbard's articles he stated that the parents in the South demanded that the children should work in the mills, and that they were infinitely more to blame than the men who furnished the capital to run the mills.

Mr. BEVERIDGE. There is no doubt about that.
Mr. GALLINGER. I think it is well for us to put that fact in the Record as well as the fact the Senator from South Carolina suggested.

Mr. TILLMAN. Mr. President-

Mr. BEVERIDGE. In just a moment. I want to say that my study of this question, which has been somewhat careful, confirms that; but the infamy of the murder of children is not to be excused on account of the infamy of parents who are willing to see them work. There is no question about that. The mill owner, however, ought not to satisfy his conscience by what he knows to be a perjured certificate.

Mr. TILLMAN. Will the Senator allow me? Mr. BEVERIDGE. Yes; I will allow you.

Mr. TILLMAN. I know there are fathers and mothers in South Carolina as well as there are elsewhere who to my mind occupy the relation toward their children of cannibals, who force them to get up before day and go to work, while they, especially the father, sit around and loaf and live off their children's labor. But I do not see the force of the sneer of the Senator from New Hampshire in saying God help South Carolina if there was no northern money there. I will say to that Senator that rather than have northern money go there and exercise its lobbying influences through the instrumentalities of mill presidents and directors and others who go to the legislature and maneuver and manipulate and manage to keep proper child-labor laws from being enacted, I wish that he and all others who can keep northern money away would keep it away from the State.

Mr. BEVERIDGE. I am not going to take up any more time—and it is purely a question of time—in presenting testi-I have not produced half that I have at hand, and certainly I presented enough in my half to show to the Senate and

to the country the widespread nature of this evil.

Mr. TILLMAN. I ask the Senator not to omit anything that is well authenticated and honest. Publish it all in a document, so that we can have it to circulate among the good men and women of the South and help us to organize a crusade to stop this hellishness.

Mr. BEVERIDGE. The Senator said that before. I am going to publish it so that the American people can tell the American Congress to pass a law that will stop it now in South Carolina, Pennsylvania, and everywhere else, and I am going to ask the Senator to vote for such a law, if I can show him by the decisions of the Supreme Court of the United States that such a law-would be constitutional.

Mr. TILLMAN. I shall listen to the Senator with great interest when he comes to the constitutional argument, but until he convinces me and other Senators that the power of Congress under the interstate-commerce clause reaches to a matter like this I think he will find great difficulty in passing such a law through this body, because there are others who, like myself, believe that Congress has nothing to do with the police regulations of the States.

Mr. BEVERIDGE. I will undertake to prove that to the Senator, unless he is in the condition of a man who "convinced against his will is of the same opinion still."

Mr. TILLMAN. I will listen.
Mr. BEVERIDGE. The Senator has expressed his opinion upon the constitutionality of this proposed law. Has the Senator read the decisions of the Supreme Court upon this question? Mr. TILLMAN. No.

Mr. BEVERIDGE. And yet you have an opinion upon it, which it will be difficult for me to change, and I have read those decisions.

Mr. TILLMAN. But I have a very strong opinion, based on general common sense-

Oh, well. Mr. BEVERIDGE.

Mr. TILLMAN. That the Constitution reserves to the States the police power, and that the matter of dealing with the health and morals of the people is a police regulation and outside the If the Senator thinks he can convince jurisdiction of Congress. me that I am wrong, I will listen to his argument.

Mr. BEVERIDGE. I will attempt to do that when I come to I am not going to produce any more of these statements. have here marked statements as to its effect upon health, as to the effect upon the morals, as to its effect upon degeneracy, and all that.

Mr. TILLMAN. Print it as a document, if you please.

Mr. BEVERIDGE. I am going to print it in my speech. I am much obliged to the Senator. I ask leave, Mr. President, to have printed as a part of my speech these extracts which I intended to read. It will simply save time. I have a vast deal of other testimony which I will produce on another phase of this subject.

The VICE-PRESIDENT. Without objection, permission is granted.

(The matter referred to appears in subsequent parts of Mr. Beveringe's remarks under appropriate headings.)

Mr. CARMACK, Mr. President-

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. Certainly. Mr. CARMACK. The Senator has spoken of conditions in various States, and he referred to the law in Tennessee as being an admirable law.

Mr. BEVERIDGE.

Mr. CARMACK. Has the Senator any information that that law is defective in its operation?

Mr. BEVERIDGE. No.

Mr. SPOONER. Allow me to say to the Senator from Tennessee that we can not hear him.

Mr. CARMACK. I want to state that so far as one State is concerned no Federal legislation is needed to bring about this

Mr. BEVERIDGE. I will show the Senator that it is, and I will now tell him why.

Mr. CARMACK. Not so far as Tennessee is concerned.

Mr. BEVERIDGE. Yes; and I will show the Senator why when I come to the point, which will be in a moment, if he will let me proceed in orderly fashion with my argument. to call the Senator's attention to a fact, and he can think about it, so as to be able to interrupt me when I come to it. I want to say to the Senator and all Senators that I am only too delighted to give way at any time to any Senator for a question upon any point. I am as earnest about this matter, I think, as he can be, and if at any point I am wrong on a question of fact or a question of law I want to be interrupted. say to the Senator, so that he can be thinking about it-

Mr. SPOONER. Does the Senator think he is any more earnest in the discussion of child labor than the remainder of his

colleagues?

Mr. BEVERIDGE. Yes; I think a good deal more earnest.
Mr. SPOONER. I doubt the Senator's accuracy.
Mr. BEVERIDGE. I think I am—a good deal more. I have

been earnest enough to spend nights and days and weeks and months in accumulating testimony. I have been earnest enough to appeal to the American people all over this country during the last campaign, from as far west as Nebraska to as far east Has the Senator done as much?

Mr. TILLMAN. Will the Senator allow me a suggestion?

Mr. BEVERIDGE. I will. Mr. TILLMAN. The Senator mistakes zeal for earnestness. That he is very zealous we undoubtedly know, but I deny that he is more earnest than I am and than all other Senators are.

Mr. BEVERIDGE. Will the Senator give the distinction be-tween "zeal" and "earnestness?' Of course I can not yield to the Senator to indulge in any refinements as to the meaning of words. We both know that good and bad State laws make business inequality.

I want to say to the Senator from Tennessee what I was going to say when the Senator from Wisconsin interrupted me. The manufacturers of the Senator's own State have by the very righteousness of your State laws been put at a commercial disadvantage with the manufacturers of Georgia, Alabama, South and North Carolina, because the manufacturers of your State can not longer employ cheap labor. They can not longer make the blood of children into gold, and that can be done by every manufacturer in these other States.

That is the trouble with the whole thing. I shall submit in a moment, when I come to present that particular question, the affidavit of a man who testifies to having been on a train that was carrying a "shipment" of children from Tennessee, where they can not be worked, to the cotton mills of other Southern

States, where they can be worked.

Mr. President, we have seen that the evil exists. We have seen that it is not "isolated," as the Senator from Georgia We have examined instances which are typical, which are not two, five, six, ten, a dozen, a hundred, but thousands. We have all this given to us by men and women who have made oath that they themselves personally investigated the facts.

EFFECT OF CHILD LABOR ON HEALTH.

Now, what does it mean? In the first place, Mr. President, I have read one or two statements, under oath, that it means the literal death of these children. I have here, and shall put into the RECORD, abundant statements that it means the physical ruin, the mental and moral ruin, of these children themselves who are now being worked.

The Senator from New Hampshire [Mr. Gallinger] is an able physician, and he knows, as every other physician knows, the result of nervous exhaustion on a child put to work at from 6 or 8 years of age and kept at work for twelve hours a day amid the whirl of flying machinery or the terrors of coal breakers. If they live through it, they are permanently ruined in body and mind and soul. That is a mere physical fact.

I wish here at this point in my remarks to insert statements and affidavits of physicians; also statements of other investigators from whom I have already read on other phases of this evil.

DOCTOR FREIBERG'S OPINION.

First, I will present the views of Dr. Albert H. Freiberg, of Cincinnati, Ohio, whose name is familiar to the profession throughout the country. I here send to the Clerk's desk and ask to have read Dr. Freiberg's affidavit.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

CINCINNATI, January 21, 1907.

Hon. Senator Albert J. Beveridge, Washington, D. C.

Hon. Senator Albert J. Beveridge, Washington, D. C.

Dear Sir: I wish to certify to you certain facts regarding a paper which I read before the recent meeting of the National Child Labor Committee in Cincinnati December 14, 1906. The paper was entitled "Some of the ultimate physical effects of premature toil." This paper embodies the result of my experience with children of the working classes during thirteen years of professional experience devoted particularly to the specialty of orthopedic surgery. This concerns itself with the deformities of the human body, both congenital and acquired. The statements made therein were made bona fide and are true to the best of my knowledge and belief.

During the period above referred to I have occupied a number of hospital positions in this city as orthopedic surgeon. At present I am orthopedic surgeon to the Cincinnati Hospital and to the Jewish Hospital of Cincinnati. I am also professor of orthopedic surgery in the University of Cincinnati (medical department) and am also a fellow of the American Orthopedic Association.

I therefore confirm under oath the belief that the statements made in the paper before mentioned are true and also the belief that they will correspond with the experience of others equally well qualified.

Sworn to before me and subscribed in my presence this 21st day of

Sworn to before me and subscribed in my presence this 21st day of January, 1907.

[SEAL.]

STARBUCK SMITH.

[SEAL.] STARBUCK SMITH,
Notary Public, Hamilton County, Ohio.

Mr. BEVERIDGE. Now I present extracts from Doctor
Freiberg's address on "Some of the ultimate physical effects of premature toil:

Mr. BEVERIDGE. Now I present extracts from Doctor Freiberg's address on "Some of the ultimate physical effects of premature toil:"

It may be of interest to call attention to certain effects of a purely physical character which professional experience has for years been accustomed to look upon as the results of environment and occupation, and especially when considered with reference to the physical peculiarities of the child between the ages of 10 and 16 years. In doing this, effort will be made to avoid that which is purely technical, but also the control of the play hours in the development of the young child, his innate desire for physical activity and especially in the open, are well recognized by all laymen, and there are few indeed who will not acknowledge how important these are in promoting the formative ment that this natural desire for movement and exercise can not be balked in the child 8 to 10 years of age, without damage to his physical progress, will meet with little protest, and for the present discussion this is of minor importance, since by far the greater number of children at work have at least passed their tenth year, and since no State, whose statutes do not ignore the question altogether, has ventured to year of the child arrives at its twelfth year, however, it enters a period which, lasting until its seventeenth year as a rule, is characterized not only by those changes of disposition, of mind and soul, of body and appearance, embraced by the term "puberty," but a period also during which the body expertently have been described by any disposition of the child arrives at its spid and, the miscles must, however, increase not only in length but in volume if their strength is to be proportionate to the ever-increasing demands made upon them. That his increase of volume, therefore, of strength, is dependent upon exercise, is common knowledge; that lack of use causes wasting and there increases on only in length but in volume if their strength is to be proportionate to the ever-increasing de

1803

the future of the individual, after the period of immaturity has passed and the child has become the citizen and has assumed the responsibilities of parentage.

Whatever can be shown to now permanently impair wage-earning capacity or to interfere with the performance of family duties, or indeed to shorten the tenure of life, will be acknowledged by all to be of prime importance. I shall not refer to such conditions as general weakness or diminished chest capacity and the tendency to acquire disease in consequence thereof, but rather to certain definite deformities which I have had frequent opportunity for observing, both in process of the present the various occupations of tolling children may be grouped according as the work is done in standing or sitting position. In general—and there are, of course, many exceptions—boy's work requires standing and girl's work sitting. It may also be said, in the same general way, that the work which the boy does standing is an apprenticeship for work which the man also does, as a journeyman, in the standing position.

This is correspondingly true of girl's work. Standing occupations naturally involve the feet and legs in greatest strain, and more escent years, that condition known as ewdevloying, during the adolescent years, that condition known as ewdevloying, during the adolescent years, that condition known as ewdevloying, during the adolescent years, though it may be disabling and painful in high degree, but rarely assumes the severe form so frequently seven in the later period of adolescence as a sad testimony of the child's experience.

Commonly, the foot loses its strength and shape gradually; so that at this time but little notice is taken of it. Later, when the child has apparent, the feet only the recessity for continuous employment is apparent, the feet only in the period of prematurity, for while medical science can do much for these unfortunates, they are often debarred from continuing in trades requiring constant standing.

Frequently upon coming under medical

gree.

I shall not discuss the deformity in detail except to say that when assuming the severe grades under discussion it effects reach far beyond the spine itself, which bends not simply to one side or the other, but is always markedly twisted on its vertical axis also. In this twist the chest participates fully, so that not only is its power of expansion greatly interfered with, but its capacity is reduced and much crowding and displacement of the vital organs contained within can be determined.

and displacement of the vital organs contained within can be determined.

Small wonder, then, that such severe degree of lateral curvature adds greatly to the likelihood of developing pulmonary consumption, and that the heart can not be thus pushed aside with impunity. It has been ascertained that, for these reasons, the duration of life of individuals with severe lateral curvature is far below the average. The remoter effect of the deformity upon the pelvis of the girl I need only mention to the extent of saying that here, too, a distortion and diminution of normal capacity frequently results, so that this has always been recognized by medical men as of potentially serious influence upon the maternal function.

In conclusion, it is to be said that these deformities are by no means confined exclusively to the one sex or the other; neither is it to be interpreted that they occur in every child who works, or even in the greater number. It is asserted, however, that these deformities in the severe forms before referred to are particularly frequent among toiling children or those who have toiled as children.

That the unfavorable influences of premature toil are only too often augmented by unfortunate home influences, by dwellings that are unfit, by insufficient and improper food, does not after the case. I have aimed to speak of these deformities in particular because of their serious nature and because I have had abundant opportunity for observing them. On the other hand, it is not to be overlooked that these are by no means the only, or even the most common, evidences of physical deterioration to be observed among working children.

\*\*Spargo On Ruin of Health.\*\*

\*\*At the offect of this wark on health home is the textitue.\*\*

SPARGO ON RUIN OF HEALTH.

As to the effect of this work on health, here is the testimony, all supported by the affidavits already given, by Spargo, in his Bitter Cry of the Children, on pages 175-178:

It is a sorry but indisputable fact that where children are employed the most unhealthful work is generally given them. In the spinning and carding rooms of cotton and woolen mills, where large upnmbers of children are employed, clouds of lint dust fill the lungs and menace the health.

The children have often a distressing cough, caused by the irritation of the throat, and many are hoarse from the same cause.

In bottle factories and other branches of glass manufacture the atmosphere is constantly charged with microscopic particles of glass. In the woodworking industries, such as the manufacture of cheap farniture and wooden boxes and packing cases, the air is laden with the server of th

farinture and wooden boxes and packing cases, the air is laten with the sawdust.

Children employed in soap and soap-powder factories work, many of them, in clouds of alkaline dust, which inflames the eyelids and nostrils. Boys employed in filling boxes of soap powder work all day long with handkerchiefs tied over their mouths.

In the coal mines the breaker boys breathe air that is heavy and thick with particles of coal, and their lungs become black in consequence.

In the coal mines the breaker boys breathe air that is heavy and thick with particles of coal, and their lungs become black in consequence.

In the manufacture of felt hats little girls are often employed at the machines which tear the fur from the skins of rabbits and other animals. Recently I stood and vatched a young girl working at such a machine. She wore a newspaper pinned over her head and a handkerchief tied over her mouth.

She was white with dust from head to feet, and when she stooped to pick anything from the floor the dust would fall from her paper head-covering in little heaps.

About 7 feet from the mouth of the machine was a window through which poured thick volumes of dust as it was belehed out from the machine. I placed a sheet of paper on the inner sill of the window and in twenty minutes it was covered with a layer of fine dust half an inch deep.

Yet that girl works midway between the window and the machine, in the very center of the volume of dust, sixty hours a week.

These are a few of the occupations in which the dangers arise from the forced inhalation of dust.

In some occupations, such as silk winding, flax spinning, and various processes in the manufacture of felt hats, it is necessary, or believed to be necessary, to keep the atmosphere quite moist. The result of working in a close, heared factory, where the air is artificially moistened, in summer time can be better imagined than described. So long as enough girls can be kept working, and only a few of them faint, the mills are kept going; but when faintings are so many and so frequent that it does not pay to keep going the mills are closed.

The children who work in the dye rooms and print shops of textile factories and the color rooms of factories where the materials for making artificial flowers are manufactured are subject to contact with poisonous dyes, and the results are often terrible. Very frequently they are dyed in parts of their bodies as literally as the fabrica dyed.

One little fellow, who was employed in a Pennsylv

they are dyed in parts of their bodies as literally as the fabrics are dyed.

One little fellow, who was employed in a Pennsylvania carpet factory, opened his shirt one day and showed me his chest and stomach dyed a deep, rich crimson. I mentioned the incident to a local physician and was told that such cases were common.

"They are simply saturated with the dye," he said. "The results are extremely severe, though very often slow and for a long time almost imperceptible. If they should cut or scratch themselves where they are so thoroughly dyed, it might mean death."

In Yonkers, N. Y., are some of the largest carpet factories in the United States, and many children are employed in them. Some of the smallest children are employed in the "drum room," or print shop, where the yarns are "printed" or dyed.

Small boys, mostly Slavs and Hungarians, push the trucks containing boxes of liquid dye from place to place, and get it all over their clothing. They can be seen coming out of the mills at night literally soaked to the skin with dyes of various colors. In the winter time, after a fall of snow, it is possible to track them to their homes not only by their colored footprints, but by the drippings from their clothing. The snow becomes dotted with red, blue, and green, as though some one had sprinkled the colors for the sake of the varlegated effect.

The effects of the employment of young boys in glass factories, especially by night, are injurious from every possible point of view. The constant facing of the glare of the furnaces and the red-hot bottles causes serious injury to the sight; minor accidents from burning are common.

Even more serious than the accidents are those physical disorders induced by the conditions of employment. Boys who work at night do not as a rule get sufficient or satisfactory rest by day. Very often they can not sleep because of the noises made by younger children in and around the house; more often, perhaps, they prefer to play rather than to sleep. Indeed, most boys seem to prefer night work, for the reason that it gives them the chance to play during the daytime.

Then you will find further on that when children like these reach the age of 17 and 18 they are utterly exhausted and al-

most worthless.

most worthless.

Even where the mothers are careful and solicitous, they find it practically impossible to control boys who are wage-earners and feel themselves to be independent. This lack of proper rest, added to the heat and strain of their work, produces nervous dyspepsia.

From working in drafty sheds, where they are often, as one boy said to me in Zanesville, Ohio, "burning on the side against the furnace and pretty near freezing on the other."

They are frequently subject to rheumatism. Going from the heated factories to their homes, often a mile or so distant, perspiring and improperly clad, with their vitality at its lowest ebb, they fall ready victims to pneumonia and to its heir, the great white plague.

In almost every instance when I have asked local physicians for their experience, they have named these as the commonest physical results. Of the fearful moral consequences there can be no question.

The glass blowers themselves realize this, and even more than the physical deterioration, it prevents them from taking their own children into the glasshouses. One practically never finds the son of a glass blower employed as a "snapper-up" or "carrying in boy" unless the father is dead or incapacitated by reason of sickness.

"I'd sooner see my boy dead than working here. You might as well give a boy to the devil at once as send him to a glass factory," said one blower to me in Glassboro, N. J.; and that is the spirit in which most of the men regard the matter.

DOCTOR ROBERTS ON CHILD LABOR AND HEALTH.

As to the effect on health, Dr. Peter Roberts, in his article on "Child labor in eastern Pennsylvania" in the Outlook of December 17, 1904, volume 78 of Outlook, September-December, 1904, on page 984, says:

Can anyone say what thirteen or fourteen hours a day means to these young boys and girls? In my investigation I saw two or three

of the wrecks. One young girl in her seventeenth year had been earning \$9 and \$10 a week, working from seventy to seventy-five hours. She had done it for three years, and is now broken in health and spirits. Another girl, 18 years of age, having worked for six years in a silk mill, said: "I used to be stout and strong, but now I'm poor enough." Doctor Weaver, of Easton, who has for the last ten years practiced among the operatives of a hosiery mill which employs some 1,200 hands, said: "Girls when they have been in that mill from 12 years of age to 20 are not much good after."

Upon girls of tender years the blight of factory life falls heaviest. The boy may be stunted or he may grow disproportionately, but the effect upon the mere delicate organism of the female is disastrous and cruel.

Sixty hours a week is more than the average child of tender years can stand, but add another ten hours' overtime and the pressure works disastrously.

Dr. Samuel Davies, president of the State board of health of Pennsylvania, said: "Factory girls soon wilt, and they ill discharge the functions of maternity." Is it surprising?

## MISS ASHBY ON CHILD BUIN.

Miss Irene M. Ashby, in her article on "Child labor in southern cotton mills," published in the World's Work, volume 2, pages 1292–1293, testifies to the result of this labor on the health of children in the following words:

children in the following words:

The flying lint often brings on throat and lung trouble, while pneumonia resulting from the sudden change from the hot factory to the early morning and the late evening mists is not uncommon. These conditions tell far more frequently and fatally on the unformed constitutions of children than on the grown workers.

In one factory I found a little girl aged 10, in the "drawing-in" room, where every individual thread of the warp is drawn through the "harness" of the weaving loom. She could earn as much sometimes as 75 cents a day, though, alas, at the expense of the beautiful blue eyes she turned up to me as I spoke to her.

Her mother told me that she brought her youngest daughter, aged 7, luto the mill with her, and although urged to allow her to work, there being many as small in the mill, she would not allow it. Yet without doing any work the child had lost in weight in a year through confinement in the mill atmosphere. Over and over again I was told that the mill was a "playground."

"If anyone tells you that," said a superintendent to me with concentrated scorn, "he either doesn't know what he's talking about or he's telling a downright lie. I've been in the mill since I was 8 years old myself, and I know. We're no charity institution."

"What do you do when you are very tired?" I asked a little girl, putting my mount close to her ear to make myself heard. "I cry," she said, shyly. She would make no reply when I asked her what happened then, but another child who had literally poked her head into the conversation, put in tersely, "The boss tells her to go on with her work."

### DOCTOR KOBER'S VIEWS.

Here are extracts from the address of Doctor Kober, of this city, on the physical and physiological effects of child labor.

Doctor Kober says:

There is one phase of the question which strongly appeals to me, and that is the effect of premature and involuntary labor upon the health and the physical welfare of the child.

Physiologists have long since demonstrated that the muscles of the average child attain only at the age of 13 a certain amount of strength and capacity for work. Up to this time the muscular fibers contain a large per cent of water, and in consequence are very tender and immature. As a consequence of this imperfect muscular development it is not surprising that we should find such a large percentage of children engaged in workshops, factories, or even at the writing desk or the merchant counter develop lateral curvature of the spine and other muscular deformities, not to mention their general weakness and predisposition to rickets, tuberculosis, and other pulmonary diseases. All of the bad effects are, of course, very much intensified by unsanitary environments, especially when these occupations are attended by the inhalation of dust, impure air, and injurious gases.

## DOCTOR HARVEY'S SWORN STATEMENT.

Dr. A. K. P. Harvey, of Washington, who was for years coroner and county physician in New Hampshire and Maine, makes oath as follows concerning his experience as to child labor upon the health:

UNITED STATES OF AMERICA, District of Columbia:

United States of America, District of Columbia:

Personally appeared before, a notary public, A. K. P. Harvey, M. D., who on oath says:

That he was for several years coroner and county physician of Strafford County, N. H., also practicing and city physician of Lewiston, Me., and that he had large opportunities for the observation of Children employed in the cotton mills. That these children are especially subject to throat and lung diseases, prominent among which are chronic bronchitis, tuberculosis, and catarrh of the upper air passages, and that inflammation of the eyes is common.

That one or more pathetic features of child labor in these mills is the frequent occurrence of accidents, resulting in the maining and crippling of the little victims. That by midday these children are tired, and as the day goes by they become more and more fatigued, and hence careless of the dangers by which they are surrounded.

That he has personally treated scores, if not hundreds, of these cases, the injury ranging in severity from the simple crushing of a finger to instant death. To particularize, these accidents consist largely of fingers and hands crushed in cogwheels and other gearing.

That it is not infrequent that an arm is torn off in a machine called the "picker."

That on a visit to one of the largest mills in New Hampshire, in the summer of 1906, in calling the attention of a friend to the prevailing conditions, and standing near the main exit, were noted many children coming out who to all appearances were under 14 years of age, some even appearing as young as 12.

Sworn and subscribed to this 224 day of Lanuary 1907.

Sworn and subscribed to this 23d day of January, 1907.
[SEAL.]

Notary Public, District of Columbia.

OTHER EVIDENCE ON HEALTH AND CHILD SLAVERY.

Mr. Durland says this about the effect of child labor on health:

Consumption, bronchial affections, anæmia are all common aliments among the children of the mills. Their vitality is sapped. They enter the period of womanhood frail and worn out. Yet these are the women expected to bear sons who will carry on great industries that the State

Mrs. Van Vorst, in the Philadelphia Saturday Evening Post of May 5, 1906, says:

No doubt one of our children, were he made to work twelve hours a day, would either rise up in juvenile revolt or be carried to an early grave. But to break the spirit that is bowed and plied by accumulated generations of want and need it takes some time, even for the subtlety of the cotton-mill owner. Yet he accomplishes it. There is a wearing out among the mill hands, a gradual breaking down, an inward unhappiness, a sensibility different in kind from what ours would be under similar circumstances, because of the opposite æsthetic chord to which their tastes have been attuned, but no less than ours in degree, and keen enough to make of their lives and of their children's lives one long, slow martyrdom.

Mr. Hubberd genys—and don't forget that all this is under

Mr. Hubbard says-and don't forget that all this is under

Pneumonia carries off most of them. Their systems are ripe for disease, and when it comes there is no rebound, no response. Medicine simply does not act.

But, Mr. President, perhaps in the interest of the dividends which these mill owners earn-and I shall present a book here written by one of them, showing that the poorest cotton mill in the South does not earn less than 10 and from that up to 30 per cent, and even higher-we might waive consideration of the ruin of the children themselves, but we are confronted with a far graver consequence, and that consequence is this: It is the process of the deterioration of the race. It is the production of a degenerate class in this Republic.

## CHILD LABOR AND RACE DETERIORATION.

The lowest estimate now is that we are pouring into American citizenship every year at least 200,000 London "Hooligans," boys and girls, who are broken in body and stunted in mind and soul, and who know it, and who are living engines of hatred toward society—and I do not blame them—and who become the parents of still other degenerates. We all hear talk about the dangers of a certain "lower class." Had we not better do something to stop the production of that "lower class," that "dangerous class?" Anyhow I shall try to stop it.

Mr. President, what that means in national efficiency is before us. I am not indulging in the least in rhetoric any more on this point than I did before when I was giving specifications of the evil.

Great Britain is an example of precisely a condition such as I have detailed that has shocked the world. The world did not know about it. England herself did not know about it until the United Kingdom had to meet 28,000 Boer farmers in South

## GREAT BRITAIN'S DEGENERACY.

Now, then, I call it to the minds of Senators. You will remember the newspaper accounts of the almost impossibility of getting soldiers for the English service. You will remember the descriptions of how small and feeble they were. You will remember the tales-true tales-of their being swept off like flies by enteric fever. It was the poorest army that that first of powers ever sent to the battlefield.

This began to come out. First there was a report on the war—just a report on the war—and in this commanding officers, in spite of their desire to make their troops appear as well as possible, which most of them tried to do, were truthful enough to say things like this. This was Professor Ogston. He saw the men from the hospital point of view. He was in I read from the official report of the charge of the hospital. war made to the British Government:

Professor Ogston, who saw the men from the hospital point of view, said that "some of the regiments, especially some of the militia regiments, were physically very inferior and more liable to disease—boys and weeds. In one expedition where a regiment was expected to take part in an advance, over 300 of them—380. I think—were sent for examination as to their physical fitness, and 212 of that part of the regiment so sent for examination were rejected as unfit to sustain the toils of a march and as being liable to disease."

Of the men recruited and attempted to be recruited an average of over 30 per cent were rejected for physical inferiority.

The director-general says that from 40 to 60 per cent of all the soldiers that England recruited for South Africa in the Boer war were unfit for service. This was not the worst. I will read the "Sessional Papers" in a moment to show the causes of rejection. Over 30 per cent of all attempted to be recruited were rejected, although the standard was purposely lowered by the British authorities.

That was not the worst. Of those accepted 2 per cent were almost immediately found unfit for military duty.

And even that was not the worst; because when they were finally in the field, it was found that large numbers of them, when it came to going to the firing line, were incapable of the march; and I just read you the statement from the Royal Report on the war itself, which led up to the investigation from which I am going to read to you in a moment, the statement of Professor Ogston that out of 380, 212 were unable to march to the front.

And still that was not the worst. Of those who actually got to the firing line, fighting with that ancient British pluck never exceeded in the history of this world, thousands were swept off like flies with enteric fever.

All this finally came out. Everybody knew about these rejections. Then there appeared the comments of the British officers, such as Professor Ogston and Lieut. Gen. Sir Archibald Hunter, who said:

But if you get a town-bred population, as most of ours are that enlist now, you have to take them out into the country and show them what is what, and try and teach them what is on the other side of a hill

Then he said again, speaking of recruiting in Scotland:

Most of the recruits are at present artisans, factory hands, miners, casual laborers, and the proportion drawn from the agricultural class is very small.

### ENORMOUS PERCENTAGE RÉJECTIONS IN BOER WAR,

It would not have done any good to have tried to get them from the agricultural class, as I shall show in a moment.

Then here are the Sessional Papers of the British Government, showing these rejections which got onto the conscience of the nation, and which startled British statesmen as nothing

has startled them in a hundred years. Number medically inspected in 1897, 59,986; total rejections, 22,813; 1898, 66,501 medically inspected; number rejected, 23,287.

I want to pause right here and say that even that does not represent the number of rejections. These were the rejections only of those who were taken by the recruiting officers and medically inspected. But the statement is made in these Sec. medically inspected. But the statement is made in these Sessional Papers and reports that vast numbers of men were rejected offhand by the recruiting officers and never were medically inspected at all.

But of those who were "passed" by the recruiting officers and afterwards medically inspected, an average of more than 33 per cent were rejected. In 1899, 68,059 were medically inspected, and 23,393 rejected. In 1900, 84,402 were medically inspected, and 23,105 were rejected. In 1901 there were 76,750 medically inspected, and 22,286 were rejected. I will not take further time in reading these things that led up to the investigation of the physical deterioration of the British people, because I want to get to that itself.

The statement is here made-I read from the British Sessional Papers-

When examining these totals it must be borne in mind that they do not represent anything like the total number of the rejections of candidates for enlistment into the army. A large number of men are rejected by the recruiters themselves for the causes above mentioned, and in consequence are never medically inspected, and do not appear in any returns.

The cause of these rejections were undersize, narrow chest, bad teeth, bad vision, flat feet, and other causes that showed physical and racial deterioration.

Now, then, when this was brought home to the attention of the British nation and of the world, as I said a moment ago, it startled the British statesmen as nothing had startled them for a hundred years, because they were suddenly face to face with the fact that the United Kingdom, with over 40,000,000 people, found herself hard put to it to raise 320,000 British soldiers to meet 28,000 Boer farmers upon the field of battle.

They were suddenly face to face with the fact that, upon

land, England has not the men to meet any first-class nation in the world.

They were suddenly confronted with the fact that while they had become the mistress of the seas in commerce, they had sunk into a low place in manhood and stamina, which is the foundation of all commerce and of all greatness of every kind.

## REPORT OF THE ROYAL COMMISSION.

And so a commission was appointed to examine into and report upon the causes of this physical deterioration of the British people, and here it is in my hand [exhibiting]. It is very voluminous. I intended to read at some length from it, but I will not, because time is so short. I will state rather the conclusions after I give one or two items. Doctor Neston, of Newcastle, said:

There is an undoubted falling off in the physical condition of the infants vaccinated and young persons presented for employment during the last quarter of a century, and this is due to the fact that they are the offspring of town-bred parents, who produce sui generis.

Mr. Harry Wilson, inspector of factories, said:

Personally the poorest specimens of humanity I have ever seen, both men and women, are working in the preparing and spinning departments of certain Dundee jute mills.

This is the report I am reading from:

Another factor in the alleged deterioration of the people, connected like the last with their aggregation in towns, is said to be the withdrawal from the rural districts of the most capable of the population, leaving the inferior types to supply their place and continue the stock, the evil being often aggravated, in the opinion of some, by the drifting into the country of the debilitated town population, which is crowded out by the inrush of more vigorous elements.

Mr. President, in order to save time I shall ask leave to put into the Record extracts from this report.

CHILD LABOR CAUSE OF BRITISH DETERIORATION.

It was found that a general physical deterioration of the people, which had been revealed first by the lamentable lack of ability to meet the Boers in the field, did exist. It was found that its immediate and present causes were poverty, overcrowding, living in towns, insufficient nourishment, and inherited tendencies. But anyone who has studied the question knows what the cause of that is,

It began in England one hundred and fifty years ago and bore its fruit later in the Boer war. It began in England with the invention of the spinning machines. It began one hundred and fifty years ago, and precisely the same process that is going on in Pennsylvania, in New York, in South Carolina, in Georgia, in North Carolina, in West Virginia, in New Jersey, and other States of the American Republic to-day in 1907 were going on in England a hundred and fifty years ago.

CHILD LABOR IN AMERICA IN 1907 EXACT REPRODUCTION OF CHILD LABOR IN ENGLAND IN 1800.

As soon as the factories started up in England in the eighteenth century the mill owners found themselves in precisely the condition that the southern mill owners find their factories to-They used precisely the same arguments to get the children into the mills. They soon found that the nimble fingers of the children could do the work of attending the machines better than those of old people. Also they soon found that children were more "tractable," more easily "managed," and they found, above all other things, that they were cheaper,

And so, first-all Senators are familiar with that, of course the orphanages were emptied into the mills, and then the country was invaded by the mill owners, just as to-day in the Southern States the hill people are being drawn from their farms to

the factories.

The strongest people from the country were induced to go to the factory towns. They left the inferior country people on the farms to run the farms and raise up the future yeomanry of the

And these stronger young men and young women coming into the factories soon degenerated in health, and they produced children who were weaker still than they were, and so the process went on from bad to worse until seventy-five years later, nearly all the population of England in the meantime having become an urban population, a mill-working population, the great irresistible causes of degeneration had done their work, and when the Boer war came England was hard put to it to raise from among 40,000,000 people 320,000 able soldiers to meet the Boers on the field of battle.

Now, Mr. President, just to show how absolutely similar were the conditions in England one hundred years ago to those we have here; to show that exactly the same process went on there both as to legislation and physical deterioration that is going on here; to show that exactly the same arguments were used by manufacturers and those who stood for them in England one hundred years ago that are being used to-day almost in exact words, I want to quote very briefly from this History of Factory Legislation in England, which is perhaps the most complete work of its kind that has ever been written. I have just read you some horrible details about what is existing in this country now. Here is a statement as to the working hours of children, before 1800, in England:

In the framework knitting trade hours were said to be from 5 or 6 a.m. till 10 at night, and large numbers of women and children were thus employed.

Then in 1796 Doctor Percival, of Manchester, laid before the board of health of that town some considerations.

It appears that the children and others who work in the large cotton factories are peculiarly disposed to be affected by the contagion of fever, and that when such infection is received it is rapidly propagated, etc.

Then he goes on to say:

The large factories are generally injurious to the constitution of those employed in them.

Then he says:

The untimely labor of the night and the protracted labor of the day, with respect to children, sot only tends to diminish future expectations as to the general sum of life and industry by impairing the strength

and destroying the vital stamina of the rising generation, but it too often gives encouragement to idleness, extravagance, and profligacy in the parents, who, contrary to the order of nature, subsist by the oppres-sion of their offspring.

ENGLAND'S REFORMERS BEGAN A CENTURY AGO.

There gradually grew up in England a hundred years ago an agitation such as there is growing up in America now. It was resisted. It was resisted by the factory owners just exactly as the agitation is now being resisted by the factory owners. impossible to go into it at this late hour. Sir Robert Peel began the reform of it in 1802. He did not succeed very well; but finally he got the Peel bill passed.

Then it was succeeded by the agitation which resulted in the Sadler bill, which limited the hours of work to ten hours. A very singular thing occurred, and I can not help referring to it now, we are so precisely paralleling the experience of England. The manufacturers resisted the Sadler bill in every way they could. Finally they said: "This bill is being passed upon 'vague' representations; it is being passed at the clamor of working people; let us 'investigate' it; let the whole subject be investigated."

Of course they knew it would take a year or two in which to "investigate," and in the meantime their enormous profits would Many great fortunes in England to-day are founded upon that system. No wonder England, having thus sowed the wind, is now reaping the whirlwind.

So they asked that the thing might be "investigated," and they carried their point. But so terrible were the conditions, and the report of that investigation committee had so terribly alarmed them, that they aligned themselves for the purpose of delaying and, if possible, defeating action on that report; for the report showed conditions even worse than they were represented, just as the report of the "investigation" in this crime here in America and in the twentieth century will show the Nation, if it is honest.

JOHN ASHLEY, EARL OF SHAFTESBURY.

Finally the cause of those English children was taken up by a man whom everybody who reads the English language and knows anything about English history or human industrialism knows and loves and applauds-John Ashley, Earl of Shaftesbury. He gave his whole life to it. He gave up his official place; society turned against him; his rich associates reviled him. He was of the noblest nobility of England itself, but they all deserted him. "Shaftesbury," said England's "better classes"—England's "best people," to repeat the favorite phrase of the Senator from Georgia—"Shaftesbury," said they, "has taked the theory class." joined the 'lower class.

Nevertheless he gave his life to the curing of this infamy, and to-day John Ashley, Earl of Shaftesbury, is one of the proudest names in English history. When the name of Marlborough is forgotten and when the name of Wellington shall have become a menory the name of John Ashley, Earl of Shaftesbury, will glow, with ever-increasing radiance, in the permanent heaven

of mankind's regard.

They did not succeed in stopping that evil for seventy-five years—these English "reformers," these English sympathizers with the despised "common people," these English lovers of humanity—and it was not until perhaps twenty-five years ago that the evil was entirely ended. The methods of resisting the reforms that are put forward here to-day were put forward there a hundred years ago, and down until a generation ago. Close your eyes, listen to the arguments against ending this practice that you will shortly hear here in the United States Senate in 1907, and you can imagine yourself in the British Parliament eighty years ago.

Does any man think that England pursued a wise policy? I hold in my hand here, which I will read later on this afternoon, the original notes of the statements of some of the mill owners in the Senator's State of North Caroling, where they resisted the passage of a law for the compulsory education of children and improvements over North Carolina's wretched child-labor bill, all of which the manufacturers of North Carolina defeated.

One of them goes on to say: "We want more mills. It is all right to work the children. They say that England is building more mills, and she has become the money center of the world and the commercial mistress of the seas." A manufacturer and the commercial mistress of the seas." A manufacturer said substantially that in a statement which I will read, when he was resisting and defeating a child-labor bill in North Carolina.

ENGLAND'S HIGH PRICE FOR BECOMING "THE MONEY CENTER OF THE WORLD,"

Well, Mr. President, that is what England has done. She has become "the money center of the world," and she has become "the commercial mistress of the seas." But does any-But does anybody think that she has not paid too high a price? Does any-body think that the proud eminence upon which she stands in commerce and trade has not been bought too dearly when it has been bought at the sacrifice of men and women?

The Boer war can teach us a lesson as well as it taught England a lesson. England can not meet on land a single first-class power to-day. That is the price she paid for becoming "the commercial mistress of the seas." Gone is that splendid yeomanry which under the Iron Duke overwhelmed the veterans of Austerlitz and bowed to the dust the forehead of the greatest captain of the world. Gone is that splendid stock that produced a Shakespeare and a Milton, and a Thackeray and a Dickens; that produced an Arkwright; that produced the great statesmen of the past. There is not to-day a single English soldier, statesman, or writer who comes even up to the arms of the great Englishmen of yesterday. The English people paid too high a price when they gave their children to make the English mill owners the greatest capitalists in the world.

I respect capital as much as anyone. I respect property as much as any man. I like to see wealth grow and expand, both individually and nationally, but I tell you we are thinking too much about money as money. We are thinking too much about prosperity as prosperity. The chief use of prosperity is not to put food in your stomachs or clothes on your backs or a roof over your heads. That is an important use; but the great use of prosperity is that it gives you time and strength to think on righteousness and write conscience into laws without ruining

Now, Mr. President, there is the consequence not only of the labor of children to-day, not only the rula of their lives, but the certain deterioration and the establishment of an ever-increasing

degenerate class in America.

Mr. President, it has got to stop. I infer from what I have heard here in the interruptions that everybody agrees it has got to stop. As a matter of fact, I have never seen any human reform proposed in this Senate that everybody was not "for" it, but most were against any effective means of accomplishing We are confronted now with a proposition. I have heard it whispered about the corridors, and so have other Senators, that we must not go "too fast;" that we are bound to have an "investigation."

Oh, no; let us not go "too fast." The evidence is before the Senate of the slow murder of these children, not by tens or hundreds, but by the thousands. But let us not "hasten" to their relief "too fast." Let us "investigate," just as the manufacturers of England asked when they were confronted with the same kind of a reform. "Why not investigate?" said they.

Now, Mr. President, it has got to be stopped and stopped now.

We all agree upon that—anyhow, everybody says that he agrees it must be stopped; "only," says some, "let us be careful about the Constitution." The Constitution, it appears, is a very mysterious instrument. But never mind; child labor has got to be How? The States can not stop it. At the beginning of the discussion of the State part of this matter I wish the Senator from South Carolina and the other Senators who apparently intend to oppose this bill to end the evil in their sections of the country, as well as in the North, were here.

"STATES RIGHTS" NOT INVOLVED.

I hear that "States rights" is to be used as the excuse for killing this bill. I say there are no "States rights" involved in this bill. I see the junior Senator from South Carolina [Mr. LATIMER] making a remark to another Senator upon that statement. If the Senator thinks there are some "States rights" in this bill which prohibits the transportation in interstate commerce of the products of child labor, why did not the Senator think there were some "States rights" in his bill for prohibiting the transportation in interstate commerce of the boll weevil

and the gypsy moth?

Mr. President, something has been said more or less all along about "States rights." But suppose States rights were involved a little bit. Last year we passed the quarantine law. For a hundred years the subject of quarantine has been universally recognized to be exclusively within the province of the States. The effect of the law last year was to make it a national quarantine system. There was not a bit of resistance to it. The people were not willing to quibble; the people were not willing to make a strained construction of the Constitution when yellow fever was knocking at the gates. There was no resistance in the Senate. There was some resistance in the House, made purely upon the "States rights" proposition that it was the province of the State, and that the National Government was taking the right to quarantine from the States. I was

could not see, as he had seen, the ravages of yellow fever down there and "quibble about the Constitution."

The VICE-PRESIDENT. In the absence of objection, the extract referred to will be printed in the RECORD.

The extract referred to is as follows:

The extract referred to is as follows:

Mr. Davey of Louisiana. Mr. Speaker, it is not my desire or my intention to delay a vote on this motion. I desire to assure the House that this is one of the most important subjects now before Congress in which our people of the State of Louisiana are interested. If gentlemen who have taken part in this debate had gone through a yellow-fever epidemic, as I have, they would not stand here upon technicalities. I have taken part in every yellow-fever epidemic since my birth during the great epidemic of 1853. I have seen sights that I hope no Member of this House will ever see. I have seen them dead.

Mr. Speaker, there is no law strong enough for me to vote for that would keep the yellow-fever plague from the boundaries of the United States. The people of Louisiana to-day are feeling unrestful about the coming season. It is not that the quarantine time is coming, but it is here, and unless there be some relief given within a very sohrt time, it would be useless, as it could do no good.

Now, Mr. Speaker, so that I may not waste the time of the House, I ask for a vote on this question. [Applause.]

Mr. BEVERIDGE. That is the spirit of a humane man; but

Mr. BEVERIDGE. That is the spirit of a humane man; but if we could speak thus for a bill to kill yellow fever, how much more should we speak for a bill to kill child labor?

Mr. BACON. Mr. President, if the Senator will pardon

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Georgia? Mr. BEVERIDGE. I do.

Mr. BACON. I will not take but a minute of the Senator's time. I wish simply to say that the Senator is mistaken as to the provisions of the quarantine law. It is purely a maritime quarantine law. It goes to the extent of exclusion from the country, but, so far as interstate matters are concerned, the quarantine law has no provision whatsoever. On the contrary, when it passed

Mr. BEVERIDGE. I definitely stated that the practical effect of that law-I know what was done to it when it got to the Senate-but the practical effect and practical intent of the bill was that we should have a National quarantine system, because everybody saw how perfectly foolish the other system was. If yellow fever got into the port of Mobile, though it was kept out of the ports of other States, it would cross State lines just the same. Yellow fever does not know anything more about State lines than a passenger train does.

If we would not quibble about the constitutionality of the quarantine law to protect the people from yellow fever, which does not kill a hundred people in twenty years, we ought not to quibble about the constitutionality of a law to stop a practice that kills thousands of people every year, and those people chil-

STATES CAN NOT END THE EVIL.

Mr. President, why is it that the States can not stop this evil? In the first place, the Senator from Tennessee [Mr. Car-Mack] by his question furnished me the text. If one State passes good laws and enforces them and another State does not, then the business men in the former State are at a business disadvantage with the business men in the latter State.

The business man in the State that has the good laws suffers from the very righteousness of that State's laws, and the business man in the State that has bad laws profits by the very

wickedness of that State's laws.

The Senator will agree that it is common sense as well as Americanism that every business man beneath the flag ought to have equal business opportunities so far as the law can give them to him.

Mr. TILLMAN. Will the Senator allow me?

Mr. BEVERIDGE. Certainly.

Mr. TILLMAN. That last remark of the Senator is so broad I am afraid the Senator will revise it when he comes to the question of the protective tariff, and certain industries and certain classes are protected to the detriment—

Mr. BEVERIDGE. I am coming to that in a minute. Mr. TILLMAN. I think that the good sense and the love of humanity in any State, where it is pointed to properly, will redress this wrong and cure the evil, or kill it, if the facts are

ever presented to the people.

Mr. BEVERIDGE. But the Senator would not object to having the Nation do it if the Senator believed that it was entirely

within the province of the Nation to do it?

Mr. TILLMAN. If the Senator can convert me on that point, I will be ready to go with him, but I want to call the Senator's very greatly struck by a speech made in the House—
Mr. BACON rose.
Mr. BEVERIDGE. I will yield to the Senator in a moment.
I ask to print as a part of my remarks a brief, one-minute speech of Representative Daver, of Louisiana, who said he Mr. BEVERIDGE. Certainly not.

Mr. TILLMAN. Very well. Still if the Senator's bill does not differentiate the kinds of labor and protect us in some way or other, it will be so broad and sweeping that I am afraid it will go too far.

Mr. BEVERIDGE. The Senator has not read the bill.

Mr. TILLMAN. I have not read it. Why should I read it until the time comes to vote on it? I have not had time to

Mr. BEVERIDGE. It is very short, I will say to the Sen-

Mr. TILLMAN. But I know the general proposition involved, which is that Congress shall pass a law to prohibit entering into interstate commerce articles produced in factories by children, or something of that sort.

Mr. BEVERIDGE. That is right. Mr. TILLMAN. That is about the substance of it.

Mr. BEVERIDGE. That has nothing to do with picking cotton.

Mr. TILLMAN. Picking cotton, however, is an industry in which children engage, and they begin at a very early age, and they begin very early in the morning.

Mr. BEVERIDGE. So far as this measure is concerned, it lets them pick cotton. If the Senator had been here when I began my speech he would have heard me say that I have no objection to the working of children in the open air; that I think labor on a farm within their strength is a good thing; that I think one of the best features of our educational system is the manual-training schools of our cities, by far the best schools that we have; that I expect to live to see the day when we shall have as a part of the system of education the teaching of children how to work.

That is not what this bill strikes at. This bill strikes at the personal infamy and the national danger of child's labor in

factories and mills and sweatshops, and nothing else.

Mr. FULTON. Will the Senator allow me to ask him a

Mr. BEVERIDGE. Certainly.
Mr. FULTON. The Senator from South Carolina suggests that the children of South Carolina engage in picking cotton. The Senator from Indiana says he does not purpose by this bill to prohibit the shipment of cotton as an article of interstate commerce. But I ask the Senator if the principle is not exactly the same?

Mr. BEVERIDGE. I will come to that. I know exactly what the Senator is going to ask. He is going to ask if we can exclude the products of the factory, can we not exclude the products of the factory, can we not exclude the products of the farm? Certainly we can, as a matter of power; but we never will as a matter of policy. The possible abuse of a power is no argument against its existence. I will come to that presently, but I do not want to get away from my questions of fact.

Mr. FULTON. Let me ask the Senator if Congress can prohibit cotton from being shipped from one State to another because it was picked by children—
Mr. BEVERIDGE. Yes; or a redheaded girl.

Mr. FULTON. Can it not prohibit wheat from being shipped from one State to another because a person was employed more

Mr. BEVERIDGE. Why, undoubtedly; as a matter of power; though that has nothing to do with this bill. This bill rests on much narrower foundations.

Mr. FULTON. Then there is nothing that Congress can not

regulate in our internal affairs.

Mr. BEVERIDGE. I will answer that question. I am glad the Senator has brought that question up. Let us meet the questions of human industry face to face and vote on them. As long as I am in public life I am prepared to vote on any question that arises, and I never shall shield myself and excuse myself from voting upon them with any strained constitutional construction. Now, I will say to the Senator that I have had in mind-

Mr. FULTON. Let me ask the Senator-

Mr. BEVERIDGE. Wait a minute. Mr. FULTON. Mr. President—

Mr. BEVERIDGE. No; just a minute. I am on the point the Senator mentions precisely, and I intend when I come to the legal part of it to argue it at length. If the Senator does not mind to wait until I get to that part, I don't want to have my argument disarranged.

Mr. FULTON. It is as to this point—
The VICE-PRESIDENT. Does the Senator from Indiana yield further to the Senator from Oregon?

Mr. BEVERIDGE. I do.

Mr. FULTON. The Senator says he never shielded himself

behind the Constitution. I assume the Senator does not mean to say that he believes if Congress is without constitutional power to enact certain legislation he will nevertheless insist on voting on it.

Mr. BEVERIDGE. Mr. President, most certainly I do not,

will say to the Senator; most certainly I do not. Now that the Senator has asked that question, I would not be surprised that a good deal of anxiety about the constitutionality of this bill is wrapped up in that very eight-hour question. It may be that many people hope that this is unconstitutional, so that they will not have to vote on it and the whole group of questions associated with it.

Now I am going to argue the power of this question later on,

and I wish the Senator would let me get through with the facts.

Mr. FULTON. Let me say to the Senator in answer that he does not mean it, I am sure, and yet his answer assumes more sincerity to himself than he imputes to others.

Mr. BEVERIDGE. That is the very question the Senator from Wisconsin asked me. Certainly I assume that every man here—no, not every man here; I don't think, no—but I think most of us, have about equal sincerity. I do not think we all I do not think all human people are alike. I know it is a polite thing to say they are all equally sincere, but as a matter of fact we are not. The Senator from Wisconsin asked me if I was any more earnestly interested in this child labor than anybody else and I told him I thought I was.

STATES NEVER HAVE UNIFORM LAWS.

Mr. President, the next reason why the States can not adequately handle this question is because neither in this nor in any other important question have the States ever succeeded in having uniform laws; and it is clear that this evil can not be remedied unless there are uniform laws upon it.

Suppose, for example, that Ohio passes an excellent child-labor law and my State repeals ours, instantly every manufacturing establishment in my State would drain the child labor from Ohio to us, because it is cheaper and more profitable, and the manufacturers of Ohio would be at a disadvantage with the manufacturers of Indiana.

Not only that, but if every single State in the Union but one were to enact a good law and execute it (and I will show you in a minute that they do not and that they can not—and I will show you why they do not and can not), nevertheless the one State that did not and that continued to permit the infamy that exists in many of the States now that I have referred to to-day would be ruining citizens not of that State only, but citizens of the Nation also.

A child that grows up in New York and becomes a citizen is not alone a citizen of New York. He is a citizen of the Republic as well. He does not vote exclusively if he is in North Carolina for North Carolina candidates. He votes for the President of the Republic; he votes for members of the legislature that elect a United States Senator; he votes for a Congressman. He is as much a citizen of the Nation as he is a citizen of the State, and when any system of labor or of lack He is as much a citizen of the Nation as he is a of education ruins him for citizenship in the State he is ruined for citizenship in the Nation.

So not only, Mr. President, is there inequality of business opportunities, but by that inequality the ruin of citizens in any one State, the murder of the innocents in any one Common-wealth, affects the entire Republic as much as it affects that

Senators who are sincerely anxious about the question of the rights and the dignity of the States must not also forget the rights and the dignity and the future of the Nation. We have not any right to permit any State to produce in this Republic a degenerate class unfit for citizenship beneath the flag, because they vote at National ballot boxes as well as State ballot boxes, if any exercise of our power under the Constitution can prevent it.

Now, Mr. President, there can not be any uniformity. There not. Here is an abstract of the State laws upon the subject is not. of child labor. There are not six of them alike. Some have no child-labor laws at all; others are worse than any laws, because they are pretenses at labor legislation which make the people and the country think that something has been done, when, as a matter of fact, nothing has been done, and the ruin that went on before without the sanction of the law continues under the sanction of the law.

ABSTRACT OF STATE LAWS.

I am going to read, just to show how inadequate, how inharmonious, these are, a few of these laws:

ALABAMA.

Age limit for working in mines, 12 years. Age limit for working in factories, 12 years; night work in factories, 13 years. Orphans and children of dependent parents between 10 and 12 years are allowed to

work in factories. Children under 12 can work sixty-six hours a week. Parents furnish sworn certificate of the age and birth of the child. No factory inspection.

For the purposes of execution that law might just as well

not exist. There is no factory inspection even then.

Now, let us go on to some others, because I have not time to read them all:

#### GEORGIA

Age limit for children in factories, 12 years; orphans and children of dependent parents, 10 years—

Later on in this debate-not to-day-I intend, if any Senator raises the question, to go more extensively into the widow question, or, what is known among the men and women who have studied this question all their lives through, as the "widow-woman fraud," in relation to child labor. It is a shameful and pitiful excuse, under which more children are ground to death than anybody who had not examined the subject would

Age limit for children in factories, 12 years; orphans and children of dependent parents, 10 years; age limit for illiterate children, 14 years; for night work, 14 years. After January 1, 1908, children under 18 required to attend school twelve weeks of each year. Certificates furnished by parents. No factory inspection. No age limit for work in mines.

As a matter of practical execution that law might just as well not exist. I have given evidence here in extreme abundance as to how age certificates are obtained in Pennsylvania, where they do have factory inspection. With reference to that, I perhaps had better stop right here and call the attention of the Senator from Georgia [Mr. Bacon] to what I said a moment ago about the condition which has prevailed since this law went into effect.

#### CORRECTION OF A MISSTATEMENT.

I read from the Atlanta Journal of January 6, 1907. It corrects my statement a moment ago:

### [From Atlanta Journal, January 5, 1907.]

Despite the fact that the child-labor bill became effective in Georgia January 1, it is nevertheless estimated by Ordinary Wilkinson—

I believe that is the county clerk, or some equivalent officer

that in Fulton County alone-

I was wrong. It is not in the State, but in Fulton County alone-

that in Fulton County alone during the current year between 2,000 and 3,000 children under 12 years of age may be put to work in the factories. That is "isolated"—that is, "occasional." It could not be that our "best people" would ever work that many children after the passage of the new law.

This seeming infraction of the spirit of the new law becomes possible in this manner:
Though a child may be under the prescribed age, if he is an orphan or has a widowed mother or a disabled father, and any one of these conditions be shown to the ordinary under the oath of child or parent, a certificate will be issued by the ordinary permitting the child to work in a factory.

I said to the Senator from Georgia that the law of his State is not worth the paper it is written on; it is just what the factory people want; and it permits this infamy to go on under the sanction of law, whereas it had to go on heretofore without the approval of the statute. Now, let us see. I am reading from one of that State's papers—the Atlanta Journal:

one of that State's papers—the Atlanta Journal:

In every case the evidence must be written out in detail and filed for inspection by the grand jury. This method, of course, throws a safeguard about the bill; but, as has been pointed by mill owners, the absence of any birth record in Fulton County makes fraud under such instances highly and frequently possible.

Of prime interest to the ordinary's office just at present is the immense increase of work that the operation of the new bill has entailed. The registration and examination of each candidate for one of the permits mentioned requires, says the ordinary, at least an hour's time. Nor does the bill provide extra pay or assistance for this additional work.

All they have got to do is to show not are alone but that only

All they have got to do is to show, not age alone, but that only one of three conditions exist; and to show that in any way—by a certificate; and there is no factory inspection. The law is a dead letter; and the ordinary of Fulton County estimates that in the present year and in that one county 3,000 children will be put to work, notwithstanding your new law.

Mr. BACON. Mr. President

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Georgia?

Mr. BEVERIDGE. I do.

Mr. BACON. I simply rise to say that the Senator in his statement of this law is not entirely correct, and while I will not interrupt him to discuss that proposition I will, after he concludes, as he will not permit me to read the law now—Mr. BEVERIDGE. I can not do it, because time is flying.

Mr. BACON. I want to say that at the conclusion of the Senator's remarks I myself, in my own time, intend to put the Georgia law in the RECORD and let the public judge whether the Senator is correct or is mistaken.

Mr. BEVERIDGE. I hope the Senator will; but, as one of the Senator's best friends, I hope the Senator will not defend that law or attempt to deny the condition existing in his own State, because if the Senator does I will tell the Senator that I do not think he is familiar with conditions in his own State.

Mr. BACON. I am very much obliged to the Senator for his repeated estimate of my various faculties as to information,

etc.

Mr. BEVERIDGE. I could not help it when the Senator said it was "occasional and isolated." I did not say it. The Senator from Georgia said it.

#### NEW JERSEY.

Age limit for children working in factories and mines, 14 years. Hours of labor, fifty-five per week, and night work forbidden except in canning establishments and glassware. Factory inspection.

Age limit for children working in factories, 12 years. Children under 18 not required to work more than sixty-six hours per week—eleven hours per day. Written statement of age of child furnished by parents. No provision for children working in mines. No factory inspection.

Yet the Senator from North Carolina states that they have an admirable child-labor law down there—that is, in North Carolina-and I have the official notes of the stenographer reporting the speeches those North Carolina mill owners made in their successful resistance to any improvement in the law at the last session of the North Carolina legislature.

Oregon has one of the very best laws in the country and South Carolina has one of the worst. I guess there is only one worse than that, and that is the law of West Virginia, which is the worst in the whole country.

### SOUTH CAROLINA.

Age limit for children working in mines and factories, 12 years. Orphans and children of dependent parents allowed to work at any age in textile factories. Night work forbidden for children under 12 years of age. Hours of labor, sixty-six hours per week. Parents required to furnish certificates of age. No factory inspection.

MEST VIRGINIA.

Age limit for children in mines and factories, 12 years. No factory inspection.

That is all for West Virginia, where captains of industry

Wisconsin undoubtedly has the best law of any of them. But to read an abstract of them all takes too much time; so I ask leave to insert an abstract of these laws in my remarks.

The VICE-PRESIDENT. Permission will be granted, in the absence of objection.

The abstract referred to is as follows:

## ALABAMA.

Age limit for working in mines, 12 years.

Age limit for working in factories, 12 years; night work in factories,

13 years.
Orphans and children of dependent parents between 10 and 12 years are allowed to work in factories.
Children under 12 can work staty-six hours a week.
Parents furnish sworn certificate of the age and birth of the child.
No factory inspection.
Acts of 1903.

## ARKANSAS.

Age limit for working in mines, 14 years; for illiterate children, 16

years.

Age limit for working in factories, 12 years; orphan children and children of dependent parents, 10 years.

Age limit for night work, 14 years; age limit for illiterate children, 14 years. Children under 14 years are required to attend school twelve weeks of each year while working in factories.

Certificate of parents as to ages of children.

Acts of 1903.

## CALIFORNIA.

Age limit for children in factories, 12 years. Children under 18 not allowed to work more than nine hours a day. Parents required to furnish certificates of age.

Acts of 1901.

## COLORADO.

Age limit for children in mines, 14 years; illiterate children, 16 years. Children under 16 not allowed to work in mines or factories more than cight hours a day. Employment of children under age, or hiring out by parents, a crime punished by a fine or imprisonment, or

# Acts of 1903.

## CONNECTICUT.

Age limit for children in factories, 14 years; illiterate children, 16 years, unless attending night school. Parents furnish certificates; factory inspection by school authorities.

Acts of 1902.

DELAWARE.  ${\rm Age}$  limit for children in factories, 14 years, except for children in canneries. Factory inspection.

DISTRICT OF COLUMBIA.

No child-labor law for factories.

No child-labor law.

FLORIDA. GEORGIA.

Age limit for children in factories, 12 years; orphans and children of dependent parents, 10 years; age limit for illiterate children, 14 years; for night work, 14 years. After January 1, 1908, children under 18 required to attend school twelve weeks of each year. Certificates furnished by parents. No factory inspection. No age limit for the limitage. work in mines.

IDAHO.

Age limit for children working in mines, 14 years. No factory inspection.

Age for children working in mines, 14 years. Age limit for children working in factories, 14 years. Age limit for illiterate children, 16 years. Documentary proof required for age certificate, furnished by school authorities. Excellent factory inspection. Age limit for night work, 16 years. Hours of labor, forty-eight a week.

Acts of 1903.

INDIANA.

Age limit for children working in factories and mines, 14 years. Hours of labor for children under 14 years, eight hours per day; between 14 and 16, ten hours per day. Age limit for illiterate children, 16 years. Excellent factory inspection. Acts of 1901.

IOWA

Age limit for work in mines and factories, 14. Age limit for night work and for work in dangerous employments, 16. Certificates required for all children under 16. Factory inspection.

Acts of 1905.

KANSAS.

Age limit for children working in mines, 12 years. Illiterate children, 16 years. Age and schooling certificates furnished by school authorities. No factory inspection.

KENTUCKY.

Age limit for children working in mines and factories, 14 years. Age limit for night work, 16 years. Factory inspection.

Acts of 1905.

Age limit for children working in factories: Boys, 12 years; girls, 14 years. Age limit for illiterate children, 14 years. Hours of labor for children under 18 years, sixty a week. Factory inspection.

Acts of 1906.

Age limit for children working in factories, 12 years. Illiterate children, 15 years. Girls under 18 and boys under 16 years not to be employed more than ten hours per day. Certificates made by children or parents. Factory inspection.

Acts of 1887

Age limit for children in mines and factories, 12 years. Children under 16 years required to furnish certificates as to physical condition and schooling certificate. Factory inspection.

Acts of 1905.

MASSACHUSETTS.

Age limit for children in factories, 14 years. Age limit for illiterate children, 16 years. No minors shall be employed between 10 p. m. and 6 a. m. Hours of labor for children under 18 not more than fifty-eight in one week nor ten in one day. Age and schooling certificate signed by superintendent of school. Factory inspection.

Acts of 1902.

MICHIGAN.

Age limit for children in factories, 14 years. Dangerous occupa-tions, 16 years. Hours of labor for boys under 18 not more than sixty hours per week. Age limit for night work, 16 years. Factory inspection. Acts of 1901.

MINNESOTA.

Age limit for children working in mines or factories, 14 years. Dangerous occupations, 16 years. Age limit for night work, 16 years. Hours of labor for children under 16 not more than sixty hours per week. Age and schooling certificates signed by superintendent of schools. Factory inspection.

Acts of 1895.

No child-labor law.

Age limit for children in mines, 12 years. Illiterate children, 14 years. Age limit for children working in factories, 14 years. Factory inspection.

Acts of 1901.

MONTANA.

Children under 14 years of age not to be employed during the school term, nor children of 16 during the school term unless they can read and write. Factory inspection by truant officers. Person employing or hiring a child under 14 in mines or factories punishable by fine.

Acts of 1895.

Age limit, 14, in factories. No factory inspection.

NEW HAMPSHIRE.

Age limit for children working in factories, 12 years; during the school term, 16 years. Hours of labor for children under 18 years not more than sixty per week. No factory inspection.

Age limit for children working in factories and mines, 14 years. Hours of labor, fifty-five per week, and night work forbidden, except in canning establishments and glassware. Factory inspection.

Acts of 1903.

NEW YORK.

Age limit for children working in mines, 16 years, and factories, 14 years; illiterates in factories, 16 years. Night work forbidden for children under 16 years. Hours of labor for children under 18 years, sixty per week. Dangerous employment forbidden for children under 18. Employment certificates issued by the board of health. Factory inspection.

Acts of 1903.

Age limit for children working in factories, 12 years. Children under 18 not required to work more than sixty-two hours per week—eleven hours per day. Written statement of age of child furnished by parents. No provision for children working in mines. No factory inspection.

weeks per year. Hours of labor for children under 14 years, ten hours

Age limit for children working in mines and factories, 14 years. Night work forbidden to boys under 16 years and girls under 18. Age limit for illiterate children, 16 years. Age and schooling certificates signed by superintendent of schools. Factory inspection.

Acts of 1902.

OKLAHOMA.

No child-labor laws.

Age limit for children working in mines and factories, 14 years. Age limit for illiterate children, 16 years. Age limit for night work, 16 years. Hours of labor for children under 16, not exceeding ten hours per day. Affidavits for age furnished by parents. Factory inspection. Acts of 1903.

PENNSYLVANIA.

Age limit for children working in mines, 16 years. Age limit for children working in factories, 14 years. I not more than sixty hours per week. Factory inspection. Acts of\*1905. Hours of labor

PORTO RICO.

Children under 16 not allowed to work over nine hours per day. Acts of 1902.

RHODE ISLAND.

Age limit in factories, 14; night work, 16. quired to furnish certificates. Factory inspection. Children under 16 re-

Age limit for children working in mines and factories, 12 years. Orphans and children of dependent parents allowed to work at any age in textile factories. Night work forbidden for children under 12 years of age. Hours of labor, sixty-six per week. Parents required to furnish certificates of age. No factory inspection.

Acts of 1903.

SOUTH DAKOTA.

Age limit for children working in mines, 14 years. Children between the ages of 8 and 14 not permitted to work in factories unless they attend school twelve weeks of the year. Certificates furnished by school authorities. No factory inspection.

Acts of 1963.

TENNESSEE.

Age limit for children working in mines and factories, 14 years. Parents required to furnish sworn certificates of age. Factory inspection. Acts of 1901.

Age limit for children working in factories, 12 years. Age limit for children working in mines, 16 years. Age limit for illiterates, except children of dependent parents, —. Age limit for night work in factories, 14 years. Employment of children under legal age punishable by fine for each offense. No factory inspection.

UTAH.

Age limit for children working in mines, 14 years. No factory inspection.

Acts of 1898.

VERMONT.

Age limit for children working in factories, 12 years. Children under 16 years not permitted to work during school hours unless they have completed elementary course of study of 9 years. Age limit for children working after 8 o'clock p. m., 16 years. Town superintendents of schools empowered to inspect factories. Acts of 1906.

Age limit for children working in factories, 12 years. For night work, 14 years. Parents of employees knowingly violating the act punishable by fine. No factory inspection.

Acts of 1903.

WASHINGTON.

Age limit for children working in mines, 14 years. Children under 15 working in factories required to attend school—— of a year. Age limit for children in factories, 14 years. Children of dependent parents, 12 years. No factory inspection.

Acts of 1903.

WEST VIRGINIA.

Age limit for children in mines and factories, 12 years. No factory inspection.

WISCONSIN.

Age limit for children working in mines and factories, 16 years, unless he obtains a permit from the factory inspector or county judge. No child under 14 employed under any circumstances. Factory inspection. Children under 18 not allowed to work more than eight hours per day.

Acts of 1903.

WYOMING.

Age limit for children working in mines, 14 years. Employment of children under 14 in mines punishable by fine. No factory inspection. Acts of 1899.

SUMMARY.

Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa Kentucky, Massachusetts, New Jersey, New York, Utah, Washington, Rhode Stands of 1903.

Age limit for children working in mines, 16 years, and factories, Idyears; illiterates in factories, 16 years. Night work forbidden for hildren under 18 years; language and factories, Idyears is not required to work more than sixty-two hours per week—eleven and required to work more than sixty-two hours per week—eleven this. No provision for children working in mines. No factories is not required to work more than sixty-two hours per week—eleven this. No provision for children working in mines. No factories is not required to work more than sixty-two hours per day. Written statement of age of child furnished by paraths. No provision for children working in mines. No factories is not required to work more than sixty-two hours per day. Written statement of age of child furnished by paraths. No provision for children working in mines. No factories is not required to work more than sixty-two hours per day. Written statement of age of child furnished by paraths. No provision for children working in mines. No factories is not required to work more than sixty-two hours per day. Written statement of age of child furnished by paraths. No provision for children working in mines. No factories is not required to work more than sixty-two hours per day. Written statement of age of child furnished by paraths. No provision for children working in mines. No factories is not required to work more than sixty-two hours per day. Written statement of age of child furnished by paraths. No provision for children working in mines. No factories is not required to work more than sixty-two hours per day. Written statement of age of child furnished by paraths. No provision for children working in mines, and factories, while Vermont allows children of 12 years to work in factories with a paraths, but 14 years for factories, the furnished by paraths, while Vermont allows children of dependent

allows children of 8 to work in factories if they attend school twelve weeks in a year. Missouri has an age limit of 12 years for children in mines, but 14 years for children in factories, while Texas has an age limit of 12 years for factories and 16 years for mines. A United States Statute, acts of 1891, forbids the employment of children under 12 years of age in mines in any Territories.

How about Indiana? Mr. OVERMAN.

Mr. BEVERIDGE. The Indiana law is about the third or fourth best in the country. It is an admirable law. The age limit there for children working in factories and mines is 14 years, and the law provides for factory inspection. We have a good factory inspection, but not as good as that in Illinois, which is admirable, notwithstanding which I propose to show the law is violated there just now, as I have no doubt it is in my State, although none of the investigators have pointed it out in my State. Still we violate the law I have no doubt, for States can not properly deal with this National evil. Manufacturers of a State having a good law will violate it because of the competition of States having bad laws. Uniformity is the only remedy.

Mr. GALLINGER, Mr. President, will the Senator permit

me for just a moment?

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. BEVERIDGE. I do. Mr. GALLINGER. I have here Bulletin 68, of the Department of Commerce and Labor, on child labor, which shows that in Evansville, Ind., 12.5 per cent of the breadwinners are between 10 and 15 years of age, and in Indianapolis 9.9 per cent of the breadwinners are of that early age. So that in Indiana the law is being violated.

Mr. BEVERIDGE. I said it was, I stated that to the

Senate.

Mr. GALLINGER. I so understood the Senator.
Mr. BEVERIDGE. I say we have in Indiana an excellent child-labor law and an excellent inspection law; but it is violated there, though not to the extent to which it is being violated elsewhere. But to the extent to which it is being violated. we have just that large percentage of infamy.

Mr. GALLINGER. I will say to the Senator on that point

that in eighty cities of the country, having at least 50,000 inhabitants each, the per cent is 10.3 and in Indiana it is 11.2.

Mr. BEVERIDGE. But take the cities as a whole, Mr. GALLINGER. Those are the only cities reported in Indiana.

Mr. BEVERIDGE. I will say, notwithstanding the excellent factory inspection, I am going to show that in Illinois, whose law comes as nearly as possible to being perfect, it is violated. The truth about it is that the States are incompetent to deal with this question. You have got to have a uniform law.

You have got to have the manufacturer feel that at any time, upon the application of any citizen, of any good woman who upon the application of any citizen, of any good woman who sees him take a child to work whom she knows to be under age, to apply to a court of justice, have him haled by the United States district attorney before the United States district court, and let him face the prison bars. That will increase the manufacturer's watchfulness.

If you depend upon the parents to furnish certificates and let the manufacturers obtain the labor of these children, of course you can not get laws enforced; but when the manufacturer him-self knows that he must err, if he errs at all, upon the right side, and that if he errs upon the wrong side, he will find the penitentiary opening to him as the consequence, he will take mighty good care that he does know the age of the children whom he employs.

WHY STATES DO NOT PASS OR ENFORCE GOOD LAWS.

Mr. President, another reason why it is that the States can not care for this matter is that in those States where this evil is worst-and I will not now name them-the great interests that are becoming rich from this practice have always in the past been powerful enough to prevent righteous legislation; and in no instance, as I shall show by extracts I will put in the Record, have they failed to take advantage of that. Time after time they have defeated such legislation in Pennsylvania and in every one of the Southern States, as the Senator from South Carolina pointed out a moment ago, and even when the pressure of public opinion becomes such that a law is passed, as is the case with the North Carolina law now, it is constantly violated, as I shall show by sworn testimony that I propose to give in a moment.
Mr. OVERMAN.

Mr. President-

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from North Carolina?

Mr. BEVERIDGE. I do. Mr. OVERMAN. The Senator says that in the State of Wisconsin they have the best child-labor law in AmericaMr. BEVERIDGE. Yes.

Mr. OVERMAN. And that they also have an excellent childlabor law in Illinois-

Mr. BEVERIDGE. They have.

Mr. OVERMAN. And yet those laws are constantly violated?

Mr. BEVERIDGE. Yes.

Mr. OVERMAN. Then, can Congress pass a law that will not be violated?

Mr. BEVERIDGE. I think we can make a law, if you will vote for it-but will you?-that will not be violated more than four or five times. When you put behind the bars a man who has wrung his money out of the blood of children, the remainder of such men will quit doing it. They are looking out for their own pocketbooks and their own persons.

Mr. SPOONER. Mr. President

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Wisconsin?

Mr. BEVERIDGE. I do. Mr. SPOONER. The Senator's last observation leads me, with his permission, to ask him a question.

Mr. BEVERIDGE. Yes; I yield. Mr. SPOONER. Does the Senator think Congress has the power to enact a child-labor law, the violation of which in

Wisconsin would be visited with imprisonment?

Mr. BEVERIDGE. Undoubtedly, if they ship the goods made by those children on an interstate railway.

Mr. SPOONER. No; the Senator does not answer my question.
Mr. BEVERIDGE. Then I will answer that most certainly I think so.

Mr. SPOONER. That answers my question.

Mr. BEVERIDGE. I answer your question, and I will go on and answer it some more. I will say to the Senator Congress can, in my judgment, pass such a law as I was trying to explain a moment ago. This proposed law is so drawn that every sincere States-rights man can vote for it without violating his constitutional convictions. I drew it in that way. Otherwise I would have drawn it upon the theory of the meat-inspection law. If we had a right to put inspectors into a packing house to inspect a packing house and to see that they did not can and prepare diseased meat, I know of no reason why we could not do the same thing with manufacturing establishments.

I decline to debate that point now, because that is not up; but what I do say to the Senator is this: I would not pretend for a moment that we have the right to make a law for a State that would affect the child labor in that State exclusively,

That, however, is not the question before us.

We have a right to pass a law applying to any factory or mine owner in Wisconsin who ships his products out of the State. I will demonstrate that to your satisfaction later, because I have studied the question, and when I come to the legal part of my argument I will show that we have control over the shipment of products of child labor over interstate railways.

Mr. SPOONER. We have all examined this subject more or less in connection with questions which have arisen here. I

only want to get at the Senator's proposition.

Mr. BEVERIDGE. I am not on that proposition yet, but I will deal with it presently. I am not on that proposition now.

Mr. SPOONER. But I am on the proposition now. The Senator's proposition, as I understand it, is that Congress has the power to enact, under the commerce clause of the Constitution, a law which will be operative to regulate adequately-or not at all—child labor in the States.

Mr. BEVERIDGE. In factories, mines, and sweatshops in

the States

Mr. SPOONER. Child labor in the States.

Mr. BEVERIDGE. Yes; child labor in the States.

Mr. SPOONER. Engaged in the manufacture of a product for transportation from State to State?

Mr. BEVERIDGE. Yes; even agriculture. Mr. SPOONER. If the Senator will permit me a word further, that statement is based upon the proposition that the power of Congress over interstate commerce is absolute; that it may prohibit the transportation of any product from State to State.

Mr. BEVERIDGE. Yes; that is precisely the proposition that I intend to argue, and I will present to the Senator some decisions upon it. Of course I suppose that this ought not to be done. We have an instrumentality which is supposed to instruct us upon this subject, and we ourselves ought not to debate the constitutionality of it until we hear from that be done. tribunal.

Mr. SPOONER. Mr. President, if the Senator will permit

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Wisconsin?

Mr. BEVERIDGE. Yes.

Mr. SPOONER. I suppose the Senator refers to the Judiciary Committee?

Mr. BEVERIDGE. I prefer to debate that question when it comes up.

Mr. SPOONER. It will come up.

Mr. BEVERIDGE. I do not suppose it will: I do not know whether it will come up or not, unless the Senator can give out a fiat here.

Mr. SPOONER. I can give a fiat for myself, at least.

Mr. BEVERIDGE. Well, you did give a fiat to the Senate.

Mr. SPOONER. I did not.

Mr. BEVERIDGE. You presented a resolution referring the

Mr. SPOONER.

Mr. BEVERIDGE. To the Judiciary Committee, which, of course, would make the Senator chairman of the subcommittee of the Judiciary Committee which was to advise the Senate upon the constitutionality of the question. Of course that assumed that the committee having the bill in charge—the Committee on Education and Labor-was not competent to pass upon the matter, and that the other Senators here were not competent to pass upon it.

Mr. SPOONER. Oh, no.
Mr. BEVERIDGE. Well, I think that is a subject that will bear some discussion when the thing comes up.

Mr. SPOONER. Mr. President, if the Senator will permit me, I have been a member of the Senate a good many years longer than the Senator from Indiana has been-

Mr. BEVERIDGE. Yes; that is true.

Mr. SPOONER. Although I do not expect, if I should remain here very much longer, to know as much as the Senator does. But it has often happened during my relatively short experience that the Senate has called upon the Judiciary Committee to advise it as to what it might, so far as that committee's opinion went, within constitutional limits, do in the way of legislation. The Senator is quite mistaken when he speaks of me as having issued any flat. Several bills were pending here on this subject, about which I had then and have now doubt-

Mr. BEVERIDGE. You have more than that.

Mr. SPOONER. And to which, perhaps, on reconsideration, the Senator might not give his approbation. I said I had doubt.
Mr. BEVERIDGE. I thought I had understood the Senator

heretofore to express more than that.

Mr. SPOONER. No, Mr. President; I do not know what the Senator thought he understood, but I know what I thought and what the condition of my mind was. I did not consider it any usurpation. I conceived it to be a legitimate function to introduce a resolution in the Senate to instruct the Judiciary Committee to report its opinion upon a question. The flat lay in the adoption by the Senate of the resolution placing the matter before the committee; but I do not intend to express my opinion

about it in the Senator's speech.

Mr. BEVERIDGE. I hope the Senator will. I have already, while the Senator was out, invited any Senator here who wanted to at any time to ask me any question, either about the facts or

the law, so that if I were wrong I might be corrected.

Mr. SPOONER. Of course I shall ask for information of the Senator, because I am on the Judiciary Committee, and I want the advice of the Senator.

Mr. BEVERIDGE. I will say to the Senator that I am permitting him to interrupt me, but I do not understand why the Senator should throw out that last suggestion. Of course I can not give the Senator any information, nor can anybody else.

Mr. SPOONER. Yes; the Senator can.
Mr. BEVERIDGE. Well, I might; but the Senator does not

SPOONER. If I did not think the Senator could, I

would not ask him.

Mr. BEVERIDGE. I decline to take any time at this juncture to discuss the practice which is growing up here of a Junior Supreme Court to relieve the Supreme Court itself of all its constitutional functions and the Senate of all its constitu-tional responsibilities. I will not take any time for that now, but I shall be glad to debate that when it comes up, both as to the fact and as to the propriety and policy of it. For myself, I think it is extremely dangerous. I do not think, even with the limitations which the Senator was so kind as to suggest, that I will have very much difficulty in showing the danger in that practice.

Mr. SPOONER. I have no doubt that the Senator can do so.
Mr. CARMACK. Mr. President—
The VICE-PRESIDENT. Does the Senator from Indiana

yield to the Senator from Tennessee?

Mr. BEVERIDGE. I desire to get to the legal part of my

argument, but I will yield to the Senator.

Mr. CARMACK. The Senator in speaking of the difficulty in enforcing the State laws said that often, where perfect laws were enacted, mill owners would prevent the perfect and effective administration of the law. In other words, if I understand the Senator, his argument is based very largely upon the presumption that local self-government is a failure.

Mr. BEVERIDGE. By no manner of means. I am surprised that the Senator from Tennessee, for whom I have an affection as great as is my admiration—and he knows it, too-should

deal with this serious question in that light vein.

Mr. BACON. Mr. President, Senators on this side of the Chamber are unable to hear the debate.

Mr. CARMACK. Mr. President— Mr. BEVERIDGE. The Senator knows perfectly well that I am as earnest a defender of local self-government within its proper limits as is the Senator, and that I do not believe for a single minute that the failure of the State laws to grapple with a situation like this means the failure of local self-government.

Mr. CARMACK. If the Senator will permit me—
The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. Yes; I yield.
Mr. CARMACK. I was stating what I conceive to be the logical conclusion of the Senator's argument. The Senator was giving reasons why the State laws would not accomplish the object, and one of the reasons given by him was that even where State laws, perfect in themselves, were enacted, the corrupt in-fluence of mill owners was such that the laws could not be en-I say the logical conclusion of that is that the Senator bases his position very largely upon the assumption that local self-government is a failure.

Mr. BEVERIDGE. That is the way it may look to the Sena-

tor from Tennessee.

PAILURE TO ENFORCE STATE LAWS.

Mr. President, I will ask the Senate to permit me to present affidavits from a large number of persons concerning law violations in a number of these States, particularly in the southern cotton mills and the coal breakers of Pennsylvania.

Here is Mr. Lovejoy's report of one of his investigations. His affidavit to its truth is already in the record. I want to call attention to one from New Jersey. These are all specific. They give names; they give ages; they give places, and draw the necessary conclusions. Here is the case of a girl who works the necessary conclusions. in New Jersey from twelve to fourteen hours a day.

15 years of age and had been taken out of school at 12. She was

Mr. Lovejoy proceeds now to give examples, giving names and

dates and places: Willie Mudamovitch-

That is a foreign name, you see. All of the names that I am going to give now for the next few minutes are foreign names; but because these are the children of foreigners is that any reason why they should be ruined for citizenship?

A little later, if it strikes any Senator here that because they are "foreigners"—Huns or Slavs—therefore the matter is minimized, I shall, by the time Senators on the other side get through with their lunch, make even worse citations from that portion of the country where is found, as the Senator from South Carolina [Mr. TILLMAN] the other day most truthfully said, the purest strain of Anglo-Saxon blood to be found on the continent.

I shall show by sworn testimony that those children are being ruined for citizenship, pure American strain though they be, as surely as are the foreign children in the breakers of Penn-

Mr. Lovejoy goes on. This is from his article in the Woman's Home Companion, to the truth of which he makes affidavit:

Willie Mudamovitch, of Shenandoah. He is but 10 years old and has been working in the breaker at odd times during the past year.

So he began work at 9 years of age.

He weighs 63 pounds, and was found hungry and dressed in rags at the Lehigh Valley station during the suspension of mining in May.

Walter Wilcowsky-

A foreigner-

Walter Wilcowsky, of Girardville-

Then he goes on to describe the town; but there is no use of my taking your valuable time for that-

Walter was 13 years old the 9th of last December and began to pick slate in one of the large collieries on the estate five weeks before he was 13 years old. He earns 77 cents a day for nine hours of work.

Among the scores of boys met and questioned in this valley of the region the following were typical and will convey an idea of the ages,

wages, and educational attainments of the boys who are under the legal age, and also the practical utility of the work certificate: Frank Brizelle was 13 the 9th of July—

Therefore he began work at 12-

Frank Brizelle was 13 the 9th of July, and has been working for a year, having entered the breaker three months before he was 13. Although he is smaller than his age would indicate, he has never had an age certificate and affirms that he has never been asked for one.

So that violation of the law can not be put off on the guilty parents—and the parents are guilty. But under this bill the manufacturer will have to assure himself about the age. He can not excuse himself for his laches by a false certificate from the parents.

Mr. Lovejoy continues:

Mr. Lovejoy continues:

Micheal Nicuola has been employed four months and earns \$4.93 a week. He claims to have reached 14 years the 6th of May, but several of his companions positively assert that on his recent birthday he told them he was 12.

John Barrows, who works in the same breaker, will be 14 next December. He is working on the "jigs" at present and earns \$1 a day. He has been steadily employed since he was 8 years of age.

Andrew Komovosky, who was 13 years old April 28, left school in the first grade to enter the breaker. He is absolutely illiterate.

Charley Carpenter has been working two years, although he is but 12 years old at present. His wages are 72 cents a day.

This is in the State where the law requires that they shall be

This is in the State where the law requires that they shall be 14 at the very least, and 16 in the mines.

Michael Lutousky has also been working two years, although but 12 years old the 17th of August. He earns 66 cents for a nine-hour day and can not read his own name.

John McLaughlin \* \* \* was 14 last January and has been in the breaker five years. His wages are 65 cents for eight hours' work. He says he has had three certificates from the squire, but none from the

Mr. President, the rest of this article is filled with similar illustrations. The few that I have read give you a fair descrip-

Here is another case of a little girl, "Mary Jaeger, 3 years of age, assisting her mother. She does this eight or ten hours a day," etc.

Mr. KEAN. Where was that? Mr. BEVERIDGE. That was in Paterson, N. J. Mr. President, if the law could not be enforced against people in as humble circumstances as those, can we think it would be enforced as against the great glass mills that have great walls about them?

The affidavits which I shall publish in my remarks, with the permission of the Senate, absolutely demonstrate the violation of this law. Here is one that I will stop long enough to read: UNITED STATES OF AMERICA, District of Columbia:

United States of America, District of Columbia:

Personally appeared before me, a notary public, F. C. Roberts, who on oath says that in March, 1906, he was in High Point, N. C., representing the American Federation of Labor; that he saw there the children employed in a knee-pants factory in operation in that town; that many of them were from 10 to 12 years of age, to all appearances, and that one little girl, named Carrie Morgan, whose father was employed in one of the furniture factories of that place, was about 8 years of age, according to a statement made to him by her father; that her father furnished him with the weekly pay envelopes, showing the wages paid Carrie Morgan for the three months preceding, and that these envelopes showed that the child was paid from 19 to 49 cents per week.

F. C. Roberts.

F. C. ROBERTS. Sworn to and subscribed before me this 26th day of January, 1907.
[SEAL.]

Notary Public, District of Columbia.

And, Mr. President, here [exhibiting] are the original pay envelopes for Carrie Morgan, 8 years of age, working ten and twelve hours a day.

"SHIPMENTS" OF CHILDREN.

There is particularly one affidavit to which I want to again call the Senate's attention, of the observation personally on a train by Mr. McKelway of a load of children being taken from Tennessee, they having been gotten by an agent from some of

the other cotton mills and shipped to other portions of the South. I should like very much to have the Senate hear it.

South. I should like very much to have the Senate hear it.

United States of America, District of Columbia, ss:

Personally appeared before me this day A. J. McKelway, who on oath says that in December, 1905, he was on board a train going from Knoxville, Tenn., to Spartanburg, S. C.; that he saw on board the train an immigrant agent of an immigration association of South Carolina, who was in charge of a company of about fifty people bound for the cotton mills of South Carolina, whom the agent had induced to leave their homes in western Tennessee; that the agent told him that he had made seven "shipments" of these people for the cotton mills from Newport, Tenn., averaging fifteen to the "shipment;" that seven more "shipments" had gone from Cleveland, Tenn.; that there were several agents at work besides himself, and that he had shipped personally about 500 people, to the cotton mills; that he, A. J. McKelway, talked with some of the children in the company; that Harrison Swan said that he was "going on" 16 years of age and was going to work in the Four Mills, at Greenville, S. C.; that Charley Matthews and a little fellow with him of the same size said that they were about 9 years of age and were going to work in the mills; that the agent told him that there were a plenty of children 6 and 8 and 19 years of age in the South Carolina mills, because their parents lied about their ages; that in the summer of 1905 the Rev. Mr. Abernethy, a Methodist minister living at Clyde, in western North Carolina, told him, A. J. McKelway, that 1,500 people had taken the train at Clyde for the South Carolina cotton mills during the preceding year.

A. J. McKelway, 1907 A. J. MCKELWAY.

Subscribed and sworn to before me this 22d day of January, 1907.

[SEAL.] EDGAR L. CORNELIUS,

Notary Public, District of Columbia.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Indiana to print certain affidavits in the RECORD without reading? The Chair hears none, and permission is granted.

Mr. BEVERIDGE. If Senators are not convinced about the testimony already given that wherever even the laws exist they are not enforced, I ask them to consider the following overwhelming proof. I ask to submit the following affidavits with-

out reading.

I repeat that if evidence above given as to the violation of the law in States that have laws does not convince the Senate, I herewith submit, which I ask to be printed in my remarks, affidavits from reputable men and women who have in person witnessed what they swear to in the various States named in the affidavits. I hope no Senator will feel that because the law is not enforced in his particular State he is called upon to make an oration in defense of his State, because State laws do not appear to be enforced anywhere.

S. Gertrude Knight, of New York City, makes the following

affidavit:

State of New York, County of New York:

S. Gertrude Knight, of said city and county, being duly sworn, deposes and says that the children recorded in the appended pages were seen by her working in their respective homes in the manner indicated in the course of her investigation made during November and December, 1906, their ages, hours of work, and pay as set down herewith being in accordance with the statements made by the said children or by members of their families.

Sworn and subscribed to before me this 2d day of January, 1907.
E. H. OPITZ. Notary Public for the City and County of New York.

Here is another affidavit from Mary Van Kleeck, of New York:

STATE OF NEW YORK, County of New York:

Mary Van Kleeck, of said city and county, being duly sworn, deposes and says that the children recorded in the appended pages were seen by her working in their respective homes in the manner indicated in the course of her investigation made during November and December, 1906, their ages, hours of work, and pay as set down herewith being in accordance with the statements made by the said children or by members of their families.

MARY VAN KLEECK.

Sworn and subscribed to before me this 2d day of January, 1907.
[SEAL.]

Notary Public for the City and County of New York.

Children at work.	Age.	Kind of work.	Hours.	Pay.	Comments.
1. Girl	14 10 8	Making blue roses	After school		Sister, 16, works with them. Has pulmonary tubercu- losis. Father and older brother at work.
4. Alfred C 5. Susie C 6. Maria C	5 24 13	Separating petals for mother to curl. Preparing petals of black roses for stems.	After school to 8 p. m.	18 cents per gross 5 cents per gross	
7. Josephine L 8. Louisa L 9. Rosa L 0. Maria L	11 10	Making sprays of apple blossoms.	After school		Father a "musician." Insufficient earnings.
1. Mary L	12	Violets	11 p. m. to 10 or	6 cents per gross	Kept out of school in afternoons. Father and three brothers at work.
2. Minnie P	14 11 11	Pink rosesdo	After school	8 cents per gross	Father dead.

Children at work.	Age.	Kind of work.	Hours.	Pay.	Comments.
5. Mary V	14 11 9 7	Putting daisies on sprays  Pasting petals on stems.		{4 cents per dozen sprays.	Work in inner room. Window opens on shaft; very dark. Father idle. Two older children in factories.
Josephine A	15 10 11 13	Finishing trousersdo Finishing coats. Finishing trousers.	}do 5 a, m, to 10 p.m.	5 to 6 cents per pair 4 cents each 4 cents each	The mother says: "Hurry if you want to eat; no work no eat." Father at work. Kept out of school to work. Father idle.  Has never been in school. Works in room where sis
i. Josie M 5. Marie M	9 3	Finishing coats.		4 cents each 3 cents per pair	terisdying of tuberculosis. Father sews a little.  Kept out of school to work. Father idle.  Bastes and sews on buttons, but does no steady work.  She represents the learners who work steadily as soon as they are able. Father dead.
S. Sarah M	10 8	Finishing corduroy trousers	Until 6 p.m Until 10 or 11 p.m.		Kept out of school to sew. Father idle. Kept out of school to sew. Has eye d'sease. Father works irregularly.
3. Limpia C 3. Josephine	11 7	Pasting stems on green leaves	(After school	2 cents per gross	Father dead.
). Louis B	9	Hand sewing on gloves. Tapes under buttons and buttonholes.		5 cents per gross	Father dead. Mother and 4 children in one room.
. Mary M 2. Jennie M	11 9	Preparing pencil cords for card tallies.	After school until 11 or 12 p.m.	40 cents per 1,000	Father dead. Two brothers at work.
3. Angelina D	11	Making roses and pasting them onto the stems.	1 p. m. to 8.30 p. m.	8 cents per gross	(Sister, 18, works with them. There are ten children a home, two of whom are working. Both father and
. Katrina D	8	**************************************	9 to 12 a. m., 3 to 8 p. m.	o cents per gross	mother are living, but the father's work is not alway regular. The children only go to half-session school.
Angelina D		Making double rosesdo	6 a. m. to 9 and 10 p. m.	25 cents per gross	All these children go to half-session school, the smalles to kindergarten. They assist their sister, aged 16, who keeps house. Mother has been dead one year. Father
3. Frank D		ting roses in boxes when fin- ished.	do	The grane	work irregular; old grandfather, very feeble and ill lives with them.
). Julia R	10	Pasting stems on violets and fin- ishing them.		34 cents per gross	Six children in this family; only one working, and the father irregular.
). Rebecca R	15 13	Turning neckties right side out after the lining has been put in. Sewing buttons on corset covers		10 cents per dozen	Father and stepmother work in the home at ties. Gir wanted to work out but stepmother would not let her [Assists mother, who runs ribbons in corsetcovers. Two
. Isabella G	6	do		14 cents per dozen	children out of school and father working in shop.
Louise S	15	Making collars for coats	4 p. m. to 9.30 p. m.	3 cents each	Works in a factory all day and sews home evenings; children; 3 work in shop with father; girl no workin papers.
. Harry D	13	Putting buckles on garters	(3 p. m. to 10 and	50 cents per gross	(Work with mother, who supports 3 children. Father

If the law could be violated in this instance, how much more certain is it violated in the great factories having vast influence, surrounded by walls carefully guarded, and whose owners have great control and social influence?

The same is true as to the facts stated in the following affidavit of Mary Sherman:

STATE OF NEW YORK, City and County of New York, N. Y.

Mary Sherman, assistant secretary of the National Consumers' eague, being duly sworn, deposes and says on information and belief,

League, being duly sworn, deposes and says on information and beilef, that—

Róse Petrocelli, 187 Spring street, age 12 years, attends P. S. 38; works at home on men's coats from 3.30 to 9 o'clock in the evening—sometimes 9.30.

Family in the country five years.
Father works in rag shop: makes \$9 a week.
Uncle lives with them; out of work.
Grandmother and mother work on finishing coats.
There are two other children beside the child worker in the family. The little girl Rose worked last summer every day from 8.30 to 9 at night—ticelve hours—sewing on coats; she says, "I did not see the street all summer." House unlicensed.

John Burrello, 66 James street, New York City, age 11 years, attends P. S.; works at home picking nuts from 3.30 to 10 pf m. Father and brother, 18 years, both working. Grandmother, mother, and sister, 16 years, also live at home in two rooms rear tenement. The family work at home from November 15 to Christmas. House unlicensed.

MARY SHERMAN.

MARY SHERMAN, Consumers' League.

Sworn to before me this 7th day of January, 1907.

E. H. Opitz,

Notary Public for the City and County of New York.

Again, the same is true as to the facts stated in the affidavit of Elizabeth Butler:

CASES OF CHILD LABOR IN NEW JERSEY.

JERSEY CITY, N. J., January 4, 1907.

1. On the 27th day of December, 1906, I saw Greta Shult, 15 years of age, cutting out embroidered collars. She has been doing this work for the last four years. Her mother takes this work home from an embroidery factory, and the two work together twelve hours a day in a tumble-down tenement house, cutting out the edges of the embroidery. This work is a serious strain on the health of the girl, and her general health is not nearly so good as it was formerly, according to the testimony of her mother.

2. On the 20th day of November, 1906, I saw Concetta Montignaro, 8 years of age, assisting her mother in making artificial flowers. She has been doing this for the last two years. She winds the stems of the violets and gets them ready for her mother to finish. She works usually ten hours a day. The close confinement has proven injurious to her health.

3. On the 26th day of December, 1906, I saw Nettie Schroeder, A years of age, making timenous to the stems of age, making timenous the stems of the stems of age, making timenous the stems of the stems of the stems of age, making timenous the stems of the

3. On the 26th day of December, 1906, I saw Nettle Schroeder, 4 years of age, making kimonos on a sewing machine. Her mother is a

contractor who deals in kimonas, and the child assists her in making the goods. For the last six months she has been able to sew all the long seams, sitting over the machine sometimes eight hours a day. (Testimony of mother as to number of hours and child's age.)

4. November 21, 1906, I visited the home of Mrs. Kane, on the first floor of a five-story tenement in Hoboken. Mrs. Kane makes the tassels for dance orders, preparing the silk in a twisted roll, and tying the pencils. Her four children—Harry, aged 4; Nellie, aged 6; Ethel, aged 8 and John, aged 10—work at untangling the silk and getting it ready for her to use. The youngest child works about nine hours a day at this, and the others spend their time when out of school helping their mother in her work. The hours when they work and the ages of the children here stated are given on the testimony of the mother and of Mrs. Itschner, a neighbor living in the same house.

5. October 24, 1906, I saw Madeline Frank, 15 years of age, making passamenterie. She has hip disease and was taken out of school at the age of 12, having been able up to that time to do very little studying. Her parents felt unable to support her without her contributing something toward her own support; and as she is incapacitated for working in a factory, for the last three years she has had to do this work at home. She receives the braid, stitches it according to the required design on a cardboard, presses it, stitches it into shape, removes it from the board, and winds it in rolls. This she does from twelve to fourteen hours a day. When I saw her she was pressing the work with heavy from manifestly beyond her strength to lift and handle. Obviously the long hours of work and the nature of the work make it unfit for any child to attempt—much less a child physically disabled. Facts as to age and as to hours of work given on the testimony of Madeline and of her mother, Mrs. John Frank.

6. November 9, 1906, I saw Mary X. Jaeger, 3 years of age, assisting her mother, Mrs. William Jaeger, in

ELIZABETH B. BUTLER,
Executive Secretary Consumers' League of New Jersey.

Sworn to before me this 5th day of January, 1907.
[SEAL.] HENRY W. HODGES,
Notary Public No. 154, Kings County, N. Y.

Again, I remark, if the law is violated in as humble cases as those given above, where the people are without influence and where the inspectors can easily find them, how much more certain do we know that it is violated in those mighty industries whose works are carefully protected from intrusion; whose owners have widespread political, social, and financial influence; who are known to have practiced child labor in the past, and whose financial interest it is to practice child labor now. NONENFORCEMENT OF LAW IN PENNSYLVANIA.

Here are a number of affidavits from Scott Nearing, secretary of the Pennsylvania child-labor committee, showing nonenforcement of law in Pennsylvania:

STATE OF PENNSYLVANIA, County of Philadelphia, ss:

Scott Nearing, secretary Pennsylvania child-labor committee, being affirmed according to law, says that on December 19, 1906, he met, at 10.45 p. m., a number of cash girls coming from the store of Lit Brothers, at Eighth and Market streets, Philadelphia.

That the girls whose pictures are attached stated their ages as 14 and said that they had started to work at 8 a. m. that morning; that they had been given one and one-half hours for dinner and supper (three-fourths hour for each).

Affirmed and subscribed before me this 31st day of December, 1906. [SEAL.]

Notary Public.

(Commission expires March 13, 1909.)

STATE OF PENNSYLVANIA, County of Philadelphia, 88:

Scott Nearing, secretary of the Pennsylvania child-labor committee, being affirmed according to law, says that the attached picture is of Sarah Hogan, who states her age as 13. She says that she has worked for one year, or thereabouts, at Tracy's woolen mill. Twenty-sixth and Spruce streets, Philadelphia. She has an affidavit, falsely sworn to, on which she works.

While at work in the mill she was caught and her arm broken six times in a machine. She may lose the arm, as it refuses to heal.

SCOTT NEARING.

Affirmed and subscribed before me this 31st day of December, A. D. 1906.
[SEAL.] HENRY J. REBMAN.

HENRY J. REBMAN, Notary Public.

(Commission expires March 13, 1909.)

STATE OF PENNSYLVANIA, County of Philadelphia, 88:

STATE OF PENNSYLVANIA, County of Philadelphia, 88:

Scott Nearing, secretary of the Pennsylvania Child Labor Committee, being affirmed according to law, says that the attached pictures were taken of Philadelphia box-factory employees during 1906.

That the pictures numbered 1 and 2 were taken during October, 1906, at 8.45 p. m.; that these girls stated that they had worked since 7 a. m. that morning; that they had half an hour for dinner, and "five minutes for supper," and that they were working Monday, Tuesday, and Thursday evening each week till 8.30 or 9 p. m.

Scott Nearing.

Affirmed and subscribed before me this 31st day of December, A. D. 1906.
[SEAL.]
[Commission expires March 13, 1909.]

STATE OF PENNSYLVANIA, County of Philadelphia, 88

Scott Nearing, secretary of the Pennsylvania child-labor committee, being affirmed according to law, says that during September, 1906, he visited a tailor shop on Catharine street, Philadelphia, and found Joe Bellman, a boy of 13, according to his own statement, sewing on a coat. Said Joe Bellman stated that he had been working for a year.

Scott Nearing.

Affirmed and subscribed before me this 31st day of December, A. D. 1906. HENRY J. REBMAN, Notary Public.

[SEAL.] (Commission expires March 13, 1909.)

STATE OF PENNSYLVANIA. County of Philadelphia, 88:

State of Pennsylvania, County of Philadelphia, ss:

Scott Nearing, secretary Pennsylvania Child Labor Committee, being affirmed according to law, says that on December 5, 1905, he visited Harrison, N. J., and saw Frank Monoghan, whose picture is attached.

The said boy stated his age as 12, said that he had not attended school for "a couple of years," and was engaged to wash glasses in a saloon at \$1.50 per week.

SCOTT NEARING.

Affirmed and subscribed before me this 31st day of December, 1906. [SEAL.]

HENRY J. REBMAN, Notary Public. (Commission expires March 13, 1909.)

State of Pennsylvania, County of Philadelphia, ss:

Scott Nearing, secretary of the Pennsylvania Child Labor Committee, being affirmed according to law, says that he has spent some time investigating conditions in the soft-coal mines at Morris Run, Tioga County, Fa.

That he has questioned two boys—one working in the mines, and the other coming from work in the mines—who stated their ages as 11.

That it is a common thing to have boys of 17 or 18 state that they started to work at 11, and in some cases at 9 and 10.

SCOTT NEARING.

Affirmed and subscribed before me this 31st day of December, A. D. 1906. HENRY J. REBMAN, Notary Public. [SEAL.] HENRY (Commission expires March 13, 1909.)

State of Pennsylvania, County of Philadelphia, ss:
Scott Nearing, secretary of the Pennsylvania Child Labor Committee, being duly affirmed according to law, says that during July, 1906, he visited Pittsburg, Pa., and on the "Hill" saw Joe London, whose photograph is attached, who was working in a cellar on Webster street, stripping tobacco. He said he was 13.

That he saw Rosie and Goldie Berkowitz, the older girl, Rosie, stating her age as 13, who were working in a garret at manufacturing "stogles."

SCOTT NEARING. Affirmed and subscribed before me this 31st day of December, A. D. 1996. [SEAL.] HENRY J. REBMAN, Notary Public. (Commission expires March 13, 1909.)

STATE OF PENNSYLVANIA, County of Philadelphia, ss:

STATE OF PENNSYLVANIA, County of Philadelphia, ss:
Scott Nearing, secretary of the Pennsylvania child labor committee, being affirmed according to law, says that during April, 1906, he spent several days in the neighborhood of Scranton, Pa.
That at Dunmore he saw a boy, Tony Ignoso, who stated his age as "13 at Saturday," and who had worked, according to his statement, the previous summer in the Bliss silk mill at Dunmore.
That the girls sat on the window sills in said mill at Dunmore and ate lunch while the machinery kept on running, and that the "dressing room" provided according to law consisted of hooks between the windows. windows

Windows.

That the Bliss mill at Priceberg runs night and day, and that on the night shift, in a group of five boys, two stated their age as 16, although they were brothers and not twins.

That in the same mill a girl worked on the day shift whose photograph is numbered 1 on the attached list. That she stated her age as 14, and had been working for three and one-half years in said mill. Her age when she started, she said, was 13.

Scott Nearne.

Affirmed and subscribed before me this 31st day of December, A. D. 1906. [SEAL.] HENRY J. REBMAN, Notary Public.

(Commission expires March 13, 1909.)

Here is an affidavit as to facts ascertained by a lady whose word no man or woman in her State can question, even if she did not make an affidavit, as she does, to what she saw, and this is in the State of Illinois, which has one of the very best laws in the Union and an admirable inspection. I present the affidavit of Harriet M. Van Der Vaart:

STATE OF ILLINOIS, County of Cook, ss:

affidavit of Harriet M. Van Der Vaart:

State of Illinois, County of Cook, ss:

In the winter of 1905, for the National Child Labor Committee, I visited a number of glass factories in Indiana and Illinois. In glass factories workers alternate between day and night work. The day shift of one or two weeks will be the night shift of the following one or two weeks. Boys generally prefer night work. They can cut short the sleeping time in the day and have several bours for play. The night shift is dismissed generally at 3.30 in the morning. Coming from the intense heat around the furnaces into the cool morning air makes the workers liable to colds and pulmonary troubles. The gas, the changes in temperature, and violent exercise, such as the constant rapid walking between the furnaces and the annealing ovens, are debilitating and tend to retard growth and development. Boys who work in glass factories as a rule are shorter, weigh less, and in every way are not as well developed as boys living a more normal life.

The boy's work in a glass factory does not require any training or skill. The apprenticeship to the glass blowers is very long—five years—and very few boys ever become apprentices. As boys are at a premium in the glass industry, they can work a day, half a day, a night, or half the night, and it is optional with the boy whether he returns or not. In some factories it is customary to give them extra pay if they will stay the entire week and do good work. Numbers of idle boys loaf around many of the factories, work some, carry beer very often, and, as a business man told me who has a store near the inrace glass factory in Streator, some gamble and use language that makes the vicinity avoided.

In Indiana I found it customary for the school children to go into the factory at 6 in the evening and work until between 11 and 12, especially Thursday and Friday nights, and to work all day Saturday. I found children of 11 and 12 working at night in both States. Saloons abound in the vicinity of glass factories. In some

Illinois.

I was told that the factory had been inspected the week before, and the proprietors fined for violating the law. From my experience I should say that glass manufacturers are not obeying the child-labor laws we now have and are teaching children to disregard the law. The excuse given is because of the competition in the different States. Those with whom I have talked say there would not be any objection to stringent laws if the same laws applied to all factories in the United States.

HARRIET M. VAN DER VAART, Chicago, Ill.

Subscribed and sworn to before me this 19th day of January, A. D. 1907 IVA G. WOODEN, Notary Public. [SEAL.]

(My commission expires February 23, 1909.)

Here is another, from Elizabeth B. Butler, of New Jersey:

JANUARY 4, 1907.

December 27, 1906, I visited Mrs. Breidenkopf, in West Hoboken, N. J. She is an artificial flower maker, and her chief assistant for the last two years was her daughter Felicie, who died two months ago, at the age of 5 years. The child was as skillful a flower maker as her mother, and her mother states that in twisting the stems of violets and of small roses the child was the quicker of the two. She also, at the times of year when the flower work was slack, cut the yard embroidery, cutting sometimes 50 yards an hour. She worked from 6

o'clock in the morning until 11 at night daily. Her mother states that she had no disease, and died suddenly from no assignable cause.

ELIZABETH B. BUTLER,

Executive Secretary, Consumers' League of New Jersey.

Sworn to before me this 5th day of January, 1907.
[SEAL.]

Notary Public No. 154, Kings County, N. Y.

Here are three affidavits from Owen R. Lovejoy, assistant secretary of the National Child Labor Committee, extracts of whose sparkling articles in the Outlook and Woman's Home Companion have already been given. All these deal with violations in Pennsylvania and almost at the present time:

STATE OF NEW YORK, County of New York:

STATE OF New York, County of New York:

Owen R. Lovejoy, assistant secretary of the National Child Labor Committee, of said city and county, being duly sworn, deposes and says that on May 8, 1906, in Nanticoke, Pa., he met Peter Swanbery, whose photograph is attached hereto. That said boy stated that he began working in a coal breaker during vacations at 12 years of age; that for two years he had worked continuously until March 2, 1906; that he was 16 on December 25, 1905; that March 2, 1906, his arm was caught in the machinery of the "scraper line" and torn out at the shoulder; that after his injury the machinery in the breaker was properly guarded, and that he received no damages from the company, but was treated at the hospital in Wilkes-Barre without expense.

Owen R. Lovejoy.

Sworn and subscribed to before me this 7th day of January, 1907.
[SEAL.]

Notary Public for the City and County of New York.

STATE OF NEW YORK, County of New York:

STATE OF NEW YORK, County of New York:

Owen R. Lovejoy, assistant secretary of the National Child Labor Committee, of said city and county, being duly sworn, deposes and says that on May 14, 1906, in Banian, Clearfield County, Pa., he met Robert Richardson, a boy apparently 12 years of age and said by Miss Nellie Stoddarf, public school-teacher, to be 12 years of age, Richardson said he went to work in the mines driving a mule in the fall of 1905, 11 years, and was hurt in November. That he was run over by a car and his leg broken in two places. That he spent five weeks in the hospital in Phillipsburg, but received no compensation from the mining company because of his injuries. That his mother asserts that he is 15 years old, and he proposes to return to the mine as soon as able.

OWEN R. LOVEJOY.

Sworn and subscribed to before me this January 9, 1907.
[SEAL.]

Notary Public for the City and County of New York.

STATE OF NEW YORK, County of New York:

Owen R. Lovejoy, assistant secretary of the National Child Labor Committee, of said city and county, being duly sworn, deposes and says that on October 26, 1906, Joseph Shafer, superintendent of schools in Springdale, near Punxsutawney, Jefferson County, Pa., stated to him that Sam Madill, of Springdale, who had worked in a bituminous coal mine from about the age of 13, had been run over in the mine by a coal car two years ago and his foot taken off and that since then he had attended school and is now employed in a post-office.

OWEN R. LOVEJOY.

Sworn and subscribed to before me this 7th day of January, 1907.
[SEAL.]

Notary Public for the City and County of New York.

NONENFORCEMENT OF LAW IN THE SOUTH.

Here are some from the Southern States. They are mostly by Dr. A. J. McKelway, one of the purest, bravest, and ablest men in the South, who has given his life to this great work, as Lord Shaftesbury gave his to the same work in England. Doctor McKelway is now connected with the National Child Labor Committee and is the man to whom I have already referred.

UNITED STATES OF AMERICA, District of Columbia, ss:

UNITED STATES OF AMERICA, District of Columbia, ss:

Personally appeared before me, a notary public, A. J. McKelway, who on oath says that in December, 1905, he visited the silk mills at Alexandria, Va., known as the "Clots Throwing Company." That he saw a large number of boys and girls under 14 coming out of the mill at the noon hour and returning to it. That he secured photographs of some of these children. That at least ten of them seemed to be under 12 years of age, thus being employed in violation of the Virginia law.

A. J. McKelway.

Subscribed and sworn to before me this 22d day of January, 1907.

[SEAL.]

EDGAR L. CORNELIUS, Notary Public.

United States of America, District of Columbia, ss:

Personally appeared before me, a notary public, A. J. McKelway, who on oath says that in August, 1906, he visited the Asheville cotton mills, at Asheville, N. C. That he saw a number of children who appeared to be under 12, the legal age for employing children in North Carolina. That some of these children told him they were under 12, and that he took photographs of some of these children employed in the Asheville cotton mills who to all appearance were under 12 years of age.

A. J. McKelway.

Subscribed and sworn to before me this 22d day of January, 1907.

[Seal.]

Notary Public, District of Columbia.

Personally appeared before me this 22d day of January, A. J. McKelway, who on oath says that in January, 1905, he visited a cottage rented by employees of a cotton mill at Raleigh, N. C. That he saw there a child of 12 years of age who testified, and whose testimony his mother confirmed, that he had been working in the mill since he was 6 years old.

Subscribed and sworn to before me this 22d day of January, 1907.

[SEAL.]

Notary Public, District of Columbia.

UNITED STATES OF AMERICA, District of Columbia, ss:

UNITED STATES OF AMERICA, District of Columbia, ss:

Personally appeared before me, a notary public, A. J. McKelway, who on oath says that in January, 1905, in company with a Baptist minister of Raleigh, he visited the Pilot Cotton Mills, of Raleigh, and saw several children evidently under the age of 12 years coming from the mill at the lunch hour; that the father of one of these children said that he was 10 years of age, this being a violation of the North Carolina law.

A. J. McKelway.

Subscribed and sworn to before me this 22d day of January, 1907.

[SEAL.]

Notary Public, District of Columbia.

UNITED STATES OF AMERICA, District of Columbia, 88:

UNITED STATES OF AMERICA, District of Columbia, 88:

Personally appeared before me, a notary public, A. J. McKelway, who, on oath, says in the fall of 1904, after the North Carolina child-labor law had gone into effect, he took an unofficial school census of the Atherton Mills village. That out of a hundred persons of school age fifty-nine were working in the mill, eight were going to school, and that thirteen children under 14 were working in the mill and four under twelve were working in the mill. That James Eli Griffith was born January 28, 1894, and was therefore not 11 years old at the time, according to the family Bible. That he was suffering at the time from a bad knife wound on his leg, an accident while he was making bands in the mill. That Eugene Broughton was 12 years old on February 4 following, his employment also being a violation of the law. That Minnie Griffith, aged 12, had been a spinner in the mill, but, according to her mother's testimony, grew too weak and sick to remain in the mill.

Subscribed and sworn to before me this 22d day of January, 1907.

[SEAL.]

Notary Public, District of Columbia.

United States of America, District of Columbia, ss:

This day personally before me, a notary public, came A. J. McKelway, who on oath doth say that on the 10th day of January, 1907, he visited the Belmont graded schools near Charlotte, N. C. That he found in each grade of the school except the primary grade boys and girls who had already worked in cotton mills. That in the third grade there were thirteen children who gave their names and ages and the mills in which they worked as follows:

Oscar Hargate, age 9, Old Mill, Rock Hill, S. C.; Frank Hearn, age 9, Statesville; Bertram Holmes, age 9, Louise mills; Ernest Broadnax, age 7, Victor mills; Callie Hargeti, age 11, Louise mills; Lilley James, age 10, gingham mills; Percy Brook, age 13, Louise mills; Myrtle Beam, age 13, Louise mills; Arthur Johnson, age 16, Louise mills; Grade Rion, age 12, gingham mills; Carl Davis, age 9, Calvin mills.

mills. That four of these children claimed to have helped mothers or sister in the mills. That the principal of the school declared that it was a matter of constant complaint that the children, often those under 12, which is the legal age in North Carolina, left the school to work in the mills. That the school enrollment was only about one-half of the school census of the district, taken the previous year, and that the school attendance was much below the enrollment, largely because of this competition between the school and the mill.

A. J. McKelway

Subscribed and sworn to before me this 22d day of January, 1907.

[SEAL.]

\*\*EDGAR\*\* L. CORNELIUS, Notary Public, District of Columbia.

STATE OF GEORGIA, County of Fulton:

STATE OF GEORGIA, County of Fulton:

This is to certify that the attached picture contains the likeness of three of my children. They are named, respectively, Liaza Smith, \$\sigma \sigma \sig A. M. SMITH.

Witness: D. A. TEDDER.

UNITED STATES OF AMERICA, District of Columbia, 88:

Personally appeared before me, a notary public, A. J. McKelway, who on oath says that he has in his possession the photograph referred to in the above affidavit, that he had also in his possession the original affidavit of which the above is a true copy, and that the affidavit was published in the Atlanta Journal July 3, 1905.

Subscribed and sworn to before me this 22d day of January, 1907.

[SEAL.]

Notary Public, District of Columbia.

United States of America,

District of Columbia, ss:

Personally appeared before me, a notary public, A. J. McKelway, who on oath says that in the month of May or June, 1906, he visited a school taught in the village of the Milstead Manufacturing Company of Conyers, Ga.; that the school is mainly supported by the generosity of this company; that the enrollment for the year had been about nincty, and that the average age of those attending was 9 years, according to the testimony of the teachers in charge; that the attendance at the time of the visit was about thirty; that the teachers gave the names of twenty-two children who had left the school for the mill during the school term, and of these two were 12 years of age, four were 11, three were 10, two were 9, five were 8, and one was 7; that of the thirty children then in school eight declared that they had worked in the mill; and that he took a photograph of these children, and that the smallest does not seem to be more than 6 years old.

A. J. McKelway.

Subscribed and sworn to before me this 22d day of January, 1907.

[SEAL.] EDGAR L. CORNELIUS,

Notary Public, District of Columbia.

United States of America, District of Columbia, 88:

Personally appeared before me, a notary public, A. J. McKeiway, who on oath says that in the summer of 1906 he visited a family employed then at the Whittier mills, near Atlanta, Ga. That he saw the mother, who had been left a widow while employed by the Milstead Manufacturing Company the year before, and that she had declared that she had taken her children as follows to work with her in the mill: Pearl, aged 16; Jeffle, 14; Clifford, 9; Loy, 7; leaving Louis, a child of 4 in charge of a baby, Aline, aged 2. That the management of the Milstead Manufacturing Company, Clifford West, then aged 9 years, was playing yiean, except that the name of Loy, aged 7, did not appear on the pay roll and that he only helped his mother. That according to the testimony of both Mrs. West and the management of the Milstead Manufacturing Company, Clifford West, then aged 9 years, was playing about an elevator and was quite badly hurt by a weight striking his head and then by being pinned to the floor by the opening of the elevator doors. That according to Mrs. West's statement she moved with these children from the Milstead Manufacturing Company to the Whittier mills in order to get the higher wages paid for night work. That at the time of this interview with Mrs. West, Clifford West, then aged 11, was working in the Whittier mills at night, the rest of the family having changed to day work. That the hours of labor in Georgia for operatives of all ages is sixty-six hours a neck, which, by reason of the half holiday on Saturday amounts to twelve hours a day or twelve hours a night for the first five working days of the week.

Subscribed and sworn to before me this 22d day of January 1907.

Subscribed and sworn to before me this 22d day of January, 1907.
[SEAL.]

Notary Public, District of Columbia.

UNITED STATES OF AMERICA, District of Columbia, 88:

United States of America, District of Columbia, ss:

Personally appeared before me, a notary public, A. J. McKelway, who on oath says that he has visited a number of mills in North Carolina, South Carolina, Georgia, and Alabama in the last two years, some of which were known as model mills, and that he has never seen any mill in these States in which there was not a large number of children employed under 14, many under 12, and not a few under 10; that it is a matter of common knowledge in these States that the laws against the employment of children are not enforced; that there is no factory inspection nor any provision made by the States for the enforcement of the law; that he has never learned of any prosecution in any of these States for violations of the law; that in North Carolina alone, according to the report of the commissioner of labor for 1905, sixty-six mills run at night as well as during the day; that there are frequent accidents in the mills, children of tender years being injured by the machinery of the mills; that the children who have to breathe the atmosphere containing the flying lint of the spinning rooms suffer with throat and lung troubles and with diseases of the eyes from the same cause—the lint in the air; that according to the testimony of physicians the critical period in the life of young girls comes in the climate of these States between the ages of 12 and 15, and that the long continued labor of the mills at this period is often an injury to young girls for life; that the hours of labor allowed by law for children of 10 and 12 years in these States are sixty-six hours a vicek, and that in one of these States—South Carolina—children of any age may be employed in the mills by day if the children of dependent parents.

A. J. McKelway.

A. J. MCKELWAY.

Subscribed and sworn to before me this 22d day of January, 1907.

[SEAL.] EEGAR L. CORNELIUS,

Notary Public, District of Columbia.

STATE OF GEORGIA, County of Fulton:

STATE OF GEORGIA, County of Fulton:

This day personally before me, a notary public, came J. I. Williams and U. I. Davis, who, on oath, each for himself doth say that they know Ida Owens, the largest of the little girls in the annexed picture, and that she works in the mill called the "Gate City Mill," and that she has the reputation of being 8 years old; and that they also know the four boys in the annexed picture, namely, Charley Hart, who is the largest in the picture, and has the reputation of being 10 years old; Willie Collins, the next largest, who has the reputation of being 11 years old; Ernest Driver, who has the reputation of being 10 years old, and Grady Humphries, who has the reputation of being 10 years old; and that these all work in the Gate City Cotton Mills, and that none of them are fatherless or motherless children, and that none of them are going to school, and that to the best of their knowledge and belief some of them are unable to read or write. And that they know Homer Hembree, Virgil McElroy, Ben Smith, Carlton Smith, Fasie Smith, Will Hart, Harry Hogan, Fred Hogan, Robert Gaston; and that these all work in the Gate City Cotton Mills.

J. I. WILLIAMS.

Sworn to and subscribed before me this June 9, 1905.

D. M. MATHEWS,

Notary Public, Fulton County.

UNITED STATES OF AMERICA, District of Columbia, 88:

United States of America, District of Columbia, ss:

Personally before me, a notary public, appeared A. J. McKelway, who on oath says that he witnessed the signing of the above affidavit and had in his possession the original of which this is a true copy, and that he saw Ola Owens and took her photograph, and that she said she was 8 years old; that he took the photograph of the four boys—Charley Hart, Ernest Driver, Willie Collins, and Grady Humphreys—and that they gave their ages as they are given in the above affidavit, and that the other children and their relatives and friends testified to the ages of these children as follows: That Homer Hembree was said to be 7 years old and had been working in the mill about a year; that Fasie Smith was 12 years old and had been working in the mill over a week; that Fred Hogan was 8 years old and had been working in the mill when he was not sick, and that Robert Gaston was 11 years old and had been working in the mill when he was not sick, and that Robert Gaston was 11 years old and had been working in the mill nearly two years.

A. J. McKelway.

A. J. MCKELWAY.

Subscribed and sworn to before me this 22d day of January, 1907.

[SEAL.] EDGAR L. CORNELIUS,

Notary Public, District of Columbia.

RESISTANCE TO ENACTMENT OF STATE LEGISLATION.

Not only is there universal nonenforcement of law, but there has been and still is resistance to good legislation. It is noto-

rious that wherever friends of this reform have attempted to secure legislation the interests which were profiting by the evil resisted their efforts or else defeated or impaired such laws as were passed. For example, Mr. Durland, from whom I have already extensively quoted, tells the following action of the glass manufacturers in Pennsylvania in Outlook, volume 74, on page 125:

RESISTANCE IN PENNSYLVANIA.

RESISTANCE IN PENNSYLVANIA.

Yet the indifference of legislators or the lack of public pressure has resulted in a continuance of the system, with never a strong hand raised in protest. As soon as the Western Association of Glass Manufacturers saw that a bill had been introduced to abolish night work, a committee was appointed to go to Harrisburg and prevent the enactment of any legislation this session. These manufacturers are reported to have adopted resolutions denouncing and ridiculing that section of the bill which provided that children must learn to read and write English before beginning to work. It was the influence of this organization that helped to keep in office as chief factory inspector for several years Mr. James Campbell, Mr. Campbel it was who had been an advocate of the glass manufacturers at all hearings on the glass tariff before the Committee on Ways and Means at Washington. Mr. Campbell it was who, in speaking in Pittsburg last October, before the Mothers' Congress, said that Pennsylvania suffers from the excessive education of workingmen's children. This is the theory that some of Mr. Campbell's subordinates have been fond of upholding of late. As recently as March, at a meeting of the Civic Club in Philadelphia, a late factory inspector urged the same point. But Mr. Campbell has been removed by Governor Pennypacker, and his successor promises a more enlightened policy. These are the kind of men who do not even pretend to enforce existing laws. As Judge Gray further remarks, "Some of the laws in the anthracite region are little better than dead letters." Endless excuses are advanced for this laxity, but there is little validity in any of them.

Mrs. Kelley tells of resistance to the passage of legislation in

Mrs. Kelley tells of resistance to the passage of legislation in one or two States in her book entitled "Some Ethical Gains Through Legislation." On pages 53 and 54 she says:

### RESISTANCE IN ILLINOIS.

Through Legislation." On pages 53 and 54 she says:

EESISTANCE IN ILLINOIS.

Although the manufacture of glass is one of the industries most highly protected by the tariff for many years past and although the wages of glass blowers are protected by a most influential and all-embracing union, yet employers and glass blowers have in at least two States worked together to keep the children from receiving any adequate legislative protection. In Illinois for ten years the glass manufacturers were successful in their unwearying efforts to prevent the enactment of a provision restricting night work to persons over the age of 16 years. And even when the present enlightened measure was finally passed, in 1903, this was done against the protest of the manufacturers and of a glass-bottle blower who appeared before the senate committee at Springfield in opposition to the bill. In New Jersey, in 1904, there was the same condict, the glass-bottle blowers' union, as such, urging the passage of a law prohibiting night work for children and the glass manufacturers nevertheless securing for the opposition the support of a State senator at Trenton who had once been a blower and who succeeded in getting stricken out of the bill this most valuable of its provisions, despite the united efforts of the labor organizations of the whole, State and of the Children's Protective Alliance, comprising forty societies for the protection and welfare of children.

In Pennsylvania, in March, 1903, the Western Pennsylvania Association of Glass Manufacturers voted at a public meeting held in Pittsburg to keep a committee at Harrisburg throughout the session of the legislature to prevent the enactment of a measure prohibiting night work for children and all employment of illiterate children. So successful was this committee that the friends of the bill were not even granted a hearing before the senate committee to which the bill was referred. In all these cases the arguments used were identical. Poverty must not be intensified by prohibiting the em

Miss Ashby, in the World's Work, volume 2, page 1293, says in her article on "Child Labor in Southern Cotton Mills" concerning resistance to legislation:

## RESISTANCE IN ALABAMA.

cerning resistance to legislation:

RESISTANCE IN ALABAMA.

The strongest objection to preventive legislation is, of course, the desire for cheap labor. To the shame of the northern capitalist be it said, he has carefully fostered this superstition in order to obtain the cheap and submissive labor that he believes children give. In 1887 a law was passed in Alabama limiting the hours of children's work in factories to eight a day.

At the instigation of Massachusetts mill owners this law was repealed in December, 1894, on their promise that these mill owners would establish a factory in Alabama. To-day the mills thus established are working at least fifty children under 12 years old for eleven and three-quarters hours a day. It is difficult to see the exact benefit to Alabama, since all the capital in the Alabama City mills is northern and eastern and the dividends go out of the State.

The village is a beautiful one, managed with much moral and sanitary severity, but no seeming philanthroples, such as natatoriums, churches, the libraries (for people who can not even read), can atone for this deliberate demoralization of the southern conscience and injury to the future of her industries by those who in their own State are forbidden to work children by the best factory laws in the world. In Massachusetts no child may go into the mills under 14, and only then after having attended school for at least a year.

This is not an isolated instance. Much of the opposition to the passage of a protective law to the southern legislatures is made by the representatives of northern corporations, who are taking full advantage of the possibility of child labor. In eleven mills I visited owned by northern capital there were twice as many children under 12 as in thirteen owned by southern capital.

The total number of children under 12 in the mills of Alabama (including the unpaid "helpers") I computed to be about 1,200. This

number is not stationary or diminishing; on the contrary, it is steadily increasing, and the experience of the other Southern States proves that it must be so. In one of the olders mills they told me that the children were younger and more numerous than they had ever had them before.

Again she says on page 1294:

Again she says on page 1294:

In Augusta, Ga., a count was made in June, 1900, through 8 mills, and 556 children under 12 were found working. In South Carolina Mr. John B. Cleveland, president of the Whitney mills, giving evidence before the legislature, stated that 30 per cent of the operatives in the Whitney mills were under 12, and Mr. James L. Orr, president of the Piedmont mills, South Carolina, that 25 per cent of his machinery was run by such children. The statement sometimes made, that the number of children affected is so small that it is not worth public attention, is not borne out by these figures, nor by the fact that in Georgia as many as 30 mill presidents appeared before the legislature to defeat the child-labor bill there.

Again, on page 1295, she says:

Again, on page 1295, she says:

Northern and southern capitalists should be warned by their work people in the North and their fellow-citizens to withdraw their opposition to the passage of such a law.

The opposition at present is immense. When I returned from my tour of investigation in Alabama I found the whole community, except those directly interested financially in cotton mills, on my side. The press, the pulpit, the schools, the women in their various clubs took the matter up. A bill was presented at the second session of the Alabama legislature, in the upper and lower houses, by gentlemen who had no connection with the labor movement.

The mill owners immediately engaged two able lawyers, who were also professional lobbyists, to deal with the members of the legislature on the subject. Representatives were warned that the local bills they had been sent up to pass would have small prospect of success should they vote for a child-labor law.

At a hearing before the joint committees of the house and senate the senate chamber was packed to overflowing. The mill owners' interests were represented by a lawyer who was also the president of a cotton mill, the owners of which are "philanthropic" northern people—a corporation clergyman and a railway attorney.

None of these men ever touched on the pros and cons of child labor. The sincerity of their arguments may be gauged by their bringing forward a miserable little petition against the bill, written on the official paper of a very small mill, and signed by seventeen of its operatives.

The hearing was simply a public bluff. It appears that the rejection

The hearing was simply a public bluff. It appears that the rejection of the bill had been settled before in spite of public excitement upon the question. Similar defeats were recently experienced in Georgia and South Carolina, where the educated women have been making gallant efforts to get the need for child-labor legislation recognized.

THE FIGHT IN NORTH CAROLINA.

Here is what Doctor Roberts says in Outlook, volume 78, September-December, 1904, pages 982-984:

September-December, 1904, pages 982-984:

No child under 13 years of age can, according to law, be regularly employed, but in every industrial center where children are to any extent employed the consensus of opinion among labor leaders and professional men is that the law is evaded. A labor leader in Lancaster said: "I'll swear by a stack of Bibles as high as the Lutheran Church that there are scores of children under 13 years of age in these factories." In Allentown child labor is at a premium, while men walk the streets unable to get work. A slik manufacturer of this city said: "All slik-throwing plants ought to get out of Allentown, for child labor is too scarce." In Reading a hosiery manufacturer said: "We can not get all the boys and girls we need in our factories." Employers when asked, "Do parents try to secure employment to children under age?" invariably answered, "Yes." Superintendents of public schools in centers of textile industries are uniform in their testimony that a certain percentage of parents take their children from school when they are only 10, 11, or 12 years of age and send them to the factory or mill. Physicians who practice among employees in mills and factories are unanimous in their testimony that children are employed before they are 13 years of age. Lawyer Craig, of Lebanon, said: "Stop ignorant and greedy parents from committing perjury when they take out certificates of employment to their children." Doctor Davies, of Lancaster, said: "Execute the laws now in force before you attempt to pass others."

Is this expression of public sentiment justified? In every industrial center there are humane and patriotic employers, but they must com-

tificates of employment to their children." Doctor Davies, of Lancaster, said: "Execute the laws now in force before you attempt to pass others."

Is this expression of public sentiment justified? In every industrial center there are humane and patriotic employers, but they must compete with sinister and heartless men who regard all consideration for tender children seeking employment as "sentiment," which has no place in business relations. In every large city there are factories of ill repute, wherein conditions are wretched, wages low, and the moral atmosphere degrading. I visited one of these where 600 employees labored, 65 per cent of whom were under 16 years of age. Six months ago a strike had occurred in this factory. I asked a boy 17 years old if they had won it. His reply was, "No; the kids defeated us." Among these employees it would be easy to select a score or two of boys and girls under 13 years. The deputy factory inspector has sent home as many as thirty employees from this mill in one day, but within a week most of them were back again. The two wards from which the employer draws his labor supply are the most congested in the city, and one of them is being rapidly filled by an influx of Slavs and Italians. A public school superintendent, who has taught in these two wards for fifteen years, said: "It is an impossibility to stop the exodus of boys and girls to the mills before they are 13 years of age." He had conducted night schools for many years in these wards, and 50 per cent of the boys attending them were doing primary work. In the town of Freeland I met three sisters coming home from the silk mill; each of them began work when she was 12 years of age. The superintendent of public schools in this borough said: "Boys and girls leave my schools in large numbers from 10 to 12 years of age. Some leave before they are 10 years." In my visit through silk and hoisery mills, rope and school-slate factories, cigar and candy establishments, I saw ansemic children under the legal age, with frail consti

Factory Inspector Betchel was appointed last June, over 500 children lilegally employed were found in Berks County alone. In one borough he sent home 45 children from 9 to 12 years who were employed contrary to law. He prosecuted the mayor of the city of Reading for illegally giving two boys certificates of employment. The mayor paid a fine of \$31\$. He also successfully prosecuted an alderman for the same offense in the same city. In another city the factory inspector tried to prosecute an alderman who issued certificates of employment to children not legally qualified to work. He did not succeed, for the reason that no justice of the peace would try a "brother officer." One factory inspector candidly admitted that he could not discharge his duties in the town in which he resided. If he did, he would commit political suicide within six months. Another factory inspector successfully prosecuted an influential employer. The suit cost the employer \$400\$ and the inspector his office. The Central Labor Union of Lancaster prosecuted the leading factory in the city for employing children contrary to law. The case has never been tried, and the officers of the union can not find out the reason why. Sometimes factory inspectors "strain at a gnat and swallow a camel." A poor organ grinder in one of our cities was fined \$25\$ and costs for employing a boy not 13 years of age to help him. In the same city a factory wherein 900 persons labor has from 50 to 60 children employed contrary to law, but this transgressor has not been prosecuted. Another store-keeper was prosecuted for employing a girl under 13 years of age, and nothing is done about it. The heads of large factories are invariably a power in the politics of the town or city wherein they reside, and the factory inspectors are appointees of the "machine."

\*\*Some employers transgress the factory laws of the State in working children under 16 years of age and adult females more than sixty

Some employers transgress the factory laws of the State in working children under 16 years of age and adult females more than sixty hours a week. The chief transgressors in this respect are the silk and hosiery mills, the cigar, school slates, box, and umbrella factories. These industries have their busy seasons, during which the employees work overtime. In one factory little girls were kept working from 1 o'clock till 8 without respite—a continuous stretch of seven hours. Sometimes one department in a large factory falls behind the others, and the employer offers a premium to the employees to "catch up." Under this pressure I saw boys under 15 years of age working fourteen hours a day. The mother of three young girls who worked overtime said: "It's from bed to work and from work to bed." These children got up at 6 o'clock in the morning and worked till 8 o'clock in the evening. When questioned about the time they had for the noonday meal and how they used it, one of the girls said: "I take a nap, when I can, on the bales."

Spargo says this on violation of law, on page 168:

Spargo says this on violation of law, on page 168:

In the canning and preservation of fish, fruit, and vegetables mere babies are employed during the busy season. In more than one canning factory in New York State I have seen children of 6 and 7 years of age working at 2 o'clock in the morning. In Oneida Mr, William English Walling, formerly a factory inspector of Illinois, found one child 4 years old who earned 19 cents in an afternoon stringing beans, and other children from 7 to 10 years of age. There are over 500 canning factories in New York State, but the census of 1900 gives the number of children employed under 16 years of age as 219. This is merely another illustration of the deceptiveness of the New York Child Labor Committee was told by the foreman of one factory that there were 300 children under 14 years of age in that one factory! In Syracuse it was a matter of complaint in the season of 1904 on the part of the children that "the factories will not take you unless you are 8 years old."

In Maryland there are absolutely no restrictions placed upon the employment of children in canneries. They may be employed at any age, by day or night, for as many hours as the employers choose or the children can stand and keep awake. In Oxford, Md., I saw a tiny girl, 7 years old, who had worked for twelve hours in an oyster-canning factory, and I was told that such cases were common. There were 290 canning establishments in the State of Maryland in 1900, all of them employing young children absolutely without legal restriction. And I fear that it must be added with little or no moral restriction either. Where regard for child life does not express itself in humane laws for its preservation, it may generally be presumed to be non-existent.

In Maine the age limit for employment is 12 years. Children of that

laws for its preservation, it may generally be presumed to be nonexistent.

In Maine the age limit for employment is 12 years. Children of that
age may be employed by day or night, provided that girls under 18 and
boys under 16 are not permitted to work more than ten hours in the
twenty-four or sixty hours in a week. In 1900 there were 117 establishments engaged in the preservation and canning of fish. Small herrings are canned and placed upon the market as "sardines." This
industry is principally confined to the Atlantic coast towns—Lubec and
Eastport, in Washington County, being the main centers. I can not
speak of this industry from personal investigation, but information received from competent and trustworthy sources gives me the impression that child slavery nowhere assumes a worse form than in
the "sardine" canneries of Maine. Says one of my correspondents in
a private letter: "In the rush season fathers, mothers, older children,
and babies work from early morn till night—from dawn till dark, in
fact. You will scarcely believe me, perhaps, when I say and babies,
but it is literally true. I've seen them in the present season no more
than 4 or 5 years old working hard and beaten when they lagged. As
you may suppose, being out here, far away from the center of the State,
we are not much troubled by factory inspection. I have read equals for
sheer brutality what I see right here in Washington County.

At the last session of the legislature of North Carolina a deter-

At the last session of the legislature of North Carolina a determined effort was made to perfect the absurdly inadequate law of that State. This was led by Dr. A. J. McKelway, whose affidavits you have heard, and who is a resident and one of the most esteemed citizens of that Commonwealth. The manufacturers had resisted all previous attempts to get a good law, which resistance resulted in the present inefficient statute.

The effort to make the law general and provide for compulsory education was as bitterly resisted by the mill owners at the last session of the North Carolina legislature as similar interests resisted compulsory education and good law in West Virginia.

I here insert some of the statements made by these mill owners, without giving their names, for I do not want to subject them to public condemnation unless they compel it. I read, however, from the stenographer's notes of the hearing before the legislative committee. One of them said:

In the first place the employees themselves can not do without the wages they earn in the mills; in the next place, the mills of North Carolina can not do without the help. That is all there is to it. You may go into any mill, I do not care where it is, and you will find the proprietors doing all they can to help the cause of education.

I will tell you how it was last year with the mill people. Why, the farmers took the children and put them to work on their farms picking cotton. The law has nothing to do with picking cotton.

I want to say that England is still reaching out for more cotton. She is building more cotton mills. She is mistress of the sea. She has got more consumers than any Nation on earth; and yet she is doing everything she can to get more of these people in the cotton mills, and they are going there—building more mills every year.

If it has had such a terrible effect in reducing the stature of the men so that the army could not be recruited, what I would like to know is why are they building more cotton mills and why are they going to all parts of the globe and doing everything to get the cotton into England? It seems to me there is no common sense in that argument.

Another mill owner said:

I do not think that the legislature of North Carolina ought ever to undertake any class legislation. As a principle, I believe it is wrong. However, we see the recurrence of this trouble in two years, and we will have it every two years hereafter, as we have it up North.

We find out who will go to school, and we get in extra help and turn out the little fellows who will go to school and send them to school. This is the best we can do, and all we can do. But we do not want laws that force some of our people, and will make them move back to their farms because they can not get support at the mill.

Enact this law, and it results that a great number of my people can not make a living at the mill and will have to go back to their farms or get out of the range of the law by moving to South Carolina where they are not tampered with.

Our conditions can not be compared with the Eastern States. We down here use more small labor, more cheap labor than they can use in the Eastern States, for the simple reason that we are spinners of yarn down here, largely, and those people up there are consumers of yarn. We spin—the boys and the girls spin the yarn and the women and the men run the looms and the knitting machines. That is the

Another mill owner said:

Of course the edict of the Almighty is "By the sweat of thy brow thou shalt get thy bread." That is that the large majority of the people shall always be simply working people, that a man who has nothing whatever but his right hand to work for him and for his wife and children has a very hard time in this world.

The sentiment that gives so much force to the idea which Doctor McKelway represents comes from the class that sleeps late in the morning—professors, teachers, and ladies who have time to cultivate their kindness of heart, and they get in the habit of sleeping late in the morning, and they get in the habit of thinking that a man who has to get up at 5 o'clock in the morning is a very much downtrodden person.

Of course, this mill owner is right-it is a fine thing for a child to get up at 5 o'clock in the morning and work twelve hours, standing all the time.

Another mill owner said:

It will ruin the mill interests of North Carolina. I say again, gentlemen, from a Democratic standpoint, it is wisdom for you gentlemen to let the bill stand as it is.

It was "visdom" from a Democratic standpoint "to let the law stand," said this mill owner at this hearing of the North Carolina legislature, and they were "vise"—they let it stand.

Another mill owner said:

And it was a distinct understanding that if the compromise were made, we would not be brought here for years and years to come. It was well known upon that occasion, gentlemen, and it was argued upon that occasion, that it was unnecessary to enact laws, to make laws, binding upon the textile mills of North Carolina.

I say to you, gentlemen, that the mill industry of North Carolina represents the "best people" of North Carolina.

"Best people" again, you see; only this time they are not in Georgia but in North Carolina.

I say to you, gentlemen, that there is no doubt as to their intention to help. I say to you, gentlemen, that it was unwise two years ago to have enacted any legislation at all. But we bowed our heads in humble submission to your will, with the distinct understanding that we were to have no further legislation upon this point.

You see this mill owner didn't want any legislation at all, and he actually "submitted" to the law upon the "understanding" that no more laws would ever be passed.

This same mill owner goes on:

This same mill owner goes on:

Now, gentlemen, I have investigated this matter and I say that if the McKelway bill is passed that it will clog the wheels of industry in North Carolina for ever and ever. I say, gentlemen, that you must come down to this in a practical, common-sense way and investigate what effect it would have on the mills of North Carolina not to allow children of 13 to work in the mills; estimate what it would have not to allow children of 16 years of age to work at night. I say to you when you take that little boy out of the mill, take the little spinner out of the mill, you might as well sweep that mill out of existince. existence.

And I say to you, furthermore, that it is not hardly possible that South Carolina will crowd out her mills. And what will the people at Rockingham, Charlotte, and those other towns that are near to McCall and Columbia—what will these mills do? Their help will leave our mills and flock to this other State where they can find employment for their children.

That's the heart of the whole trouble with the States stopping this infamy. If one does and another don't, the mill owners of the latter get the children of the former.

But I ask you for God's sake

Think of that appeal-

I ask you for the sake of these little children whom He is supposed to represent; I ask you for the sake of the men who have their money interested in this business; I ask you for the sake of the future interests in your grand old State of North Carolina to sit down on every bill they ever propose to you, and let these mill men go to their respective homes with the feeling that they will not every two years have the sword of Damocles over their necks.

Well, the North Carolina legislature could not resist such an appeal as that, of course. Who could?

Another mill owner says:

Another mill owner says:

Now, Mr. Chairman and gentlemen of the committee, if the State of North Carolina is a better guardian of the girls and boys of North Carolina than their own parents, their own flesh and blood, why stop at the cotton-mill operatives? Why single them out? Let us pass a bill here that no girl under 14 years old shall run a sewing machine. Let us pass one that none shall use a typewriter; that no girl under 14 shall be a clerk in a store or be a stenographer. Are they not as much objects of the care and solicitude of the State of North Carolina as the factory girls? Why this discrimination? Why are they singled out?

Now, I know it is a fad to say that everything must give way to education. I can afford to say something about education, because I have always been a friend to education.

There is such a thing as carrying it [education] too far. There are other things in North Carolina it is your duty to face besides this [education]. There are the mill interests in North Carolina that ought to be considered. No State can be great, no State can hold any influence in this world, unless it is materially great.

And you can not have education without prosperity. Now this is education gone mad. You are about to sacrifice everything to education. I admit that young girls between 12 and 14 are at a critical point of their lives. There is no doubt about that. But, gentlemen, do you know that working in mills is not harder on them than other work that they have to do?

Notwithstanding the immense space taken up thus far, I can not resist the summing up of the whole thing by quoting from Miss Irene Ashby's article in the American Federationist, striking out of it every sentimental expression which this tender-hearted and brave-souled woman used. Senators may see the picture of this lady surrounded by the children whom she found in these mills with their lives being ruined. You may judge for yourselves from that fine face, and from the miserable faces of the children beside her, what a brave and high-souled woman Miss Ashby is and how infamous the system that would oppress the children which the photograph shows us here.

CHILD LIFE VS. DIVIDENDS. [Irene Ashby-Macfadyen.]

Here are three of them—three of the little slaves of capital, typical of the 20,000 children under 14 now toiling out their lives in the textile mills of the South. Mattie, the little one standing beside me, is 6 years old. She is a spinner. Inside a cotton mill for twelve hours a day she stands in the 4-foot passageway between the spinning frames where the cotton is spun from coarser into fine threads. As it comes down from the roping above now and then it breaks at some part of the long frame, and her baby fingers join the thread and set the bobbin moving again. From daylight to dark she is in the midst of the ceaseless throb and racket of machinery. When I first met her it was Christmas Eve—the eve of the children's festival, when the whole of Christendom celebrates the birth of the Child whose coming was to bring freedom to mankind, not to speak of freedom to children. She was crying, and when I asked the reason, said, between her sobs, that she wanted a doll that would open and shut its eyes. "When would you play with it?" I asked the little toiler, whose weary eyelids were ready to close over her tired eyes directly the long day's work was over. "I should have time a-plenty on Sunday," replied the little slave whose daily wage of 10 cents helped to swell the family income. There are thousands like her in the South.

Sally is only 9. Look into her worn face; not a trace of childhood's glad insouciance about it. It never changes from that fixed expression save when a wan smile crosses it in pitiful response to a kind word. For three long years she has done the same thing that little Mattle is only beginning. A few weeks before this picture was taken she broke down completely with nervous collapse. Continuous work, the hot, unhealthy mill atmosphere, proved too much for her childish brain. She could neither stand nor speak, and her limbs were shaken by conculsive movements. When this picture was taken she was slowly regaining a feeble kind of health, and in a week or two more would be back at her endless toi

hands these little slaves are undermining the liberties of the future, not only of the cotton operatives of the South, but of the American working people; not only of the working people, but of the community in which they, for good or evil, are to play so large a part.

And what is the universal reply to your question "Why are they there?"

And what is the universal reply to your question "Why are they there?"

They are there, it is said "to attract northern capital"—a scathing comment on both those who sell and those who ask the sale. \* \* \*

Take the number of children employed. Statistics are very difficult to obtain. \* \* \*

There is but one of the Southern States in which there is a labor commission—North Carolina. Mr. B. R. Lacey, as labor commissioner, gives in his last report 7,605 children under 14 employed in 261 mills. Taking this as a general average would give at least 20,000 children under 14 in the textile mills of the South.

The Cincinnati Post recently sent a correspondent through the South to investigate the subject of child labor, simply as a matter of news, and particularly cautioned him not to exaggerate. Out of at least 1,000 children employed in five mills in Columbia, S. C., he estimates 400 to be under 12 years of age. Applying this proportion to the above figures would give, at the very lowest computation, 8,000 little children, infants, between 6 and 12, as operatives. He spoke personally to numbers of children who said they were 7 and 8, and others who were so little they did not know their own ages.

The Associated Press reported the president of the Whitney mills as stating before the legislature that 30 per cent of his operatives were under 12 years, which percentage, he says, referred only to the spinning room; but that is startling enough. Jamès K. Orr stated that 25 per cent of his machinery was run by children under 12 years. These cold percentages do not give an adequate expression of their meaning. To the horrified visitor the mills appear to be swarming with little children. The light and easy work of which the managers speak is to stand on their feet all day before a spinning frame, where the threads may break at one end or the other or in the middle at any moment, and when the thread breaks the spool stops and the thread is to be rejoined and the spool started again.

A baby has one frame to attend to, but most have two, many have three, and some have four or five. The boys are generally doffers or sweepers—that is, they have to change the bobbins on the frames as they become full and substitute empty ones. In the exercise of their work they often run 16 or 17 miles a day with their trucks. The little sweeper plies a broom bigger than himself to perform these actions, trivial in themselves, uninterruptedly for twelve hours a day on the average, with only one-half hour for rest and food.

Without regulation of hours there is no reason to prevent the mills working at night, and when they can do so profitably they avail themselves of this permission. I have talked with a little boy of 7 years who worked for forty nights in Alabama, and another child not 9 years old who at 6 years old had been on the night shift eleven months.

A clerk in a cotton mill told me that little boys turned out at 2 in the morning, too weary to do anything but fling themselves down for rest.

In South Carolina Miss Jane Addams, of Chicago, found a child of 5 working at night in the fine, large, new mills. Only a few weeks ago I stood at 10.30 at night in a mill in Columbia, S. C., controlled and owned by northern capital, w The Associated Press reported the president of the Whitney mills as stat-

## SLAUGHTER OF INNOCENTS.

The physical, mental, and moral effect of these long hours of toil and confinement on the children is indescribably sad. Mill children are so stunted that every foreman, as you enter the mill, will tell you that you can not judge their ages. Children may look, he says, to be 11 or 11, and be in reality 14 or 15.

A horrible form of dropsy occurs among the children. A doctor in a city mill, who has made a special study of the subject, tells me that 10 per cent of the children who go to work before 12 years of age, after five years contract active consumption. The lint forms in their lungs a perfect cultivating medium for tuberculosis, while the change from the hot atmosphere of the mill to the chill night or morning air often brings on pneumonia, which frequently, if not the cause of death, is a forerunner of consumption.

How sternly the "pound of flesh" is insisted on by the various employers is illustrated by the case of two little boys of 9 and 11, who had to walk 3 miles to work on the night shift for twelve hours. One night they were five minutes late and were shut out, having to tramp the whole 3 miles back again. The number of accidents to those poor little ones, who do not know the dangers of machinery, is appalling. In Huntsville, Ala., in January, just before I was there, a child of 8 years, who had been a few weeks in the mills, lost the index and middle inger of her right hand. A child of 7 had lost her thumb a year previously.

In one mill city in the South a doctor fold a friend that he had perviously.

viously. In one mill city in the South a doctor told a friend that he had personally amputated more than a hundred babies' fingers mangled in the mill. A cotton merchant in Atlanta told me he had frequently seen mill children without fingers or thumb and sometimes without the whole

So frequent are these accidents that in some mills applicants for employment have to sign a contract that in case of injury in the mill the company will not be held responsible, and parents or guardians sign for

minors.

No mill children look healthy. Anyone that does by chance, you are sure to find out, has but recently begun work. They are characterized by extreme pallor and an aged, worn expression infinitely pitiful and incongruous in a child's face. \* \* There is unfortunately no question as to the physical debasement of the mill child.

In the finest mill in Columbia, S. C., a magnificent example of splendid enterprise, I found a tiny girl of 5 years old in the spinning room. Her sunbonnet had fallen back onto her neck and her fair hair was covered with the threads that had fallen back on her head from the frame as she worked. She was helper to her sister. Neither child knew her age, but a girl of 8, standing near, told me they were 7 and 5, and worked there all day long. A beautiful little girl of 8, with hectic flush, told me she "hadn't worked but a year."

All holidays are "made up" in South Carolina. A strike occurred at

one mill among some organized employees because they were required to make up Labor Day beforehand. They were locked out and starved into submission.

In Alabama the children in the mills are required to work Thanks-

into submission.

In Alabama the children in the mills are required to work Thanksgiving Day.

In Georgia a child missing Saturday—a short day—loses one-sixth of her week's wages.

The wages paid these children bear out what I have said in regard to child labor keeping wages low. Many toil for 10 cents a day.

The average wage in North Carolina of the children under 14 is 22 cents a day, and in Georgia 25 cents is a liberal estimate. The Post correspondent gives a sample pay roll, showing an average of \$1.43 a week in a certain spinning room for all children employed. I know of babies working for 5 and 6 cents a day. The girl of 9 I mentioned who has worked at night, when 6 years old received 12½ cents a night, and now earns \$4.16 every two weeks. The two boys who walked 3 miles to their work received 12 and 15 cents a night.

In South Carolina the wages paid to children seem slightly higher. It is a significant fact that the last census figures show a drop in the average wages of cotton operatives during the past twenty years, although there is a slight rise in wages of children under 16. These figures also show that a smaller part of the labor of cotton mills was done by men in 1900 than in 1890, while children under 16 increased over 250 per cent, and women just over 100 per cent in that period. Child labor has increased beyond all proportion to labor of men and women, and while dividends average 35 per cent, and sometimes rise as high as 80 or 90 per cent, and n Columbia, S. C., run from 18 to 40 per cent, the average wage is steadily dropping.

In one large mill worked by northern capital, in Alabama, a widow and three children, the latter aged, respectively, 12, 9, and 8, worked for 47 cents a day between them.

\* \* \* I know of a man in Alabama who was paid 45 cents a day, and num-

I know of a man in Alabama who was paid 45 cents a day, and numbers in South Carolina, Georgia, and Alabama who earn from 60 to 75 cents a day. In South Carolina the coupon system is still used by the mills. Recent photographs taken in South Carolina show pay bags in which the whole cash was deducted for coupons, rent, and medicine. One operative is known to have worked for fourteen months without receiving a penny in cash, and of course the coupons are only good at the company's stores, where any price the couponay ses fit can be charged for the necessaries of life.

These wages and the condition of helplessness they indicate can only be perpetuated among very ignorant operatives, dependent on their work in the mills for the barest livelihood, incapable of organization, and terrorized into silence. This explains the carelessness of mill owners in regard to the most serious result of child labor—illiteracy. Common sense tells us that children working ten or twelve hours a day can not get an education, and experience confirms this. In my personal investigations I scarcely ever found a mill child who could read or write. Few knew their letters.

A count made a year ago in August showed 567 children under 12 working in eight mills. Of these, only 122 could read or write.

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The mills claim to educate the children of the communities under their charge, and in a few exceptional cases they do, but in others their claim is not borne out by facts. In a large mill in South Carolina, where they say they have all school facilities, the entire enrollment of the village, containing between 6,000 and 8,000 persons, was 160 last February, and in another mill, making the same claim, there was an enrollment of 90 pupils. They were divided into two classes. When the school was visited twenty-two children were in one of these, only twelve of whom were mill employees' children, and ten had worked in the mills from one to three years. The teacher stated that the children were frequently sent for by the management to come into the spinning room out of school, and that in one room eight had been so recalled since the beginning of that school term.

I know of a mill in Alabama, owned entirely by northern capital, where two children of 9 and 11 were so recalled into the spinning room every time they ventured to take a few days at school, the girl never getting any education except when she was too sickly to work, while a boy was too weary after his day's "doffing" ever to go to night school.

The night-school teachers in Georgia, Alabama, and South Carolina all say it is impossible to teach the children much. They are too physically weary and sometimes can not keep awake.

It is a serious charge to make that the mill owners of the South, a cultured and frequently religious class, are perpetuating this horrible system, but I am afraid there is no doubt of it. I started my investigations with a good deal of sympathy with these captains of industry, who are facing all the risks of the establishment and upbuilding of a great trade. The personal courtesy and kindness many of them showed me almost blinded me at first to the meaning of their opposition to the campaign I show some of

CAMPAIGN FOR CHILD-LABOR LEGISLATION.

For eighteen months I have acted as the special agent of the American Federation of Labor on child-labor legislation in the Southern

States.

In December, 1900, at the request of President Gompers, of the American Federation of Labor, I went to Alabama to gain support for a bill for the prevention of the employment of children in the factories of

As I recounted in my report of that campaign, the bill, the passage of which I was sent to assist, was dead before I reached Montgomery. Technically, this ended my mission; morally, it did not. If the evil was there, a dead bill was no reason for silence.

So I set to work, by personal investigation, to find out if, in this late hour of history, the crime of infant labor had, indeed, appeared in the new South

hour of history, the crime of infant labor had, indeed, appeared in the new South.

I visited personally twenty-four mills in Alabama before the opening of the second session of the legislature at the end of January, 1901.

The state of affairs I discovered was truly appalling. In every one of these mills there were children under 12 years of age working from eleven to twelve hours a day. Six mills out of the twenty-four had worked within a year at night.

In the spinning rooms, brilliantly lighted with electric lights, fitted with the latest machinery turning out, hour after hour, the product which is making huge profits, were to be found little children working from dark until long past dawn, kept awake by cold water being dashed into their faces.

Mr. SIMMONS. Mr. President—

Mr. SIMMONS. Mr. President-

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from North Carolina?

Mr. BEVERIDGE. Yes; I yield.
Mr. SIMMONS. Mr. President, I simply wish to interrupt
the Senator for the purpose of calling his attention to the fact that in his reference a few moments ago to the child-labor laws of North Carolina he fell into an error.

Mr. BEVERIDGE. What was it?

Mr. SIMMONS. As I understood the Senator, he stated that North Carolina had a child-labor law which prohibited children under 12 years of age from working in factories

Mr. BEVERIDGE. Yes.

Mr. SIMMONS. But had no law which prohibited children from working in the mines and had no law which provided for an inspection.

Mr. BEVERIDGE. The statement will be in the RECORD. I

have sent it up to the desk.

Mr. SIMMONS. I think that is what the Senator said.

Mr. BEVERIDGE. I beg the Senator not to take my time now, because I have got to go into the legal phase of the argu-

Mr. SIMMONS. I do not wish to interrupt the Senator except to state that the same child-labor law in North Carolina

applying to factories applies also to mines.

Mr. BEVERIDGE. Let it apply to mines. If it was an error, it was on the part of the stenographer. I am not mistaken about the facts, because I hold in my hands the stenographer's original notes about the efforts in North Carolina to defeat attempts to make that law a perfect law at the last session of the legislature.

Mr. SIMMONS. I do not desire to enter into any controversy with the Senator, but simply to correct the error which the

Senator made in his statement.

A WARNING TO THE SOUTH.

Mr. BEVERIDGE. If there is any person on this floor, including the Senators from the South, who has a greater affection than I for that section of the country, from which I draw my own blood, I do not know it. And now I want to give a solemn warning to my brothers of the South.

I have had some conversation with my friends upon the other side who come from the South. There is one thing which I want to call to your attention. I do not know whether your at-tention has been called to it or not; certainly mine would not have been if I had not carefully studied the question. It is a

serious question.

We have had much of this session taken up with a discussion of the race question. We have had the assertion of the supe riority of the white race made time and time again; that the

white race would never yield to the black race.

Yet the children who are at work in the southern cotton mills are from the white working class of the South; and this terrible situation stares the South in the face that, whereas the children of the white working people of the South are going to the mill and to decay, the negro children are going to school and improvement.

I am glad to see the negro children going to school, but it is enough to wring the heart to think that day by day you are permitting a system to go on which is steadily weakening the white race for the future and steadily strengthening the black race for

It is not in the power of any man to keep "superior" by asserting superiority. The truth of it is the South is face to face with the situation of their white children in the mills and their black children in the schools.

CAN WE REPURLICANS ASK HIGH TARIFF ON CHILD-MADE GOODS?

There is another thing which we on this side—the Republican side-might as well take into account. I have here the present I was reading before I came up to the Capitol, after I got into the office, the tariff on cotton, the tariff on glass, the tariff on coal. I ask Senators who, like myself, are protectionists, With what grace can we go to the country asking that the tariff be continued on these things when the industries in

these lines are supported by cheap child labor?

Mr. KEAN. There is no duty on anthracite coal.

Mr. BEVERIDGE. There is a duty on soft coal, and the tariff on anthracite coal was removed only for a year.

Mr. GALLINGER. It never was on.
Mr. BEVERIDGE. Well, no matter. Maybe I have been misinformed upon that, but I don't think so. There is a tariff on glass, and I am glad of it. There is a tariff on soft coal, and I am glad of it. There is a tariff on cotton, and I am glad of it; and I also know some of the percentages of the dividends that are made out of those industries. I ask Senators and I ask them solemnly, how are the people to be asked to have any patience with us when we ask that those tariff rates be maintained if we refuse to deprive those very men of the additional commercial advantage of child labor?

A WARNING TO LABOR-EFFECT OF CHILD LABOR ON WAGES.

That is my warning to the South. And now I wish to speak right here another warning to labor, and I will ask to put into my remarks numerous statements made under oath to prove it. I want the laboring men and women of this country to understand what every labor leader knows—and if he does not know it he is not fit to be a labor leader or any other kind of a leader—that child labor tends to bring down manhood wages and womanhood wages to the child-wage level. You are not only killing your children, laboring men, but you are reducing your own manhood wages.

Now, I ask leave to insert without reading affidavits and statements proving nonenforcement of State laws everywhere. They prove the utter inadequacy of the States to handle this evil.

Mr. Spargo, whom I have already quoted on other subjects,

uses these strong words on pages 198-200:

At bottom the employers, or rather the system of production for profit, must be held responsible for child labor. There are evidences of this on every hand. We see manufacturers in New Jersey and Pennsylvania getting children from orphan asylums, regardless of their physical, mental, and moral ruin, merely because it pays them. When the glass blowers of Minotola, N. J., went on strike in 1902 the child-labor question was one of their most important issues. The exposures made of the frightful enslavement of little children attracted wide-spread attention.

When the proprietor of the factory was asked about the employment of young boys 10 and 11 years of age, many of whom often fall asleep and were awakened by the men pouring water over them and at least two of whom died from overexhaustion, he said: "If two men apply to me for work and one has one or two or three children and the other has none, I take the man with children. I need the bays."

In the mills of the South it is frequently made a condition of the employment of married men nor women that all their children shall be bound to work in the same mills. The following is one of the rules posted in a South Carolina cotton mill:

"All children, members of a family, above 12 years of age shall work regularly in the mill, and shall not be excused from service therein without the consent of the superintendent for good cause."

Many times I have heard fathers and mothers—in the North as well as in the South—say that they did not want their children to work, that they could have done without the children's wages and kept them at school a little longer or apprenticed them to better employment, but they were compelled to send them into the mills to work or lose their own places. their own places.

With such facts as these before us, it is easy to see that the urgency of the employers' demands for child labor is an important factor in the problem. Underlying all other causes is the fundamental fact that the crploitation of the children is in the interests of the employing class.

It may be urged that it is necessary to begin work at an early age because the work they do can not be done by men or women, but the contention is wholly unsupported by facts. There is no work done by boys in the glass factories which men could not do; no skill or training is required to enable one to do the work done by breaker boys in the coal mines.

The work done by children in the textile mills could be done equally

ing is required to enable one to do the work done by breaker boys in the coal mines.

The work done by children in the textile mills could be done equally well by adults. The fact that in some cases adults are employed to do the work which in other cases is done by children is sufficient proof that child labor is not resorted to because it is inevitable and necessary, but on account of its cheapness.

Going from factory to factory throughout the anthracite counties I sometimes came upon the sign "Girls wanted" nailed to the factory doors. Where the demand for silks and laces is good, as apparently it is most of the time in Pennsylvania, cheap child labor is in urgent demand. It is through it that Pennsylvania manufacturers are able to undersell New England manufacturers, for example. The available and eligible children are not so numerous that they can afford to scrutinize the age certificates too closely.

According to the State factory inspector, there are something over 17,000 girls between the ages of 13 and 16 working in the manufacturing establishments of the State. Of this number approximately 4,000 work all night in the textile mills—

This is nearly as bad as Georgia.

This is nearly as bad as Georgia.

And Mr. Spargo continues:

In some districts, especially in New Jersey, it has long been the custom to import boys from certain orphan asylums and "reformatories" to supply the demand of the manufacturers. These boys are placed in laborers' families, and their board paid for by the employers, who deduct it from the boys' wages. Thus a veritable system of child slavery has developed, remarkably like the old English pauperapprentice system.

Dr. Peter Roberts, in the Outlook, volume 78, September-December, 1904, on page 984, speaks as follows on the effect of child labor on wages:

Another wrong to tender boys and girls employed in silk mills is night work. This is confined to silk plants installed in the anthracite coal fields. In Allentown, Reading, South Bethlehem, Lancaster, etc., children do not work nights, for employers can not get children enough to operate their plants in the day. Mr. Cardiff, manager of a silk-throwing plant in South Bethlehem, said:

"The coal fields is the ideal place for a silk-throwing plant; you get cheap rent, cheap coal, cheap labor, and the parents don't object to have their children work nights."

Not in any other industrial center in eastern Pennsylvania are young girls employed in night work. Ten or fifteen years ago night work for girls was unknown in this State.

Miss Ashby says, on the effect of child labor on wages, in the World's Work, volume 2, May, 1901, to October, 1901, page 1292, these words:

The frequent plea that the people would starve were it not for their children's earnings is untrue. In the first place, the child seldom earns even its own food and clothes, and several intelligent operatives who had had children in the mill told me that anything these earned was so discounted by ill health that they had to take them out.

It is a well-established economic fact that the family wage is not increased by child labor. If the law forbids the working of the children, the older members of the family must be able to earn enough to support the younger. In time the family wage is actually lessened by child labor, for the standard of health, education, and needs are lowered.

In arguments bearing on the hardships to individuals of stopping

In arguments bearing on the hardships to individuals of stopping child labor, "the poor widow" bulks large. One's anxiety for the poor widow diminishes when one finds that she is made the excuse in every country for retaining child labor, and that when investigation is made her contribution in the shape of baby laborers is about 2 per cent, as recently shown in England.

And again, on page 1294, she says:

And again, on page 1294, she says:

In time, therefore, the earning, and with the earning the spending, capacity of workers in other trades will be lessened, and the development of local trade be checked, even though the cotton mills may make large dividends.

Another disastrous tendency of unregulated child labor is to substitute the woman and the child for the man. In North Carolina some of the mill owners speak complacently of their operatives being "loyal and peaceable, because composed chiefly of women and children." Many managers expressed the hope to me that they might soon be able to do without men almost entirely.

Mr. Owen R. Lovejoy in his article on "Schoolhouse or coal breaker," in volume 80 of the Outlook, May-August, 1905, on on page 1018, says."

on page 1018, says:

On page 1018, says:

The third factor contributing to the volume of child labor in this region is the attitude of the employer. One is everywhere assured that these children work in the breakers only during the summer months, beginning in April and returning to school when the snow falls. This is true of many of the boys, yet the breaker continues to run and the slate is picked from the coal at all seasons of the year. If the boys are not there in winter, by whom is the work performed? When the boys come on in the spring, whose places do they take at the coal chute? The fact is, a boy of 12 working for 50 cents or 60 cents a day, can do as much work in some parts of the breaker as a man who would demand \$1 a day. The law of supply and demand explains the rest.

a man who would demand \$1 a day. The law of supply and demand explains the rest.

Again, we should fall into error were we to conclude that the coal operator is greedy above other employers. He is a business man facing the problems of the business world. Competition with other producers is keen. The appetite of his stockholders for dividends is insatiable. The obvious duty of the superintendent of any department in the concern is to get the work done as efficiently and cheaply as possible. Frequently employers when questioned regarding certain little boys in the breaker have replied with unconcern. "We have their certificate of age all right. That lets us out."

EFFECT ON WAGES.

Mr. Kellogg Durland, whose affidavit I have already presented, in his article of May 9, 1903, on "Child labor in Pennsylvania," published in volume 74 of the Outlook, May-August, 1903, says this as to the effect of child labor on wages, on page

Going from factory to factory throughout the anthracite counties, I sometimes came upon the sign "Girls wanted" nailed to the factory doors. Where the demand for silks and laces is good, as apparently it is most of the time in Pennsylvania, cheap child labor is in urgent demand. It is though it that Pennsylvania manufacturers are able to undersell New England manufacturers, for example. The available and eligible children are not so numerous that they can afford to scrutinize the age certificates too closely.

## CONSTITUTIONALITY OF THE LAW. I.

Mr. President, I come now to the constitutionality of this

Mr. ALDRICH. Would it interrupt the Senator from Indiana if I were to ask him a single question?

Mr. BEVERIDGE. Not a bit.

Mr. ALDRICH. I agree fully with the Senator as to the

serious character of this problem, and I should like him, in

considering the constitutional aspect of the question, if he will, to give his opinion upon one subject.

Mr. BEVERIDGE. Yes, sir.

Mr. ALDRICH. We have in New England laws prohibiting, for obvious reasons, the employment of women and children for more than fifty-eight hours a week. In the South women and children are employed from sixty-six to seventy-two hours a week, we will say. Does the Senator think it is possible that week, we will say. Does the Senator think it is possible that Congress can constitutionally regulate the hours of labor in a State for humanitarian reasons?

Mr. BEVERIDGE. I will answer that question when I come to it. Very frankly I will say to the Senator that as to the question of *power*, constitutional power, so far as the products of that labor enter into interstate commerce, I have not the slightest doubt of it. The question of *policy* is a different thing. What I propose that we shall do is to differentiate the question of constitutional power to pass this bill from the question of policy, with which Senators are confusing it.

Mr. ALDRICH rose.
Mr. BEVERIDGE. Now, please let me go on with that. The Senator from Oregon asked practically the same question. I do not think there is any question about the power. I think it has been clearly decided. I hope the Senator from South Carolina [Mr. Tillman], who wants to be converted on the constitutional side, will give me as much of his attention as he can during my discussion.

Mr. TILLMAN. I am particularly anxious, as no doubt all other Senators are, to hear the Senator's legal argument. He

has already been speaking over three hours.

Mr. BEVERIDGE. I have. Mr. TILLMAN. I suggest to him in all kindness that he must be tired, and that several of us would like to hear him in the morning, when we are more fresh, because it is going to take a great deal of argument to convert me, I assure him.

Mr. BEVERIDGE. I would be glad to yield, but I am afraid to-morrow is preempted. I would otherwise be glad to yield.

Mr. TILLMAN. I will be back in a moment.

Mr. BEVERIDGE. All right. Now, to get into the constitu-

tional phase of this question.

WHY THE CONSTITUTION WAS ADOPTED.

Of course it is not necessary or perhaps admissible for anybody in addressing a body of men like this to refer to the purposes of the Constitution or why the Articles of Confederation were abandoned and the reasons for having the Constitution. Everyone is familiar with them. There was an utter breakdown of government because each of the States under the Articles of Confederation imposed all kinds of commercial regulations, and it became necessary, if the Government was to hang together any longer, to give Congress all the power over the subject of regulating commerce which the States before had, so far as concerned commerce with foreign nations and among the several States

Will any Senator here who adheres to the theory of strict construction contend that before the Constitution was adopted each State did not have absolute power over commerce within its own borders—power to regulate, power to prohibit, power to do anything? I pause for a reply. I hear none. The power of the States over commerce was absolutely sovereign under the Articles of Confederation. Of course no Senator will deny that.

But all such power which the States had under the Articles

of Confederation were by the Constitution given to Congress. The States parted with that power absolutely, and the power given to Congress, so far as interstate traffic is concerned, is as complete and absolute as the power of the State over State commerce. Of course those are only fundamentals. That power over commerce among themselves which the States had under the Articles of Confederation-and all the power they had over such commerce—was given to the Nation under the Constitution.

It was given in a clause with which every lawyer, of course, is more than familiar, and with which every law student is familiar.

The absolute power which the States had under the Articles of Confederation was given to Congress in the following words of the Constitution:

The Congress shall have power \* \* \* to regulate commerce with foreign nations and among the several States and with the Indian

"To regulate commerce." What did that phrase mean? It had a definite and distinct meaning at that time. It had a "legal meaning" at that time. Also, it had a "popular" meaning at that time; and they were all the same. The laws concerning the "regulation of commerce" with which the colonists were familiar, with which the statesmen of that day were familiar, and all the lawyers were familiar, were the laws of England, from which country we had recently separated.

MEANING OF PHRASE "TO REGULATE COMMERCE."
Nobody will deny that. Very well. There were in existence at the time the Constitution was adopted some twenty-seven acts of the English Parliament in which the phrase "to regulate commerce" occurs. In each one of them those words means in those laws "prohibition" of commerce in some form or other or in some article of commerce.

So when the fathers lifted out of the English statutes and put into the Constitution the phrase "to regulate commerce," they lifted out words that had a definite meaning in the acts of the British Parliament which were directly before them, which had affected them, and which in every instance meant to "prohibit" commerce in some manner or in some article.

So we see that the scope of this power given to Congress by the Constitution is very broad indeed, and I will not take up very much time in reading to the Senate decisions of the Supreme Court showing how absolutely unlimited it is. For instance, as showing the scope of this power, the breadth of it, what can be done under it, perhaps no better illustration can be found than that of the very early case of the United States v. Coombs, which is reported in 12 Peters. That was in 1838

Congress passed a law providing for the criminal punishment of anybody who recovered any wreckage from a ship that was washed above high tide. Coombs was indicted under that statute. He defended upon the ground that there was no authority in Congress to pass any such law; that it impaired the police power of the States. The Supreme Court held that it was a valid law, not under the admiralty clause, because they held that the admiralty clause did not reach the water mark above tidewater. But the Supreme Court held that it was a proper exercise of the power of Congress under the Constitution, under the clause of the Constitution which gives to Congress the power to regulate commerce, and not at all a violation of the police powers of the States. Justice Story, the second greatest jurist we ever had-

Mr. NELSON. Please give the title of the case.
Mr. BEVERIDGE. United States v. Coombs, 12 Peters, page 78.

Mr. Justice Story, in deciding that case, said:

Mr. Justice Story, in deciding that case, said:

But we are of the opinion that under the clause of the Constitution giving power to Congress "to regulate commerce with foreign nations and among the several States" Congress possessed the power to punish offenses of the sort which are enumerated in the ninth section of the act of 1825, now under consideration. The power to regulate commerce includes the power to regulate navigation, as connected with the commerce of foreign nations and among the States. It was so held and decided by this court, after the most deliberate consideration, in the case of Gibbons v. Ogden (9 Wheat, 189-198). It does not stop at the mere boundary line of a State, nor is it confined to acts done on the water or in the necessary course of the navigation thereof.

Then the Supreme Court goes on to set out the scape of the

Then the Supreme Court goes on to set out the scope of the power, that it includes such a law, for example, so widely removed as a law making it a criminal offense for any person to recover the wreckage of a ship. This man had stolen some wreckage which had been washed ashore. They held that it was a burden on commerce, and, therefore, the interstate and foreign commerce clause of the Constitution covered it; that it was a regulation of foreign commerce. I merely cite that case to show how broad the power is.

"REGULATE" AND "PROHIBIT."

It was not very long after the Constitution was adopted until there arose the very question which we have here raised, the question as to whether under the commerce clause Congress had the power, in regulating commerce, to "prohibit" commerce in any article, and that was decided in the affirmative in the case which every lawyer has had by heart since he went to law school-in Gibbons v. Ogden, in the great opinion by Chief Justice Marshall

He took up the question of embargo laws, going on to show, first, that the power over interstate commerce was precisely the same as over foreign commerce.

We had been confronted with the exercise of the power of Congress to prohibit commerce in the embargo act, one of the very first acts passed, and that was done exclusively under the clause, says the Supreme Court, giving Congress power over foreign commerce.

The universally acknowledged power of the Government to impose embargoes must also be considered as showing that all America is united in that construction which comprehends navigation in the word "commerce."

When Congress imposed that embargo, which for a time engaged the attention of every man in the United States, the avowed object of the law was the protection of commerce and the avoiding of war. By its friends and its enemies it was treated as a commercial, not as a war measure. The persevering earnestness and zeal with which it was opposed in a part of our country which supposed its interests to be vitally affected by the act can not be forgotten. A want of acuteness in discovering objections to a measure to which they felt the most deeprooted hostility will not be imputed to those who were arrayed in oppo-

sition to this. Yet they never suspected that navigation was no branch of trade, and was, therefore, not comprehended in the power to regulate commerce. They did, indeed, contest the constitutionality of the act, but on a principle which admits the construction for which the appellant contends. They denied that the particular law in question was made in pursuance of the Constitution, not because the power could not act directly on vessels, but because a perpetual embargo was the annihilation, and not the regulation of commerce. In terms they admitted the applicability of the words used in the Constitution to vessels; and that, in a case which produced a degree and an extent of excitement calculated to draw forth every principle on which legitimate resistance could be sustained. No example could more strongly illustrate the universal understanding of the American people on this subject.

Then Chief Justice Marshall gets more directly to the question of "prohibition." Speaking of and defining the power to "regulate commerce," Chief Justice Marshall says:

It is the power to regulate—that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution. These are expressed in plain terms and do not affect the questions which arise in this case or which have been discussed at

If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations, and among the several States, is vested in Congress as absolutely as it would be in a single government, having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States

Then Chief Justice Marshall takes up the answer to the argument that the power might be "abused," which I intend to delay to a later part of my own argument, which is chiefly the argument here interposed to this bill.

UNITED STATES v. MARIGOLD.

Of course this is still on the general scope of the power. But the Supreme Court soon held directly-decided directlythe power of prohibition.

That was done in the case of the United States v. Marigold. In United States v. Marigold Congress had passed a law solely and exclusively under the interstate and foreign commerce clause, "prohibiting" the importation of counterfeit coin, and providing a penalty for doing it. It was conceded in the opinion, it was conceded in the pleas, and it was conceded in passing the act that the only authority for it was to be found in the clause regulating commerce among the States and with foreign nations.

Marigold imported some of this coin; he was indicted under this law, and he resisted upon the ground, among others, that there was no authority in Congress; that that was a police power of the State.

The inquiry first propounded-

Says the Supreme Court in deciding this question, and Justice Daniel delivered the opinion-

The inquiry first propounded upon this record points obviously to the answer which concedes to Congress the power here drawn in

the answer which concedes to Congress the power here drawn in question.

Congress is, by the Constitution, vested with the power to regulate commerce with foreign nations, and however at periods of high excitement an application of the terms "to regulate commerce," such as would embrace absolute prohibition, may have been questioned, yet since the passage of the embargo and nonintercourse laws and the repeated judicial sanctions those statutes have received, it can scarcely at this day be open to doubt that every subject falling within the legitimate sphere of commercial regulation may be partially or wholly excluded when either measure shall be demanded by the safety or by the important interests of the entire Nation.

Such exclusion can not be limited to particular classes or descriptions of commercial subjects; it may embrace manufactures, bulllon, coin, or any other thing. The power once conceded, it may operate on any apply it.

Will the Senator give us the book and page? Mr. TILLMAN. Mr. BEVERIDGE. Yes; United States v. Marigold, 9 Howard, page 560, and he will find the portion of the opinion which I quoted on page 567.

Mr. President, that, of course, was a direct, definite declaration that the casuistry of no lawyer in the United States or elsewhere can escape, that the power of Congress to regulate commerce with foreign nations and among the several States is absolute and includes the power to "prohibit" any subject of commerce from interstate or foreign commerce. The decision is so clear, emphatic, and unequivocal that it would not be proper for me to waste time in commenting upon it.

The next case in which this absolute power of Congress, under the clause which I have quoted-

Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes—

is sustained in equally emphatic and unavoidable language, is the case of the United States v. Forty-three Gallons of Whisky. That is the title of the case.

THE FORTY-THREE GALLONS OF WHISKY CASE.

It is a case which every one knows, and one with which my friend the Senator from Minnesota [Mr. Nelson] is par-

ticularly familiar, because it occurred in the county of Polk, in the State of Minnesota. It was the case of a libel by the Government of forty-three gallons of whisky that had been brought into the State of Minnesota and into the county of Polk. That county was not within an Indian reservation. It had been at one time, but it had become an organized county of the State.

It had nothing to do with the Indians any more than a county in Ohio or Indiana. But forty-three gallons of whisky had been taken into that county, and I think some of it was sold to an Indian who happened to be a member of a tribe living in some

other portion of the State.

The owner of the whisky resisted the libel upon the ground that the act of Congress under which he was prosecuted was beyond the power of Congress to pass. He said that this was purely within a State. He said it was not even within the limits of an Indian reservation; that it could not possibly be any trade with an Indian tribe, and that in any event Congress had no power to "prohibit;" that "prohibiting" was not "regulating commerce" with the Indian tribes.

And so the question that we have here, as in the case of the United States v. Marigold, was directly before the court in the

case of Forty-three Gallons of Whisky.

Congress, under its constitutional power to regulate commerce with the Indian tribes, may not only "prohibit" the unlicensed introduc-tion and sale of spirituous liquors in the "Indian country." but extend such prohibition to territory in proximity to that occupied by Indians.

In deciding the case—and the opinion was rendered by Mr. Justice Davis-the Supreme Court uses the language which I will read. The whole question of the power of Congress under this clause was examined, and the court says:

Under the articles of confederation, the United States had the power of regulating the trade and managing all affairs with the Indians not members of any of the States; provided, that the legislative right of a State within its own limits be not infringed or violated. Of necessity these limitations rendered the power of no practical value. This was seen by the Convention which framed the Constitution; and Congress now has the exclusive and absolute power to "regulate commerce"—

We are trying to find out what the words "to regulate" mean, are we not?-

with the Indian tribes—a power as broad and as free from restrictions as that to regulate commerce with foreign nations.

Having thus defined the power, he goes on:

The Indian country, as defined by the act of 1834, was at that date so remote from settlements that there was no occasion to extend the prohibition beyond its limits. It has since then been so narrowed by successive treatles that the white population is now all around it and regarding it with a wistfui eye.

In view of this changed condition it would be strange indeed if the commercial power, lodged solely with Congress and unrestrained as it is by State lines, did not extend to the cxclusion of spirituous liquors intended to corrupt the Indians not only from existing Indian country, but from that which has ceased to be so by reason of its cession to the United States.

But if Congress under the compressible leaves because

But if Congress, under the commercial clause, has power to "prohibit" the introduction of whisky made of corn, why has it not the power to "prohibit" the transportation of goods made by children? So far as the power is concerned, does the material or its method of manufacture have anything to do with the

It might have something to do with the policy, but does it have anything to do with the power? For, mark you, the power of Congress over the regulation of commerce with the Indian tribes is precisely the same, and not otherwise in any respect, as is the power to regulate commerce among the several States.

Mr. SIMMONS. Please give the volume.
Mr. BEVERIDGE. Ninety-three United States, page 188.

The quotation is on pages 191 and 196.

Perhaps as important a case in its indirect holding as any, except the one next after that, that I shall come to, which is the famous Rahrer case, which grew out of a provision of the Wilson bill, and the Wilson bill grew out of the decision of the Iowa liquor cases, did it not? The Senator from Rhode Island [Mr. ALDRICH] will remember.

Mr. RAYNER. Will the Senator from Indiana allow me a

moment?

Mr. BEVERIDGE. Certainly.

Mr. RAYNER. I am listening to this legal argument with great interest. Suppose we pass a law here providing that no goods shall be transported from State to State not made by a labor union; have we the power to do that?

Mr. BEVERIDGE. We have the *power* to do that, but it would be poor policy. Chief Justice Marshall answered your

question.

Mr. RAYNER. I should like to see where Chief Justice Marshall or any Chief Justice, judge, or lawyer answered that ques-

Mr. BEVERIDGE. He has answered it.

Mr. RAYNER. I should like to see that decision.

Mr. BEVERIDGE. I am going to come to that in a moment;

but I want to get through with these decisions. All there is in the Senator's suggestion is the old argument about the "abuse of power"-that if you concede the power to do this, then you have the power to do that; and because you have that power you will do it, of course, and that would be a bad thing, and therefore you have not any power at all-that's your argument.

I will come to all that argument in a minute. There is no question about our *power*, but nobody would *do* it. The Senator from Wisconsin [Mr. Spooner] was asked that question by the Senator from Texas [Mr. BAILEY] in the discussion of the quarantine bill. I have the answer of the Senator from Wisconsin here. I am sorry he has not honored me with his presence this afternoon, since he said that he is interested in the constitutional phase. He said the question is unthinkable, because nobody is ever going to propose such a thing as that. That was exactly the answer Benjamin Franklin gave when practically the same question was put to him before the bar of the British Parliament when he was being examined there.

It is not to be assumed that the representatives of an intelligent people are going to be so foolish as to do anything like that suggested by the Senator. But that has nothing to do with the power; and as a portion of my constitutional argument I am going to meet that, because the Supreme Court has taken up exactly that question. I shall do it later on to the Senator's satisfaction, unless, of course, he is determined not to be satisfied about our power to end this universal infamy of child labor,

#### THE RAHRER CASE.

I wish to read the Rahrer case. There is not a great deal of it, but in its direct motive it is probably as important as'the Marigold case, or probably as important as the case of Lesey v. Hardin-I think that is the name of the Iowa liquor case. In that case-Lesey v. Hardin-the court held, as we all remember, that the State of Iowa had no power whatever over the importation into that State of liquor as long as it was kept in the original package.

To meet that a provision was put in the Wilson bill, that in any State the subjects of interstate commerce were subjected to the laws of any State when they reach there. The Senator

from Georgia [Mr. Bacon] shakes his head.

Mr. BACON. Not when they reach there. Does the Senator

mean when they reach there?

Mr. BEVERIDGE. Yes; it was broader than that—the laws of the various States. I am glad the Senator corrected me there, because it makes the argument all the more important. This case arose in the State of Kansas, which prohibited the sale of intoxicating liquors.

It was brought up, I believe, on a test case, where the liquor was in an original package, and only in an original package, and it was attempted to be disposed of by the agent of one dealer who lived in Kansas City. It was seized under the laws of the

State of Kansas.

The law of the State of Kansas was strengthened by the section of the Wilson bill which subjected all articles of inter-state commerce to the laws of the various States. The case came to the Supreme Court of the United States. Rahrer, who was resisting the law, said that it was unconstitutional because it violated that clause of the Constitution which gives Congress power over commerce among the States.

But the Supreme Court held that that had been obviated by the Wilson bill subjecting all interstate commerce to the laws of the various States, and in so holding here is what the court said.

The opinion was delivered by Chief Justice Fuller:

The opinion was delivered by Chief Justice Fuller:

By the adoption of the Constitution the ability of the several States to act upon the matter solely in accordance with their own will was extinguished, and the legislative will of the General Government substituted. No affirmative guaranty was hereby given to any State of the right to demand as between it and the others what it could not have obtained before; while the object was undoubtedly sought to be attained of preventing commercial regulations partial in their character or contrary to the common interests. And the magnificent growth and prosperity of the country attest the success which has attended the accomplishment of that object. But this furnishes no support to the position that Congress could not, in the exercise of the discretion reposed in it, concluding that the common interests did not require entire freedom in the traffic—

"Entire freedom in the traffic mind you.

"Entire freedom in the traffic, mind you-

in ardent spirits, enact the law in question.

But this amounts absolutely, as was pointed out at the time and was pointed out in every law journal and discussion in the United States when the Rahrer decision was handed down, as the Senator from Maryland very well knows, to a prohibition of commerce in liquors or in anything else, that Congress might by a law subject to the laws of the various States.

And because the law of Kansas prohibited the sale of such articles of interstate commerce, and if it prohibited the sale of it, as was said in Brown v. Maryland, it prohibited the thing

itself; it amounted to the exclusion of it.

As the Senator from Georgia pointed out a moment ago, when he very properly corrected me, every State might have a law prohibiting the sale of spirituous liquors or of anything else of child-made goods, for example-and if an act of Congress putting all subjects of interstate commerce under the operation of the State laws is valid, then Congress has in itself actually prohibited and excluded from interstate commerce this article. That was the thing that so excited the bar and the country.

Mr. BACON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Georgia?

Mr. BEVERIDGE. I do.

Mr. BACON. If the Senator will permit me to osk him a question, I do not propose to argue it at all, but I wish the Senator's view of it?

Mr. BEVERIDGE. I am very glad to yield for that purpose.

Mr. BACON. Even if we concede the power of Congress to prohibit the introduction of an article, does the Senator recognize no difference between the power to prohibit the introduction of an article vicious in itself or objectionable for any reason, as most of these decisions pass upon questions of that kind, and an article not objectionable in itself, not vicious, or in any manner detrimental to the public good-

Mr. BEVERIDGE. I understand the Senator's question.

Mr. BACON. An article thus not objectionable, but where the point of the objection simply is as to the manner in which it has been produced in the State?

Mr. BEVERIDGE. The Senator asks me that as a question of

Mr. BACON. I am asking the Senator's view, whether or not he recognizes any distinction between the two.

Mr. BEVERIDGE. I understand your question. As a question of power, no; none in the world.

Mr. BACON. None whatever? Mr. BEVERIDGE. But, yes; as a question of *policy*. have the power. It is a power which we can abuse. But if we do abuse that power, which in us is unlimited, the remedy is at the ballot box, as was pointed out by Chief Justice Marshall in Gibbons v. Ogden, where the very question was raised. No; I recognize no distinction whatever so far as the power is concerned.

Mr. BACON. Now, if the Senator will permit me— Mr. BEVERIDGE. So far as policy is concerned, of course; and I will say another thing. The Senator is a very learned lawyer, and he will recall that the Supreme Court has decided over and over again that the question of policy was something for us to pass upon, and upon which the Supreme Court itself has absolutely refused to pass.

Mr. BACON. I simply desire to ask the Senator this question, Is the logical conclusion of his position intended by him to go to this extent or to be thus understood, that Congress has the arbitrary power to prohibit the introduction of any article from one State into another State regardless of the reason

upon which it may put that prohibition?

Mr. BEVERIDGE. Yes, sir; I can show—

Mr. BACON. Practically unlimited power?

Mr. BEVERIDGE. I can show it.

Mr. BACON. To prohibit it absolutely?

Mr. BEVERIDGE. Yes; to prohibit it absolutely.
Mr. BACON. That is the logic of the Senator's argument.
Mr. FULTON. Will the Senator from Indiana allow me to interrupt him?

Mr. BEVERIDGE. Certainly.

Mr. FULTON. Would not that, followed to its logical conclusion, mean that Congress could absolutely prohibit commerce among the States?

Mr. BACON. Of course.

Mr. BEVERIDGE. Certainly. That question was raised in Gibbons v. Ogden. The Senator certainly did not hear me read from Chief Justice Marshall's opinion.

Mr. FULTON. That Congress can prohibit commerce between the States?

Mr. BEVERIDGE. No; he said the argument would be exactly the argument made now.

Mr. FULTON. No such argument has ever been pronounced in Gibbons v. Ogden or any other case. It can not be found in any case.

Mr. OVERMAN. Will the Senator allow me?

Mr. BEVERIDGE. Certainly.
Mr. OVERMAN. I call the attention of the Senator to a paragraph in the Rahrer case that he did not read:

The power of the State to impose restraints and burdens upon persons and property in conservation and promotion of the public health, good order, and prosperity—

Mr. BEVERIDGE. I know what the Senator is going to read. If he is reading to me he can stop, because I am familiar with it. Nobody questions that.

Mr. OVERMAN. I will not read it all, but let me finish the

sentence:

is a power originally and always belonging to the States, not sur-rendered by them to the General Government nor directly restrained by the Constitution of the United States, and essentially exclusive.

Mr. BEVERIDGE. The Senator might as well read me something from the Bible. Nobody questions that. That has not anything to do with the particular point to which I was calling the attention of the Senate.

Now, I call the attention of the Senator from Oregon to this. In Gibbons v. Ogden there was a definition of the power to pass an embargo law. An embargo was an absolute prohibition of commerce, and the argument was made against it that we had no such power under the Constitution, because, they said, it meant the annihilation of commerce. Here is what Chief Justice Marshall said-

Mr. ALDRICH. Mr. President-

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Rhode Island?

Mr. BEVERIDGE. Certainly.

Mr. ALDRICH. Does the Senator mean to contend that the power of Congress over foreign commerce is the same as its

power over domestic commerce?

Mr. BEVERIDGE. I am coming to that in a minute. Here are the decisions. Does the Senator see those three cases there [indicating]?

Mr. ALDRICH. I see the books. Mr. BEVERIDGE. Does the Senator from Rhode Island deny that our power over foreign commerce is precisely the same as our power over interstate commerce, and that our power over interstate commerce is exactly as great as the power over foreign commerce? Does the Senator contend that—
Mr. ALDRICH. As I understand the decisions of the court,

they are that our power over foreign commerce, under two clauses of the Constitution, is absolute. But they have never

said that as to domestic commerce, in my opinion.

Mr. BEVERIDGE. I shall read in just a moment the decisions of the Supreme Court where they do say exactly that in so many words—that the power of Congress over domestic commerce is precisely the same as it is over foreign commerce. In the exercise of that power, I am going to call the Senator's attention to something the Senator himself helped to do.

Mr. RAYNER. Will the Senator allow me? The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Maryland?

Mr. RAYNER. Only for a question.
Mr. BEVERIDGE. Certainly.
Mr. RAYNER. Is it not the logical result of your argument, leaving out the question of policy, that we have the power to pass a law here to-day absolutely prohibiting commercial intercourse between the States? I am speaking of the power now, not the policy.

Mr. BEVERIDGE. If the Senator will permit me, I will answer him in the language of the Senator from Wisconsin [Mr. Spooner], who I expected to ask me just that question, but he has gone away, for some reason. So I prepared to answer him out of his own mouth. The Senator from Texas [Mr. Bailey] asked the Senator from Wisconsin a question about like that.

Mr. RAYNER. No; I do not want that.
Mr. BEVERIDGE. When the Senator asks me a question he must let me answer it in my own way. The Senator from Wisconsin answered the question this way: "Well, it is an impossible question. Congress would never think of passing such a

Mr. RAYNER. I want to say to the Senator that this is not a lawyer's answer, because nothing is impossible if we have the power. I am not asking about the policy.

Mr. BEVERIDGE. Yes; things are impossible to the Senator if he considers his constituents and desires to retain his

Mr. RAYNER. I do not care enough about the seat upon such a principle.

Mr. BEVERIDGE. I am answering the Senator in my own language, and I happen to be using the language of a very fair lawyer. Chief Justice Marshall said that very thing, that when we abuse the power-

Mr. RAYNER. But I want the Senator's opinion. I want to know if we can pass a law here to-day absolutely prohibiting commercial intercourse between the States-whether that will be the exercise of constitutional power. I should like to have an answer to that question.

Mr. BEVERIDGE. I say it is an impossible question.

Mr. RAYNER. That is your answer to it.

Mr. BEVERIDGE. Let me suggest to the Senator a question. Will you ask me whether or not I think we have the power to prohibit the transportation in interstate commerce of the milk of a cow milked by a young lady 18 years old? Undoubtedly we have the power, but undoubtedly we would not do it. We have the power to prohibit the transportation through interstate commerce of any article. What did the Marigold case What did the Forty-three Gallons Whisky case say?

Mr. CARMACK. Mr. President—
The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. I do. I am coming to another case. Mr. CARMACK. I ask the Senator if the United States Government could put the young lady in the penitentiary for not being 18 years old? [Laughter.]

Mr. BACON. Never! Goo God forbid! Protect the young ladies

at all hazards.

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Georgia?

Mr. BEVERIDGE. I do.

Mr. BACON. I should like to suggest to the Senator if there is anything in political history or in all the interstate commerce law to show that the object of that feature in the Constitution was not to facilitate commerce between the States and prevent any barrier. Yet the Senator would say that legitimately it can be construed to erect barriers which would absolutely de-

Mr. BEVERIDGE. I say to the Senator and to the Senate in answer to that that not only has it been so construed ever since the first opinion was handed down on the subject by the Supreme Court, but that Congress has time and again accepted such a construction and done exactly that thing, and I propose to cite, before I get through this argument, law after law where there is absolute prohibition.

During the delivery of Mr. Beveringe's speech,

The PRESIDING OFFICER (Mr. Smoot in the chair.) The Senator from Indiana will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished busi-

ness, which will be stated by the Secretary.

The Secretary. A bill (S. 7709) to revise, codify, and amend the penal laws of the United States.

Mr. FULTON. I ask unanimous consent that the unfinished business may be temporarily laid aside,

The PRESIDING OFFICER. There being no objection, it is so ordered.

Mr. BEVERIDGE. I thank the Senator from Oregon.

Mr. BEVERIDGE resumed his speech. After having spoken until a few minutes before 5 o'clock,

Mr. NELSON. Mr. President-

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Minnesota?

Mr. BEVERIDGE. Certainly.

Mr. NELSON. If the Senator will allow me, he has now addressed the Senate for between four and five hours, and he must be tired. It is evident that this legal and constitutional argument can not well be finished to-night, and I inquire whether it would not suit the Senator to suspend and finish his argument in the morning, taking the floor immediately after the close of the routine morning business?

Mr. BEVERIDGE. It would be very agreeable indeed to me, I will say to the Senator, if it can be arranged. I have only got

started in this constitutional part.

Nr. NELSON. Then I ask unanimous consent that the Senator from Indiana may continue his argument to-morrow immediately after the close of the routine morning business.

Mr. ALDRICH. The Senator from Maine [Mr. HALE] has given notice that he will call up an appropriation bill in the morning, and I think some Senator has given notice of a speech to-morrow morning-the Senator from Maryland [Mr. RAYNER],

If I remember correctly.
Mr. GALLINGER. The Senator from Montana [Mr. Carter]. Mr. ALDRICH. The Senator from Montana [Mr. CARTER]

has given notice of a speech to-morrow.

Mr. CARTER. I do not desire to overwork, or to be the means of overworking, the Senator from Indiana. I realize that he has continued many hours of the session to-day. Yet I trust that some hour may be fixed to-morrow for the conclusion of the remarks of the Senator-say at 2 o'clock.

Mr. PATTERSON. That depends upon how much time the Mr. BEVERIDGE. I can conclude, I am quite sure, by 2 o'clock to-morrow, without any interruptions.

means if he has a chance to proceed immediately after the close of the routine business?

Mr. BEVERIDGE. Certainly. That was the suggestion of the Senator from Minnesota.

Mr. GALLINGER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. BEVERIDGE. Certainly.

Mr. GALLINGER. I rose simply to ask if any unanimousconsent agreement had been asked with reference to 2 o'clock to-morrow'

The VICE-PRESIDENT. Unanimous consent was asked that the Senator from Indiana be allowed to resume the floor after the routine morning business to-morrow to conclude his remarks.

Mr. GALLINGER. Before I agree to that I wish to call attention to the fact that I have given notice that I should call up to-day Senate bill 6147, which is a very urgent bill. I yielded to the Senator from Indiana, and was pleased to do so. In the meantime the Senator from Montana [Mr. Carter] and the Sen ator from Idaho [Mr. HEYBURN] gave notice that they would speak to-morrow, and, as we all know, memorial exercises are to be held on Friday.

I now rise, Mr. President, for the purpose of saying that on Saturday, after the routine morning business, if there be no appropriation bill under consideration, I will beg the indulgence of the Senate to consider the bill in which I am interested, and which

ought to be taken up at an early day.

Mr. BEVERIDGE. The Senator was extremely kind to me, and I wish to state my appreciation of his kindness

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Minnesota?

Mr. CARTER. I suggest to the Senator from Minnesota the acceptance of an amendment that the Senator from Indiana conclude his remarks by 2 o'clock.

Mr. BEVERIDGE. I will say to the Senator that of course will try to do that, and certainly I shall not take much longer. The Senator can understand that if there are interruptions it would prolong the time.

Mr. CARTER. I wish to have the Senator conclude his remarks, of course. I suggest as a modification of the request for unanimous consent that immediately after the conclusion of the Senator's remarks, at whatever time he may conclude, the floor be accorded to me for some brief observations.

Mr. BEVERIDGE. Very well. That is very courteous of

the Senator.

Mr. NELSON. I make the modification, and renew my re-

quest for unanimous consent in that form.

The VICE-PRESIDENT. The Senator from Minnesota asks unanimous consent that the Senator from Indiana be permitted to resume the floor immediately after the conclusion of the routine morning business to-morrow, for the purpose of concluding his remarks, and that the junior Senator from Montana [Mr. CARTER] may take the floor immediately after the conclusion of the remarks of the Senator from Indiana for the purpose of addressing the Senate in accordance with the notice he has here-tofore given. Is there objection? The Chair hears none, and it is so ordered.

## CHANGES IN DISTRICT STREET-RAILWAY TRACKS.

Mr. GALLINGER. Mr. President, I desire to change the notice I gave. On Wednesday, after the routine morning business, I will ask to have considered the bill (S. 6147) authorizing changes in certain street-railway tracks within the District of Columbia, and for other purposes.

## CONTINUATION OF POSTAL COMMISSION.

The joint resolution (H. J. Res. 230) continuing the Postal Commission until the close of the present session of Congress was read the first time by its title.

Mr. PENROSE. I ask that the joint resolution be put on its passage

The joint resolution was read the second time at length, as follows:

Resolved. etc., That the Joint Commission of Congress appointed under the provisions of the act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, approved June 26, 1906, shall not be deemed to be discharged by the presentation to the Senate or the House of Representatives of its said report, but is hereby continued in existence with all the powers created by said act until the termination of the present session of Congress, for the purpose of completing the preparation, printing, and publication of the record of the hearings held by said Commission, and for the preparation, printing, and publication of an index and digest of the same. And the unexpended balance of the appropriation for said Commission in said act shall be available for the expenses of the said Commission. And that payments that have been made or are hereafter to be made on account of the expenses of the said Commission upon vouch-Senator from Indiana may be allowed for his argument. He

ers approved by the chairman thereof shall be deemed held and taken and are hereby declared to be conclusive upon all departments and offi-cers of the Government.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. BACON. I would inquire to what the joint resolution relates?

Mr. PENROSE. The purpose of the joint resolution is to enable the Postal Commission to complete the compiling of the testimony, which is very voluminous. It is the Joint Postal Commission of Congress, the report of which I submitted this morning.

Mr. BACON. That is what I rose to learn—the subject-

matter to which it relates.

Mr. PENROSE. The fear was that the Commission with the presentation of its report to-day would go out of existence, and this is to continue it until the loose ends can be gathered in and the work completed.

There being no objection, the joint resolution was considered

as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and

LOWER COLORADO RIVER.

Mr. FLINT obtained the floor.

Mr. KEAN. Mr. President The VICE-PRESIDENT. Does the Senator from California

yield to the Senator from New Jersey?

Mr. KEAN. I was going to move an executive session. Mr. FLINT. I ask unanimous consent for the present consideration of the bill (S. 7776) to provide for protecting the interests of the United States on the lower Colorado River, for the establishment of the Imperial Valley and the Colorado River irrigation projects, and for other purposes.

The VICE-PRESIDENT. The bill will be read for the infor-

mation of the Senate.

The Secretary proceeded to read the bill.

Mr. FLINT. I will ask to have the matter go over. There does not seem to be a sufficient number of Senators here. a very important bill, and I want to have it carefully considered.

The VICE-PRESIDENT. The bill will lie over.

## REPRINT OF PURE-FOOD LAW.

Mr. HEYBURN. An order was made Saturday for a reprint of the pure-food law, with the accompanying documents. I ask that that order be rescinded and that an order be made for the printing of the matter included in the former order as a Senate document.

The VICE-PRESIDENT. Without objection, the order is

changed as now requested.

## EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 29, 1907, at 12 o'clock meridian.

## NOMINATIONS.

Executive nominations received by the Senate January 28, 1907. PROMOTION IN REVENUE-CUTTER SERVICE.

Second Asst. Engineer California Charles McMillan to be first assistant engineer in the Revenue-Cutter Service of the United States, to rank as such from August 22, 1906, in place of First Asst. Engineer Henry Todd Powell, resigned.

## PROMOTIONS IN THE ARMY.

## Infantry Arm-To be first lieutenants.

Second Lieut, Robert G. Caldwell, Eighteenth Infantry, from

July 2, 1906, vice Young, Tenth Infantry, promoted.

Second Lieut. Hugh A. Parker, Twenty-eighth Infantry, from
July 2, 1906, vice Parker (W. M.), Eleventh Infantry, promoted.

Second Lieut. Charles W. Tillotson, Nineteenth Infantry, from July 3, 1906, vice Clark, Fifth Infantry, promoted.

Second Lieut. Will D. Wills, Twenty-eighth Infantry, from July 7, 1906, vice Hunt, Nineteenth Infantry, promoted.

Second Lieut. Arthur T. Dalton, Twenty-seventh Infantry, from July 13, 1906, vice Simonds, Twenty-second Infantry, pro-

Second Lieut. Otho E. Michaelis, Fifth Infantry, from July 28, 1906, vice Rucker, Sixteenth Infantry, retired from active service.

Second Lieut, William C. Stoll, Eleventh Infantry, from July 28, 1906, vice Frith, Twenty-ninth Infantry, promoted. Second Lieut. Ira A. Smith, Nineteenth Infantry, from August

7, 1906, vice Ansell, Eleventh Infantry, promoted.

Second Lieut. James E. Ware, Fourteenth Infantry, from August 7, 1906, vice Peck, Twenty-fourth Infantry, promoted. Second Lieut. Frank W. Dawson, Twenty-ninth Infantry, from August 8, 1906, vice Anderson, Nineteenth Infantry, re-

## POSTMASTERS.

#### COLORADO.

Hockley T. Hamill to be postmaster at Georgetown, in the county of Clear Creek and State of Colorado, in place of Hocklev T. Hamill. Incumbent's commission expires February 28,

Carrie James to be postmaster at Loveland, in the county of Larimer and State of Colorado, in place of David James, de-

Francis M. Tague to be postmaster at Las Animas, in the county of Bent and State of Colorado, in place of Francis M. Tague. Incumbent's commission expires March 3, 1907.

#### PLORIDA

J. P. Schell to be postmaster at Chipley, in the county of Washington and State of Florida, in place of John S. Alley, de-

#### ILLINOIS.

Carson T. Metcalf to be postmaster at Greenfield, in the county of Greene and State of Illinois, in place of John D. Robards. Incumbent's commission expired July 1, 1906.

Peter A. Nelson to be postmaster at Lamont, in the county of Cook and State of Illinois, in place of Peter A. Nelson. Incumbent's commission expired January 23, 1907.

William H. Pease to be postmaster at Harvey, in the county of Cook and State of Illinois, in place of William H. Pease. Incumbent's commission expired January 23, 1907.

Rollin Waite to be postmaster at McHenry, in the county of McHenry and State of Illinois. Office became Presidential October 1, 1906.

### INDIANA.

George W. Patchell to be postmaster at Union City, in the county of Randolph and State of Indiana, in place of James S. Reeves, deceased.

Thomas Rudd to be postmaster at Butler, in the county of Dekalb and State of Indiana, in place of Thomas Rudd. Incumbent's commission expired December 20, 1906.

Amanda Sullivan to be postmaster at Garrett, in the county of Dekalb and State of Indiana, in place of Amanda Sullivan. Incumbent's commission expired January 7, 1907.

## IOWA.

Eugene J. Birchard to be postmaster at Kellogg, in the county of Jasper and State of Iowa. Office became Presidential January 1, 1907.

Nettie Lewis to be postmaster at Marcus, in the county of Cherokee and State of Iowa, in place of Francis A. Lewis, deceased.

## KANSAS.

Thomas H. Earnest to be postmaster at Cherryvale, in the county of Montgomery and State of Kansas, in place of Thomas H. Earnest. Incumbent's commission expired December 9, 1906.

James J. Evans to be postmaster at Hartford, in the county

of Lyon and State of Kansas, in place of James J. Evans. Incumbent's commission expired January 22, 1907.

James S. Price to be postmaster at Baxter Springs, in the county of Cherokee and State of Kansas, in place of William S. Baxter, removed.

Seth T. Snipe to be postmaster at Bath, in the county of Sagadahoc and State of Maine, in place of Hiram A. Huse, de-

## MASSACHUSETTS.

Louis L. Campbell to be postmaster at Northampton, in the county of Hampshire and State of Massachusetts, in place of Louis L. Campbell. Incumbent's commission expires February 4, 1907.

Waiter L. Shaw to be postmaster at Palmer, in the county of Hampden and State of Massachusetts, in place of Walter L. Shaw. Incumbent's commission expires February 4, 1907.

## MICHIGAN.

Martin N. Brady to be postmaster at Saginaw West Side, in the county of Saginaw and State of Michigan, in place of Martin N. Brady. Incumbent's commission expires February 11, 1907

Will H. Brunson to be postmaster at St. Johns, in the county

of Clinton and State of Michigan, in place of Will H. Brunson.

Incumbent's commission expires February 7, 1907.

Charles Gauntlett to be postmaster at Milan, in the county of Washtenaw and State of Michigan, in place of Charles W. Pullen. Incumbent's commission expires February 2, 1907.

John Hanna to be postmaster at Birmingham, in the county

of Oakland and State of Michigan, in place of John Hanna. Incumbent's commission expires February 2, 1907.

#### MINNESOTA.

Ole H. Grasmoen to be postmaster at Fairfax, in the county of Renville and State of Minnesota. Office became Presidential January 1, 1907.

O. J. Simmons to be postmaster at Austin, in the county of Mower and State of Minnesota, in place of Samuel Sweningsen. Incumbent's commission expires March 2, 1907.

#### MISSOURI.

Thomas Sharp to be postmaster at Wellsville, in the county of Montgomery and State of Missouri, in place of Thomas Sharp. Incumbent's commission expires February 11, 1907.

Wesley W. Wehrli to be postmaster at Mound City, in the county of Holt and State of Missouri, in place of Wesley W. Wehrli. Incumbent's commission expires March 2, 1907.

### NEW JERSEY.

Herbert H. Biddulph to be postmaster at Montclair, in the county of Essex and State of New Jersey, in place of William L. Doremus, deceased.

Frank A. Brown to be postmaster at Cranbury, in the county of Middlesex and State of New Jersey, in place of Frank A. Brown. Incumbent's commission expired January 22, 1907.

NEW YORK. Samuel H. Palmer to be postmaster at Ogdensburg, in the county of St. Lawrence and State of New York, in place of Samuel H. Palmer. Incumbent's commission expired December 20, 1906.

Frank R. Utter to be postmaster at Friendship, in the county of Allegany and State of New York, in place of Frank R. Utter. Incumbent's commission expires February 26, 1907.

## NORTH CAROLINA.

Mack Brantley to be postmaster at Spring Hope, in the county of Nash and State of North Carolina. Office became Presidential January 1, 1907.

Charles T. Hickey to be postmaster at Spruce Pine, in the county of Mitchell and State of North Carolina. Office became Presidential January 1, 1907.

## оню.

James A. Downs to be postmaster at Scio, in the county of Harrison and State of Ohio, in place of William H. H. Masters. Incumbent's commission expired January 26, 1907.

## OREGON.

W. T. Bell to be postmaster at Enterprise, in the county of Wallowa and State of Oregon. Office became Presidential January 1, 1907.

## PENNSYLVANIA.

William A. Boyd to be postmaster at Sandy Lake, in the county of Mercer and State of Pennsylvania, in place of William Incumbent's commission expires February 26, 1907.

W. D. McGinniss to be postmaster at Emlenton, in the county of Venango and State of Pennsylvania, in place of Merrick Davidson. Incumbent's commission expires February 26, 1907.

# TEXAS.

Leander A. Canada to be postmaster at Morgan, in the county of Bosque and State of Texas. Office became Presidential January 1, 1907.

May Harrison to be postmaster at Rising Star, in the county of Eastland and State of Texas. Office became Presidential January 1, 1907.

Theodore Miller to be postmaster at Rusk, in the county of Cherokee and State of Texas, in place of Theodore Miller. Incumbent's commission expired January 20, 1907.

## VIRGINIA.

John B. Grayson to be postmaster at Warrenton, in the county of Fauquier and State of Virginia, in place of John M. Campbell,

James H. Sumpter to be postmaster at Floyd, in the county of Floyd and State of Virginia. Office became Presidential January 1, 1907.

## CONFIRMATIONS.

Executive nominations confirmed by the Senate January 28, 1907. COMMISSIONER OF THE GENERAL LAND OFFICE.

Richard A. Ballinger, of Seattle, Wash., to be Commissioner of the General Land Office.

### APPOINTMENT IN THE REVENUE-CUTTER SERVICE.

William C. Besselievre, jr., of Massachusetts, to be constructor in the Revenue-Cutter Service of the United States.

## REGISTERS OF THE LAND OFFICE.

David J. Girard, of Eureka, Cal., to be register of the land office at Eureka, Cal.

Samuel A. Abbey, of Colorado, to be register of the land office at Pueblo, Colo., to take effect March 3, 1907.

Lee Fairbanks, of Colorado, to be register of the land office at Del Norte, Colo., to take effect March 3, 1907.

Addison T. Smith, of Boise, Idaho, to be register of the land office at Boise, Idaho.

### RECEIVERS OF PUBLIC MONEYS.

Edward S. Wiggins, of Oklahoma, to be receiver of public moneys at Woodward, Okla.

Alfred C. Steinman, of Ellensburg, Wash., to be receiver of public moneys at North Yakima, Wash.

#### POSTMASTERS.

#### CALIFORNIA.

John W. Short to be postmaster at Fresno, in the county of Fresno and State of California.

### COLORADO.

George S. Mott to be postmaster at Telluride, in the county of San Miguel and State of Colorado.

George W. Shuler to be postmaster at Holyoke, in the county of Phillips and State of Colorado.

#### IDAHO.

Orville J. Butler to be postmaster at Harrison, in the county of Kootenai and State of Idaho.

William D. Hardwick to be postmaster at Nezperce, in the county of Nez Perce and State of Idaho.

Millie R. Longfellow to be postmaster at Mountain Home, in the county of Elmore and State of Idaho.

Olof Olson to be postmaster at Troy, in the county of Latah and State of Idaho.

## ILLINOIS.

Adolph Fehrman to be postmaster at Pekin, in the county of Tazewell and State of Illinois.

Theodore A. Fritchey to be postmaster at Olney, in the county of Richland and State of Illinois.

William A. Hardy to be postmaster at Springvalley, in the county of Bureau and State of Illinois.

William C. Heining to be postmaster at Red Bud, in the county of Randolph and State of Illinois.

Andrew J. Pickrell to be postmaster at Anna, in the county of Union and State of Illinois.

George C. Roberts to be postmaster at Greenview, in the county of Menard and State of Illinois.

Chaires Scofield to be postmaster at Marengo, in the county of McHenry and State of Illinois.

Allen T. Spivey to be postmaster at Shawneetown, in the county of Gallatin and State of Illinois.

Edwin L. Welton to be postmaster at Centralia, in the county of Marion and State of Illinois.

## INDIAN TERRITORY.

W. S. Browning to be postmaster at Weleetka, in district 13, Indian Territory.

## MAINE.

Seth T. Snipe to be postmaster at Bath, in the State of Maine. MARYLAND.

Sewell M. Moore to be postmaster at Cambridge, in the county of Dorchester and State of Maryland.

## MISSOURI.

John L. Schmitz to be postmaster at Chillicothe, in the county of Livingston and State of Missouri.

## NEW JERSEY.

Thomas E. Hunt to be postmaster at Penn Grove, in the county of Salem and State of New Jersey.

Adam Kandle to be postmaster at Elmer, in the county of Salem and State of New Jersey.

## NEW YORK.

Andrew D. Annable to be postmaster at Otego, in the county of Otsego and State of New York.

Warren B. Ashmead to be postmaster at Jamaica, in the county of Queens and State of New York.

Hiram W. Vedder to be postmaster at Waterford, in the

county of Saratoga and State of New York.

## OREGON.

George W. McQueen to be postmaster at Cottage Grove, in the county of Lane and State of Oregon.

## PENNSYLVANIA.

William H. H. Lea to be postmaster at Carnegie, in the county of Allegheny and State of Pennsylvania.

Samuel R. McMorran to be postmaster at Aspinwall, in the

county of Allegheny and State of Pennsylvania.

Herman H. North to be postmaster at Bradford, in the county of McKean and State of Pennsylvania.

#### TEXAS.

Isham H. Nelson to be postmaster at Snyder, in the county of Scurry and State of Texas.

Laura M. Poe to be postmaster at Santa Anna, in the county of Coleman and State of Texas.

Jacob J. Utts to be postmaster at Canton, in the county of Van Zandt and State of Texas.

Wilber H. Webber to be postmaster at Lampasas, in the county of Lampasas and State of Texas.

David M. Wilson to be postmaster at Bridgeport, in the county of Wise and State of Texas.

## HOUSE OF REPRESENTATIVES.

## Monday, January 28, 1907.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. Henry N. Couden, D. D. The Journal of Saturday's proceedings was read and approved.

#### EXPLANATION.

Mr. TAWNEY. Mr. Speaker, I desire to explain a statement I made on the day of the last session of the House. On page 1784 of the Record of January 26, during the debate on the agricultural appropriation bill, after the paragraph in relation to breeding animals was stricken out on the point of order made by the gentleman from New York, the gentleman from Colorado [Mr. Brooks] offered an amendment restoring that part of the paragraph relating to the appropriation to aid the State experimental station in carrying on this work, but leaving the amount to be appropriated at \$50,000, as originally carried in To that I offered an amendment reducing the amount carried in the amendment of the gentleman from Colorado from \$50,000 to \$25,000. In explanation of my amendment I made the statement "and I am informed that it was understood among the members of the committee that if the proviso went out the amount should be reduced to \$25,000, which is the current appropriation." The basis for that statement was remarks that were made here about me on the floor at that time concerning the matter; but I have since been informed by the chairman of the committee having in charge the agricultural appropriation bill that there was no agreement; there was no understanding whatever relative to the amount that was to be carried by the amendment offered by the gentleman from Colorado [Mr. Brooks] in the event that the proviso went out, as stated by me, and that the gentleman from Colorado [Mr. Brooks] in offering the amendment as he did did not do so in violation of any agreement or any understanding whatever. I wish to exonerate him entirely from the implication in my re-The statement I made was incorrect and not justified I make this statement in justice to the gentleman by the fact. from Colorado.

The SPEAKER. Does the gentleman desire the RECORD to be corrected?

Mr. TAWNEY. I just want to make that statement in explanation, Mr. Speaker.

Mr. BROOKS of Colorado. Mr. Speaker, I desire to express my thanks and appreciation to the gentleman from Minnesota for his very kind action in making the correction, and also to the gentleman from New York [Mr. Wadsworth] for his statement to the same effect.

## POSTAL COMMISSION.

Mr. OVERSTREET of Indiana. Mr. Speaker, I ask unanimous consent for the present consideration of the following joint resolution:

The Clerk read as follows (H. J. Res. 230):

The Clerk read as follows (H. J. Res. 230):

Resolved, That the Joint Commission of Congress appointed under the provisions of the act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, approved June 26, 1906, shall not be deemed to be discharged by the presentation to the Senate or the House of Representatives of its said report, but is hereby continued in existence with all the powers created by said act until the termination of the present session of Congress for the purpose of completing the preparation, printing, and publication of the record of the hearings held by said Commission, and for the preparation, printing, and publication of an index and digest of the same. And the unexpended balance of the appropriation for said Commission in said act shall be available for the expenses of the said Commission. And that payments that have been made or are hereafter to be made on account of the expenses of the said Commission, upon vouchers approved by the chairman thereof, shall be deemed held and taken and

are hereby declared to be conclusive upon all Departments and officers of the Government.

Mr. WILLIAMS. Will the gentleman yield to me? Mr. Speaker, I want to say that I think this resolution ought to pass That Commission has not finished its work, because of any fault of its own, but because they have not had time. It appears to me to be a matter of very great importance in the economical administration of the Department; and I hope there will be no objection.

The SPEAKER. Is there objection? [After a pause.] The

Chair hears none.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. Overstreet of Indiana, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

## REPORT OF POSTAL COMMISSION.

Mr. OVERSTREET of Indiana presented the report of the Postal Commission authorized by Congress to make inquiry regarding second-class mail matter; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5380. An act granting an increase of pension to Richard Jones—to the Committee on Invalid Pensions.

S. 6044. An act granting an increase of pension to John H. Arnold—to the Committee on Invalid Pensions.

S. 4629. An act granting an increase of pension to Mary Jane Miller—to the Committee on Invalid Pensions.

S. 6634. An act granting an increase of pension to John P. Murray—to the Committee on Invalid Pensions.

S. 7021. An act granting an increase of pension to Hugh J. McJunkin—to the Committee on Invalid Pensions.

S. 5171. An act granting an increase of pension to Jennie H. Marshall—to the Committee on Invalid Pensions.

S. 2748. An act granting an increase of pension to Joel R. Smith—to the Committee on Invalid Pensions.

S. 7078. An act granting a pension to Daniel Schaffner—to the Committee on Invalid Pensions.

S. 7218. An act granting an increase of pension to Samuel D. Thompson—to the Committee on Invalid Pensions. S. 2954. An act granting an increase of pension to Hannah

Welch—to the Committee on Invalid Pensions. S.7491. An act granting an increase of pension to Anna V. Blaney—to the Committee on Invalid Pensions.

S. 5970. An act granting an increase of pension to Julia A. Horton—to the Committee on Invalid Pensions.

S. 7492. An act granting an increase of pension to Benjamin Clow-to the Committee on Invalid Pensions.

S. 3563. An act granting an increase of pension to Orin D. Sisco—to the Committee on Invalid Pensions.

S. 7452. An act granting an increase of pension to Thomas Harrop—to the Committee on Invalid Pensions.

S. 6956. An act granting an increase of pension to Eli Ford, alias Jacob Butler—to the Committee on Invalid Pensions S. 6711. An act granting an increase of pension to Harvey

B. F. Keller—to the Committee on Invalid Pensions. S. 6713. An act granting an increase of pension to James L.

Short—to the Committee on Invalid Pensions. S. 7683. An act granting an increase of pension to William Wakefield—to the Committee on Invalid Pensions.

S. 5400. An act granting an increase of pension to John A. Chase—to the Committee on Invalid Pensions.

S. 7509. An act granting an increase of pension to William T. Bennett—to the Committee on Invalid Pensions. S. 4958. An act granting an increase of pension to William W.

Duffield—to the Committee on Invalid Pensions. S. 5782. An act granting an increase of pension to Octave

L. F. E. Fariola—to the Committee on Invalid Pensions.

S. 4396. An act granting an increase of pension to Thomas C. Davis-to the Committee on Pensions.

S. 3434. An act granting an increase of pension to Charles M. Canfield—to the Committee on Invalid Pensions.

S. 7379. An act granting an increase of pension to Mary E. Dougherty—to the Committee on Invalid Pensions.

S. 7025. An act granting an increase of pension to James C. -to the Committee on Pensions.

S. 7672. An act granting an increase of pension to Elvina Adams—to the Committee on Pensions.

S. 5261. An act granting an increase of pension to Stephen A. Barker—to the Committee on Invalid Pensions.

S. 7673. An act granting an increase of pension to William W. Jordan—to the Committee on Pensions.

S. 7668. An act granting an increase of pension to Henry H. Buzzell—to the Committee on Invalid Pensions.

S. 7666. An act granting an increase of pension to True Sanborn, jr.-to the Committee on Invalid Pensions

S. 7430. An act granting a pension to Mary F. Johnson—to the Committee on Invalid Pensions.

S. 7818. An act granting an increase of pension to Edward Bird—to the Committee on Invalid Pensions.

S. 1261. An act granting an increase of pension to Edwin P. Richardson—to the Committee on Invalid Pensions.

S. 7745. An act granting an increase of pension to Frederick Wood—to the Committee on Invalid Pensions.

S. 7574. An act granting an increase of pension to Emily J. Larkham-to the Committee on Invalid Pensions.

S. 7843. An act granting an increase of pension to Isaac Oakman—to the Committee on Invalid Pensions.

S. 6734. An act granting an increase of pension to John C. Snell—to the Comittee on Invalid Pensions.

S. 7685. An act granting an increase of pension to Albion W. Tebbetts—to the Committee on Invalid Pensions.

S. 7380. An act granting an increase of pension to Andrew J. Harris—to the Committee on Invalid Pensions.

S. 7058. An act granting an increase of pension to Gilbert

Bailie—to the Committee on Invalid Pensions. S. 7533. An act granting an increase of pension to Orvil Dodge—to the Committee on Invalid Pensions.

S. 4742. An act granting an increase of pension to Mary E. Allen—to the Committee on Pensions.

8,7061. An act granting an increase of pension to Hugh Mc-Naughton—to the Committee on Invalid Pensions.

S. 5681. An act granting an increase of pension to William Grant—to the Committee on Invalid Pensions.

S. 7171. An act granting an increase of pension to Margaret Holden—to the Committee on Invalid Pensions.

S. 5884. An act granting an increase of pension to Cyrus

Palmer—to the Committee on Invalid Pensions. S. 7136. An act granting an increase of pension to Cornelia

W. Clay—to the Committee on Invalid Pensions. S. 7272. An act granting an increase of pension to George W.

-to the Committee on Invalid Pensions. S. 7196. An act granting an increase of pension to William H.

Hubbard—to the Committee on Invalid Pensions 8. 4693. An act granting an increase of pension to Irvin M.

-to the Committee on Invalid Pensions. S. 7820. An act granting an increase of pension to Benjamin

B. Cravens—to the Committee on Invalid Pensions. S. 7642. An act granting an increase of pension to Oliver H.

P. Rhoads—to the Committee on Invalid Pensions. S. 3268. An act granting an increase of pension to Jacob A.

Ward—to the Committee on Invalid Pensions. S. 6612. An act granting an increase of pension to George II. McClung—to the Committee on Invalid Pensions,

S. 4873. An act granting an increase of pension to D. Laning Ross—to the Committee on Invalid Pensions.

S. 6606. An act granting an increase of pension to Alexander

Sholl—to the Committee on Invalid Pensions. S. 5374. An act granting a pension to Floyd Λ. Honaker—to the Committee on Invalid Pensions.

S. 6909. An act granting an increase of pension to William H.

Adams—to the Committee on Invalid Pensions. S. 7044. An act granting an increase of pension to Sylvester O. Pevear—to the Committee on Invalid Pensions.

S. 6665. An act granting an increase of pension to Samuel

B. T. Goodrich-to the Committee on Invalid Pensions, S. 177. An act granting an increase of pension to Alvah D. Wilson—to the Committee on Invalid Pensions,

S. 7394. An act granting an increase of pension to Henrietta to the Committee on Invalid Pensions.

S. 2083. An act granting an increase of pension to Asa K. Harbert—to the Committee on Invalid Pensions.

S. 7150. An act granting an increase of pension to John Bellto the Committee on Invalid Pensions.

S. 6899. An act granting an increase of pension to George H. Nye-to the Committee on Invalid Pensions,

S. 7880. An act granting an increase of pension to Sarah E.

Stockton-to the Committee on Invalid Pensions. S. 5457. An act granting an increase of pension to Albert Teets—to the Committee on Invalid Pensions.

S. 3998. An act granting an increase of pension to Thomas

Warner—to the Committee on Invalid Pensions, S. 1622. An act granting a pension to Jane Agnew—to the Committee on Invalid Pensions.

S. 3127. An act granting an increase of pension to John R. Callenderto the Committee on Invalid Pensions.

S. 7605. An act granting an increase of pension to Judiah B. Smithson—to the Committee on Invalid Pensions.

S. 6352. An act granting an increase of pension to Hiram H. Lockwood—to the Committee on Invalid Pensions,

S. 7841. An act granting an increase of pension to Frank De Nover—to the Committee on Invalid Pensions.

8.5730. An act granting an increase of pension to William O. Spelman—to the Committee on Invalid Pensions.

S. 7355. An act granting an increase of pension to William McHenry Plotner—to the Committee on Invalid Pensions.

S. 6635. An act granting an increase of pension to John A. Morris—to the Committee on Invalid Pensions.

S. 7840. An act granting an increase of pension to Lewis A.

Towne—to the Committee on Invalid Pensions. S. 7768. An act granting an increase of pension to Alonzo P.

Mann—to the Committee on Invalid Pensions. S. 7684. An act to provide and maintain for the port of Galveston, Tex., a customs boarding boat—to the Committee on In-

terstate and Foreign Commerce. S. 7706. An act for the relief of Robert Broadbent, Barger Holst, James A. Dunham, Byron Dawley, Axel Rosendahl, Will

J. Elliott, and C. M. Hutchins—to the Committee on Claims. S. 4559. An act granting an increase of pension to John A. Wagner—to the Committee on Invalid Pensions.

S. 3645. An act to correct the military record of Edwin Moyer-to the Committee on Military Affairs.

S. 1566. An act for the relief of Isaiah Heylin McDonald-to the Committee on Military Affairs.

S. 7996. An act granting an increase of pension to Robert B. Lucas—to the Committee on Invalid Pensions.

8,7995. An act granting an increase of pension to Ashley White—to the Committee on Invalid Pensions.

S. 7879. An act granting to the Los Angeles Inter-Urban Railway Company a right of way for railroad purposes through the United States military reservation at San Pedro, Cal.—to the Committee on Military Affairs.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 7840. An act granting an increase of pension to Lewis A. Towne.

The message also announced that the Senate had passed without amendment bills of the following titles

H. R. 24111. An act to authorize the Norfolk and Western Railway Company to construct a bridge across the Potomac River, at or near Shepherdstown, W. Va.; H. R. 21402. An act permitting the building of a dam across

the Savannah River at Gregg Shoals;

H. R. 24047. An act to authorize Chapter No. 376 of the Daughters of the American Revolution to erect a fountain on the property of the United States at Paducah, Ky.; and

H. R. 24104. An act transferring Phelps County to the eastern division of the eastern judicial district of Missouri.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 7034) to incorporate the International Sunday School Association of America.

The message also announced that the Senate had passed without amendment the following resolution:

## House concurrent resolution No. 49.

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 16944) to amend section 878 of the Code of Law for the District of Columbia.

## ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 7177. An act granting an increase of pension to Melvin L. Le Suer, alias James French;

S. 6510. An act granting an increase of pension to Sarah R.

Williams; S. 7096. An act granting an increase of pension to Margaret McCullough;

S. 6226. An act granting an increase of pension to Mary A. Mickler:

S. 5672. An act granting an increase of pension to Felix G. Murphy; S. 549. An act granting a pension to Louis T. Frech;

S. 4819. An act for the relief of M. A. Johnson;

S. 4404. An act granting an increase of pension to Elizabeth B. Boyle;

S. 4350. An act for the relief of Arthur A. Underwood;

S. 2565. An act granting a pension to William P. Parrill; S. 1879. An act granting an increase of pension to Lorenzo F.

Harmon: S. 1178. An act providing for the resurvey of a township of land in Colorado; and

S. 1160. An act to correct the military record of John McKinnon, alias John Mack.

#### DISTRICT OF COLUMBIA BUSINESS.

The SPEAKER. The Chair will state to the House that the Committee on the District of Columbia (this being District Day) seems to have a pretty large Calendar. The Chair trusts that the House may be in order during the consideration of this business.

### CONDEMNATION OF LAND FOR STREETS.

Mr. BABCOCK. Mr. Speaker, I ask consideration of the bill (H. R. 23384) to amend an act entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia, regulating proceedings for condemnation of land for streets."

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, etc., That the act of Congress approved April 30, 1906, and entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia,' regulating proceedings for condemnation of land for streets," be, and the same is hereby, amended by changing the section thereof designated section 491g so as to read:

"Sec. 491g. That of the amount found to be due and awarded as damages for and in respect of the land to be condemned for said opening, extension, widening, or straightening, plus the costs and expenses of the proceeding, such amount shall be assessed by the jury as benefits, and to the extent of such benefits against the lots, pieces, or parcels of land on each side of the street, avenue, road, or highway to be opened, extended, widened, or straightened, and against any and all other lots, pieces, or parcels of land which the jury may find will be benefited by the opening, extension, widening, or straightening, as the jury may find said lots, pieces, or parcels of land will be benefited; and in oetermining the amounts to be assessed against said lots, pieces, or parcels of land the jury shall take into consideration the respective situations and topographical conditions of said lots, pieces, or parcels of land, and the benefits and advantages they may severally receive from the opening, extension, widening, or straightening of the street, avenue, road, or highway. And where part of any lot, piece, parcel, or tract of land has been dedicated for the opening, extension, widening, or straightening of the street, avenue, road, or highway, the jury, in determining whether the remainder of said lot, piece, parcel, or tract is to be assessed for benefits, and the amount of benefits, if any, to be assessed thereon, shall also take into consideration the fact of such dedication and the value of the land so dedicated. If the total amount of the damages awarded by the jury and the costs and expenses of the proceeding be in excess of the total a

Mr. HEPBURN. Mr. Speaker, I should like to ask the gentle-man in charge of this bill to explain that portion of it to be found beginning with line 15, page 2:

And where part of any lot, piece, parcel, or tract of land has been dedicated for the opening, extension, widening, or straightening of the street, avenue, road, or highway, the jury, in determining whether the remainder of said lot, piece, parcel, or tract is to be assessed for benefits, and the amount of benefits, if any, to be assessed thereon, shall also take into consideration the fact of such dedication and the value of the land so dedicated.

What I want to know is this: Suppose that a dedication is made by A, and B, C, and D own other parcels. Now, it seems to me that under the provisions of this act the benefits resulting from A's dedication might be applied to the benefit of B. C.

Mr. OLCOTT. I disagree entirely with the gentleman from Iowa; but even if his construction of the amendment were right, the amendment merely directs the jury fixing the award and the benefits to take certain matters into consideration. It does not compel any change in action toward people who have dedicated property, but it does bring before the jury and make it imperative for them to have all of the facts before them when the matter is considered.

Mr. HEPBURN. I think the language will justify another construction than that. I think I did not make myself plain to the gentleman. Here we will say are four parties whose lots or parcels of land will be affected by a particular street opening. Now, A grants to the public a portion of that. The others do not. Here is a provision, it seems to me, that the dedication of A, being a benefit, shall be considered in estimating the damages of the other parties, B, C, and D.

Mr. OLCOTT. It seems to me that is a very strained construction of that provision. It says that where property has been dedicated for the opening the value of the land so dedicated shall be taken into consideration. It seems to me it would be a remarkably strained construction to say that be-cause A dedicated some land that the value of some other land owned by B or C should be considered.

Mr. HEPBURN. That it should have the benefit of A's dedication.

Mr. OLCOTT. I do not think that could possibly be spelled out from this law. This is a matter which the corporation counsel has found to be a serious difficulty in condemnation proceedings. The amendment was prepared by the corporation counsel, and unquestionably the intention is that the dedication of A shall be considered in the awarding of benefits to A and not in the awarding of benefits to anybody else.

Mr. BABCOCK. I ask for a vote, Mr. Speaker.
The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

### FREE LECTURES.

Mr. BABCOCK. Mr. Speaker, I ask consideration of the bill (H. R. 24746) for free lectures. The bill was read, as follows:

Be it enacted, etc., That the board of education of the District of Columbia be, and it is hereby, authorized to maintain a course or series of free evening lectures.

Mr. MADDEN. Mr. Speaker, I should like to ask the gentleman a question.

Mr. BABCOCK. Certainly.
Mr. MADDEN. I wish to say in connection with this proposal to enact a law to establish a bureau of free lectures within the District of Columbia that the Committee on Appropriations have looked carefully into the proposition, and after the most thorough investigation decided that it was an expenditure of money that ought not to be made. It has been made from time to time in the past, but the amount of good accomplished by the expenditure was not such, in the judgment of the Committee on Appropriations, as to warrant its continuance. A few days ago, while the Committee of the Whole House was considering the District of Columbia appropriation bill, an item of this kind was sought to be introduced into that bill by the distinguished gentleman from New York [Mr. Olcott], the author of this bill. The House at that time refused to adopt the amendment.

Mr. OLCOTT. If the gentleman will yield a moment— Mr. MADDEN. Yes. Mr. OLCOTT. The House refused to adopt the amendment because the chairman of the subcommittee on appropriations, the gentleman from Massachusetts [Mr. GILLETT], who had the bill in charge; raised against it a point of order, and it went out on that point.

Mr. MADDEN. Well, it was refused, at any rate, and the judgment of the Committee on Appropriations was and is that this expenditure should not be saddled upon the District. believe this bill should not pass at this time, and I hope it will

Mr. MORRELL. Mr. Speaker, I would like to ask the gentleman his reasons for opposing the appropriation.

Mr. MADDEN. The reason the Committee on Appropriations

opposed the appropriation was that it was simply the creation of a place to give employment to somebody, not because there was any desire on the part of anybody in the District to accomplish good for the District further than the good that might be accomplished by finding a place for somebody.

Mr. MORRELL. I would like to ask the gentleman a further question, as to whether he objects to the character of the lec-

tures or the fact that free lectures should be given?

Mr. MADDEN. I object to the continuation of the lectures, for I believe that the public school system ought not to be saddled with expense of this character. The public education of the children of the District never contemplated the establishment of a lecture bureau outside of the schools. penditure is taken from the public moneys collected for educational purposes, intended to be expended through the public The money heretofore has been spent for purposes not recognized by the school law.

Mr. MORRELL. Mr. Speaker, I would like to ask the gentleman another question. Does he know the number of those who attended these lectures during any one fiscal year?

Mr. MADDEN. Well, I do not recollect now the number,

but we have the number in the record of the hearings.

Mr. MORRELL. As far as I can remember, it amounted to over 20,000 people who were benefited by this small expenditure called for in this bill. This is practically on the same lines, as I understand it, as the university extension. This bill as drafted, as I have read it and as it passed the committee, does not specify that the entire salary shall be given to any one par-

ticular individual, but that it should be applied for the purpose of free lectures. It does not, in other words, create any place.

Mr. SHACKLEFORD. Mr. Speaker, with the permission of the gentleman from Illinois [Mr. Madden] I would like to ask the gentleman from Pennsylvania [Mr. Morrell] a question.

Who were these people that attended these lectures, school

Mr. MORRELL. As far as I know there were a certain number of adults as well as school children.

Mr. SHACKLEFORD. Which predominated?

Mr. MORRELL. That I am unable to say. Mr. MADDEN. These lectures are not intended for school children at all; they are intended for adults, and the adults under the school laws ought to be obliged to pay and are obliged to pay for their own education.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield to me for five minutes?

Mr. BABCOCK. Certainly; I yield. Mr. FITZGERALD. Mr. Speaker, if this bill is passed, in my judgment, it should be amended in a very important respect. It should be amended so as to require these lectures to be delivered in the public school buildings. There have been in the past in the District of Columbia lectures given under an appropriation for free lectures

Mr. OLCOTT. We will be perfectly willing to accept an

amendment of that kind.

Mr. FITZGERALD. I will suggest it when I am finished. As I was saying, there have been in the past free lectures given under an appropriation for free lectures which were supposed to be for the benefit of persons whose early education had been neglected. It was in pursuance of a scheme of university extension that had been adopted with great success in other of the large cities of the country. The Committee on Appropriations when it undertook the investigation of this question in this session discovered this fact, that all of these lectures had been delivered at the Carnegie Library. The surroundings there are of such a character that the persons for whose benefit the lectures were originally intended felt out of place, and as a matter of fact those for whose benefit the lectures were in-

tended never attended the lectures at all.

For persons whose early education has been neglected and for whose benefit this course of lectures was arranged there were lectures delivered during the past year upon such interesting and elevating subjects for such persons as "Spanish architecture," "Tone and tone-producing qualities," and subjects of a similar character that would be a similar character that we would be a similar to the similar character that we would be a similar character that we would be a similar to the similar character that we would be a similar to the similar character than the similar character that we would be a similar to the similar than the similar tha similar character that would be of peculiar advantage to persons whose early education has been neglected. There has been continued strife over this course of free lectures. One faction desired that the school-teachers be compelled to attend and that the lectures be restricted to the school-teachers. Another faction has contended that they should be given for the benefit of those whose early education has been neglected and that the subjects should be adapted for such purposes. The result has been, however, that the purpose of the appropriation has been entirely diverted, and lectures have not been given either on the subjects or in the places where they could be of benefit to these people. If a series of free evening lectures is to be instituted and given in the public schools in the District in those localities where the residents will not feel that they are out of place in attending them, with the subjects chosen such that they will be of some advantage to them, then there might be some justification for appropriations for this purpose; but to continue the practice now in vogue of conducting a series of free lectures at the Carnegie Library for a restrictive class of persons, for persons who are not in need of this character of instruction, and to select subjects that are far beyond the comprehension of persons whose early education has been neglected, makes it, to my mind, an utterly unjustifiable expense. With the permission of the committee, I desire to offer an amendment-

Mr. OLCOTT. I would like to ask whether the gentleman from New York will be satisfied if we add, "Provided, That such lectures shall be held in some public school building in the District." We will be very glad to accept such an amendment as

that.

Mr. FITZGERALD. I think that would improve the bill immensely, and perhaps result in the selection of a class of sub-jects that would be of benefit to those for whom they are intended.

Mr. OLCOTT. Well, I suppose that matter should be left to the board of education.

Mr. FITZGERALD. It has been left to the board of education, and the result has been that all the lectures have been given at the Carnegie Library, where persons for whose benefit they were supposed to be held felt some delicacy about attending.

Mr. JAMES. Will the gentleman inform the House what is

the cost of these lectures?

Mr. OLCOTT. Fifteen hundred dollars a year. Mr. JAMES. For how many lectures?

Mr. OLCOTT. We had lectures lasting twenty-six weeks, and three or four a week.

Mr. JAMES. Upon what subjects are they-educational topics?

Mr. OLCOTT. They were upon general subjects; I can not give the complete list, but they were subjects of general practical interest to the people here. Mr. STEPHENS of Texas. I desire to ask the gentleman a

Mr. OLCOTT. Certainly.

Mr. STEPHENS of Texas. I desire to ask the gentleman who selects these lecturers?

Mr. OLCOTT. They are selected by the board of education of the District of Columbia.

Mr. STEPHENS of Texas. Is a lecturer selected by the board

of education to serve for a year?

Mr. OLCOTT. There are a number of lecturers. There is no specific lecturer, but the board of education obtain the services of several to deliver lectures upon different subjects at different times and different places.

Mr. STEPHENS of Texas. How much do they pay for the

lecturers?

Mr. OLCOTT. I can not tell you. All I know is the total expense the board of education asked for was \$1,500 a year.

Mr. STEPHENS of Texas. Then is this designed for the benefit of the students in the city schools that are under the age permitted to go to school, or is it designed for the general

It is designed, of course, for the general public, but that includes the large number of children who can, under the laws of the District of Columbia, perform some work during the day and who do attend these lectures and who go there to get some of the education that they are deprived of by reason of their financial condition.

Mr. STEPHENS of Texas. Then let me ask the gentleman if he thinks this Government should endeavor to go beyond the free-school age and educate any person under 80 years of age?

Is that the intention of this bill?

Mr. OLCOTT. I think the District of Columbia or the city of Washington can well follow the example of some of the great communities, especially the one I know most about-New York City—that has a most extensive series of lectures of the same character delivered in the public schools in the same way that we seek to have delivered here in the District.

Mr. STEPHENS of Texas. If the city of Washington or any city in the United States desires to instruct adult citizens, why should they not put up the money themselves and control it? Why should the General Government or a State government undertake to educate the adult citizens of any State or com-

Mr. OLCOTT. These are paid in the same manner that all appropriations for the city of Washington and District of Co-lumbia are made. Half of it comes out of the District of Columbia treasury and half of it comes out of this Government. I think the gentleman's objection is rather to the method by which the District is financed. It is the city of Washington that is paying for these lectures.

Mr. STEPHENS of Texas. When a man becomes old the

Government loses jurisdiction over him, and it is no longer the duty of any government to educate an adult citizen. to educate the children of any city, State, or county, but we should not undertake to educate the adults of any city, State, or

county.

Mr. OLCOTT. I do not think the gentleman would wish to be put in a position of declining to allow adults to go into these schools, when they are citizens here, and listening to the lectures

Mr. STEPHENS of Texas. I would be in favor of maintaining the law for the child, but not for the adult, of any State or

city.

Mr. BENNET of New York. Mr. Speaker, I sympathize with this bill probably because I have not had the educational advantages that my friend from New York [Mr. Fitzgerald] has. He is a college graduate. My course in public schools, or any incorporated schools, for that matter, comprised five months, and for the rest of my education I have had to depend on my own efforts and those of my mother and other members of the family. Therefore I sympathize with men and women who have arrived at mature years and who have not had the advantages that such men as my distinguished and very dear I think we ought to be ashamed of ourselves to hesitate over the expenditure of so small a sum as \$1,500 for the benefit of the laboring people and their wives and all those who have not had educational advantages

Mr. MADDEN. Will the gentleman allow me to ask him a

question?

Mr. BENNET of New York. Certainly.

Mr. MADDEN. Is he quite certain that we are giving these for the benefit of the laboring people and those who have not

had college opportunities?

Mr. BENNET of New York. Mr. Speaker, I will say in answer to the gentleman that only last year I attended a meeting of the Central Labor Union of this city, at which this very provision was advocated for this very purpose, of giving laboring people and their wives and families the chance of obtaining this education. I do not vouch for the board of education, and I do not know whether they are fully performing their duty. They seem to be reversed in the courts with some degree of frequency, but the principle is all right, and if it is not being carried out according to its purpose and intent, then let us make the board of education carry it out that way.

Mr. MADDEN. Does the gentleman believe that this bill will compel the board of education to carry it out along the line of

his thought?

Mr. BENNET of New York. I do not see why not. An amendment, I understand, is to be accepted by my colleague requiring these lectures to be given in a school building.

Mr. MADDEN. Heretofore the lectures have been given in

the Carnegie Library building, amid gilt surroundings, where no one but aristocrats could attend the lectures.

Mr. BENNET of New York. That is going to be changed. Mr. MADDEN. The lectures were upon subjects that only

can be understood by those who have had a classical education. Mr. BENNET of New York. That probably was an error.

Mr. MADDEN. I do not understand that the object of the gentleman from New York is to appropriate money to educate further along in classics those who have already been educated in that line.

Mr. BENNET of New York. Oh, no; I think it ought to be for the class of people who have not had the early advantages of education and those who have had just enough to give them

a hunger for more; and they ought to have a chance to obtain it.
Mr. MADDEN. Will the gentleman make it so that it shall

only be for this class of people?

Mr. BENNET of New York. You can not do that, of course, because once you give a public lecture you have got to let all in. Mr. JAMES. Would you be willing to extend these free lectures to the various cities throughout the United States?

Mr. BENNET of New York. Of course we have no jurisdic-

Mr. JAMES. We have just as much right, I will say to the gentleman from New York, to appropriate for free lectures in Kentucky or Texas as we have in the District of Columbia. Mr. BENNET of New York. I will let my friend from Cali-

fornia answer.

Mr. JAMES. This makes an extra tax on the whole of the people of the various States of this Union, and why should you lay it on the whole of the people for the benefit of these people here in the city of Washington while the whole people pay more taxes than they do?

Mr. KAHN. In answer to the gentleman from Kentucky I will say that in California all the university professors go all over the State and give these free lectures, and they are very

largely attended.

Mr. JAMES. And the people of California pay for it?

Mr. KAHN. Yes.

But the General Government would pay for this. Mr. JAMES. Mr. KAHN. The General Government has jurisdiction in the District of Columbia.

Mr. JAMES. I believe that if the people of the District want this they ought to pay for it, and they ought not to ask the other people of the country to pay for it.

Mr. KAHN. They do pay half.
Mr. JAMES. But not all.
Mr. BENNET of New York. That same criticism would of course apply to any appropriation for the schools. If you take the gentleman's view, the people of his State or my State are paying pro rata in the same way.

Mr. JAMES. You say that the laboring people want this ap-

propriation?

Mr. BENNET of New York. They do.

Mr. JAMES. Have they petitioned for it?
Mr. BENNET of New York. They did last year.

Mr. JAMES. As I understand the wishes of the laboring people they are asking and begging for other legislation here before this House which they can not even get upon this floor for consideration that is of a great deal more benefit to them than this pitiful sum of \$1,500.

Mr. BENNET of New York. That could be said possibly of

any bill that is considered by the House.

from New York know that the whole of this \$1,500 will be absorbed as compensation to pay lecturers?

Mr. BENNET of New York. That is the way it ought to be,

when furnished with the school buildings.

Mr. MADDEN. We have not the school buildings.

Mr. BENNET of New York. It is proposed now

Mr. MADDEN. But we never had that up to now.
Mr. BENNET of New York. I am not talking about the past,
but the present and the future. I look to the time when, with the school buildings, the whole \$1,500 will be absorbed for lectures, and there will be no expense outside of light and heat or any other legitimate expense.

Now, every large city, I think, in the United States has these free lectures. We are charged with responsibility for the city of Washington, one of the largest in the whole United States, and I thoroughly agree with what the gentleman from Iowa [Mr. Hepburn] said the other day, that it is our duty to make this city a model city, and we can not justify ourselves to our own consciences in refraining from doing it for the city of Washington when other cities, almost without exception, have adopted this plan as a part of their educational system. Why, in the Borough of Brooklyn, from which my friend Mr. Fitz-GERALD comes, last year there were 358,818 people who attended lectures in that borough alone—free public lectures. I have pictures of the crowded halls in that borough, showing that the houses were filled with the kind of people to whom lectures like that ought to be given. I hope the House will not be niggardly and will not be mean about a little matter of \$1,500, but will gladly join in aiding the educational system of the District of Columbia in every respect, and putting it in every regard on as high a plane as that of any other large city. [Loud applause.]

The SPEAKER. It seems to the Chair that the amendment

ought to be reported.

Mr. SIMS. I desire to have something to say on this bill before debate closes.

The SPEAKER. But an amendment has been offered and ac-

cepted which has not been reported.

Mr. OLCOTT. I will offer on behalf of the committee the following amendment:

The Clerk read as follows:

Insert at the end of the bill "Provided, That said lectures shall be held in some public school building."

Mr. SIMS. Mr. Speaker, I would like to have permission from the gentleman to add, and to be considered as part of that amendment, the words:

Provided, That the expense thereof shall be paid entirely from the revenues of the District of Columbia as appropriated from time to time by Congress

Will you accept that as an amendment to your amendment?

Mr. OLCOTT. I will not accept it.

Mr. SIMS. Mr. Speaker, I wish to say a few words about the Mr. OLCOTT. How much time does the gentleman desire?

Mr. SIMS. I wish ten minutes.

Mr. OLCOTT.

I yield to the gentleman ten minutes.

Mr. SIMS. Mr. Speaker, when the bill was brought up for consideration before the committee I was informed, or understood, that this proposition was in the appropriation bill and went out on a point of order made against the Appropriations Committee, and on this account I offered no resistance to the report of the bill. I have learned since that this is not a fact, but that the amendment was offered to the appropriation bill and went out on a point of order made by members of the Appropriations Committee. Having supported the bill under a misapprehension, I do not feel bound to support it here.

As to the nature of the lectures that have heretofore been given under the appropriation previously made, I think my friend from New York [Mr. Bennet] can learn whether or not they are suitable for gentlemen who had no early opportunities, like the gentleman and myself, and whether or not they are the kind of lectures that are demanded by the laboring people. For instance, take those delivered in 1905. The first one was by H. W. Wiley, Ph. D.; subject, "Feeding preservative to young men." How much did my friend from New York lose by not having been taught that in his early youth? How much will the children of the District of Columbia lose if they do not go

to hear such a lecture as that?

What else? Here was another, by Mr. Henry Oldys; subject, "Bird notes." How much did my friend from New York [Mr. Benner] lose by not having studied that in his early youth? How much do the laboring people lose by not knowing all about bird notes? I learned a great deal about bird notes by mixing Mr. MADDEN. As a matter of fact, does not the gentleman with the birds when I had hold of the plow handles; but I have never seen a laboring man who worked for a living who cared how those bird notes were made, just so he had the birds and

[Laughter.] the notes.

Now, in my laboring days I lost a great deal by not having studied Spanish architecture, which was the subject of a lecture by Mr. George O. Totten, jr. How many of our laboring ture by Mr. George O. Totten, jr. How many of our people are engaged in the study of Spanish architecture? Anpeople are engaged in the study of Spanish architecture? How much did my friend from New York lose in not knowing how to go around the world in forty minutes? See what stingy and parsimonious gentlemen the members of the Appropriations Committee are in trying to deprive us laboring people of knowing how to go around the world in forty minutes. Gentlemen, you are niggardly.

Here is another one by Rev. U. G. B. Pierce, subject "A night in the nether world." Oh, my laboring friends, how you are denied opportunities to know about nights in the nether world. You can learn all about nights in the sweatshops, and some of those sweatshops are not very far from where the gentleman from New York lives. Now my friend wants to teach them about the nether world.

Mr. BENNET of New York. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. BENNET of New York. Only on one point. I did not want to interrupt the flow of your eloquence or your bird notes.

Mr. SIMS. I did not know it was flowing.
Mr. BENNET of New York. But as to the sweatshops in New York City I want to say what the gentleman refers to would have been true three years ago, but that 95 per cent of the sweatshops in New York City have ceased to exist since

Mr. SIMS. I am glad to hear that; but what about the nether world? Is there anything going on in New York to en-

lighten people about that? [Laughter.]

Mr. BENNET of New York. Mr. Speaker, I will say that the gentleman from Tennessee and other people who do not live in New York, when they come there learn a great deal more about the nether world in New York City than we who live there all the time know about it. [Laughter.]

Mr. SIMS. It is the only opportunity we have to know anything about it, when we go to New York, while you people who live there in the nether world do not have to go out to learn

Now, I call your attention to another lecture delivered by Rev. John Van Schaick, jr., subject "Yacation days in Scotland." How cruel it is to deny our laboring people of the opportunity to hear about vacation days in Scotland. It is true we have a few vacation days here, called "holidays;" so many of them that there is hardly time to educate the children on account of the holidays, holy weeks, and holy months. Of course you want to tax your constituents and mine to let the laboring people of the District of Columbia know about vacation days in Scotland. Take this entire list of subjects from one end to the other and I could beat any man in my district who would run for office and claim to be a laboring man who would favor the expenditure of money for such purposes as this. One-half of this comes from the people of your State and mine, where they learn the bird notes from their own birds and at their own expense, and I think the amendment is a just one. If the people of the District of Columbia and the laboring people here want these lectures, let them pay for them, because we in our country do not need to know anything about nights in the nether world, about Spanish architecture, about bird notes, about vacation days in Scotland, about how to go around the world in forty minutes, or anything else covered by these lectures here. [Applause and laughter.]

The SPEAKER. The question is on agreeing to the com-

mittee amendment.

The question was taken; and the committee amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The question was taken; and the bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill. The question was taken; and on a division (demanded by Mr. James) there were—ayes 81, noes 63.

Mr. SIMS. Mr. Speaker, I demand tellers.

Tellers were ordered.

Mr. OLCOTT and Mr. STEPHENS of Texas were appointed tellers. The House again divided; and the tellers reported—ayes 72,

Mr. OLCOTT. Mr. Speaker, I demand the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 104, answering "present" 12, not voting 153, as follows:

Acheson Allen, Me. Ames Babcock Barchfeld Bartholdt Bates Bede Bennet, N. Y. Bonynge Bradley Brownlow Brumm Buckman Burke, S. Dak. Calder Campbell, Kans. Campbell, Ohio Campbell, Oh Capron Cassel Chaney Chapman Cocks Cole Conner Cooper, Pa. Cooper, Wis. Coudrey

YEAS-112. Cousins Hull Kahn Keifer Cromer Crumpacker Keliher Keliher Kennedy, Nebr. Kinkaid Knapp Knowland Davidson Dawes Dawson Dovener Ellis Knowland
Lacey
Lafean
Landis, Frederick
Lilley, Pa.
Littauer
Longworth
Lovering
Lowden
McCall
McCarthy
McCreary, Pa.
McGavin
McKinley, Ill.
McNary
Mahon Fills Fassett Fitzgerald Foster, Vt. Fuller Gardner, Mass. Gardner, Mas Graham Greene Gronna Hale Haskins Hayes Henry, Conn. Hepburn Hermann Hermann Higgins Hinshaw Howell, N. J. Hubbard Huff Mahon Marshall Martin Moore, Pa. Mouser Hughes Murphy NAYS-104.

Olcott Overstreet, Ind. Parsons Pearre Powers Reeder Rhodes Rives Rodenberg Ruppert Sherman Sibley Southard Stafford Sulloway
Tawney
Taylor, Ohio
Towne
Volstead
Vreeland Waldo Wanger Watson Weeks Wiley, N. J. Wood Rucker Russell

Adamson Beall, Tex. Bell, Ga. Bowers Bowersock Brantley Brick Broocks, Tex. Broussard Burleson Byrd Candler Clark, Fla. Clark, Mo. Clayton Cushman Darragh Davey, La. De Armond Dixon, Ind. Driscoll Ellerbe Field Flood Floyd

Lewis
Lilley, Conn.
Lloyd
McLain
Macon
Madden
Mann
Moon, Tenn. Garner Garrett Gilbert Gilhams Gill Gillespie Gillett Glass Gregg Hay Hedge Moore, Tex. Murdock Norris Heflin Overstreet, Ga. Henry, Tex. Padgett Hogg Holliday Hopkins Page Patterson, N. C. Patterson, S. C. Hopkins
Houston
Humphrey, Wash.
Prince
James
Johnson
Jones, Va.
Ransde Pujo Randell, Tex. Ransdell, La. Rhinock Richardson, Ala. Richardson, Ky. Robertson, La. Robinson, Ark. Lamar Lamb Lee Lever ANSWERED "PRESENT"-12. Hardwick Finley

Ryan Saunders Scott Shackleford Shartel Sheppard Sherley Sims Slemp Smith, Ky. Smith, Md. Smith, Pa. Smith, Tex. Snapp Sparkman Sparkman
Spight
Stanley
Stephens, Tex.
Thomas, N. C.
Trimble
Wallace
Webb
Young Young Zenor

Bartlett Butler, Pa. Deemer

Fulkerson

Humphreys, Miss. Hunt Griggs Hamilton Meyer

#### NOT VOTING-153.

Edwards Englebright Esch Flack Fletcher Fordney Alken Alexander Allen, N. J. Andrus Bankhead Bannon Reidler Bennett, Ky. Bingham Birdsall Foster, Ind. Fowler French Gaines, Tenn. Gaines, W. Va. Bishop Blackburn Boutell Bowie Brooks, Colo. Garber Gardner, Mich. Gardner, N. J. Brown Brundidge Goebel Goldfogle Goulden Graff Granger Burgess Burke, Pa. Burleigh Burnett Grosvenor Gudger Burnett Burton, Del. Burton, Ohio Butler, Tenn. Calderhead Haugen Hearst Hill, Conn. Hill, Miss. Calderhead Cockran Currier Curtis Dale Dalzell Davis, Minn. Davis, W. Va. Denby Hill, Miss.
Howard
Howell, Utah
Kennedy, Ohio
Kitchin, Claude
Kitchin, Wm. W.
Klepper
Kine
Knopf
Lendis Chas B. Dickson, Ill. Dixon, Mont. Landis, Chas. B. Law Lawrence Le Fevre Legare Draper Dresser Dunwell

Lindsay
Lindsay
Littlefield
Livingston
Lorimer
Loudenslager
McCleary, Minn.
McDermott McKinlay, Cal. McKinney McLachlan McMorran Maynard Michalek Miller Minor Minor Mondell Moon, Pa. Morrell Mudd Needham Nevin Olmsted Palmer Parker Payne Perkins Pollard Rainey Reid Reyburn Reynolds Riordan Rixey Roberts Samuel Schneebell Scroggy

Scroggy Slayden

Smith, Cal. Smith, Ill. Smith, Iowa Smith, Samuel W. Smith, Wm. Aiden Smyser Southall Southwick Sperry Steenerson Sterling Stevens, Minn. Sullivan Sulzer Talbott Taylor, Ala. Thomas, Ohio Thomas, Ohi Tirrell Townsend Tyndall Underwood Van Duzer Van Winkle Wachter Wadsworth Washburn Watkins Watkins Webber Weems Weisse Welborn Wharton Wiley, Ala. Williams Wilson Woodyard

So the bill was passed.

The Clerk announced the following pairs:

For the vote:

Dwight

Mr. DALZELL with Mr. SULLIVAN.

- Mr. Grosvenor with Mr. Granger.
- Mr. PAYNE with Mr. WILLIAMS.
- For the day:
- Mr. Alexander with Mr. Bankhead.
- Mr. Bannon with Mr. Aiken. Mr. Birdsall with Mr. Burnett, Mr. Boutell with Mr. Griggs.
- Mr. Butler of Pennsylvania with Mr. Bartlett. Mr. Calderhead with Mr. Gaines of Tennessee.
- Mr. Dale with Mr. Bowie.
- Mr. Davis of Minnesota with Mr. Howard.
- Mr. DENBY with Mr. GARBER.
- Mr. Dickson of Illinois with Mr. Hill of Mississippi.
- Mr. Dovener with Mr. Lindsay.
- Mr. Draper with Mr. Goulden.
- Mr. DUNWELL with Mr. WATKINS. Mr. French with Mr. Van Duzer.
- Mr. Gardner of Michigan with Mr. Taylor of Alabama.
- Mr. Hamilton with Mr. Burgess.
- Mr. Jenkins with Mr. Weisse.
- Mr. Kennedy of Ohio with Mr. Gudger.
- Mr. LAWRENCE with Mr. HEARST.
- Mr. LE FEVRE with Mr. WILLIAM W. KITCHIN.
- Mr. Burleigh with Mr. Butler of Tennessee.
- Mr. Loudenslager with Mr. Livingston.
- Mr. McKinney with Mr. Rainey.
- Mr. Mudd with Mr. Talbott. Mr. Needham with Mr. Maynard.
- Mr. FORDNEY with Mr. SOUTHALL, Mr. OLMSTED with Mr. REID.

- Mr. Perkins with Mr. Goldfogle. Mr. Reynolds with Mr. Rixey.
- Mr. Samuel W. Smith with Mr. Slayden. Mr. Wm. Alden Smith with Mr. Sulzer.
- Mr. Southwick with Mr. Claude Kitchin.
- Mr. THOMAS of Ohio with Mr. LEGARE.
- Mr. Tirrell with Mr. Wiley of Alabama. Mr. Woodyard with Mr. Hardwick.
- Until further notice
- Mr. BINGHAM with Mr. COCKRAN.
- Mr. Lorimer with Mr. Humphreys of Mississippi.
- Mr. Morrell with Mr. Riordan.
- Mr. Smith of Iowa with Mr. Brundinge.
- Mr. WACHTER with Mr. SMALL.
- For the session:
- Mr. Currier with Mr. Finley.
- Mr. Deemer with Mr. Kline,
- Mr. Foss with Mr. Meyer. Mr. VAN WINKLE with Mr. McDermott.
- Mr. WILEY of Alabama. Mr. Speaker, I desire to be recorded as "present.
- The SPEAKER pro tempore (Mr. CAPRON). Has the gentle-
- man already voted?

  Mr. WILEY of Alabama. No, sir.

  The SPEAKER pro tempore. Was the gentleman present and listening when his name was called or should have been called?

  Mr. WILEY of Alabama. No, sir; I was just outside.

  The SPEAKER pro tempore. Then the gentleman's vote can
- not be recorded. The result of the vote was announced as above recorded.
- On motion of Mr. Babcock, a motion to reconsider the vote was laid on the table.

### ALBEMARLE STREET, DISTRICT OF COLUMBIA.

- Mr. BABCOCK. Mr. Speaker, I ask present consideration of the bill (H. R. 23940) for the extension of Albemarle street NW., District of Columbia.
- The SPEAKER pro tempore. The gentleman from Wisconsin asks present consideration of the bill which the Clerk will re-
  - The Clerk read as follows:
- The Clerk read as follows:

  Be it enacted, etc., That under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within sixty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the opening of Albemarle street, from Wisconsin avenue to Murdock Mill road, with the uniform width of 90 feet, according to the permanent system of highway plans adopted in and for the District of Columbia.

  Sec. 2. That assessments shall be made by the jury as benefits as contemplated in section 491g of the subchapter of the Code hereinbefore referred to: Provided, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

  Sec. 3. That the sum of \$300, or so much thereof as may be necessary, is hereby appropriated out of the revenues of the District of Columbia to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to

- the District of Columbia from the assessments for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.
- The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

#### THE EXTENSION OF SCHOOL STREET NW.

- Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (H. R. 24932) for the extension of School street NW
- The SPEAKER pro tempore. The gentleman from Wisconsin asks for the present consideration of the bill which the Clerk will read.
  - The Clerk read as follows:

- The Clerk read as follows:

  Be it enacted, etc., That under and in accordance with the provisions of section 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within sixty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute, in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of School street NW. from its present southern terminus to Irving street with a width of 50 feet.

  Sec. 2. That assessments shall be made by the jury as benefits as contemplated in section 491g of the subchapter of the Code hereinbefore referred to: Provided, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

  Sec. 3. That the sum of \$600, or so much thereof as may be necessary, is hereby appropriated out of the revenues of the District of Columbia to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment of benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.
- The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

### WIDENING OF MILLS AVENUE.

- Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (H. R. 9326) for the widening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street.

  The Clerk read the amendment in the nature of a substitute,
- as follows:

- The Clerk read the amendment in the nature of a substitute, as follows:

  Be it enacted, etc., That under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within sixty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the opening of Mills avenue, with a width of 50 feet, from Rhode Island avenue to its intersection with Twenty-fourth street NE.; said condemnation to be wholly to the westerly of the present easterly side of the private road known as "Mills avenue."

  Sec. 2. That assessments shall be made by the jury as benefits as contemplated in section 491g of the subchapter of the Code hereinbefore referred to: Provided, That the total amount found to be due and awarded as damages, plus the cost and expenses of the proceedings, shall be assessed by the said jury as benefits.

  Sec. 3. That the sum of \$300, or so much thereof as may be necessary, is hereby appropriated out of the revenues of the District of Columbia to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, to be repaid to the District of Columbia from the assessment for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

  Sec. 4. That the Commissioners of the District of Columbia are hereby authorized to prepare a new highway plan for that portion of the District of Columbia lying west of said Mills avenue, north of Frankfort street, east of Twentieth street, and south of Rhode Island avenue NE., under the provisions contained in the act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the Distr of Columbia.
  - The substitute amendment was agreed to.
- The bill as amended was ordered to be engrossed and read the
- third time, was read the third time, and passed.

  The title was amended so as to read: "A bill for the opening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street.'
  - INCORPORATION OF BANKS WITHIN THE DISTRICT OF COLUMBIA.
- Mr. BABCOCK. Mr. Speaker, I ask for the present consideration of the bill (H. R. 21669) to provide for the incorporation of banks within the District of Columbia.
  - The Clerk read as follows:
- The Clerk read as follows:

  Be it enacted, etc., That associations for carrying on the business of banking within the District of Columbia may be formed by any number of natural persons, not less in any case than five, by entering into articles of association and executing an organization certificate in the same manner and to the same extent as prescribed by sections 5133, 5134, and 5135 of the Revised Statutes of the United States relating to the organization of national banks. Upon duly making and filing articles of association and an organization certificate with the Comptroller of the Currency in the manner provided by the foregoing sections, the association shall become, as from the date of the execution of its organization certificate, a body corporate, and as such it shall have power to do a general

banking business within the District of Columbia, when authorized by the Comptroller of the Currency, in the manner provided by section 5169 of the Revised Statutes of the United States, but no association shall be organized under this act with a less capital than \$100,000, divided into shares of \$100 each. Such capital shall be paid in cash in the manner prescribed by sections 5140 and 5141 of the Revised Statutes of the United States, and the shareholders shall be held individually responsible, equally and ratably, and not for one another, for all contracts, debts, and angagements of such association to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares, and such liability may be enforced by the Comptroller of the Currency in the manner provided by the national banking laws.

amount invested in such shares, and such liability may be enforced by the Comptroller of the Currency in the manner provided by the national banking laws.

Sec. 2. That any savings bank, or savings company, or trust company, or other banking institution organized under authority of the Code of Law for the District of Columbia, approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902, or organized by virtue of the laws of any of the States of this Union, and having an office or banking house located within the District of Columbia where deposits or savings are received, may become a banking association under this act in the manner provided by section 5154 of the Revised Statutes of the United States relating to the conversion of State banks into national associations.

Sec. 3. That from and after the 1st day of ——, anno Domini 1907, no person, company, association, copartnership, or corporation, except associations organized under the national-bank act, corporations organized under an act of Congress entitled "An act to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia," approved October 1, 1890, and corporations organized under this act, shall transact a banking business, or maintain an office or banking house where deposits or savings are received, within the District of Columbia. Any person, and any officer or agent of any company, firm, or corporation who shall wilfully violate any of the provisions of this section shall be deemed guilty of a misdemenor, and shall, on conviction thereof, be punished by a fine of not more than \$1,000, or by imprisonment not longer than two years, or by both said punishments, in the discretion of the court.

Sec. 4. That section 5209 of the Revised Statutes of the United States, providing for the punishment of offenses against the national banking laws, shall apply to organizations formed or converted under this act.

The committee amendment was read, as follows:

Page 3, strike out all, commencing with the word "that," in line 5, down to and including the word "Columbia," in line 15, and insert in Heu thereof the following:

"That from and after the 1st day of January, A. D. 1908, no person, company, association, copartnership, or corporation shall transact a banking business or maintain an office or banking house where deposits or savings are received, within the District of Columbia, except associations organized under the national-bank act, corporations organized under an act of Congress entitled 'An act to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia, approved October 1, 1890, except also any person, firm, or company regularly licensed to engage in the business of private banking in the District of Columbia prior to the 1st day of January, 1906, and corporations organized under this act."

Mr. MANN. I think we ought to have some explanation as to what the changes are and what the objects are.

Mr. OLCOTT. I yield to the gentleman from Illinois [Mr. Mannl and others.

Mr. MANN. The "gentleman from Illinois" is seeking in-

formation.

Mr. OLCOTT. I will be very glad to give the gentleman all the information that I can. Mr. Speaker, this is a bill that was introduced to correct the abuses that have grown up in the District of Columbia by reason of certain banking corporations being rather loosely governed. The bill was supported by the gentleman from Pennsylvania [Mr. Kline], who is unavoidably absent, and I have been asked to report the bill. The amendment that is suggested provides the same care in allowing incorporations of banking institutions here as is made necessary by the national banking act. It necessitates a fully paid-in capital of \$100,000, with the same stock liability on these banks that may hereafter be organized in the District of Columbia as is required now under the national banking act.

Mr. MANN. In an incorporation what is the present limit as

Mr. OLCOTT. I can not tell what the present limit is. I think it may be in the report, but if you will allow me just one moment, I will say that the bill has been entirely approved by the Comptroller of the Currency and makes these new banks to be established directly responsible to the Comptroller, and brings them under the general supervision of the Comptroller of the Currency in the same manner that the national banks are, and makes the stockholders liable in the same way for the par value of their stock.

Mr. MANN. Of course no one, I think, will object to that, but is there nothing else in the bill?

Mr. OLCOTT. There is nothing else in the bill. The bill was introduced by and had the sanction of the gentleman from Pennsylvania [Mr. KLINE], who is the member of the committee most conversant with banking matters, and is in the line of safe and conservative banking, and to prevent what we might call "wild-cat" banking concerns, which have frequently existed.

Mr. STAFFORD. Will the gentleman explain what the pres-

ent requirements are for the granting of licenses to private bankers? I notice in the bill that there is an amendment which excepts from the operation of this act those doing a private banking business who have received a license prior to the 1st day of January, 1906. I would like to have the gentleman explain the regulations which are in force under the present method, and what the reason is for making this exception.

Mr. OLCOTT. Exception was made because it was conclu-

sively shown to the committee, and especially to the subcommittee which had this matter in charge, that there were four private banking institutions which would be affected by this who had received heretofore, under the general law, licenses and whose credit was of such high standing that it seemed unfair to them to change their method of business in any way

whatever.

Mr. STAFFORD. Will not this bill by forbidding licenses in the future to private bankers give these four a monopoly and a great and undue advantage over all other persons who will be hereafter required to do a banking business under the provisions in this bill?

Mr. OLCOTT. I am quite certain that will not obtain, because these licenses compel the proper report to the Comptroller and. I believe, are hedged around by every possible safety.

Mr. STAFFORD. What objection could be advanced by these private bankers to being compelled to incorporate and operate under the general provisions of this proposed law as originally intended? It is certainly giving four or five private bankers an undue advantage over others simply because they have been established heretofore.

Mr. OLCOTT. Because they have been established and have been doing such an entirely conservative, proper, and substantial banking business for so many years it would seem as if

injustice would be done them-

Mr. STAFFORD. But you are denying that privilege to all others who might seek that privilege hereafter, and you are giving these four bankers a decided advantage by permitting them to continue. What objection could be made, if the committee thought it advisable, to have all persons doing a banking business incorporate under the general provisions and report as required in this bill?

Mr. OLCOTT. I think that one of these particular banks that was most recently established was established in 1856.

Mr. STAFFORD. There are many instances of private banks who subsequently incorporated, and I would like to have the gentleman advance some reason or state what hardship would be entailed to provide that these bankers should incorporate under the provisions of this bill, rather than giving them a special privilege.

Mr. BABCOCK. Well, I can say to the gentleman that there are four or five institutions here that are bankers and brokers. They have a name that is their capital and credit—their reputation. They appeared before the committee, appeared before the Commissioners, and also before the Comptroller of the Currency, and the bill was amended at the suggestion and by the consent of the Comptroller and the Commissioners to omit these three or four old-established concerns.

Mr. STAFFORD. What privilege would these private bankers have which they would not have if they were incorporated

under the provisions of this bill?

Mr. BABCOCK. They have no privileges, except they have

an old name which is a part of their capital.

Mr. STAFFORD. The Riggs National Bank formerly did business as private bankers under the name of Riggs & Co., and subsequently were incorporated. What reason can the gentleman give why these establishments should be given this special privilege?

Mr. OLCOTT. I think I can answer the gentleman by reading from the second page of the report:

The amendment which your committee recommends, exempting the regularly licensed private banks, was recommended by the Commissioners after the bill had been introduced. Your committee is informed that this provision will result in exempting from the provisions of the act four copartnerships which have been doing business in the District, one since 1856, and the youngest since 1890. These firms do not conduct a general banking business, do not receive savings deposits, the chief element of their business being for the convenience of their patrons for whom they make investments.

Mr. STAFFORD. But what hardship would it entail upon these private bankers if they were required to be incorporated? Mr. OLCOTT. The Comptroller of the Currency has also

specially sanctioned this amendment.

Mr. STAFFORD. But the Comptroller, in this language, says that it might be a convenience, in effect, to these private bankers if they be allowed to continue the private banking privilege; but you do not advance any reason why they should not be required to incorporate under the general law.

Mr. BABCOCK. Why, Mr. Speaker, these concerns are all

doing principally a brokerage business. They call themselves bankers and brokers

Mr. MANN. Will the gentleman yield to me?

Mr. BABCOCK. Now, if they are incorporated they would have to abandon their business as brokers; and if this law went into effect they could not receive the deposits of their customers.

It would practically drive them out of business.

Mr. STAFFORD. But there are a great many other brokers

who would be permitted to continue.

Mr. BABCOCK. There are only four of these concerns.

Will the gentleman allow me to ask him a ques-Mr. MANN.

Mr. BABCOCK. Certainly.

Mr. MANN. Do I understand that these are stock brokers? Mr. BABCOCK. They are brokers and investment houses, not doing a banking business; but that is all they can do under the provisions of this law.

Mr. MANN. As I understand, they are ordinary stock brokers. Mr. BABCOCK. Yes.

Mr. MANN. And they receive money on deposit so as to have the money there with which to make purchases or have money on deposit which they realize from purchases or sales?

Mr. BABCOCK. Yes.

Mr. MANN. Now, then, does the gentleman mean that this bill is to prohibit anybody else engaging in the broker business in the District of Columbia, except these four concerns now engaged in business?

Mr. BABCOCK. Oh, no.

Mr. MANN. Would not that be the effect?

Mr. BABCOCK. Oh, no; but they are given the right to use the name of bank; that is all.

Mr. MANN. But that is not what the bill says at all. Mr. OLCOTT. That is exactly what it does. Mr. BABCOCK. That is exactly the proposition. That is exactly the proposition. We have had the same situation in the State of Wisconsin.

Mr. OLCOTT. And in New York.
Mr. MANN. If the gentleman will pardon me, I thought the gentleman was mistaken. This bill says: "No person shall gentieman was mistaken. This bill says: "No person shall transact a banking business or maintain a business or banking house where deposits are received." So that under this bill "no person," "no partnership," "no concern" of any kind can hold an office or receive deposits of money, which means that no new brokerage house can be established in Washington. This bill would be purely in the interest, but not intentionally, of those four brokerage concerns now in Washington, and no new concern could be established. I do not know their names and do not do any business with them. do any business with them.

Mr. FITZGERALD. Would not that result in establishing a monopoly in the brokerage business in the four concerns that

are now engaged in it?

Mr. BABCOCK. No.
Mr. FITZGERALD. Why not?
Mr. BABCOCK. There are 50 other brokers here, and it would not have that effect at all.

Mr. MANN. The gentleman's claim was that it was absolutely necessary, in order to conduct a brokerage business, that the brokers should be entitled to receive deposits, or to retain deposits after moneys had been realized.

Mr. BABCOCK. The gentleman well knows that if he gives a broker an order to buy a thousand dollars' worth of bonds, when he gives his order he has to make a deposit of either the whole or a part of what is to be paid for the bonds. That is the business of a broker; but these brokers can not do a banker's business—the receiving of deposits of money for safe-keeping or anything of that kind.

Mr. MANN. The gentleman does not confine the bill to the

banking business. This bill says:

No person, company, association, partnership, or corporation shall transact a banking business or maintain an office where deposits are received.

Mr. FINLEY. I wish to ask the gentleman from Illinois, could not these four brokerage firms incorporate as a bank and retain their names and then separate their banking and brokerage business, and go on?

Mr. MANN. Of course; that is undoubtedly correct. I have no expression of opinion to make as to whether these brokers should be required to incorporate or not, but I do not see the object of passing a law which turns over all the brokerage business to four concerns, whoever they may be. I do not know the names of them, and I do not know whom they are.

Mr. OLCOTT. These four particular concerns are the only ones that do a banking business along with a brokerage busi-

ness. It is not going to affect the other brokers

Mr. MANN. But the gentleman proposes to give them a monopoly.

Mr. OLCOTT. Oh, no.

Mr. MANN. Oh, yes.

Mr. OLCOTT. Of the brokerage business-not in the slightest degree. We propose to allow them to continue the business they now carry on, which has the sanction of the Comptroller of the Currency, who has looked after it with a great deal of care.

Mr. MANN. The business of the Comptroller of the Currency

is only to look at it from the banking standpoint.

Mr. OLCOTT. I presume he has.

Mr. MANN. But you go away beyond the banking provision. You provide that nobody shall maintain an office where deposits are received.

Mr. OLCOTT. We do not go beyond anything that the Comp-

troller of the Currency has approved.

Mr. MANN. I say the approval of the Comptroller of the Currency on such a proposition is valueless. That is not the duty of the Comptroller of the Currency. He does not interest himself on that point. The Comptroller of the Currency con-fines his recommendation to those matters that come within the jurisdiction of his office, and that is only the matter of banking. You go away beyond that.

Mr. SHERLEY. Does the committee consider that a broker

should not be permitted to do a banking business?

Mr. OLCOTT. It considers, and the bill provides, that a broker shall not do business as a banker and use the words "banker" or "banking house."

Mr. SHERLEY. Did the committee think it fair that these four firms should be excluded from what they considered to be a

salutary rule?

Mr. OLCOTT. The four concerns referred to have been required to obtain banking licenses, and have obtained them. Brokers are not required to obtain banking licenses. mittee considered that those who prior to 1800 obtained these licenses should not have their licenses revoked by the operation of this bill. They are the only four people concerned, because they are the only people who have obtained licenses.

Mr. SHERLEY. That makes it all the worse. If I under-

stand the contention of the committee aright, it is this: You propose to divorce the brokerage business from the banking

business. Is that true?

Mr. OLCOTT. Yes; to the extent of using the words "banking house" or "banker."

Mr. SHERLEY. Now, although you think that is salutary, yet because there happened to be four men who do now combine the two businesses, they are to be excepted from the operation of this bill.

Mr. OLCOTT. We are allowing the people who have already received bankers' licenses from the Comptroller of the Currency to go on and act under those licenses, and not take them away from them.

Mr. SHERLEY. Does the gentleman consider that it becomes right to have the brokerage and banking business united because it has so existed with the gentleman, but wrong for those who have not heretofore united the two pursuits? Mr. OLCOTT. "The gentleman" does not consider that at all.

Mr. SHERLEY. Then what equity exists because these men have been doing something which you now, as a committee, declare is not a proper thing to be done, to wit, the joining of a banking and brokerage business?

Mr. OLCOTT. "The gentleman" does believe that when a license has been given by the United States of America, through its Comptroller of the Currency, these people should not easily

be divested of their vested rights.

Mr. SHERLEY. The gentleman thinks, then, that if a wrong has been done, having been done, it should be a continuing wrong?

Mr. OLCOTT. I do not think that is a fair conclusion to be

reached. I ask for a vote, Mr. Speaker.

The SPEAKER pro tempore. The question is on the adoption of the amendment.

The question was taken; and on a division (demanded by Mr. OLCOTT) there were—ayes 27, noes 31.

So the amendment was rejected.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. BABCOCK. Mr. Speaker, before that question is taken I think I ought to say that I do not think the bill is in such shape, without the committee amendment, as will meet the approval of the House. I therefore ask unanimous consent to withdraw the bill at this time.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to withdraw the bill at this time.

Mr. BABCOCK. And I would ask that it be recommitted to the Committee on the District of Columbia.

The SPEAKER pro tempore. Is there objection? Without

objection, it will be so ordered. [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, what is the request? It was impossible to hear the Chair state the request.

The SPEAKER pro tempore. The request was that the bill

be withdrawn and be recommitted to the Committee on the District of Columbia, and the Chair will state that there seemed to the Chair to be no objection,

Mr. FITZGERALD. Mr. Chairman, I desire to move that the bill do lie upon the table, if I have an opportunity.

Mr. BABCOCK. Oh, Mr. Speaker, I think the gentleman is

Mr. FITZGERALD. Oh, no. I was unable to hear the request stated by the Chair, and would have objected had I

The SPEAKER pro tempore. The Chair thinks the gentleman was on his feet, and if he was on his feet the Chair would be inclined to think that he was in time.

Mr. FITZGERALD. I was endeavoring to ascertain the re-

quest that the Chair was stating. I did not hear it.

The SPEAKER pro tempore. The Chair will assume that the mr. PAYNE. Mr. Speaker, a parliamentary inquiry.
The SPEAKER pro tempore. The gentleman will state it.
Mr. PAYNE. Would it be in order now to move to recommit

the bill to the committee?

The SPEAKER pro tempore. The Chair put it as a request for unanimous consent, but a motion of the kind made by the gentleman from Wisconsin would be in order, if he desires to make that motion.

Mr. BABCOCK. Mr. Speaker, then I move that the bill be recommitted to the Committee on the District of Columbia.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Wisconsin that the bill be recommitted to the Committee on the District of Columbia.

Mr. SHERLEY. A parliamentary inquiry, Mr. Speaker. The SPEAKER pro tempore. The gentleman will state it. Mr. SHERLEY. Would a motion that the bill do lie upon

the table be in order and take precedence of the motion to recommit?

The SPEAKER pro tempore. The motion to lay upon the

table would have precedence.

Mr. SHERLEY. Then I move that the bill do lie upon the

Mr. BABCOCK. Then I wish to say to the gentleman— Mr. SHERLEY. I suggest that that is a motion which is not

debatable.

The SPEAKER pro tempore. The Chair will state to the gentleman that the motion to lay upon the table is not debatable, if that point be made.

Mr. BABCOCK. I wish to make a statement with reference

to the matter.

The SPEAKER pro tempore. Is there objection to a statement being made by the gentleman from Wisconsin? [After a

pause. 1 The Chair hears none.

Mr. BABCOCK. Mr. Speaker, this bill comes originally from the Comptroller of the Currency through the Commissioners and contains very many important features. I think it would be unfortunate and a mistake to lay the bill on the table. Whether the committee can re-report it in such form as will meet the approval of the House I can not say at this time, but I certainly think it will be an error to lay it on the table, and I hope that will not be done.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Kentucky that the bill do lie on the

The question was taken; and on a division (demanded by Mr. Sherley) there were—ayes 25, noes 56.

So the motion was rejected.

The SPEAKER pro tempore. The question now recurs on the motion of the gentleman from Wisconsin that the bill be recom-The question now recurs on the mitted to the Committee on the District of Columbia.

The question was taken; and the motion was agreed to.

PROTECTION OF PROPERTY IN DISTRICT OF COLUMBIA. \*

Mr. BABCOCK. Mr. Speaker, I call up the bill (H. R. 23941) to amend section 14 of the act approved July 29, 1892, entitled "An act for the preservation of the public peace and the protection of property within the District of Columbia," which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 14 of the act approved July 29, 1892, entitled "An act for the preservation of the public peace and the protection of property within the District of Columbia," be amended by inserting after the phrase "between the setting and rising of the sun" the following: "And no person shall kindle or set on fire, or be present, aiding, consenting, or causing such to be done, in any front or

rear yard or inclosed ground or lot at any time, within 200 feet of any premises, stable, shed, or other building, or inflammable structure or property, any box, barrel, refuse, straw, shavings, or other combustible;" so that the said section shall read as follows:
"Sec. 14. That it shall not be lawful for any person or persons within the limits of the District of Columbia to kindle or set on fire, or be present, aiding, consenting, or causing it to be done, in any street, avenue, road, or highway, alley, open ground, or lot, any box, barrel, straw, shavings, or other combustible, between the setting and rising of the sun, and no person shall kindle or set on fire, or be present, aiding, consenting, or causing such to be done, in any front or rear yard or inclosed ground or lot at any time, within 200 feet of any premises, stable, shed, or other building, or inflammable structure or property, any box, barrel, refuse, straw, shavings, or other combustible; and any person offending against the provisions of this act shall, on conviction thereof, forfeit and pay a sum not exceeding \$10 for each and every offense."

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

RECOPYING OLD RECORDS IN OFFICE OF RECORDER OF DEEDS.

Mr. BABCOCK. Mr. Speaker, I call up the bill H. R. 22350, to authorize the recorder of deeds of the District of Columbia to recopy old records in his office, and for other purposes, and which I send to the desk and ask to have read.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the recorder of deeds of the District of Columbia be, and he hereby is, authorized and directed to recopy such of the records in his office as may, in his judgment and that of the supreme court of said District, or one of its justices appointed by it for that purpose, need recopying in order to preserve the originals from destruction: Provided, That the expense thereof shall not in any one fiscal year exceed the sum of \$1,000, at a rate of compensation not exceeding that now authorized, certified to by the said supreme court, or by one of its justices appointed by it for that purpose, and audited and allowed by the proper accounting officer of the Treasury.

Sec. 2. That section 553 of the Code of Law for the District of Columbia be so amended as to give authority to the recorder of deeds of the said District to appoint a cashier for his office and pay said cashier a salary not exceeding —— dollars per annum, to be certified to and audited and allowed as now provided.

With the following committee amendment:

With the following committee amendment:

Strike out all of section 2.

The SPEAKER pro tempore. The question is on the committee amendment.

Mr. GILBERT. Mr. Speaker, I would like to have some information about this bill. It seems to me that there is something extraordinary in some of its sections. Why should the copying of all of the records in that office be left to the sole discretion of the clerk? Why should he have authority to determine how much of the records in the office shall be copied?

Mr. TAYLOR of Ohio. Mr. Speaker, it seems that a large

number of the records in the office of the recorder of deeds are very, very old. Some of them are as old as a hundred and twelve years

Mr. GILBERT. I am not speaking of that.

Mr. TAYLOR of Ohio. If you will let me proceed, I will explain the purpose of this bill. That is what you asked about. The records have become very much mutilated and in some cases are in very bad shape. The object of the bill is to provide for their recopying and is restricted to \$1,000 a year expenditure, so that there shall be a gradual renewing and bringing up of these old and worn-out records in order to preserve them without any danger of clouding the titles to property in this District. It does not provide for the expenditure of any large sum of money at one time, but the bill provides that not to exceed \$1,000 a year shall be spent, not out of the Public Treasury, but out of the revenues of the office which are in excess of the expenses, and thereby gradually bring these records to a state of perfection and in that way preserve the papers and render the danger of loss or mutilation nil.

Mr. GILBERT. My question was directed to an entirely different proposition, and that was, conceding the records were old and mutilated, it occurred to me it would not be proper to delegate to the clerk the sole power to determine whether those records were mutilated so as to require their copying or not. He himself, deriving a revenue from the copying, would of course proceed to spend the thousand dollars a year for that pur-

pose, whereas if the secretary or some other—
Mr. TAYLOR of Ohio. That is exactly what the bill provides, if the gentleman will read, that the judgment as to what records shall be restored lies with the justices of the supreme court of the District, and they direct him how to expend not to exceed \$1,000 a year.

Mr. GILBERT. Then, Mr. Speaker, I have improperly obtruded myself in this discussion. I did not hear that feature of the bill read at the outset.

Mr. TAYLOR of Ohio. That is in the bill.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

#### REGISTERED NURSES.

Mr. BABCOCK. Mr. Speaker, I ask present consideration of the bill (H. R. 12690) to define the term of "registered nurse" and to provide for the registration of nurses in the District of Columbia.

The Clerk read as follows:

Mr. BABCOCK. Mr. Speaker, I ask present consideration of the bill (H. R. 12090) to define the term of "registered nurse" and to provide for the registration of nurses in the District of Columbia.

The Clerk read as follows:

\*\*Be it enacted, etc., That from and after the expiration of the ninety days immediately following the passage of this act no person shall, in to be a registered nurse, or allow herself to be so represented, unless she has been and is registered by the nurses' examining board in activation of the District of Columbia shall nominate ten of its members who have had not less than five years' experience in the progress of the District of Columbia, who shall, from said nominate en of its members who have had not less than five years' experience in the progress of the District of Columbia, who shall, from said nominations, appoint, within thirty days after said nominations are submitted to them, a nurses' examining board to be composed of five members. All appoints of the district of Columbia, who shall, from said nominations, appoint, within thirty days after said nominations are submitted to them, a nurses' examining board to be composed of five members. All appoints of the district of Columbia. An unexpired term shall be filled by said the progress of the district of Columbia. An unexpired term shall be filled by said commissioners from three additional names franished by the Graduate has a said to be composed of the district of Columbia. An unexpired term shall be filled by said commissioners from three additional names franished by the Graduate has a said board shall enter upon the discharge of her duties until he has taken oath to faithfully and impartially perform the same; and the said Commissioners may remove any member of said board for Sec. 38.

Sec. 3. That the nurses' examining board shall meet in the District of Columbia within ten days after their appointment and organize the board, and annually thereare examining board shall be required to keep a record of all needings of the boar

Columbia within the five years immediately preceding the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

#### VETERINARY SURGEONS.

Mr. OLCOTT. Mr. Speaker, I call up the bill (S. 5698) to regulate the practice of veterinary medicine in the District of Columbia.

The SPEAKER. The Clerk will report the bill.

days immediately following the passage of this set no person shall, it to be a registered unrest, or allow neveral to be required to be a registered to the control of the registered to the registered

board to practice veterinary medicine in the District of Columbia without examination. Any person, not a graduate of a college lawfully authorized to confer a degree in veterinary medicine, who has been continuously engaged in the practice of veterinary medicine in the District of Columbia for five years previous to the passage of this act and has maintained an office in said District for that purpose shall be permitted to present himself for examination before the board of veterinary examiners without fee, and upon proof of satisfactory knowledge of veterinary medicine shall be registered and licensed as a practitioner of veterinary medicine shall be registered and licensed as a practitioner of veterinary medicine and having been refused a license as the result of such examination may, within thirty days after formal notification of such refusal, appeal from the decision of said board. Such appeal must be in writing, addressed to the Commissioners of said District, setting forth the ground upon which it is based, and accompanied by a deposit of \$30. If, after examination of said appeal, said Commissioners deem it proper, they shall appoint a board of review, consisting of three practitioners of veterinary medicine having qualifications similar to those required of members of the regular board of examiners in veterinary medicine, which board shall review the examination of appellant, and if they deem necessary reexamine him and report their finding to said Commissioners; and such finding shall be final and binding upon all parties concerned, and if favorable to the appellant the board of examiners in veterinary medicine shall issue to him a license to practice veterinary medicine in said District. Each member of said board of review shall be paid a fee of not more than \$10 for each candidate examined, payment to be made from the deposit of the appellant.

Sec. 7. That every person practicing veterinary medicine in the District of Columbia, or representing himself or permitting himself to be represented as so pr

the board of examiners in veterinary medicine of said District, so far as may be necessary to examine such licenses, and it shall be unlawful for any person to interfere with any inspection made or intended to be made for this purpose.

SEC. 8. That from and after the passage of this act any person shall be regarded as practicing veterinary medicine in the District of Columbia who shall, in said District, append or cause to be appended to his name the letters V. S., D. V. M., V. M. D., M. D. V., M. D. C., D. V. S., or M. R. C. V. S., or the words "veterinary," "veterinarian," "veterinary surgeon," or "veterinary dentist," "veterinary farrier," "veterinary surgeon," or "veterinary dentist," "veterinary farrier," "veterinary horseshoer," "horse dentist," or "horse doctor," or who shall prescribe, advise, or apply any drug or medicine or other agency, or who shall perform any operation for the treatment, relief, or cure of any sick, diseased, or injured lower animal, or for commercial purposes, or who shall publicly profess to do any of these things, and shall charge or receive therefor money or other compensation, directly or indirectly.

SEC. 9. That this act shall not apply to veterinary surgeons in the Army or in the employ of the Agricultural Department who are graduates of regular veterinary colleges, nor to regularly licensed veterinarians in actual consultation from other States, nor to regularly licensed veterinarians actually called from other States to attend cases in the District of Columbia, but who do not open an office or appoint a place to do business within said District.

SEC. 10. That the board of examiners in veterinary medicine hereby created may, by a vote of four members, revoke or suspend for a time certain the license of any person to practice veterinary medicine or any branch thereof in the District of Columbia after notice and hearing, for any of the following causes, namely: The employment of fraud or deception in passing the examinations or in obtaining a license, chronic inebriety, or

act.

SEC. 11. That any person who shall violate or aid or abet in violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$200 or by imprisonment in the workhouse of the District of Columbia for not more than six months, or by both such fine and imprisonment.

SEC. 12. That it shall be the duty of the corporation counsel or one of his assistants to prosecute all violations of the provisions of this sect.

The committee amendments were read, as follows:

Page 8, strike out all commencing with the word "or" in line 8 where it appears the second time, down to and including the comma after the word "purposes" in line 10.

Page 8, line 13, strike out the period and insert a colon and add the following:

Page 8, line 13, strike out the period and insert a colon and add the following:

"Provided, That any person may without compensation apply any medicine or remedy and perform any operation for the treatment, relief, or cure of any sick, diseased, or injured animal."

Mr. TAYLOR of Ohio. Mr. Speaker, I call for a vote.

The amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

STOCK YARDS, SLAUGHTERHOUSES, AND PACKING HOUSES IN DISTRICT OF COLUMBIA.

Mr. TAYLOR of Ohio. Mr. Speaker, I call up the bill (H. R. 23830) governing the maintenance of stock yards, slaughterhouses, and packing houses in the District of Columbia.

The Clerk read as follows:

Be it enacted, etc., That no person shall slaughter for food any cattle, sheep, swine, calf, or goat elsewhere than in a registered slaughter-

The Clerk read as follows:

Be it enacted, etc., That no person shall slaughter for food any cattle, sheep, swine, calift, or goat elsewhere than in a registered slaughter-house.

2. That every owner and every manager of any place for keeping cattle, sheep, swine, calves, or goats to be used for food hereinafter designated a stock yard; and every owner and every owner and revery owner of any place for slaughtering cattle, sheep, swine, cattes, or goats, hereinafter designated a stock yard; and every owner and every owner and revery owner of any place for slaughtering cattle, sheep, swine, cattes, or goats, hereinafter designated a packing house, and every of the aforestic places that is in operation at the time of the promulgation of these said, hereinafter designated a packing house, and every owner shall, one or before the expiration of three months immediately following the promulgation thereof, register his full name and ing house, and in a book kept in the health office for that purpose. Every owner and every manager of any slaughterhouse, stock yard, or packing house that is established after the promulgation of these regulations shall, within five days after beginning business, register in like location of any slaughterhouse, stock yard, or packing house the new owner or new manager, as the case may be, or in event of a change in location for manager, as the case may be, or in event of a change in location for manager or the owner shall call at the health office of the control of the stock yard upon any site not regularly used for that purpose for not less than minety days immediately preceding the promulgation of wherein people dwell, congregate, or assemble unless or until he has filed with the health officer the consent in writing of the owners and adult occupants of all dwellings within said 300 feet.

Sec. 3. That no person shall establish or maintain a slaughterhouse or stock yard upon any site not regularly used for that purpose for mot less than minety days immediately preceding the promulgation

lishment shall, whether they are used or not, be maintained in a sanitary condition.

(h) Butchers who dress diseased carcasses shall cleanse their hands of all grease and then immerse them in a 1 to 1,000 aqueous solution of bichloride of mercury (corrosive sublimate) and rinse them in clear water before engaging again in dressing or handling healthy carcasses. All butchers' implements used in dressing diseased carcasses shall be cleansed of all grease and then sterilized, either in boiling water or by immersion in a prescribed disinfectant, and rinsed in clear water before being again used in dressing healthy carcasses.

Proper facilities for such cleansing and disinfection shall be provided by the establishment. Separate trucks and other devices shall be furnished for handling diseased carcasses and parts. Following the slaughter of an animal affected with an infectious disease, a stop shall be made until the implements have been cleansed and disinfected unless duplicate implements are provided.

(i) Inspectors are required to furnish their own knives for use in

dissecting or incising diseased carcasses or parts, and are required to use the same means for disinfecting knives, hands, etc., as are prescribed for employees of the establishment.

(j) Meats and meat-food products intended for rendering into edible products must be prevented from falling on the floor while being emptted into the tanks by the use of some device, such as a metal funnel.

products must be prevented from falling on the floor while being emptied into the tanks by the use of some device, such as a metal funnel.

(k) All carcasses, heads, untrimmed lungs with liver attached, spleens, and tongues of animals not killed in the presence of an inspector in the service of the health department shall be hung on racks provided for that purpose immediately after slaughtering, and shall remain there if the slaughtering be done after midnight and before noon until 6 o'clock p. m. of the same day, and if the slaughtering be done after noon and before midnight until noon of the following day, unless sooner examined by an inspector aforesaid. All such carcasses and organs shall be marked by the person placing them on the racks hereinbefore provided for in such manner that such organs can be positively identified with the carcass from which they have been removed.

(1) At least 1 inch of the diaphragm of every slaughtered animal shall be left on each animal until an inspector shall have examined, inspected, and passed the same (save in the case of cattle, in which at least 6 inches of said diaphragm shall be left on each animal), and the parietal pleura, or lining of the chest cavity, and the parietal peritoneum, or lining of the abdominal cavity, ordinarily removed in the process known as "stripping," shall remain upon each carcass.

Sc. 5. That no owner and no manager of a slaughterhouse shall slaughter or permit to be slaughtered therein any cattle, sheep, swine, calf, or goat except between the hours of sunrise and sunset unless he has been authorized so to do by the health officer, nor otherwise than in accordance with such authorization.

Scc. 6. That every owner and every manager of a slaughterhouse that is not regularly and continuously used for slaughtering shall fix certain days, and shall fix, and so far as is practicable limit the hours for slaughtering in such slaughterhouse shall slaughter or permit to be slaughtered therein any cattle, sheep, swine, calf, or goat, except on the days

and desire so to do and of the hours when such slaughtering is to be done.

Sec. 7. That upon each carcass inspected and passed by an inspector in the service of the health department there shall be placed at the time of inspection labels or marks bearing the registration number of the slaughterhouse and the words "D. C. Inspected and passed," as follows: Upon each dressed beef carcass at least ten labels or marks, and upon each dressed carcass of a calf, sheep, swine, or goat, at least two.

Sec. 8. That each carcass or part of carcass inspected and condemned by an inspector in the service of the health department shall be so anointed or injected with kerosene as effectually to prevent its sale.

Sec. 9. That except in so far as relates to location and registration, these regulations shall not apply to stock yards, slaughterhouses, and packing houses, in which, under inspection by the Federal Government, animals are kept and slaughtered, and in which meat products are prepared for interstate and foreign commerce.

Sec. 10. That any person violating the provisions of these regulations shall be punished, upon conviction thereof, by a fine not exceeding \$200.

Sec. 11. That this act shall take effect from and after the expiration of two months immediately following the approval thereof.

Mr. Mann Mr. Speaker.

Mr. MANN. Mr. Speaker-

Mr. MANN. Mr. Speaker—
The SPEAKER. Does the gentleman yield?
Mr. TAYLOR of Ohio. I yield for a question.
Mr. MANN. From aught that appears from hearing the bill read it would seem the bill repeals, as far as the District of Columbia is concerned, to a large extent the meat-inspection law, if not the pure-food law. I suppose, of course, it is not the intention of the bill, but is not all of this controlled by the meatinspection law which we passed last session in the agricultural appropriation act?

Mr. TAYLOR of Ohio. I am informed that the meat-inspection law which was passed at the last session does not cover the District of Columbia, and for that reason it is sought to read that act into the District of Columbia Code. The report of this bill was made by the gentleman from Kansas [Mr. Campbell], a member of the committee, and I will yield time to

him to explain its contents and purport.

Mr. CAMPBELL of Kansas. Mr. Speaker, the purpose of this bill is not to repeal the meat-inspection law nor the pure-food law. On the contrary, the purpose of the bill is to provide for the people of the District of Columbia as pure food and meat, as free from disease as can be had in any other section of the country, under the law passed at the last session of this Congress. Prior to the enactment of the Federal meat-inspection law live stock killed in adjacent States was brought in here without provision for inspection. At that time there was no provision for inspecting meats here in the District. To-day animals that would not stand the test if killed in slaughterhouses in Maryland or Virginia, under the meat-inspection law passed at the last session, may be brought into the District of Columbia and slaughtered here in slaughterhouses without passing such a rigid inspection as is necessary for the protection of the public against diseased meat. And the purpose of this bill is to protect the people of the District from having animals brought in from adjoining States and slaughtered here in evasion of the meat-inspection law of the last Congress. Meat killed in the District of Columbia for consumption here is not covered by the meat-inspection law nor the pure-food law of the last Congres

Mr. MANN. The gentleman is mistaken about that.

Mr. CAMPBELL of Kansas. At least that seems to be the opinion of the corporation counsel of the District of Columbia and of the Commissioners.

Mr. MANN. The gentleman is mistaken, I think, in reference to the opinion of the corporation counsel. The pure-food law, so far as it covers the subject at all-of course it does not cover the subject of slaughtering of animals-covers everything in the District of Columbia, and the corporation counsel does not say otherwise. I think the gentleman is correct about the examination of the meat-inspection law, that through an inadvertence provision in reference to the District of Columbia only apply to meats that go outside of the District of Columbia.

Mr. CAMPBELL of Kansas. Or shipped in. And the purpose of this bill is to read the meat-inspection law into the laws of the District of Columbia for the government of the inspection of

animals slaughtered for consumption here.

Mr. MANN. I remember that when the pure-food law was enacted the Commissioners of the District of Columbia were very strongly opposed to including the District of Columbia in the territory embraced in that law; and I was a little bit suspicious that they might now be seeking to get out from under the operation of that law.

Mr. CAMPBELL of Kansas. I hope the suspicion of the gen-

tleman from Illinois has been allayed.

Mr. MANN. They are perfectly allayed by the gentleman from Kansas

Mr. FITZGERALD. Will the gentleman from Kansas [Mr. CAMPBELL] yield?

Mr. CAMPBELL of Kansas. For a question; yes.

Mr. FITZGERALD. I want to call his attention to the provision on page 5, as follows:

No person shall dwell or reside in any building used as a slaughter-house or packing house or in which meat is kept or offered for sale.

In this District, as in other cities, there are a number of butcher stores and buildings parts of which are used for residential purposes by persons not very well to do. This provision will make it utterly impossible-

Mr. CAMPBELL of Kansas. To what line does the gentleman

from New York [Mr. FITZGERALD] refer?
Mr. FITZGERALD. To lines 11, 12, 13, and 14, on page 5. That language makes it utterly impossible to maintain a butcher store for the sale of meat in any building in which there are tenants.

Mr. TAYLOR of Ohio. This only provides that slaughter-

houses and packing houses

Mr. FITZGERALD. This provision says that "no person shall dwell or reside in any building used as slaughter house or packing house or in which-

Mr. CAMPBELL of Kansas. I think the "or" should be

stricken out.

Mr. Speaker, I move an amendment, to strike out the word "or," following the word "house," in line 13, on page 5.

Mr. MANN. That is, the gentleman strikes out the word or," after the word "house," in line 13?

The SPEAKER. The Clerk will report the amendment. The Clerk read as follows:

On page 5, line 13, strike out the word "or;" so that the sentence will read:

"No person shall dwell or reside in any building used as a slaughterhouse or packing house in which meat is kept or offered for sale."

The SPEAKER. The question is on agreeing to the amend-

The question was taken; and the amendment was agreed to.

Mr. CRUMPACKER. Mr. Speaker, I desire to call the gentleman's attention to one feature of this bill. It may be right and it may not. The bill prohibits an owner of a pig even from slaughtering the pig upon his own premises for his own per-The first section of the bill provides that no animal intended for food shall be slaughtered anywhere in the District of Columbia except in a registered slaughterhouse. it the intention of the committee to prevent one living in the suburbs of the city, in the outskirts, but still in the District of Columbia, one who runs a small truck farm and who may raise a few pigs or calves-is it the intention of the committee to make it unlawful for him to slaughter an animal so raised for his own private use?

Mr. CAMPBELL of Kansas. In answer to the gentleman from Indiana I will say that it is not the intention of the law.

Mr. CRUMPACKER. Read the first section. Mr. CAMPBELL of Kansas. I call the gentleman's atten-

Mr. CAMPBELL of Raisas. I can the gentleman's attention to line 12 on the first page of the bill. He will notice that the reading there is: "Where such meat products are for sale."

Mr. CRUMPACKER. But, if the gentleman pleases, he is referring to another thing. Read the first section. It makes it unqualifiedly unlawful for any person to slaughter any animal

for purposes of food except in a regularly registered slaughterhouse. Nothing can be plainer. I have no doubt the bill does make it unlawful for a man to slaughter an animal anywhere else except in a slaughterhouse. No person who might raise a pig for family use upon his little peasant farm could slaughter the pig at home. This would compel him to carry it to a slaughterhouse to have it slaughtered. The first section of the bill, standing alone, declares that unequivocably, and it is not open to construction.

Mr. CAMPBELL of Kansas. I wish the gentleman from Indiana would call attention to that part of the clause.

Mr. CRUMPACKER. Well, I do not care to refer to that clause; but the first section is unequivocal, and is not open to construction.

Mr. CAMPBELL of Kansas. I wish the gentleman would call attention to that portion of the first section of the bill which prohibits one from killing an animal upon his own premises for his own use.

Mr. CRUMPACKER. Will the gentleman read the first section?

Mr. CAMPBELL of Kansas. The first section provides:

That no person shall slaughter for food any cattle, sheep, swine, calf, or goat elsewhere than in a registered slaughterhouse.

Mr. CRUMPACKER. For food. No person may slaughter a pig in his own barnyard or pigpen for food. That is what the first section provides. There is no doubt about its meaning. do not see how it can mean anything else. If the gentleman would put in, after the word "food," "for purposes of sale" it would remedy the matter. I do not think it is the intention and policy of the committee to compel people who raise pigs in the suburbs of the city to drive them to a slaughterhouse to have them slaughtered.

Mr. CAMPBELL of Kansas. I will say that I am not sure that would not be a good provision. I think swine fed in back yards in the District of Columbia or in any other city of its size ought not to be slaughtered for food without being first inspected to see whether they are diseased and suitable for food, whether they are intended for use or for sale.

Mr. CRUMPACKER. That is not the provision. The pro-

vision says they must be slaughtered at a registered slaughter-

Mr. CAMPBELL of Kansas. Where there is provision made for the inspection of the meat to see if it is free from disease.

Mr. CRUMPACKER. I suggest, after the word "food," in the first section, there be inserted the words "for purposes of

Mr. CAMPBELL of Kansas. I have no objection.

Mr. CRUMPACKER. I suggest that as an amendment. Mr. CAMPBELL of Kansas. I wish to offer an amendment, so as to make it read: "That no person shall slaughter for purposes of sale."

Mr. CRUMPACKER. That will do.

The Clerk read as follows:

On line 3, page 1, strike out the word "food" and insert "for purposes of sale."

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PROTECTION OF THE STREETS OF WASHINGTON.

Mr. BABCOCK. Mr. Speaker, I call up the bill H. R. 14897, which is on the Calendar.

The SPEAKER. The gentleman calls up a bill the title of which will be reported by the Clerk.

The Clerk read as follows:

A bill (H. R. 14897) providing for the temporary maintenance of the Long Bridge over the Potomac River, and for other purposes.

The SPEAKER. This bill is unfinished business, as the

Chair understands.

Yes. Mr. Speaker, I desire to say, in ref-Mr. BABCOCK. erence to this bill, that the Long Bridge is now being demolished and that part of the bill is unnecessary to consider, and I desire to offer a substitute for the whole bill that I think is satisfactory to all concerned.

The SPEAKER. The Clerk will report the substitute. The gentleman moves to strike out all after the enacting clause and insert the following, which will be reported by the Clerk.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:
"That from and after the 1st day of January, 1908, every wagon or
other vehicle of whatsoever kind or description, weighing when loaded
more than 5,000 pounds, used, operated, or propelled on, over, or
across any of the streets, avenues, alleys, bridges, or roadways of the

District of Columbia, shall have wheel tires not less than 4 inches broad. Any owner or driver or other person in control of such wagon or other vehicle so using, operating, or propelling the same who shall violate the provisions of this section shall, on conviction thereof in the police court of the District of Columbia, be punished by a fine not exceeding \$25, or by imprisonment for not more than sixty days, or both." Amend the title to read: "A bill to protect the streets of the city of Washington."

Mr. MUDD. I should like to ask the gentleman a question.

Mr. BABCOCK. Certainly.

Mr. MUDD. I did not quite hear the substitute as read in its entirety. I understand, however, that it provides that it shall take effect January 1, 1908.

Mr. BABCOCK. Yes.

Mr. MUDD. And it makes the weight of wagons as loaded 5,000 pounds instead of 2 tons, above which the requirement as to broad tires is to take effect?

Mr. BABCOCK. Yes.

Mr. MUDD. That is satisfactory to me. Mr. BABCOCK. I ask for a vote, Mr. Speaker.

The SPEAKER. If there be no objection, the substitute will be considered as agreed to, and the bill as amended will be considered as engrossed, read the third time, and passed.

Mr. WILLIAMS. Mr. Speaker, I understand the Chair is asking for unanimous consent for the passage of the substitute. The SPEAKER. The Chair was under the impression that there was no objection to it.

Mr. WILLIAMS. Oh, yes; there is very serious objection.
The SPEAKER. The question is on the substitute in lieu of the bill-that is, the amendment.

Mr. WILLIAMS. As I understand the substitute, it is the same provision of law, except that it postpones the date for it to go into operation. Is that correct?

Mr. BABCOCK. No; it increases the amount of the load to

5,000 pounds. The bill originally provided for 4,000 pounds. This increases it to 5,000.

Mr. WILLIAMS. And says that all wagons carrying that

load shall have these broad tires.

Mr. BABCOCK. Yes; more than 5,000.

Mr. MUDD. May I suggest to the gentleman from Missis-sippi that I take it for granted that all those who were opposed to the original bill will at least be glad to have it amended by the adoption of this substitute, which makes it less oppressive than it was before. For myself I want to say—

Mr. WILLIAMS. But if we pass the substitute, the substi-

tute becomes a law as far as the House is concerned.

Mr. MUDD. I apprehend that all of us will agree to the substitute as an amendment to the original bill. The substitute makes it better than it was before.

Mr. WILLIAMS. If we could act on this as an amendment to the provision and afterwards could vote down the provision as amended, that would be a different proposition, but you are offering it as a substitute, and when you vote it up it is up for

Mr. MUDD. No; after voting to adopt the substitute we can vote down the bill as amended by the substitute. I am frank to say that by the adoption of the substitute the bill will become

fairly satisfactory to me.

Mr. WILLIAMS. It is not satisfactory to me, and I do not think it will be satisfactory to the farmers of Maryland and Virginia.

The SPEAKER. The situation is this: If the substitute offered by way of amendment is agreed to, that does not pass the bill, but that question will have to be taken afterwards.

Mr. MUDD. No; we can adopt this substitute at all events. The SPEAKER. The question would come up afterwards on the passage of the bill.

Mr. HEPBURN. Mr. Speaker, I desire to offer an amendment. I move to strike out the word "five" where it occurs and insert the word "four."

The gentleman from Iowa offers the follow-The SPEAKER. ing amendment to the substitute.

The Clerk read as follows:

In line 3 of the substitute strike out the word "five" and insert the ord "four;" so that it will read "more than 4,000 pounds."

Mr. HEPBURN. Mr. Speaker, it seems to me that this amendment ought to meet the approval of the Members of this House. Our streets here are bad enough at best. This is in the direction of their protection. Look at the matter practically. is a tire that is of ordinary width, 2 inches. After that is worn a little—it wears first at the edges—it has a rounded surface and the bearing point upon the pavement is exceedingly narrow, perhaps not an inch wide. It is a gross outrage to allow 4,000 pounds on four bearing points on our streets that are not more than an inch in width, and at most 2 or 3 inches in length. The destruction is very great, and it ought not to be permitted. Especially is that true in very warm weather. When the asphaltum pavement is softened you will see that the marks of very heavily laden wagons are easily to be discerned for a distance of several rods. That ought not to be. It will be a simple matter to change the tires of these very heavy wagons to 4 or 5 inches, and I think the House ought to see to it in the protection of the streets that this is done in order that we may have what we ought to have in this city, model streets. I hope this amendment will be adopted.

Mr. JONES of Virginia. Will the gentleman permit a question?

Mr. HEPBURN. Yes.

Mr. JONES of Virginia. I would like to ask the gentleman whether he knows of any city which has such a requirement as

Mr. HEPBURN. I don't know whether any other city has it or not, but I think I know that the city of Washington ought Those who oppose this amendment, Mr. Speaker, They are the are doing it in the interest of very few people. brick haulers from across into Virginia and the coal dealers. They are almost the only ones who are objecting to this legis-

Mr. JONES of Virginia. The gentleman is mistaken.

Mr. WILLIAMS. Mr. Speaker—
The SPEAKER. To whom does the gentleman yield?
Mr. HEPBURN. To either one, or both.

Mr. JONES of Virginia. I just want to say to the gentleman that the Business Men's Association-without exception, every business man in the city—is opposed to it.

Mr. HEPBURN. If they are, then I have no respect whatever for the judgment of the business men of the city of Washing-

Mr. JONES of Virginia. I want to say another thing to the gentleman. As I understand this bill it has never been referred to the District Commissioners; they have never been asked, as is usually the case, for their opinion upon this measure.

Mr. HEPBURN. I don't know whether that is true or not, and I am not sure that it is absolutely necessary that we should have their opinion. This is a matter upon which men can form their own judgments. We do not have to ask an expert. Those people who are as familiar with the streets of the city as is the gentleman from Virginia know that a heavily loaded wagon, especially one with an old wagon tire, is a menace to the streets of this town, and it ought not to be per-I do not think there are 200 vehicles which belong to the people of the city of Washington that will be affected by this legislation, and as to those 200 it is important that the tires upon them should be corrected.

Mr. WILEY of New Jersey. I wish to state to the gentleman that the District Committee had a hearing for the people representing these interests, and they failed to convince us that

there was any hardship.

Mr. BABCOCK. Mr. Speaker, I want to say just a few words with reference to this bill, as I have given the subject a good deal of time and attention. When the statement is made here that the business men of Washington are opposed to this as a The business men, or a large number of whole, that is an error. them in the city of Washington, have appealed to me within the last week to pass this bill before Congress adjourns. Now, this committee, of which I have the honor to be a member, requested the police department to examine every heavily laden wagon that came in from the country, from Virginia and Maryland, to the markets-these large loads of hay and produce where they use four horses. In only one single instance, in an inspection covering thirty days, was there one heavily laden wagon with a tire of less than four inches. There was only one wagon found in thirty days that carried over 4,000 pounds or 4,500 which had less than a 4-inch tire. It is absolutely necessary in the country to use a wide tire to protect the roads and keep the wagons from going down through them. So that it does not affect that in-terest at all. I will tell you the interest that it does affect. It affects the draymen and the truckmen from Alexandria and the brick dealers from Virginia, and, by the way, the president of the largest brick manufacturing plant said to me, 'I hearfily indorse the bill, and every wagon we use I shall guarantee will have a 4-inch tire; we ought to have it for our own convenience, as well as for the preservation of the streets."

Mr. WILLIAMS. Before the gentleman goes on, I should ask the gentleman if he has heard from the mill men in Washington-the flour mill men?

Mr. BABCOCK. Why, I have heard from them in connection with the draymen of Washington.

Mr. WILLIAMS. They make protests; in fact, the protests are chiefly from the mill men.

Mr. BABCOCK. If I neglected to state it, I will state it also

comes from the express companies and these parties here doing heavy hauling. Now, I want to give the gentleman an instance of that which occurred last week and was reported to me by a representative gentleman here, Mr. C. C. Glover, who stated he had occasion to drive out Massachusetts avenue last week and followed a wagon that had a heavy load, consisting of a very large piece of stone which the wagon was taking out to the uni-They went down Massachusetts avenue, and after they reached the macadamized street the wagon sank down to the depth of 8 inches in the street, and they had to drive diagonally across the street, and as it went on farther the wagon settled to the hub in an improved street, in a macadamized street, where they had to abandon the wagon and take the four horses away. Now, that is one instance that occurred last week. Now, the Committee on Appropriations, or this Congress, has provided for the resurfacing of Pennsylvania avenue, and I want to say to this House that if you permit these loads of 4, 5, and 6 tons on 2½-inch tires to traverse the streets, you will have to resurface it again in two or three years. It costs the District of Columbia an immense amount of money and when one of these heavy loads is on a narrow tire it makes an abrasion in the street and the next wagon makes it deeper, and the next makes it deeper, until you find the street full of holes, as it is now. I tell you, Mr. Speaker, the use of 2½-inch tires will cost the District of Columbia \$200,000 a year. There is no reason on God's earth why these wagons should not have 4-inch tires that will support these heavy loads. It is the first little abrasion that does the harm, and I want to say, Mr. Speaker, it is only those who are directly interested, only those who are using 2½-inch tires that have come before us and opposed this legislation. consider it absolutely necessary as a measure of economy. believe, Mr. Speaker, we had better appropriate money to-day to buy 4-inch tires for every dray in the city of Washington rather than to permit them to go on using 2 and  $2\frac{1}{2}$  inch tires. [Applause.1

Mr. WILLIAMS. Mr. Speaker—
The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Mississippi?

Mr. BABCOCK. Certainly. Mr. WILLIAMS. Now, Mr Now, Mr. Speaker, I think the gentleman's argument is tolerably sound if the premise was at all sound. Since this matter was up the last time I have walked over a great many of the asphalt streets of Washington with a view of seeing whether these very statements of facts are well founded or not. The gentleman has stated that the streets are torn up by these wheels. I at this time state that where the breaks in the asphalt occur they occur in the other direction. Now, I have walked down Pennsylvania avenue, Massachusetts avenue, Connecticut avenue, and Fourteenth street, and there is not a single instance of a cut in the street in the direction of the street made by a narrow tire, and the gentleman can not find one. The breaks that are in the asphalt when they occur are, as a rule, perpendicular to the line of the street, and are made by the changes in temperature or by the fact that the asphalt was not well laid down. Pennsylvania avenue is in holes everywhere right now, but it is not in cuts, it is not in ruts; it is in holes, and those holes, as a rule, are due to the fact that when that pavement was made there was not a sufficient foundation under the pavement. It was not properly built. If you are going to resurface Pennsylvania avenue, you will do a very good work.

Mr. BABCOCK. Will the gentleman permit? Has he heard the report made by the bicycle policemen on Pennsylvania avenue, that the destruction of the surface of the street there was caused by the heaviness of the loads and the narrowness of the

Mr. WILLIAMS. I have not, and I do not care. I invite the Members of this House to walk this evening down Pennsylvania avenue to the Treasury, and they will find that what I have said is absolutely the fact. I do not care who makes a report, There is not a single rut in the asphalt parallel with the sidewalk as it would be if made by wagons. What holes are in the asphalt are holes on the transverse, and that is owing to the effect on the character of the asphalt by change of temperature. One would naturally conclude that the contraction and the expansion would be better taken care of parallel with the sidewalk, because the distance is so much greater when there is an upheaval, whereas between curb and curb the weather does cause a break in the surface from undue expansion at one time and contraction at another. These people who have been protesting to me, at any rate, were men like Mr. McDowell, of the great flour mill down here-principally the mill men.

Mr. BABCOCK. That is right. They protest against it. Mr. WILLIAMS. And it was not simply the brick men over in Alexandria or somewhere else.

Mr. BABCOCK. Mr. Speaker, I yield to the gentleman from

New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, I thought I heard some one say a few moments ago that there was no other city in the United States that had a wide-tire ordinance. I did not suppose that there was any city in the United States that had any decent streets that did not have a wide-tire ordinance. I know there has been one in my own town for years, and I know that there

are such in a good many other towns.

Now, the gentleman from Mississippi [Mr. WILLIAMS] seems to think that he has demonstrated the case because he can not find a rut running the whole length of Pennsylvania avenue or a good portion of it. Why, the gentleman totally misapprehends the way the streets get out of repair. It is not by narrow tires cutting through the asphalt down to the foundation and running from one end of the street to the other or running any particular length. The asphalt gets soft in places; the narrow tire comes in and depresses it a little bit, perhaps the next one a little more, and then the water settles there. Under the action of the water it finally affects the asphalt and produces these holes we find in the pavements of the streets, and, of course, you would not find a rut, running in the direction of the street, gouged out by a tire. It is the effect of the water after the tire has made the de-Every expert in road building in the United States pression. will tell the gentleman from Mississippi [Mr. WILLIAMS] that a narrow tire destroys the roadway. I do not care whether it is asphalt pavement or whether it is macadam or whether it is a gravel road, it is the narrow tire that does the business. It takes but a little at a time, and the water sets in, and the water standing in the roadway is what finally eats out the roadway. It softens it, and then the wagons come over it with narrow tires, and even wider tires, and it constantly wears out the whole of the street, and we have as a consequence what we see in Pennsylvania avenue and Massachusetts avenue and almost every other avenue and street in the city of Washington. And it seems to me a very mild proposition to say that wagons that carry two tons should be required to have broad tires.

Mr. JONES of Virginia. I want to ask the gentleman if it is not a fact that heavy wagons are forbidden to drive through the grounds around the Capitol here, and if it is not a fact that the pavement around here where heavy wagons are kept off is in worse condition than in those parts of the city where these

heavy wagons come?

Mr. PAYNE. I have not found it so, because I have found the worst pavements on the streets that I generally travel,

and those are the most generally traveled streets.

Mr. MADDEN. Is it not a fact that the history of all pavements shows that where there is no traffic at all on the streets the pavements wear out quicker than where there is traffic on the streets?

I had not discovered that. Mr. PAYNE.

Mr. MADDEN. That is the fact.
Mr. PAYNE. I do not believe it is the fact.

Mr. MADDEN. It is the fact.
Mr. PAYNE. It can not be possible, if they are properly made in the first place. Without talking any further upon the proposition, because on its face it is an absurd proposition—

Mr. MADDEN. Nevertheless it is true.
Mr. PAYNE. Of course, if it is true, then the more narrow tires go over the street the more you improve it. The gentleman from Illinois can hardly pursue such a proposition as that.

I hope this amendment will be adopted, and the bill will pass.

Mr. JONES of Virginia. Mr. Speaker—

The SPEAKER. Does the gentleman yield?
Mr. BABCOCK. What time does the gentleman wish?
Mr. JONES of Virginia. Ten minutes.

Mr. BABCOCK. I yield ten minutes to the gentleman from

Mr. JONES of Virginia. Mr. Speaker, in reply to the statement of the gentleman from New York, who has just taken his seat, I want to read from a statement made by a gentleman who is an expert and who, therefore, knows something about laying pavements and who is capable of speaking as to their durability. I read from an account of a meeting held in this city last year, reported in the Evening Star. This meeting of business men was held for the purpose of protesting against this very measure, and at that meeting Mr. P. J. Brennan gave expert testimony as to the use of narrow tires upon asphalt pavements. It seems to me that the opinion of such a witness is entitled to much weight. I read from the Evening Star report:

Mr. P. J. Brennan, president of the Brennan Construction Company, which has laid a large portion of the asphalt pavements in this city, stated that his company lays these pavements under contract, which makes them liable for the good condition of the pavements for five

years, and they have to give bond that they will correct any defect in the pavements occurring in that time. But he would prefer having tires of diversified sizes rather than tires of 4 inches. He did not consider that a 2-inch tire would be any more harmful than a 4-inch tire. What the pavements really suffer from, he said, is the lack of travel. An asphalt pavement that is not sufficiently traveled, he said, will be in worse condition than one that is greatly traveled by teams carrying tires of different widths.

As against the mere opinions of gentlemen who do not pretend to any special knowledge upon subjects of this character I submit the opinion of one who not only has had large experience in putting down asphalt pavements in this city, but who also has a personal and direct interest in their preservation. Being under bond to repair such damages as may be sustained by the pavements from their use by heavy wagons, his opinion is surely entitled to the very highest credit.

Mr. PAYNE. Will the gentleman allow me? Mr. JONES of Virginia. Yes; for a question.

Mr. PAYNE. Considering the fact that the more the-pavement is worn out the more there would be to be laid, his motives or interest drew him in the other direction as well as in the direction of the testimony on your side of the question.

Mr. JONES of Virginia. I further-

Mr. PAYNE. One further question. This I understand was a meeting of the business men here, the men who wanted these narrow-tired wagons?

Mr. JONES of Virginia. I hope this interruption does not

come out of my time.

Mr. PAYNE. I say that the meeting was one called by these

business men to protest against the passage of this law.

Mr. JONES of Virginia. I stated that. And now I want to say that this gentleman further stated that the asphalt pavements which are little used suffer more from that cause than do those which are in constant use.

Mr. BABCOCK. I wish to say, in reference to that gentle-man, that he convinced himself before the committee that the 2-inch tires were better than the 4, and also that if the asphalt, if it was not used at all, would at once disintegrate and be of no He said that 11-inch was better than 4-inch for the wagons used in the city of Washington.

Mr. JONES of Virginia. Mr. Speaker, in response to the statement made by another gentleman, that the people who objected to this 4-inch tire were only Virginians engaged in hauling brick from Virginia to this city, I want to read this communication addressed to my colleague [Mr. Rixey], who represents the district in Virginia adjacent to this city:

MARCH 9, 1906.

Hon. John F. Rixey, House of Representatives, Washington, D. C.

Dear Sir: At a largely attended meeting of the board of directors of the Business Men's Association, held March 8, House bill No. 14897 came up before the board and was thoroughly discussed; and on motion of Mr. W. 8. Knox, duly seconded by Mr. P. Brennan, it was resolved that the association go on record as being unalterably opposed to the third section of said bill, it being agreed that the adoption of said section would work an unpecessary hardship and unwarranted expense to the owners and users of teams hauling 2 tons or more. It was further agreed that the association use its good offices and every honorable means to defeat said legislation in becoming a law.

Very truly, yours,

Jas. F. Oyster, President.

JAS. F. OYSTER, President.' WM. F. GUDE, Secretary.

These gentlemen, representing the Business Men's Association of this city, not people engaged in hauling brick from Virginia to the city of Washington, have gone on record as being unalterably opposed to this legislation. Naturally the people of Virginia and Maryland who haul their products to this city in heavy wagons are opposed to this proposed legislation, but they are not alone in their opposition.

The manufacturers of brick in Virginia who send their bricks here in heavy wagons, the farmers whose market wagons come, as well as the business men of this city who will be affected by this proposed legislation are all opposed to it. They oppose it because it will entail upon them heavy and, as I believe, need-less expense. Upon many farmers it will be a real hardship.

Why has not this measure been referred to the Commissioners for the District of Columbia? Such, I am told, has been the invariable course in all matters of legislation of this character. Had that course been pursued in this case this House would have now before it facts which are now wanting-facts which would doubtless convince every mind here that this measure ought not

to pass this House. I think, Mr. Speaker, that the House will be safer in accepting the testimony of the business men of this city and the experts who have given opinions in reference to this matter than in accepting those of my friend from New York [Mr. PAYNE] and my friend from Iowa [Mr. HEPBURN]. I agree with what has been said by the gentleman from Mississippi [Mr. Williams], for I have but recently carefully observed the

streets of Washington, and I have failed to find any evidence of

injury to the asphalt pavements resulting from the use of narrow tires. The sun has caused far more injury to pavements than narrow tires. The slightest examination of the asphalt pavement along the east front of this Capitol building, where the use of light vehicles is only permitted, and the same pave-ments near the Long Bridge, over which heavy wagons, with narrow tires, pass, will, I think, clearly demonstrate the cor-rectness of the position taken by the business men of this city. I want to say further, Mr. Speaker, if I may be permitted, in reply to the gentleman from New York [Mr. PAYNE], that I have here the statements of the mayors of Philadelphia, Balti-more, and of Richmond, all to the effect that there is no requirement in those cities with reference to the use of wide or narrow tires. I should have said that in Richmond heavy wagons are not permitted to use tires less than two and a half inches in width. In the other two cities named there is absolutely no requirement on the subject. I imagine that the streets in the city of Philadelphia, where narrow tires are permitted, are in just as good condition as are those in the city which my friend from New York [Mr. PAYNE] has the honor to represent.

Mr. SHACKLEFORD. May I ask the gentleman a question?

Mr. JONES of Virginia. You may. Mr. SHACKLEFORD. What does the gentleman from Virginia think is the effect of these narrow tires, and the hauling of brick across the river on the Long Bridge and the approaches to the bridge, where the surface is not asphalt? "What is the effect of the narrow tires there as compared with the wide ones?

Mr. JONES of Virginia. I do not know whether there is asphalt on the bridge or not. I rather think there is.

Mr. BABCOCK. On the bridge, but not on the approaches. Mr. SHACKLEFORD. On all of those places which are not

covered with asphalt, what is the effect?

Mr. JONES of Virginia. I have not examined the bridge, but I understand this to be the case, that when the movement in favor of wide tires was first inaugurated, it was because of the fact that the approaches to the bridge had been but recently paved. The bridge had been recently built, and the idea was that inasmuch as the roadbeds had not settled, the use of these narrow tires might be injurious. Now that the roadbeds have thoroughly settled, as I imagine is the case, there can be little excuse for the passage of this measure.

Mr. SHACKLEFORD. What about the macadamized ap-

proaches?

Mr. JONES of Virginia. I am speaking of the asphalt pave-I know nothing about the macadamized roads.

I mean streets that are not paved with Mr. SHACKLEFORD. asphalt. What is the effect of the narrow tire as compared

with the wide one upon them?

Mr. JONES of Virginia. I should think that on dirt roads, or such roads as the gentleman appears to have in mind, wide tires would be better than narrow ones; but I think all the testimony goes to show, and as far as my observation goes it confirms that testimony, that narrow tires have not injured the streets of Washington any more than wide ones have.

The SPEAKER. The time of the gentleman has expired.

Mr. BABCOCK. I yield five minutes to my colleague on the

committee, the gentleman from Tennessee [Mr. Sims].

Mr. SIMS. Mr. Speaker, I can corroborate the statement of the gentlemen from Mississippi as to the appearance of the surface of the streets. It is true that there seem to be breaks in the streets lengthwise, crosswise, and every other way. Evidently they are not caused by tires or the lack of tires; but this law applies to the whole District of Columbia, and the streets of the District are not all paved with asphalt. It does seem to me that asphalt paving is such a peculiar thing that it is difficult to judge it by comparison with anything except itself. But upon the idea of the gentleman from New York or some other gentlemen who have spoken on this matter, in many cases the bed work or foundation upon which the asphalt is laid is defective. If there is a defect beneath the surface of the asphalt, it may be small; it may be crosswise or lengthwise with the street. It is perfectly natural that a great weight upon a narrow tire would come nearer to breaking it than if it was a broad surface, upon the same principle that you can walk on snow with snowshoes when you could not with skates. Now, it does seem to me that 5,000 pounds is so large a load that most of the hauling that will be made with tires less than 4 inches wide will not exceed that weight anyway, and that there can not be any very great hardship in requiring persons who haul over 5,000 pounds, including the weight of their wagon, to adopt the wide tire.

Certainly nobody will contend that a 4-inch tire will hurt the payement or injure the surface of it or be more injurious than the narrow tire. It does seem to me that this is a reasonable proposition, and that we will get rid of this question by adopting the substitute, making it 5,000 pounds instead of 4,000, as suggested by the gentleman from Iowa; and the time of the going into effect of the law being postponed until next January, those who have narrow tires and heavy draft wagons will have plenty of time in which to change their tires or wheels without any great loss to them. As the law is now you can put 10 tons onto a wagon with narrow tires, if you can get that weight onto the wagon.

Mr. BABCOCK. Yes; and they had 10 tons on a 2½-inch tire, and the last I knew of it the wagon stood in the middle of the

street down to its hubs.

SIMS. Certainly it will not be easier to overload a broad-tired wagon so as to injure the surface of the street than it would be to overload a narrow-tired wagon to the same extent, I do not think there is any great hardship in this bill as Gentlemen who own wagons have talked with me and discussed this matter a great deal, and, of course, they do not want to have to change their tires. But I believe, from a fair investigation, having studied the matter since last winter, taking the District as a whole and knowing it is not all paved with asphalt and never will be, and that wagons come in here from the States, we ought to adopt some reasonable measure. I believe to require a 4-inch tire for 5,000 pounds is not unreasonable or a hardship, and that we had better adopt the substitute and be done with the matter.

Mr. BABCOCK. Mr. Speaker, I yield three minutes to the

gentleman from New York [Mr. DRISCOLL].

Mr. DRISCOLL. Mr. Speaker, in view of the statement made here a few minutes since that the use of wide tires for heavy wagons is not required in other cities, I wish to state a little experience or observation on the subject. I live in Syracuse, N. Y. Some years ago our streets were in very bad condition, largely made so by the hauling over them of heavy loads in narrow-tired wagons. There are several small quarries outside of our city some 4 or 5 miles, and the heavily laden stone wagons were drawn into the city and through its streets. Those wagons were then equipped with narrow tires, and were cutting up the streets so that it was impossible to keep them in good condition. An ordinance was passed by the common council of our city during the mayoralty of Mr. Belden, my predecessor in Many of the people who had been accustomed to use narrow tires objected strenuously to that ordinance, and claimed that it was unconstitutional. They took the matter to the courts, in which it was held that the ordinance was valid. Wide tires were then required to be put on those heavy stone wagons, and since then on all heavy wagons. Since that time our streets have been improved, largely because they have not been cut up so badly by narrow-tired, heavily laden wagons. It is manifest that on a dirt or a macadam or any kind of a soft road a wide tire is better than a narrow one. It acts as a sort of roller, while a narrow one cuts down into the street and tears it up. It is admitted here that the wide tire is better than the narrow one for macadam and dirt roads and all sorts of roads except asphalt or other pavement. The narrow tire may not damage the asphalt very much in winter or in cold weather when the material is hard, but in summer when it is soft the narrow tire does cut the pavement.

We have all seen the time in this city when the horses going along the streets in midsummer, when the pavement is almost steaming, that the calks of the borses and also the narrow tires of wagons cut into the asphalt. Also in winter narrow tires do more damage to asphalt pavement than do wide tires. Holes or depressions may be made in the asphalt by many causes, and after a hole or depression is once made down to the concrete then certainly the narrow tire injures it more than does the wide tire. In cold weather the asphalt is pretty hard and brittle, and when it breaks off it breaks off in chunks, and when the wagon wheel comes along and strikes it it breaks off a little. Now, a narrow tire of the same weight, force, and speed striking against the edge of the pavement does more damage than a wide tire. Common observation and experience with familiar things lead to that conclusion. I suppose that in nearly all the well-regulated cities of the country wide-tire ordinances for heavily laden wagons are in existence and also enforced, and Washington should not be an exception to other well-regulated and progressive cities. This is a beautiful city. It is pretty well kept and is very expensive. It is not much of a hardship to require men using heavily loaded wagons to do their part toward keeping the streets in order. They ought to do that of their own free will, by reason of their civic pride and desire to have the city look as beautiful as possible; and if they are not so disposed, they should be compelled to do so. And the committee is right in requiring that men drawing heavy

loads over the streets of our city be compelled to do their part toward preserving the good condition of our streets, even at a little extra expense to them.

Mr. BABCOCK. I yield three minutes to the gentleman from Massachusetts [Mr. LOVERING].

Mr. LOVERING. Mr. Speaker, I thought it was long ago conceded that broad tires were the best conservators of roads that can be had. Certain it is that in towns in Massachusetts with which I am familiar, where they have used broad tires, they have reduced the cost of care and maintenance of the roads from 30 to 40 per cent. Of this I can bring proof. It is a wellknown fact that in Europe on toll roads the tolls are graded according to the width of the tires, and they even go to the extent of not demanding toll from wagons which have tires 4 or 5 inches in width. I hope this amendment will be adopted here. believe in fixing the limit at 4,000 rather than 5,000 pounds. I think if it is adopted here it will be followed by State legislatures enacting similar legislation throughout the country, and for that reason, among others, as an example we ought to adopt it.

Mr. BABCOCK. Mr. Speaker, I call for a vote.

The SPEAKER. The question is on agreeing to the amendment to the substitute offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. Mudd) there were—ayes 113, noes 51.

So the amendment was agreed to.

Mr. JONES of Virginia. Mr. Speaker, I desire to move to amend the bill-

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Virginia?

Mr. BABCOCK. Not for an amendment.

The SPEAKER. The gentleman declines to yield for the purposes of offering an amendment.

Mr. JONES of Virginia. Mr. Speaker, I want to appeal to the

gentleman. My amendment is simply to provide that this should be for the load without the wagon. The wagon will weigh 4,000 pounds in some instances. I appeal to the gentleman to permit me to offer the amendment.

The SPEAKER. The gentleman is entitled to offer the amendment unless the gentleman from Wisconsin demands the

Mr. BABCOCK. Mr. Speaker, with the number of bills we

have I shall have to ask for the previous question.

The SPEAKER. The gentleman from Wisconsin demands the previous question on the substitute to the bill to its final

The question was taken; and the Chair announced the ayes

seemed to have it.

Mr. JONES of Virginia. I demand the yeas and nays, Mr.

The SPEAKER (after counting). Thirty-two gentlemen have arisen, not a sufficient number, and the yeas and nays

are refused. Mr. JONES of Virginia. I demand the other side, Mr.

Speaker. The SPEAKER (after counting). Those in favor of the

yeas and nays are 32 and those opposed are 134.

Mr. JONES of Virginia. Tellers, Mr. Speaker.
The SPEAKER (after counting). Thirty-eight gentlemen have arisen, not a sufficient number, and tellers are refused. The question is on the substitute.

The question was taken; and the Chair announced that the

ayes seemed to have it.

Mr. JONES of Virginia. Division, Mr. Speaker.

The House divided; and there were—ayes 137, noes 44. Mr. JONES of Virginia. Yeas and nays, Mr. Speaker.

The SPEAKER. The year and nays are demanded. in favor of ordering the yeas and nays will rise and stand until they are counted. [After counting.] Thirty-one gentle-men have arisen, not a sufficient number, and the yeas and nays are refused, and the amendment is agreed to. The question now is on the engrossment and third reading of the bill

The bill was ordered to be engrossed, and read the third time. The SPEAKER. The question now is on the passage of the

bill

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. JONES of Virginia. Yeas and nays, Mr. Speaker.

The SPEAKER. The gentleman from Virginia demands the yeas and nays. Those in favor of the yeas and nays will rise and stand until they are counted. [After counting.] Thirty-three gentlemen have arisen, not a sufficient number, and the yeas and nays are refused. The ayes have it, and the bill is passed.

On motion of Mr. Babcock, a motion to reconsider the last vote was laid on the table.

The title was amended so as to read: "A bill to protect the streets of the city of Washington."

RETENT ON CONTRACTS WITH THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask present consideration of the bill (H. R. 21684) to amend section 2 of an act entitled "Au act regulating the retent on contracts with the District of Columbia," approved March 31, 1906.

The Clerk read as follows:

Be it enacted, etc., That section 2 of the act entitled "An act regulating the retent on contracts with the District of Columbia," approved March 31, 1906, be, and the same is hereby, amended so that it shall read as follows:

"SEC. 2. That this act shall cover and comprehend all contracts for the construction of bridges, sewers, buildings, and other contracts for construction work, as herein specified, which are now completed or which may hereafter be completed by the contractors according to their contracts and accepted by the Board of Commissioners of the District of Columbia."

The bill was ordered to be engrossed and read a third time, was read-the third time, and passed.

#### SERVICE ON FOREIGN CORPORATIONS.

Mr. BABCOCK. Mr. Speaker, I ask present consideration of the bill (S. 7170) to amend an act relating to service on foreign corporations, approved June 30, 1902, entitled "An act to amend an aet entitled 'An act to establish a code of law for the District of Columbia.'"

The Clerk read as follows:

Be it enacted, etc., That the act of Congress approved June 30, 1902, entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia,'" be, and the same is hereby, amended so as to read as follows:

"When a foreign corporation shall transact business in the District without having any place of business or resident agent therein, service upon any officer or agent or employee of such corporation in the District shall be effectual as to suits growing out of contracts entered into or to be performed, in whole or in part, in the District of Columbia or growing out of any tort heretofore or hereafter committed in the said District."

The committee amendment was read, as follows:

Page 1, strike out all of lines 3, 4, 5, and 6, and insert in lieu thereof the following:

"That the second paragraph of section 1537 of the Code of Law for the District of Columbia be, and the same is hereby, amended so that it shall."

The amendment was agreed to.

The bill as amended was ordered to be read the third time, was read the third time, and passed.

Mr. MAYNARD. Mr. Speaker, I ask unanimous consent to make a statement to the House.

The SPEAKER. The gentleman from Virginia asks unanimous consent to make a statement to the House. Is there ob-

jection? [After a pause.] The Chair hears none.

Mr. MAYNARD. Mr. Speaker, I desire to give notice to the House that inasmuch as it was expected by a large number of the membership of the House to-day that the urgent deficiency bill, which lately passed the House and was amended in the Senate, carrying a loan of \$1,000,000 to the Jamestown Exposi-

tion Company, was to come up to-day, by agreement has been postponed until to-morrow morning, and will be brought up to-morrow morning. I promised on behalf of all parties interested to give this notice to the House.

Mr. PAYNE. I hope people will stay here, notwithstanding.

CONVENTION OF THE PROTESTANT EPISCOPAL CHURCH, WASHINGTON, D. C.

Mr. BABCOCK. Mr. Speaker, I ask present consideration of the bill (S. 6338) to amend section 2 of an act entitled "An act to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington."

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That section 2 of the act approved March 16, 1896, entitled "An act to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington," be, and the same is hereby, amended so as to read as follows:

"Sec. 2. That the said corporation shall have full power and authority to take and hold subscriptions, contributions, donations, grants, devises, or bequests, in money, real estate, or otherwise, which heretofore have been made or which may hereafter be made for the purpose of an Episcopal residence, diocesan house, church colleges, church or parish schools, churches, or mission chapels, and for the purpose of creating a permanent fund or endowment for the support of the episcopate in said diocese, and to or in behalf of religious, missionary, charitable, or educational agencies' uses or purposes now existing or hereafter to exist, under the jurisdiction, control, or sanction of said convention within the limits of said diocese, the annual income from which shall not exceed \$100,000, and the same to invest and the proceeds thereof to apply for the purposes aforesaid as may from time to time be deemed most expedient, and to appoint, in its discretion, an executive committee or other trustees, boards, or agencies, by whatsoever name or names they may be designated, to administer such funds or property in such manner and form and with such authority as the

said corporation shall from time to time prescribe: Provided, however, and always, That in such administration the respective funds shall be kept distinct and separate; that each fund shall be held liable only for obligations that may have been incurred in its own proper behoof; and that the principal sum or amount of such subscriptions, contributions, donations, grants, devises, and bequests for permanent endowment of the episcopate shall be at all time invested in some safe and profitable stocks, real estate within the limits of the said diocese, mortgages, deeds of trust, or other securities, and the expenses of administering the same, the salary of the bishop, and other charges shall be payable and paid only out of the annual interest, dividends, or profits thereof: And provided further, That unless this amendment shall be accepted by resolution of the convention of the said diocese at its next annual meeting, and a copy of such resolution of acceptance, certified by the secretary of the convention, be filed for record with the recorder of deeds of the District, of Columbia within sixty days thereafter, the same shall become void and of no effect."

The committee amendment was read, as follows:

The committee amendment was read, as follows:

On page 2 strike out all commencing with the word "some," in line 22, down to and including the word "securities," in line 24, and insert in lieu thereof the following:

"bonds of the United States or of the District of Columbia, in first-class State or municipal securities: in first mortgages or first deeds of trust on real estate not exceeding 60 per cent of the value of such real estate, or in the first mortgage bonds of any railroad corporation which has for five consecutive years immediately preceding such investment paid dividends on its common stock."

Mr. CRUMPACKER. I desire to offer a suggestion or two and an amendment to the bill.

The SPEAKER. Does the gentleman from New York [Mr.

Mr. OLCOTT.

Mr. OLCOTT. Yes; I yield. Mr. CRUMPACKER. The bill provides for the amendment of an act incorporating the Protestant Episcopal Church, and it authorizes the church organization to receive bequests, donations, and devises of personal and real property and authorizes the property to be invested for ecclesiastical, educational, missionary, and charitable purposes, and there is no limit at all on the amount of the real estate the corporation may hold in the aggregate. I do not believe it is a wise policy to create a corporation of any kind without some limitation on the amount of the real estate it may own. I made an objection to a bill a day or two ago on that ground. The amendment I propose to offer limits the amount of real estate which this corporation may own at any one time to an aggregate of \$2,000,000. Would that be satisfactory

Mr. OLCOTT. I will call the gentleman's attention to the fact that the entire property, both real and personal, can not have an income of more than \$100,000, and the corporation is only allowed to take real estate which is devised to them by will. We have stricken out the clause in the bill allowing them to invest in real estate, and have made a change which we believe in the line of conservatism, to prevent investing in real estate. They can take real estate by devise, the income of which added to the income of all their personal property does not exceed It seems to me that limitation is sufficient.

Mr. CRUMPACKER. I noticed that provision in the bill, and

I had some doubt-

Mr. OLCOTT. Will the gentleman excuse me for a moment?
That limitation now exists in the present law.

Mr. CRUMPACKER. What is the object of the amendment? Mr. OLCOTT. The object of this amendment is that the corporation was not allowed, and it is not allowed under the present law, to take devises of real estate. Now, wills have been made, and the corporation is now entitled under the terms of those wills to take a certain devise in real estate. It wishes authority to receive it. That is the main object.

Mr. CRUMPACKER. There are a number of objections that I have to this kind of legislation. This corporation might possibly be the beneficiary of large bequests and devises and hold real estate without limit. Nobody knows what the future may

Mr. OLCOTT. Except the limitation is that the income from personal property and all of its real property shall not exceed

\$100,000

Mr. CRUMPACKER. There is that one limitation on income only, and the corporation owns many millions of dollars of real estate, and the influence of this great organization—and it is a very worthy organization-might be directed toward exempting all of this property that is used for educational, missionary, and

charitable purposes from taxation.

Mr. OLCOTT. The specific real estate, however, that is exempted must be used for either church or educational purposes.

Mr. CRUMPACKER. Does not the gentleman believe a limitation that the aggregate holdings of real estate shall not at any time exceed \$2,000,000 would be a proper and safe one to incorporate in the bill?

Mr. OLCOTT. I am afraid to accept that. I can understand that, with the values as they are here in Washington, the cathedral site now and the buildings that will be erected by the members of the Protestant Episcopal Church would be more

than \$2,000,000. We are about erecting a cathedral in New York where we have spent much more than that, and it is not nearly completed.

Mr. CRUMPACKER, I think the policy is eminently bet-

Mr. OLCOTT. Income-bearing property can not be greater in value than \$100,000. Therefore they would not be a monopoly, and there is no exemption of taxes on any real estate which the corporation holds from which it receives an income.

Mr. CRUMPACKER. There is none now perhaps. But here are numerous associations of this kind, religious and fraternal, that are securing incorporation and power under the Federal Government, and in the future they may own half of the city of Washington, and the combined influence of those great organizations throughout the country may be sufficient to exempt their entire holdings from taxation. I do not believe that the real estate of the country ought to be owned and held by corporations, except in so far as it is necessary to carry on the purpose of their creation.

Mr. OLCOTT. That was the reason that we made the amendment in the committee, that the investments can not be made in real estate. The corporation can only take real estate that is devised to it. Now the gentleman very well knows that not only here, but I think in every community, property that is owned by a religious corporation or an educational institution that is not used for purposes of religious instruction or for the purposes of education is not exempted from taxation. I think the fear of the gentleman from Indiana is unfounded.

Mr. CRUMPACKER. Well, I will not press my objection further. It may be the limitation on the income to \$100,000 is a sufficient safeguard against the inordinate accumulation of real estate by this organization. This is a very worthy institution, I know; yet I think in making legislation we ought to have in view what may possibly arise under it—the possible exercise of the power that the bill carries. Real estate ought to be in private ownership chiefly, so it will be subject to the laws of inheritance that tend to prevent its monopolization.

The question was taken; and the amendment was agreed to. The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NATIONAL SAFE DEPOSIT, SAVINGS AND TRUST COMPANY.

Mr. BABCOCK. Mr. Speaker, I call up from the Speaker's table the bill S. 8014, a similar House bill having been reported. The Clerk read as follows:

The Clerk read as follows:

A bill (S. 8014) to authorize The National Safe Deposit, Savings and Trust Company of the District of Columbia, to change its name to that of National Savings and Trust Company.

Be it enacted, etc., That the National Safe Deposit, Savings and Trust Company, of the District of Columbia, a body corporate, duly incorporated under an act approved October 1, 1890, and entitled "An act to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia," be, and is hereby, authorized to change its name to National Savings and Trust Company, the said change of name to be complete and effectual when said corporation shall have filed with the recorder of deeds of the District of Columbia an amended certificate of incorporation setting forth the change in name hereby authorized, and shall also have filed a copy of said amended certificate of incorporation with the Comptroller of the Currency of the United States.

Sec. 2. That Congress may at any time amend, alter, or repeal this act.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. BABCOCK, the bill H. R. 24841, on the same subject, was laid on the table.

### WASHINGTON MARKET COMPANY.

Mr. BABCOCK. Mr. Speaker, I desire to call up Senate bill 6470, which by error, as I think, is on the Calendar of the Committee of the Whole House on the state of the Union.

The SPEAKER. By mistake the bill (S. 6470) in relation to the Washington Market Company was referred to the Union Calendar. It should have been referred to the House Calendar. The Chair, under the practice, will order its transfer; and the gentleman desires to call up the Senate bill.

Mr. BABCOCK. I desire to call up the Senate bill.

The Clerk read as follows:

A bill (S. 6470) in relation to the Washington Market Company.

Be it enacted, etc., That the Washington Market Company be, and hereby is, authorized, in connection with the refrigeration of produce stored or sold at Center Market, to manufacture ice at any suitable place within the District of Columbia.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the

Strike out all area and area following:

"That the Washington Market Company be, and it is hereby, arthorized to procure by purchase or lease all or part of square No. 328 in the city of Washington, and thereon conduct a cold-storage buri-

ness and manufacture ice for use in Center Market and for sale: Provided, That nothing in this act shall be held to limit or affect in any way any of the provisions of 'An act to incorporate the Washington Market Company,' approved May 20, 1870.

"Sec. 2. That the right to alter, amend, or repeal this act, without any liability therefor, is hereby expressly reserved."

Mr. DRISCOLL. May I ask the gentleman a question?
Mr. BABCOCK. Certainly.
Mr. DRISCOLL. Is this to give this company the power to condemn and purchase?

Mr. BABCOCK. Oh, no; I understand they own the property now, but objection was made to the bill because it did not

specifically describe the property. This bill does.

Mr. HEPBURN. Mr. Speaker, I would like if the gentleman in charge of the bill would tell us who this Washington Market Company is and what their rights are in the premises which

they now occupy.

Mr. BABCOCK. Well, I could not answer that question in detail, except to say that the Washington Market Company has the principal market here. It is a corporation authorized to do all things pertaining to a general market business. This bill is for the purpose of allowing them to build a cold storage or ice house near the depot. Under the provisions of their charter their attorney did not think they had the authority to build off the particular premises they occupy under their charter. This authorizes them to build an ice house on ground that they own.

The amendment recommended by the committee was agreed to. The bill as amended was ordered to a third reading, read the

third time, and passed.

The bill H. R. 20178, a similar House bill, was laid on the table.

PROHIBITING THE SALE OF INTOXICATING LIQUORS NEAR CERTAIN INSTITUTIONS.

Mr. BABCOCK. Mr. Speaker, I call up the bill S. 4267. The bill was read, as follows:

A bill (S. 4267) to prohibit the sale of intoxicating liquors near the Government Hospital for the Insane and the District almshouse.

Be it enacted, etc., That it shall be unlawful to sell, either by wholesale or retail, intoxicating liquor of any kind at any point between the Government Hospital for the Insane and the District almshouse, or within a radius of one-half mile of the boundaries of either of said properties.

The amendment recommended by the committee was read, as follows:

In line 5 strike out the words "District almshouse" and insert "Home for the Aged and Infirm."

The amendment was agreed to.

The bill as amended was ordered to a third reading; read the third time, and passed.

The title was amended so as to read:

An act to prohibit the sale of intoxicating liquors near the Govern-ment Hospital for the Insane and the Home for the Aged and Infirm. SUPREME LODGE OF THE KNIGHTS OF PYTHIAS.

Mr. BABCOCK. Mr. Speaker, I ask consideration of the bill H. R. 17212.

The bill was read, as follows:

A bill (H. R. 17212) to amend an act to incorporate the Supreme Lodge of the Knights of Pythias.

of the Knights of Pythias.

Be it enacted, etc., That section 2 of an act approved June 29, 1894, entitled "An act to incorporate the Supreme Lodge of the Knights of Pythias," be, and the same is hereby, amended by striking out the words "not exceeding in value \$100,000;" so that said section 2 shall read as follows:

"Sec. 2. That the said corporation shall have the power to take and hold real and personal estate, which shall not be divided among the members of the corporation, but shall descend to their successors for the promotion of the fraternal and benevolent purposes of said corporation."

Sec. 2. That this act shall take effect from and after its passage and

Mr. CRUMPACKER. Mr. Speaker, I desire to offer an amendment along the line I offered a few moments ago.

The SPEAKER. Does the gentleman yield? Mr. BABCOCK. I yield to the gentleman. Mr. BABCOCK.

Mr. CRUMPACKER. At the end of section 2 insert the following.

The Clerk read as follows:

At the end of section 2 insert the following: "Provided, That said corporation shall not hold or own real estate to the aggregate value of \$1,000,000 at any time."

Mr. BABCOCK. I accept the amendment.

The question was taken; and the amendment was agreed to. The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ORDER OF BUSINESS.

Mr. BABCOCK. Mr. Speaker, I have two small matters here which are on the Calendar of the Committee of the Whole

The SPEAKER. The Whole House on the state of the Union? Mr. BABCOCK. No; the Committee of the Whole House. I ask, Mr. Speaker, that that committee may be discharged from the consideration of the bill S. 7028 and the bill S. 3702.

Mr. SIMS. What bills are they? Mr. MADDEN. I reserve the right to object.

Mr. HULL. The gentleman does not need to reserve the right.

He already has it.

The Chair will state that on Mondays, not-The SPEAKER. withstanding this bill S. 7028 is on the Private Calendar, under the rule and practice, as the Chair is advised, the gentleman may call up the bill for consideration. He might move to go into Committee of the Whole House for the purpose of considering the bill; but now the gentleman asks unanimous consent that the Committee of the Whole House may be discharged from consideration of the bill, and that the same may be considered in the House as in Committee of the Whole. Is there objection?

Mr. SIMS. What bill is it? Mr. MANN. We have not be We have not heard what the bill is yet.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 7028) for the relief of the Allis-Chalmers Company, of Milwaukee, Wis.

Be it enacted, etc., That he Commissioners of the District of Columbia are hereby authorized and directed to cause to be paid from the appropriation for the water department, District of Columbia, extension of the high-service system. to the Allis-Chalmers Company, of Milwaukee, Wis., the sum of \$8,870, deducted by the Commissioners of the District of Columbia as a penalty, under contract No. 3047, dated November 11, 1901.

Mr. MANN. Mr. Speaker, at the proper time I propose to make the point of order against this that the Committee on the District of Columbia had no jurisdiction to consider or report the bill.

Mr. BABCOCK. I have no objection to the point of order. The SPEAKER. The Chair did not understand the gentle-

man from Illinois.

Mr. MANN. I say at the proper time I propose to make the point of order that this is a private claim, and that the Committee on the District of Columbia had no jurisdiction to consider or report it.

Mr. BABCOCK. Mr. Speaker, I desire to make a statement in reference to this. This is money that has been appropriated by Congress for this specific purpose, but withheld by the Com-

missioners as a penalty.

Mr. MANN. The bill is purely a claim against the Government. As shown by the report, and practically by the bill, the Commissioners of the District of Columbia could not pay the money, not being authorized by law. The money was retained, as a penalty. Now this company presents a claim against the Government, which is like all other claims against the Government, a pure claim, not founded upon any law, not founded upon anything which can be considered by the Department. It is a pure claim against the Government, and ought to go to the Committee on Claims.

Mr. BABCOCK. I will say, Mr. Speaker, that this is entirely a District matter, on a District contract, and that the Commissioners have asked authority to make this payment, which they

believe is in justice due to these parties.

Mr. MANN. I call the attention of the Chair to clause 3 of Rule XXI, page 281 of the Manual, which provides that no bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following-named committees, naming various committees not including the Committee on the District of Columbia.

The SPEAKER. Has the gentleman from Wisconsin another bill similar to this?

Mr. BABCOCK. I think not.

The gentleman spoke of two bills. The SPEAKER.

There is another bill (8, 3702) for the relief Mr. BABCOCK. of the Gurley Memorial Presbyterian Church, of the District of Columbia, but it is not in the same status as this bill.

The SPEAKER. The Chair calls the attention of the gentleman from Illinois to clauses 1 and 2 of Rule XXII. The Chair would be glad if the gentleman from Wisconsin would ask unanimous consent that the committee may be discharged and that he may call this bill up to-morrow morning after the reading of the Journal. The point of order would lie, if it would lie at all, in the event that the committee was discharged. It seems to be a question for which there is no precedent. It requires an examination of Rules XXI and XXII and some consideration, and the Chair would be glad to have until to-morrow morning to consider it.

Mr. MANN. I have no objection to that.

Mr. BABCOCK. I ask unanimous consent.

The SPEAKER. Is there objection to discharging the committee from further consideration of the bill and letting it go over until to-morrow morning?

Mr. MANN. I have no objection to that. The SPEAKER. The Chair hears no objection.

Mr. MANN. Because, if it were in order, it could be called up now.

Mr. BABCOCK. But the Chair desires that the matter go over until to-morrow morning.

The SPEAKER. The Chair can not decide upon it, as it is

now before the Chair.

Mr. MANN. If it is in order, he can move now to go into Committee of the Whole on the state of the Union. I am perfectly willing that it should await the decision of the Chair until to-morrow morning, without taking any advantage

The SPEAKER. Then it will be in order to-morrow morning as of to-day.

#### GURLEY MEMORIAL PRESBYTERIAN CHURCH.

Mr. BABCOCK. Mr. Speaker, I now call up the other bill referred to (S. 3702) for the relief of the Gurley Memorial Presbyterian Church, of the District of Columbia, and for other purposes. I wish to say that this bill was referred to the Committee on the District of Columbia under Rule XXI by the unanimous order of the House. It was referred to the Committee on Claims and reported back to the House with the request that it be referred to the Committee on the District of Columbia, which was done by unanimous consent. I ask unanimous consent that the committee be discharged from further consideration and that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is here objection to that request? Mr. MANN. Mr. Speaker, I have no objection to the request,

but I wish to make the same point of order.

The SPEAKER. Precisely. [After a pause.] The Chair hears no objection. The gentleman from Illinois desires to make a point of order. The Chair will hear from the gentleman

Mr. MANN. Mr. Speaker, both of the bills involve the same construction of a rule, but under different circumstances, and I suggest that they both go over so that they can be both decided

in the morning.

Mr. BABCOCK. This, Mr. Speaker, was sent to the Committee on the District of Columbia under Rule XXI by the unanimous consent of the House, and reported back to the House by the chairman of the Committee on Claims, complying exactly with the rules.

Mr. MANN. Mr. Speaker, I understand, but the rule provides that an erroneous reference under this clause shall not

confer jurisdiction on the committee. Mr. BABCOCK. Will the gentleman read that part of the rule he read in the first place?

Mr. MANN. Rule XXI, clause 2, provides for a rereference, but the latter part of the rule provides that an erroneous reference under this clause shall not confer jurisdiction upon the committee. I suggest that, involving the construction of the same rule under different circumstances, they both might well be considered and decided at the same time to-morrow.

The Chair will call the attention of the The SPEAKER. gentleman from Illinois to what seems to the Chair to be a distinction between this bill and the one that goes over until This bill was referred to the Committee on Claims.

Mr. MANN. Mr. Speaker, I understand the distinction to which the Speaker desires to refer. In one case the bill is referred merely by a Member introducing it and by writing the name of the committee on it and putting it in the basket. In the other case it again comes before the House, having been referred by a Member, and by unanimous consent is referred to another committee.

The SPEAKER. Yes.

Mr. MANN. But it involves a construction of the same rule: and while there is a distinction, I do not mean to say that the Chair may not properly hold that this bill is properly before the House. I suggest, however, that as long as one is to go over both may properly go over and be considered at the same

The SPEAKER. The Chair calls the attention of the gentleman also to the fact that this is a Senate bill, and a Member has nothing to do with the reference of it. Under the rule the Speaker, acting for the House, referred it to the Committee on The Committee on Claims brought it back to the House, and the House, by unanimous consent, changed the reference to the Committee on the District of Columbia. So that it is the action of the House, and it has been ruled that such

action confers jurisdiction without regard to the rules in many cases, many precedents.

Mr. MANN. I take it that the Chair has good reasons for the position which he may assume; but if that be the decision, then the latter part of that clause apparently means but very little, because in section 2, which is that clause, it refers not to a bill referred by the Member in the basket, but to a bill referred by the House, and the latter part of the clause says that an erroneous reference under this clause shall not confer jurisdiction upon the committee to consider or report the same.

The SPEAKER. But the gentleman will notice that the rule he now refers to seems to cover House bills referred by Members. This is a Senate bill, referred originally by the Speaker to the Committee on Claims, and, under Rule XXIV, reported back from the Committee on Claims with recommendations that it be referred to the Committee on the District of Columbia, and the House unanimously referred it to that committee. There are many precedents where, without regard to the rule, the House by a majority has referred bills to committees, thereby conferring jurisdiction.

The Chair is inclined to the opinion that as to this bill the

point is not well taken.

Mr. MANN. If the Chair is prepared to rule, of course I have no desire to have it go over, but—

The SPEAKER. It seems to the Chair that the point is not well taken as to this bill. The Clerk will report the bill.

The Clerk read as follows:

well taken as to this bill. The Clerk will report the bill.

The Clerk read as follows:

\*\*Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the trustees or other authorized representatives of the various religious and educational institutions mentioned herein the sums set forth in their respective cases, said amounts having been heretofore erroneously paid by the said religious and educational institutions, and which character of assessments or account of special assessments or taxes levied against such religious and educational institutions, and which character of assessments or taxes the court of appeals of the District of Columbia heretofore held, in the case of the District of Columbia against Sisters of the Visitation, of Washington, reported in volume 15, Tucker's Reports, page 300 et seq., to be illegal and void and not a charge against such property.

Educational properties: Corcoran Gallery of Art, \$161.53; Columbian University, \$135.05; medical and dental department, National University, \$77.38; Howard University, \$613.14.

Religious properties: Curcoran Gallery of Art, \$167.01; Shiloh Baptist Church, \$9.70; Gunton-Temple Memorial Presbyterian Church, \$214.32; St. Matthew's Church, \$300.48; All Souls' Church, \$114.32; Epiphany Church, \$12.23; Fourth Baptist Church, \$66.18; Universalist General Convention, \$76.95; St. Paul's English Lutheran Church, \$145.52; Marvin Methodist Episcopal Church, \$16.18; Mount Morlah Baptist Church, \$48.60; Gonzaga College (St. Aloysuis Church), \$79.40; vestry of St. Mark's Parish, \$41.31; Metropolitan Presbyterian Church, \$79.41; German Baptist Brethren Church, \$44.45; Mount Jezriel Church, \$12.95; Washington Seventh Day Adventist Church, \$40.66; Ninth Street Christian Church, \$52.27; Douglas Memorial Methodist Episcopal Church, \$23.05; Israel Baptist Church, \$40.66; Ninth Street Christian Church, \$19.295; First Colored Baptist Church, \$20.30; Methodist Protestant Church, \$19.295; First Baptist Church, \$20.30;

The bill was ordered to be read the third time; was read the third time, and passed.

Mr. OLCOTT. Mr. Speaker, I ask unanimous consent that the bill H. R. 129 be considered in the House as in Committee of the Whole House.

The Clerk will report the title of the bill. The SPEAKER.

REPRINT OF REPORT ON RIVER AND HARBOR BILL.

Mr. BURTON of Ohio. Will the gentleman kindly yield to me while I ask unanimous consent for the reprint of a document?

Mr. OLCOTT. Certainly.

Mr. BURTON of Ohio. Mr. Speaker, I ask unanimous consent that 500 additional copies be printed of the report of the river and harbor bill, Report No. 6752.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the reprint of 500 additional copies of the report on the river and harbor bill. Is there objection? [After a pause.] The Chair hears none.

CONNECTING PARKWAY BETWEEN SIXTEENTH STREET AND ROCK CREEK PARK.

The Clerk read as follows:

A bill (H. R. 129) for the opening of a connecting parkway along ney Branch between Sixteenth street and Rock Creek Park, District Piney Branc of Columbia.

The SPEAKER. The gentleman from New York asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill and that the same be considered in the House as in Committee of the Whole House. Is there objection?

Mr. MADDEN. Mr. Speaker, I object.

The SPEAKER The gentleman from Illinois'objects.

Mr. MADDEN. I withdraw the objection.

The Chair hears no objection. The Clerk The SPEAKER. will report the bill.

The Clerk read the substitute, as follows:

Be it enacted, etc., That under and in accordance with the provisions of sections 491a to 491n, both inclusive, of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within ninety days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for connecting Sixteenth street with Rock Creek Park by a parkway of not more than 500 feet in width extending along or in the valley of Piney Branch, District of Columbia.

in width extending along or in the valley of Piney Branch, District of Columbia.

SEC 2. That the sum of \$600, or so much thereof as may be necessary, is hereby appropriated, one half out of the revenues of the District of Columbia and the other half out of any moneys in the Treasury not otherwise appropriated, to provide the necessary funds for the cost and expenses of the condemnation proceedings taken pursuant hereto, to be reimbursed to the revenues of the District of Columbia and the United States in equal parts from assessments for benefits when the same are collected, and a sufficient sum to pay the amounts of all judgments and awards is hereby appropriated, one half out of the revenues of the District of Columbia and the other half out of any moneys in the Treasury not otherwise appropriated.

Mr. CAMPBELL of Kansas. Mr. Speaker, I send the following amendment to the Clerk's desk.

ing amendment to the Clerk's desk.

The SPEAKER. The gentleman from Kansas offers an amendment to the substitute, which the Clerk will report.

The Clerk read as follows:

Page 8, line 18, strike out the word "five" where it appears in said line and insert in lieu thereof the following: "an average of four."

The amendment was agreed to.

The substitute as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

REMOVAL OF OBSTRUCTIONS FROM PAVED SIDEWALKS AND ALLEYS.

Mr. BABCOCK. Mr. Speaker, I desire to call up the bill (H. R. 20067) for the removal of obstructions from sidewalks. This bill is on the Union Calendar, and I ask that the committee be discharged from further consideration of the bill and that it may be considered in the House as in Committee of the Whole House.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 20067) to remove dirt, gravel, sand, and other obstructions from the paved sidewalks and alleys in the District of Columbia, and for other purposes.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the Committee of the Whole House on the state of the Union may be discharged from the further consideration of this bill and it be considered in the House as in Committee of the Whole House. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, empowered and directed to levy a special tax, to become due and payable after the time of doing the work hereinafter mentioned when and as general taxes on real estate in said District are payable, and subject to all general tax laws on real estate in said District not inconsistent herewith, of \$1 per linear foot on and against any improved or unimproved lot in said district not owned, rented, leased, or occupied by the United States and the District of Columbia, respectively, or foreign governments, embassies, legations, ambassadors, or ministers for each front from which lot dirt, gravel, sand, or other obstruction falls, caves, washes, and becomes deposited on the abutting or adjacent paved sidewalks or alleys within said District, and which remains thereon and is caused to be removed by the Commissioners of the District of Columbia at any time after notice which the Commissioners of said District shall cause to be given in accordance with the provisions of an act entitled "An act to provide for the abatement of nuisances in the District of Columbia," and so forth, approved April 14, 1906.

Sec. 2. That the Commissioners of the District of Columbia be, and they are hereby, authorized and empowered to make, establish, alter, and amend, from time to time, as they may find necessary, all needful rules and regulations which are required in their judgment to properly administer and enforce the operation of this act: Provided, That nothing herein contained shall be held or construed to make the District of Columbia or the said Commissioners liable at the suit of private individuals or private or public corporations for any default, failure, or neglect in the administration of this act, and no action shall accrue therefor.

Sec. 2. That in order to enable the said Commissioners to comply with their duties under this act and to carry it into effect, the Secretary of the Treasury is hereby auth

Mr. MANN. Mr. Speaker, I think we ought to have some ex-

planation of this bill, as it seems to be an entirely new proposition.

Mr. OLCOTT. Mr. Speaker, this is a bill that is strongly recommended and asked for by the Commissioners of the District of Columbia in order to make some proper penalty to persons who own property, improved or otherwise, and who do not take proper care of the embankments adjoining sidewalks, and when rains come and dirt falls down on the sidewalks the Dis-trict is obliged, unless a bill of this character is passed, to remove the dirt from these banks at the expense of the District. This bill is to give the Commissioners authority to collect from the owners of property a penalty for not taking care of their own property with consideration of the rights of citizens of Washington.

Mr. MANN. How often may this assessment be levied?

Mr. OLCOTT. I presume the assessment will be levied immediately after the work is performed on any particular piece of property

Mr. MANN. It will likely be two or three times a year?

Mr. OLCOTT. Whatever charge there is against the property. If they are not taking care of their own property, there will be a lien upon that property and it will be filed in the usual way as penalties for the violation of any other municipal ordinance are levied and collected.

Mr. MANN. The gentleman says "not taking care of their own property." This bill is not confined to a question of whether this man takes care of his own property or not. Any dirt that is deposited on the sidewalk by anybody, under this bill, it being the duty of the District to keep the sidewalk clean—somebody deposits dirt upon the sidewalk, or it washes from some lot onto the sidewalk—

Mr. OLCOTT. I have always believed it was the duty of

those who owned property to care for the sidewalk connected now an ordinance against allowing snow and ice to remain on the sidewalk.

Mr. MANN. The gentleman, I suppose, is aware that the court has held that that law is invalid?

Mr. OLCOTT. The law in regard to the removal of snow and ice?

Mr. MANN. Yes, sir. Mr. OLCOTT. I am not aware of it, and I think the gentleman from Illinois [Mr. MANN] is in error.

Mr. MANN. I will inform the gentleman that it has been so held by the court in the District. It is invalid, and I judge this law will be invalid.

Mr. OLCOTT. The decision was in regard to a law that previously existed, and at the last session of Congress we passed a law providing for the objections that were raised by the court itself, and this follows the lines exactly of the law that was passed to meet the decision of the supreme court to the effect that the previous law was unconstitutional.

The SPEAKER. The question is on the engrossment and

third reading of the bill.

The question was taken; and the bill was ordered to be engrossed and read a third time.

The SPEAKER. The question is on the passage of the bill.

Mr. MANN. Division, Mr. Speaker.

The House divided; and there were-ayes 45, noes 4.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER proceeded to count.

Mr. PAYNE. I want to suggest to the gentleman from Wisconsin [Mr. Babcock] that there is evidently no quorum present, and it will be a good time to adjourn.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent that

the bill may lie over, retaining its present status, until the next District day

The SPEAKER. Does the gentleman from Illinois [Mr. Mann] withdraw his point on the condition that the bill go over as unfinished business?

Mr. MANN. I have no objection, Mr. Speaker, to withdraw-

ing the point of no quorum if the bill is to be laid aside.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent that the bill be laid aside.

The SPEAKER. The bill necessarily will come up as unfinished business on the next District day. The gentleman from Illinois [Mr. Mann] withdraws his point of no quorum.

### WASHINGTON AQUEDUCT.

Mr. BABCOCK. Mr. Speaker, I desire to call up the bill S. 7042.

The SPEAKER. The gentleman from Wisconsin [Mr. Babcock] calls up the bill S. 7042, of which the Clerk will read the

The Clerk read as follows:

To transfer jurisdiction of the Washington Aqueduct, the filtration ant, and appurtenances to the Commissioners of the District of Columbia.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That from and after July 1, 1907, the Commissioners of the District of Columbia shall have all the powers and be subject to all the duties and limitations which under existing law are delegated to and imposed upon the Chief of Engineers of the United States Army in so far as the same relate to the jurisdiction and control over the Washington Aqueduct and its appurtenances in the District of Columbia, State of Virginia, and State of Maryland; and the said Commissioners are hereby given sole control over the Conduit road and the filtration plant, it being the intention of this act that the entire control over the Washington Aqueduct and all of its appurtenances, the filtration plant, Conduit road, all water mains, and the water-distribution system of the District of Columbia shall, on and after said date, be under the sole and exclusive jurisdiction and control of the said Commissioners of the District of Columbia, and that the Secretary of War and Chief of Engineers of the United States Army shall be relieved of all duty and responsibility in connection with all of such work; and the Secretary of War and Chief of Engineers shall, on request of the Commissioners of the District of Columbia, deliver to them all existing plans, surveys, and records, or duly certified copies thereof, deemed necessary or required by said Commissioners to enable them't to discharge the duties imposed on them by this act, the cost of making said copies to be paid by said Commissioners; and all property connected with said works shall be delivered to said Commissioners; and all appropriations available for the Washington Aqueduct, District of Columbia, and its appurtenances, including the filtration plant, shall be expended under the direction and control of the Commissioners of said District, and the employees paid from said appropriations shall be transferred to the jurisdiction of the said Commissioners for assignment to such duties as may

Mr. FITZGERALD. Mr. Speaker, I make the point of

Mr. PAYNE. Mr. Speaker, it ought to be fully considered, as I understand it takes the water system out from under the control of the War Department and puts it in the hands of the District Commissioners

The SPEAKER. The bill can not be considered in the House

without unanimous consent.

Mr. PAYNE. Mr. Speaker, I make the point that it must be considered in the Committee of the Whole.

Mr. BABCOCK. Mr. Speaker, I will take up no further business to-day, except to ask for the appointment of conferees on the bill (S. 6364) to incorporate the National Child Labor Committee.

### NATIONAL CHILD LABOR COMMITTEE.

The SPEAKER laid before the House the bill (S. 6364) to incorporate the National Child Labor Committee, with House amendment disagreed to.

Mr. BABCOCK. I move to insist on the House amendment

and agree to the conference. The motion was agreed to.

The SPEAKER announced the appointment of Mr. Taylor of Ohio, Mr. Samuel W. Smith, and Mr. Sims as conferees.

## VIEWS OF MINORITY ON SHIPPING BILL.

Mr. SPIGHT. Mr. Speaker, in accordance with an agreement had with the chairman of the committee, I ask unanimous consent to file the views of the minority on the substitute reported from that committee for the bill S. 529, called the "ship-subsidy bill."

The SPEAKER. Consent has already been granted, the Chair

believes

Mr. SPIGHT. No, sir; I think not. I do not think it appears of record.

The SPEAKER. The Chair understands that the minority was given until Tuesday to file their views.

The views of the minority were ordered printed.

#### PRINTING REPORT OF POSTAL COMMISSION.

Mr. GRIGGS. Mr. Speaker, I call up the following privileged report.

The Clerk read as follows:

Resolved, That there be printed for the use of the House of Representatives 10,000 copies of the Report of the Postal Commission, appointed under the provisions of the act making appropriations for the service of the Post-Office Department, approved June 26, 1906, being House Document No. ——, Fifty-ninth Congress, second session.

Mr. PAYNE. Is that report from the Committee on Print-

Mr. GRIGGS. Yes, sir.

The SPEAKER. Is this from the Committee on Printing? Mr. GRIGGS. Yes, sir.

The SPEAKER. Does the gentleman desire to fill the blank?

Mr. GRIGGS. Mr. Speaker, I do not know the number of the document. I think it has not been given a number yet; but the document is sufficiently described, however.

Mr. PAYNE. It seems to me there ought to be an estimate

of cost.

The SPEAKER. The document can be ascertained without number

Mr. GRIGGS. I think it is sufficiently described.

The question was taken; and the resolution was agreed to.

REPORT OF POSTAL COMMISSION AND TESTIMONY.

Mr. GRIGGS. Mr. Speaker, I call up the following privileged report.

The Clerk read as follows:

Resolved, That there be printed 6,000 copies of the Report of the Postal Commission appointed under the provisions of the act making appropriations for the service of the Post-Office Department, approved June 26, 1906, being House Document No. ——, Fifty-minth Congress, second session, to be accompanied by the testimony taken by the said Commission, together with the accompanying exhibits and digests, 2,000 copies for the use of the Senate and 4,000 copies for the use of the House of Representatives.

The question was taken; and the resolution was agreed to.

ALLIS-CHALMERS COMPANY, OF MILWAUKEE, WIS.

Mr. BABCOCK. Mr. Speaker, I understand the objection has been withdrawn to the consideration of the bill S. 7028.

Mr. MANN. Mr. Speaker, I made the point of order on the Allis-Chalmers claim because on its face it seemed to me that it was subject to the point of order that it did not come from the proper committee. Upon a further investigation it seems to me to be a good claim for services rendered the District of Columbia; and therefore, so far as I am concerned, I withdraw the point of order.

The bill was read, as follows:

An act (8, 7028) for the relief of the Allis-Chalmers Company, of Milwaukee, Wis.

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized and directed to cause to be paid from the appropriation for the water department, District of Columbia, extension of the high-service system, to the Allis-Chalmers Company, of Milwaukee, Wis., the sum of \$8,870, deducted by the Commissioners of the District of Columbia as a penalty, under contract No. 3047, dated November 11, 1901.

The bill was ordered to a third reading, read the third time, and passed.

SALE OF FEED SUPPLIES AT FORT ASSINNIBOINE, MONT.

Mr. DIXON of Montana. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which send to the desk.

The Clerk read as follows:

Joint resolution 231, authorizing the Secretary of War to sell certain hay, straw, and grain at Fort Assinnibolne, Mont.

Resolved, etc., That the Secretary of War be, and he is hereby authorized to cause to be sold to the citizens of Montana, at its actual cost to the United States at place of sale, such limited quantities of hay, straw, and grain for domestic uses as, in his judgment, can safely be spared from the stock provided for the use of the garrison at Fort Assinnibolne, Mont.

The SEE AFER. Let those chiestics?

The SPEAKER. Is there objection? Mr. WILLIAMS. Reserving the right to object, is this a Senate or House resolution?

Mr. DIXON of Montana. It is a House resolution.
Mr. MANN. I would like to ask if there is any time limitation for that? Is this forever, or for the season?
Mr. DIXON of Montana. I will say in answer to that question, Mr. Speaker, that I have received a telegram showing the urgent necessity for this provision. I understand that there are from 15,000 to 20,000 head of cattle in that neighborhood that are on the very verge of starvation. We merely ask that permission to be given to the Secretary of War to sell them some hay and such garrison stores as are in excess of their wants.

Mr. MANN. I did not catch anything in the reading of this to indicate how long it would last.

Mr. DIXON of Montana. I copied it from a resolution that was passed in the last Congress

Mr. MANN. It seems to provide forever.

Mr. DIXON of Montana. I will move to insert an amendment limiting the time.

Mr. MANN. Say within the next three months.

Mr. DIXON of Montana. The next three weeks will do.

The Clerk read as follows:

Insert after the word "sold" the words "within the next three

Mr. DIXON of Montana. Three months will cover it. The amendment was agreed to.

The resolution as amended was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. DIXON of Montana. Mr. Speaker, I ask leave to insert this telegram in the RECORD.

There was no objection. The telegram is as follows:

FORT BENTON, MONT., January 28, 1907.

Hon. Jos. M. DIXON, House of Representatives, Washington:

Will you have War Department authorize commandant at Fort Assinniboine to furnish hay to ranchers in such quantities as can be spared
on guaranty of Stockmen's National Bank that same will be returned
in like quantity and quality as soon as weather will permit? This request is made by people here to prevent threatened loss of stock through
hay shortage and continued storms and cold weather. Please answer my expense.

CHAS. N. PRAY.

LAND FOR UNIVERSITY OF OKLAHOMA.

Mr. McGUIRE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25013) granting to the regents of the University of Oklahoma section No. 36, in township No. 9 north, of range No. 3 west of the Indian meridian, in Cleveland County, Okla.

The bill was read, as follows:

ridian, in Cleveland County, Okla.

The bill was read, as follows:

Be it enacted, etc., That all of section No. 36, in township No. 9 north, of range No. 3 west, of the indian meridian, in Cleveland County, Okla. T., the same being a portion of the lands reserved to said Territory for common school purposes, be, and the same is hereby, granted to the regents of the University of Oklahoma, to be and become the property of the University of Oklahoma for the purpose of being used for and securing a proper campus and grounds for building purposes for the use of the said university, but no indemnity either in money or in land shall be allowed the State of Oklahoma for the purpose of acquiring grounds contiguous to the present grounds belonging to said university and to enlarge the campus and grounds for building and campus purposes in connection therewith.

Sec. 2. That the leases to the present tenants thereon, made by the board for leasing school lands in the Territory of Oklahoma, shall remain in full force and effect until their respective expirations, and that the governor of the Territory of Oklahoma shall appoint, on the application of the board of regents of said University of Oklahoma, three disinterested freeholders of said county to appraise the value of the improvements on said lands belonging to the lessees thereof, and such improvements shall be appraised at the fair, reasonable value thereof, and the said appraisers shall give ten days' notice of the time when such appraisement shall be made by posting the same in a conspicuous place on each quarter section of said lands, and shall take an oath fairly and impartially to appraised at the fair, reasonable value thereof, and shall make erport of such appraisement shall be improvements of the said lessees on said lands at the fair, reasonable value thereof, and shall make report of such appraisement and file the same with the governor of said University of Oklahoma when the said lessees of said lands are hereof of regents of said University of Oklahoma o

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

BRIDGE ACROSS THE MISSISSIPPI RIVER, MINNESOTA.

Mr. BUCKMAN. Mr. Speaker, I ask to take from the Speaker's table the bill (S. 7827) permitting the building of a railway bridge across the Mississippi River in Morrison County, State of Minnesota.

The Chair lays before the House from the The SPEAKER. Speaker's table a Senate bill substantially the same as a House bill on the Calendar, which bill the Clerk will report.

The bill was read.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

By unanimous consent (at the request of Mr. Buckman), the corresponding House bill on the Calendar was ordered to lie on the table.

FILES, ETC., OF THE INDUSTRIAL COMMISSION.

Mr. McCLEARY of Minnesota. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution

211, authorizing the transfer of the files, books, and pamphlets of the Industrial Commission.

The joint resolution was read, as follows:

Resolved, etc., That all official minutes and files of correspondence of the Industrial Commission deposited with the Librarian of Congress by the joint resolution of February 21, 1902, be transferred to the Department of Commerce and Labor, to become the property of said Department. The Librarian of Congress is hereby authorized to select from the volumes and pamphlets constituting the library of the Industrial Commission such publications as may be needed for the uses of the Library of Congress, which books shall become the property of the Library of Congress, and to turn over the residue of such volumes and pamphlets to the Department of Commerce and Labor, to become the property of the said Department.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker-Mr. WILLIAMS. Mr. Speaker, I do not think I understand this altogether. How many volumes will there be, and what is meant by their becoming the property of the Department of Commerce and Labor?

Mr. McCLEARY of Minnesota. Mr. Speaker, it will be remembered that by act of Congress several years ago a body was created called the "Industrial Commission." During its investigations the Commission gathered up certain statistics, papers, books of reference, and so forth. Upon the expiration of the term of the Commission those books and papers were, by resolution of Congress, temporarily placed for safe-keeping in the building of the They are in the way there. The Library Library of Congress. of Congress has use for perhaps part of the books, but not for the records and other papers. On the other hand, I am advised that the Department of Commerce and Labor would like very much to have the originals of these documents.

Mr. WILLIAMS. What are they going to do with them when

they get them?

Mr. McCLEARY of Minnesota. They want them for their files, I presume, for purposes of reference.

Mr. WILLIAMS. How many sets of them are there? Mr. McCLEARY of Minnesota. They constitute all the papers, letters, books, and everything gathered up by the Industrial Commission.

Mr. WILLIAMS. Are they printed? Mr. McCLEARY of Minnesota. Some of them are printed and some of them are letters and other papers.

WILLIAMS. Not something that can be distributed, then?

Mr. McCleary of Minnesota. No; there is just the one set. Mr. WILLIAMS. That is what I wanted to know-just one

Mr. McCLEARY of Minnesota. Yes.

Mr. WILLIAMS. Then I have no objection.

Mr. MANN. How much space do they occupy now? Mr. McCLEARY of Minnesota. So much space that the officials of the library object to their remaining there, because they need that space, and the officials of the Department of Com-merce and Labor desire them for their reference library.

Mr. MANN. The gentleman is aware that the whole Department of Commerce and Labor and its entire building would not occupy as much space as one set of the book stacks in the Library, and they have a great many book stacks in the Library and not an inch of available space in the Department of Commerce and Labor to-day.
Mr. McCLEARY of Minnesota.

The best place for this ma-

terial is in the Department of Commerce and Labor.

Mr. MANN. The other day the Committee on Appropriations recommended that all of these books now in the Department of Commerce and Labor be transferred to the Library. To that

of commerce and Labor be transferred to the Library. To that
I objected on a point of order, and it went out of that bill.
And in their absence I shall object to this.

Mr. McCLEARY of Minnesota. This is not a matter that the
Committee on Appropriations has properly to do with. It is a matter over which the Committee on the Library has jurisdic-

Mr. MANN. But the Committee on Appropriations brought in recommendation that all of these Department libraries be abolished. The gentleman did not make the point of order; I made the point of order and it went out on that point of order. The Committee on Appropriations was insistent that all Department libraries be abolished, and now the gentleman from Minnesota [Mr. McCleary] proposes not only not to abolish the libraries, but to put a set of books more in that Department.

Mr. McCLEARY of Minnesota. This is material which the Department of Commerce and Labor desires for the use of its officials.

Mr. MANN. Why, in that case they can go and consult it here, and we may go and consult it if we desire if it is over here where it belongs-in the Congressional Library.

Mr. WILLIAMS. Mr. Speaker, does this require unanimous consent?

The SPEAKER. It does.

Mr. WILLIAMS. Then I object, and we will bring the matter to a conclusion.

The SPEAKER. The gentleman from Mississippi objects.

EXTENDING TIME TO CERTAIN HOMESTEAD ENTRYMEN.

The SPEAKER laid before the House Senate joint resolution 86, granting an extension of time to certain homestead entrymen with House amendments, with an amendment by the Senate to the House amendments.

The Clerk read the amendments.

Mr. LACEY. Mr. Speaker, I move to concur in the amendment of the Senate to the House amendments.

Mr. WILLIAMS. Is this the bill that was passed through the other day giving an extension of time to homesteaders?

Mr. LACEY. Yes. The only effect of this amendment by

Yes. The only effect of this amendment by the Senate was to change the words "joint resolution S1" to "public resolution No. 4," that resolution having since become a law. A reference now to this would be as appears in the laws rather than by the number that it appeared to have when passing through the House. That is the only effect of this amendment to the amendment.

The question is on the motion of the gen-The SPEAKER. tleman from Iowa that the House concur.

The question was taken; and the motion was agreed to.

#### RESIGNATION OF A MEMBER.

The SPEAKER laid before the House the following letter; which was read and ordered to lie on the table:

WASHINGTON, D. C., January 28, 1907.

Hon. Joseph G. Cannon, Speaker House of Representatives, Washington, D. C.

Speaker House of Representatives, Washington, D. C.

My Dear Mr. Cannon: I beg leave to inform you that I have this day transmitted to the governor of Kansas my resignation as a Representative in the Fifty-ninth Congress from the First district of the State of Kansas.

Will you be good enough to inform the House of my action, together with my assurances of continued good will and good wishes for the Representatives with whom I have long been so pleasantly associated?

With warm personal regards and with great respect, I am,

Very truly, yours,

Charles Curtis.

CHARLES CURTIS.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as fol-

To Mr. CLAUDE KITCHIN, for one week, on account of sickness in family.

To Mr. AIKEN, on account of sickness in family.

To Mr. Samuel, on Monday, on account of important business. ADJOURNMENT.

Then, on motion of Mr. PAYNE, at 5 o'clock and 9 minutes p. m., the House adjourned.

### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the action by the court in the cases of Mary M. King and others against The United States, dismissed for want of prosecution-to the Committee on War Claims, and ordered to be printed.

A letter from the Librarian of Congress, submitting a report of mail deposited by his department in the Washington post-office under the penalty provision from July 1 to December 31, 1906-to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, submitting an estimate of appropriation for the court-house and custom-house at Laredo, Tex .- to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, submitting, with a recommendation, a draft of a concurrent resolution for the printing of the report of the governor of Hawaii for the year 1906-to the Committee on Printing, and ordered to be printed.

A letter from the Chairman of the Interstate Commerce Commission, submitting a report of the investigation of the subject of railroad discriminations and monopolies in coal and oil-to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

Report of the Postal Commission, authorized by Congress to make inquiry regarding second-class mail matter-to the Committee on the Post-Office and Post-Roads, and ordered to be

A letter from the Secretary of the Interior, submitting, with

a copy of a letter from the Director of the Geological Survey, a report as to reclamation by drainage of the swamps tributary to Mud River, near Thief River Falls, Minn.—to the Committee on the Public Lands, and ordered to be printed, with illustrations.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 1726) making provision for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as "The Lines," for school purposes, reported the same with amendment, accompanied by a report (No. 6893); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McGUIRE, from the Committee on the Territories, to which was referred the bill of the House (H. R. 25013) granting to the regents of the University of Oklahoma section No. 36, in township No. 9 north, of range No. 3 west of the Indian meridian, in Cleveland County, Okla., reported the same without amendment, accompanied by a report (No. 6894); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, de-livered to the Clerk, and referred to the Committee on the Whole House, as follows:

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24829) granting an increase of pension to John R. Robbins, reported the same without amendment, accompanied by a report (No. 6753); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24801) granting an increase of pension to George G. Martin, reported the same with amendment, accompanied by a report (No. 6754); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24397) granting an increase of pension to David Prunkard, reported the same with amendment, accompanied by a report (No. 6755); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24344) granting an increase of pension to John H. James, reported the same with amendment, accompanied by a report (No. 6756); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions,

to which was referred the bill of the House (H. R. 24288) granting an increase of pension to John Gooding, reported the same without amendment, accompanied by a report (No. 6757); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24028) granting a pension to George H. Boney, reported the same with amendment, accompanied by a report (No. 6758); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23968) granting an increase of pension to Alexander McWhorter, reported the same with amendment, accompanied by a report (No. 6759); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 23442) granting an increase of pension to James J. Lawley, reported the same without amendment, accompanied by a report (No. 6760); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20952) granting an increase of pension to John W. Howe, reported the same without amendment, accompanied by a report (No. 6761); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20622) granting a pension to Samuel Shoener, reported, the same with amendment, accompanied by a report (No. 6762); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14228) granting an increase of pension to Abram Nussbaum, reported the same with amendment, accompanied by a report (No. 6763); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20414) granting an increase of pension to Albert Launt, reported the same with amendment, accompanied by a report (No. 6764); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18831) granting an increase of pension to James R. Wilson, reported the same with amendment, accompanied by a report (No. 6765); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21711) granting an increase of pension to Thor Nelson, reported the same with amendment, accompanied by a report (No. 6766); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22630) granting an increase of pension to G. W. Wiley, reported the same with amendment, accompanied by a report (No. 6767); which said bill and report were referred to the Private Calendar.

Mr. DEÉMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22727) granting an increase of pension to John Miller, reported the same with amendment, accompanied by a report (No. 6768); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22823) granting an increase of pension to John Tipton, reported the same with amendment, accompanied by a report (No. 6769); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22547) granting an increase of pension to John Hickox, jr., reported the same with amendment, accompanied by a report (No. 6770); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22562) granting an increase of pension to George J. Abbey, reported the same with amendment, accompanied by a report (No. 6771); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22302) granting an increase of pension to Burrell H. Gillam, reported the same with amendment, accompanied by a report (No. 6772); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22529) granting an increase of pension to William Truett, reported the same with amendment, accompanied by a report (No. 6773); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22785) granting an increase of pension to Morton A. Pratt, reported the same with amendment, accompanied by a report (No. 6774); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22763) granting an increase of pension to Charles H. Slocum, reported the same with amendment, accompanied by a report (No. 6775); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22617) granting an increase of pension to Margaret O'Reilly, reported the same with amendment, accompanied by a report (No. 6776); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21306) granting an increase of pension to James Pool, reported the same with amendment, accompanied by a report (No. 6777); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21336) granting an increase of pension to Herman Hoffmeister, reported the same with amendment, accompanied by a report (No. 6778); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21342) granting an increase of pension to Charles A. Parker, reported the same

with amendment, accompanied by a report (No. 6779); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18604) granting an increase of pension to Thomas M. Luman, reported the same with amendment, accompanied by a report (No. 6780); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18814) granting an increase of pension to Francis G. Knapp, reported the same with amendment, accompanied by a report (No. 6781); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19599) granting an increase of pension to William J. Large, reported the same without amendment, accompanied by a report (No. 6782); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19739) granting an increase of pension to Henry D. Miner, reported the same with amendment, accompanied by a report (No. 6783); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20062) granting an increase of pension to Philip Lape, reported the same with amendment, accompanied by a report (No. 6784); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11621) granting an increase of pension to Hollis Smith, reported the same without amendment, accompanied by a report (No. 6785); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11995) granting an increase of pension to Wesley Layton, reported the same without amendment, accompanied by a report (No. 6786); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16439) granting an increase of pension to Patrick Bogan, reported the same with amendment, accompanied by a report (No. 6787); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21348) granting an increase of pension to William Seymour Alden, reported the same with amendment, accompanied by a report (No. 6788); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16608) granting an increase of pension to Catherine McNamee, reported the same with amendment, accompanied by a report (No. 6789); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21525) granting an increase of pension to John Short, reported the same with amendment, accompanied by a report (No. 6790); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16687) granting an increase of pension to Jefferson G. Turner, reported the same without amendment, accompanied by a report (No. 6791); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15688) granting an increase of pension to Esther C. Kelly, reported the same with amendment, accompanied by a report (No. 6792); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21559) granting an increase of pension to William Ivers, reported the same with amendment, accompanied by a report (No. 6793); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21659) granting an increase of pension to Rosa Sevin, reported the same with amendment, accompanied by a report (No. 6794); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21746) granting an increase of pension to William N. Carlisle, reported the same with amendment, accompanied by a report (No. 6795); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21974) grant-

ing an increase of pension to John W. Lowell, reported the same with amendment, accompanied by a report (No. 6796); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22055) granting an increase of pension to Maria Lorch, reported the same with amendment, accompanied by a report (No. 6797); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12344) granting an increase of pension to Andrew I. Sproul, reported the same with amendment, accompanied by a report (No. 6798); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23912) granting an increase of pension to James E. Fitzgerald, reported the same with amendment, accompanied by a report (No. 6799); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22093) granting an increase of pension to Lars Isaacson, reported the same with amendment, accompanied by a report (No. 6800); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22169) granting an increase of pension to Cynthia M. Bryson, reported the same with amendment, accompanied by a report (No. 6801); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22199) granting an increase of pension to William Templin, reported the same without amendment, accompanied by a report (No. 6802); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22540) granting an increase of pension to Richard Turnbull, reported the same without amendment, accompanied by a report (No. 6803); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1223) granting a pension to Andrew Jarvis, reported the same with amendment, accompanied by a report (No. 6804); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1377) granting an increase of pension to Thomas G. Dallman, reported the same with amendment, accompanied by a report (No. 6805); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1574) granting an increase of pension to Franklin Sampson, reported the same without amendment, accompanied by a report (No. 6806); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1838) granting an increase of pension to Asa J. Clother, reported the same with amendment, accompanied by a report (No. 6807); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2324) granting a pension to Christina Vetter, reported the same with amendment, accompanied by a report (No. 6808); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2905) granting an increase of pension to Burr Clark, reported the same with amendment, accompanied by a report (No. 6809); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3239) granting an increase of pension to George W. Stewart, reported the same without amendment, accompanied by a report (No. 6810); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4150) granting an increase of pension to John C. McGinis, reported the same with amendment, accompanied by a report (No. 6811); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4553) granting an increase of pension to William R. Wilkins, reported the same with amendment, accompanied by a report (No. 6812); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 4757) granting an increase of pension to Edward Willis, reported the same with amendment, accompanied by a report (No. 6813); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12346) granting an increase of pension to Abraham D. Stouffer, reported the same with amendment, accompanied by a report (No. 6814); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5029) granting an increase of pension to Beverly W. Sullivan, reported the same with amendment, accompanied by a report (No. 6815); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5050) granting an increase of pension to Ephraim M. Boltz, reported the same without amendment, accompanied by a report (No. 6816); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5388) for the relief of Silas Garrison, reported the same with amendment, accompanied by a report (No. 6817); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5627) granting an increase of pension to John C. L. Hargis, reported the same with amendment, accompanied by a report (No. 6818); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5926) granting a pension to Sarah Pitman, reported the same with amendment, accompanied by a report (No. 6819); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6237) granting an increase of pension to David Bethusum, reported the same with amendment, accompanied by a report (No. 6820); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7634) granting an increase of pension to Martha G. Matlack, reported the same without amendment, accompanied by a report (No. 6821); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invaid Pensions, to which was referred the bill of the House (H. R. 8682) granting an increase of pension to James P. Bledsoe, reported the same without amendment, accompanied by a report (No. 6822); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8775) granting an increase of pension to Carrie Diefenbach, reported the same with amendment, accompanied by a report (No. 6823); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8785) granting an increase of pension to John Finch, reported the same with amendment, accompanied by a report (No. 6824); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9850) granting an increase of pension to Benjamin F. Williams, reported the same with amendment, accompanied by a report (No. 6825); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11198) granting, an increase of pension to E. Sandusky, reported the same with amendment, accompanied by a report (No. 6826); which said bill and report were referred to the Private Calendar.

Mr, DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11401) granting an increase of pension to William Kling, reported the same with amendment, accompanied by a report (No. 6827); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17307) granting an increase of pension to John A. Baker, reported the same with amendment, accompanied by a report (No. 6828); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17394) granting an increase of pension to Albert W. Boggs, reported the same with amendment, accompanied by a report (No. 6829); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 17655) granting an increase of pension to Fritz Dettmann, reported the same with amendment, accompanied by a report (No. 6830); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18396) granting an increase of pension to John Nix, reported the same with amendment, accompanied by a report (No. 6831); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18515) granting an increase of pension to Martin Johnson, reported the same with amendment, accompanied by a report (No. 6832); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24101) granting an increase of pension to George W. Ashton, reported the same with amendment, accompanied by a report (No. 6833); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13912) granting an increase of pension to C. L. Cole, reported the same with amendment, accompanied by a report (No. 6834); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17002) granting an increase of pension to Levi Deater, reported the same with amendment, accompanied by a report (No. 6835); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16718) granting an increase of pension to James Miltimore, reported the same with amendment, accompanied by a report (No. 6836); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13810) granting an increase of pension to Abraham J. Simmons, reported the same with amendment, accompanied by a report (No. 6837); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15779) granting a pension to Margaret A. Jordan, reported the same with amendment, accompanied by a report (No. 6838); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16343) granting an increase of pension to Francis D. Matheny, reported the same with amendment, accompanied by a report (No. 6839); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20590) granting an increase of pension to Hannah O. Reynolds, reported the same with amendment, accompanied by a report (No. 6840); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20840) granting a pension to Thomas M. Lord, reported the same with amendment, accompanied by a report (No. 6841); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22283) granting an increase of pension to Stoddard Caswell, reported the same with amendment, accompanied by a report (No. 6842); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23148) granting an increase of pension to Robert Liddell, reported the same with amendment, accompanied by a report (No. 6843); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23175) granting an increase of pension to Henry A. Fuller, reported the same with amendment, accompanied by a report (No. 6844); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23282) granting an increase of pension to John W. Tumey, reported the same with amendment, accompanied by a report (No. 6845); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23313) granting an increase of pension to Benjamin D. Reed, reported the same with amendment, accompanied by a report (No. 6846); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pension, to which was referred the bill of the House (H. R. 23309) granting an increase of pension to Samuel P. Wallis, reported the same without amendment, accompanied by a report (No. 6847); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23626) granting an increase of pension to Richard C. Taylor, reported the same with amendment, accompanied by a report (No. 6848); which said bill and report were referred to the Private Calendar.

Mr. BRADLÉY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23660) granting an increase of pension to Harriet U. Burgess, reported the same with amendment, accompanied by a report (No. 6849); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23682) granting an increase of pension to Joseph R. Bartlett, reported the same with amendment, accompanied by a report (No. 6850); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20588) granting an increase of pension to Nicholas S. Cantine, reported the same without amendment, accompanied by a report (No. 6851); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23323) granting an increase of pension to Robert Foote, reported the same with amendment, accompanied by a report (No. 6852); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23360) granting an increase of pension to Robert Hastie, reported the same with amendment, accompanied by a report (No. 6853); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23443) granting an increase of pension to Louisa R. Matthews, reported the same with amendment, accompanied by a report (No. 6854); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23709) granting an increase of pension to James M. Dick, reported the same with amendment, accompanied by a report (No. 6855); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23763) granting an increase of pension to James Riley, reported the same with amendment, accompanied by a report (No. 6856); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23802) granting an increase of pension to Thomas J. Brown, reported the same with amendment, accompanied by a report (No. 6857); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23806) granting an increase of pension to William F. Barker, reported the same without amendment, accompanied by a report (No. 6858); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23852) granting an increase of pension to James G. Crozer, reported the same with amendment, accompanied by a report (No. 6859); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23860) granting an increase of pension to William G. Cummings, reported the same with amendment, accompanied by a report (No. 6860); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23890) granting an increase of pension to Jacob B. Haslam, reported the same with amendment, accompanied by a report (No. 6861); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23961) granting an increase of pension to Oscar N. Cowell, reported the same with amendment, accompanied by a report (No. 6862); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24037) granting an increase of pension to Theodore Teeple, reported the same

with amendment, accompanied by a report (No. 6863); which said bill and report were referred to the Prívate Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24068) granting an increase of pension to John Maginnis, reported the same with amendment, accompanied by a report (No. 6864); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. & 24269) granting an increase of pension to William L. Stewart, reported the same without amendment, accompanied by a report (No. 6865); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24338) granting an increase of pension to James M. Gardner, reported the same with amendment, accompanied by a report (No. 6866); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24343) granting an increase of pension to James M. Haney, reported the same without amendment, accompanied by a report (No. 6867); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24355) granting a pension to Mary O. Learned, reported the same with amendment, accompanied by a report (No. 6868); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24404) granting a pension to Lauraette La Fluer, reported the same with amendment, accompanied by a report (No. 6869); which said

bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 24419) granting a pension to Belle M. Ocker, reported the same with amendment, accompanied by a report (No. 6870); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24553) granting an increase of pension to Sarah J. Reed, reported the same with amendment, accompanied by a report (No. 6871); which said bill and report were referred to the Private Calendar.

said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24577) granting an increase of pension to John L. Flannery, reported the same with amendment, accompanied by a report (No. 6872); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24599) granting an increase of pension to Thomas L. Richardson, reported the same with amendment, accompanied by a report (No. 6873); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23150) granting an increase of pension to Samuel H. W. Riter, reported the same with amendment, accompanied by a report (No. 6874); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24635) granting a pension to Elizabeth Stuessi, reported the same with amendment, accompanied by a report (No. 6875); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20959) granting an increase of pension to William G. Dickey, reported the same with amendment, accompanied by a report (No. 6876); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24740) granting an increase of pension to William E. Chase, reported the same with amendment, accompanied by a report (No. 6877); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12240) granting an increase of pension to Albert I. Ackerly, reported the same with amendment, accompanied by a report (No. 6878); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23967) granting an increase of pension to Henry Hill, reported the same with amendment, accompanied by a report (No. 6879); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23982) granting

an increase of pension to Thomas A. Seed, reported the same with amendment, accompanied by a report (No. 6880); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24034) granting an increase of pension to Mary I. Banta, reported the same with amendment, accompanied by a report (No. 6881); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24079) granting an increase of pension to David Jones, reported the same with amendment, accompanied by a report (No. 6882); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 24100) granting an increase of pension to Henry W. Wilson, reported the same with amendment, accompanied by a report (No. 6883); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24183) granting an increase of pension to Joseph B. Joyce, reported the same without amendment, accompanied by a report (No. 6884); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24210) granting an increase of pension to George H. Maddox, reported the same with amendment, accompanied by a report (No. 6885); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24220) granting an increase of pension to William P. Robbe, reported the same with amendment, accompanied by a report (No. 6886); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 24225) granting an increase of pension to William Ivans, reported the same with amendment, accompanied by a report (No. 6887); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 24294) granting a pension to D. R. Lamoreau, reported the same with amendment, accompanied by a report (No. 6888); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20890) granting an increase of pension to Lafayette Doughty, reported the same without amendment, accompanied by a report (No. 6889); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1242) granting an increase of pension to Luke Reynolds, reported the same with amendment, accompanied by a report (No. 6890); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8503) granting an increase of pension to David C. May, reported the same with amendment, accompanied by a report (No. 6891); which said bill and report were referred to the Private Calendar.

Mr. BRÂDLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22294) granting an increase of pension to Perry Lamphere, reported the same with amendment, accompanied by a report (No. 6892); which said bill and report were referred to the Private Calendar.

# PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Maine: A bill (H. R. 25030) authorizing the extension of Park place NW.—to the Committee on the District of Columbia.

By Mr. HEPBURN: A bill (H. R. 25031) to regulate commerce in adulterated and misbranded seed and to prevent the sale or transportation thereof, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. HUMPHREY of Washington: A bill (H. R. 25032) to amend an act entitled "An act for the protection of game in Alaska, and for other purposes," approved June 7, 1902—to the Committee on the Territories.

Committee on the Territories.

Also, a bill (H. R. 25033) providing for two additional circuit judges in the ninth judicial circuit—to the Committee on the Judiciary.

By Mr. BROWNLOW: A bill (H. R. 25034) to change the

time of holding circuit and district courts of the United States for the middle district of Tennessee-to the Committee on the

By Mr. FULLER: A bill (H. R. 25035) in relation to increase of age pensions—to the Committee on Invalid Pensions. By Mr. BABCOCK: A bill (H. R. 25036) to regulate embalming in the District of Columbia, and for other purposes—to the

Committee on the District of Columbia.

By Mr. MORRELL: A bill (H. R. 25037) to define the duties of the board of education of the District of Columbia, to further reorganize the schools of the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. GRAHAM: A bill (H. R. 25038) to amend section 5240 of the Revised Statutes of the United States, in relation to the compensation of national-bank examiners—to the Committee on

Banking and Currency,

By Mr. SMITH of Arizona: A bill (H. R. 25039) to enable the city of Phoenix, in Maricopa County, Arizona Territory, to use the proceeds of certain municipal bonds for the purchase of the plant of the Phoenix Water Company and to extend and improve said plant—to the Committee on the Territories.

Also, a bill (H. R. 25040) amending chapter 771 of the Revised Statutes of the United States relating to customs districts of Arizona-to the Committee on Ways and Means.

By Mr. LACEY: A bill (H. R. 25041) to provide for the creation of additional land districts in the district of Alaska-to the

Committee on the Public Lands.

By Mr. MURPHY: A bill (H. R. 25042) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon-to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMSON: A bill (H. R. 25043) to authorize the Atlanta, Birmingham and Atlantic Railroad Company to construct a bridge across the Chattahoochee River, in the State of Georgia—to the Committee on Interstate and Foreign Commerce.

By Mr. MORRELL: A bill (H. R. 25044) authorizing certain changes in the permanent system of highways in the District of Columbia-to the Committee on the District of Columbia.

By Mr. TALBOTT: A bill (H. R. 25045) to appropriate money for the payment of certain advances made to the United States by the State of Maryland—to the Committee on Claims.

By Mr. CLARK of Missouri: A bill (H. R. 25046) to authorize the construction of a bridge across the Mississippi River at Louisiana, Mo.—to the Committee on Interstate and Foreign Commerce.

By Mr. STEENERSON: A bill (H. R. 25047) creating a tariff commission—to the Committee on Ways and Means.

By Mr. CONNER: A bill (H. R. 25048) for the restoration, reconstruction, and repair of the east front of the Treasury building, Washington, D. C.—to the Committee on Public Buildings and Grounds.

By Mr. GARRETT: A bill (H. R. 25049) to encourage agriculture in the Philippine Islands by providing that the Philippine government may loan to agriculturists in said islands a fund equal in amount to the net seigniorage profit derived by the Philippine government from the recoinage of certain coins—to the Committee on Insular Affairs.

By Mr. JONES of Washington: A bill (H. R. 25050) to regulate practice on appeal to the Supreme Court of the United States and the United States circuit courts of appeal—to the

Committee on the Judiciary

By Mr. DWIGHT: A bill (H. R. 25051) providing and making appropriation for a pneumatic-tube system between the appraiser's warehouse and the new custom-house in New York

City-to the Committee on Appropriations.

By Mr. WASKEY: A bill (H. R. 25052) to modify the law pertaining to the acquisition and holding of placer claims in the district of Alaska and providing for the building of wagon roads therein, and for other purposes—to the Committee on the Public

By Mr. COOPER of Wisconsin: A bill (H. R. 25053) to provide for the establishment of an agricultural bank in the Philippine Islands-to the Committee on Insular Affairs

By Mr. SMITH of Maryland: A bill (H. R. 25054) to amend an act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia-to the Committee on the District of Columbia.

By Mr. HAUGEN: A bill (H. R. 25055) authorizing the Secretary of the Treasury to acquire additional land for Federal building site at Mason City, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. PATTERSON of South Carolina: A bill (H. R. 25056) to provide for the transfer to the State of South Carolina of certain school funds for use of free schools in the parishes of | Michael Denyant-to the Committee on Invalid Pensions,

St. Helena and St. Luke, in said State-to the Committee on Ways and Means.

By Mr. THOMAS of North Carolina: A bill (H. R. 25057) authorizing a survey to be made of the lands suited to national forest reserve purposes in the Appalachian Mountains within the States of Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Alabama, and Tennessee, and in the White Mountains in the State of New Hampshire, to be known as the Appalachian Forest Reserve and the White Mountain Forest Reserve, respectively—to the Committee on Agriculture.

By Mr. CURTIS: A resolution (H. Res. 796) authorizing the employment of a messenger for duty on the heavy mail wagon-

to the Committee on Accounts.

By Mr. OVERSTREET of Indiana: A resolution (H. Res. 797) providing for the printing of 10,000 copies of the report of the Postal Commission, etc.—to the Committee on Printing.

Also, a concurrent resolution (H. C. Res. 50) providing for the printing of 6,000 copies of the report of the Postal Com-

mission, etc.-to the Committee on Printing.

By Mr. RHODES: A resolution (H. Res. 798) to continue the compilation and index of reports of committees from the Forty-ninth to the Fifty-ninth Congress, inclusive-to the Committee on Accounts.

### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as

By Mr. BEDE: A bill (H. R. 25058) granting an increase of pension to James Hooker-to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 25059) for the relief of Anthony Wasilius-to the Committee on Claims.

By Mr. CAMPBELL of Ohio: A bill (H. R. 25060) granting a pension to Amos Faust—to the Committee on Invalid Pensions. By Mr. COUSINS: A bill (H. R. 25061) granting an increase

of pension to Mary Burke-to the Committee on Invalid Pen-

Also, a bill (H. R. 25062) granting an increase of pension to Frances M. Woods—to the Committee on Invalid Pensions. By Mr. CUSHMAN: A bill (H. R. 25063) granting an increase of pension to Emmett L. Warren, alias Alonson Warren to the Committee on Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 25064) granting an increase of pension to Harrison Stilley-to the Committee on

Invalid Pensions.

Also, a bill (H. R. 25065) granting an increase of pension to Alexander Hancher—to the Committee on Invalid Pensions. By Mr. ENGLEBRIGHT: A bill (H. R. 25066) granting an

increase of pension to Joseph Cheap-to the Committee on Invalid Pensions.

By Mr. FULKERSON: A bill (H. R. 25067) granting an increase of pension to Henry J. Bomar-to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 25068) for the relief of Charles Joseph Francis—to the Committee on Claims.

By Mr. FOSTER of Vermont: A bill (H. R. 25069) granting

an increase of pension to William A. Decker-to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 25070) granting an increase of pension to John R. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25071) granting an increase of pension to Martha J. Moody—to the Committee on Invalid Pensions.

By Mr. HEFLIN: A bill (H. R. 25072) for the relief of W. N. -to the Committee on Claims.

By Mr. KINKAID: A bill (H. R. 25073) granting an increase of pension to Thomas Hudson-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25074) granting an increase of pension to Christian Sorensen—to the Committee on Invalid Pensions

Also, a bill (H. R. 25075) granting an increase of pension to Henry Slaymaker—to the Committee on Invalid Pensions

Also, a bill (H. R. 25076) granting an increase of pension to James F. Shepard-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25077) granting an increase of pension to George French—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25078) granting an increase of pension to Joseph Johnson—to the Committee on Invalid Pensions

Also, a bill (H. R. 25079) granting an increase of pension to

David Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25080) granting an increase of pension to James Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25081) granting an increase of pension to

Also, a bill (H. R. 25082) granting an increase of pension to John G. Snook-to the Committee on Invalid Pensions

Also, a bill (H. R. 25083) granting an increase of pension to George Sowerwine—to the Committee on Invalid Pensions

Also, a bill (H. R. 25084) granting an increase of pension to

Hosea Hudson—to the Committee on Invalid Pensions.
Also, a bill (H. R. 25085) granting an increase of pension to Christopher C. Wright—to the Committee on Invalid Pensions. Also, a bill (H. R. 25086) granting a pension to Joseph

Posey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25087) granting an increase of pension to

Abraham F. Rouse—to the Committee on Invalid Pensions. Also, a bill (H. R. 25088) granting an increase of pension to Charles H. Dow-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25089) granting an increase of pension to William Q. Mahan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25090) granting an increase of pension to

Otis B. Smith—to the Committee on Invalid Pensions.
By Mr. SNAPP: A bill (H. R. 25091) granting an increase of pension to Newton A. Ward-to the Committee on Invalid Pen-

By Mr. LAFEAN: A bill (H. R. 25092) granting an increase of pension to Charles Myers—to the Committee on Pensions.

Also, a bill (H. R. 25093) granting an increase of pension to Henry R. Klinedinst—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 25094) for the relief of the trustees of the Olive Branch Christian Church, of James City

County, Va.—to the Committee on War Claims.

By Mr. LITTLEFIELD: A bill (H. R. 25095) granting an increase of pension to Sarah C. Gilpatrick—to the Committee on Pensions.

Also, a bill (H. R. 25096) granting an increase of pension to

Martha Parsons—to the Committee on Invalid Pensions.

By Mr. McCARTHY: A bill (H. R. 25097) granting an increase of pension to E. P. Weatherby—to the Committee on Invalid Pensions

By Mr. MOUSER: A bill (H. R. 25098) granting an increase of pension to Granville H. Ellis—to the Committee on Invalid Pensions.

By Mr. PATTERSON of South Carolina: A bill (H. R. 25099) for the relief of Great Slakehatchie Baptist Church, of Barnwell County, S. C.—to the Committee on War Claims.

By Mr. REYNOLDS: A bill (H. R. 25100) granting an increase of pension to R. M. Musser—to the Committee on In-

valid Pensions

By Mr. RHODES: A bill (H. R. 25101) granting an increase of pension to Nancy A. Meredith-to the Committee on Pen-

Also, a bill (H. R. 25102) granting an increase of pension to

Daniel Barks—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 25103) granting an increase of pension to James H. Richardson—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 25104) for the relief of the heirs of Lawrence D. Greaves, deceased—to the Committee on Claims.

By Mr. SLEMP: A bill (H. R. 25105) for the relief of A. E. Couch-to the Committee on Claims.

By Mr. SMITH of Arizona: A bill (H. R. 25106) granting an increase of pension to Francis A. Biffan-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25107) granting an increase of pension to Cornelia H. Keyes—to the Committee on Invalid Pensions.

By Mr. SMITH of California: A bill (H. R. 25108) granting an increase of pension to William H. Brown-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25109) granting a pension to Hans F.

Hirte—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 25110) to grant an honorable discharge to Orthiel H. Rhodes—to the Committee on Military Affairs.

By Mr. SMITH of Kentucky: A bill (H. R. 25111) granting an increase of pension to Joseph Carpenter—to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: A bill (H. R. 25112) granting an increase of pension to William Turner—to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 25113) granting an increase of pension to John H. Hays—to the Committee on Invalid Pen-

By Mr. TALBOTT: A bill (H. R. 25114) authorizing the Secretary of War to issue an honorable discharge to Joseph Brenise-to the Committee on Military Affairs.

Also, a bill (H. R. 25115) granting a pension to Florence K. Patterson—to the Committee on Pensions.

Also, a bill (H. R. 25116) granting a pension to Emma L. Beatty—to the Committee on Pensions.

By Mr. TAWNEY: A bill (H. R. 25117) granting an increase of pension to Thomas Rich-to the Committee on Invalid Pen-

Also, a bill (H. R. 25118) granting an increase of pension to William A. Hotchkiss—to the Committee on Invalid Pensions.

By Mr. WALLACE: A bill (H. R. 25119) granting an increase of pension to Charles P. McGuirsey—to the Committee on Invalid Pensions

By Mr. WEBBER: A bill (H. R. 25120) granting an increase of pension to Charles B. Spring—to the Committee on Invalid Pensions.

By Mr. WELBORN: A bill (H. R. 25121) granting an increase of pension to Joseph Peltier-to the Committee on Invalid Pensions.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows

A bill (H. R. 25022) for the relief of Elizabeth Auerswald-Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

A bill (H. R. 24899) granting an increase of pension to Mary Webster Lusk-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24944) granting an increase of pension to Louis Lamb—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of railway employees in various parts of the United States, for bill S. 5133 (the sixteen-hour bill)—to the Committee on Interstate and Foreign Commerce.

Also, petition of St. Louis Typographical Union, No. 8, for a construction of the laws relating to second-class mail matter more favorable to certain publishers—to the Committee on the Post-Office and Post-Roads.

Also, petition of Order of Railway Conductors and Brotherhood of Railway Trainmen of the Boston and Maine system, for enactment of bill S. 5133 (the sixteen-hour bill)-to the Committee on Interstate and Foreign Commerce.

By Mr. ACHESON: Paper to accompany bill for relief of Phillip S. Fletcher—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: Petitions of citizens of Greene, Pa.; Grand Junction, Colo.; Divine, Ky.; Calhoun, Mich.; Grayling, Mich.; Davison, S. Dak.; Montevallo, Ala.; Putnam, Conn.; Decatur, Ill.; Pocahontas, Ark.; Portsmouth, N. H., and Macon, Ala., against bill S. 5221, to restrict the practice of osteopathy in the District of Columbia-to the Committee on the District of Columbia.

By Mr. BEDE: Paper to accompany bill for relief of James Hooker—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: Paper to accompany bill for relief

of N. C. Tankersley—to the Committee on War Claims.

By Mr. BONYNGE: Paper to accompany bill for relief of
William C. Berlin—to the Committee on War Claims.

By Mr. BROWNLOW: Petition of Allensville Council, No.

133, Junior Order United American Mechanics, favoring restriction of Immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. BURLEIGH: Petition of certain volunteer officers of the United States Navy during the war of the rebellion, asking certain rank and pay—to the Committee on Naval Affairs.

By Mr. BURNETT: Petition of the Central Trades Council of

Mobile, Ala., against ship subsidy—to the Committee on the Merchant Marine and Fisheries.

By Mr. ESCH: Petition of the Western Fruit Jobbers' Association, for legislation requiring common carriers to use all safety appliances on rolling stock, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Resolutions of the State board of agriculture of Massachusetts, favoring the suppression of the gypsy an brown-tail moth—to the Committee on Agriculture.

Also, petition of the National Private Commercial School Managers' Association, in favor of a revision of the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of August Harey, against intervention in Kongo affairs—to the Committee on Foreign Affairs.

Also, petition of the National German-American Alliance of

the United States, against enactment of bill S. 4403 with the educational test-to the Committee on Immigration and Naturalization.

By Mr. FOSS: Paper to accompany bill for relief of C. J. Francis—to the Committee on Claims.

By Mr. FULKERSON: Papers to accompany bill granting increase of pension to James M. Bailey-to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Illinois Commandery of the Naval and Military Order of the Spanish War, for a ship adequate for the requirements of Illinois Naval Reserve—to the Committee on Naval Affairs.

Also, petition of the Brotherhood of Railway Trainmen, for the bill S. 5133, limiting hours of service, and bill H. R. 9328, to regulate granting of restraining orders-to the Committee on

Also, petition of A. Parlett Lloyd, against the clause in Mc-Cumber bill (S. 976) prohibiting fees to attorneys and claim agents-to the Committee on Pensions.

By Mr. LINDSAY: Petition of Milo B. Stevens & Co., against the clause in McCumber bill (S. 976) prohibiting fees to attor-

neys and claim agents—to the Committee on Pensions.

By Mr. GRAHAM: Petition of the Merchant Marine League, for the ship-subsidy bill-to the Committee on the Merchant Marine and Fisheries

Also, petition of Milo B. Stevens & Co., against adoption of the no-fee provision of service-pension bill—to the Committee on Invalid Pensions.

By Mr. GRONNA: Petition of C. W. Gearcow et al., of Niagara, N. Dak., for amendment of the denaturized alcohol law so as to permit of small distilleries-to the Committee on Ways and Means.

By Mr. GROSVENOR: Petition of the Massachusetts State Board of Trade, for the ship-subsidy bill (S. 529)—to the Committee on the Merchant Marine and Fisheries

By Mr. HAYES: Paper to accompany bill for relief of Mrs. J. L. Boone—to the Committee on Pensions.

Also, petition of the Trades and Labor Council of Vallejo, Cal., for settlement of international troubles by the Hague Court of Arbitration—to the Committee on Foreign Affairs.

Also, petition of P. R. Pickering et al., against employment of Asiatic cooly labor on the Panama Canal—to the Committee on Foreign Affairs

By Mr. HENRY of Connecticut: Petition of Robert C. C. Smith, of New Britain, Conn., for the Littlefield-Carmack original-package bill-to the Committee on the Judiciary

By Mr. HINSHAW: Petition of A. G. Spence, John Dillon, L. C. Hulit, J. C. Bryant, S. S. Hinitt, J. E. Hough, and H. L. Duyal, all railway conductors, for bill S. 5133 (the sixteen-hour bill)—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Omaha Woman's Club, for investigation relative to the industrial condition of women and children-to the Committee on Immigration and Naturalization.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of William Bachtel—to the Committee on Invalid Pen-

By Mr. KAHN: Petition of Mr. H. Barley and 13 residents of San Francisco, against Japanese and Chinese labor on the Panama Canal-to the Committee on Interstate and Foreign Commerce.

By Mr. KELIHER: Petition of Carl J. Horner, Charles A. Hoyle, A. P. Jordan, Stephen Murphy, J. M. Eppenhelm, Charles Wesley Ahearn, S. Green, Baldwin Coolidge, the C. F. Corey Studio Company, the Nolman Photo Company, Frank B. Conlin, Odin Frits, Henry H. Pierce, W. H. Partridge, and Luther H. Shattuck, against the proposed amendment to the new copy--to the Committee on Patents.

Also, petition of the Boston Council of Jewish Women, against the "low-vitality" or "poor-physique" clause of the immigration bill-to the Committee on Immigration and Naturalization.

Also, petition of the Society of Arts, Massachusetts Institute of Technology, for forest reservation in the White Mountains-

to the Committee on Agriculture.

Also, petition of Abraham Rubenstein, Philip Shurdut, the Young Men's Hebrew Association of Boston, Nathan Wanman, Harris Sipperstein, Solomon Sacks, Samuel Model, A. S. Silya, Morris Hurwitz, Julius Yaffe, Alfred T. Hurwitz, Louis Gordon, Samuel Ruttenberg, Philip Rosenthal, the Federation of Jewish Samuel Ruttenberg, Philip Rosential, the Federation of Jewish Organizations in Masachusetts; Puritan Lodge, I. O. B. A., No. 257; Mitchell Freeman; Grand Lodge, I. O. B. A.; J. J. Silverman, Abram J. Epstein; Pride of Massachusetts Lodge, I. O. B. A.; Carlos Greenberg, David A. Ellis, A. W. Burmen, Arthur Williams, Julius Share, the Federation of Jewish Charities, W. M. Werner, the United Benevolent Society, and

J. E. Straus, against the Gardner-Dillingham bill-to the Com-

mittee on Immigration and Naturalization.

By Mr. KENNEDY of Nebraska: Paper to accompany bill for relief of Beatrice H. Duncan-to the Committee on Invalid Pensions.

By Mr. KINKAID: Petition of the Nebraska house of representatives, for a law to tax incomes-to the Committee on Ways and Means.

By Mr. KNOWLAND: Paper to accompany bill for relief of J. D. Schneider-to the Committee on Military Affairs.

By Mr. LAFEAN: Papers to accompany bills for relief of Henry R. Klinedinst and Charles Meyers-to the Committee on

By Mr. LAMB: Papers to accompany bill for the relief of the trustees of Olive Branch Christian Church, of James City County, Va .--to the Committee on War Claims.

By Mr. LITTLEFIELD: Petition of citizens of Maine, for the Littlefield bill against shipping intoxicants into prohibition States—to the Committee on the Judiciary.

By Mr. McCALL: Paper to accompany bill for relief of James

T. Flynn-to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of E. J. B. Smith-to the Committee on War Claims.

Also, paper to accompany bill for relief of A. J. Berryfield et al., of Bradley, Tenn.—to the Committee on Invalid Pensions.
By Mr. MOORE of Pennsylvania: Petition of the John B.

Stetson Company, for an amendment of the denaturized-alcohol law so as to permit of small distilleries-to the Committee on Ways and Means.

By Mr. OVERSTREET of Indiana: Petition of old soldiers of Indianapolis, Ind., for the service-pension bill as passed by the Senate—to the Committee on Invalid Pensions.

By Mr. PEARRE: Petition of the Mail, Hagerstown, Md., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. POLLARD: Petition of the Nebraska legislature, favoring the enactment of an income tax-to the Committee on Ways and Means,

By Mr. REEDER: Petition of the legislature of Kansas, for repeal of the duty on lumber-to the Committee on Ways and

Also, petition of citizens of Wakeeney, Kans., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. REYNOLDS: Paper to accompany bill for relief of Stacey Hoon-to the Committee on Claims.

Also, papers to accompany bills for relief of Christian Wagner, Elisha B. Foor, Henry Brant, Alexander N. Hart, and John McCune—to the Committee on Invalid Pensions.

By Mr. RHODES: Paper to accompany bill for relief of Daniel Barks-to the Committee on Invalid Pensions.

By Mr. RIORDAN: Petition of E. R. Symbb & Sons, for legislation governing distillation of alcohol-to the Committee on Ways and Means.

By Mr. RUPPERT: Petition of the Chamber of Commerce of New York City, for the artillery reorganization bill—to the Committee on Military Affairs.

Also, petition of the International Seaman's Union of America, against the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the San Francisco Labor Council, against the President's utterances in his message relative to Japanese in said city-to the Committee on Foreign Affairs.

Also, petition of Morris Asinof, against legislation restricting immigration-to the Committee on Immigration and Natural-

Also, petition of the National Private Commercial School Managers' Association, for revision of the postal laws-to the Committee on the Post-Office and Post-Roads.

Also, petition of the State board of agriculture of Massachusetts, for an appropriation to stay the gypsy and brown-tail moths—to the Committee on Agriculture.

Also, petition of the National German-American Alliance of the United States, against the immigration bill now in conference—to the Committee on Immigration and Naturalization.

By Mr. SCHNEEBELI: Petition of A. Parlett Lloyd, against adoption of the no-fee provision of the service-pension bill—to the Committee on Invalid Pensions.

Also, petition of the Pennsylvania State Camp, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Philadelphia Association of Union ex-Prisoners of War, for a pension law in behalf of ex-Union prisoners-to the Committee on Invalid Pensions.

Also, petition of the Wholesale Liquor Dealers' Association of Pennsylvania, for enactment of bill H. R. 4490—to the Committee on Ways and Means.

By Mr. SMITH of Arizona: Paper to accompany bill for re-lief of Warren Windham—to the Committee on War Claims. By Mr. SMITH of California: Petition of citizens of Cali-fornia, for an amendment of Chinese-exclusion laws to prevent conflict between such laws and our treaty with China-to the Committee on Foreign Affairs.

By Mr. STERLING: Petition of L. S. Holderman, for legislation providing for reciprocal demurrage-to the Committee on

Interstate and Foreign Commerce.

By Mr. WEBBER: Papers to accompany bill granting an increase of pension to Charles B. Spring, of Elyria, Ohio—to the Committee on Invalid Pensions.

### SENATE.

### Tuesday, January 29, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Carter, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

#### SENATOR FROM KANSAS.

Mr. LONG. Mr. President, I present the credentials of Hon. Charles Curtis, elected by the legislature of Kansas to fill the vacancy caused by the resignation of Senator J. R. Burton.

The VICE-PRESIDENT. The credentials will be read by the

Secretary.

The Secretary read the credentials of Charles Curtis, chosen by the legislature of the State of Kansas a Senator from that State for the unexpired term of J. R. Burton, ending March 3, 1907; which were read and ordered to be filed.

Mr. LONG. The Senator-elect is present and ready to take

the oath of office.

The VICE-PRESIDENT. The Senator-elect will present himself at the Vice-President's desk and take the oath prescribed by law.

Mr. Curtis was escorted to the Vice-President's desk by Mr. Long, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

### CHIPPEWA INDIAN LANDS IN MINNESOTA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a detailed report of the Director of the Geological Survey on the drainage survey of lands ceded by the Chippewa Indians in the State of Minnesota which remain unsold and are wet, overflowed, or swampy in character, etc.; which, with the accompanying papers and maps, was referred to the Committee on the Public Lands, and ordered to be printed.

### OHIO RIVER IMPROVEMENT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 23d instant, an indorsement by the Chief of Engineers, United States Army, relative to the transmission of the report of the special board authorized under the river and harbor act of 1905 on the Ohio River; which was referred to the Committee on Commerce, and ordered to be printed.

### ENROLLMENT OF POTTAWATOMIE INDIANS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriation for inclusion in the Indian appropriation bill for expenses incident to making an enrollment of the Pottawatomie Indians of Wisconsin, under the requirement of the act of June 21, 1996, \$2,500; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

S. 3702. An act for the relief of the Gurley Memorial Presbyterian Church, of the District of Columbia, and for other purposes

S. 7028. An act for the relief of the Allis-Chalmers Company,

of Milwaukee, Wis.;

S. 7147. An act to amend section 2536 of the Revised Statutes. relative to assistant appraisers at the port of New York, and further defining their powers, duties, and compensation;

S. 7827. An act permitting the building of a railway bridge across the Mississippi River in Morrison County, State of Minnesota; and

S. 8014. An act to authorize The National Safe Deposit, Savings and Trust Company of the District of Columbia, to change its name to that of National Savings and Trust Company.

The message also announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

S. 4267. An act to prohibit the sale of intoxicating liquors near the Government Hospital for the Insane and the Home for the Aged and Infirm;

S. 5698. An act to regulate the practice of veterinary medi-

cine in the District of Columbia;

S. 6338. An act to amend section 2 of an act entitled "An act incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington;

S. 6470. An act in relation to the Washington Market Com-

pany; and S. 7170. An act to amend an act relating to service on forelgn corporations, approved June 30, 1902, entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia.'"

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9577) for the

relief of Charles H. Stockley.

The message also announced that the House had agreed to the amendments of the Senate to the amendments of the House to the joint resolution (S. R. 86) granting an extension of time to certain homestead entrymen.

The message further announced that the House had passed the following bills and joint resolution; in which it requested

the concurrence of the Senate:

H. R. 129. An act for the opening of a connecting parkway along Piney Branch between Sixteenth street and Rock Creek Park, District of Columbia;

H. R. 9326. An act for the opening of Mills avenue NE. from

Rhode Island avenue to Twenty-fourth street; H. R. 12690. An act to define the term of "registered nurse" and to provide for the registration of nurses in the District of Columbia:

H. R. 14897. An act to protect the streets of the city of Washington:

H. R. 17212. An act to amend an act to incorporate the Su-

preme Lodge of the Knights of Pythias; H. R. 21684. An act to amend section 2 of an act entitled "An

act regulating the retent on contracts with the District of Columbia," approved March 21, 1906;

H. R. 22350. An act to authorize the recorder of deeds of

the District of Columbia to recopy old records in his office, and for other purposes; H. R. 23384. An act to amend an act entitled "An act to amend an act entitled 'An act to establish a code of law for

the District of Columbia, regulating proceedings for condemnation of land for streets;"

H. R. 23830. An act governing the maintenance of stock yards, slaughterhouses, and packing houses in the District of Colum-

H. R. 23940. An act for the extension of Albemarle street NW., District of Columbia; H. R. 23941. An act to amend section 14 of the act approved July 29, 1892, entitled "An act for the preservation of the public

peace and the protection of property within the District of Columbia:

H. R. 24746. An act for free lectures; H. R. 24932. An act for the extension of School street NW.

H. R. 25013. An act granting to the regents of the University of Oklahoma section No. 36, in township No. 9 north, of range No. 3 west, of the Indian meridian, in Cleveland County, Okla.; and

H. J. Res. 231. Joint resolution authorizing the Secretary of War to sell certain hay, straw, and grain at Fort Assinniboine.

The message further announced that the House insists upon its amendments to the bill (S. 6364) to incorporate the National Child Labor Committee, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TAYLOR of Ohio, Mr. SAMUEL W. SMITH, and Mr. SIMS managers at the conference on the part of the House.

The message also announced that the House had passed a concurrent resolution providing for the printing of 6,000 copies of the report of the Postal Commission appointed under the provisions of the act making appropriations for the service of the Post-Office Department, approved June 26, 1906, in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following bills and joint resolutions; and they were thereupon signed by the Vice-President:

8.549. An act granting a pension to Louis T. Frech; 8.1160. An act to correct the military record of John McKinnon, alias John Mack :

S. 1178. An act providing for the resurvey of a township of land in Colorado;

S. 1879. An act granting an increase of pension to Lorenzo F. Harmon;

S. 2565. An act granting a pension to William P. Parrill; S. 4350. An act for the relief of Arthur A. Underwood;

S. 4404. An act granting an increase of pension to Elizabeth B. Boyle:

S. 4819. An act for the relief of M. A. Johnson;

S. 5672. An act granting an increase of pension to Felix G. Murphy :

S. 6226. An act granting an increase of pension to Mary A. Mickler:

S. 6510. An act granting an increase of pension to Sarah R. Williams;

S. 7096. An act granting an increase of pension to Margaret McCullough;

S. 7177. An act granting an increase of pension to Melvin L.

Le Suer, alias James French; 8. 7827. An act permitting the building of a railway bridge across the Mississippi River in Morrison County, State of Min-

H. J. Res. 230. Joint resolution continuing the Postal Commission until the close of the present session of Congress; and

H. J. Res. 231. Joint resolution authorizing the Secretary of War to sell certain hay, straw, and grain at Fort Assinniboine.

#### PETITIONS AND MEMORIALS.

Mr. SMOOT presented a petition of the city council of Salt Lake City, Utah, praying for the enactment of legislation granting a right of way for a boulevard through the Fort Douglas Military Reservation; which was referred to the Committee on Military Affairs.

Mr. NELSON presented petitions of sundry citizens of Faribault and Atwater, in the State of Minnesota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Minnesota, praying for the adoption of certain amendments to the freealcohol law; which were referred to the Committee on Finance.

Mr. MILLARD presented a petition of the house of representatives of the State of Nebraska, praying for the enactment of legislation providing for the imposition of an income tax; which was referred to the Committee on Finance.

Mr. DEPEW presented petitions of sundry citizens of Cherry Creek, Poplar Ridge, Corning, and Mahopac Falls, all in the State of New York, praying for the enactment of legislation to regulate the interested transportation. regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. HEYBURN presented a memorial of 78 citizens of Moscow, Idaho, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. DU PONT. I present a joint resolution of the general assembly of Delaware, praying for the enactment of legislation authorizing the appointment of Lieut. Col. Harry G. Cavenaugh, United States Army, retired, on the retired list of the Army with the rank of brigadier-general. I ask that the joint resolution be read and referred to the Committee on Military Af-

There being no objection, the joint resolution was read and referred to the Committee on Military Affairs, as follows:

House joint resolution No. 4.

House joint resolution No. 4.

Be it resolved by the senate and house of representatives of the State of Delaware in general assembly met, That the Congress of the United States be requested to pass the necessary legislation that will place Lieut. Col. Harry 6. Cavenaugh, United States Army, retired, on the retired list of the United States Army as a brigadier-general; and be it further

Resolved, That our Senators and Representatives in Congress be presented with a certified copy of this resolution, and that they be urgently requested to do all in their power to further the object and intent of this resolution.

RICHARD HODGSON,

RICHARD HODGSON,
Speaker of the House of Representatives.
ISAAC T. PARKER,
President of the Senate.

Approved this the 21st day of January, A. D. 1907.

PRESTON LEA, Governor.

STATE OF DELAWARE, OFFICE OF SECRETARY OF STATE.

I, Joseph L. Cahall, secretary of state of the State of Delaware, do hereby certify that the above and foregoing is a true and correct copy of house joint resolution No. 4, approved January 21, 1907, as the same appears on file in this office.

In testimony whereof I have hereunto set my hand and official seal, at Dover, this 21st day of January, in the year of our Lord 1907.

[SEAL.]

JOSEPH L. CAHALL.

Secretary of State.

Mr. DU PONT presented a petition of sundry citizens of Newcastle, Del., praying for the enactment of legislation providing for the establishment of a fish-hatching and fish-cultural station in the county of Newcastle, in that State; which was referred to the Committee on Fisheries.

Mr. BURKETT presented a petition of sundry citizens of Springranch, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the house of representatives of Nebraska, praying for the enactment of legislation providing for the imposition of an income tax; which was referred to the Committee on Finance.

Mr. DICK presented petitions of sundry citizens of Alliance, Cincinnati, Cleveland, Dayton, Sandusky, Springfield, and Toledo, all in the State of Ohio, praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented petitions of Capt, William M. Scofield, of Cleveland, Ohio; Capt. Worthington Kautzman, of Columbus, Ohio; Capt. James J. Erwin, of Florida; Capt. Richard J. Fanning, of Cleveland, Ohio; Lieut. Ira J. Morrison, of Columbus, Ohio; Lieut. George H. Wood, of Dayton, Ohio, and Lieut. Victor J. Bergstrom, of Minnesota, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which were referred to the Committee on Claims.

He also presented petitions of sundry business firms of Ashland, Akron, Bryan, Canal Fulton, Canton, Cleveland, Chagrin Falls, Columbus, Lancaster, Mansfield, Medina, Piqua, Painesville, and Sidney, all in the State of Ohio, praying that an appropriation be made for the construction of a deep waterway from the Lakes to the Gulf; which were referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Toledo, Delaware, New Berlin, Mount Vernon, Bellville, Cleveland, Urbana, and Gratiot, all in the State of Ohio, praying for the enactment of legislation to modify the present postal fraud-order law; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry publishers of Cadiz. Painesville, Cleveland, Columbus, and Canton, all in the State of Ohio, and of sundry publishers of Philadelphia, Pa., remonstrating against the enactment of legislation increasing the rates of postage on second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the J. T. Wamelink & Sons Piano Company and the Gottdiner & Wicht Company, of Cleveland; of the talking-machine stores of Lorain County, and of Miller's musical store, of Springfield, all in the State of Ohio, remonstrating against the adoption of certain amendments to the present copyright law; which were referred to the Committee on Patents.

He also presented memorials of sundry citizens of Akron, Bellevue, Botkins, Whitstone, Coshocton, Chandon, Winchester, Creston, Dresden, Fremont, Greenville, and Hamilton, all in the State of Ohio, remonstrating against the ruling of the Interstate Commerce Commission relative to prohibiting newspapers from contracting with railroad companies for transportation in exchange for advertising; which were referred to the Committee on Interstate Commerce.

He also presented memorials of L. A. Dozer, of Bucyrus; of W. N. Breuner, of Cincinnati; of George M. Edmondson, of Cleveland; of A. L. Bowersox, of Dayton; of I. B. Stanton, of Findlay; of C. S. Battham, of Norwalk, and of the Lens and Brush Club, of Toledo, all in the State of Ohio, remonstrating against the adoption of a certain amendment to the copyright bill relative to the reproduction of photographs in newspapers;

which were referred to the Committee on Patents.

Mr. CULBERSON presented a petition of sundry citizens of Llano, Tex., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was

referred to the Committee on the Judiciary.

He also presented the petition of Harriet Cooke, of Texas, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

Mr. McCREARY presented a petition of the Woman's Christian Temperance Union of Columbus, Ky., and a petition of sundry citizens of Middlesboro, Ky., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PILES presented petitions of sundry citizens of Roy and Olympia, of the Woman's Christian Temperance Union of Port Orchard, and of the Woman's Christian Temperance Union of Ostrander, all in the State of Washington, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PETTUS presented the petition of Daniel Carroll, of Tuscaloosa County, Ala., praying for the reference of his claim to the Court of Claims; which was referred to the Committee on

He also presented the petition of John H. Cummins, of Pickens County, Ala., praying for the reference of his claim to the Court of Claims; which was referred to the Committee on Claims.

Mr. PENROSE presented sundry papers to accompany the bill (S. 1613) granting a pension to Rebecca L. Price; which were referred to the Committee on Pensions.

Mr. GALLINGER presented a petition of sundry citizens of Manchester, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. LONG presented a paper to accompany the bill (S. 7792) granting an increase of pension to Maria W. Howe; which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Chautauqua, Cowley, and McPherson counties, all in the State of Kansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. DANIEL presented a memorial of the Game Protective Association of Virginia, remonstrating against the abolishment of the Division of Biological Survey, in the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Clearing House Association, of Norfolk, Va., praying for the enactment of legislation for the issue and redemption of national bank guaranteed credit notes; which was referred to the Committee on Finance.

### BUSINESS OF THE SESSION.

Mr. HALE. Mr. President, what I am going to say I think the entire Senate is interested in. We have now remaining of the session two business days in January, twenty-three in February, and two in March, in all twenty-seven working days. There is not a single one of the appropriation bills that has become a law. Within these twenty-six or twenty-seven days Congress will have to appropriate something like \$800,000,000 of the revenues of the Government in appropriation bills, and not one of those bills, as I said, has passed.

There has never been in my experience a condition where these necessary bills are so far behind as this year. There is no fault that can be laid to any committee, because as fast as the bills are received from the House they are taken up by the committees here and reported to this body. The Committee on Appropriations had two of these bills lately from the House, and within three or four days of the time of receiving them they met and considered them and reported them to the Senate. There are two of these bills now before the Senate.

I gave notice yesterday that this morning I would ask the Senate at the close of the morning business to take up the diplomatic and consular appropriation bill and get it out of the way. I have no more interest nor have the members of the Committee on Appropriations any more interest in having this necessary business done than every other Senator. But the Committee on Appropriations and the other committees having charge of the appropriation bills are met by propositions that consume all the time. We can not get these bills before the Senate. The Senator from Indiana [Mr. Beveringe] has consumed, to the pleasure and profit of the Senate, the best of two days and wants another day. I find on looking at the Record that to-day has been substantially confiscated by a unanimous-consent agreement of the Senate that when the Senator from Indiana is through, not that an appropriation bill shall be taken up, but that the Senator from Montana [Mr. Carter] shall proceed to further instruct and please the Senate by another speech.

I call the attention of the Senate to the fact that by these unanimous-consent agreements the appropriation bills are left in the rear. I am powerless. I can not for one be here always because of the business of the Committee on Appropriations;

I am a large part of the day in the committee room; neither can the chairman nor any member of the committee always be here to prevent such unanimous-consent agreements. I do not like, and no Senator likes, to be disagreeable and interfere with Senators who desire to speak, but the business must be done. Yesterday morning the Senator from New Hampshire [Mr. Gallinger], in charge of an important bill, ventured to suggest that possibly legislation is of more importance than speech making, but I doubt very much whether the Senate would agree to that proposition.

I am inclined and I am tempted to say that, not being able to be here and the members of the Committee on Appropriations not being able to be here at all times, I can not be bound hereafter, for one, by any unanimous-consent agreement that the time of the Senate shall be taken up when appropriation bills are ready.

I think it is proper to make this statement so that Senators will realize the danger we are in, with only some twenty-five working days and not a single appropriation bill passed. It is absolutely necessary that they should be passed, and some of them involve matters that will give rise to quite extensive debate. We ought to take them up.

There is one remedy, and we shall soon have to resort to it. I hope Senators will bear that in mind. I thought of moving that the Senate would to-day take a recess from 6 o'clock to 8, in order to attend to business, or if the making of speeches is of more importance than that, to listen to speeches and get rid of some of the things that are blocking the way. But I do not think it would be hardly fair, in view of the convenience of Senators, to do that for to-night, but I think to-morrow, unless the appropriation bills are considered and proceeded with, I or the chairman or any other member of the committee will move for a night session. We shall soon be confronted with a condition where it will be necessary to have frequent night sessions, night after night, for Senators must remember that not one of these great bills has yet been before the Senate, except the legislative, executive, and judicial appropriation bill.

I have thought it proper to lay this statement before the Senate and to appeal to the Senate to stand by the Committee on Appropriations and the other great committees that have charge of appropriation bills in getting them out of the way. If not, we will run into what we did not last year, because there we were at liberty to extend the session. We will run into the 4th of March and be in danger of being called together in extra session.

Mr. BEVERIDGE. Mr. President, I wish to say only one word after what the Senator from Maine has said. In common with the whole Senate I very heartly agree with him, and I want to thank the Senator personally for his courtesy and kindness in not invoking the rule which gives the appropriation bills the right of way to-day, if he wishes to do so.

I wish to say in reference to my own speech that, first of all, it has not been a speech. It has been a presentation of certain evidence and a reference to certain laws on a matter of very great public consequence that is before the Senate and the country.

Furthermore, I call the Senator's attention to the fact that, so far as I am concerned, up to last Wednesday I had not occupied one moment of the time of the Senate at the present session. I think fully half of the time of the Senate has been taken up with a discussion of the Brownsville affair. Even in this case I had given notice of making my remarks to the Senate two weeks ago, and I did not do it at the request of the Senator from Iowa [Mr. Dolliver], who is the chairman of the committee having the bill in charge, and who was necessarily absent. After that there was the death of a member of this body and other things that interfered, which ran this matter over. The Senator will remember that the day when I expected to take the floor the appropriation bill was considered—

Mr. HALE. I am interested in what the Senator is saying. The Senator from Indiana will bear in mind that I do not propose to interfere with him.

Mr. BEVERIDGE. I do. I say I heartily agree with every word the Senator has said. I only want to call attention to the fact that the rather extended remarks which I am submitting are due to the importance of laying the full facts before the Senate.

Mr. HALE. I hope I shall be able later in the day to get up one of the appropriation bills. I shall try to do so.

Mr. BEVERIDGE. I am very much obliged to the Senator for his kindness.

### MISSISSIPPI RIVER BRIDGE.

Mr. HOPKINS. 1 am directed by the Committee on Commerce, to whom was referred the bill (S. 7760) to authorize the

Albany Railroad Bridge Company or the Chicago and North-westera Railway Company to reconstruct a bridge across the Mississippi River, to report it favorably with amendments, and I submit a report thereon. I ask unanimous consent for the immediate consideration of the bill.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment of the Committee on Commerce was, on page 2, to strike out all of section 2 in the following words:

page 2, to strike out all of section 2 in the following words:

Sec. 2. That for the purpose of carrying into effect the objects of
this act said Albany Railroad Bridge Company or said Chicago and
Northwestern Railway Company, and their successors and assigns, may
receive, purchase, and also acquire by lawful appropriation and condemnation in the States of Illinois and Iowa, upon making proper compensation, to be ascertained according to the laws of the State within
which the same is located, real and personal property and rights of
property, and may make any and every use of the same necessary and
proper for the enlargement of said existing bridge or for the construction, maintenance, and operation of the new bridge and approaches,
consistently with the laws of the United States and of said States,
respectively. respectively.

The amendment was agreed to.

The next amendment was, in section 3 (2) on page 2, line 20, after the word "That," to strike out the words "the privileges conferred hereunder shall cease" and insert "this act shall be null and void;" so as to read:

That this act shall be null and void unless the work of enlarging or replacing said bridge is begun within two years and is completed within five years from the date of the passage of this act.

The amendment was agreed to.

The VICE-PRESIDENT. The sections will be renumbered to correspond with the section stricken out.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

### IMMIGRATION STATION AT NEW ORLEANS.

Mr. DILLINGHAM. I am directed by the Committee on Immigration, to whom was referred the bill (S. 7247) to provide for the establishment of an immigrant station at New Orleans, in the State of Louisiana, and the erection in said city, on a site to be selected for said station, of a public building, to report it favorably with amendments, and I submit a report thereon.

Mr. McENERY. I ask for the present consideration of the bill just reported from the Committee on Immigration.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consider-

The first amendment of the Committee on Immigration was, in section 1, line 9, to strike out the words "Secretary of the Treasury" and insert in lieu thereof the words "Government of the United States;" so as to make the section read:

That the Sccretary of the Treasury be, and he is hereby, authorized and directed to establish an immigration station at the city of New Orleans, in the State of Louisiana; and to cause to be erected on a site to be selected a public building to temporarily accommodate and care for immigrants arriving at said city: Provided, That the land and dock room necessary for said station and building be transferred to the Government of the United States free of any cost to the United States.

The amendment was agreed to.

The next amendment was, in section 2, page 1, line 12, to strike out the words "out of any money in the Treasury not otherwise appropriated" and insert in lieu thereof the words which sum shall be paid from the permanent appropriation for expenses of regulating immigration."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### REPORTS OF COMMITTEES.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 7773) for the relief of George M. Stackhouse, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. PLATT, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13895) to correct the naval record of Michael Sheehan:

A bill (H. R. 5651) for the relief of William H. Beall; A bill (H. R. 14634) for the relief of George H. Chase

A bill (H. R. 18380) to complete the naval record of Charles W. Held; and

A bill (S. 7163) to correct the naval record of Alfred Bur-

Mr. MILLARD, from the Committee on Interoceanic Canals, reported an amendment proposing to appropriate \$1,500, to pay George R. Butlin, J. B. Haynes, and Ernst H. Djureen \$500 each for services rendered in the preparation of an analytical index to testimony taken before the Senate Committee on Interoceanic Canals, intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations, and be printed; which was agreed to.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom was referred the bill (S. 6906) to provide for the incorporation of banks within the District of Columbia, reported it with amendments, and submitted a report thereon.

Mr. KITTREDGE, from the Committee on Patents, to whom the subject was referred, reported a bill (S. 8190) to consolidate and revise the acts respecting copyright; which was read twice by its title.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. KITTREDGE. I am also directed by the committee to ask that 2,000 additional copies of the bill be printed for the use of the Senate

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. SMOOT, from the Committee on Claims, to whom was referred the bill (H. R. 9877) for the relief of James P. Barney, reported it without amendment, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 19312) to authorize the Mingo-Martin Coal Land Company to construct a bridge across Tug Fork of Big Sandy River at or near mouth of Wolf Creek, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 7894) to amend an act entitled "An act to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charleroi, Washington County, to a point in Rostraver Township, Westmoreland County," approved March 14, 1904, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 24109) to authorize the Norfolk and Western Railway Company to construct sundry bridges across the Tug Fork of the Big Sandy River, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was recommitted the bill (H. R. 23218) to authorize the Kentucky and West Virginia Bridge Company to construct a bridge across the Tug Fork of Big Sandy River at or near Williamson, in Mingo County, W. Va., to a point on the east side of said river in Pike County, Ky., reported it without amendment.

Mr. BERRY. I am directed by the Committee on Commerce to whom was referred the bill (H. R. 21197) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, by extending the provisions of the first section thereof to the port of Brunswick, Ga., to report it favorably without amendment.

Mr. CLAY. I ask unanimous consent for the immediate consideration of the bill.

Mr. ALDRICH. I feel constrained to object to any unanimous consent being given in the present condition of the public business

The VICE-PRESIDENT. Objection is made and the bill will be placed on the Calendar.

Mr. DICK, from the Committee on Naval Affairs, to whom wer: referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7741) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Pay Clerk Walter Delafield Bollard, United States Navy;

A bill (H. R. 18007) to authorize the appointment of Acting Asst. Surg. Julian Taylor Miller, United States Navy, as an assistant surgeon in the United States Navy

A bill (S. 6447) to authorize the appointment of Acting Asst. Surg. George R. Plummer, United States Navy, as an assistant

surgeon in the United States Navy; and
A bill (H. R. 22291) to authorize the reappointment of Harry
McL. P. Huse as an officer of the line in the Navy.

Mr. DICK, from the Committee on Naval Affairs, to whom was referred the bill (S. 2400) to correct the naval record of Peter H. Brodie, alias Patrick Torbett, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the

bill (H. R. 7676) authorizing the appointment of Allen V. Reed, now a captain on the retired list of the Navy, as a commodore on the retired list of the Navy, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely

A bill (S. 264) to correct the naval record of Charles Specht,

alias Charles Spaert; and A bill (S. 1651) to correct the naval record of John Linsay

Mr. NELSON, from the Committee on the Judiciary, to whom was recommitted the bill (H. R. 15434) to regulate appeals in criminal prosecutions, reported it with an amendment, and submitted a report thereon.

Mr. BACON, from the Committee on the Judiciary, to whom was referred the bill (8, 7812) to amend section 591 of the Revised Statutes of the United States, relative to the assignment of district judges to perform the duties of a disabled judge, reported it with an amendment and submitted a report thereon.

Mr. OVERMAN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon;

A bill (H. R. 6417) for the relief of T. J. H. Harris; A bill (H. R. 9132) for the relief of the legal representatives of Benjamin F. Pettit;

A bill (H. R. 9131) for the relief of the legal representatives of Charles D. Southerlin;

A bill (H. R. 10595) for the relief of Nye & Schneider Company

A bill (H. R. 9289) for the relief of the Mitsui Bussan Kaisha; A bill (H. R. 6418) for the relief of T. B. Stackhouse, a deputy collector of internal revenue for the district of South Carolina during the fiscal year 1894 and 1895; and

A bill (H. R. 10015) for the relief of the estate of Capt. Charles E. Russell, deceased.

#### SENATORS FROM OREGON AND KANSAS.

Mr. KEAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the contingent fund of the Senate to the Hon. John M. Gearin the sum of \$83.33, and to the Hon. A. W. Benson the sum of \$83.33, being the compensation of Senators of the United States for six days, January 23 to 28, 1907, during which they served as Senators from the States of Oregon and Kansas, respectively.

Mr. KEAN subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the foregoing resolution, reported it without amendment; and it was considered by unanimous consent, and agreed to.

#### BILLS INTRODUCED.

Mr. NELSON introduced a bill (S. 8191) relating to home-stead entries in certain cases; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CULLOM introduced a bill (S. 8192) to remove the charge of desertion from the military record of Frederick A. Noeller; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. S193) granting an increase of pension to Edward E. Brown; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 8194) to amend the mining laws of the Philippine Islands; which was read twice by its

Mr. LODGE. I submit with the bill a letter from the Secretary of War, which I ask may be printed as a document and referred with the bill to the Committee on the Philippines.

The VICE-PRESIDENT. It will be so ordered.

Mr. LODGE. I desire also to say that the amendments to the existing law are printed in red ink, and I should like to have the bill printed so as to show the changes proposed.

The VICE-PRESIDENT. The bill will be printed so as to indicate the changes made in the existing mining law.

Mr. GALLINGER introduced a bill (S. 8195) granting an increase of pension to Asa E. Swasey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TILLMAN introduced a bill (S. 8196) granting an increase of pension to Michael J. Geary; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. STONE introduced a bill (S. 8197) granting an increase of pension to Arabella J. Farrell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. RAYNER introduced a bill (S. 8198) for the relief of the

heirs of John D. Clemson; which was read twice by its title, and referred to the Committee on Claims.

Mr. CLARK of Montana introduced a bill (S. 8199) granting to the various States the lands owned by the United States within the limits thereof; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CLAY introduced a bill (S. 8200) to provide for an annual appropriation for branch agricultural experiment stations, and regulating the expenditures therefor; which was read twice by its title, and referred to the Committee on Agriculture and Forestry

Mr. McENERY introduced a bill (S. 8201) granting an increase of pension to Clara A. Keeting; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 8202) granting an increase of pension to Manuel R. Sanchez; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. S203) to carry out the findings of the Court of Claims in the case of Hardy A. Brewington, administrator of Raiford Brewington, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 8204) granting a pension to Delphine F. Wright; and A bill (S. 8205) granting a pension to Martha E. Doebler (with accompanying papers).

Mr. HEYBURN introduced a bill (S. 8206) for the relief of Elmore A. McKenna, late captain, United States Volunteer Signal Corps; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military

Mr. McCUMBER introduced a bill (S. 8207) granting an increase of pension to Peter Wedeman; which was read twice by its title, and referred to the Committee on Pensions

Mr. HANSBROUGH (by request) introduced a bill (8, 8208) authorizing the extension of Park place NW.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. FULTON introduced a bill (S. 8209) granting an increase of pension to Ashley White; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McLAURIN introduced a bill (S. 8210) granting an increase of pension to Charles Martin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PETTUS introduced a bill (S. 8211) for the relief of the Medical College of Alabama, of Mobile, Ala.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. TILLMAN introduced a bill (S. 8212) granting a pension to Azelia Mittag; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 8213) to authorize the St. Louis Electric Bridge Company, a corporation organized under the laws of the State of Illinois, to construct a bridge across the Mississippi River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DANIEL introduced a bill (S. 8214) granting a pension of James Bowman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

### AMENDMENTS TO APPROPRIATION BILLS.

Mr. McCREARY submitted an amendment proposing to appropriate \$2,000 to pay Mattie R. West, widow of Robert R. West, late deputy auditor of the Isthmian Canal Commission, being six months' salary at the rate he was receiving at the time of his death, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SIMMONS submitted an amendment intended to be prcposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. TALIAFERRO submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordere'l to be printed.

Mr. NELSON submitted two amendments intended to be proposed by him to the river and harbor appropriation bill: which were referred to the Committee on Commerce, and ordered to be printed.

#### BLOCK-SIGNAL SYSTEMS AND APPLIANCES.

Mr. CLAY submitted the following resolution; which was considered by unanimous consent, and agreed to:

sidered by unanimous consent, and agreed to:

Whereas on June 30, 1906, Congress passed a joint resolution directing the Interstate Commerce Commission to investigate and report on block-signal systems and appliances for the automatic control of railroad trains, directing an investigation and report on the use of and necessity for block-signal systems and appliances for the automatic control of railway trains in the United States; and

Whereas such investigation and report was directed in the interest of protecting human life and preventing accidents on railway trains: Therefore be it

Resolved, That the Interstate Commerce Commission be, and is hereby, directed—

First. To inform the Senate to what extent said investigation has been made.

Second. To transmit to the Senate such information as the Commission may have acquired on this subject.

Third. To inform the Senate whether it is wise to require railway companies to equip themselves with the automatic block-signal system. Fourth. What length of time would be required to put in operation such system and the probable cost of the same.

Fifth. The number of deaths caused by accidents on railroads during the years 1900, 1901, 1902, 1903, 1904, 1905, and 1906, and to what extent, if any, the death rate can be diminished by the adoption of the automatic block-signal system.

PRESIDENTIAL APPROVALS.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint reso-Intions:

On January 23:

S. R. 80. Joint resolution authorizing the Secretary of War to furnish two 3-inch wrought-iron muzzle-loading cannon, with their carriages, limbers, and accessories, to the State of South

On January 24:

S. 1236. An act to authorize payment to the Henry Philipps Seed and Implement Company for seed furnished to, and accepted by, the Department of Agriculture during the fiscal year

S. 1344. An act for the relief of John M. Burks; and

S. 4975. An act giving the consent of Congress to an agreement or compact entered into between the State of New Jersey and the State of Delaware respecting the territorial limits and jurisdiction of said States.

On January 25:

8.350. An act for the relief of the heirs of Joseph Sierra, deceased:

S. 1648. An act for the relief of the Hoffman Engineering and Contracting Company

S. 1933. An act for the relief of George T. Pettengill, lieutenant, United States Navy;

S. 2262. An act for the relief of Pay Director E. B. Rogers, United States Navy;

S. 2964. An act for the relief of the L. S. Watson Manufacturing Company, of Leicester, Mass.;

S. 3574. An act for the relief of John H. Potter;

S. 3581. An act providing for the payment to the New York Marine Repair Company, of Brooklyn, N. Y., of the cost of the repairs to the steamship *Lindesfarne*, necessitated by injuries received from being fouled by the U. S. Army transport *Crook* in May, 1900:

S. 3820. An act for the relief of Eunice Tripler;

S. 3923. An act to reorganize and to increase the efficiency of the artillery of the United States Army;

S. 4926. An act for the relief of Etienne De P. Bujac;

S. 4948. An act for the relief of W. A. McLean;

S. 5675. An act for the relief of Maj. Seymour Howell, United States Army, retired;

S. R. 13. Joint resolution authorizing the Secretary of War to award the Congressional medal of honor to Roe Reisinger;

S. 319. An act to reimburse Abram Johnson, formerly postmaster at Mount Pleasant, Utah;

S. 505. An act for the relief of Jacob Livingston & Co.; S. 538. An act for the relief of Charles T. Rader;

S. 1169. An act for the refund of certain tonnage duties;

S. 1668. An act for the relief of the administrator of the estate of Gotlob Groezinger;

S. 2724. An act for the relief of Delia B. Stuart, widow of John Stuart;

S. 5446. An act for the relief of John Hudgins; S. 6166. An act for the relief of Edwin S. Hall; S. 6299. An act for the relief of Pollard & Wallace; and

S. 6898. An act concerning licensed officers of vessels. On January 26:

8. 4348. An act for the relief of Augustus Trabing; S. 4860. An act for the relief of Peter Fairley;

S. 1218. An act for the relief of Louise Powers McKee, admin-Istratrix; and

S. 4563. An act to prohibit corporations from making money contributions in connection with political elections.

On January 28:

S. 2368. An act for the relief of the Postal Telegraph Cable Company;

S. 503. An act to reimburse James M. McGee for expenses incurred in the burial of Mary J. De Lange; and

S. 4423. An act providing for the donation of obsolete cannon, with their carriages and equipments, to the University of Idaho.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles. and referred to the Committee on the District of Columbia:

H. R. 129. An act for the opening of a connecting parkway along Piney Branch, between Sixteenth street and Rock Creek Park, District of Columbia;

H. R. 9326. An act for the opening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street:

H. R. 12690. An act to define the term of "registered nurse" and to provide for the registration of nurses in the District of Columbia:

H. R. 14897. An act to protect the streets of the city of Wash-

H. R. 21684. An act to amend section 2 of an act entitled An act regulating the retent on contracts with the District of

Columbia," approved March 21, 1906; H. R. 22350. An act to authorize the recorder of deeds of the District of Columbia to recopy old records in his office,

and for other purposes;

H. R. 23384. An act to amend an act entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia,' regulating proceedings for condemnation of land for streets;"

H. R. 23830. An act governing the maintenance of stock yards, slaughterhouses, and packing houses in the District of Colum-

H. R. 23940. An act for the extension of Albemarle street NW., District of Columbia;

H. R. 23941. An act to amend section 14 of the act approved July 29, 1892, entitled "An act for the preservation of the public peace and the protection of property within the District of Columbia:

H. R. 24746. An act for free lectures;

H. R. 24932. An act for the extension of School street NW.: H. R. 17212. An act to amend an act to incorporate the Supreme Lodge of the Knights of Pythias, was read twice by its title, and referred to the Committee on the Judiciary; and

H. R. 25013. An act granting to the regents of the University of Oklahoma section No. 36, in township No. 9 north, of range No. 3 west, of the Indian meridian, in Cleveland County, Okla., was read twice by its title, and referred to the Committee on Public Lands.

#### RELIEF OF STOCK NEAR FORT ASSINNIBOINE.

Mr. CARTER. The joint resolution (H. J. Res. 231) authorizing the Secretary of War to sell certain hay, straw, and grain at Fort Assinniboine, which has just come to the Senate from the House presents an emergency case, and I desire briefly to state the facts.

The joint resolution proposes to grant to the Secretary of War the right to sell certain hay and fodder at Fort Assinniboine reservation to the owners of stock. By the recent storm a very large number of cattle have been driven against the fences on this reservation. A Member of the House states that fifteen to twenty thousand head of cattle are now on the edge of the reservation in a state of starvation. The Government has a surplus of hay at that point, and the joint resolution proposes to authorize the Secretary of War to sell that surplus to the stockmen for the preservation of the stock.

I have consulted a majority, I believe, of the members of the Committee on Military Affairs, and with their assent I ask that the joint resolution may be laid before the Senate and that it may now be put upon its passage.

The VICE-PRESIDENT. The Senator from Montana asks

unanimous consent for the present consideration of a joint resolution, which will be read for the information of the Senate.

The joint resolution was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to cause to be sold within the next three months to the citizens of Montana, at its actual cost to the United States at place of sale, such limited quantities of hay, straw, and grain for domestic uses as, in his judgment, can safely be spared from the stock provided for the use of the garrison at Fort Assimilatione, Mont.

By unanimous consent the Sanata as in Committee of the

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without

amendment, ordered to a third reading, read the third time, and passed.

EMPLOYMENT OF CHILD LABOR.

Mr. BEVERIDGE. I ask the Chair to lay before the Senate the bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia.

The Chair lays before the Senate The VICE-PRESIDENT.

the bill indicated by the Senator from Indiana.

Mr. BEVERIDGE. Mr. President, valuable as time is, and anxious as I am to continue and conclude, I purpose to take five minutes for the reading of some additional definite affidavits respecting certain States, from which affidavits have not been presented. In doing this, I wish to state to the Senate that they are only samples of a large number of others, all to like effect. Since I can read them very much more quickly than the Secretary can read them, I shall read them myself.

I call the particular attention of the Senator from Tennessee [Mr. Carmack] as well as that of the Senator from South Carolina [Mr. Tillman] to the first affidavit which I shall read although it has already been introduced. It will stand another

reading, and many readings. It is as follows: UNITED STATES OF AMERICA, District of Columbia, 88.

United States of America, District of Columbia, 88:

Personally appeared before me this day A. J. McKelway, who on oath says that in December, 1905, he was on board a train going from Knoxville, Tenn., to Spartanburg, S. C.; that he saw on board the train an immigration agent of an immigration association of South Carolina, who was in charge of a company of about fifty people bound for the cotton mills of South Carolina, whom the agent had induced to leave their homes in western Tennessee; that the agent told him that he had made seven "shipments" of these people for the cotton mills from Newport, Tenn., averaging fifteen to the "shipment;" that seven more "shipments" had gone from Cleveland, Tenn., that there were several agents at work besides himself, and that he had shipped personally about 500 people to the cotton mills; that he, A. J. McKelway, talked with some of the children in the company; that Harrison Swan said that he was "going on" 10 years of age and was going to work in the Four Mills, at Greenville, S. C.; that Charley Matthews and a little fellow with him of the same size said that they were about 9 years of age and were going to work in the mills; that the agent told him that there were a plenty of children 6 and 8 and 10 years of age in the South Carolina mills, because their parents lied about their ages; that in the summer of 1905 the Rev. Mr. Abernethy, a Methodist minister living at Clyde, in western North Carolina, told him, A. J. McKelway, that 1,500 people had taken the train at Clyde for the South Carolina cotton mills during the preceding year.

A. J. McKelway.

Subscribed and sworn to before me this 22d day of January, 1907.

[SEAL.] EDGAR L. CORNELIUS,

Notary Public, District of Columbia.

I also call the attention of the Senator from Georgia [Mr. Bacon] to the following affidavit:

UNITED STATES OF AMERICA, District of Columbia, 88:

BACON] to the following affidavit:

UNITED STATES OF AMERICA, District of Columbia, ss:

Personally appeared before me A. J. McKelway, who, on oath, says that on May 21, 1905, accompanied by a friend of his, he visited the Exposition Mills of Atlanta. The day being Sunday, the children were not at work in the mill; that the names and ages of the following children were secured from their testimony as to their own ages and the ages of their companions who were at work in the mill: That John Chitwood says he was 10 years old on March 1, and had been working in the mill about two years; Ernest Eton, 13 on May 6, and had been working for two years; Lily Chitwood, 9 years old, and had been working in the mill two years; L. S. Sharpton, 13 years old, and had been working in the mill two years; L. S. Sharpton, 13 years old, and had been working in the mill one and one-half years; Clyde Kennington, 10 years old, and had just begun to work in the mill; Noah McWilliams, 14 years old, and worked in the mill; Will Moony, 12 years old, and had been at work in the mill three years; Liz Kelly, 9, and worked in the mill; that Grover Warren was a little girl 7 years old, who had been working in the mill shout two years; that Horeb Dodson, 8 years old, had been working in the mill about three months; that Earl Sword, about 8 years of age, had been working in the mill about two years; that Ned Chandler, 9 years of age, had been working in the mill about two years; that Ned Chandler, 9 years of age, had been working in the mill about two years; that Ned Chandler, 9 years of age, had been working in the mill about two years; that Ned Chandler, 9 years of age, had been working in the mill six months; that Fred Jeter, 9 years old, had been working in the mill six months; that Fred Jeter, 9 years old, had been working in the mill six months; that Suse Simms, about 10 years of age, had been working in the mill six months; that Suse Simms, about 10 years old, had been working in the mill for four months; that Son Baldwin, about 9, had b

Subscribed and sworn to before me this 22d day of January, 1907.

[SEAL.]

Notary Public, District of Columbia.

Those were the mills that were employing children 6 and 7 years old. This is the "isolated" abuse by the "best people," with whom the Senator from Georgia is on such loving terms. I further call the attention of the Senator from Georgia to

the two following affidavits, merely because the statement was made yesterday that the great mass of testimony presented was only as to "sporadic" and "occasional" instances:

UNITED STATES OF AMERICA, District of Columbia, 88:

Personally appeared before me, a notary public A. J. McKelway, who, on oath, says that the Gate City Cotton Mills and the Exposition Cotton Mills, mentioned in other affidavits, signed by A. J. McKelway, are members of the Georgia Industrial Association, and were under the obligations of an agreement—

This is the "gentlemen's agreement," to which I referred yesterday

not to employ children under 12 years of age unless they were orphans or the children of dependent parents or could read and write or had attended school the preceding year, and not to employ children under 12 years of age under any circumstances; that Mr. Samuel A. Carter, president of the Gate City Cotton Mills was made chairman of an investigating committee to discover whether there were any children in the Georgia cotton mills employed in violation of the said agreement, which had been made by the manufacturers in lieu of legislation; that Mr. Charles Tuller, one of the officials of the Exposition Cotton Mills, challenged in the public prints the citation of any instance of the violation of these rules; and that in spite of this agreement of the manufacturers not to employ children as specified, it was a matter of common knowledge that the agreement was violated in a large number of the cotton mills.

A. J. McKelway.

Subscribed and sworn to before me this 23d day of February, 1907.
[SEAL.] Notary Public, Washington, D. C.

Here are two others [exhibiting]; but I wish to hasten, and shall not now stop to read them. They are only samples, Mr. President and Senators, of a large number of others which prove that this is the universal and not the "isolated" case.

Now I call the attention of the Senator from Virginia to the

following affidavit:

UNITED STATES OF AMERICA, District of Columbia:

Personally appeared before me, a notary public, F. C. Roberts, who no ath says that in February, 1906, he was in Winchester, Vn., in the interests of organized labor, and that he went at the noon hour to a large woolen mill and a knitting mill in Winchester, and that he saw the operatives coming out of the mills for their midday meal: that there were a large number of children employed under 14 and quite a number under 12, to all appearances; that at the same hour a large number of negro children—

I wish to call the attention of Senators on the other side of the Chamber to this statement. It is the affidavit to which I called attention yesterday, which shows that whereas the children of the white working class of the South are going into the mills, the children of the negroes are going into the schools. So he goes on to state that at the same hour when he saw these white children coming out of the mill, he saw a large number of negro children coming out of a large negro school.

at the same hour a large number of negro children came out of a large negro school near by for recess; and that the contrast was noticeable in the particular that the negro children were playing and snowballing each other on their way home, while the white children employed in the mills were hurrying cith anxious faces to their lunch, so as to return to the mill in time; and that he found the same conditions to exist in a number of towns in the South where textile establishments were located

Sworn to and subscribed before me this 26th day of January, 1907.

WM A. EASTERDAY,

Notary Public, District of Columbia.

There is one way to solve the race question-keep the white children in the schools as well as the negroes. I call the attention of the Senator from North Carolina [Mr. Overman], who has so valiantly defended the law of that State and attacked any method of stopping the evil all over the country, to the following affidavit, and will supply any number of additional over that may be demanded: ones that may be demanded:

NORTH CAROLINA.

UNITED STATES OF AMERICA, District of Columbia, ss:

United States of America, District of Columbia, ss:

Personally appeared before me, a notary public, F. C. Roberts, who on oath says that in March, 1906, being in Salisbury, N. C., representing the American Federation of Labor, he visited a cotton mill on the outside of the town, called, to the best of his knowledge and belief, the "Salisbury cotton mills:" that he went through these mills and noted carefully the size and ages of the employees; that there were very few adults employed in the mills; that in the spinning department 90 percent of the employees were children from 7 to 12 years of age, to all appearances; that these children were compelled to work at and about machinery dangerous to life and limb; that many of them had lost a finger or two from the machinery that they were compelled to handle, and that several of them had bandaged fingers; that one of the children, when asked how long they worked, said that they were compelled to work eleven hours a day; that in appearance they were pallid faced, hollow chested, and with emaclated limbs; that one of the children, when asked if they ever attended school, said that the only chance they had was at night.

F. C. Roberts. F. C. ROBERTS.

Sworn to and subscribed before me this 26th day of January, 1907.
[SEAL.]

Notary Public, District of Columbia.

Mr. OVERMAN. Who is it that makes that affidavit? Mr. BEVERIDGE. The affidavit states that it was "subscribed and sworn to before me this 26th day of January, 1906," and it is signed by F. C. Roberts.

Mr. OVERMAN. Can the Senator tell me who F. C. Roberts

Mr. BEVERIDGE. Yes. I think F. C. Roberts is the man who made the same affidavit concerning the cotton mill over in Virginia that I have referred to.

Mr. OVERMAN. But who is F. C. Roberts, I should like to

Mr. BEVERIDGE. The Senator will find out.

Mr. OVERMAN. You introduce him here as a witness. Mr. BEVERIDGE. I do. And further the Senator has asked me a question, and he must keep still until I answer it.

F. C. Roberts, as I understand, is a representative of the American Federation of Labor. I think in fact he says he represents the American Federation of Labor and that he went upon that business for the investigation of this cotton mill. I will say to the Senator further that I think the Senator is pretty well acquainted with Dr. A. J. McKelway.

Mr. OVERMAN. I am. Mr. BEVERIDGE. He is a citizen of your own State.

Mr. OVERMAN. Does he make that affidavit?

Mr. BEVERIDGE. No; he does not; but he makes some other affidavits, and if I had more time this morning I would present a large number of them. I shall, anyhow, under the head of law violations, to which I referred yesterday.

Mr. OVERMAN. Did Doctor McKelway make any affidavit in reference to that mill?

Mr. BEVERIDGE. Here is one, and I think-

Mr. OVERMAN rose.

Mr. BEVERIDGE. If the Senator will pardon me a minute, I think I have some in my committee room.

Mr. OVERMAN. I want to state that I know something

Mr. BEVERIDGE. Go ahead.

Mr. OVERMAN. It is located in my own town, and I do not believe at the present time-I do not know the date of that affidavit as to when that happened-

Mr. BEVERIDGE. In March, 1906. Mr. OVERMAN. I do not believe there is a word of truth in I have been at that mill, but I do not have any interest in I have never seen or heard of any such conditions. I think it is one of the best conducted mills in the country, I know they have one of the most beautiful school buildings and a fine school there carried on by the factory. The superintendent is an elder in the Presbyterian Church, and one of the best men I think I have ever known in my life, who has been very careful with the children. It is his rule to see that all those children who work in the mill are educated. If all of the affidavits offered by the Senator are as exaggerated as this I shall have good reason to doubt them all. I hope this is not the character

Mr. BEVERIDGE. I can not permit the Senator, in view of the time at my disposal, to take any more of my time.

Mr. OVERMAN. I think

The VICE-PRESIDENT, The Senator from Indiana declines to yield further.

Mr. BEVERIDGE. If the Senator wants to make a speech, I do decline; but if he wants to ask a question I will answer it. Mr. OVERMAN. I am not going to make a speech. I am just stating what I know about that particular mill.

Mr. BEVERIDGE. The Senator may do so in his own time. The VICE-PRESIDENT. The Senator from Indiana objects to further interruption.

Mr. BEVERIDGE. I will answer any question, but I can not yield, in view of the length of time at my disposal, for a

speech to be inserted in the midst of my remarks.

I wish to state further in this connection, since this has been questioned, that he says "to the best of his knowledge and belief" it is the Salisbury Cotton Mills, and I have no doubt it is the Salisbury Cotton Mills. But Mr. Roberts says he does not know; he believes so. But no matter what the name of the mill is. Mr. Roberts saw these children and swears to it; there's no mistake about the children, and that is the important thing.

Mr. OVERMAN. I did not hear the Senator. Mr. BEVERIDGE. I am talking as loud as I can. The Senator must pay more attention, because I must get on.

Mr. OVERMAN. I am trying to pay attention.
Mr. BEVERIDGE. I will say further, as I have said two or three times before, that any amount of sworn testimony that Senators call for will be furnished as this debate proceeds. Notwithstanding the enormous amount which I have, I can say to the Senator that what I have presented is only the beginning.

That was an affidavit as to North Carolina. Now I present

one on Alabama conditions:

UNITED STATES OF AMERICA, District of Columbia, ss:

Personally appeared before me A. J. McKelway, who on oath says that in the fall of 1905 he visited a mill in Alabama whose name he prefers not to give; that he saw at least thirty children in the spinning room of that mill who seemed to be under 12 years of age; that one little girl testified to being 9 years of age, and that she was considerably larger than many children who were seen at work in that mill.

A. J. McKelway.

Subscribed and sworn to before me this 22d day of January, 1907.

[SEAL.] EDGAR L. CORNELIUS,

Notary Public, District of Columbia.

And another, on South Carolina conditions:

#### SOUTH CAROLINA.

UNITED STATES OF AMERICA, District of Columbia, 88:

Personally appeared before me, a notary public. A. J. McKelway, who on oath says that during the month of April, 1905, he, in company with Mr. Edward T. Devine, Mr. V. E. Macy, of New York, and others, visited the Olympia cotton mills at Columbia, S. C. under a former management; that he saw a large number of children at work, in the spinning room especially, and some in the weaving department; that there were at least lifty children in the spinning room who appeared to be under 12 years of age; that one little girl told him that she was 8 years of age, and judging from the comparative sizes there were several children not over 6 years of age.

A. J. McKelway.

Subscribed and sworn to before me this 22d day of January, 1907.

[SEAL.] EDGAR L. CORNELIUS,

Notary Public, District of Columbia.

And still another, on Florida conditions:

#### FLORIDA.

UNITED STATES OF AMERICA, District of Columbia, ss:

Personally appeared before me, a notary public, A. J. McKelway, who on oath says that in March, 1905, he visited some of the cigar factories of Tampa, Fla.; that the number of young children employed in these factories was small as compared to the number in cotton mills, but that at least twenty children were seen who seemed to be 12 years old and under and double that number who seemed to be under 14.

A. J. McKelway, Subscribed and sworn to before me this 22d day of January, 1907. EDGAR L. CORNELIUS,
Notary Public, District of Columbia. [SEAL.]

Mr. President, I hold in my hand a large number of similar affidavits, and I will say to the Senator from North Carolina that I had handed me—and I have now in my office and will insert in the Record—a statement of the mill owners of North Carolina before the committee of the legislature of that State in resisting what is known as the McKelway bill at the last legislature, in which resistance they were successful.

[These affidavits here referred to are inserted under the head "Nonenforcement of State laws" in an earlier portion of

Senator Beveringe's remarks.]

Mr. OVERMAN rose. Mr. BEVERIDGE. Pardon me a moment. I shall, if this debate goes on, put in the RECORD a statement by the authorities themselves-the labor commission-showing that mill owner after mill owner said he thought children under 12 years of age

ought to be employed.

Mr. OVERMAN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from North Carolina?

Mr. BEVERIDGE. I do, for a question.

Mr. OVERMAN. I am not denying any of the facts contained in the affidavits, because I know nothing about them, except one affidavit as to a mill in the town in which I live, the facts re-

garding which are within my own knowledge.

Mr. BEVERIDGE. The Senator has said that twice.

Mr. OVERMAN. Therefore I do not want the Senator to refer me to other testimony that may be introduced, but if all the affidavits are like the affidavits produced there I have some doubt about them, although I admit the evil.

Mr. BEVERIDGE. The Senator has impressed that upon the minds of the Senate by repeated statements; so it is between the Senator, now, and the people who make the affidavits.

#### THE NATIONAL CHILD-LABOR COMMITTEE.

I wish to say right here something that the Senator can bear Three of these affidavits and many others are made by Dr. A. J. McKelway. I think his residence is in North Carolina. He is a southern man and is the publisher of a paper called "The Presbyterian." He is a young man. He is the agent or in the employ of the National Child Labor Committee. It is because of this and because of his enthusiasm in this work—and as to his character and standing and purity and truthfulness and great ability every Senator from the South can testify—that he has made these investigations and these affida-

Mr. President, it is appropriate here to say that the National Child Labor Committee has done more than all other forces in this country to stop this evil. For years it has been at work. Its members are not sentimentalists, they are practical men of affairs. They include such business men as Isaac Seligman, the eminent New York financier; Mr. Warburg, of Kuhn, Loeb & Co.; men like Mr. Macy, of New York. They include such scholars and publicists as Doctor Lindsey, Dr. Felix Adler, and Mr. Devine, whose names are known to the entire country and to the entire educational world.

THE KIND OF MEN WHO SUPPORT THIS BILL.

Some of those men, Mr. President, as I said the other day, are the most ardent and certainly and without doubt the most learned "State rights" men in this Republic. Dr. Felix Alder is an example, and yet years of study and years of investigation have convinced them that it is impossible for the States, acting

separately, to stop these evils.

The new law of Georgia would never have been passed, the one in North Carolina would never have been passed, but for the activity of this great, splendid, militant organization of righteousness called the National Child-Labor Committee. The executive committee of this great organization, Mr. President, after a very careful discussion, lasting hours at each meeting for two meetings, passed a resolution indorsing this particular

The national child-labor convention of Cincinnati, where 4,000 people from all over this country, including among them some of the best lawyers in the land, as well as some of the best business men in the land, adopted the same resolution.

Before this debate is through I shall show the Senate where the same thing has been done by other great organizations. such, for instance, as the most powerful educational organiza-tion in this country, the State Teachers' Association of Ne-braska, which passed a resolution definitely indorsing this particular bill and earnestly requesting their Senators and Repre-

sentatives in Congress to support it.

Upon that subject I might stop before I resume the legal portion of this argument and say to Senators on the other side that the man who will be your next standard bearer in the next Presidential contest—William Jennings Bryan—has also, and with all his heart, indersed this particular bill. To those on this side of the Chamber I say that the great man who is now President of the United States is for this particular bill with all his heart. So it is not merely the work of "sentimentalists" his heart. So it is not merely the work of "sentimentalists" or of men who have given their lives to learning that I look for comfort and support. I am proud of all this support, and yet I am far more strengthened by the volume of testimony that pours in upon me from the people.

But, of course, the "people" don't amount to anything, "What do the people know about the Constitution?" say the opponents of this bill. When I cited Dr. Felix Adler to a learned Senator the other day as a supporter of this bill—and Doctor Adler is a man celabrated all over the entire world of

Doctor Adler is a man celebrated all over the entire world of learning for his accomplishments-I was met with this convincing reply: "Doctor Adler! What does he know about the Constitution? He is not a lawyer."

Nobody knows about the Constitution but certain "lawyers." it seems, although the Constitution was made for the people, was "adopted by the people at the polls," as Marshall declares, and is supposed to be anything but mysterious. Yet even a celebrated scholar like Doctor Adler can't possibly understand the Constitution, because he, with all his learning, is "no lawyer," according to some who will try to kill this bill here in

Mr. CARMACK. May I interrupt the Senator?

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Tennessee?

yield to the Senator from Tennessee?

Mr. BEVERIDGE. I do.

Mr. CARMACK. The Senator from Indiana says that the gentleman who will be the next standard bearer of the Democratic party indorses this bill. I want to know what the gentleman who will be the next standard bearer of the Republican party thinks about it. [Laughter.]

Mr. BEVERIDGE. My dear [laughter]—Mr. President, the relations between myself and the Senator from Tennessee are so tender that we usually call each other "old man," "my dear boy" and other terms of affection that which I was about to

boy," and other terms of affection, into which I was about to

The Senator from Tennessee, Mr. President, wants to know a great many things, and I am not going to tell him. curious-minded man. I do not blame him for that, and that is undoubtedly the origin of some of the Senator's attractiveness and brilliancy, and no Senator in this body has more of either.

## CONSTITUTIONALITY OF THE LAW.

Mr President, I think it perhaps will be more convenient to me to make a résumé of the legal part of the discussion which I made yesterday. It will occupy perhaps a minute or two.
Yesterday I referred to what all lawyers know as to what

was the occasion for the adoption of the Constitution. If it had not been necessary to put in the commerce clause, I doubt very much whether the Constitutional Convention would ever have been called. At that time the words "regulate commerce" were in twenty-seven acts then existing of the British Parliament, with which the framers of the Constitution were familiar. In every one of those acts the words "regulate commerce" included the meaning of "prohibition," and as soon as the Constitution was adopted this understanding was acted upon by the Congress in passing the embargo laws, which absolutely prohibited certain commerce with foreign nations.

As soon as this question came up, as it did indirectly in Gibbons v. Ogden, that great jurist and statesman, John Marshall, held that that was absolutely within the power of Congress; and rery early, in the case of United States v. Coombs, the Supreme Court, in passing upon the scope of this clause—it was then a subject under great discussion—said that it might include anything not definitely connected with commerce if it could be invoked for that purpose, as, for example, the power of Congress to pass a law making it a criminal offense to take a trunk that had been washed up from a ship, if it were above high water. In that opinion, Senators will remember, the court said that it involved unquestionably the power to prohibit the transportation of articles; although perhaps that is obiter dictum.

In the case of United States v. Marigold the question was definitely met and decided, so far as importations were concerned, and in the case of United States v. Forty-Three Gallons of Whisky the court definitely held that the power of Congress over commerce among the Indian tribes-which is precisely the same as the power of Congress over the States-included the power to prohibit the introduction of whisky, not only into the Territory where Indian tribes were located, but into a State that was near that Territory, where one drink of it might be sold to one Indian. No person has gone any further-no case could go

THE BRIGANTINE WILLIAM CASE,

Mr. President, I have here Thayer's Cases on Constitutional Law. In 1808 a case was decided which is so important and so historic a case that it is included in his two great volumes. It is United States v. Brigantine William. That is the only case, I believe, in either the district or circuit courts of the United States or the Supreme Court where the constitutionality of the embargo laws was ever questioned. The court sustained their constitutionality, and I will call the attention of the Senator from Rhode Island to the fact that it was sustained, not under the taxing power, not under the war power, but exclusively under the commerce clause. The court says:

"Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes."

Such is the declaration in the Constitution. Stress has been laid in the argument on the word "regulate," as implying in itself a limitation. Power to regulate, it is said, can not be understood to give a power to annihilate. To this it may be repiled that the acts under consideration, though of very ample extent, do not operate as a prohibition of all foreign commerce.

It will be admitted that partial prohibitions are authorized by the expression; and how shall the degree or extent of the prohibition be adjusted but by the discretion of the National Government, to whom the subject appears to be committed?

I want to stop right here and ask this: Whence came such

I want to stop right here and ask this: Whence came such power as we have over interstate commerce and foreign commerce? From the delegation of that power by the States to the Nation, did it not? Did it come from any other source?

Very well, now. What power did the States have when they made this delegation to the Federal Government? As I shall show by direct quotations in a moment, that they had absolutely sovereign power, does anybody question that the States, under the Articles of Confederation, could prohibit commerce and do anything that they pleased, and that they were not sovereign and supreme?

Well, then, what became of that power? They delegated it to the Federal Government. That is the source. Does the Senator from Rhode Island question that? If he does, the Senator from Rhode Island is in a quarrel with the Supreme Court upon that question. How much did they keep for them-

Mr. ALDRICH. They delegated the "power to regulate."

Mr. BEVERIDGE. Certainly.

Mr. ALDRICH. And nothing else. Mr. BEVERIDGE. It has been definitely decided what "regulate" means. Here is now one of the cases that decides it. quote from the same case:

Besides, if we insist on the exact and critical meaning of the word "regulate," we must, to be consistent, be equally critical with the substantial term "commerce." The term does not necessarily include shipping or navigation.

This great jurist, who sat upon the Massachusetts Federal bench, anticipated all that is going through the mind of the

Senator from Rhode Island. If you limit the word "regulate" by the same rules, you have got to limit the word "commerce," which it qualifies. Where would that lead the Senator? It would exclude navigation. That court goes on to point out:

would exclude navigation. That court goes on to point out:

Much less does it include the fisheries. Yet it never has been contended that they are not the proper objects of national regulation, and several acts of Congress have been made respecting them.

It may be replied that these are incidents to commerce and intimately connected with it, and that Congress, in legislating respecting them, act under the authority given them by the Constitution to make all laws necessary and proper for carrying into execution the enumerated powers.

Let this be admitted, and are they not at liberty also to consider the present prohibitory system as necessary and proper to an eventual beneficial regulation? I say nothing of the policy of the expedient. It is not within my province. But on the abstract question of constitutional power I see nothing to prohibit or restrain the measure.

So we see the Senator's view of what the word "regulate" means was anticipated and settled just exactly ninety-nine

means was anticipated and settled just exactly ninety-nine years ago this year. Then the court proceeds a little further:

It was perceived that under the power of regulating commerce Congress would be authorized to abridge it in favor—

How "abridge?" What for, "abridge?"

of the great principles of humanity and justice.

Hence the introduction of a clause in the Constitution so framed as to interdict a prohibition of the slave trade until 1808. Massachusetts and New York proposed a stipulation that should prevent the erection of commercial companies with exclusive advantages.

It has been said in the argument that the large commercial States, such as New York and Massachusetts, would never have consented to the grant of power relative to commerce, if supposed capable of the extent now claimed. On this point, it is believed, there was no misunderstanding. The necessity of a competent National Government was manifest. Its essential characteristics were considered and well understood; and all intelligent men perceived that a power to advance and protect the national interests accessarily involved a power that might be abused.

The question of the abuse of the power, which is the only argument made against this bill that I have heard, and I have heard about all of them, I shall discuss pretty fully in a moment. It is not necessary for me to read the opinion in the Forty-

three Gallons of Whisky case or the Rahrer case, because I read those yesterday.

THE ADDYSTON PIPE CO. CASE.

The next case to which I wish to call the attention of the Senate is The Addyston Pipe Company v. United States (175 U. S.), and I read briefly from page 228. I am showing now the tremendous scope of this power of Congress over commerce has been held by the Supreme Court to mean the prohibition of anything. In this case it was held that the Sherman antitrust law. which prohibited the making of a contract, was entirely constitutional, although that part of it, as all lawyers will remember, was the point on the case which was bitterly fought. The court

The reasons which may have caused the framers of the Constitution to repose the power to regulate interstate commerce in Congress do not, however, affect or limit the extent of the power itself.

This was said because the question had been asked of the court, the main question had been asked of the court that is so often asked here in debates upon legal questions that are very close. "What was the *intention* of the framers?" "Did the close, "What was the intention of the framers?" "Did framers intend this?" "Did the framers intend that?" a matter of course, the framers never foresaw steam or electricity. The framers never anticipated the telegraph. The framers did not anticipate the Interstate Commerce Commission.

The Supreme Court says that what may have been the purpose has nothing to do with the limit of the power.

The court goes on:

In Gibbons v. Ogden (supra) the power was declared to be complete in itself, and to acknowledge no limitations other than are prescribed by the Constitution.

Under this grant of power to Congress that body, in our judgment, may enact such legislation as shall declare void and prohibit the performance of any contract-between individuals or corporations where the natural and direct effect of such a contract will be, when carried out, to directly, and not as a mere incident to other and innocent purposes, regulate to any substantial extent interstate commerce. (And when we speak of interstate—

I call the attention of the Senator from Rhode Island to the fact that I am coming back to this-

we also include in our meaning foreign commerce.)

Mr. KEAN. What is the volume?
Mr. BEVERIDGE. One hundred and seventy-five United States—the Addyston Pipe Company case. The Senator is familiar with it.

Mr. KEAN. Yes

Mr. BEVERIDGE. Now I come to the most important case upon this subject that the Supreme Court has ever decided, though no wider perhaps than the Forty-three Gallons of Whisky case, no wider perhaps than the Rahrer case, and of course everybody knows that it is the Lottery case.

THE LOTTERY CASE.

About 1895 or 1896-the Senator from Rhode Island [Mr. Aldrich] ought to know, for he was here at the time-Congress passed a law prohibiting the transportation of lottery tickets by carriers of interstate commerce. A law had already been passed excluding them from the mails under the post-office and post-roads clause. But it was not effective for the simple reason that the lottery companies used the express companies to scatter the lottery tickets throughout the country.

A law was passed-and I have here the debates upon the subject-prohibiting the transportation of lottery tickets by carriers of interstate commerce. None of the other laws that have been passed-and I shall at length call the attention of the Senate to such laws now on the statute books-have been questioned so far as their constitutionality is concerned, even though they are the laws definitely prohibiting the transportation of articles by carriers of interstate commerce; for in those cases no great industry and no great business was profiting by the business in the thing prohibited.

But in the Lottery case there was an immense institution,

richly profiting by that business.

The law was very fiercely resisted. I think, with the exception of the Legal Tender cases, the Dartmouth College case, Gibbons v. Ogden, and McCulloch v. Maryland, there never have been any cases in the Supreme Court which were more ably conducted before that great tribunal, or with more desperate determination, or with greater learning than the Lottery case.

Not only did the attorneys employed by the lottery companies see their clients' interest in preserving their unholy business, but the attorneys employed, who were very able men indeed. saw the tremendous scope of the decision upon the question there raised. They understood thoroughly that the Supreme Court's decision would be as epochal as in McCulloch v. Maryland-that it would make history

Mr. McCUMBER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from North Dakota?

Mr. BEVERIDGE, Gladly.
Mr. McCUMBER. The Senator, of course, understands that I am decidedly favorable to his bill, and it is because I wish to have removed this wall of doubt that has surrounded me all the time as to our constitutional power to enact the legislation which the Senator is so earnestly supporting that I venture these suggestions.

Were not all of those cases to which the Senator refers cases in which the commodity was held practically not to be a commercial commodity-commodities the use of which were declared to be against public policy, or the dissemination of which would be against the interests of the people?

Mr. BEVERIDGE. I understand the Senator's point. Mr. McCUMBER. The reason I ask the question is this: I have always understood that under the privilege and immunity clause of the Constitution every person had an inherent right to go from one State to another himself and had a right to bring any property that he possessed.

Mr. BEVERIDGE. May I interrupt the Senator? The right to which the Senator refers, the right to go from one part of the Republic to another, does not flow from any provision of the Constitution. That was directly decided in Crandall v. Nevada, where seven judges decided that it was an inherent right of citizenship, depending on no clause of the Constitution whatever, and two judges that it was a matter of interstate commerce.

Mr. McCUMBER. I have read that decision. It is an inherent right the exercise of which Congress itself could not I want to call the Senator's attention to six lines in a text-book upon the subject by E. P. Prentice and J. G. Egar on the Commercial Clause of the Federal Constitution.

Mr. BEVERIDGE. I gladly yield. Mr. McQUMBER. The authors state the general rule bearing upon the right of Congress itself to make a prohibition against interstate commerce, and draw the distinction between the powers as relating to interstate commerce and the powers of Congress over foreign commerce. In treating of this the authors state-

Over interstate commerce no such extensive authority has been claimed. The right to engage in such commerce is one of the rights reserved to the people and one of the privileges and immunities of citizenship. Congress can not lay an embargo upon interstate commerce—

I call the Senator's attention especially to this, because I understood him to state that Congress could lay an embargo upon interstate commerce.

Congress can not lay an embargo upon interstate commerce, nor can in national matters, make restrictions of unequal operation among the States. The purpose with which the grant was made—to secure

freedom of transportation throughout the country unembarrassed by differing regulations at State lines—measures not only the power of the States, but also the power of Congress.

That is given as the rule, after reciting a number of authorities upon the subject. I quote it to the Senator that he may meet it directly in his argument.

Mr. BEVERIDGE. I am very much obliged to the Senator, He asked me a question and then submitted to me a proposition from Prentice's text-book. I will answer his question now and take up the proposition when I come to that branch of my argument.

In the first place, the Senator asked me whether, in the Lottery case, as well as in the other cases, it was not held that these subjects excluded from interstate commerce were not in their nature not properly subjects of commerce. Now, in answer to that, I say on the contrary they were definitely declared to be subjects of commerce, otherwise no jurisdiction could have

been acquired over them.

It was contended in the Lottery case that the law of Congress was void for two reasons. One was that lottery tickets were not subjects of commerce any more than insurance policies are and that therefore the case of Paul v. Virginia decided the lottery-ticket question at its inception. Because, of course, if lottery tickets were not subjects of commerce, then Congress had no power to pass laws excluding them from interstate commerce. So the court said upon that point:

We are of opinion that lottery tickets are subjects of traffic and therefore are subjects of commerce, and the regulation of the carriage of such tickets from State to State, at least by independent carriers, is a regulation of commerce among the several States.

Of course that was held in the Forty-three Gallons of Whisky case. Whisky is a subject of commerce. It was so held in Leisy

v. Hardin and in the Rahrer case.

I think the Senator's question has also another meaning, which involves not so much the question of power as it involves the question of policy; and that is this-the Senator can corme if I do not state what was in his mind-when any article of commerce becomes so adulterated by the circumstances of its manufacture, or because of its actual and inherent evil, or for any other reason affects injuriously the welfare of the people, then not only Congress in passing the law as a matter of policy, but the courts in upholding the law as a matter of power will take that into consideration. Am I right?

Mr. McCUMBER. The Senator is right; but I can easily see a distinction between that class of commodities and a class of

commodities such as grain, etc., which may be raised upon my farm and some work in connection with which may be performed by a child under 10 years of age. I would admit the right of Congress in the one instance, but I confess I have great doubt in the other, unless the Senator is able to make it clear

Mr. BEVERIDGE. As a question of policy, not power?

Mr. McCUMBER. As a question of power.

Mr. BEVERIDGE. It becomes a question, the Supreme Court says-and I have read two or three decisions, and I hope the Senator listened to them—to be left to the legislative discretion. But taking it from the point of view the Senator suggests, there is more harm to the interests of the Nation, and that phrase "interests of the Nation," I think, has been repeated in every one of these decisions-it was first used by Chief Justice Marshall in McCulloch v. Maryland—and that phrase the "interests of the Nation" has been the most powerful phrase in the inter-pretation of the Constitution. The "interests of the Nation" are more greatly imperiled by the products of child labor than even by diseased meat or adulterated food. Nobody doubts, and I think I shall prove to the satisfaction of everybody who hears me or who reads my remarks or cares anything about this subject, that we have the right to prohibit from interstate commerce convict-made goods. But I will come to that in a moment.

Answering the Senator's question from the legal point of view, I say certainly. Lottery tickets were decided to be subjects of commerce, legitimate subjects of commerce, just as whisky was decided to be, and it was upon that ground that the court ac-

quired jurisdiction.

THE RIGHT TO "PROHIBIT."

The other ground upon which that law was resisted was that Congress had no right to prohibit. I call the attention of the Senator from Rhode Island to that. Their contention was exactly what was in the Senator's mind a moment ago, when he said that the only power confided in Congress was the power to regulate, and that the power to regulate did not involve the power to prohibit; and that therefore the law of Congress excruding lottery tickets from interstate commerce was not within the constitutional power of Congress.

Now, in an opinion which of course has become historic and which is so familiar to every lawyer here, I take it, that I hardly feel like taking the time to read it, but will do so on account of

its importance, the court held that the power to regulate com-merce does not include the power to prohibit specified articles from commerce; and I shall read from the opinion of the court:

But it is said that the statute in question does not regulate the carrying of lottery tickets from State to State, but by punishing those who cause them to be so carried Congress in effect prohibits such carrying; that in respect of the carrying from one State to another of articles or things that are, in fact or according to usage in business, the subjects of commerce, the authority given Congress was not to prohibit, but only to reconstitute. to regulate.

Is not that what the Senator from Rhode Island said a moment ago? That was the argument which the court says was made. It might have been the Senator from Rhode Island himself who made the argument for the lottery people, according to the Supreme Court's report of that argument, for it is in exact and identical words the argument of the Senator from Rhode Island against this child-labor bill. This is the opinion of the court.

The Supreme Court continues:

It is to be remarked that the Constitution does not define what is to It is to be remarked that the Constitution does not define what is to be deemed a legitimate regulation of Interstate commerce. In Gibbons v. Ogden it was said that the power to regulate such commerce is the power to prescribe the rule by which it is to be governed. But this general observation leaves it to be determined, when the question comes before the court, whether Congress in prescribing a particular rule has exceeded its power under the Constitution.

While our Government must be acknowledged by all to be one of enumerated powers, McCulloch v. Maryland (4 Wheat., 316, 405, 407), the Constitution does not attempt to set forth all the means by which such powers may be carried into execution. It leaves to Congress a large discretion as to the means that may be employed in executing a given power.

We have said that the carrying from State to State of lottery tickets constitutes interstate commerce, and that the regulation of such commerce is within the power of Congress under the Constitution. Are we prepared to say that a provision which is in effect a prohibition of the carriage of such articles from State to State is not a fit or appropriate mode for the regulation of that particular kind of commerce? If lottery traffic, carried on through interstate commerce, is a matter of which Congress may take cognizance—

The extent of our discretion is with us, I will say to the Senator from Tennessee-

and over which its power may be exerted, can it be possible that it must tolerate the traffic, and simply regulate the manner in which it may be carried on? Or may not Congress, for the protection of the people of all the States, and under the power to regulate interstate commerce, devise such means, within the scope of the Constitution, and not prohibited by it, as will drive that traffic out of commerce among the States?

Could there be a more direct and emphatic answer to the question that was in the mind of the Senator from Rhode Island? The court continues:

In determining whether regulation may not under some circumstances properly take the form or have the effect of prohibition the nature of the interstate traffic which it was sought by the act of May 2, 1895, to suppress can not be overlooked. When enacting that statute Congress no doubt shared the views upon the subject of lotteries heretofore expressed by this court.

If a State, when considering legislation for the suppression of lotterles within its own limits, may properly take into view the evils that inhere in the raising of money in that mode, why may not Congress, invested with the power to regulate commerce among the several States, provide that such commerce shall not be polluted by the carrying of lottery tickets from one State to another?

I ask any Senator here whether he doubts that a State may pass a law excluding from intrastate commerce (commerce exclusively within the State itself) the products of child labor? Does the Senator from Rhode Island deny that power? Does any Senator deny that power?

Mr. ALDRICH. Mr. President-

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Rhode Island?

Mr. BEVERIDGE. Certainly. Did the Senator from Rhode

Island understand my question?

Mr. ALDRICH. I think so. On the point the Senator was discussing the court evidently did not understand the lottery case to have the significance which the Senator is giving it. because in another case which they decided later they used the language I will read. After having quoted the lottery-case decision the court say:

Whatever difference of opinion, if any, may have existed, or does exist, concerning the limitations of power so far as interstate commerce is concerned, it is not denied that from the beginning Congress has exercised a plenary power in respect to the exclusion of merchandise brought from foreign countries.

Mr. BEVERIDGE. The Senator is on the subject that he raised last night, and to that I will come, to the Senator's satisfaction, in a moment. I am not arguing that now. I am reading the decision of the Supreme Court in the lottery case on the subject of *prohibiting* commerce in an article. I am asking the Senator and I am asking every other Senator this question. Before proceeding further I will read it again:

If a State, when considering legislation for the suppression of lot-teries within its own limits, may properly take into view the evils that

inhere in the raising of money in that mode, why may not Congress, invested with the power to regulate commerce among the several States, provide that such commerce shall not be polluted by the carrying of lottery tickets from one State to another?

I ask any Senator this question: Does anybody deny that a State can pass a law which shall exclude from transportation within its own limits child-made goods made within its own

Mr. FULTON Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Oregon?

Mr. BEVERIDGE. Certainly.

Mr. FULTON. I ask the Senator if the lottery case-

Mr. BEVERIDGE. No; pardon me just a moment.

Well, I

Mr. BEVERIDGE. Was the Senator going to answer the

I was going to answer it by putting another. Mr. BEVERIDGE. No; I want a direct answer. I want to make an argument upon it for a moment.

Mr. FULTON. I am not under any obligation to answer the Senator's question.

Mr. BEVERIDGE. Of course you are not, and I am not under any obligation to yield.

Mr. FULTON. The Senator asked a question. If he chooses to withdraw it, I will not ask the Senator the question I had intended to ask

Mr. BEVERIDGE. Go on.

Mr. FULTON. I will ask the Senator if he does not observe that the lottery case and the whisky case and all the cases cited have this element in them: The exclusion of the articles amounts to a regulation of commerce in that it withdraws from commerce things that are deleterious to the people to whom they are shipped?

Mr. BEVERIDGE. Certainly.
Mr. FULTON. The articles were not allowed to be used for that purpose. Is there not a vast distinction between that and simply refusing to allow to be transported in interstate commerce an article, against which no charge of that character can be made, merely because some particular character of labor has been employed in making it? In other words, in one case you regulate commerce, and in the other case you are regulating the employment of labor in a State.

Mr. BEVERIDGE. The Senator rose to ask a question. He

did not only ask a question, but he made quite a statement. a question of policy, I recognize the distinction. As a question of power, as a matter of pure logic, I personally do not. But I do not intend in any argument of this question—

Mr. FULTON rose.

Mr. BEVERIDGE. No, in a moment, I want to dispose of the

question I am on now.

I do not intend to be confined to that narrow ground. I intend to take the ground, and have taken it, although I could take the much wider one if I chose, that wherever any article affects for ill "the interests of the Nation," to use the famous phrase of John Marshall, which is repeated in nearly every one of these decisions, where from its adulteration, from the circumstance of its manufacture, from any other circumstance Congress, representing the people, thinks it is bad for the Nation, it may be excluded from interstate commerce under the commerce clause of the Constitution.

Now, I am going to read again what I read from this lottery decision, and again ask a question, and if there is no answer,

then I am going to state the conclusion.

If a State, when considering legislation for the suppression of lotterles within its own limits, may properly take into view the evils that inhere in the raising of money in that mode, why may not Congress, invested with the power to regulate commerce among the several States, provide that such commerce shall not be polluted by the carrying of lottery tickets from one State to another?

Will any Senator say that a State has no power to pass a law excluding from transportation within its own limits child-made

goods made within its own limits? Certainly not.

The most rabid opponent of this bill would not say that. Therefore, according to the passage I have just read from the decision of the Supreme Court in the Lottery Cases, when it comes to a question of interstate traffic, Congress has power over that as plenary as the State has over the product within its own borders.

Mr. TILLMAN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. BEVERIDGE. Certainly. Mr. TILLMAN. It seems to me the Senator is crossing a very attenuated bridge to reach his point. If a State wants to regulate child labor, it has plenary power under its police power to pass any law it sees fit, and it is inconceivable that a State

would undertake to pass a law such as the Senator says it might pass, because it can go at the remedy so much more directly and so much more effectively. When the Senator undertakes to draw a deduction that Congress can do this thing because a State can do it, it is absurd, because the State would never think of doing it in that way. It would do it in the other way, the substantial way, the common-sense way, the direct way, the

Mr. BEVERIDGE. The Tillman way.

Mr. TILLMAN. That is right, if you choose to apply it. Mr. BEVERIDGE. Mr. President, what I say to the Senator from South Carolina I say kindly, for I know his earnest desire to end this very great evil, which he has described more vividly than I have, and he has expressed to me personally and in public his desire to hear what was said upon the legal proposition. I notified him this morning that the subject was going to be gone into by direct decisions. Now, the Senator goes out a large part of the time.

Mr. TILLMAN. The Senator has not been absent at all. I

beg the Senator's pardon. He has been right here listening. The Senator from Indiana is always telling us that he is going to get to the point directly, but he never gets there [Laughter

in the galleries.]

Mr. BEVERIDGE. Mr. President, that is a remark calculated, of course, to amuse the galleries. Does the Senator think that the language of Justice Harlan in the Lottery case, where he says it is within the power of Congress to exclude lottery tickets from interstate commerce, where it involves the power of prohibition, is not to the point?

Mr. TILLMAN. I have never read the Lottery case, because I have never had anything to do with these legal technicalities. know the common-sense proposition that because a State might do a thing is no reason why the United States has power

to do the thing

Mr. BEVERIDGE. The Senator is no monopolist of the common sense on this floor.

Mr. TILLMAN. I do not claim to be. I think that would be a preposterous supposition when the Senator from Indiana is on [Laughter.]

Mr. BEVERIDGE. I thank the Senator from South Carolina. Now, I read further from the Lottery case. If the Senator of course does not think that the decision of the Supreme Court which says that Congress has the power to regulate commerce,

to prohibit commerce in certain articles—
Mr. CARMACK. Mr. President—
The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. I do.

Mr. CARMACK. Does the Senator understand that opinion to go to the extent of saying that whatever a State may do in regulating commerce within its borders the General Government may do in regulating commerce among the States?

Mr. BEVERIDGE. No; but there are several other cases which do say just that, and it was said not less than a hundred times in the interstate-commerce debate on the passage of the rate bill last year. It comes so near it that I will again read it, and the Senator can see for himself.

Mr. CARMACK. I do not think it says that.

Mr. BEVERIDGE. As I said yesterday, a Senator, like any

Convinced against his will, Is of the same opinion still.

But hear the Supreme Court. Why are Senators so impatient with the Supreme Court? That tribunal goes on:

Why may not Congress, invested with the power to regulate commerce among the several States—

POLICE POWER OF STATE AND COMMERCE POWER OF NATION.

Do the same thing? The same thing that a State can do with commerce within that State? That is the question the Supreme Court asks—yes, and decides. For example, the same argument could have been made—and I have looked through the debates and I have them here—on the antilottery law. The late Senator from Missouri, Mr. Vest, whose brilliant intellect still illumines this Chamber, at first thought he would resist it on constitutional grounds, but he did not.

It could as well be said that it was the province of a State to pass laws protecting their people from the evil of lotteries, as many of the States do, just as many of the States have passed laws against child labor, some effective, some ineffective, some grotesque; and some States have not passed a law at all.

It might as well be said, and it was said, that it was a part of ne "police power of the State"—a term which is abused so much—as for the States to pass laws for protecting their citizens from the evils of lottery tickets. I will say to the Senator from South Carolina that one of the most powerful arguments

made before the Supreme Court in the Lottery Case was that the power to suppress the transmission of lottery tickets, the power to save a State's people from the moral evil involved in that, was a "police power of the State," and something which the Federal Government had no right to interfere with.

Mr. TILLMAN rose.

Mr. BEVERIDGE. Pardon me a moment. Nobody denied that that was the case; but the Supreme Court said that this was not the *only* method of reaching that evil. It is true that it is within the "police power" of a State to pass a law suppressing lotteries or the sale of lottery tickets for the saving of the morals of its people.

But it is also true that the National Government, under the power confided in it under the interstate-commerce clause, has power to exclude from interstate commerce and prohibit the

transmission by interstate carriers of lottery tickets.

Mr. TILLMAN. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from South Carolina? Mr. BEVERIDGE. I do.

Mr. TILLMAN. Does the Senator see no difference between the suppression of gambling, so to speak, which the Lottery case involves, and the suppression of an evil which everyone acknowledges child labor to be? Can be see no difference in the regulation of the two? The Senator's bill proposes that we shall kill the evil involved in child labor by prohibiting the products from being transported in interstate commerce.

Mr. BEVERIDGE. Yes; I say

Mr. TILLMAN. Does the Senator see no difference between that and suppressing gambling in lottery tickets by not having

them distributed all over the country?

Mr. BEVERIDGE. To use the language the Senator so often employs, to give the Senator a "common sense" answer, void of "technicality," there is as much difference between the one and the other as there is between gambling and murder, because lottery tickets involve gambling and the poisoning of the people's morals, and I have shown here by sworn testimony that child labor involves murder and murder knowingly committed.

Mr. TILLMAN. Mr. President-

Mr. BEVERIDGE. That is the "common sense" answer to it. Mr. TILLMAN. Does the Senator contend that Congress can prohibit murder in a State?

Mr. BEVERIDGE. Certainly not.

TILLMAN. Then the Senator answers himself.

Mr. BEVERIDGE. If the Senator wants me to answer my own questions, very well. If the Senator is satisfied, I am.

Mr. TILLMAN. If the Congress has no power to prohibit murder directly why should the Congress have the power to prohibit murder indirectly by prohibiting child labor, or the abuses of child labor?

Mr. BEVERIDGE. I will show the Senator by statutes upon

which he himself has voted in a few moments.

Mr. SPOONER. If the Senator will allow me a moment—

Mr. BEVERIDGE. Certainly. But may I interrupt the Senator a moment before he asks me a question? Does the Senator from South Carolina think that Congress can pass a

law prohibiting gambling in the States?

Mr. TILLMAN. Ordinary gambling?

Mr. BEVERIDGE. Oh, gambling in the States. Of course I do not know

Mr. TILLMAN. I am very anxious to have Congress or somebody else pass a law to prohibit the gamblers in Wall street, who are stealing our cotton-

Mr. BEVERIDGE. This is not a humorous discussion.

Mr. TILLMAN. And to stop the dealing in futures. I should like to see something done along that line.

Mr. BEVERIDGE. This is not a humorous discussion.

Mr. TILLMAN. I am not making any humor. Senator I was never more in dead earnest in my life.

Mr. BEVERIDGE. The Senator says it is perfectly competent for Congress to exclude lottery tickets from the mail and thus suppress gambling. And he asked me whether or not Congress has power to prevent murder in a State. I say "No."

Now, I ask the Senator, Has Congress power to prevent gambling in a State? Certainly not. I do not expect the Senator to say it has; but the Senator has just admitted that we have power and have exercised it in the lottery cases to indirectly prevent gambling in a State. Now I will hear the Senator from Wisconsin.

Mr. TILLMAN. The antilottery law business prevented the evil of gambling in one State from being spread all over from

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Wisconsin?

Mr. BEVERIDGE. Certainly.

Mr. SPOONER. The Senator from Indiana is discussing in perfect good faith and ability a question which, to my mind, is very vital to the people of the United States. I understand he predicates his argument (if I am wrong about that he will correct me) upon the proposition that Congress has absolutely unlimited power over interstate commerce. Am I right?

Mr. BEVERIDGE. The power of Congress over interstate commerce is as great as its power over commerce among the

Indian tribes or with foreign nations.

Mr. SPOONER. That is only quoting the language of the . constitutional provision, but that does not answer my question. The Senator will pardon me. The Senator said yesterday (and I ventured to ask him a question, because I respect him and desired his view about it) that it is in the power of Congress under the commerce clause to prohibit at its will the transportation of any article from State to State or to foreign countries. Is that the Senator's position?

Mr. BEVERIDGE. I will answer the Senator not indirectly,

but I will answer him directly in two ways.

Mr. SPOONER. I simply wish to bring that to the attention

of the Senator.

Mr. BEVERIDGE. First, then, my own personal view: The question is much broader than this bill justifies, and that is the reason why I am going to answer your question in two ways.

My own personal view upon the question of power exclusively is that the power of Congress is that broad, and that it is a question of policy over what articles we will exercise it. shall try to illustrate that in a moment. In answering thus I am answering the Senator quite as broadly as his question.

But the Senator's question is broader than this particular bill under discussion makes necessary, and therefore I will only answer, as to the second answer, as broadly as the present bill does justify. It is not necessary for me to make a broader answer than the bill itself calls for. I am not going to have a straw man, or what the Senator may think is a straw man that is, my personal views about the scope of my power-erected

to be knocked down by anybody.

So I give the Senator my second portion of the answer, as follows: That even if I am wrong in my first, which is, as I think, supported by numerous decisions of the Supreme Court, there can be no question that I am right in this very limited view at least, that we have the unquestioned power to exclude from interstate commerce any article which, in our judgment, is deleterious to the people of the United States, whether it be by reason of its unhealthfulness, whether it be by reason of its supposed effect upon the morals of the people, or whether it be by reason of a circumstance of its manufacture which is hurtful to the American people—which, to use the phrase most often used in all these cases, is inimical to the "interests of the nation." Now, I have answered the Senator's question.

Mr. SPOONER. Now, Mr. President, if my interruption is not

agreeable to the Senator

Mr. BEVERIDGE. It is welcome. Mr. SPOONER. The Senator has answered the question fully and frankly and from two different standpoints. Of course, suppose there is no one in this Chamber who is not opposed to child labor. It is withering-that is a good word for it-the mental and physical faculties of the young, who are to be the governing body of this country. Not differing at all with the Senator in his denunciation of child labor or in his declaration in which there is very much truth—that the States have not adequately dealt with it, my trouble is in the power of the Federal Government to regulate it. I suppose the Senator would admit that it is entirely incompetent for Congress to constitutionally enact a law in terms regulating child labor in the States. That is not debatable, I take it, by anyone. So the Senator is obliged to fall back upon the commerce clause of the Constitution to enable the thing to be done, Congress to accomplish by indirect means what confessedly it can not constitutionally accomplish by direct means.

Now, the Senator says, first-I did not mean to make a speech

Mr. BEVERIDGE. Go ahead.

Mr. SPOONER. The Senator says, first-and I think he has to say, although the distinction which he draws has force so far as the decision in the lottery case goes, that Congress has unlimited power over interstate commerce, and it may say who shall engage in interstate commerce, and it may say who shall It may say what articles can be transported from State to State, from the State of production to the State of sale or to a foreign country.

Now, Mr. President, I want to ask the Senator, apart from the decision upon which he relies, if the word "regulate" does not of necessity involve the continued existence of the thing to be regulated, whether it does not in terms inherently exclude the power to destroy; in other words, to prohibit, and if, taking

the Senator's first proposition—

Mr. BEVERIDGE. The Senator is putting a good many ques-

tions to me, of course.

Mr. SPOONER. No; I do not. On the first proposition made by the Senator, is it not true that Congress can prohibit the transportation of an innocuous commodity and a necessary one from State to State because in the State of production it was not the product of union labor?

Mr. BEVERIDGE. Yes; under my first answer.
Mr. SPOONER. Or, Mr. President—
Mr. BEVERIDGE. But will the Senator pardon me a minute?
Mr. SPOONER. Pardon me.

Mr. BEVERIDGE. Pardon me. Mr. SPOONER. Yes.

Mr. BEVERIDGE. I stated that abstract answer to the Sena-r. It is an abstract question, though I am perfectly willing to have the Senator consume any amount of time in questions. I said that question and the answer which it called for and which I gave were not necessary to this bill, and I proceeded to give a substantive answer, so far as this bill is concerned, which the Senator said was fair and the distinction important.

Mr. SPOONER. Well, I will get to that.

Mr. BEVERIDGE. You are arguing the bill.

Mr. SPOONER. No; I am not.

Mr. BEVERIDGE. But I do not want to forget the question of the Senator. He is putting four or five at once.

Mr. SPOONER. No; I do not mean to do so, and I will not

Mr. BEVERIDGE. It is all right, except I do not want to lose sight of it in my mind.

Mr. SPOONER. No; the Senator will not lose sight of any-I will pay him that tribute.

Mr. BEVERIDGE. I could not lose sight of the Senator. Mr. SPOONER. So, on the Senator's theory, Congress may prohibit transportation from State to State of any article in the production of which eight hours a day was not in vogue in the labor which produced it.

Mr. BEVERIDGE. I personally think that, I will say to the Senator; but I will state that under this bill that case can not

be debated at all.

Mr. SPOONER. I will get to that in a minute.

Mr. BEVERIDGE. Well, go ahead. Mr. SPOONER. Under that theory, is it not true that the power given by the Constitution to Congress to regulate commerce for the purpose of keeping the channels of commerce free and unobstructed is prostituted into a construction which warrants the General Government itself to obstruct the channels of commerce?

Mr. BEVERIDGE. Does the Senator ask me that question? Mr. SPOONER. No; in just a minute. Now, Mr. President, I come to the second branch. I make the suggestion, and I want to hear the Senator on it; that is all.

Mr. BEVERIDGE. I do not want to forget. Mr. SPOONER. The Senator forgets nothing.

Mr. BEVERIDGE. That is very kind, but I do not want to run the risk. I do not want to let the Senator kill me with compliments until I run the risk of forgetting his questions.

Mr. SPOONER. Now I come to the second proposition. the power to regulate commerce involves the power to prohibit commerce when, in the judgment of Congress, there is involved the habits or the morals of the people, what limit is there to the

power? Where Congress has the power—

Mr. BEVERIDGE. Yes; that question, I will say to the Senator, when that particular branch of the argument is reached, I want to take up logically to answer most fully. It simply involves the ancient argument that has been made every time a case of this kind has gone to the Supreme Court, and that is so easily made, that because a power may be exercised abusively, absurdly, grotesquely, and ruinously, if it is admitted to exist at all, therefore it does not exist. That is no new argument. The Supreme Court has decided time and again that the abuse of power does not argue against its existence. Does the Senator deny that?

Mr. SPOONER. The Senator now puts me a question-

Mr. BEVERIDGE. Yes; I do.
Mr. SPOONER. Which I will not forget to answer. The
power of taxation under the Constitution is without limit except as to uniformity. When Congress, as in the oleomargarine case and some others, exercised that power, the Supreme Court sustained it, because where a power is given to Congress the discretion, the wisdom of Congress in its exercise is not subject to judicial review.

Mr. BEVERIDGE. That is quite right so far as the policy

involved is concerned. All that judicial review has to do with it is a question of abstract power.

Mr. SPOONER. Yes; that is right. Now, if Congress should

come to the conclusion on the Senator's argument that it affects the morals of the people, the labor of the people, that there should be an eight-hour labor day, or that all labor should be combined into a labor union, and should therefore prohibit transportation from State to State of any commodity which is not the product of eight-hour labor or of union labor, does the Senator

Mr. BEVERIDGE. Or that we could prohibit it altogether?

Mr. SPOONER. Or prohibit it altogether.
Mr. BEVERIDGE. What is the Senator's question?

Mr. SPOONER. Can the court review the wisdom and discretion of Congress?

Mr. BEVERIDGE. I will answer that question upon the very best of authority.

Mr. SPOONER. What is it?

Mr. BEVERIDGE. The Senator from Wisconsin [Mr. SPOONER

Mr. SPOONER. I deny the ex cathedra character of the testimony

Mr. BEVERIDGE. In the oleomargarine case one of those familiar types of questions, "If you can do this, can you not do something else that is extreme?" was asked of the Senator from Wisconsin by the Senator from Texas [Mr. BAILEY]. The Senator from Texas said:

Mr. Ballex. Mr. President, with the Senator's permission, I am going to take my question away from oleomargarine, because I really desire an expression of the Senator's opinion.

The same phrase, always used.

The same phrase, always used.

Let us broaden it until, we will say, Congress should pass a law declaring that every article, when passing from one State into another, should immediately, upon the arrival of that article, or of all articles, into the State, become subject to its laws, does the Senator from Wisconsin believe that such a law would be constitutional?

Mr. Spooner, Subject to the police laws of the State?

Well, it is an impossible question. Congress would never think of passing any such law.

(CONGRESSIONAL RECORD, 3500, Fifty-seventh Congress, first session, vol. 35.)

So I adopt the Senator's language in answering the Senator's question.

Mr. SPOONER. Now, Mr. President, the Senator from Texas, with his accustomed dialectic skill in debate upon the oleomargarine bill, vainly attempted to force me or beguile me into a defense of it under the commerce clause of the Constitution. I did justify it under the taxing clause of the Constitution.

Mr. BEVERIDGE. But will the Senator pardon me right there?

Mr. SPOONER. Yes; of course.

Mr. BEVERIDGE. That has nothing to do with the answer which the Senator gave, which was absolutely the correct answer and the one that has been given this morning. The same sort of argument which the Senator is making now has been put to the Supreme Court, that it is an "impossible question." For example, the Senator asked me whether if this For example, the Senator asked me whether, if this power was conceded to prohibit it in one, we could not prohibit it in all; could we not go to the extent of providing that everybody in the United States shall join a labor union and not ship their goods otherwise?

Mr. SPOONER. The Senator said "Yes."

Mr. BEVERIDGE. I said, in answer to that, "It is an impossible question," to use the exact language of the Senator from Wisconsin.

Mr. SPOONER. No; the Senator said "Yes."
Mr. BEVERIDGE. No; I say it is an "impossible question."
Mr. CARMACK. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. Yes.
Mr. CARMACK. I think it is the answer which seems impossible, rather than the question. [Laughter.]
Mr. BEVERIDGE. Well, the Senator is interjecting, on be-

half of the Senator from Wisconsin, his ready wit.

Mr. CARMACK. I withdraw it, Mr. President.

Mr. BEVERIDGE. The Senator from Wisconsin has asked me a question, and I want to answer it.

Mr. SPOONER. This question has troubled me more than any other question which is to-day mooted in the United States.

Mr. BEVERIDGE. I am trying my best, with a great deal of diligence and a great deal of hard labor, to relieve the Senator

from his trouble, if he is willing to be relieved. Now, I want to answer the Senator's question. The Senator

asked me whether or not I thought we could pass a law directly prohibiting child labor in any State.

Mr. SPOONER. Yes.

CAN CONGRESS DO INDIRECTLY WHAT IT CAN NOT DO DIRECTLY?

Mr. BEVERIDGE. And he then answered it himself by saying we could not; but that was not the subject to decide. have the Senator's words entirely in mind, and I am now going to ask the Senator a question. Then the Senator asked, with some vigor, if we could not do this directly, how, by using the interstate-commerce clause of the Constitution, can we accomplish the same object indirectly?

Now I ask the Senator, does the Senator say that we could pass a law directly prohibiting lotteries in any State?

Mr. SPOONER. We could not.

Mr. BEVERIDGE. We could not. Then, according to the Senator's reasoning, I ask how can we, by invoking the inter-state-commerce clause of the Constitution, do that very thing For we have.

Mr. SPOONER. Mr. President, Congress passed two acts in

Mr. BEVERIDGE. Mr. President-

Mr. SPOONER. Pardon me a moment. In the exercise of its undoubted constitutional power, Congress passed an act excluding lottery tickets and lottery literature from the mails.

Mr. BEVERIDGE. I went over the history of that.
Mr. SPOONER. It will take but a moment. Congress had direct authority to do that. Congress supplemented, I think unwisely and unconstitutionally, although the Supreme Court held it to be constitutional-

Mr. BEVERIDGE. Although the Supreme Court held to the

contrary

Mr. SPOONER. I was about to say that although the Supreme Court, having the case under consideration three times, by a majority of one sustained the act which was passed to exclude lottery tickets, literature, etc., from the mails.

Mr. BEVERIDGE. Do I understand the Senator to criticise

the Supreme Court because it decided by a majority of one?

Mr. SPOONER. Well, it was a case that I do not regard as being an authority to build a fabric upon which would entirely

Mr. BEVERIDGE. Let me call the Senator's attention to the fact, since he has mentioned that it was decided by a divided court, that the minority of four placed their dissent almost exclusively upon the ground, not that Congress did not have the power to exclude lottery tickets from interstate commerce if they were articles of commerce, but upon the point that lottery tickets were no more the subject of commerce than policies of insurance were the subject of commerce.

Mr. SPOONER. The Senator will not permit me to finish the

sentence.

Mr. BEVERIDGE. Not at that point; but now I will.

Mr. SPOONER I only want to say this, and then I will not interrupt any further-

Mr. BEVERIDGE. All right; if you can satisfy the Senator from Montana [Mr. Carter], who is to take the floor as soon as

Mr. SPOONER. This is a more important question than the question which the Senator from Montana wants to discuss.

Mr. BEVERIDGE. I think the Senator from Wisconsin will find it as hard to convince the Senator from Montana upon that point as I find it to convince the Senator from Wisconsin on this. Mr. SPOONER. I want to call the Senator's attention to the

fact that the court say, in the majority opinion:

The whole subject is too important, and the questions suggested by its consideration are too difficult of solution, to justify any attempt to lay down a rule for determining in advance the validity of every statute that may be enacted under the commerce clause.

Mr. BEVERIDGE. You are reading from the end of the lot-

tery case decision now. Mr. SPOONER. I am reading the end of the opinion of the court.

Mr. BEVERIDGE. Yes; I know that. I was going to read it myself.

Mr. SPOONER. The court continue:

We decide nothing more in the present case than that lottery tickets are subjects of traffic among those who choose to sell or buy them; that the carriage of such tickets by independent carriers from one State to another is therefore interstate commerce—

Not the persons who had engaged in the manufacture of that product in the States before it was put into interstate commerce at all, but to the product transported-

that under its power to regulate commerce among the several States, Congress, subject to the limitations imposed by the Constitution upon the exercise of the powers granted, has plenary authority over such commerce and may prohibit the carriage of such tickets from State to

Mr. BEVERIDGE. Yes; I am very much obliged to the Senator for reading what I was going to read myself.

Mr. SPOONER. The Senator is entirely welcome.

But there is a broad distinction between a case where the question, only substituting for the labor union the product of

matter involved is held by the court to be the subject of transportation itself, and therefore subject to the regulative power of Congress and

Mr. BEVERIDGE. You put a proposition and then go on

and do not let me answer it.

Mr. SPOONER. With this sentence I will relieve the Senator: And the prohibition of the transportation from State to State of an entirely innocuous article of commerce from the standpoint of morals and everything else, so far as the article is concerned, simply with reference to the character of those who manufacture it.

Mr. BEVERIDGE. Now, Mr. President, I hope the Senator

will give me his attention upon that last proposition.

Mr. SPOONER. I will.

NATURE OF ARTICLE SOURCE OF POLICY, BUT NOT OF POWER.

Mr. BEVERIDGE. I will answer the Senator's question. The Senator has told this Senate, who are more or less familiar with this Lottery Case, that lottery tickets were excluded be-cause they were per sc a bad thing. That is what the Senator cause they were per sc a bad thing. That is what the Senator said. He further said that the distinction between excluding the article—a lottery ticket—from commerce and excluding a child-made piece of goods from commerce was that the childmade piece of goods had in itself no evil, whereas the lottery ticket did have evil.

The Senator does not mean to let the Senate understand him as saying that. The lottery ticket was as innocuous as this desk; as innocuous, so far as the ticket itself is concerned, just as the product of child labor is, as innocuous as this desk. it became tainted at the source of its issue, just as child-made goods become tainted with the crime of their manufacture.

There is where the original taint came that excluded the lottery ticket; not in the ticket itself, which was as harmless as any other substance, but in the fact that it issued from a gam-

bling establishment and was a species and a product of crime.

Mr. CARMACK. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. I must get on with this Lottery Case, because I promised the Senator from Montana that I would get through. If the Senator has something else than witty remarks to make, I shall be glad to hear him.

Mr. CARMACK. I was going to suggest that there was an evil resulting directly from the commerce involved in the carry-

ing of lottery tickets.

Mr. BEVERIDGE. Now, Mr. President-

Mr. BACON. Will the Senator permit me just to ask him one question there?

Mr. BEVERIDGE. Yes; I shall be glad to hear it.

Mr. BACON. The Senator says the lottery ticket is in itself as innocuous as the desk which the Senator uses for the purpose of illustration.

Mr. BEVERIDGE. That is what I said. The Senator is

right about that.

Mr. BACON. The question I want to ask the Senator is this: Does he recognize or claim that obscene literature is innocuous because there is nothing offensive in the paper upon which it is written or printed?

Mr. BEVERIDGE. No; certainly not. It is innocuous so far as the paper itself is concerned on which it is written or printed. But I am going to read to the Senate the obscene literature statute and several other statutes we have passed, some concerning articles and excluding them from commerce, that are not innocuous either in their origin or in their consequences.

Mr. PERKINS. Mr. President-

VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from California?

Mr. BEVERIDGE. I yield.

Mr. PERKINS. As the Senator is answering a question which has been asked by the distinguished Senator from Wisconsin [Mr. Spooner], I wish on that line to ask if I understand him correctly that, if Congress in its wisdom should see proper, and it could be shown to be as deleterious and as debasing to the moral, spiritual, and physical welfare of mankind as child labor that men and women who are over 50 years of age perform labor in the manufacture of goods, whether Congress has the power to pass a law prohibiting the transporta-

tion of goods made by them?

Mr. BEVERIDGE. I will say that I have been unfortunate in not having had the Senator's presence when I argued that question in varying forms. The Senator from Wisconsin [Mr. SPOONER] asked, if we had the power to do this, had we not the power to make everybody join a labor union and exclude from transportation articles which were not made by such labor. The Senator from California [Mr. Perkins] now puts the same people who are over 50 years of age. The answer is the same. I carefully answered the question the Senator from Wisconsin put to me from two points of view, one the broad point of view, which is not at all called for by this bill; and the other the narrower point of view, which is called for by this bill.

I would be glad to go over that again if it were not that the Senator from Montana is waiting to take the floor at the conclu-

sion of my remarks. I will, however, with the permission of

the Senator from Montana, merely take the time to answer the

Mr. PERKINS. Mr. President, I think it can be shown that as pitiable a sight as can be called to mind is that of aged persons who are compelled to labor physically or mentally for the support of those who are dependent upon them. I think there can be as forcible an appeal made in their behalf as has been made for children under 14 years of age. The child is looking with hope and buoyancy to the future

Mr. BEVERIDGE. The Senator must not take my time to deliver an oration, because I know what the effect of that would be. It would get the Senate off from the subject I am

trying to discuss.

Mr. PERKINS. I will say that I have yielded my desk to the Senator from Indiana from which to deliver his speech and that it has had more brains back of it during the few hours my friend has been there than it has had for the last fourteen years

since I have been there. [Laughter.]

Mr. BEVERIDGE. I will ask the Senator this question:

Does he propose to vote against the exclusion from interstate commerce of goods made by the blood of children because he fears some person might introduce a bill excluding from interstate commerce goods made by men and women over 50 years of age?

Mr. PERKINS. I am waiting for the completion of the argu-

ment of the Senator before I decide.

THIS ILLUSTRATED BY EXCLUSION OF LOTTERY TICKETS.

Mr. SPOONER. Will the Senator from Indiana yield to me for a question?

Mr. BEVERIDGE. Yes, sir.

Mr. SPOONER. The Senator says, referring to the lottery ticket, that the vice of it is in the issuing of it; the taint which characterizes it is its origin.

Mr. BEVERIDGE. I know just what the Senator is going to

say, that the termination of the ticket is also.

Mr. SPOONER. I knew the Senator would know that; but the Senator knowing that, did not say that. He traces the whole trouble to the source. Now, is it not a fact that the whole trouble with the lottery ticket lay in its transportation?

Mr. BEVERIDGE. The trouble is at both ends of the line.

Mr. SPOONER. No; it lay in the transportation.
Mr. BEVERIDGE. The trouble is at both ends of the line.

Mr. SPOONER. The trouble in the beginning is nothing without the end.

Mr. BEVERIDGE. And the trouble at the end is nothing

without the beginning.

Mr. SPOONER. Between the beginning and the end. The trouble is in the transportation. The lottery ticket is signed. That entitles no one to draw from the lottery; but when it is transported and when it is delivered after having been trans-

ported, that is the consummation of a gambling contract.

Mr. BEVERIDGE. But I ask the Senator this: As a question of power and not as a question of policy—excluding that does the Senator say that the evil, either at the beginning or at

the end, is what gives us the power?

Mr. SPOONER. I do not say that.

Mr. BEVERIDGE. Then the power exists—the policy being put aside-regardless of the evil either at the beginning or at the end of the lottery ticket's journey.

Mr. SPOONER. Yes

Mr. BEVERIDGE. That is right. The Senator takes a position as broad as I do.

Mr. SPOONER. No; I do not take the Senator's position at all. I am trying to understand it.

Mr. President, an article manufactured in whole or in part by child labor-

Mr. BEVERIDGE. I want to keep the Senator on the lottery-ticket proposition, because I want to make a point on that, if the Senator will permit me.

Mr. SPOONER. I will get to that, if the Senator will allow

me inst a moment.

Mr. BEVERIDGE. I do not want you to get by it. I want you to stick to it.

Mr. SPOONER. A lottery ticket is nothing without de-

Mr. BEVERIDGE. Certainly not.

Mr. SPOONER. And having been excluded from the mails it

can only be delivered by express companies.

Mr. HALE. Mr. President, I hope the Senator from Wisconsin will allow the Senator from Indiana to proceed, as he practically agreed that he would close his remarks near 2 o'clock.

Mr. BEVERIDGE. I am trying to do so just as fast as I can.

Mr. SPOONER. I ask permission of the Senator from

Maine

Mr. HALE. To prolong the discussion?

Mr. SPOONER. No, sir; not at all. But only to take one moment.

Mr. HALE. I want the Senator to bear in mind what was practically the obligation of the Senator from Indiana that he would close his remarks about 2 o'clock.

Mr. BEVERIDGE. No; I will say to the Senator-

Mr. SPOONER. I was not contract; but I will observe it. I was not a party to the making of that

Mr. BEVERIDGE. I will try to conclude as soon as I can. I will say to the Senator from Maine that I have occupied the last hour in answering questions, or, rather, having Sena-tors make speeches in my speech. I do not object to that at all, only I am not to blame for that.

Mr. SPOONER. I am to blame for putting some questions to the Senator from Indiana, which are pertinent, I think, and which are involved in the pending legislation. With one more

suggestion, I will not interrupt him further.

The lottery ticket is of no avail whatever; it does no harm until it is delivered.

Mr. BEVERIDGE. Yes.

Mr. SPOONER. It has been excluded from the mails, and therefore it can only be delivered by express, and the delivery consummates the contract.

Mr. BEVERIDGE. But I have covered that—
Mr. SPOONER. If the Senator will pardon me a moment, the delivery consummated the contract, and the harm was really in the delivery. Now, in the case of an article entirely innocuous, which might be transported from one State to another and delivered in a State other than the State of production, there is no harm in the delivery. It is just as good an article and it is just as necessary to the people to have it delivered as if child labor had not entered into its production. So that in that case the whole trouble, the whole evil is in the State of production, and delivery and transportation have nothing to do with it.

Mr. BEVERIDGE. Now, I ask the Senator the question I asked him a moment ago, because I want to get from him the answer that he made a moment ago. Excluding the question of policy and considering the question of power-which is what we are now dealing with—does the Senator say that either the shipment or the delivery of a lottery ticket confers the power upon us?

Mr. SPOONER. I do not; but I say this-

Mr. BEVERIDGE. Certainly; that is as broad a position as take.

Mr. SPOONER. I say that the court held it was an article of commerce; that it involved transportation and delivery, and therefore it might be regulated, and I say this is an entirely different case.

CORRECTNESS OF SUPREME COURT IN LOTTERY CASE.

Mr. BEVERIDGE. Mr. President, the Senator has admitted, as I knew he must admit when the question was put, that, as a question of power, neither the shipment nor the delivery of the lottery ticket confers the power upon us.

Mr. SPOONER. I said the principle in the case of child labor is different from the one involved in the lottery decision.
Mr. BEVERIDGE. The Senator has overruled the Supreme

Court of the United States in the Lottery Case, and has said so frankly.

Mr. SPOONER.

Mr. SPOONER. I am stating my opinion about it. Mr. BEVERIDGE. When I asked him if that was true, he said it was a divided court; and I pointed out that the division did not occur upon this question at all, but it did occur upon the question whether a lottery ticket was an article of com-merce. That is true, is it not?

Of course the Senator would not say that to-day either the shipment or the delivery was what created the power, because, if he had, he would have been confronted by the historic fact that up to about fifty years ago lottery tickets and lotteries were a favorite method of raising money for various enterprises in this country, and no law could have been passed up to that time.

Now, I want to go on with this Lottery case. The Senator from Wisconsin says we have no power-and I concede itto pass a law directly stopping child labor. Therefore, said he, under the interstate commerce clause can we do indirectly what we admit we can not do directly?

But that is answered by substituting the words "lottery ticket" for "child labor" and by asking the Senator, "Can we pass a law directly prohibiting lotteries in any State?" and the Senator says, "No; certainly not."

Then, using his own language and substituting only the word "lottery," I ask him whether we can invoke the interstate-commerce clause to do that indirectly which he admits we can not do directly; and the Senator is impaled upon the horn of that dilemma because of this decision of the Supreme Court with

which the Senator disagrees.

Of course, all I can do to convince the Senator is to cite decisions of the Supreme Court; and if the Senator does not believe it is constitutional under that authority, of course that is the end of my labor. Now, I will read further, and I want the attention of both Senators to this. I am trying to get through as fast as I can, and I should like the attention of the Senator from Rhode Island [Mr. Aldrich] and the Senator from Wisconsin [Mr. Spooner] to this. I continue the reading of this decision.

I am still reading from the decision of the Supreme Court in

the Lottery case:

In this connection it must not be forgotten that the *power* of Congress to *regulate* commerce among the States is *plenary*, is complete in itself, and is subject to *no limitations* except such as may be found in the Constitution.

Now, proceeds the court:

What provision in that instrument can be regarded as limiting the exercise of the power granted? What clause can be cited which in any degree countenances the suggestion that one may, of right, carry or cause to be carried from one State to another that which will harm the public morals? We can not think of any clause of that instrument that could possibly be invoked by those who assert their right to send lottery tickets from State to State except the one—

That is where the Lottery case is a good deal weaker than the child-labor case-

providing that no person shall be deprived of his liberty without due process of law.

I think that answers the question that was suggested early in the day by the Senator from Rhode Island. I have a lot of this Lottery case that I must read, and the Senator from Maine and the Senator from Montana are both very justly impatient.

Mr. SPOONER rose. Mr. BEVERIDGE. Suppose you allow me to read this, also from the decision of the Supreme Court of the United States in

the Lottery case:

If it be said that the act of 1895 is inconsistent with the tenth mendment, reserving to the States, respectively, or to the people the powers not delegated to the United States, the answer is that the power to regulate commerce among the States has been expressly delegated to

And this:

POLICE POWER OF STATE v. "ONLY POWER COMPETENT TO END" EVIL.

As a State may, for the purpose of guarding the morals of its own people, forbid all sales of lottery tickets within its limits, so Congress, for the purpose of guarding the people of the United States against the "widespread pestilence of lotteries" and to protect the commerce which concerns all the States, may prohibit the carrying of lottery tickets from one State to another.

And this:

It said, in effect, that it would not permit the declared policy of the States, which sought to protect their people against the mischiefs of the lottery business, to be overthrown or disregarded by the agency of interstate commerce. We should hesitate long before adjudging that an evil of such appalling character—

And where is the Senator from Wisconsin? Mr. SPOONER. He is here.

Mr. BEVERIDGE-

carried on through interstate commerce, can not be met and crushed by the only power competent to that end.

And so, as in the case of the lottery tickets, each State had a perfect right to pass lottery laws that would end the evil within its borders; but that would not prevent a lottery in another State sending the evil into the first State. There was only one power competent to that end, and although nobody questioned the police power of the States acting upon this subject within their limits, still it could only be ended, says the Supreme Court, by invoking the power of the General Government.

But the Senator from Wisconsin [Mr. Spooner] says that this decision of the Supreme Court is itself unconstitutional.

But never mind. The Supreme Court goes on:

We say competent to that end, because Congress alone has the power to occupy by legislation the whole field of interstate commerce. What was said by this court upon a former occasion may well be here repeated: "The framers of the Constitution never intended that the legislative power of the Nation should find itself incapable of disposing of a subject-matter specifically committed to its charge." (In re Rahrer, 140 U. S., 545, 562.)

And the Supreme Court concludes this particular syllogism as follows:

as follows:

If the carrying of lottery tickets from one State to another be interstate commerce, and if Congress is of opinion that an effective regulation for the suppression of lotteries, carried on through such commerce, is to make it a criminal offense to cause lottery tickets to be carried from one State to another, we know of no authority in the courts to hold that the means thus devised are not appropriate and necessary to protect the country at large against a species of interstate commerce which, although in general use and somewhat favored in both national and State legislation in the early history of the country, has grown into disrepute and has become offensive to the entire people of the Nation. It is a kind of traffic which no one can be entitled to pursue as of right.

So that the naturer was not limited if it was merely an article

So that the power was not limited if it was merely an article of interstate commerce. The Supreme Court excludes, as the Senator did in answering my question, the suggestion that power arises by reason of the evil of the traffic. There is where the

policy comes in, not the power.

Now, I call the attention of the Senator from Rhode Island

to this, because this is his point:

That regulation may sometimes appropriately assume the form of prohibition is also illustrated by the case of diseased cattle transported from one State to another. Such cattle may have, notwithstanding their condition, a value in money for some purposes, and yet it can not be doubted that Congress, under its power to regulate commerce, may either provide for their being inspected before transportation begins, or, in its discretion, may prohibit their being transported from one State to another. another

Still the Supreme Court keeps on:

The act of July 2, 1890, known as the Sherman antitrust act, and which is based upon the power of Congress to regulate commerce among the States, is an illustration of the proposition that regulation may take the form of prohibition. The object of that act was to protect trade and commerce against unlawful restraints and monopolies. To accomplish that object Congress declared certain contracts to be illegal. That act, in effect, prohibited the doing of certain things, and its prohibitory clauses have been sustained in several cases as valid under the power of Congress to regulate interstate commerce.

And again, for it appears that the Supreme Court was quite

determined and persistent on this question:

That regulation may sometimes take the form or have the effect of prohibition is also illustrated in the case of in re Rahrer, 140 U. S., 545. In Mugler v. Kansas, 123 U. S., 623, it was adjudged that State legislation prohibiting the manufacture of spirituous, malt, vinous, fermented, or other intoxicating liquors within the limits of the State, to be there sold or bartered for general use as a beverage, does not necessarily infringe any right, privilege, or immunity secured by the Constitution of the United States or by the amendments thereto.

Thus under its power to regulate interstate commerce, as involved in the transportation, in original packages, of ardent spirits from one State to another.

And then, of course, it goes into the Rahrer case more completely; but I will leave that for a moment, because I come to the other questions which the Senator from California [Mr. Perkins] and the Senator from Wisconsin [Mr. Spooner] and the Senator from Oregon [Mr. FULTON] raised as to the possible abuse of this power. I will read that portion of the decision which the Senator from Wisconsin read. On this point the Supreme Court says:

We decide nothing more in the present case than that lottery tickets are subjects of traffic among those who choose to sell or buy them; that the carriage of such tickets by independent carriers from one State to another is therefore interstate commerce; that under its power to regulate commerce among the several States Congress, subject to the limitations imposed by the Constitution upon the exercise of the powers granted—

And the court says that there was no clause that it could find that limited them-

has plenary authority over such commerce and may prohibit the carriage of such tickets from State to State.

The Senator from Wisconsin [Mr. Spooner] has admitted, and

the court has held, that so far as the *power* is concerned, excluding the question of *policy*, the *power* does not spring from the evil at the beginning or the end of transportation or from the middle of it either.

Mr. President, there are some other cases upon this point, but I do not intend, in view of the lateness of the hour, to give any more time to this particular point. Perhaps as the debate proceeds I shall. But I think I shall be able to convince—I wish the Senator from Rhode Island were here, because it is a point to which I wish to call his particular attention most of all—Senators that Congress has already exercised this power many times.

POWER OVER FOREIGN AND INTERSTATE COMMERCE IDENTICAL.

The reason I ask it is because the Senator from Rhode Island raised this question with me himself, both personally and in debate. Does any Senator, any lawyer—and if he does, I will be glad to hear from him now—contend that the power of Congress over interstate commerce and over foreign commerce is not precisely the same?

If any Senator does so contend, I am compelled to quote

other decisions of the Supreme Court, and I will quote them briefly, to the effect that they are the same; and I call the attention of Senators to this. It is conclusive of this case, more conclusive than the Lottery case, though that alone is decisive.

I say that the following cases decide that the power of Congress over interstate commerce is the same as the power of Congress over foreign commerce, and I quote the following authorities:

Gibbons v. Ogden (9 Wheat.), which, of course, is the founda-

tion decision of all interstate-commerce decisions.

The Supreme Court says, through Mr. Justice Marshall, after he had given the definition of the word "regulate" and the word "commerce"

Mr. ALDRICH entered the Chamber.

Mr. BEVERIDGE. I will say to the Senator from Rhode Island that I promised him that I would cite decisions upon this proposition—because if I am right upon this proposition, this case is settled, even more so than the Lottery case, which settles it entirely aside from the point I am now making-that the power of Congress over interstate commerce is the same as it is over foreign commerce. The first case is that of Gibbons v.

Says the court, and it is Marshall who is speaking-

If this be the admitted meaning of the word-

That is, the word "commerce"-

in its application-

I want the Senator from Rhode Island to hear these cases, because the Senator was rather worried about this proposition. He said so yesterday and again to-day-

in its application to foreign nations-

Mr. ALDRICH. My doubt upon this subject is shared by the Supreme Court, as I have shown by the extract from the decision which I read, which was delivered recently.

Mr. BEVERIDGE. I want to say to the Senator that that

does not conflict, and that the Supreme Court had directly held this thing. The Senator certainly is not unwilling to listen to the decisions of the Supreme Court.

Mr. ALDRICH. Mr. Justice White, who delivered the opinion in the case from which I read, evidently was not aware of

the fact the Senator has stated.

Mr. BEVERIDGE. That was the case of Butterfield v. Stranahan. It does not hold any such thing, as I shall show. But listen to the Supreme Court, speaking by its greatest Chief Justice:

If this be the admitted meaning of the word, in its application to foreign nations, it must carry the same meaning throughout the sentence, and remain a unit, unless there be some plain intelligible cause which alters it.

Story-and Story is its greatest commentator-in his work on the Constitution, goes on to tell exactly what the clause does apply to.

Says Story:

It [the interstate-commerce power] extends as well to the naviga-tion of vessels engaged in carrying passengers, and whether steam vessels or of any other description, as to the navigation of vessels en-gaged in traffic and general coasting business.

Now I come to the point about which the Senator from North Dakota [Mr. McCumber] wanted me to answer him. He is not here. Story says:

It [the interstate-commerce power] extends to the laying of embargoes, as well on domestic as on foreign voyages.

Now, then, I read from a Supreme Court opinion, United States 141, page 57. It is proper to call it the great case of Crutcher v. Kentucky. Up to that time it was undoubtedly one of the most important deliverances, outside of those made by Story and Marshall. It was made by Mr. Justice Bradley, whose masterful ability and attainments are familiar to every lawyer and every schoolboy in the law.

CASE OF CRUTCHER V. KENTUCKY.

That case was where the State of Kentucky required a license from the agent of express companies before permitting them to do any business in that State. Part of the business of the companies in that State was State business and part come in from other States. Of course that was resisted, and the Supreme Court held that such a law was void because it interfered with the power of Congress over interstate commerce, which was exclusively in Congress. In discussing this power and the meaning of the words-

Congress shall have power \* \* \* to regulate commerce with foreign nations and among the several States and with the Indian tribes-

The Supreme Court used the following language:

It has been frequently laid down by this court that the power of Congress over interstate commerce is as absolute as it is over foreign

Is that clear language?

And the court goes on-this is the Supreme Court of the United States speaking, mind you:

United States speaking, mind you:

Would anyone pretend that a State legislature could prohibit a foreign corporation—an English or a French transportation company, for example—from coming into its borders and landing goods and passengers at its wharves, and soliciting goods and passengers for a return voyage, without first obtaining a license from some State officer, and filing a sworn statement as to the amount of its capital stock paid in?

And why not? Evidently because the matter is not within the province of State legislation, but within that of National legislation, (Inman Steamship Company v. Tinker, 94 U. S., 238.) The prerogative, the responsibility, and the duty of providing for the security of the citizens and the people of the United States in relation to foreign corporate bodies, or foreign individuals with whom they may have relations of foreign commerce, belong to the Government of the United States, and not to the governments of the secural States; and confidence in that regard may be reposed in the National Legislature without any anxiety or apprehension arising from the fact that the subject-matter is not within the province or jurisdiction of the State legislatures. And the same thing is exactly true with regard to interstate commerce as it is with regard to foreign commerce. No difference is perfectly state of the service of the service is perfectly state.

It is not necessary to comment upon that. Language can not be clearer and more explicit.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana

yield to the Senator from Rhode Island?

Mr. BEVERIDGE. I do.

Mr. ALDRICH. I suppose the Senator is aware that the power of Congress over foreign commerce does not depend entirely upon the one clause, the commerce clause of the Constitution.

Mr. BEVERIDGE. Certainly I am aware of it. It depends upon two things

Mr. ALDRICH. And therefore that Congress has a different power and an undisputed power over foreign commerce.

Mr. BEVERIDGE. The power of taxation, undoubtedly. But let me call the Senator's attention to this. The Senator is a great tariff expert, but, constitutionally, you have the right to lay taxes, to put on tariffs, under the taxing power, only for the purpose of revenue.

When you lay a tariff for protection it comes within the commerce clause of the Constitution; and if the Senator doubts that perhaps he and the Senator from Massachusetts have some respect for Mr. Justice Story, who was the greatest commentator upon our Constitution.

That question came up early in our constitutional history. They said a protective tariff was unconstitutional, and the Supreme Court admitted, and Story admits, that it is unconstitutional under the taxing power alone. Under that Congress has power to lay taxes, impose imposts, etc., and nothing else.

But when it comes to protection, your power is derived from the interstate and foreign commerce clause of the Constitution, and from that alone. The Senator will find one entire chapter of very interesting reading, demonstrating that fact, in Story on the Constitution. Perhaps the ablest piece of work Mr. Justice Story ever did was to demonstrate that that power existed under the interstate and foreign commerce clause.

Mr. ALDRICH. Has the Supreme Court ever questioned that power of Congress?

Mr. BEVERIDGE. No; and nobody is questioning it now. Mr. ALDRICH. It is purely within the discretion of Congress; and under the taxing power a duty levied for protection or for whatever purpose may be in the minds of Congress can

not be questioned by the court.

Mr. BEVERIDGE. That is what the Senator says; but I am holding up here a book which is the greatest commentary upon the Constitution ever written, wherein a whole chapter is given to an exposition of the reasons why your protective tariff rests not upon the taxing power, but upon the commerce clause.

Mr. ALDRICH rose.

Mr. BEVERIDGE. But pardon me a moment. I do not intend that the Senator shall get away from the decision I just read to him, where the Supreme Court justifies the decision in Crutcher v. Kentucky by saying Congress has such and such a power over foreign commerce. If over foreign commerce, then over interstate commerce, because they are one and the same, says the Supreme Court of the United States. Does the Senator admit that that language is clear?

Mr. ALDRICH. The language is clear, but it is not pertinent

to the question I am discussing.

Mr. BEVERIDGE. Ah, well; we will see. I will come to the pertinence of it in a minute. The proposition I submit is whether anyone questions that the power of Congress over foreign and interstate commerce is the same? Mr. President-

Mr. KNOX. The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Pennsylvania?

Mr. BEVERIDGE. I do.

Mr. KNOX. I am very much interested in the very powerful presentation of the proposition the Senator from Indiana is now discussing, and it is one which has given a great many jurists and lawyers a very great deal of thought in the past, and that is the question whether the power over commerce between the States is the same as the power over foreign commerce; or, in other words, whether the power of Congress is as great over commerce between the States as it is over foreign commerce. I want to ask the Senator from Indiana if this thought has occurred to him: That the Congress of the United States would have absolute and exclusive power over foreign commerce if the words "foreign commerce" were not included in the commerce clause of the Constitution at all? Do we not have that power—power over our foreign relations—by virtue of our existence as a Nation; and is not the whole purpose of the commerce clause of the Constitution to give us the power as between the States and with the Indian tribes?

Mr. BEVERIDGE. I will answer that. The Senator knows much better than I do, because he is much more learned, that this very question has been answered time and time and time again. But I do not think he will find many Senators here this afternoon, in the present temper of the Senate, agreeing with the Senator from Pennsylvania, that we have any "inherent" power at all. I agree with the Senator. I agree that we do have inherent power over foreign commerce, and we do not have to repose it upon the foreign-commerce clause of the Con-

But I can not agree with the Senator that the framers of the Constitution meant nothing at all when they inserted the words "with foreign nations." I can not agree that those words are surplusage, and I have no right to do so in view of the fact that every assertion of our power over foreign commerce, whenever it has been questioned, has been justified under the interstate and foreign commerce clause of the Constitution, without one exception.

Mr. Knox. My suggestion was only meant for the purpose of indicating that there might be a difference between the two powers.

Mr. BEVERIDGE. Then, as to whether there is a difference

between the two powers-of course we have had a decision of the Supreme Court questioned here this afternoon-but let me read it again, because it is worth while to read it, for this point, if it is conceded, settles the question.

I read again from the Supreme Court in Crutcher v. Ken-

It has frequently been laid down by this court that the power of Congress over interstate commerce is as absolute as it is over foreign

That is clear, is it not?

Mr. KNOX. That suggestion was not necessary to the decision of that case. I know at least a dozen cases where that language has been quoted, but I do not know of a single case

Mr. BEVERIDGE. I

Mr. KNOX. I am searching for the truth, exactly as the Senator from Indiana is, and I should like to finish my sentence. I do not know a single case—and I will be under very great personal obligations to the Senator from Indiana if he can indicate a case—where that has been decided, really decided, not merely suggested as a part of the argument upon some other

proposition.

Mr. BEVERIDGE. I myself first thought this was obiter, but upon examining it, you will find that it is not; and the reason why Mr. Justice Bradley uses this language is to justify the decision which he makes. It is a part of his method of reason-How did he propose to hold unconstitutional the Kentucky law, which was then before the court, which required an agent of an express company to secure a license? He did it by the following reasoning; and even the Senator will admit that if this were obiter, still, in the absence of any definite decision to the contrary on the subject, it would be law, would it not?

Mr. KNOX. I think not. I think obiter is never law. Mr. BEVERIDGE. I will read it.

Would anyone pretend that a State legislature-

I see that amuses the Senator from New Jersey. I call the attention of the Senator from Pennsylvania to a case where not only obiter, but a dissenting opinion, in the case of Justice Story, holding as against all the rest of his colleagues that the power over interstate commerce was exclusive in Congress, afterwards in the course of fifteen years became the law. But to quote the Supreme Court:

Would anyone pretend-

I am going to try to show the Senator that Mr. Justice Bradley rests his whole opinion upon that reason.

Says Mr. Justice Bradley, delivering the unanimous opinion of the Supreme Court of the United States:

of the Supreme Court of the United States:

Would anyone pretend that a State legislature could prohibit a foreign corporation—an English or a French transportation company, for example—from coming into its borders and landing goods and passengers at its wharves and soliciting goods and passengers for a return voyage without first obtaining a license from some State officer and filing a sworn statement as to the amount of its capital stock paid in? And why not? Evidentity because the matter is not within the province of State legislation, but within that of national legislation. (Inman Steamship Co. v. Tinker, 94 U. S., 238.)

The prerogative, the responsibility, and the duty of providing for the security of the citizens and the people of the United States in relation to foreign corporate bodies or foreign individuals with whom they may have relations of foreign commerce, belong to the Government of the United States and not to the government of the several States; and confidence in that regard may be reposed in the National Legislature without any anxiety or apprehension arising from the fact that the subject-matter is not within the province or jurisdiction of the State legislatures.

legislatures.

And the same thing is exactly true with regard to interstate commerce as it is with regard to foreign commerce. No difference is perceivable between the two.

Mr. KNOX. Mr. President——
The PRESIDING OFFICER (Mr. Kean in the chair). Does the Senator from Indiana yield to the Senator from Pennsylvania?

Mr. BEVERIDGE. Certainly.

Mr. KNOX. I only want to state this for the purpose of keeping myself right and to give the Senator some information.

I had something to do with the Lottery case. The final argument was made when I was Attorney-General, and I had something to do with the preparation of the case; and the reason why I say I would be under personal obligations for a direct decision upon the proposition that the control over interstate commerce is just the same as it is over foreign commerce, is because we used every one of those cases which the Senator has cited and we worked every one of those statements for all they were worth in order to get the court to base the decision in the Lottery case upon that ground, which would have been conclusive ground, and would not have necessitated the court going elsewhere. But if the Senator will examine that decision, he will see they put it on other grounds.

Mr. BEVERIDGE. In the lottery decision, the court did expressly state that the power to regulate involved the power to prohibit, and that the power of prohibition was not only neces-

sarily involved, but also had been exercised.

Mr. KNOX. To prohibit in that case under its peculiar facts.

Mr. BEVERIDGE. No; they cited several other instances—
the transportation of alcoholic liquors, for example, or of infected cattle, although there might be property rights in the infected cattle.

CASE OF BROWN v. HUSTON ON IDENTITY OF POWER OVER FOREIGN AND INTERSTATE COMMERCE.

In Brown v. Houston the Supreme Court of the United States uses this language:

The power to regulate commerce among the several States is granted to Congress in terms as absolute as is the power to regulate commerce with foreign nations.

I think the Senator from Rhode Island will not be able to find, with a good deal of research, any language more clear and emphatic than that.

In the case of Stockton v. Baltimore, etc., Railway Company (32 Fed. Rep.), while the language is not so clear and emphatic, there are some things which ought to be quoted:

Says the court-and this judge was later one of the justices of the Supreme Court of the United States, and one of its greatest justices; I was taught, as a law student, to admire and revere him-says this great lawyer:

We think that the power of Congress is supreme over the whole

Over interstate commerce-

unimpeded and unembarrassed by State lines or State laws; that, in this matter the country is one, and the work to be accomplished is National, and that State interests, State jealousies, and State prejudices do not require to be consulted. In MATTERS OF FOREIGN AND INTERSTATE COMMERCE THERE ARE NO STATES.

Can human tongue frame language more emphatic than these

words of the Supreme Court of the United States? Now, I have cited from Chief Justice Marshall, in Gibbons v. Ogden, clear down to 141 United States, the definite, clear, direct, unconfused statement of the Supreme Court that the power over foreign and interstate commerce is the same.

Senators may explain one quotation upon the ground that it is obiter dictum.

Senators may say, in another place, the court has no business to put it in.

Senators may say that the reasoning of Chief Justice Marshall was entirely wrong. But I have nothing to do with that; that is the quarrel of the Senators with the Supreme Court. If in the efforts of Senators to resist the power of Congress to prohibit this great National evil they want to resort to those things, they can. All that it is necessary for me to do is to cite the direct decisions of the Supreme Court upon this matter.

Without a dissenting word, in language as clear as any court ever used, they have held the power over interstate and foreign commerce to be the same. It was not necessary for me to make this point at all, after the decision in the Lottery case and the Forty-three Gallons of Whisky case.

But if—aside from the Lottery case—if the language of the Supreme Court in Cruthers v. Kentucky and the other cases I have cited is correct, we have already done all that I ask the Senate to do. Because in the Dingley law there is a provision which I will read. It is the same thing in the McKinley law.

I have here in my hand a list of the members of the Finance Committee of the Senate and of the Ways and Means Committee of the House, who inserted this provision, and it was inserted without any party division.

No lawyer found anything unconstitutional in this, although this clause of the tariff law does not fall at all within the taxing power; it is exclusively under the power over foreign and interstate commerce. The paragraph is as follows:

GOODS MADE BY CONVICTS EXCLUDED; WHY NOT GOODS MADE BY CHILDREN?

SEC. 31. That all goods, wares, articles, and merchandise manufactured wholly or in part in any foreign country by convict labor shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision.

So that in our laws to-day, without a dissenting vote in either House of Congress, coming absolutely and exclusively under our power over foreign commerce and not under the taxing power at all, we have prohibited the importation of convict-made goods. Now, if all these decisions of the Supreme Court are not wrong and foolish, if what they say is true, that our power over interstate commerce is the same as over foreign commerce, then we have the power over interstate commerce over interstate commerce over foreign commerce. terstate commerce to do what we have done over foreign Commerce.

Very well. Then we have the power to exclude from interstate commerce convict-made goods, as we have already excluded from foreign commerce convict-made goods. And if we have a right to exclude from interstate commerce goods made by convicts, we have a right to exclude goods made by children and the murder of children.

Mr. BACON. Mr. President—
The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Georgia? Mr. BEVERIDGE. I do.

Mr. BACON. Before the gentleman concludes I desire-Mr. BEVERIDGE. I am not through yet. I would have

been through long ago-Mr. BACON. I-

Mr. BEVERIDGE. Go ahead.

Mr. BACON. I desired to interrupt the Senator before he concluded. I wish to correct a statement of fact made by the Senator in the course of his remarks, with his permission.

Mr. BEVERIDGE. Yes.

Mr. BACON. Yesterday, Mr. President—and I am now about to read from the stenographer's report of what he said and what I said—the Senator from Indiana was speaking of conditions in the State of Georgia and the number of children who were engaged in the mills in that State, and the question of the efficiency of the Georgia law regulating child labor came under discussion. I asked the Senator this question:

cussion. I asked the Senator this question:

I should like to ask the Senator, as he seems to have exhaustively studied the question, if he is prepared to state how many children in Georgia under 12 years of age or under 14 years of age are to-day employed in the mills?

Mr. Beverioge. I will answer the Senator even more directly than that. I will state that under the new law, which went into effect this very year, there had been applications for the employment of children up to last week in the county clerk's office—I believe it is in Atlanta, or whichever is the greatest city in your State—for 3,000 children, just as there were in Maryland applications since the new law went into effect there for 11,000 children, 1,200 of which were affected, although the census shows there were only 5,000 children of that age at work after the law went into effect on the first of the year, and I shall present it. There have been applications for more than 3,000.

Mr. Bacon. How many of the applications have been granted?
Mr. Beverioge. All were granted.
Mr. Beverioge. Xes, sir.

Mr. President the Senator then—

Mr. President, the Senator then—— Mr. BEVERIDGE. I was mistaken about that. I presented the facts later in my speech.

Mr. BACON. Very well; I now have the facts definitely in

my possession. The Senator then went on to read an extract from an article which had appeared in the Atlanta Journal.

Mr. BEVERIDGE. I prefer that the Senator would make his statement after I get through.

Mr. BACON. I will not take much of the time of the Senator.

Art. BACON. The Senator read an article from the Atlanta

Journal to the effect, not in the way of a statement by the ordinary, who I may state is the probate judge—that is the title given to him there—that it was estimated by him that during the current year

Mr. BEVERIDGE. I read that statement.

Mr. BACON. I hope the Senator will let me proceed. I will not take more than two or three minutes. That during the current year it was estimated there would be between two and three thousand applications.

I asked the Senator this morning if he had any further evidence of the correctness of the statement which he had made, to wit, that 3,000 applications had been made and all of them had been granted, than the evidence which he read from the

Atlanta Journal, and he said he had no other.

I then telegraphed to Atlanta for the purpose of getting the facts, and it is for the purpose of reading these telegrams that I

took the liberty of interrupting the Senator.

I have, first, a telegram from the Hon, Madison Bell, a member of the State legislature of Georgia, and who assisted in the framing of the State law, and here is what he says about it after having made an investigation:

BEVERIDGE entirely ignorant of provisions and effect of the child-labor law

The Senator went on to state that there was no provision for an inspection

Mr. BEVERIDGE. Go on and read your telegram, since you are going to read that kind of a statement. I want to get through with this speech; but go ahead.

Mr. BACON. I am very much obliged to the Senator.

Grand juries in each county have special authority to inspect, and must see that law is enforced.

Here is the particular part:

Ten permits only by Ordinary Wilkinson, of this county. Can prove that thousands of children have been freed from the mills in this State since January 1, 1907.

MADISON BELL

For whose character in every regard I most unqualifiedly vouch.

Now, here is a telegram from the ordinary himself, who, as I

stated, is probate judge in charge of this matter.

Mr. BEVERIDGE. He confirms Bell, I suppose.

Mr. BACON. It is addressed to me. It goes on to say in response to my telegram:

Assertion in Senate as to application for exception certificates under child-labor law incorrect, as only ten applications have been granted in Fulton County, and the officers of the mills and factories affected by the law are desirous of having it enforced.

JOHN R. WILKINSON,
Ordinary, Fulton County.

Mr. President, if the Senator is as wide of correctness as to the other facts he stated as he was when he stated that 3,000 applications had been made and 3,000 applications had been granted, I think it is necessary that he should supervise his evidence to some extent.

Mr. BEVERIDGE. I wish to say in answer to that that it was unnecessary for the Senator to take my time, when I am trying to get through my speech, to state that, because I myself trying to get through my speech, to state that, because I myself read, as soon as I could find it among the mass of papers that the Senator saw upon my desk, the extract from the Atlanta Journal, from his own city, upon which my statement was made. So the correction of the statement was made almost as soon as

the error itself was made.

Now, as to the statement of the gentleman, in the telegram, which is entirely gratuitous, that I am ignorant of the provisions of that law, neither he nor anyone else who reads that absurd statute can be ignorant of it. I state to the Senator now that every statement that I have made concerning this outrage of child labor in Georgia is supported by the affidavits of men and women who have personally investigated it.

Mr. BACON. Now, Mr. President—
Mr. BEVERIDGE. I am not going into any debate right now. Mr. BACON. The Senator will certainly permit me to correct one thing?

Mr. BEVERIDGE. No; I will not now. I will after I get through.

Mr. BACON. When the Senator gets through he can not, because there is another order.

Mr. BEVERIDGE. It does not make any differenceMr. BACON. I want to call attention to the fact-

Mr. BEVERIDGE. The Senator might have made his statement to-morrow or any other time.

Mr. BACON. The Senator's statement is incorrect to the extent of the difference between three thousand and ten.

Mr. BEVERIDGE. It is not the difference between three thousand and ten.

Mr. BACON. All right.
The PRESIDING OFFICER. Senators will be in order.

Mr. BEVERIDGE. The correction was made almost as soon as the error itself was made.

Mr. BACON. The Senator has not corrected the state-

Mr. BEVERIDGE. If the Senator from Georgia and the people of his State are satisfied with the law, all I have to say is that people from his State who have investigated it are not. Mr. BACON. Mr. President-

Mr. BEVERIDGE. I refuse to yield to the Senator any further.

Mr. BACON. Whenever a State is not satisfied with the law. it is capable of amending it, and it will do it.

Mr. BEVERIDGE. I further state that two or three times-I do not know how many times, but at least once, and I will confine it to that-in the State of Georgia the effort was made to defeat any effective law, and it was successful; and at another time a law which might have been made effective was not properly enforced.

Mr. BACON. I challenged the Senator to embody it in his speech, and he would not permit me.

The PRESIDING OFFICER. The Senator from Indiana de-

clines to yield.

Mr. BEVERIDGE. Now, Mr. President, if, then, the power of Congress over foreign commerce and interstate commerce is the same, and by virtue of the former we have prohibited convictmade goods, we may also prohibit the transportation of convictmade goods in interstate commerce. But if convict-made goods may be prohibited in interstate commerce, then why can we not also prohibit child-made goods?

CONGRESS HAS FREQUENTLY EXERCISED POWER OF PROHIBITION UNDER COMMERCE CLAUSE.

Mr. President, I have shown that under the interstate-commerce clause of the Constitution the Supreme Court has time and again held that it meant the power to prohibit the transportation in interstate commerce of such articles as in the judgment of Congress were inimical to the interests of the Nation. We have done that, and I propose to call the attention of the Senate to some of the statutes by which we have done it, where there was no reference to any committee of the question of its constitutionality, although it was a prohibition direct, plain, and undisguised.

For instance, in foreign commerce we have had our embargo

We have prohibited the importation of slaves.

We have prohibited the importation of counterfeit coins.

And we have prohibited the importation of convict-made goods. I am sorry the Senator from South Carolina and other Senators who have said that they are so greatly interested in amending this evil are not here. We have passed a large number of laws, many of them quite exceptional, prohibiting interstate commerce in certain articles.

For example, the act of August 2, 1882, prohibits the transportation in interstate commerce of nitroglycerin in any vessel. The question of its being an explosive has something to do with the policy of prohibiting it, but not with the power of prohibiting it, for we in the same law permit its transportation within the limits of a State.

The act of March 31, 1900, prohibits the transportation of explosive materials in any vessel or vehicle in interstate commerce.

The act of July 1, 1902, prohibits the introduction or sale by another State of dairy or food products which have been falsely labeled or branded.

Now, there is an article of commerce that had nothing the matter with it, so far as hurting the health of the people was

The only objection to oleomargarine was, if they colored it, although the color was entirely healthful, still it fooled the people into thinking it was butter. So we can not say it was affecting the health or the morals of the people and that therefore the power arose from that fact.

The power was exercised because it was absolute; and in the policy of Congress, in our wisdom, we thought it was a wise measure and beneficial to the "interests of the Nation" to exercise that power, and so we did it.

The act of February 3, 1903, prohibits transportation in inter-

state commerce of cattle without a certificate from the inspector of the Agricultural Department. And this, although a man has an absolute right to his property, and his property amounts to nothing less he can transport it; yet Congress, acting under the power of *prohibition* in the interstate commerce clause, has prohibited the transportation of cattle without a certificate whether those cattle are diseased or wholesome. So we see that the power does not spring from that.

Then, again, we have the act of February 21, 1905. amining the debate I find that the senior Senator from New Jersey [Mr. Kean], who now occupies the chair, was the Senator who had charge of passing the bill through the Senate. hibits the transportation in interstate commerce of gold and silver goods with the words "U. S. Assay" or any similar

And this was solely under the interstate-commerce clause of the Constitution. When the bill came in it was referred to the Interstate Commerce Committee. It was reported back by that committee. We had absolutely no power whatever to pass that law except under the interstate-commerce clause of the Consti-

There was nothing whatever in the gold and silver goods that could hurt the morals of the people, as was the case in regard to lottery tickets. The only point was to protect some manufacturers of New Jersey and New York who did not want the words "United States Assay" put upon anything, and because those words had been put upon some importations that were then sent through interstate commerce.

But if we have the power to prohibit the transportation of gold and silver goods with the words "U. S. assay" upon them, which do not hurt the physical condition or morals of the people any place, and passed a law merely to protect the manufacturers of New York, have we not a right to prohibit the transportation of child-made goods from one State to the other, so far as the power is concerned?

What have Senators who are troubled about the question of

power to say about that law? Nobody questions it.

Again, the act of March 3, 1905, prohibits the transportation of loose hay and other highly combustible materials on passenger steamers. That is exclusively under the interstate-commerce clause of the Constitution and not under any other provision of the Constitution whatever.

If as a matter of power we can prohibit the transportation of loose hay, the only reason for it being a matter of policy-it might get afire-why as a matter of power can we not prohibit the transportation of child-made goods? Does it not subserve the "interests of the Nation," as Chief Justice Marshall says, and is not more involved in the ruin of our citizenship than in the possible burning of a steamer or the possible affecting of the business of some watch factories in New Jersey and New

The act of February 21, 1905, prohibits the transportation by carriers of interstate commerce of obscene books, and this although the Constitution expressly guarantees "freedom of speech;" and it has been held that printing is as much speech" as spoken words by the tongue.

Yet, although the Constitution absolutely guarantees "freedom of speech," nevertheless we have prohibited, in spite of that guaranty, the transportation by the channels of interstate commerce of obscene literature, when that is held by the courts to be "speech" as much as anyhing else. We did that under the interstate-commerce clause as a matter of power and because it subserved the "interests of the Nation," as Marshall says, as a matter of policy.

The act of March 3, 1905, prohibits the transportation in interstate commerce of quarantined cattle, this quarantine being established by the Agricultural Department within the United States. And this, mind you, although the cattle might be sound and their transportation and sale "a matter of right," to use the language of the Supreme Court of the United States in the Lottery case.

The act of March 3, 1905-and I call the attention of the junior Senator from South Carolina [Mr. LATIMER] to this actprohibits the transportation by carriers of interstate commerce of insects of a certain kind.

THESE LAWS PROHIBITING INTERSTATE COMMERCE PASSED WITHOUT QUESTION.

I have the debates on all these laws here. I looked them up very carefully. I wondered why it was that, when we proposed to prohibit the transportation by interstate carriers of the boll weevil, nobody raised a constitutional question. The senior Senator from Texas [Mr. Culberson] was present, I find. The Senator from Georgia [Mr. Bacon] was present, I find. The junior Senator from South Carolina [Mr. Latimer] had the bill in charge. The senior Senator from Texas did not know whether he was going to object or not, but he never stated any

constitutional objection to it.

And, ah, yes! the Senator from Wisconsin [Mr. Spooner], who tells us he is so "troubled" about the "extension of national power;" that he is so concerned about how far we are going to go in including articles in interstate transportationthe senior Senator from Wisconsin-was present. Yet nobody made any objection whatever to the passage of that bill, which is now a law, and the constitutionality of which has never been questioned. It absolutely prohibits the transportation of certain insects by interstate commerce.

What does the Senator from Rhode Island [Mr. Aldrich], who says that the commerce clause of the Constitution means only to "regulate," and not to prohibit; what does the Senator from Wisconsin, who gets so excited and says that it is a serious thing to say that the word *prohibit* should be read into the word regulate-what do those Senators say about that

statute?

Mr. President, if we have not the power, the act which you (Mr. KEAN in the chair) got through the Senate and which you were in charge of and the acts which other Senators presented in the Senate and which were voted upon without objection, are all unconstitutional. Are Senators willing to say

that?

If we have the power to prohibit the transportation in interstate commerce of cattle without a certificate, well or ill; if we have the power to prohibit the transportation of certain insects; if we have the power to prohibit the transportation of loose hay in vessels; if we have the power to prohibit the transportation of gold and silver goods merely because they have two words on them, and all under the interstate-commerce clause; if we have the power to prohibit convict-made goods, why have we not the power to prohibit the transportation in interstate commerce of

child-labor-made goods?

So far as the question of *power* is concerned, in none of these cases that I have shown did the *power* come, in a single instance, from the evil of the article prohibited. As a matter of *policy* we enacted those laws because they were good for the "interests of the Nation." But if it is good for the "interests of the Naof the Nation." to prohibit the transportation of insects from State to State; if it is good for the "interests of the Nation" to prohibit the importation of convict-made goods; if the power over inter-state commerce equals the power over foreign commerce, as the Supreme Court has said, unless it is overruled by a subcommittee of the Senate; if we have the power to prohibit convict-made goods in interstate commerce, as we have; if we have actually prohibited the transportation of gold and silver merely because they had two words which inconvenienced the business of certain men in New York and New Jersey, all upon the theory that it affected the "interests of the Nation," to again use Chief Justice Marshall's famous phrase, how much more have we got the power to prohibit the transportation in interstate commerce of child-made goods which affect the "interests of the Nation," aye, and the perpetuity of the Nation?

Gentlemen grow excited about refinements. I ask them to explain the laws that are on the statute books. Why did we never hear before of any "danger of the extension of the Federal power" when you were enacting those statutes? Why is it that only when we attempt to stop the murder of children and the debasement of our race and the ruin of our citizens by prohibiting the transportation of child-made goods in interstate commerce that Senators are aroused in defense of an artificial

liberty?

THE ABUSE OF POWER ARGUMENT.

Now, Mr. President, every question that has been put to me this afternoon has that one argument as its basis, and that one that it so old and familiar that hardly any lawyer needs to look up any authorities upon it. The Senator from Wisconsin says: "Well, if you can do this, can you not also compel all the people of the United States to join the labor union?"

And the Senator from California says

Well, if you can do this, can you not also pass a law prohibiting the transportation in interstate commerce of the labor of men and women over 50?"

Another man says: "If you can do this, can you not also pro-hibit the transportation in interstate commerce of milk from a bay cow milked by a redheaded girl?" and all the rest of these

In short, if you admit the existence of the power at all, where, says the Senator from Wisconsin, will its exercise end? Mr. President, that very question was taken up, and taken up early in our judicial history, and answered. I am not going to take up very much time on it, it is so old and so familiar.

When it was first taken up this whole thing was foreseen.

Undoubtedly the greatest man that we ever had on the Supreme Bench of the United States was Chief Justice Marshall. George Washington thought him so. He anticipated all these questions, because these same arguments were made to him.

The Senator from Wisconsin need not think he is stating any new thing. The questions which the Senator from North Carolina says loom up like some shadows of doom, or something like that, for we are used to such rhetoric-the question which the Senator from California asks-all these methods of

reasoning are not new.

You have not discovered any new "specter" in any argument against the existence of *power* on account of its possible abuse. The resourceful lawyer of long ago anticipated you. All those things were heard from before the foundation of the Government, and answered in the very earliest decisions of the Supreme Court. After holding that the *abuse* of the power was no argument against its *existence*, the Supreme Court, through Mr. Justice Marshall, proceeds to tell us where the safety lies; he proceeds to tell us where the restraint is; he proceeds to tell us "where we are going to end," and it is the plain answer that might occur to anyone. But, of course, we could not expect it to occur or even be remembered by lawyers who dispute the correctness of the decisions of the Supreme Court of the United

Here is how Chief Justice Marshall, delivering the unanimous opinion of the Supreme Court of the United States, disposed of this "grave objection" which so "troubles" some Senators:

The wisdom and the discretion of Congress, their identity with the people, and the influence which their constituents possess at elections, are, in this, as in many other instances, as that, for example, of declaring war, the sole restraints on which they have relied to secure them from its abuse. They are the restraints on which the people must often rely solely in all representative governments. (Gibbons v. Ogden, 9 Wheat, p. 197.)

There is the answer to the argument that the abuse of power is an argument against its existence. The remedy for all of our excesses of power is in the hands of our constituents at the ballot box, says the Supreme Court of the United States, through the inspired lips of Chief Justice Marshall.

Nor is that the only case. In Gilman v. Philadelphia it is said by the Supreme Court of the United States:

If it be objected that the conclusion we have reached will arm the States with authority potent for evil, and liable to be abused, there are several answers worthy of consideration. The possible abuse of any power is no proof that it does not exist.

I hope Senators will listen to that.

Many abuses may arise in the legislation of the States which are wholly beyond the reach of the government of the Nation. The safe-guard and remedy are to be found in the virtue and intelligence of the people. They can make and unmake constitutions and laws, and from that tribunal there is no appeal. If a State exercise unwisely the power here in question, the evil consequences will fail chiefly upon her own citizens. They have more at stake than the citizens of any other State. (Gilman v. Philadelphia, 3 Wallace, 731.)

And again:

All power-

Says the Supreme Court in Brown v. The State of Maryland, which is one of the dozen great decisions of the Supreme Court-

All power may be abused, and if the fear of its abuse is to constitute an argument against its existence, it might be urged against the existence of that which is universally acknowledged and which is indispensable to the general safety. (Brown v. State of Md., 12 Wheat,

Now, here is the last utterance of the Supreme Court upon this subject. I do hope I will have the attention of the Senate. because the whole argument against this bill is this:
"If we can do this, what else can we not do?"

I am sorry the Senate does not seem to want to hear the extent of our power, as decided by the Supreme Court of the United States. We passed the bill to prohibit interstate commerce in insects and gold and silver goods, and nobody ever imagined we had not the power. Why are we so impatient, when it comes to ending the murder of children, to hear the extent of our power, as defined by the Nation's supreme tribunal?

Says the Supreme Court in the famous "Lottery case: "

But, as often said, the possible abuse of a power is not an argument against its existence. There is probably no governmental power that may not be exerted to the injury of the public. If what is done by Congress is manifestly in excess of the powers granted to it, then upon the courts will rest the duty of adjudging that its action is neither legal nor binding upon the people. But if what Congress does is within the limits of its power, and is simply unvoice or injurious, the remedy is that suggested by Chief Justice Marshall in Gibbons v. Ogden, when he said—

What I have already read.

So, Mr. President, there is the complete answer, not in one quotation from the Supreme Court, but by many, the argument, and the only argument that we have heard here or will ever hear against the existence of this power, to wit: That "if we admit that we have the power to do this then we have the

power to do a great many foolish things;" and the possible abuse of a power is no argument against its existence.

EXAMPLES OF ABUSE OF POWER ARGUMENT REDUCTIO AD ABSURDUM.

Mr. President, if that were the case where would we be? For example, you might say that because we have the power to require interstate carriers to keep books in a certain way which we have done—therefore we have power to require their servants to wear a certain kind of uniform; and, so, that the power to require them to keep books in a certain way does not exist merely because if it does exist the *power* to do the other foolish thing would exist. But that is absurd. have the *power*, but it would be an absurd thing to do it, and we would not do it; and if we should do it the remedy is in the hands of the people at the ballot box, and they would put us out of office.

You might as well say that you have no power to require interstate carriers to use the block signals, because, if we have power to require them to use the block signals we would also have the power to require them to station a man with a red lantern at every hundred feet. But that would be absurd. have the power, but we would not pass a law requiring them to station men at every hundred feet with red lanterns because it would be absurd, and if we did such a thing as that the people would put us out of office.

And yet that is the argument used against this bill. The argument that is used against this bill can exclude, by the process of reductio ad absurdum, the power to require us to compel interstate carriers to use the block signals, because if we admit we have that power then we might require them to

place a man with a red lantern every hundred feet.

Mr. President, if we have the power to require automatic couplings-and we have actually exercised that power-we also have the power to require all the railroads to use electric engines, which is absurd. Therefore, according to the argument of the Senator from Wisconsin, we have no such power to require them to use automatic couplings, because if we admit that power we must admit that it might be exercised unwisely. "Where is the limit?" asks the Senator from Wisconsin. The limit is in our common sense and in our responsibility to our constituents. If we do exercise our power unwisely the remedy is in the hands of the American people at the ballot box.

WHY ARE WE SO FEARFUL OF OURSELVES?

Why is it that gentlemen are afraid of what we here may do? Are we a conspiracy against the people of the United States? And if we are, have the people of the United States no control over their Government themselves? Why are we afraid of ourselves? Do we not come from and represent the people and are we not answerable to them solely? If not, whom do we come from and to whom are we answerable?

The Senator from Wisconsin made the proper answer to the Senator from Texas to the absurd question that he asked me when he said it is "an impossible question; it is not to be believed that Congress will ever pass such laws," said the Senator from Wisconsin. That is what he said in the debate on the oleomargarine bill, which benefited the dairymen of Wisconsin. And yet he asks the same question now that he answered then, although this law benefits the Nation and all humanity.

Now, Mr. President, because I want to conclude, I am going merely to hold up and refer first to three laws that we passed last year-first, the meat law, which actually goes into the factories of a State and requires National inspection and prohibits the transportation of meats that are not inspected. does not prohibit the transportation of diseased meats alone, mind you. That is not the power. It prohibits the transporta-tion of all meat, wholesome or unwholesome, that is uninspected. If the meat is wholesome but uninspected and injures nobody at either end of the line, still it is prohibited.

So the power does not spring out of the nature of the commerce. Is any member of the subcommittee of the Judiciary Committee of the United States Senate—one of whom has overruled the Supreme Court this afternoon-proposing to question

the validity of the meat law?

Why were not these laws I have cited, which prohibit interstate commerce in certain things, referred to the Judiciary Committee as to their constitutionality? The meat bill is far more questionable in its constitutionality than the child-labor

Here is the railroad-rate law, Mr. President. It is positively packed with illustrations about the absurdity of the argument of the abuse of power. For example, it says here that the Commission may, upon any notice it pleases, do so-and-so. if upon any notice, then upon one hour, or one second, or the fraction of a second; and, therefore, I suppose the *power* does not exist. But it is not to be supposed that the Interstate Com-

merce Commission is going to do a foolish and unreasonable thing. That is the answer to that. But if they-the Interstate Commerce Commission—are not supposed to act foolishly and unreasonably, are we supposed to act foolishly and unreasonably-we, the Senate of the United States? Yet the Senators seem to fear that we will, although they are sure the Interstate Commerce Commission will not, because we have armed that body with *power* to act very foolishly indeed.

So, Mr. President, it is not a question of power. we have. It has been so held by decision after decision of the Supreme Court of the United States, which the Senator from Wisconsin [Mr. Spooner] this afternoon could only avoid by saying that one decision of the United States Supreme Court is wrong. It has been exercised by ourselves in over a dozen cases by express statute, directly and emphatically prohibiting the transportation in interstate commerce of any articles that

Congress thought it was wise to prohibit.

So the power exists. It is a question of policy. But, Mr. President, all the time taken by me has been wasted if I have not demonstrated to the Senate that if we had the power it is not only good policy, but it is a matter of duty for us to pass the law which will end this infamy, which is existing in this country as greatly to-day as it did in England one hundred and ten

or one hundred and fifteen years ago.

I find no difficulty, having gone through these debates-having gone through these decisions. Senators seem to think that the words "delegated power" and "constitutional government" some mysterious means by which the progress of the people and the safety of the people are impeded. It is a curious thing to me that in not one of these instances was the constitutionality of any statute raised where no business interests were affected by it.

It is a curious thing to me that every constitutional fight that has been made in the Supreme Court has always been made against laws prohibiting something in interstate commerce only

when some business interest was affected by it.

Mr. President, all the subjects we have before us are important, but not one of them is a fraction as important as the suppression of this great evil, which involves the crime of murder, and which involves the degeneracy of American citizens by not only thousands, but by the hundred thousand. I do not think of any difficulty in prohibiting and relieving it by this method.

## PURPOSE OF FREE INSTITUTIONS.

Why, Mr. President, when I think about these things I sometimes wonder what is the purpose of these "free institutions" about which we talk so much. Why was it that this Republic was established? What does the flag stand for?

Mr. President, what do all these things mean? They mean

that the people shall be free to correct human abuses.

They mean that men and women and children shall day by day grow stronger and nobler.

They mean that we shall have the power to make this America of ours each day a lovelier place to live in.

They mean the realities of liberty, and not the academics of

theory. They mean the actual progress of the race in the tangible

items of real existence, and not the theoretics of disputation. If they do not mean these things, Mr. President, then our institutions, this Republic, our flag, have no meaning and no rea-

son for existence.

Mr. President, to see this Republic of free and equal men and women grow increasingly, with each day and year, as the mightiest power for righteousness in the world has been, and is, and always will be, I pray God, the passion of my life—a Nation of strong, pure human beings; a Nation of wholesome homes, true to the holiest ideals of man; a Nation whose power is glorified by its justice, and whose justice is the conscience of scores of millions of free, strong, brave people.

It is to make this people such a Nation that all our wars have been fought, all our heroes have died, all our permanent laws have been written, all our statesmen have planned, and our

people themselves have striven.

It was to make such a Nation as this that the old Articles of Confederation were thrown away and the Constitution of the United States, about which we debate so much, was adopted.

Mr. President, it is to make this Nation still surer of this holy destiny that I have presented this bill to stop the murder of American children and the ruin of future American citizens. [Applause in the galleries.]

During the delivery of Mr. Beverioge's speech,

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The Secretary. A bill (S. 7709) to revise, codify, and amend

the penal laws of the United States.

Mr. FULTON. When I called up this bill the other day and it was placed before the Senate, I doubted somewhat whether we would be able to give it consideration at the present session, but I hoped we might be able to do so. I have now become satisfied that it will not be possible to give it that consideration which the importance of the measure requires, and, so far as I am con-cerned, I am not willing to hold it here in a position where it interferes with other business when there is no reasonable chance for its consideration. I have therefore concluded to ask that it may go to the Calendar. Mr. PERKINS. Under Rule

Under Rule IX? Under Rule IX. Mr. FULTON.

The VICE-PRESIDENT. At the request of the Senator from Oregon the bill will go to the Calendar under Rule IX.

At the conclusion of Mr. Beveringe's speech,

Mr. CARTER. Mr. President, on yesterday afternoon a unanimous-consent agreement was reached, which I regret to say has turned out to be somewhat in conflict with the previous arrangement of the Senator from Maine [Mr. HALE]. of the conflict, which unhappily sprung up between that unani-mous-consent agreement and the desires of the Senator from Maine, I will for this evening waive the privilege accorded to me by unanimous consent, to the end that the appropriation bill in charge of the Senator from Maine may be proceeded with.

At this time I beg to announce that, if the convenience of the Senate will permit, I shall submit some observations immediately

after the closing of the morning business to-morrow.

Mr. HALE. Mr. President, I did not, of course, propose to interfere with the Senator from Montana [Mr. Carter], but on account of what he has said, I now ask that the diplomatic ap-

propriation bill be laid before the Senate.

Mr. CARMACK. Mr. President, I simply wish to say that, if it be entirely agreeable to the convenience of the Senate, I shall to-morrow, after the Senator from Montana [Mr. Carter] has concluded, submit a few remarks upon the subject which has been discussed this evening by the Senator from Indiana [Mr. BEVERIDGE!

Mr. GALLINGER. Mr. President, I simply wish to suggest to both the Senator from Montana [Mr. Carter] and the Senator from Tennessee [Mr. CARMACK] that there is a bill on the Calendar, which was reported on June 18, 1906, which is a very important matter, and that I have given notice two or three different times that I would ask consideration for it. My last notice was that I should ask to have the bill taken up to-morrow. I presume, however, we can adjust the matter between ourselves.

Mr. CARMACK. I shall not seek to interfere with that bill

or with anything else of importance.

## DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. I now move that the Senate proceed to the consideration of the diplomatic and consular appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 24538) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1908; which had been reported from the Committee on Appropriations, with amendments.

Mr. HALE. Mr. President, I ask unanimous consent that the first formal reading of the bill be dispensed with, that the bill be read for amendment, and that the amendments of the Committee on Appropriations may be first acted upon.

The VICE-PRESIDENT. In the absence of objection, that

course will be pursued.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, in schedule A, under the subhead, "Salaries of ambassadors and ministers," on page 3, line 1, after the words "consul-general to," to strike out "the Dominican Republic" and insert "Santo Domingo;" so as to make the clause read:

Minister resident and consul-general to Santo Domingo, \$10,000.

Mr. BACON. I should like to ask the Senator from Maine if the item just read, fixing the salary of the minister resident and consul-general to Santo Domingo at \$10,000, comes from the other House? I also ask him whether or not that is a change in existing law?

Mr. HALE. The House of Representatives has put up all of these salaries, which heretofore have been \$7,500, to \$10,000.

Mr. KEAN.

Yes; all of them.

That has been done in all these cases, and the Mr. HALE. committee of the Senate accepted the action of the House.

Mr. BACON. I simply asked for information. The proposi-

tion, then, is not to merely increase the salary in this particular case?

Mr. HALE. No; to increase it in all of these instances.

Mr. BACON. Very well.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 3, line 12, after the word "dollars," to insert the following proviso:

Provided, That the provision in the diplomatic and consular appropriation act, approved March 1, 1893, that "whenever the President shall be advised that any foreign government is represented, or is about to be represented, in the United States by an ambassador, envoy extraordinary, minister plenipotentiary, minister resident, special envoy, or chargé d'affaires, he is authorized, in his discretion, to direct that the representative of the United States to such government shall bear the same designation," is hereby repealed.

The amendment was agreed to.

The next amendment was, under the subhead "Salaries of secretaries of embassies and legations," on page 4, line 9, after the word "Portugal," to strike out "the Dominican Republic" and insert "Santo Domingo;" so as to make the clause read:

Secretaries of legation to Bolivia, Chile, Colombia, Cuba, Denmark, Guatemala, Honduras and Salvador, Liberia, Morocco, Norway, Panama, Peru, Portugal, Santo Domingo, Spain, Sweden, Switzerland, and Venezuela, at \$2,000 cach, \$36,000.

The amendment was agreed to.

The reading of the bill was continued to the end of the clause in relation to the salaries and necessary expenses of the judge and district attorney of the United States court for China, on

page 17, line 12.

Mr. BACON. Mr. President, I should like to ask the Senator from Maine whether the clause that provides for the expenses of the judge of the United States court for China is guarded in the same way that the Appropriations Committee, I think, subsequent to the impeachment trial of Judge Swayne guarded appropriations for similar expenses when made by judges of the courts in the United States? If I am not mistaken, this is the language of the old clause as it existed prior to the trial of Judge Swayne, and I think after that trial the Appropriations Committee, in drafting appropriation bills, put in some language intended more rigidly to restrict judges in the payment for expenses to their actual expenses. The Senator will remember that on the trial of the Swayne case there was considerable contention upon the question whether or not this language did not justify what had grown up to be the practice of judges to put in bills for \$10 a day, regardless of what their actual expenses may have been.

Mr. HALE. Suppose we put in the word "actual?"
Mr. BACON. I have forgotten what the language was; but
the Senator from Maine or some other member of the Committee on Appropriations was instrumental in having the language changed.

Mr. LODGE. The word "actual," instead of "necessary,"

would cover it.

That would leave it so that the conferees, if they Mr. HALE. wanted to put in any additional words, could do so.

Mr. BACON. So that they can refer to the language of the act as it was phrased in the appropriation bill subsequent to the impeachment trial.

Mr. LODGE. To cover the matter I move, on page 17, line 8, before the word "expenses," to strike out "necessary" and insert "actual."

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. On page 17, line 8, before the word "expenses," it is proposed to strike out "necessary" and insert "actual;" so as to make the clause read:

The judge of the said court and the district attorney shall, when the sessions of the court are held at other cities than Shanghal, receive in addition to their salaries their actual expenses during such sessions, not to exceed \$10 per day for the judge and \$5 per day for the district attorney, and so much as may be necessary during the fiscal year ending June 30, 1908, is hereby appropriated.

Mr. HALE. I think that is an improvement.

The amendment was agreed to:

The reading of the bill was resumed and continued to the end of the following clause:

For the more effective demarcation and mapping of the boundary line between the United States and the Dominion of Canada, as es-tablished under existing treaties, to be expended under the direction of the Secretary of State, and to be immediately available and con-tinue available until expended, \$20,000, or so much thereof as may be

Mr. HOPKINS. I should like to inquire of the Senator in charge of the bill as to the necessity of putting in the provision appropriating \$20,000 in relation to the boundary line between Canada and the United States.

Mr. HALE. The necessity for it is submitted by the State epartment. They are engaged in that work, as the Senator knows, all the time, and we are spending so much money to perfect certain points in the line of boundary. I do not know the details. The boundaries are settled, but there are points to be established.

Mr. BACON, I am sorry I can not hear the Senator, as I

want to ask a question about the matter myself.

Mr. HALE. I was saying that the Department thinks so much money is needed to establish certain points in the boundary that was fixed, so far as the treaty goes, by the inter-The appropriation is only to locate these national conference. points upon the map.

Mr. BACON. Now, if the Senator will pardon me, I desire

to ask attention to the provision on page 15-

Mr. HOPKINS. If the Senator will allow me to con-

I beg the Senator's pardon.

Mr. HOPKINS. Does this have reference to the International

Commission that has made a report?

Mr. LODGE. Mr. President, the boundary between Canada and the United States has been established by various treaties the Ashburton treaty and other treaties—and this is simply for the preservation and marking of the existing boundary lines. It has nothing whatever to do with the Niagara question.

Mr. HOPKINS. The thought struck me, Why should it hap-

pen to come up at this particular time? I understand, of course, as every other Senator does, that we have treaty arrangements with Great Britain with reference to the boundary line there.

Mr. LODGE. The lines are all settled.

Mr. HOPKINS. That is what I supposed, and hence I did

not see any necessity for making this appropriation.

Mr. LODGE. This is necessary where points and marks have been destroyed or moved. It is simply to perfect the marking of the line and preserve the line. That is all, as I understand.
Mr. HALE. To put the marks on the face of the earth, so

that maps may be made.

Mr. BACON. I understand that the appropriation beginning in line 4 on page 15 is for surveys, and the item under discussion is for the mapping and marking of the surveys already made. Am I correct in that? Is there a difference between the two? The two provisions would appear on first glance to re-

late to the same thing.

Mr. GALLINGER. The one on page 15 refers to the Alaskan

boundary

Mr. HOPKINS. That does not have any relation to the item on page 17, does it?

Mr. HALE. No; it is another matter entirely.
Mr. BACON. Mr. President, the language on page 15 is:

To enable the Secretary of State to mark the boundary and make the surveys incidental thereto between the Territory of Alaska and the Dominion of Canada, etc.

The differentiation, I suppose, is between Alaska and the

United States. Is that intended?

Mr. LODGE. Mr. President, under the Alaskan boundary tribunal certain points were agreed upon running through a great stretch of country—certain mountain peaks stretching hundreds of miles. The line had to be laid out by surveyors, the peaks being given. That has been in process for the last three years, and it is not yet completed. Our Coast Survey and the surveyor-general of Canada are running that line together and marking it as they go. The Canadian line, to which the Senator from Illinois [Mr. Hopkins] referred, is a perfectly established line, and I understand it is only to mark that so that it can be mapped.

Mr. NELSON. From the Portland Canal to the one hundred and forty-first meridian west longitude.

Mr. HALE. It is to make practical and visible the result of the work of the Commission.

Mr. BACON. Of previous surveys? Mr. HALE. Yes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in Schedule C, under the subhead "Allowance for clerk hire at United States consulates," on page 19, after line 8, to strike out:

Allowance for clerk hire at consulates, to be expended under the direction of the Secretary of State, \$241,890: Provided, That the total sum expended in one year shall not exceed the amount appropriated.

And in lieu thereof to insert:

For allowance for clerk hire at consulates as follows:

For allowance for clerk hire at consulates as follows:
London, \$4,500.
Paris, \$4,000.
Habana and Liverpool, \$3,000 each, \$6,000.
Mexico City, Rio de Janeiro, and Shanghai, at \$2,500 each, \$7,500.
Hongkong and Yokohama, at \$2,200 each, \$4,400.
Berlin, Bordeaux, Bradford, Canton, Cape Town, Manchester, and Seoul, at \$1,800 each, \$12,600.
Southampton, \$1,750.
Antwerp, Bahia, Brussels, Hamburg, Kobé, Lyons, Monterey, Montreal, Ottawa, Para, Pernambuco, Rotterdam, and Santos, at \$1,500 each, \$19,500.

Barmen, Birmingham, Bremen, Chemnitz, Coburg, Colon, Crefeld, Dawson, Frankfort, Havre, Marseilles, Panama, and Vienna, at \$1,200 each, \$15,600.

Belfast, Calcutta, Cairo, Dresden, Glasgow, Guayaquil, Naples, Nottingham, Nuremburg, Plauen, Pretoria, Reichenberg, St. Gall, Sheffield, Singapore, Sydney (New South Wales), Toronto, and Vera Cruz, at \$1,000 each, \$18,000.

Annaberg, Beirut, Buenos Ayres, Burslem, Dundee, Edinburgh, Genoa, Kingston (Jamaica), Leipsic, Mainz, Mannheim, Maracaibo, Melbourne, Messina, Newcastie-on-Tyne, Palerme, Port au Prince, Prague, Rome, Santiago de Cuba, Smyrna, Stockholm, Tangier, Vancouver, and Victoria, at \$800 each, \$20,000.

Aix la Chapelle, Chihauhua, Ciudad Juarez, Ciudad Porfirio Diaz, Halifax, and Lucerne, at \$640 each, \$3,840.

Cologne, Constantinople, Cork, Florence, Huddersfield, Liege, Munich, Odessa, Tampico, Zittau, and Zurich, at \$600 each, \$6,600;

Clenfuegos and Kehl, at \$500 each, \$1,000;

Berne, Georgetown (Guiana), Malaga, and Stuttgart, at \$480 each, \$1,020;

Total, clerk hire, \$127,210.

\$1,920:
Total, clerk hire, \$127,210.
Allowance for clerks at consulates, to be expended under the direction of the Secretary of State at consulates not herein provided for in respect to clerk hire, no greater portion of this sum than \$1,000 to be allowed to any one consulate in any one fiscal year, \$114,680: Provided, That the total sum expended in one year shall not exceed the amount

Mr. HALE. I move to amend the amendment of the committee, on page 20, line 16, after the word "Burslem," by inserting the word "Christiania."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The Secretary. On page 20, line 16, after the word "Burslem," it is proposed to insert "Christiania."

The amendment to the amendment was agreed to.

Mr. NELSON. I suggest a further amendment to the amendment, in line 21, after the word "thousand," to insert the words "eight hundred."

The amendment to the amendment was agreed to.

Mr. CLAY. Mr. President, if I understand the Senator—and I think I do—the amendment simply takes the total sum appropriated by the House, on page 19, lines 9, 10, 11, 12, and 13, and specifies how it is to be appropriated.

Mr. HALE. Just as we always have heretofore. Mr. CLAY. That is what I thought.

Mr. GALLINGER. The total in line 9, of the amendment of the committee, page 21, should be changed to correspond to the amendment already made. I move to strike out the words "one hundred and twenty-seven thousand two hundred and ten dollars" and insert "one hundred and twenty-eight thousand and ten dollars."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was completed.

Mr. LODGE. I move to strike out, on page 19, lines 3, 4, 5, and 6, and to insert in lieu thereof what I send to the desk.

The VICE-PRESIDENT. The Senator from Massachusetts proposes an amendment, which will be stated.

The Secretary. On page 19 it is proposed to strike out:

Ten consular clerks, at \$1,200 each, \$12,000; and three consular clerks, at \$1,000 each, \$3,000; total, \$15,000.

And insert in lieu thereof the following:

From and after the 1st day of July, 1907, the salaries of consular clerks shall be at the rate of \$1,000 a year for the first three years of continuous service as such, and shall be increased \$200 a year for each succeeding year of continuous service until a maximum compensation of \$1,800 a year shall be reached, and section 1704, Revised Statutes, and its amendatory act of June 11, 1874, are hereby so amended.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

REPORT OF POSTAL COMMISSION.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

Resolved by the House of Representatives (the Senate concurring), That there be printed 6,000 copies of the report of the Postal Commission appointed under the provisions of the act making appropriation for the service of the Post-Office Department, approved June 26, 1906, being House Document No. — Fifty-ninth Congress, second session, to be accompanied by the testimony taken by the said Commission, together with the accompanying exhibits and digest, 2,000 copies for the use of the Senate and 4,000 copies for the use of the House of Representatives.

Mr. PENROSE. I ask that the resolution may be considered. The resolution was considered by unanimous consent, and agreed to.

GOVERNMENT HOSPITAL FOR THE INSANE, ETC.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4267) to prohibit the sale of intoxicating liquors near the Government Hospital for the Insane and the District almshouse, which were, in line 5, to strike out "District almshouse" and insert

"Home for the Aged and Infirm," and to amend the title so as to read: "A bill to prohibit the sale of intoxicating liquors near the Government Hospital for the Insane and the Home for the Aged and Infirm."

Mr. GALLINGER. I move that the Senate concur in the amendments made by the House of Representatives.

The motion was agreed to.

PRACTICE OF VETERINARY MEDICINE IN THE DISTRICT.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5698) to regulate the practice of veterinary medicine in the District of Columbia, which were, on page 8, line 8, to strike out all after the word "agency," down to and including "purposes," in line 10; and on page 8, line 13, after the word "indirectly," to

Provided, That any person may without compensation apply any medicine or remedy and perform any operation for the treatment, rellef, or cure of any sick, diseased, or injured animal.

Mr. GALLINGER. I move that the Senate concur in the amendments made by the House of Representatives.

The motion was agreed to.

WASHINGTON MARKET COMPANY.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 6470) in relation to the Washington Market Company, which was, to strike out all after the enacting clause and insert:

That the Washington Market Company be, and it is hereby, authorized to procure, by purchase or lease, all or part of square No. 328, in the city of Washington, and thereon conduct a cold-storage business and manufacture ice for use in Center Market and for sale: Provided, That nothing in this act shall be held to limit or affect in any way any of the provisions of an act to incorporate the Washington Market Company, approved May 20, 1870.

SEC. 2. That the right to alter, amend, or repeal this act, without any liability therefor, is hereby expressly reserved.

Mr. GALLINGER. I move that the Senate concur in the appropriate of the House of Leaversentatives.

amendment of the House of Representatives.

The motion was agreed to.

SERVICE ON FOREIGN CORPORATIONS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 7170) to amend an act relating to service on foreign corporations, approved June 30, 1902, entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia,'" which was, on page 1, to strike out all of line 3, down to and including line 6, and insert:

That the second paragraph of section 1537 of the Code of Law for e District of Columbia be, and the same is hereby, amended so that it shall.

Mr. GALLINGER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS. I move that the Senate proceed to the consideration of the bill (H. R. 23821) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amend-

ments.

Mr. PERKINS. I ask that the first formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered.

The VICE-PRESIDENT. Without objection, that course will

be pursued.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the subhead "Fortifications and other works of defense," on page 2, line 9, to increase the appropriation for construction of firecontrol stations and accessories, including purchase of lands and rights of way, and for the purchase, installation, operation, and maintenance of necessary lines and means of electrical communication connected with the use of coast artillery, etc., from \$700,000 to \$1,200,000.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, on page 2, line 15, to increase the appropriation for the protection, preservation, and repair of fortifications for which there may be no special appropriation available from \$200,000 to \$300,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 15, to insert: Toward the construction of about 4.800 linear feet of wall necessary for the protection of Fort Moultrie, Sullivans Island, North Carolina, from the effects of storms (to cost not to exceed \$225,600), \$112,800.

The amendment was agreed to.

The next amendment was, on page 2, after line 21, to insert:

Toward the building of sea walls for the protection of the sites of the fortifications and of the necessary post buildings at Forts Pickens and McRee, Pensacola Harbor, Florida (to cost not to exceed \$907,100), \$453,550.

The amendment was agreed to.

The next amendment was, on page 3, after line 2, to insert:

Toward the repair and restoration of batteries and other structures appurtenant to the defenses of Pensacola and for retaining walls to protect the batteries from floods (to cost not to exceed \$109,355), \$54,678.

The amendment was agreed to.

The next amendment was, on page 3, after line 8, to insert:

Toward the repair and restoration of batteries and other structures appurtenant to the dafenses of Mobile. Ala., and for rebuilding sea walls and groins for protection of the sites of the fortifications and of the garrison posts (to cost not to exceed \$1,089,500), \$544,750.

The amendment was agreed to.

The next amendment was, on page 3, after line 15, to insert:

For rebuilding and strengthening the levees for protection of the site of the defenses and the garrison post at Fort St. Philip, New Orleans, La., \$139,800.

The amendment was agreed to.

The next amendment was, under the subhead "Armament of fortifications," on page 6, after line 14, to insert:

For replacing and overhauling ammunition, and for replacing or repairing instruments for fire control, tools, and other ordnance property destroyed or damaged by the storm of September 26-28, 1906, at Forts Pickens and McRee, Fla.; Forts Morgan and Gaines, Ala.; and Fort St. Philip, La., \$30,878.

The amendment was agreed to.

Mr. CLAY. I wish to call the attention of the Senator in charge of the bill to these amendments which have just been agreed to. My understanding was that the total sums were to be appropriated and only 50 per cent to be made available this year, but it appears from the amendments, in the way they are drawn, that only 50 per cent is appropriated, and the simple statement is made that the entire cost is not to exceed the sums stated.

Mr. PERKINS. I will say to my friend the Senator from Georgia that the estimates came to us from the Secretary of War to make good the damage caused by the hurricane which recently visited the Southern States. We have stated the full amount of the cost, but have made available for this year only 50 per cent of the amount estimated by the Department, which, your committee have been informed, is all that can be advantageously expended during the coming fiscal year.

I will say to the Senator from Georgia that I think we are in

full accord with his views.

Mr. CLAY. I understand the Senator from California and the Senator from Maine [Mr. Hale] to state that this is the usual way in which these items are drawn; that this simply means that we appropriate one-half the money at this session of Congress, and then another sum equal to it will be appropriated at the next session, provided the total cost shall not exceed the amount set forth in the bill.

Mr. PERKINS. That is the understanding of your committee,

Mr. President.

The VICE-PRESIDENT. The reading of the bill will be resumed.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 6, after line 22, to insert:

For converting muzzle-loading field guns to breech-loading guns for saluting purposes, and for necessary mounts for the same, \$5,250.

The amendment was agreed to.

The next amendment was, at the top of page 7, to insert:

Section 2 of the act approved May 19, 1882, authorizing the Secretary of War to issue, on the requisition of the governor of a State bordering on the sea or Gulf coast, and having a permanent camping ground for the enactment of the militia not less than six days annually, two heavy guns and four mortars, with carriages and platforms, for their instruction, and for the construction of a suitable battery for the cannon so issued, and appropriating \$5.000 for each State to carry out the above-mentioned objects, is hereby repealed: Provided, That this repeal shall not affect the existing law regarding the disposition of the cannon and other stores already issued.

The amendment was agreed to.

The next amendment was, under the subhead "Fortifications in insular possessions," on page 8, after line 21, to strike out:

For construction of seacoast batteries in Hawaiian and Philippine islands, \$600,000.

And insert:

For construction of seacoast batteries in the Hawaiian Islands, \$100,000.

Mr. PERKINS. CINS. On behalf of the committee I move to strike and insert "two;" so as to read "two hundred " one " thousand dollars."

The amendment to the amendment was agreed to.

Mr. BACON. I have not been following the reading of the bill, but we have had under discussion a good many times, as Senator will remember, questions relating to the defense of the Philippine Islands.

Mr. PERKINS. This is for the Hawaiian Islands.

Mr. BACON. I thought it was for the Philippine Islands. Mr. PERKINS. No. In accordance with the Senator's suggestion, we have thought that the Hawaiian Islands, being nearer to us and dearer to us and being a Territory of our Government, they should be divorced from any association, so far as this appropriation is concerned, with the Philippine Islands.

Mr. BACON. I think the committee has acted with entire wisdom and propriety. I hope they will continue to be divorced; and I should like to have the divorce made not simply temporary, but permanent.

Mr. PERKINS. That question is now pending in the court

of public opinion.

Mr. BACON. I should like to inquire of the Senator, if I do not trespass too far upon his time

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Georgia?

Mr. PERKINS. With great pleasure.

I was not following the reading of the bill. only caught this appropriation, which arrested my attention. I will inquire whether there is in the bill an appropriation for the fortification of any part of the Philippine Islands?

Mr. PERKINS. Yes; \$500,000, in the Bay of Manila only.

Mr. BACON. Is it limited to that?

Mr. PERKINS. That is about 5 per cent of what was asked

for.

I have no criticism to make upon that at all. Mr. BACON. I was simply going to suggest the propriety of a limitation as to the place as well as to the amount.

Mr. PERKINS. The Senator will note that the committee, having in view the wishes of the Senator from Georgia, has on page 7, provided for the Philippine Islands, and has directed that the fortifications shall be made in the harbor of Manila. I am sure the provision will meet with the approval of my friend the Senator from Georgia.

Mr. BACON. The limitation does, entirely.

The VICE-PRESIDENT. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to. The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, at the top of page 9, to insert the following:

. For construction of seacoast batteries at Manila, in the Philippine Islands, \$500,000.

The amendment was agreed to.

The reading of the bill was concluded.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

## GEORGE N. JULIAN.

Mr. GALLINGER. I ask for the present consideration of the bill (8, 7998) granting an increase of pension to George N. Julian. This is a very urgent and meritorious case.

There being no objection, the bill was considered as in Com-

mittee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to strike out "and assistant inspector-general;" so as to make the bill

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George N. Julian, late captain Company E. Thirteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# MONONGAHELA RIVER BRIDGE.

Mr. PENROSE. I ask unanimous consent for the present consideration of the bill (H. R. 20988) to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903.

The Secretary read the bill; and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LANDS IN PENNINGTON COUNTY, S. DAK.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill (H. R. 23927) excepting certain lands in Pennington County, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves."

Mr. CULLOM. It will not take any time?

Mr. KITTREDGE. It will not take any time.

Mr. KEAN. It is a very short bill and will take no time. The Secretary read the bill; and there being no objection the Senate, as in Committee of the Whole, proceeded to its consid-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### BLACKFEET INDIAN RESERVATION LANDS.

Mr. CLARK of Montana. I ask unanimous consent for the present consideration of the bill (S. 7674) to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement. A bill with the same object in view passed both

Houses of Congress last year and was vetoed by the President.

Mr. KEAN. Will it occasion any discussion, I will ask the

Senator?

Mr. CLARK of Montana. I am sure it will not. both Houses of Congress last year and was objected to by the President and vetoed by him. We have, I am satisfied, covered the objectionable features, so that it will be all right,

Mr. CULLOM. It is a pretty long bill. I rose to move an executive session, but if it will not take any considerable time,

I have no objection to yielding.

Mr. LODGE. Did I understand the Senator from Montana to state that the only objection that has ever been made to this

bill is that the President vetoed it?

Mr. CLARK of Montana. It was vetoed by the President on account of the fact, as he deemed, that it did not afford sufficient protection to the water rights of the Indians. But I am satisfied that that objection has been covered, and the bill is unanimously approved by the committee.

The VICE-PRESIDENT. The bill will be read for the in-

formation of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its con-

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 2, page 1, line 8, before the word "Blackfeet," to insert "said;" and on page 2, line 2, before the word "may," to insert "who;" so as to read:

That so soon as all the lands embraced within the said Blackfeet Indian Reservation shall have been surveyed the Commissioner of Indian Affairs shall cause allotments of the same to be made under the provisions of the allotment laws of the United States to all persons having tribal rights or holding tribal relations and who may rightfully belong on said reservation.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 5, before the word "acres," to strike out "forty" and insert "eighty;" so as to read:

That there shall be allotted i each member 40 acres of irrigable land and 280 acres of additional land valuable only for grazing purposes

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 7, before the word "acres," to strike out "two hundred and eighty" and insert "three hundred and twenty;" and in line 9, after the word "and," to strike out the following:

word "and," to strike out the following:
for the irrigable lands allotted there is hereby reserved out of the
waters of the reservation sufficient to irrigate said irrigable lands, and
the United States shall and does hold said reserved water in trust as
appurtenant to the lands so allotted for the trust period named in
the patent to be issued: Provided, That subject to such reservation of
water to irrigate the irrigable lands aforesaid, and subject to a like
reservation for the Indians of the Fort Belknap and the Fort Peck Indian Reservations in said State of Montana, all waters of the streams in
or bordering that portion of said State lying north of the Missouri and
Marias rivers and Birch Creek and east of the summit of the Rocky
Mountains shall hereafter be subject to appropriation and use under
the laws of Montana, notwithstanding any implied reservation to the
contrary in an agreement ratified by the act of Congress entitled "An
act to ratify and confirm an agreement with the Gros Ventre, Plegan,
Blood, Blackfeet, and River Crow Indians in Montana, and for other
purposes," approved May 1, 1888, or any act supplementary thereto,
and the reservation of waters for the use and benefit of the Indians

shall only extend to water while actually and necessarily being used by them for irrigation on their said irrigable lands or for domestic purposes.

And to insert:

for constructing irrigating systems to irrigate the aforesaid allotted lands, the limit of the cost of which is hereby fixed at \$300,000, \$100,000 of which shall be immediately available, the cost of said entire work to be reimbursed from the proceeds of the sade of the lands within said reservation: Provided. That such irrigation systems shall be constructed and completed, and held and operated, and water therefor appropriated under the laws of the State of Montana, and the title thereto, until otherwise provided by law, shall be in the Secretary of the Interior in trust for the said Indians, and he may sue and be sued in matters relating thereto: \*And provided further.\* That the ditches and canals of such irrigation systems may be used, extended, or enlarged for the purpose of conveying water by any person, association, or corporation under and upon compliance with the provisions of the laws of the State of Montana: \*And provided further\*, That when said irrigation systems are in successful operation the cost of operating the same shall be equitably apportioned upon the lands irrigated, and, when the Indians have become self-supporting, to the annual charge snall be added an amount sufficient to pay back into the Treasury the cost of the work done in their behalf within thirty years, suitable deduction being made for the amounts received from the disposal of the lands within the reservation aforesaid.

So as to read:

So as to read:

Or at the option of the allottee the entire 320 acres may be taken in land valuable only for grazing purposes, respectively, and for constructing irrigating systems to irrigate the aforesaid allotted lands, etc.

The amendment was agreed to.

The next amendment was, in section 3, page 5, line 5, after the word "Indians," to strike out "one a resident citizen" and insert "and two resident citizens;" and in line 6, after the word "Montana," to strike out "and one a United States special Indian agent or Indian inspector of the Interior Department; so as to make the section read:

SEC. 3. That upon the completion of said allotments the President of the United States shall appoint a commission consisting of three persons to inspect, appraise, and value all of the said lands that shall not have been allotted in severalty to said Indians or reserved by the Secretary of the Interior or otherwise disposed of, said commission to be constituted as follows: One commissioner shall be a person holding tribal relations with said Indians, and two resident citizens of the State of Montana.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## MISSOURI RIVER BRIDGE.

Mr. LONG. I ask unanimous consent for the present consideration of the bill (S. 7917) to authorize the Interstate Bridge and Terminal Railway Company, of Kansas City, Kans., to construct a bridge across the Missouri River.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-

eration.

The bill was reported from the Committee on Commerce with an amendment, on page 1, line 8, after the word "point," to in-sert "to be approved by the Secretary of War;" so as to make the section read:

That the Interstate Bridge and Terminal Railway Company, of Kansas City, Kans., a corporation organized under the laws of the State of Kansas, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railway and highway bridge and approaches thereto across the Missouri River from a point, to be approved by the Secretary of War, at or about 1 mile north of Kansas City, Kans., to a point opposite in the county of Platte, State of Missouri, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## GEORGE L. DANFORTH.

Mr. KEAN. I ask for the present consideration of the bill (S. 7427) granting an increase of pension to George L. Danforth. It will take but a moment and it is an urgent case. Some of my friends are interested in it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of George L. Danforth, late of Company C. Eighth Regiment Vermont Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PORT OF BRUNSWICK, GA.

Mr. CLAY. I ask unanimous consent to call up the bill (H. R. 21197) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, by extending the provisions of the first section thereof to the port of Bruns-

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its con-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ASSIGNMENT OF DISTRICT JUDGES.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. BACON. I hope the Senator will withhold the motion for just one minute.

Mr. CULLOM. I will withdraw it for a few months.

Mr. BACON. There is a short bill which I reported back

Mr. BACON. There is a short bill which I reported back

Mr. BACON. from the Judiciary Committee, with the unanimous approval of that committee, that I ask the Senate to take up. It is an important one, simply designed to expedite the transaction of the public business of the Federal courts. It will not take five minutes to pass it. The report of the committee accompanies the bill. I ask the Senate to proceed to the consideration of the bill (S. 7812) to amend section 591 of the Revised Statutes of the United States relative to the assignment of district judges to perform the duties of a disabled judge.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-

Mr. BACON. There is an amendment reported by the committee to correct a verbal error in the printed bill, to strike out "of" and insert "by."

The VICE-PRESIDENT. The amendment will be stated. The amendment was to strike out at the end of line 5 the word "of" and to insert "by;" so as to make the bill read:

Be it enacted, etc., That whenever in the case contemplated and provided for in section 591 of the Revised Statutes it shall be certified by the circuit judge, or in his absence, by the circuit justice of the circuit in which the district lies, that for any sufficient reason it is impracticable to designate and appoint a judge of another district within the circuit to perform the duties of such disabled judge, the chief justice may, if in his judgment the public interests so require, designate and appoint the judge of any other district in another circuit to hold said courts and to discharge all the judicial duties of the judge so disabled, during such disability.

The appendment was agreed to

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# ISSUANCE OF LAND PATENTS.

Mr. CARTER. Numerous Senators have expressed a desire to submit remarks on Senate resolution 214, relating to the issuance of patents on homestead entries, etc. I therefore ask that the resolution be laid before the Senate and be made the unfinished business

The VICE-PRESIDENT. The Senator from Montana moves that the Senate proceed to the consideration of a resolution which will be stated.

The Secretary. Senate resolution 214, by Mr. Carter, entitling duly qualified entrymen to a patent for land, etc.

The VICE-PRESIDENT. The question is on the motion of the Senator from Montana.

The motion was agreed to.
The VICE-PRESIDENT. The resolution is before the Senate.

Mr. CARTER. I ask that it be temporarily laid aside. The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the resolution be temporarily laid aside. Without objection, it is so ordered.

## ASHLEY RIVER BRIDGE, SOUTH CAROLINA.

Mr. HALE obtained the floor.

Mr. TILLMAN. Mr. President-

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from South Carolina?

I rose to move an adjournment.

Mr. TILLMAN. There is a House bill that has been waiting here for some time which I would like to have the Senate con-

I will yield, if there is no objection to it.

Mr. TILLMAN. I ask for the present consideration of the bill (H. R. 22135) authorizing the construction of a bridge across the Ashley River in the counties of Charleston and Colleton, S. C.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 30, 1907, at 12 o'clock meridian.

### NOMINATIONS.

Executive nominations received by the Senate January 29, 1907.
Surveyor of Customs.

William Barnes, jr., of New York, to be surveyor of customs for the port of Albany, in the State of New York. (Reappointment.)

### PROMOTION IN THE ARMY.

#### Infantry arm.

First Lieut. Clyffard Game, Eleventh Infantry, to be captain from January 24, 1907, vice Purdy, First Infantry, retired from active service.

#### PROMOTIONS IN THE NAVY.

Lieut. Edward H. Campbell to be a lieutenant-commander in the Navy from the 11th day of December, 1906, vice Lieut. Commander John A. Dongberty, promoted.

mander John A. Dougherty, promoted.

Asst. Paymaster Neal B. Farwell to be passed assistant paymaster in the Navy from the 3d day of August, 1906, vice Asst. Paymaster Clarence A. Holmes, who was due for promotion, but resigned before qualifying therefor.

### POSTMASTERS.

#### ARIZONA.

J. Oscar Mullen to be postmaster at Tempe, in the county of Maricopa and Territory of Arizona, in place of John J. Hodnett, resigned.

#### ARKANSAS.

William E. Edmiston to be postmaster at Portland, in the county of Ashley and State of Arkansas. Office became Presidential January 1, 1907.

H. L. Throgmorton to be postmaster at Pocahontas, in the county of Randolph and State of Arkansas, in place of Josiah S. Anderson. Incumbent's commission expired December 15, 1906

## CALIFORNIA.

Charles Harris to be postmaster at Merced, in the county of Merced and State of California, in place of Charles Harris. Incumbent's commission expires February 16, 1907. C. E. Lovelace to be postmaster at Oceanpark, in the county

C. E. Lovelace to be postmaster at Oceanpark, in the county of Los Angeles and State of California, in place of Albert E. Meigs, resigned.

Alva L. Merrill to be postmaster at Kennett, in the county of Shasta and State of California. Office became Presidential January 1, 1907.

## COLORADO.

William L. Williams to be postmaster at Fowler, in the county of Otero and State of Colorado. Office became Presidential January 1, 1907.

## CONNECTICUT.

William J. McKendrick to be postmaster at New Canaan, in the county of Fairfield and State of Connecticut, in place of Stephen B. Hoyt, deceased.

Edward J. Stuart to be postmaster at Lakeville, in the county of Litchfield and State of Connecticut, in place of Hubert Williams, deceased.

## ILLINOIS.

Samuel Baird to be postmaster at Cariyle, in the county of Clinton and State of Illinois, in place of William H. Norris. Incumbent's commission expired June 25, 1906.

Frederick P. Burgett to be postmaster at Keithsburg, in the county of Mercer and State of Illinois, in place of Frederick P. Burgett. Incumbent's commission expired January 23, 1907.

William T. Kay to be postmaster at Camp Point, in the county of Adams and State of Illinois, in place of George Y. Downing. Incumbent's commission expired January 7, 1907.

Charles C. Marsh to be postmaster at Bowen, in the county of Hancock and State of Illinois. Office became Presidential January 1, 1907.

David C. Swanson to be postmaster at Paxton, in the county of Ford and State of Illinois, in place of Andrew E. Sheldon, Incumbent's commission expired June 10, 1906.

#### INDIANA.

Rolla V. Claxton to be postmaster at French Lick, in the county of Orange and State of Indiana, in place of Rolla V. Claxton. Incumbent's commission expired December 20, 1906.

#### IOWA.

James M. Carl to be postmaster at Lone Tree, in the county of Johnson and State of Iowa, in place of James M. Carl. Incumbent's commission expires February 28, 1907.

Vellas L. Gilje to be postmaster at Elkader, in the county of Clayton and State of Iowa, in place of Gideon M. Gifford. Incumbent's commission expires February 9, 1907.

### KENTUCKY.

William M. Catron to be postmaster at Somerset, in the county of Pulaski and State of Kentucky, in place of William M. Catron. Incumbent's commission expired January 6, 1907.

#### MAINE.

George H. Dunham to be postmaster at Island Falls, in the county of Aroostook and State of Maine. Office became Presidential January 1, 1907.

#### MICHIGAN.

Grant M. Morse to be postmaster at Portland, in the county of Ionia and State of Michigan, in place of Fred J. Mauren. Incumbent's commission expires February 7, 1907.

#### MINNESOTA.

John Y. Breckenridge to be postmaster at Pine City, in the county of Pine and State of Minnesota, in place of Lizzie E. Breckenridge. Incumbent's commission expired December 10, 1906.

Clement H. Bronson to be postmaster at Osakis, in the county of Douglas and State of Minnesota, in place of Harry C. Sargent. Incumbent's commission expired January 13, 1907.

David E. Cross to be postmaster at Amboy, in the county of Blue Earth and State of Minnesota, in place of David E. Cross. Incumbent's commission expired December 20, 1906.

Incumbent's commission expired December 20, 1906.
Sarah Dahl to be postmaster at Cottonwood, in the county of Lyon and State of Minnesota. Office became Presidential October 1, 1906.

Eugene M. Harkins to be postmaster at Sherburn, in the county of Martin and State of Minnesota, in place of Eugene M. Harkins. Incumbent's commission expired April 5, 1906.

Julius E. Haycraft to be postmaster at Madelia, in the county of Watonwan and State of Minnesota, in place of Julius E. Haycraft. Incumbent's commission expired January 23, 1907.

## MISSOURI.

Jesse B. Ross to be postmaster at Springfield, in the county of Greene and State of Missouri, in place of Jesse B. Ross. Incumbent's commission expired December 10, 1906.

# NEBRASKA.

John W. Boden to be postmaster at Edgar, in the county of Clay and State of Nebraska, in place of James McNally, resigned.

James C. Elliott to be postmaster at West Point, in the county of Cuming and State of Nebraska, in place of James C. Elliott. Incumbent's commission expired January 22, 1907.

## NEW JERSEY.

A. Henry Doughty to be postmaster at Haddonfield, in the county of Camden and State of New Jersey, in place of Theodore M. Giffin, removed.

# NEW YORK.

Howard G. Britting to be postmaster at Williamsville, in the county of Erie and State of New York, in place of Howard G. Britting. Incumbent's commission expired January 22, 1907.

Louis Lafferrander to be postmaster at Sayville, in the county of Suffolk and State of New York, in place of Louis Lafferrander. Incumbent's commission expires February 26, 1907.

Fred O'Neil to be postmaster at Malone, in the county of Franklin and State of New York, in place of Fred O'Neil. Incumbent's commission expired December 9, 1906.

Emil A. Peterson to be postmaster at Falconer, in the county of Chautauqua and State of New York, in place of Herbert W. Davis. Incumbent's commission expires February 4, 1907.

Albert S. Potts to be postmaster at Cooperstown, in the county of Otsego and State of New York, in place of Albert S. Potts. Incumbent's commission expired January 7, 1907.

Oscar B. Stratton to be postmaster at Addison, in the county of Steuben and State of New York, in place of George W. Stratton. Incumbent's commission expired December 15, 1906.

Everett I. Weaver to be postmaster at Angelica, in the county

of Allegany and State of New York, in place of Everett I. Weaver. Incumbent's commission expires February 12, 1907.

NORTH CAROLINA

Estella Cameron to be postmaster at Rockingham, in the county of Richmond and State of North Carolina, in place of Alexander M. Long, deceased.

NORTH DAKOTA.

George C. Chambers to be postmaster at Churchs Ferry, in the county of Ramsey and State of North Dakota, in place of George C. Chambers. Incumbent's commission expired December 10, 1906,

Willis H. Rogers to be postmaster at Hunter, in the county of Cass and State of North Dakota. Office became Presidential

January 1, 1907.

John B. Spangler to be postmaster at Steele, in the county of Kidder and State of North Dakota. Office became Presidential January 1, 1907.

OTTO.

Lucius A. Austin to be postmaster at Granville, in the county of Licking and State of Ohio, in place of Lucius A. Austin. Incumbent's commission expired January 14, 1907.

J. Warren Prine to be postmaster at Ashtabula, in the county

of Ashtabula and State of Ohio, in place of J. Warren Prine. Incumbent's commission expired January 13, 1907.

OKLAHOMA.

William H. Campbell to be postmaster at Anadarko, in the county of Caddo and Territory of Oklahoma, in place of William H. Campbell. Incumbent's commission expired December 20, 1906.

T. J. Molinari to be postmaster at Granite, in the county of Greer and Territory of Oklahoma, in place of Wilson C. Johnson. Incumbent's commission expired December 20, 1906.

OREGON.

Elmer F. Russell to be postmaster at North Bend, in the county of Coos and State of Oregon, in place of Louis J. Simpson, resigned.

PENNSYLVANIA.

Frank E. Baldwin to be postmaster at Austin, in the county of Potter and State of Pennsylvania, in place of Frank E. Bald-Incumbent's commission expired April 10, 1906.

Ross W. Nissley to be postmaster at Hummelstown, in the county of Dauphin and State of Pennsylvania, in place of David C. Rhoads, resigned.

VIRGINIA.

Oscar L. James to be postmaster at Abingdon, in the county of Washington and State of Virginia, in place of David C. Thomas, resigned. WISCONSIN.

Edward A. Bass to be postmaster at Montello, in the county of Marquette and State of Wisconsin, in place of Edward A. Bass.

Incumbent's commission expired January 23, 1907.

Calvin A. Lewis to be postmaster at Sun Prairie, in the county of Dane and State of Wisconsin, in place of Charles Hidden. Incumbent's commission expired March 10, 1906.

Charles E. Raught to be postmaster at South Kaukauna, in the county of Outagamie and State of Wisconsin, in place of Charles E. Raught. Incumbent's commission expired January 7, 1907.

# CONFIRMATIONS.

Executive nominations confirmed by the Senate January 29, 1907. SECRETARY OF LEGATION.

William H. Buckler, of Maryland, to be secretary of the legation of the United States at La Paz, Bolivia.

SURVEYOR OF CUSTOMS.

Thomas B. Stapp, of Tennessee, to be surveyor of customs for the port of Chattanooga, in the State of Tennessee.

APPOINTMENTS IN THE ARMY.

Artillery Corps.

Second Lieut. Harry L. Morse, Twenty-first Infantry, from the Infantry Arm to the Artillery Corps, with rank from June 9, 1904.

Infantry Arm.

Second Lieut John S. Davis, Artillery Corps, from the Artillery Corps to the Infantry Arm, with rank from June 9, 1904.

PROMOTIONS IN THE ARMY.

Cavalry Arm.

Lieut. Col. Peter S. Bomus, Sixth Cavalry, to be colonel from January 19, 1907.

Maj. Matthias W. Day, Fifteenth Cavalry, to be lieutenant-colonel from January 19, 1907.

Capt. John B. McDonald, detailed quartermaster, to be major from January 19, 1907.

PROMOTIONS IN THE NAVY.

Lieut. Henry B. Price to be a lieutenant-commander in the

Navy from the 1st day of January, 1907.
Passed Asst. Paymaster John R. Hornberger, with the rank of lieutenant (junior grade), to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 30th day of July, 1906.

POSTMASTERS.

FLORIDA.

Mary B. Bishop to be postmaster at Eustis, in the county of Lake and State of Florida.

George F. Fernald to be postmaster at Tarpon Springs, in the county of Hillsboro and State of Florida.

John H. Hibbard to be postmaster at De Land, in the county Volusia and State of Florida.

George E. Koons to be postmaster at Palmetto, in the county of Manatee and State of Florida.

MISSISSIPPI.

Thaddeus C. Barrier to be postmaster at Philadelphia, in the county of Neshoba and State of Mississippi.

John B. Collier to be postmaster at Leland, in the county of

Washington and State of Mississippi.

Emma Harris to be postmaster at McHenry, in the county of Harrison and State of Mississippi.

Millicent R. McInnis to be postmaster at Moss Point, in the

county of Jackson and State of Mississippi.

NEW YORK.

Jay Farrier to be postmaster at Oneida, in the county of Madison and State of New York.

Huet R. Root to be postmaster at Deruyter, in the county of Madison and State of New York.

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Erwin G. Chamberlin to be postmaster at Caldwell, in the county of Noble and State of Ohio.

Charles C. Chappelear to be postmaster at Circleville, in the county of Pickaway and State of Ohio.

Don C. Corbett to be postmaster at Payne, in the county of

Paulding and State of Ohio. Uriah J. Favorite to be postmaster at Tippecanoe City, in the

county of Miami and State of Ohio.

Edward P. Flynn to be postmaster at South Charleston, in the county of Clark and State of Ohio. John M. Gallagher to be postmaster at Quaker City, in the

county of Guernsey and State of Ohio. Joseph E. Hall to be postmaster at Bucyrus, in the county of

Crawford and State of Ohio. William H. Hallam to be postmaster at National Military Home, in the county of Montgomery and State of Ohio.

Jacob C. Irwin to be postmaster at Degraff, in the county of Logan and State of Ohio.

William W. Johns to be postmaster at Bellville, in the county of Richland and State of Ohio.

Wirt Kessler to be postmaster at West Milton, in the county of Miami and State of Ohlo.

Morgan Neath to be postmaster at Wadsworth, in the county of Medina and State of Ohio.

Rolla A. Perry to be postmaster at Plain City, in the county of Madison and State of Ohio.

Van R. Sprague to be postmaster at McArthur, in the county

of Vinton and State of Ohio.

William H. Tucker to be postmaster at Toledo, in the county of Lucas and State of Ohio.

Joel P. De Wolf to be postmaster at Fostoria, in the county of Seneca and State of Ohio.

PENNSYLVANIA.

William F. Brittain to be postmaster at Muncy, in the county of Lycoming and State of Pennsylvania.

James S. Kennedy to be postmaster at Grove City, in the county of Mercer and State of Pennsylvania.

J. C. Lauffer to be postmaster at Portage, in the county of Cambria and State of Pennsylvania.

Luther P. Ross to be postmaster at Saxton, in the county of Bedford and State of Pennsylvania.

George C. Wagenseller to be postmaster at Selinsgrove, in the county of Snyder and State of Pennsylvania.

RHODE ISLAND.

Warren W. Logee to be postmaster at Pascoag, in the county of Providence and State of Rhode Island.

# HOUSE OF REPRESENTATIVES.

Tuesday, January 29, 1907.

The House met at 12 o'clock m.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the fol-

lawing prayer:

We bless Thee, Almighty God, our heavenly Father, for the life and character of our late lamented President McKinley, who, though called from the scenes and activities of this life to the realms above, yet lives a precious memory in our hearts. God grant that his example may be an inspiration to us and to the coming generations to high and clean living in the home, in the Republic, and in our religious life, and Thine shall be the praise, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and ap-

### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 1185. An act granting a pension to Josiah C. Hancock; H. R. 7211. An act granting a penson to James C. Southerland;

H. R. 7551. An act granting a pension to Daniel Robb;

H. R. 8732. An act granting a pension to Ellen S. Gifford;

H. R. 9100. An act granting a pension to Nancy C. Paine; H. R. 9113. An act granting a pension to Elizabeth Cleaver;

H. R. 9673. An act granting a pension to Oliver H. Griffin;

H. R. 9921. An act granting a pension to Ann Lytle;

H. R. 10760. An act granting a pension to Libbie A. Merrill;

H. R. 13201. An act granting a pension to Sarah A. Jones;

H. R. 13884. An act granting a pension to Helen Augusta Mason Boynton:

H. R. 14046. An act granting a pension to Jimison F. Skeens;

H. R. 14263. An act granting a pension to Fidelia Sellers; H. R. 15202. An act granting a pension to Henry Peetsch;

H. R. 15630. An act granting a pension to Sarah Kizer;

H. R. 16002. An act granting a pension to Theodore T. Bruce;

H. R. 18791. An act granting a pension to Michael Bocoskey;

H. R. 17988. An act granting a pension to Edward G. Hausen;

H. R. 19490. An act granting a pension to Estelle I. Reed

H. R. 20292. An act granting a pension to Howard William

H. R. 20327. An act granting a pension to Elizabeth A. Downie;

H. R. 20725. An act granting a pension to Hope Martin

H. R. 637. An act granting an increase of pension to William

H. R. 676. An act granting an increase of pension to Musgrove

H. R. 725. An act granting an increase of pension to George E.

H. R. 742. An act granting an increase of pension to James Wintersteen

H. R. 1144. An act granting an increase of pension to Franklin

McFalls; H. R. 1150. An act granting an increase of pension to Emma J.

H. R. 1252. An act granting an increase of pension to Mary E.

Mathes H. R. 1337. An act granting an increase of pension to James B.

H. R. 1512. An act granting an increase of pension to Melvin

T. Edmonds H. R. 1693. An act granting an increase of pension to Joseph

Q. Oviatt H. R. 1717. An act granting an increase of pension to George

M. Fowler H. R. 1723. An act granting an increase of pension to Rutson

J. Bullock H. R. 1937. An act granting an increase of pension to Joseph

H. R. 2055. An act granting an increase of pension to Joanna

H. R. 2056. An act granting an increase of pension to Lucas

Longendycke;

H.R. 2175. An act granting an increase of pension to James W. Bliss, alias James Warren; H. R. 2286. An act granting an increase of pension to Jacob

Miller:

H. R. 2399. An act granting an increase of pension to Charles F. Sancrainte: H. R. 2421. An act granting an increase of pension to Daniel

H. R. 2726. An act granting an increase of pension to John C.

H. R. 2764. An act granting an increase of pension to George L. Robinson

H. R. 2769. An act granting an increase of pension to Ethan A. Valentine:

H. R. 2793. An act granting an increase of pension to Nathan D. Chapman;

H. R. 2826. An act granting an increase of pension to Samuel Prochel:

H. R. 3226. An act granting an increase of pension to John E. Leahy:

H. R. 3740. An act granting an increase of pension to John G. H. Armistead;

H. R. 3989. An act granting an increase of pension to Hiram T. Houghton;

H. R. 4149. An act granting an increase of pension to Thompson Wall:

H. R. 4151. An act granting an increase of pension to John W. Howard:

H. R. 4166. An act granting an increase of pension to John G. V. Herndon

H. R. 4346. An act granting an increase of pension to Thomas H. B. Schooling :

H. R. 4351. An act granting an increase of pension to George A. Johnson

H. R. 4670. An act granting an increase of pension to Edward B. Tanner

H. R. 4673. An act granting an increase of pension to Samuel

H. R. 4692. An act granting an increase of pension to Levi Welch;

H. R. 4719. An act granting an increase of pension to Mary J. Trumbull:

H. R. 4833. An act granting an increase of pension to Samuel F. Anderson ;

H. R. 5063. An act granting an increase of pension to William

H. R. 5172. An act granting an increase of pension to Milton Stratton:

H. R. 5173. An act granting an increase of pension to Jacob Henninger

H. R. 5174. An act granting an increase of pension to Patrick H. R. 5187. An act granting an increase of pension to Robert

H. R. 5200. An act granting an increase of pension to John F.

McBride; H. R. 5209. An act granting an increase of pension to Edward R. Dunbar

H. R. 5595. An act granting an increase of pension to Elisha Brown

H. R. 5648. An act granting an increase of pension to William Hand:

H. R. 5729. An act granting an increase of pension to Norman H. Cole;

H. R. 5776. An act granting an increase of pension to Priscilla A. Campbell:

H. R. 5801. An act granting an increase of pension to Algernon E. Castner

H. R. 5803. An act granting an increase of pension to Edwin L. Roberts H. R. 5829. An act granting an increase of pension to George

Anderson: H. R. 6057. An act granting an increase of pension to Emery

Crawford; H. R. 6060. An act granting an increase of pension to Lorenzo B. Fish;

H. R. 6088. An act granting an increase of pension to James R. Chapman;

H. R. 6145. An act granting an increase of pension to Parris J. Latham :

H. R. 6165. An act granting an increase of pension to Nelson

H. R. 6189. An act granting an increase of pension to Arthur

H. R. 6424. An act granting an increase of pension to George

H. R. 6493. An act granting an increase of pension to Eli Boynton;

H. R. 6519. An act granting an increase of pension to Samuel W. Whybark; H. R. 6524. An act granting an increase of pension to Amos

H. R. 6537. An act granting an increase of pension to William

H. R. 6705. An act granting an increase of pension to William H. Zachery

H. R. 6894. An act granting an increase of pension to Daniel O. Corbin;

H. R. 6920. An act granting an increase of pension to Simon Millison;

H. R. 7247. An act granting an increase of pension to Lorenzo

H. R. 7378. An act granting an increase of pension to John L.

H. R. 7393. An act granting an increase of pension to Ferdinand David;

H. R. 7411. An act granting an increase of pension to Tobias Fisher;

H. R. 7417. An act granting an increase of pension to Gibson Helms;

H. R. 7544. An act granting an increase of pension to Gustavus F. E. Raschig

H. R. 7555. An act granting an increase of pension to John S. Roseberry

H. R. 7581. An act granting an increase of pension to Emile Cloe

H. R. 7666. An act granting an increase of pension to Joseph C. Mahaffey

H. R. 7804. An act granting an increase of pension to John Frett. ir.:

H. R. 7834. An act granting an increase of pension to Joseph Amos:

H. R. 7912. An act granting an increase of pension to James M. Lawder

H. R. 8136. An act granting an increase of pension to Joseph A. Scroggs

H. R. 8159. An act granting an increase of pension to Charles Leathers

H. R. 8247. An act granting an increase of pension to Sarah J Littleton

H. R. 8312. An act granting an increase of pension to Abram

H. R. 8335. An act granting an increase of pension to John T. Harvey

H. R. 8338. An act granting an increase of pension to Isaac S. Doan:

H. R. 8373. An act granting an increase of pension to Patrick Weir:

H. R. 8553. An act granting an increase of pension to Thomas E. Aylsworth;

H. R. 8667. An act granting an increase of pension to Andrew

H. R. 8668. An act granting an increase of pension to Stephen

H. R. 8683. An act granting an increase of pension to William D. Voris;

H. R. 8915. An act granting an increase of pension to Susan Woolley

H. R. 8925. An act granting an increase of pension to Chester Simpson:

H. R. 8958. An act granting an increase of pension to David

H. R. 9024. An act granting an increase of pension to Lewis Lennox

H. R. 9000. An act granting an increase of pension to Amasa B. Saxton;

H. R. 9218. An act granting an increase of pension to William T. Blanchard; H. R. 9250. An act granting an increase of pension to Obediah

B. Nations; H. R. 9278. An act granting an increase of pension to Mel-

ville A. Nichols; H. R. 9402. An act granting an increase of pension to Adam S.

Van Vorst; H. R. 9403. An act granting an increase of pension to Kate E.

Hanna: H. R. 10032. An act granting an increase of pension to Octavo

Barker: H. R. 9816. An act granting an increase of pension to Charles

A. Spanogle, alias Andrew C. Spanogle; H. R. 10033. An act granting an increase of pension to Samuel

C. Roe: H. R. 10219. An act granting an increase of pension to George

S. Boyd: H. R. 10240. An act granting an increase of pension to John

H. R. 10317. An act granting an increase of pension to Clarissa A. Frederick;

H. R. 10400. An act granting an increase of pension to Thomas Harrison

H. R. 10402. An act granting an increase of pension to Albert H. Campbell;

H. R. 10403. An act granting an increase of pension to James H. Odell:

H. R. 10440. An act granting an increase of pension to Amaziah G. Sheppard;

H. R. 10721. An act granting an increase of pension to Harriet I. Levis

H. R. 10738. An act granting an increase of pension to Thomas Prosser

H. R. 10773. An act granting an increase of pension to George C. Rathbun

H. R. 10916. An act granting an increase of pension to Charles H. Shreeve

H. R. 11141. An act granting an increase of pension to Jesse S. Miller

H. R. 11169. An act granting an increase of pension to Robert

P. Call; H. R. 11174. An act granting an increase of pension to Isaac

H. R. 11232. An act granting an increase of pension to Aaron L. Packer:

H. R. 11307. An act granting an increase of pension to Joseph

H. R. 11322. An act granting an increase of pension to Luther H. Starkey:

H. R. 11362. An act granting an increase of pension to Nicholas A. Bovee H. R. 11562. An act granting an increase of pension to Adam

Wiles H. R. 11564. An act granting an increase of pension to James

H. R. 11636. An act granting an increase of pension to Law-

rence Hagan H. R. 11701. An act granting an increase of pension to Marvin Waldorph;

H. R. 11708. An act granting an increase of pension to Jesse A. Ask;

H. R. 11869. An act granting an increase of pension to Henry A. Geduldig H. R. 11959. An act granting an increase of pension to Henry

J. Rice: H. R. 12106. An act granting an increase of pension to George

W. Reagan H. R. 12124. An act granting an increase of pension to Howard

Brown: H. R. 12152. An act granting an increase of pension to Leoni-

das E. Mills ; H. R. 12370. An act granting an increase of pension to Mary

E. Randolph; H. R. 12497. An act granting an increase of pension to Allen M. Haight;

H. R. 12523. An act granting an increase of pension to Gancelo Leighton: H. R. 12554. An act granting an increase of pension to William

Larraby ; H. R. 12557. An act granting an increase of pension to John

C. Berry; H. R. 12574. An act granting an increase of pension to Jacob

R. Burkhardt; H. R. 12676. An act granting an increase of pension to Francis M. Morrison;

H. R. 13053. An act granting an increase of pension to Eli Bunting

H. R. 13054. An act granting an increase of pension to James M. Brown; H. R. 13253. An act granting an increase of pension to Robert

M. C. Hill; H. R. 13740. An act granting an increase of pension to Jere-

miah Bard; H. R. 13805. An act granting an increase of pension to Isaac Gordon;

H. R. 13806. An act granting an increase of pension to John Campbell:

H. R. 13813. An act granting an increase of pension to Samuel

H. R. 13815. An act granting an increase of pension to Christian M. Good;

H. R. 13956. An act granting an increase of pension to Alfred Featheringill:

H. R. 13975. An act granting an increase of pension to Thomas H. Primrose;

H. R. 14238. An act granting an increase of pension to William H. Van Tassell;

H. R. 14673. An act granting an increase of pension to David H. Semans:

H. R. 14675. An act granting an increase of pension to James Davis;

H. R. 14690. An act granting an increase of pension to Henrietta Hull;

H. R. 14689. An act granting an increase of pension to Herman G. Weller;

H. R. 14715. An act granting an increase of pension to Harmon W. McDonald:

H. R. 14767. An act granting an increase of pension to Henry Simon:

H. R. 14860. An act granting an increase of pension to William D. Campbell:

liam D. Campbell;
H. R. 14862. An act granting an increase of pension to Ann E. White:

H. R. 14884. An act granting an increase of pension to Henry

Stauffer; H. R. 14983. An act granting an increase of pension to R. T. Dillard Zimmerman;

H. R. 14985. An act granting an increase of pension to Mary Gramberg:

H.R. 14995. An act granting an increase of pension to James H. Bell;

H. R. 15017. An act granting an increase of pension to Joseph Strone:

H. R. 15139. An act granting an increase of pension to James P. Mullen:

H. R. 15150. An act granting an increase of pension to John O'Connor:

H. R. 15193. An act granting an increase of pension to Frederick W. Studdiford:

erick W. Studdiford;
H. R. 15297. An act granting an increase of pension to Nelson

Hanson; H. R. 15317. An act granting an increase of pension to James B. F. Callon;

H. R. 15421. An act granting an increase of pension to Paul Diedrich:

H. R. 15430. An act granting an increase of pension to Oliver

Lawrence; H. R. 15455. An act granting an increase of pension to John

D. Brooks; H. R. 15463. An act granting an increase of pension to John

Robb, 1st; H. R. 15580. An act granting an increase of pension to James

P. Hudkins; H. R. 15631. An act granting an increase of pension to Henry

C. Worley; H. R. 15790. An act granting an increase of pension to Nicholas W. Dorrel;

Ins W. Dorrer; H. R. 15839. An act granting an increase of pension to Mary J. Burroughs:

H. R. 15860. An act granting an increase of pension to Sarah C. Morris;

H. R. 15868. An act granting an increase of pension to William H. Scullen;

H. R. 15874. An act granting an increase of pension to Benjamin B. Ream;

H. R. 15890. An act granting an increase of pension to Hiram C. Barney;

H. R. 15980. An act granting an increase of pension to John T. Smith;

H. R. 16087. An act granting an increase of pension to Charles W. Foster; H. R. 16222. An act granting an increase of pension to Napo-

leon B. Ferrell;
H. R. 16249. An act granting an increase of pension to Thomas

Miller;
H. R. 16488. An act granting an increase of pension to Charles

Hopkins;
H. R. 16493. An act granting an increase of pension to William

H. R. 16493. An act granting an increase of pension to William T. Sallee;
H. R. 16546. An act granting an increase of pension to Louis

F. Beeler;
H. P. 16805. An act granting an increase of pension to William

H. R. 16895. An act granting an increase of pension to William M. Baker:

H. R. 17094. An act granting an increase of pension to James H. Sperry:

H. R. 17172. An act granting an increase of pension to John Short:

H. R. 17484. An act granting an increase of pension to John E. Gillispie, alias John G. Elliott;

H. R. 17486. An act granting an increase of pension to Rudolph Papst;

H. R. 17539. An act granting an increase of pension to Ambrose D. Albertson;

H. R. 17646. An act granting an increase of pension to James M. Sheak;

H. R. 17770. An act granting an increase of pension to Julia P. Grant;

H. R. 17773. An act granting an increase of pension to Carel Lane;
 H. R. 17810. An act granting an increase of pension to Saul

Coulson; H. R. 17864. An act granting an increase of pension to Mary

E. Austin; H. R. 17958. An act granting an increase of pension to Alex-

ander Dixon; H. R. 17969. An act granting an increase of pension to Charles

Walrod; H. R. 18031. An act granting an increase of pension to Daniel H. Toothaker;

H. R. 18089. An act granting an increase of pension to Daniel J. Harte;

H. R. 18114. An act granting an increase of pension to Henry
 B. Parker;
 H. R. 18155. An act granting an increase of pension to Frank

H. R. 18155. An act granting an increase of pension to Frank S. Hastings; H. R. 18179. An act granting an increase of pension to Wil-

liam G. Baity;
H. R. 18218. An act granting an increase of pension to Joseph

H. R. 18242. An act granting an increase of pension to Francis

H. R. 18247. An act granting an increase of pension to William Baird;

H. R. 18248. An act granting an increase of pension to John
 D. Evans;
 H. R. 18261. An act granting an increase of pension to John

T. Mitchell;
H. R. 18295. An act granting an increase of pension to Joshua.

B. Casey;
H. R. 18410. An act granting an increase of pension to Andrew
J. Cushing:

H. R. 18474. An act granting an increase of pension to Robert Sturgeon;

H. R. 18494. An act granting an increase of pension to Emmagene Bronson;

H. R. 18574. An act granting an increase of pension to Levi Miles:

H. R. 18582. An act granting an increase of pension to Sarah E. Hoffman;

H. R. 18608. An act granting an increase of pension to Mary E. Strickland;

H. R. 18634. An act granting an increase of pension to Mary Sullivan; H. R. 18637. An act granting an increase of pension to Henry

L. Sparks; H. R. 18758. An act granting an increase of pension to Mary

A. Daniel; H. R. 18761. An act granting an increase of pension to Ben-

jamin Bolinger;
H. R. 18771. An act granting an increase of pension to Wil-

liam G. Bailey; H. R. 18797. An act granting an increase of pension to John M. Defoe;

H.R. 18871. An act granting an increase of pension to Emanuel Raudabaugh;

H. R. 18884. An act granting an increase of pension to Weymouth Hadley;

H. R. 19237. An act granting an increase of pension to James Rout;

H. R. 19280. An act granting an increase of pension to Peter J. Williamson;

H. R. 19281. An act granting an increase of pension to Mary J. Gillem;

H. R. 19363. An act granting an increase of pension to Theodore Bland;

H. R. 19386. An act granting an increase of pension to Robert Stewart;

H. R. 19412. An act granting an increase of pension to Jefferson K. Smith; H. R. 19420. An act granting an increase of pension to Eliza

A. McKean;
H. R. 19426. An act granting an increase of pension to George N. Griffin;

H. R. 19448. An act granting an increase of pension to Abiram P. McConnell:

H. R. 19479. An act granting an increase of pension to George W. Savage

H. R. 19510. An act granting an increase of pension to Richard B. West

H. R. 19541. An act granting an increase of pension to Job F. Martin:

H. R. 19553. An act granting an increase of pension to James Robertson

H. R. 19577. An act granting an increase of pension to Mary L. Patton

H. R. 19579. An act granting an increase of pension to Robert F. Mayfield

H. R. 19584. An act granting an increase of pension to Joseph B. Pettev

H. R. 19603. An act granting an increase of pension to Jacob

H. R. 19629. An act granting an increase of pension to Oliver Morton :

H. R. 19639. An act granting an increase of pension to Lucy A. Kephart

H. R. 19648. An act granting an increase of pension to Sarah A. Wilson:

H. R. 19651. An act granting an increase of pension to Joseph H. Prendergast

H. R. 19661. An act granting an increase of pension to Jacob McWilliams

H. R. 19672. An act granting an increase of pension to Thomas

McDermott H. R. 19703. An act granting an increase of pension to Seth

Chase H. R. 19708. An act granting an increase of pension to William

A. Lefler H. R. 19713. An act granting an increase of pension to Mary

B. Mason H. R. 19715. An act granting an increase of pension to Susan

M. Brunson H. R. 19716. An act granting an increase of pension to Mary

F. Johnson H. R. 19722. An act granting an increase of pension to William

H. Burns H. R. 19738. An act granting an increase of pension to Ben-

iamin St. Clair H. R. 19758. An act granting an increase of pension to Josefita

Montano H. R. 19762. An act granting an increase of pension to Clara

C. Edsall;

H. R. 19807. An act granting an increase of pension to John W. Marean

H. R. 19818. An act granting an increase of pension to William F. Clinkscales; H. R. 19858. An act granting an increase of pension to Rich-

ard E. Clapper H. R. 19871. An act granting an increase of pension to John

G. Kean, alias Cain H. R. 19872. An act granting an increase of pension to Rich-

ard E. Hassett H. R. 19873. An act granting an increase of pension to Robert

H. R. 19885. An act granting an increase of pension to Frank

Scherer; H. R. 19891. An act granting an increase of pension to Edwin D. Bates

H. R. 19907. An act granting an increase of pension to James Butler;

H. R. 19915. An act granting an increase of pension to Greenleaf W. Crossman:

H. R. 19923. An act granting an increase of pension to Bettie Ferguson:

H. R. 19949. An act granting an increase of pension to Charles Van Ostrand

H. R. 19963. An act granting an increase of pension to Charles Carter;

H. R. 19967. An act granting an increase of pension to Martin L. Ohr;

H. R. 1999. An act granting an increase of pension to Susan F. Christie

H. R. 19998. An act granting an increase of pension to Eunice

H. R. 20029. An act granting an increase of pension to John B. Maison

H. R. 20061. An act granting an increase of pension to Caswell York;

H. R. 20064. An act granting an increase of pension to William C. Arnold;

H. R. 20078. An act granting an increase of pension to Walter M. English:

H. R. 20085. An act granting an increase of pension to Robert Lafontaine

H. R. 20087. An act granting an increase of pension to Cassia C. Tyler:

H. R. 20088. An act granting an increase of pension to Mary J. Thurmond:

H. R. 20096. An act granting an increase of pension to Theresia Bell;

H. R. 20117. An act granting an increase of pension to Preston J. Michener

H. R. 20129. An act granting an increase of pension to John Lemly:

H. R. 20146. An act granting an increase of pension to Har-

H. R. 20154. An act granting an increase of pension to George H. Dyer

H. R. 20166. An act granting an increase of pension to Sarah Salmon:

H. R. 20198. An act granting an increase of pension to Mary E. Maddox

H. R. 20199. An act granting an increase of pension to Joseph N. Cadieux

H. R. 20219. An act granting an increase of pension to Ellen Downing; H. R. 20222. An act granting an increase of pension to Henry

C. Joseph;

H. R. 20229. An act granting an increase of pension to Jehu F. Wotring

H. R. 20250. An act granting an increase of pension to Thomas McBride

H. R. 20269. An act granting an increase of pension to Sarah A. Galloway

H. R. 20272. An act granting an increase of pension to James L. House: H. R. 20279. An act granting an increase of pension to Ed-

mund Hostetter: H. R. 20286. An act granting an increase of pension to Bar-

tholomew Holmes; H. R. 20303. An act granting an increase of pension to John

Crowley H. R. 20350. An act granting an increase of pension to Theo-

dore F. Reighter; H. R. 20351. An act granting an increase of pension to Peter

M. Simon H. R. 20357. An act granting an increase of pension to Jane

Auldridge H. R. 20363. An act granting an increase of pension to Otis E.

Rush: H. R. 20384. An act granting an increase of pension to Mary

Wilson: H. R. 20391. An act granting an increase of pension to Mary Jane Meldrim :

H. R. 20415. An act granting an increase of pension to John H. Krom

H. R. 20424. An act granting an increase of pension to George W. Wheeler

H. R. 20431. An act granting an increase of pension to John Neumann:

H. R. 20463. An act granting an increase of pension to Nicholas D. Kenny;

H. R. 20571. An act granting an increase of pension to Frederick J. Dowland;

H. R. 20581. An act granting an increase of pension to Nettie G. Kruger

H. R. 20586. An act granting an increase of pension to Calvin Judson

H. R. 20587. An act granting an increase of pension to Francis McMahon:

H. R. 20613. An act granting an increase of pension to Hiram Steele:

H. R. 20614. An act granting an increase of pension to James Howardson :

H. R. 20683. An act granting an increase of pension to James Bond:

H. R. 20712. An act granting an increase of pension to Samuel W. Searles

H. R. 20715. An act granting an increase of pension to Charles

Ballantyne; H. R. 20717. An act granting an increase of pension to Adelbert E. Bleekman;

H. R. 20721. An act granting an increase of pension to James O. Pierce

H. R. 20724. An act granting an increase of pension to Rhoda

H. R. 20726. An act granting an increase of pension to Mary J.

H. R. 20735. An act granting an increase of pension to Berge

H. R. 20829. An act granting an increase of pension to David M. Watkins

H. R. 20844. An act granting an increase of pension to Milton

H. R. 20851. An act granting an increase of pension to Henry Hamme

H, R. 20852. An act granting an increase of pension to Theodore T. Tate:

H. R. 20896. An act granting an increase of pension to James F. Henninger; H. R. 20809. An act granting an increase of pension to Charles

W. Carpenter;

H. R. 20928. An act granting an increase of pension to Reuben A. George;

H. R. 20955. An act granting an increase of pension to Edward L. Carpenter;

H. R. 20958. An act granting an increase of pension to Darius E. Garland:

H. R. 20962. An act granting an increase of pension to Franklin H. Bailey;

H. R. 20964. An act granting an increase of pension to John Fox:

H. R. 20965. An act granting an increase of pension to Harvey

H. R. 21001. An act granting an increase of pension to George

H. R. 21015. An act granting an increase of pension to Evan H. Baker;

H. R. 21019. An act granting an increase of pension to Benjamin F. Fell;

H. R. 21033. An act granting an increase of pension to William P. Huff

H. R. 21045. An act granting an increase of pension to Unity A. Steel:

H. R. 21054. An act granting an increase of pension to William G. Wilson

H. R. 21058. An act granting an increase of pension to William H, Isbell

H. R. 21086. An act granting an increase of pension to Jerry Johnson:

H. R. 21119. An act granting an increase of pension to Alexander Boshea; H. R. 21124. An act granting an increase of pension to Wil-

liam B. Crane: H. R. 21142. An act granting an increase of pension to Joseph

H. R. 21148. An act granting an increase of pension to Jacob

H. R. 21162. An act granting an increase of pension to John

W. Humphrey

H. R. 21179. An act granting an increase of pension to Charles

H. R. 21185. An act granting an increase of pension to Mary M. Goble;

H. R. 21216. An act granting an increase of pension to Eliza J. McCardel:

H. R. 21228. An act granting an increase of pension to Pleasant Crissip:

H. R. 21302. An act granting an increase of pension to Nicolans Kirsch :

H. R. 21304. An act granting an increase of pension to Jacob

H. R. 21307. An act granting an increase of pension to Samuel Fauver

H. R. 21519. An act granting an increase of pension to Montezuma St. John;

H. R. 21575. An act granting an increase of pension to Calvin E. Morley

H. R. 21641. An act granting an increase of pension to Levi

H. R. 21749. An act granting an increase of pension to Annie

H. R. 21828. An act granting an increase of pension to Noah

Perrin; H. R. 21849. An act granting an increase of pension to John

H. R. 21859. An act granting an increase of pension to Simon Stone:

H. R. 22052. An act granting an increase of pension to James A. Meredith:

H. R. 22207. An act granting an increase of pension to William A. Harlan:

H. R. 22265. An act granting an increase of pension to Elizabeth Jane Hancher;

H. R. 22280. An act granting an increase of pension to Emily V. Ackley;

H. R. 22281. An act granting an increase of pension to Leonard Tyler;

H. R. 22416. An act granting an increase of pension to Barbara E. Schwab;

H. R. 22424. An act granting an increase of pension to William Faulkner:

H. R. 22566. An act granting an increase of pension to Joseph L. Six :

H. R. 22568. An act granting an increase of pension to John H. Christman:

H. R. 22607. An act granting an increase of pension to John T. Hetherlin;

H. R. 22684. An act granting an increase of pension to William Sherk;

H. R. 22717. An act granting an increase of pension to Mary A. Brick :

H. R. 22932. An act granting an increase of pension to Bryngel Severson:

H. R. 22937. An act granting an increase of pension to Edward Murphy; H. R. 22997. An act granting an increase of pension to Ed-

mond D. Doud

H. R. 23307. An act granting an increase of pension to Andrew Casev

H. R. 9212. An act for the relief of Joseph W. I. Kempa, executor of the last will and testament of William J. Grutza, deceased

H. R. 17099. An act to authorize the refund of part of fines imposed on the vessels Sotie R, Mathilda R, and Helen R;

H. R. 21677. An act to amend an act granting to the Davenport Water Power Company rights to construct and maintain a canal, power station, and appurtenant works in the Mississippi River in Scott County, Iowa; H. R. 23718. An act to authorize the Chicago, Lake Shore and

South Bend Railway Company to construct a bridge across the Calumet River in the State of Indiana;

H. R. 23939. An act to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Calumet River in the State of Indiana;

H. R. 24111. An act to authorize the Norfolk and Western Railway Company to construct a bridge across the Potomac River at or near Shepherdstown, W. Va.

H. R. 24275. An act permitting the building of a dam across the Flint River at Porter Shoals;

H. R. 21402. An act permitting the building of a dam across the Savannah River at Gregg Shoals;

H. R. 24047. An act to authorize Chapter No. 376 of the Daughters of the American Revolution to erect a fountain on the property of the United States at Paducah, Ky.

H. R. 19023. An act granting an increase of pension to John T. Lester;

H. R. 19044. An act granting an increase of pension to Samuel C. McCormick:

H. R. 19045. An act granting an increase of pension to Mary A. Agey

H. R. 19048. An act granting an increase of pension to Alfred Branson:

H. R. 19117. An act granting an increase of pension to Mary E. Higgins; and

H. R. 19216. An act granting an increase of pension to Theophil Brodowski.

APPEAL CASES FROM THE DISTRICT COURT, ALASKA.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 24747) providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit.

Be it enacted, etc. That hereafter all appeals, writs of error, and other cases coming from the district court for the district of Alaska to the circuit court of appeals for the ninth circuit shall be entered upon the docket and heard at San Francisco, in the State of California, or at Portland, in the State of Oregon, or at Seattle, in the

State of Washington, as the trial court before whom the case was tried below shall fix and determine: Provided, however, That at any time before the hearing of any appeal, writ of error, or other case, the parties thereto, through their respective attorneys, may stipulate at which of the above-named places the same shall be heard, in which case the case shall be remitted to and entered upon the docket at the place so stipulated and shall be heard there.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. LACEY. Mr. Speaker, I would like to have a little explanation of the bill from the gentleman from Washington, if it

The SPEAKER. It is not too late.

Mr. LACEY. I would like to ask the gentleman from Washington whether under existing law all of these appeals go to San Francisco as a matter of course?

Mr. HUMPHREY of Washington. They do.

Mr. LACEY. None go to Seattle or Portland as the law now stands?

Mr. HUMPHREY of Washington. No; as a matter of fact, they do not. There has been but one case heard out of San Francisco in several years.

Mr. LACEY. How could a case under the existing law be

heard in Portland?

Mr. HUMPHREY of Washington. It could be heard by a stipulation of all parties concerned.
Mr. LACEY. But not otherwise?

Mr. HUMPHREY of Washington. But not otherwise.

Mr. LACEY. And under this bill, in the absence of any stipulation at all on the subject, an appeal taken from either the courts of Alaska—where would it go as a matter of course?

Mr. HUMPHREY of Washington. The trial court would determine where it should be heard, unless the parties should stipulate as to where it is to go.

Mr. LACEY. The judges before whom the cases were tried

would be the same anyhow?

Mr. HUMPHREY of Washington. It only fixes the place and not the court.

And they would consult, therefore, the convenience of counsel and parties as to whether Seattle, Portland, or San Francisco should be selected?

Mr. HUMPHREY of Washington. That is the object of the

bill, and it is agreed upon.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

# CHARLES H. STOCKLEY.

The SPEAKER laid before the House the bill (H. R. 9577) entitled "An act for the relief of Charles H. Stockley," with a Senate amendment.

The Senate amendment was read.

Mr. MOON of Pennsylvania. Mr. Speaker, I move to concur in the Senate amendment.

The question was taken; and the amendment was agreed to.

# THE MERCANTILE BRIDGE COMPANY.

Mr. WANGER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 24361. The SPEAKER. The gentleman from Pennsylvania [Mr.

Wanger] asks unanimous consent for the present consideration of the bill H. R. 24361, of which the Clerk will read the title.

The Clerk read as follows:

To amend an act entitled "An act to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charlerol, Washington County, to a point in Rostraver Township, Westmoreland County," approved March 14, 1904.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER, The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That section 7 of an act entitled "An act to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charlerol, Washington County, to a point in Rostraver Township, Westmoreland County," approved March 14, 1904, be, and is hereby, amended to read as follows:

"Sec. 7. That this act shall be null and void unless the construction of said bridge shall be commenced within one year from the passage of this act and shall be completed within four years from the passage of this act."

Also the following amendment:

On page 2, line 3, strike out the words "within four years from the passage of this act" and insert in lieu thereof the words "by March 14, 1908."

Mr. WANGER. Mr. Speaker, I ask for the adoption of the amendment.

Mr. WILLIAMS. This bill is unanimously reported, is it?

Mr. WANGER. Unanimously.
The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. Wanger, a motion to reconsider the vote

by which the bill was passed was laid on the table.

#### LEASED GOVERNMENT BUILDINGS.

Mr. BOUTELL. Mr. Speaker, I desire to call up House resolution No. 774, and move to discharge the Committee on Public Buildings and Grounds from further consideration of the same. and to pass the resolution.

The SPEAKER. The gentleman from Illinois [Mr. BOUTELL] calls up the following privileged resolution, which the Clerk will

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to transmit to this House, so soon as possible, a statement showing all lands and buildings and parts of buildings now leased by the Government in the District of Columbia, including a brief description, of such properties; the purpose for which they are used; the rental paid; and in case of buildings, or parts of same, the rental per square foot, wherever practicable; the date of the termination of such leases; the names of the lessors; and the statutory authority under which such leases were made.

The SPEAKER. The question is on the motion of the gentleman from Illinois to discharge the Committee on Public Buildings and Grounds from further consideration of the resolution.

The question was taken; and the motion was agreed to. The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

# ASSISTANT APPRAISERS, PORT OF NEW YORK.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 7147.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the bill S. 7147, of which the Clerk will report the title.

The Clerk read as follows:

An act (8.7147) to amend section 2536 of the Revised Statutes, relative to assistant appraisers at the port of New York, and further defining their powers, duties, and compensation.

Mr. WILLIAMS. What is this bill? Mr. SHERMAN. Mr. Speaker, the bill comes from the Committee on Ways and Means, I will say to the gentleman from Mississippi [Mr. Williams], with unanimous consent. If the gentleman desires any further explanation I will be glad to

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading and passage of the bill.

The bill was read a third time and passed.

On motion of Mr. Sherman, a motion to reconsider the vote by which the bill was passed was laid on the table.

# JAMESTOWN EXPOSITION.

Mr. LITTAUER. Mr. Speaker, I ask unanimous consent that the bill H. R. 24541, an act making appropriations to supply additional urgent deficiencies, amended by the Senate, be taken from the Speaker's table and be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from New York asks unanimous consent that the urgent deficiency bill, with Senate amendment, may be taken from the Speaker's table and considered in the House as in the Committee of the Whole House on the state of the Union.

Mr. WILLIAMS. What is the object to be attained by the gentleman's motion?

To facilitate the consideration of a gen-Mr. LITTAUER. eral appropriation bill passed by the House, to which the Senate added one amendment, and that amendment concerns the

provision for the Jamestown Exposition.

Mr. WILLIAMS. Why is it desired to be considered in the

House instead of in the Committee of the Whole?

Mr. LITTAUER. Simply as a matter of expedition.

. Mr. WILLIAMS. Why would it not be well to consider it in the Committee of the Whole?

Mr. LITTAUER. I do not know but that it would be just as well that way as another, and we can get a record vote on

Mr. WILLIAMS. Unless there is some special reason, the ordinary course ought to be pursued.

Mr. LITTAUER. This expedites the business of the House

and permits us to have a record vote in the House.

Mr. WILLIAMS. I shall not object.

Mr. BARTHOLDT. Will this give us an opportunity to dis-

cuss this bill if it is considered in the House as in Committee of the Whole?

The SPEAKER. It is entirely, if the consent is given, under the direction of the majority of the House under the five-

Mr. BARTHOLDT. I should like to have thirty minutes, Mr. Speaker.

Mr. MACON. Mr. Speaker, do I understand that unanimous consent has been given?

The SPEAKER. It has not. Mr. MACON. I want to hear the provision read before I give my consent.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 24541) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes.

The Senate amendment was read at length.

Mr. LITTAUER. Mr. Speaker, I want to amplify my request for unanimous consent, by asking that the five-minute limitation of debate should not apply to the consideration of this measure in the House.

The SPEAKER. The gentleman from New York modifies his request as to the consideration of the bill in the House as in Committee of the Whole, that the five-minute rule should not

Mr. SIMS. I wish to ask the gentleman, reserving the right to object, if the consideration of this bill in the House as in Committee of the Whole will afford opportunity for debate? In other words, can not the previous question be called at any moment by the gentleman in charge of the measure if it is considered in the House?

Mr. LITTAUER. I will ask the Chair to answer that ques-

The SPEAKER. Oh, undoubtedly, the majority of the House will control. It is under the control of the majority—
Mr. SIMS. And if the gentleman in charge of the bill demands the previous question, that would close debate?

Mr. TAWNEY. Not unless the majority of the House sustains the demand; but there is no purpose to cut off free dis-

Mr. LITTAUER. We have no idea of curtailing debate.
Mr. SIMS. Well, Mr. Speaker, it will be left entirely with
the gentleman in control of the bill to say that nobody shall occupy any of the time except those he sees proper to yield to.

The SPEAKER. The Chair will say to the gentleman, there should be no misunderstanding about the effect of this request. The Chair understands that if unanimous consent is given, then the consideration is had in the Committee of the Whole House without regard to the five-minute rule, and it is entirely in the power of the House to say when it will vote, and on what it will vote, and on the entire matter.

Well, Mr. Speaker, what difference would there Mr. SIMS. be about considering it in the House as in the Committee of

the Whole?

Mr. MANN. It would have to go to the Committee on Appropriations, and it could not be considered to-day.

Mr. SIMS. It could not be considered? Why could it not be considered to-day in Committee of the Whole?

Mr. LITTAUER. This simply expedites the disposition

Mr. MANN. Unless unanimous consent be given, it would have to go to the Committee on Appropriations, and it could not be considered to-day

Mr. SIMS. It is simply a proposition as to whether we can have it fully debated.

Mr. LITTAUER. We have no disposition to cut off any debate.

Mr. JAMES. We can get a yea-and-nay vote on it in the House, and we can not in Committee of the Whole.

Mr. MACON. I want to ask the gentleman from New York if this is the same character of loan that was made to the World's Fair Exposition at St. Louis?

Mr. LITTAUER. It is a loan.
Mr. MACON. Is it the same character of loan?
Mr. LITTAUER. I do not want to say it is the same character of loan. But that is a matter that concerns the merits of the proposition, and I do not want at this time to discuss

Mr. MACON. Has it similar safeguards thrown around it? Mr. LITTAUER. Not such as I yet deem sufficient, I will say to the gentleman.

The SPEAKER. Is there objection?
Mr. FOSTER of Vermont. Mr. Speaker, I object.
The SPEAKER. The gentleman from Vermont objects.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill.

This motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. Foster of Vermont in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24815—the agricultural appropriation bill.

The Clerk read as follows:

of the bill H. R. 24815—the agricultural appropriation bill. The Clerk read as follows:

Purchase and distribution of rare and valuable seeds: For the purchase, propagation, and testing of new, rare, and uncommon seeds, bulbs, trees, shrubs, vines, cuttings, and plants, foreign and domestic; for the rent of buildings (not to exceed \$3,000); the employment of agricultural explorers, local and special agents, clerks, assistants, and all other necessary labor required in the city of Washington and elsewhere; the purchase of necessaryy office fixtures and supplies, paper, twine, gum, printing, postal cards, fuel, gas and electric current, transportation, traveling expenses, and all necessary material for securing, testing, propagating, packing, and distributing the seeds, bulbs, trees, etc., above specified, \$238,000. And the Secretary of Agriculture is hereby directed to spend the said sum, as nearly as practicable, for the encouragement and advancement of agriculture and horticulture throughout the United States, through the systematic introduction of new, rare, or uncommon seeds, bulbs, trees, vines, cuttings, etc., in the establishment of new or the improvement of existing plant industries; in collating, digesting, reporting, and illustrating the results obtained through the testing and distribution of new and rare seeds, bulbs, and plants herein provided for; and the Secretary of Agriculture is further directed to purchase such new and rare seeds, bulbs, plants, vines, and cuttings at public or private sale, and to arrange for the propagation, testing, and distribution of such seeds, bulbs, plants, and cuttings in such manner as he may deem expedient, obtaining, so far as practicable, the advice and cooperation of Senators, Representatives, and Delegates in Congress: Provided, That such seeds, bulbs, and plants shall be distributed to actual experimenters for experimental tests, and that the Secretary of Agriculture shall cause a record to be kept of all persons to whom seeds, bulbs, or plants are sent, in ord

Mr. MANN. Mr. Chairman, I desire to make the point of

order upon a portion of the paragraph.

Mr. WADSWORTH. Mr. Chairman, one moment. arrive at some agreement as to the time to be devoted to the consideration of this paragraph and this amendment? I think the House understands the question thoroughly.

Mr. MANN. I am just going to make the point of order. Mr. WADSWORTH. The gentleman will have an opportunity to make his point of order.

Mr. MANN. Not after debate commences. I wish to state my point of order without losing my right.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MANN. I make the point of order upon that portion of ne paragraph commencing with line 17, page 35, "And the

Mr. MANN. I make the point of order upon that portion of the paragraph commencing with line 17, page 35, "And the Secretary of Agriculture," down to and including the words "United States," in line 20, page 36.

Mr. WADSWORTH. I do not care to debate the point of order, Mr. Chairman. If that power is not granted under the general powers granted in the law establishing the Department of Agriculture, I do not think any power is granted. The question has been thrashed out several times.

Mr. MANN. It is very likely that the power is granted to the Secretary of Agriculture in reference to the distribution of these seeds, bulbs, and so forth, but it is very certain that if the Secretary of Agriculture has now the authority to act under the law this changes his authority. This gives to him a specific direction as to how he shall act. If his authority is now unlimited, then this is a change of existing law by the limitation of his authority. If he has now no authority, then this is an expansion of his authority and is contrary to the rule.

The CHAIRMAN. The Chair sustains the point of order.
Mr. CANDLER. Mr. Chairman—
Mr. FITZGERALD. I desire to reserve a point of order against the language in line 9, "agricultural explorers."

The CHAIRMAN. The gentleman from Mississippi has the

Mr. CANDLER. I move to strike out— Mr. FITZGERALD. Mr. Chairman, I desire to reserve a point of order against the language "agricultural explorers," in line 9, page 25.

The CHAIRMAN. The gentleman from New York reserves

the point of order.

If the point of order is made against a part Mr. GILLETT. of a paragraph, does not the whole paragraph go out?

Not unless the point of order is made The CHAIRMAN. against the whole paragraph.

Mr. GILLETT. I make a point of order against the whole

paragraph

The CHAIRMAN. The point against the portion made by the gentleman from Illinois has been sustained. Now the gentleman from Massachusetts can make a point of order against the remainder, if he desires.

Mr. GILLETT. But, if the Chair will pardon me, the gentleman from Illinois made a point of order against a certain portion of the paragraph. Now, as I understand, under the general rule, that sends the whole paragraph out. Now, how

am I to know

The CHAIRMAN. The Chair thinks the gentleman from Massachusetts is mistaken, and that unless the point of order is made against the whole paragraph the whole paragraph does not go out, but only that portion of the paragraph against which the point is made. The gentleman from Illinois [Mr. Mann] made his point of order against a portion of the paragraph, and that point of order was sustained, and that portion of the paragraph has gone out under the point of order.

Mr. BARTLETT. Mr. Chairman-

Mr. LAMB. Mr. Chairman, I ask that my colleague [Mr. CANDLER] be recognized.

The CHAIRMAN. The gentleman from Mississippi has the floor.

Mr. CANDLER. I move to strike out the provision left in the bill and to insert the following amendment-

Mr. WADSWORTH. Mr. Chairman—
The CHAIRMAN. The Chair will say to the gentleman from Mississippi that that is not in order until the point of order of the gentleman from New York [Mr. Firzgerald] is determined. When that is decided, the Chair will recognize the gentleman from Mississippi.

I did not know that was pending. I ask Mr. CANDLER.

that my amendment be considered as pending.

Mr. CRUMPACKER. I desire to offer an amendment to the paragraph.

Mr. WADSWORTH. That is not in order until the point of

order is decided.

Mr. CRUMPACKER. It has been decided.

The CHAIRMAN. There is a point of order pending. Mr. CRUMPACKER. Pending to the entire paragraph?

The CHAIRMAN. Pending to a portion of the paragraph. Does the gentleman from New York [Mr. FITZGERALD] care to be heard on his point of order?

I simply wished to ascertain what these Mr. FITZGERALD. explorers were. I withdraw the point of order.

The CHAIRMAN. The gentleman from New York withdraws his point of order.

Mr. CANDLER. Now, Mr. Chairman, I move to strike out and insert.

Mr. WADSWORTH. Does the gentleman from Illinois [Mr.

MANN] withdraw his point of order?

The CHAIRMAN. The Chair has sustained the point of order of the gentleman from Illinois, and that portion of the paragraph against which he made his point of order has gone

Mr. CANDLER. Now, Mr. Chairman, I move to strike out the provision left in the bill, and to insert the amendment which I send to the Clerk's desk.

Mr. LIVINGSTON. Which is the old law.

Mr. CANDLER. Which is the old law.
The CHAIRMAN. The gentleman from Mississippi offers an amendment in the nature of a substitute, which the Clerk will

Mr. CRUMPACKER. Mr. Chairman, I offer an amendment which I think is preferential to the gentleman's motion to strike out and insert. His motion strikes out the entire paragraph and inserts a new one. We have a right to perfect the paragraph first.

Mr. CANDLER. I should like to have my amendment re-

ported.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Mississippi.

The Clerk read as follows:

Strike out the paragraph and insert:

"Purchase and distribution of valuable seeds: For the purchase, propagation, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; for rent and repairs; the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gun, postal cards, gas, and electric current, traveling expenses, and all necessary material and repairs for putting up and distributing the same, and to be

distributed in localities adapted to their culture, \$238,000, of which amount not less than \$202,000 shall be allotted for Congressional distribution. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at a public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seeds so purchased shall include a variety of field, vegetable, and flower seeds suitable for planting and culture in the various sections of the United States. An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the Department upon the receipt of their addressed franks, in packages of such weight as the Secretary of Agriculture and the Postmaster-General may jointly determine, to the Postmaster-General; and the person receiving such seeds shall be requested to inform the Department of the results of the experiments therewith: Provided, That all seeds, bulbs, plants, and cuttings herein allotted to Senators, Representatives, and Delegates in Congress for distribution remaining uncalled for on the 1st of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress, and who have not before, during the same season, been supplied by the Department: And provided also, That the Seeds allotted by the Secretary of Agriculture, givin

Mr. CANDLER. Mr. Chairman, I simply desire to state in reference to this amendment-

Mr. MANN. Mr. Chairman, I reserve the point of order on that amendment.

Mr. CANDLER. Mr. Chairman, I submit it comes too late. Mr. HEPBURN. Mr. Chairman, I make the point of order that it is too late to make the point of order. The gentleman from Mississippi [Mr. Candler] had begun his argument, and had been recognized by the Chair. There had already been debate on the amendment.

Mr. CANDLER. Mr. Chairman, I make the point of order that the point of order comes too late, as I had already begun to address the House on the amendment, I had begun my argument. I had the floor and had been recognized by the Chair, and I did not yield the floor for the purpose for the gentleman to make a point of order or for any other purpose.

The CHAIRMAN. Does the gentleman from Illinois claim that he was on the floor?

Mr. MANN. Mr. Chairman, I rose immediately upon the ceasing of the reading of the amendment. The gentleman was a little too hasty about commencing his address, endeavoring, I suppose, to protect his rights in the proper way. I do not see how I could have been any more lively.

The CHAIRMAN. If the gentleman from Illinois states that he was endeavoring in good faith to get an opportunity to make the point of order, the Chair will entertain the point of

Mr. MANN. I certainly was.

The CHAIRMAN. The Chair will entertain the point of order. Has the gentleman reserved the point of order?

Mr. MANN. Mr. Chairman, I reserve the point of order.

Mr. CRUMPACKER. Mr. Chairman, I think the point of order ought to be decided, as there are other amendments to be made. There is no use of wasting time on the merits of this question if it be subject to the point of order. I think the gentleman ought to insist upon his point of order.

Mr. CANDLER. The gentleman from Illinois has not yet

stated his point of order. I would like to have the point of order stated and have it determined at once.

The CHAIRMAN. The gentleman from Illinois will please state his point of order.

Mr. MANN. Mr. Chairman, the point of order is very plain, as far as the point of order is concerned. The ground is that it is new legislation upon this appropriation bill. While my understanding is that the amendment offered is the existing law, yet that does not make it in order at this time. Whatever may be the fact in reference to that, my point of order is that this is a change of existing law in that it affects the authority of the Secretary of Agriculture under the organic act creating that office. I have no desire to argue the point of order. I believe it was argued a year ago. I am not sure what was the disposition made of it at that time or whether this is the same amendment which was held to be in order a year ago.

Mr. LAMB. Mr. Chairman, this same point of order was raised last year when the same gentleman occupied the chair who occupies it to-day. After a long discussion the point of order was withdrawn, as I hope it will be now. I appeal to

the recollection of the Chair.

Mr. CANDLER. Mr. Chairman, I desire to state that this is the identical same proposition as was offered last year. It is in the same language, taken from the Book of Estimates as furnished by the Department of Agriculture to the Agricultural Committee for our consideration this year, drawn in the identical same language that was offered last year, except that there is a difference in the amount to be appropriated, and that is less than it was last year. It is drawn directly under the act creating the Department of Agriculture and has been the law, as has been stated by the gentleman from Virginia [Mr. Lamb], for thirty years. I don't know whether it is that long, but it has been for many, many years, and it is certainly authorized by statute, by custom, and has been adopted by this House. It was argued thoroughly last year, the same gentleman occupying the chair that now occupies the chair, but was finally withdrawn, and I hope it will be withdrawn again and let us have a vote.

Mr. MANN. Mr. Chairman, I have no disposition to prevent the House voting upon a matter of this kind. There seems to be a desire to have a square test vote upon this proposition, which is of so much interest. Therefore I withdraw the point

Mr. JONES of Washington. Mr. Chairman, I renew the point

The CHAIRMAN. The gentleman from Washington renews the point of order.

Mr. CANDLER. Mr. Chairman, let us have a decision.

Mr. JAMES. Mr. Chairman, I make the point of order that the gentleman from Washington is too late with his point of

The CHAIRMAN. This question was raised before the committee in almost similar terms a year ago, and was discussed It was admitted at that time that it was a close question. fully. Finally the point of order was withdrawn, and the Chair, therefore, was not called upon to rule. If this were a new question, it seems to the Chair that there could be no doubt in any mind as to the duty of the Chair to sustain the point of order. While, owing to some decisions and some precedents in the past, the question is somewhat complicated and there is some doubt about it, the Chair feels that this question should be determined by the House, once and for all, and therefore the Chair sustains the point of order.

Mr. CANDLER. Mr. Chairman, I have very great respect for the opinion of the Chair and the highest personal regard for the gentleman who now occupies the chair; still I am constrained to

respectfully appeal from the decision.

The CHAIRMAN. The gentleman from Mississippi appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and the Chair announced that the

" noes appeared to have it.

Mr. WADSWORTH. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. Wadsworth and Mr. Lamb were appointed tellers.

Mr. SCOTT. Mr. Chairman, I desire to make a parliamentary inquiry before the vote is taken.

The CHAIRMAN. The gentleman will state his parliamen-

tary inquiry.

Mr. SCOTT. Am I right in this understanding, that the point of order is made against the substitute offered by the gentleman from Mississippi?

The CHAIRMAN. It is.

Mr. SCOTT. That point has been sustained, and if the House sustains the Chair that substitute will go out.

The CHAIRMAN. Yes.

Mr. SCOTT. There will then remain for the House to vote upon that which remains of the present paragraph in the bill, with the exception of what has been stricken out in consequence of the point of order made by the gentleman from Chicago. [Cries of "Regular order!"]

The question is, Shall the decision of the The CHAIRMAN.

Chair stand as the judgment of the committee?

The committee again divided; and the tellers reported that there were—ayes 84, noes 136.
So the decision of the Chair was not sustained.

Mr. CANDLER. Mr. Chairman, I now ask for a vote on the amendment

The CHAIRMAN. Does the gentleman from Indiana desire to offer his amendment?

Mr. CRUMPACKER. No; the pending amendment is good

enough for me. The CHAIRMAN. The question is on the amendment pro-

posed by the gentleman from Mississippi. The question was taken; and the amendment was agreed to.

The Clerk read as follows:

### FOREST SERVICE.

Salaries, Forest Service: One Forester, who shall be chief of Bureau, \$4,500; one clerk, \$2,100; one clerk, \$1,900; five clerks, class 4, \$9,000; three clerks, at \$1,700 each, \$5,100; one clerk, class 3, \$1,600; two clerks, at \$1,500 each, \$3,000; two clerks, class 2, \$2,800; one clerk, \$1,300; eight clerks, class 1, \$9,600; seven clerks, at \$1,100 each, \$7,700; eleven clerks, at \$1,000 each, \$11,000; twelve clerks, at \$4,000 each, \$15,200; twenty-seven clerks, at \$700 each, \$18,900; eighteen clerks, at \$600 each, \$15,200; twenty-seven clerks, at \$700 each, \$18,900; eighteen clerks, at \$600 each, \$1,200; one draftsman, \$1,800; two draftsmen, at \$1,400 each, \$2,800; two draftsmen, at \$1,400; one photographer, \$1,000; one photographer, \$1,000; one photographer, \$1,200; one carpenter, \$1,000; one carpenter, \$720; three watchmen, at \$700 each, \$2,100; one electrician, \$700; in all, \$142,700.

Mr. MACON. Mr. Chairman, I make the point of order against the increase of salary in lines 2 and 3 on page 37. It is an increase from \$3,500 to \$4,500, and I make the point of order against it.

The CHAIRMAN. Does the gentleman from New York care to be heard on the point of order?

Mr. WADSWORTH. Who made the point of order?

The CHAIRMAN. The gentleman from Arkansas. The Clerk will report the point of order.

The Clerk rend as follows:

The point of order is made against the language in lines 2 and 3, page 37, \$4,500.

Mr. WADSWORTH, Mr. Chairman, that is subject to the point of order. I stated in my report: "The following increases in existing statutory salaries have been allowed: Chief of Forest Service (Forester), \$3,500 to \$4,500." I stated in the note: "The increase in the salary of the Forester is justified not only by long and faithful service of the present incumbent of that office, but by reason of the greatly increased work put upon him by the transfer of the Government national forests to his care and administration." If the gentleman wants to raise the point of order in the face of that statement, he is at liberty to do so.

Mr. MACON. I do. The CHAIRMAN. The point of order is sustained.

Mr. MANN. What was the point of order made on-what was the salary?

Mr. HENRY of Connecticut. On the salary of \$4,500.

Mr. MANN. Then that leaves the item out entirely. Does the gentleman from New York propose to offer an amendment?

The CHAIRMAN. Does the gentleman from New York offer

Mr. WADSWORTH. On the suggestion of the gentleman from Illinois, that it takes the position entirely from the statutory roll, I now offer to reinsert the salary of \$3,500.

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

In place of the language stricken out insert "\$3,500."

The question was taken, and the amendment was agreed to. Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. In this Forestry Service there is an increase of about twenty-five clerks. Will the gentleman from New York state the reason for that increase?

Mr. WADSWORTH. I am sorry to say I can not hear the gentleman very well, as there is so much disorder.

Mr. FITZGERALD. This Forestry Service provision contains an increase of twenty-five clerks.

Mr. WADSWORTH. That is due entirely to the turning over to the Department of Agriculture the national forests of this country that were formerly managed by the Land Office of the Interior Department.

Mr. FITZGERALD. Will the gentleman state when they were turned over?

Mr. WADSWORTH. Well, probably I misstated myself. do not wish to say the clerks of the Land Office were turned over, but the increase is necessary by reason of the turning over

of the forest reserves to the Bureau of Forestry of the Agricul-

Mr. FITZGERALD. The gentleman states that the forest reserves were turned over to the Department of Agriculture. About when was this done?

Mr. MANN. When did the act take effect turning over the forest reserves?

Mr. FITZGERALD. I asked if the gentleman from New York [Mr. Wadsworth] could state when the forest reserves were turned over to the Department of Agriculture.

Mr. WADSWORTH. By the act of February 1, 1905. Mr. FITZGERALD. Does the gentleman from New York know whether the clerks were transferred from the Department of the Interior to the Department of Agriculture?

Mr. WADSWORTH. I do not know that all of them were

transferred. I dare say some of them were.

Mr. FITZGERALD. I desire, if possible, to ascertain that, because if these twenty-five additional clerks have been authorized for this Service because of the transfer to the Department of Agriculture of the forest reserves, certainly twenty-five clerks, or approximately that number, should be dropped from some office in the Department of the Interior.

Mr. WADSWORTH. Let me say to the gentleman that is

not an increase of twenty-five clerks.

Mr. FITZGERALD. I counted hastily. I find an increase of twenty-eight and a decrease of three in one class, and that makes a net increase of twenty-five.

Mr. WADSWORTH. That twenty-five clerks that the gentleman refers to is not an increase of twenty-five. There is still an increase of those \$700 clerks, but it is not an increase of

twenty-five or twenty-seven.

Mr. FITZGERALD. Well, there is an increase of five at \$600 each, seven at \$700 each, three at \$900 each, two at \$1,100 each, and three of class 1, at \$1,200 each, and so on.

Mr. WADSWORTH. The gentleman will notice that that is

arranged so as to afford a flow of promotions of the lower clerks at \$600, \$700, \$800, \$900, \$1,000, and \$1,100, and class 1 is a \$1,200 salary clerk. Mr. LAMB. Wi

Will the chairman permit a suggestion?

Mr. WADSWORTH. Certainly.
Mr. LAMB. If he will bear in mind the testimony of the Chief of Forestry, he said these clerks were necessary by reason of the extension of the work.

Mr. WADSWORTH. I stated that to the gentleman from

New York [Mr. FITZGERALD].

Mr. FITZGERALD. I think the chairman of the committee made that clear, but he also makes the statement that this increase is due to the fact that the Forest Service has been transferred from the Department of the Interior to the Department of Agriculture. If this work has been done in the Department of the Interior and has been taken from that Department, there certainly should be a number of clerks, between twenty and twenty-five, I assume, that should have been dropped from the Department of the Interior since this work has been taken up by the Department of Agriculture.

Mr. WADSWORTH. I think I have answered the gentleman

by saying that the twenty-five do not represent an actual increase of twenty-five. There is some increase there of a few clerks, but if the gentleman will refer to the statutory salary roll of last year he will see that the roll was \$112,860, so that

there is an increase of \$29,000.

Mr. MANN. That would just about cover the twenty-five

clerks.

Mr. FITZGERALD. That just about covers the twenty-five clerks, because five of them are at \$600 each, seven at \$700 each, and so on, so that the \$29,000 just covers the twenty-five clerks, and the increase in compensation of one or two officials. sire to ascertain, if possible, whether the chairman of the Committee on Agriculture knew that by reason of this increase of this particular service there was a corresponding decrease in the office from which this work was taken.

Mr. WADSWORTH. I am frank to say to the gentleman I can not give him any information on that point.

Mr. MANN. Mr. Chairman, may I not ask the gentleman from New York [Mr. WADSWORTH]—

The CHAIRMAN Description of the control of the

The CHAIRMAN. Does the gentleman yield?

The CHAIRMAN. Does the gentleman year.

Mr. WADSWORTH. Certainly.

Mr. MANN. Does the gentleman want to amend this by changing the total from \$42,000 to \$41,000?

Mr. WADSWORTH. Yes; I will come to that. I will ask that the Clerk change the total of that salary list by \$1,000.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

On page 38; line 14, instead of "one hundred and forty-two thousand," make it read "one hundred and forty-one thousand."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to. The Clerk read as follows:

The Clerk read as follows:

That hereafter 10 per cent of all money received from each national forest during any fiscal year shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said national forest is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the said national forest is situated: Provided, That when any national forest is in more than one State or Territory or county the distributive share to each from the proceeds of said forest shall be proportional to its area therein: And provided further, That there shall not be paid to any State or Territory for any county an amount equal to more than 40 per cent of the total income of such county from all other sources.

Mr. MANN. Mr. Chairman, I make the point of order against

Mr. MANN. Mr. Chairman, I make the point of order against

the word "hereafter" in line 10, page 39.

Mr. WADSWORTH. It is subject to the point of order. is simply the same question we discussed on Saturday about the meat-inspection act. If the gentleman desires to make it, it is subject to the point of order.

Mr. MANN. This is an entirely different proposition. This is a provision to make a permanent appropriation, and I shall make the point of order on every item of that kind I can.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

To ascertain the natural conditions upon and utilize the national forests, and hereafter the Secretary of Agriculture may divide all lands in national forests into such specific national forests as he may deem best from time to time for administrative purposes, and give to each such name as may be convenient; and hereafter the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests of the United States, except the Black Hills National Forest in South Dakota, to be exported from the State, Territory, or the district of Alaska, in which said forests are respectively situated: \*Provided,\* That the exportation of dead and insect-infected timber only from said Black Hills National Forest shall be allowed until such time as the Forester shall certify that the ravages of the destructive insects in said forest are practically checked, but in no case after July 4, 1908; and hereafter all moneys received as contributions toward cooperative work in forest investigations and in the protection and improvement of the national forests shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended as the Secretary of Agriculture may direct, for the payment of the expenses of said investigation, protection, and improvement by the Forest Service, and for refunds to the contributors of amounts heretofore or hereafter paid in by them in excess of their share of the cost of said investigations, protection, and improvement; to transport and care for fish and game supplied to stock the mational forests or the waters therein; to employ fiscal and other agents, clerks, assistants, and other labor required in practical forestry, in the administration of national forests, and in conducting experiments and investigations in the city of Washington and elsewhere; and hereafter he may dispose of photographic prints (includi

Mr. TAWNEY. Mr. Chairman, I desire to make the point of order to that portion of the paragraph just read, beginning with line 1, page 40, down to and including the word "convenient," in line 4, which language reads as follows:

may divide all lands in national forests into such specific national forests as he may deem best from time to time for administrative purposes, and give to each such names as may be convenient.

I make the point of order against that language on the ground that it is new legislation.

Mr. WADSWORTH. Mr. Chairman, it is new legislation, but it is a matter of a great deal of importance.

Mr. MANN. There are other points I desire to reserve.

Mr. TAWNEY. One moment. I also desire to make the point of order to that portion of the paragraph beginning with line 15, after the word "eight," down to and including the word "fish," in line 25.

Mr. MANN. You ought not to end there.
Mr. WADSWORTH. Suppose we consider the points of order as they are raised.

Mr. MANN. All points of order to the paragraph should first

Mr. TAWNEY. I also want-

Mr. MANN. I wish to make a point of order.

TAWNEY. I want to reserve the point of order, or I will make the point of order, on the language on page 41, beginning in line 2 with the words—

to employ fiscal and other agents, clerks, assistants, and other labor required in practical forestry, in the administration of national forests, and in conducting experiments and investigations in the city of

That is in violation of the act of 1902, which expressly prohibits the employment of personal services here in the city of Washington out of a lump-sum appropriation. That is a change of existing law.

Mr. MANN. I make the point of order upon the paragraph commencing after the word "year," in line 5, page 42, down to the end of the paragraph.

Mr. WADSWORTH. Now, Mr. Chairman, which point of order will gentlemen consider first?

The CHAIRMAN. Take them up in their order.

FITZGERALD. I want to make the point of order against the words "periodicals for circulating library for officers of the Forest Service stationed outside of Washington."

The CHAIRMAN. What is the proposition of the gentleman from New York?

Mr. FITZGERALD. My point of order lies to the language in lines 15 and 16 of page 41.

Mr. TAWNEY. In my first point of order I desire to include the language of line 25, page 39, beginning with the words

'and hereafter the Secretary of Agriculture may," etc. Mr. WADSWORTH. Now, Mr. Chairman, that is new legistion. It simply empowers the Forestry Division to rearrange the lands of these several forest reserves for a more economical and easy management. Very often a forest reserve occupies two sides of a mountain, an almost impassable mountain, capped with snow, perhaps, nine months in the year. During all that time, in order to manage that reservation and to police it and look after it, they have got to go clear around the mountain, many miles, not being able to cross over it. This simply gives him the power to add a portion of a forest reservation that is on one side of the mountain to another forest reservation that is contiguous to it, and so on the other side the land that is contiguous to that. It is simply for a more economical management of this forest reserve, and I do hope that the gentleman from Minnesota will withdraw his point of order.

Mr. TAWNEY. Does the gentleman say that this does not increase the power of the Secretary of Agriculture in the matter of making selections of land for forest purposes?

Mr. WADSWORTH. Absolutely not. Its purpose is simply economy of administration.

Mr. TAWNEY. If that is its purpose, I withdraw the point

Mr. MONDELL. I renew the point of order, Mr. Chairman. I wish to ask the gentleman why this legislation is necessary? It is a fact that the boundaries of the forest reserves and the names of forest reserves are continually being changed now, and have always been under the law. All the forest reserves are being consolidated, divided, division lines changed, their names constantly, and at all times—and I want to call the attention of the gentleman—

Mr. MANN. They want to change the name to the Mondell Forest Reserve. That is the reason they want this authority. [Laughter.]

Mr. MONDELL. I want to call the gentleman's attention the fact that this language authorizes the Secretary to divide all lands in national forests not in national forest reserves

Mr. WADSWORTH. Let me correct the gentleman right here. "National forest" is the title now adopted for forest reserves instead of using the words "forest reserves."

Mr. MANN. Who has adopted it?

Mr. FITZGERALD. It is adopted in this bill.

Mr. MANN. But this bill is not law. By what authority is it done?

Mr. MONDELL. Where does the gentleman find any authority of law for referring to national forest reserves as "national forests?

Mr. WADSWORTH. The law of the appropriation bill of

Mr. MONDELL. Does not that bill use the term "national forest reserves" at all?

Mr. WADSWORTH. I will not say positively about the "at all," but the general name applied to the forest reserves is

Mr. MONDELL. I shall insist upon my point of order, first, because the language is very ambiguous, and, second, because there is authority given to change the boundaries of forest re-

serves, carrying with it authority to change the names of forest reserves, to divide, subdivide, and consolidate. Authority to do all these things is carried in the law authorizing the establishment of forest reserves.

Mr. WADSWORTH. Let me say right there that the Forester does not so understand it, because he asked very earnestly

for this proviso.

Mr. MONDELL. I will say to the gentleman that the Forester has, to my personal knowledge, divided a forest reserve in my State into three divisions and changed the names of those divisions, and that it is a fact that the boundaries of the divisions of forest reserves are constantly being changed as a matter of administration. There can be no doubt as to the authority of the Secretary to change a name which he has given to a reserve, or to divide a given reserve into two reserves for administrative purposes, or to change the boundaries of existing reserves so that the boundary line shall run on the summit of a mountain range, as the gentleman suggests, instead of running through a valley, so that it is difficult to administer; and in view of the fact that the authority which the chairman desires is now exercised by the Department and that the language herein contained is ambiguous, I insist on the point of order.

Mr. WADSWORTH. Mr. Chairman, if the Forester already has that power, I certainly have no objection to this going out. The CHAIRMAN. The Chair sustains the point of order.
Mr. SCOTT. In view of the ruling of the Chair, I would sug-

gest that the gentleman from Minnesota ought also to strike out the words "and hereafter," in line 4, to make the language con-

Mr. MANN. That has gone out already. He amended it.

I include the word "hereafter."

Mr. TAWNEY. I include the Mr. MANN. "And hereafter." Mr. TAWNEY. No; the word

Mr. MANN. "And hereafter."

Mr. TAWNEY. No; the word "hereafter," in line 4.

The CHAIRMAN. 'The Chair sustains the point of order.

Mr. TAWNEY. I think the word "and," on page 39, after
"forests," was stricken out, so that the word "and," in line 4,
page 40, ought not to go out, but simply the word "hereafter."

The CHAIRMAN. The point of order is sustained. The
meetion now is more the second point of order relead by the

question now is upon the second point of order, raised by the gentleman from Minnesota.

Mr. TAWNEY. I insist on the second point of order. This makes an indefinite permanent appropriation.

Mr. MANN. Worse than that.

Mr. TAWNEY. I believe that all permanent appropriations should be repealed, where they can without injury to the public service; but certainly an indefinite permanent appropriation is far more out of keeping with good administration and good policy than even a definite permanent appropriation.

Mr. MANN. This would permit him to borrow money and

spend it wherever he pleased.

Mr. TAWNEY. I understand the authority under this is very wide, and I do not think the chairman of the Committee on Agriculture ought to insist upon increasing the appropriation indefinitely which is granted by Congress to the Forestry Bureau, by allowing the Forester to deposit the money received for the sale of timber and for other purposes in the Treasury to the credit of his appropriation, thus indefinitely increasing the appropriation, so that Congress will never know what this Forestry Service is costing.

Mr. BROOKS of Colorado. Does the gentleman from Minne-

sota understand that this provision applies to the sale of timber

on forest reserves?

Mr. TAWNEY. It applies to just what it says. All moneys received as contributions toward cooperative work in forest investigation and in the protection and improvement of the national forests shall be covered into the Treasury and shall constitute a special fund which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, for the payment of the expenses of such investigation, protection, improvement, etc.

I may not have been technically correct in saying that the proceeds of the sale of timber went into this fund, because I understand they now have a permanent appropriation which is

made up of these sales of timber.

Mr. BROOKS of Colorado. Mr. Chairman, I think the gentleman is under a misapprehension. This does not refer to any sales of proceeds of forestry, such as timber, but in various places insect pests and other influences injurious to the forests have appeared and have wrought great injury. In some instances which have come under my own personal notice in-dividuals have contributed to assist the forest rangers in stamping out, for instance, an insect pest or in extinguishing forest fires or in preventing some other depredations. These moneys received in this way are simply covered over into a special fund, to be handled by the Forester as a part of a

special appropriation, so that they will not eventually get back into the general funds in the Treasury.

Mr. MANN. The existing law carried in the last appropria-tion act has the word "hereafter" in it, so that it is per-

manent law, and it provides for everything that the gentleman

Mr. BROOKS of Colorado. I believe so, if the word "hereafter" was in the law of last year ter" was in the law of last year. Mr. MANN. The word "hereafter" is in it.

Mr. TAWNEY. The statement of the gentleman from Colorado [Mr. Brooks] simply gives another reason why this should not be retained, because the conduct of the Department under this provision, as he has described it, is clearly in violation of law to-day. No individual forester has a right to receive compensation from any individual or any State or any combination of individuals. The officials of the Government of the United States are allowed to receive only such money as is appropriated to compensate them for their services.

Mr. MANN. I think the gentleman from Minnesota [Mr.

TAWNEY] is mistaken.

Mr. TAWNEY. No; he is not.

Mr. MANN. Mr. Chairman, the current appropriation contains this item:

And hereafter all moneys received as contributions toward cooperative work in forest investigations shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, for the payment of the expenses of such investigations by the Forest Service and for refunds to the contributors of amounts heretofore or hereafter paid by them in excess of their share of the cost of such investigations.

Now, that is permanent law. It does not require legislation to include that at all. That covers all the case which the gentleman from Colorado has referred to, but this provision authorizes the Secretary of Agriculture or the Chief of Forestry practically to borrow money to make permanent improvements in the forests. I don't know whether it was so intended by the committee, but that is the effect. The new provision in the bill says the money may be used not for cooperative work in forest investigations merely, but also in the protection and improvement of the national forests, and again the words "protection and improvement" appear.

Mr. TAWNEY. The words "and improvements" are new.

Mr. MANN. The words "protection and improvement" new and are subject to the point of order, and not only subject to the point of order in that respect, but would authorize them to accept contributions which they should pay back at their pleasure, which practically is an authority to borrow money to make permanent improvements.

Mr. WADSWORTH. Mr. Chairman, I think that is a little overstated, but I yield the point of order on those words, "and in the protection and improvement of the natural forests.

Mr. MANN. The whole clause is subject to the point of order, and does not affect the authority which they now have under the existing law, which is permanent. The existing law has the word "hereafter" in it, and is permanent law.

Mr. WADSWORTH. That is all right; I understand that. I can see that the words "and improvement" are subject to the

point of order.

Mr. TAWNEY. Under the ruling of the Chair the entire paragraph, or that portion to which I made the point of order, would go out.

The CHAIRMAN. That is a correct statement. The Chair sustains the point of order to the words included in the paragraph referred to by the gentleman from Minnesota.

Mr. MANN. So that there may be no error, will the Chair

have the Clerk read the words which go out?

The CHAIRMAN. The Clerk will report, unless objection is made, the words which go out under this point of order.

The Clerk read as follows:

On page 40, beginning line 15:

"and hereafter all moneys received as contributions toward cooperative work in forest investigations and in the protection and improvement of the national forests shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended as the Secretary of Agriculture may direct, for the payment of the expenses of said investigation, protection, and improvement by the Forest Service, and for refunds to the contributors of amounts herefore or hereafter paid in by them in excess of their share of the cost of said investigations, protection, and improvement."

Mr. WADSWORTH. That leaves the law exactly as it was

Mr. TAWNEY. I suggest it ought to go farther and include the words "to transport and care for fish and game supplied to stock the national forests or the waters therein.

Mr, MANN. Will the gentleman from Minnesota permit me to suggest that he might well not make the point of order on the transportation of fish?

Mr. TAWNEY. That is not new.

Mr. WADSWORTH. Yes: it is new.

Mr. MANN. It is only desired to permit the Bureau of Fisheries to furnish fish to the Forester to put in the national reserve, and there ought to be no objection to that.

Mr. TAWNEY. I do not object to a proposition of that kind,

but I supposed it was part of the existing law
Mr. WADSWORTH. It is not.
Mr. TAWNEY. If it is not, I withdraw the point of order. Mr. MANN. Make the point of order end with the word improvement." in line 25.

The CHAIRMAN. Unless there is objection, it will be so un-

erstood. [After a pause.] The Chair hears no objection. Mr. LACEY. Mr. Chairman, I desire to ask the chairman of the committee a question in regard to how he understands the money now received for sales of timber is disposed of?

Mr. WADSWORTH. It is turned into the Treasury and used for continuing the work of the forest reserves, forms part of the available sum for that use by the Secretary of Agriculture.

Mr. LACEY. It is a permanent indefinite appropriation?

Mr. WADSWORTH. Yes.

Mr. LACEY. So that that sum can be used without regard to what it is used for so it is used within the law.

Mr. WADSWORTH. For the maintenance, improvement, and protection of the forest reserves.

Mr. LACEY. What was the amount of this indefinite appro-

priation last year?

Mr. MANN. It was not a permanent indefinite appropriation; it is only from year to year.

Mr. LACEY. The gentleman from New York states it is

permanent. Mr. MANN. I thought the gentleman from Minnesota suggested the striking out of the word "hereafter" in that item. Mr. MANN.

Mr. WADSWORTH. The receipts from timber sales in 1906 were \$252,527.09.

Mr. LACEY. How long does this permanent appropriation run?

Mr. WADSWORTH. It runs right along.

Mr. MANN. Authority is only conferred from year to year to

Mr. LACEY. I would ask the gentleman if he does not think it would be well to encourage the cutting of this timber so as to reduce the price of lumber, to throw more of this timber on the market?

Mr. WADSWORTH. I certainly do. I believe in treating our forest reserves as other governments treat theirs, but I was not going to take up this matter yet. I did not think we had reached it, but here is a table-

Mr. LACEY. I want to hear from the gentleman when he

thinks he has reached the proper point.

Mr. TAWNEY. Mr. Chairman, the next point of order I made is on page 41, line 2, beginning after the word "therein," "to employ fiscal and other agents, clerks, assistants, etc., for that service in Washington." The point of order is made on the ground it changes existing law. It is, in fact, a violation of existing law.

The CHAIRMAN. Will the gentleman from Minnesota call

the Chair's attention to the particular law?

Mr. TAWNEY. The act of 1882 expressly prohibits the employment of any personal service in the city of Washington to be paid out of a lump-sum appropriation, and expressly requires that these Departments shall specifically estimate for the number of clerks and other employees required in their respective Departments.

That is the existing law, and has been since 1882. that time there was general authority for the employment of personal services or for compensating for personal services here in the city of Washington out of lump-sum appropriations. And the practice existed to such an extent and has been abused to such an extent that Congress passed a law expressly providing that hereafter there should be no employment and no compensation paid out of lump-sum appropriations for personal services here in the city of Washington.

The CHAIRMAN. Has the gentleman from Minnesota [Mr.

AWNEY] the law on that?

Mr. TAWNEY. I had it in my committee room only day be-fore yesterday. I have not got it here, but the same question arose on an estimate from one of the Departments where the estimates for the services for one of the bureaus called for a lump-sum appropriation, and the attention of the officer was called to this law. I cited the law, and he was informed unless he submitted a detailed estimate the Committee on Appropriations could not consider his estimate at all.

Mr. KENNEDY of Nebraska. Mr. Chairman, I would suggest to the gentleman from Minnesota and to the Chair that a similar

provision went out the other day on the paragraph relating to the grain laboratory.

Mr. TAWNEY. It is the act of 1882, which reads as follows:

Mr. TAWNET. It is the act of 1882, which reads as follows:
No civil officer, clerk, draftsman, copylst, messenger, assistant messenger, mechanic, watchman, laborer, or other employee authorized after October, 1892, to be employed in any of the Executive Departments or subordinate bureaus or offices thereof at the seat of government, except only at such rates and in such numbers, respectively, as may be specifically appropriated for by Congress; and for such clerical and other personal services for each fiscal year no civil officer, clerk, draftsman, copyist, messenger, assistant messenger, watchman, mechanic, laborer, or other employee shall hereafter be employed at the seat of government in an Executive Department or subordinate bureaus or offices thereof, or to be paid from any appropriation made for contingent expenses or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law making the appropriation.

Mr. WADSWORTH. That law seems to cover that para-

graph, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Mr. WADSWORTH. But the item is similar to a provision that was in last year's bill.

Mr. TAWNEY. My point of order goes to the language from the semicolon after the word "therein," in line 2, down to and including the semicolon in line 5, after the word "elsewhere."

Mr. WADSWORTH. I think the gentleman is mistaken about that. He does not wish to preclude the payment of fiscal or other agents, but he wants to preclude their employment in the city of Washington. Therefore I suggest that he amend his amendment and strike out " in the city of Washington."

Mr. MANN. This does not say "employment in the city of Washington." This says "conducting experiments and investi-

gations in the city of Washington."

Mr. TAWNEY. Yes. Mr. MANN. It does not provide for the employment of agents, clerks, or other labor required in practical forestry.

Mr. TAWNEY. I do not know how you can perform a service of any kind without employing personal service.

Mr. MANN. I say the agents and clerks provided here in

practical forestry are not referred-

Mr. TAWNEY. This proviso authorizes the employment of these men in the city of Washington and elsewhere. My point of order goes to the authority of clerks here in the city of Washington.

The CHAIRMAN. The Chair has sustained the point of

Mr. WADSWORTH. For the information of the committee will the clerk read that paragraph just as it will read?

Mr. TAWNEY. He is authorized to employ his men for the making of these investigations outside of the city of Washington, in another part of this bill. Therefore the language be-tween these two semicolons should go out, because that relates only to the employment of these men here in the city of Washington, except in so far as the words "and elsewhere" add to his authority to employ—they can not add to it—from appropriations made in another part of the bill for outside investiga-This is all provided for in another part of the bill. tions.

Mr. WADSWORTH. In no other part of the bill are those words used to employ fiscal and other agents, clerks, and other laborers required in forestry. The language is to enable the Secretary of Agriculture to investigate and to make a continual investigation. If that language is broad enough to suit the gentleman from Minnesota [Mr. Tawney] I have no objection

to it. Mr. TAWNEY. I want to put a stop to this employment.

Mr. WADSWORTH. That is a little technical, but I am not disposed to waste much time on it. I hope the gentleman from

Minnesota will modify his motion.

Mr. TAWNEY. I think, perhaps, Mr. Chairman, that the objection made by the gentleman from New York, in charge of the bill, can be met by striking out or making my point of order applicable to the words, after "forests," in line 4, "and in conducting experiments and investigations in the city of Washington and elsewhere;" so as to read: "To employ fiscal and other agents, clerks, assistants, and other labor required in practical forestry, in the administration of national forests."

Mr. WADSWORTH. That is perfectly satisfactory, Mr.

The CHAIRMAN. If there is no objection, and that is the sense of the committee

Mr. SMITH of California. If the gentleman from Minnesota

does not object to them conducting experiments outside of Washington, why does he strike out the word "elsewhere?"

Mr. TAWNEY. If the gentleman from California is right that the word "elsewhere" is necessary, then the words "elsewhere than in the city of Washington" ought to be added to it.

Mr. BROOKS of Colorado. The general language of page 38 covers that.

The CHAIRMAN. Is there objection? [After a pause.] Chair hears none. The Chair sustains the point of order. Clerk will now read, in order that no mistake may be made, the paragraph as it will stand.

Mr. MANN. The full paragraph?

The CHAIRMAN.

The Clerk read as follows:

To employ fiscal and other agents, clerks, assistants, and other labor required in practical forestry in the administration of national forests.

Mr. WADSWORTH. All right.

Mr. MANN. Now, Mr. Chairman, I made the point of order upon that part of the paragraph authorizing the procurement of an official seal. I am perfectly willing to reserve the point of order if the gentleman from New York wants to make a

Mr. WADSWORTH. The Forester wanted it because the seal is needed where there is any lawsuit. However, if the gentleman insists, the seal of the Department will answer just

The CHAIRMAN. Before going to that language, referred to by the gentleman from Illinois, the Chair thinks the point of order raised by the gentleman from New York [Mr. FITZGERALD], which is pending, should be disposed of.

Mr. FITZGERALD. I made the point of order against the language commencing on line 15: "And periodicals for circulating library for officers of the Forest Service stationed outside of Washington." That is found in lines 15 and 16.

Mr. WADSWORTH. Mr. Chairman, it has been thought

wise by the Forester to establish at these isolated cabins where the range riders live small libraries, technical, relating almost entirely to forestry. They can not draw from the libraries here, and I think it is wise provision to let them have access to books touching upon forestry and, in a limited way, to other literature.

Mr. FITZGERALD. By leaving in the words "technical books" the Department can purchase whatever books of that character are required. In the investigations that have been made during the past three or four years it has been found that wherever a Department or bureau has power to purchase periodicals great abuse has grown up. I object to "periodicals."

Mr. WADSWORTH. I agree with the gentleman; and we

have remedied that in the Department almost entirely, I may say entirely. There was a disposition in every bureau chief to start a library of his own. Now we have stricken out from every bureau the right to buy books, and they must ask them from the central libraries. We might require them to draw them out and give a receipt for them, just as we give a receipt for them. That is why we use the word "circulating library." It is not proposed to establish a library at every little post; but the idea is at one post, at one central management post on the range or reservation, just exactly as the bureau chiefs draw from the central library here.

Mr. FITZGERALD. Can not that be done without that spe-

cial language?

Mr. WADSWORTH. I do not think it can be done. I do not see how they can buy books without you give them the power to buy.

Mr. FITZGERALD. The only language I object to is, "and periodicals for circulating libraries." Now, there is authority for the purchase of "technical books," and I assume the Department can distribute those books.

Mr. WADSWORTH. I do not think the gentleman would be so hard hearted as to refuse the purchase of a few books for the use of these people out on these lonely ranges

Mr. MANN. Do you want them to get Scribner's Magazine? Mr. FITZGERALD. If the gentleman will permit, I felt that way at one time, but last year it was found that statements were made that about \$150 was spent under a similar provision by one particular Bureau of the Government, and when the detailed statement was furnished it was found that \$4,000 had been expended. I am not willing to give this power to any official of this Government, because my experience has been that he will undoubtedly abuse the power.

Mr. MANN. Why does not the gentleman from New York agree to strike out the word "periodicals?"

Mr. FITZGERALD. And "circulating libraries," too.

Mr. WADSWORTH. I can only say with reference to Mr. Pinchot that the experience of the committee is that he has never abused his power.

Mr. MANN. There is grave danger that Mr. Pinchot will

not continue forever to occupy this position.

Mr. FITZGERALD. If the common reports be true as to his popularity in certain places, it is very doubtful if Mr. Pinchot will remain long in this particular position.

Mr. LEVER. I would suggest the chairman of the committee consent to strike out the word "periodicals."

Mr. FITZGERALD. I am inclined to believe that if the Department has the right to purchase "technical books," it can purchase the books that may be required for the service and send them wherever they are required.

Mr. MANN. Will the gentleman from New York yield to me for a moment? I suppose the purpose of this is to establish circulating libraries in the same manner as they are now carried on in the lighthouse service. I will say to the gentleman from New York that in my judgment the little libraries that move around from one place to another, in the lighthouse service, save the sanity of a good many men who are employed in that service, where it is not possible for them to reach other human beings for a considerable portion of the year. They have that method of exchanging a few books from one place to another, and while I agree that we ought not to buy periodicals, and I should think the gentleman might well strike out periodicals, I do not object to their having technical works on forestry.

Mr. LAMB. That is what is intended.

Mr. MANN. So that the men who are working in the Forestry Service shall have an opportunity, during the time when they can not find anything else to do, and can see nobody else, of reading these technical works on forestry and benefiting the

Government thereby.

Mr. FITZGERALD. The conditions in the light-house service and the Forestry Service are not at all similar. A man in the light-house service is confined in a light-house isolated from everything. He has nothing to do and nothing to see. He must necessarily read. A man in the Forestry Service, during the daytime at any rate, will be engaged outdoors on many different things. Now, if the Department can purchase "technical books" and can send those books wherever its employees require them, it does not need to establish circulating libraries

for that purpose.

Mr. MANN. I am not sure that the Department would have authority, without an act of Congress, to purchase books in Washington for the use of the Department here and then send them out to Wyoming.

Mr. FITZGERALD. The Treasury Department, without any particular authority to establish circulating libraries, sends out certain books that are required by its employees—the customs regulations, for instance, and other publications. I believe this Department can do the same thing.

Mr. WADSWORTH. One word more, Mr. Chairman,

Mr. COCKS. Mr. Chairman, who has the floor? Mr. LAMB. I ought to have it.

Mr. COCKS. I should like to ask the gentleman from New York if he does not think that a man who is in an isolated cabin in a forest reserve is very similarly situated to a man in a lighthouse, especially in the long winter nights? And what objection can there be to having little circulating libraries that are passed on from one cabin to another? It seems to me the condition is almost identical with that of the men in the light-house service. They are both isolated from human society. I hope the gentle-

man will withdraw his point of order.

Mr. FITZGERALD. Oh, Mr. Chairman, there is no similarity at all between the conditions of the forestry service and the light-house service. I happen to have been situated both ways, and I know.

Mr. COCKS. So do I.

Mr. LAMB. I knew the committee had interrogated Mr. Pinchot on this matter, and here is what Mr. Pinchot says:

We have a lot of men in the reserves who are anxious to learn, but they can not afford to buy expensive books on forestry themselves. We have them in the library here, but we have not enough of them. There-fore we wanted to make a little circulating library on various topics, to go from reserve to reserve, or from man to man in the reserve, so that the men could study.

That is what Mr. Pinchot said on the subject.

Mr. WADSWORTH. Mr. Chairman, just one word more. Mr. Pinchot estimates that these libraries would cost from \$25 to \$40. Maybe that will soften the hard heart of the gentleman from New York.

Mr. FITZGERALD. That is the way they start, but the finish is always very different. The Department under the language left in the bill will have the power to purchase all the "technical books" it requires and to send those books anywhere it pleases.

That is all the power it should have.

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. FITZGERALD. I do.
Mr. WADSWORTH. I yield it.
The CHAIRMAN. The point of order is sustained.

question now recurs to the point of order made by the gentleman from Illinois

Mr. MANN. Mr. Chairman, is the gentleman from New York able to make any differentiation between this and the other?
The CHAIRMAN. Does the gentleman from New York [Mr. Wadsworth] care to be heard on this point of order?

Mr. WADSWORTH. On what has the gentleman raised the point of order?

Mr. MANN. I reserved the point of order on the official seal.
Mr. WADSWORTH. Oh, I yield that.
The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Total for salaries and general expenses, Forest Service, \$900,000. Mr. LACEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Add at the end of line 13, page 42, the following:

"That marketable and ripened timber shall be sold for reasonable prices by the Secretary of Agriculture, such sales to be made only to persons not connected with any trust or combination entered into to control the product or prices of timber, and the Secretary may sell such timber from time to time at such prices as will tend to cheapen lumber in the open market to consumers."

Mr. WADSWORTH. Mr. Chairman, I reserve the point of order on that.

Mr. Chairman, I make the point of order. Mr. MANN.

Mr. LACEY. Oh, I trust the gentleman will withhold his point of order until the matter can be explained.

Mr. MANN. Mr. LACEY. Very well, I will reserve the point of order.

Mr. Chairman, I want to be heard on this quesfrom the Lacer. Mr. Charman, I want to be heard on this question briefly. I have always had a good deal of interest in the forest reserves. About the first work I ever did in the Congress of the United States was, in 1891, to help draw the bill creating these forest reserves. The law has been in force now not very many years, but we have accumulated in the reserves over 100,000,000 acres of the best remaining timber on the continent, an area equal to Iowa and Missouri combined. mediate effect of this vast withdrawal of timber from the market has been to very greatly aid the lumber trust, the men who are engaged in combination to keep up the prices. There has been withdrawn and set apart now, I think, about 116,000,000 acres of land. Practically all the remaining timber upon the public land is now owned by the Government, so that the men who are controlling timber under private ownership feel perfectly secure that this vast amount has been withdrawn from competition with them, and that has been one of the great elements that have aided them in the tremendous advance of prices within the last few years.

The forest reserves are now being administered upon the theory that they should make as much money as they can out of the timber; that when the timber is sold it should be sold at good stiff prices. This timber belongs to the United States, to the nation. Its immediate withdrawal in such enormous quantity from the markets of the country has aided greatly in enhancing the price and causing the present extravagant prices that lumber now brings in the open market. If under this provision the Secretary of Agriculture should not put this timber on the market at as good a price as he can get, but instead should bear the market with it, should sell it at a reasonable price, and sell it to nobody connected with any combinations or trusts now controlling the market, the effect of thus using 116,000,000 acres of the best of our forest lands in the interest of the consumer instead of in the interest of the men who control the lumber business would be a tremendous factor upon the price of lumber.

Mr. DRISCOLL. If he should sell it for less than the market

price, who would fix the price?

Mr. LACEY. Let him sell it at a lower price than the enforced market price. That is the purpose of this amendment, authorizing him to put the price down when he thinks it is extravagant, and thus, instead of combining with the lumber trust to raise the price of lumber, use this enormous area of timber for the benefit of the consumer.

Mr. DRISCOLL. If he sells it for less than the market price, how will be distribute it evenly?

Mr. LACEY. The proposition is to allow him to sell it for less. The market price to-day is not only the market price; it is an artificial price fixed by combination, instead of being the

price fixed by the market.

Mr. DRISCOLL. But it still is the market price, is it not?

Mr. DRISCOLL. But it still is the market price, is it not?
Mr. LACEY. When one man makes the market price that is
the market price, and when a combination makes the market
price that is the market price also; but if the Secretary of
Agriculture says, "Gentlemen, you are selling lumber at \$30 or \$40 a thousand that ought to be sold for much less, and I am going to sell it for much less," then they will have to come down to his price. In other words, put the Secretary of Agriculture on the other side of the market instead of upon the bull side, and the people of the country are interested in the bear side of lumber at the present time more than ever before in the history of the United States.

Will the gentleman permit an interruption?

Mr. TAWNEY. Will the Mr. LACEY. Certainly. Mr. TAWNEY. I agree I agree with the gentleman as to the effect of withdrawing all the forests of the United States from the market upon price of lumber, and that it results in increasing the price of lumber, but does the gentleman know-I suppose he does that the Secretary of Agriculture, in the administration of the forest reserve, does not deal in lumber at all, but in stumpage? If his amendment is held in order I shall cheerfully vote for it in the hope of reducing the price of lumber.

Mr. LACEY. Certainly,
Mr. TAWNEY. Now, I am informed by the Forestry Bureau
that the Government price of stumpage is to-day far below the market price of stumpage sold by individual owners to the great lumber concerns of this country. I want to call his attention to another fact and a change that should be made in his amendment, that he should also include the words "or any member thereof," in reference to the trusts, because these combinations, I have no doubt, are made up of a great many different lumber concerns, and none of them should be allowed to compete for

Mr. LACEY. I think the proposed amendment is broad

enough now.

Mr. TAWNEY. The independent members of these corporations or trusts might be able to go in and buy stumpage just the same, and you would not accomplish the purpose which you intend.

Mr. LACEY. I think the amendment is broad enough as it is, but if not, I should be glad enough to have it amended so as to secure the results desired; but what I want the House and what I want the country to understand is to know that, while we have been moved by a wise and beneficent purpose, the immediate effect of this tremendous withdrawal has been to play directly into the hands of the lumber trust.

Mr. MANN. Will the gentleman be willing to add an amendment, "Provided, That the Government should not lease any land for cattle or sheep grazing unless the parties should agree to sell them at a much reduced price from the present outrageous and

exorbitant price which the farmers are now getting?"

Mr. LACEY. That is another matter, and my friend might prepare an amendment in regard to that. I would not lease any forest reserve for grazing to these persons connected with the beef trust either; but that is a different proposition.

The CHAIRMAN. The time of the gentleman has expired. Mr. LACEY. Mr. Chairman, I would ask for a few minutes

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed-for how long?

Mr. LACEY. Oh, for about three minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MACON. Will the gentleman yield for an interruption?

Certainly. Mr. LACEY.

Mr. MACON. Does the gentleman think the lumber trust any

worse than many of the other trusts of this country?

Mr. LACEY. Oh, no, not at all; but the gentleman, if he has followed my remarks closely, will see the point I am trying to make is this, that under the existing law we have unintentionally been playing into the hands of the lumber trust by the withdrawal of great areas of land heavily covered with timber from the lumber markets. Now, that can be prevented by making the price of the stumpage, and there is a present law authorizing the sale of that stumpage, low rather than high, and making it so as to keep the price of lumber within reasonable bounds, rather than in order to secure as much as possible revenue from the forests of the country.

Mr. FITZGERALD. Mr. Chairman—
Mr. MACON. Now, will the gentleman yield—
Mr. LACEY. I yield to the gentleman from New York [Mr. FITZGEBALD]

FITZGERALD. How will the Department determine when the prices are unreasonable in the open market?

Mr. LACEY. There is no question about them being extravagant now, none whatever.

Mr. FITZGERALD. The purchaser would always feel that way.

Mr. LACEY. Certainly the purchaser, when he is confronted with the double, treble, quadruple price in a short time, and when he ascertains that the Government inadvertently has been aiding in that increase in price, he would naturally look to the

Government to help him instead of encouraging the extravagant price he is compelled to pay.

Mr. FITZGERALD. Well, would not this same thing be ac-

complished by taking the tariff off lumber and letting it come in free from Canada?

Mr. LACEY. The trouble is in Canada they do not have much timber, and the price of lumber is as high, higher, to-day in Canada than in the United States. The advance in lumber is very many times the amount of the duty, which is \$2 a thousand feet.

Mr. FITZGERALD. They want it in my State pretty badly. Mr. LACEY. Very well. We might agree on that when the proper time comes, but here is the proposition we are confronted with now, and I desire not to be drawn into a tariff dis-cussion. We know when we made lumber imported from Canada free that they immediately put an export duty of the same amount that we took off, and the result was we paid the same duty, \$2, but paid it into the treasury at Ottawa instead of at Washington. I do not care to discuss that now. We are on the agricultural bill now. I have presented a direct proposition on the present bill. The Congress of the United States is in position to go on the bear side of the lumber market with its enormous area of splendid timber lands, and I think it is time to move in that direction, and I trust that the gentleman will withhold his point of order and let the House vote on this amendment.

Mr. MONDELL. I wish to very heartily indorse all that the gentleman from Iowa [Mr. LACEY] has said in regard to the effect of the Government's policy in connection with the forest reserves. In the intermountain States we have witnessed the rather remarkable spectacle of the establishment by the Government of the United States of a complete monopoly in lumber, and then of the Government's taking advantage of the monopoly thus created to raise the price of lumber as high or higher than the prices charged by the alleged lumber combines of the Pacific coast.

When the forest reserves were first established a nominal price was placed upon stumpage, not exactly a nominal price, but a fair price, averaging in the intermountain country a dollar a thousand for live timber. Gradually that price has increased until now the Government is selling lumber or timber at one point in my State-jack pine, spruce, inferior timber-at \$5 per thousand stumpage. The result of that has been in connection with the demands made by the Forest Service upon the operator to clean up all lops, tops, and chips made in his operation, to increase the price of lumber in that locality about \$7 a thousand and to increase it about \$7 above the price in other localities with similar timber supply where, fortunately, the Government has not established a monopoly.

In the Yellowstone Forest Reserve in my State, twice as large as the State of Massachusetts, is included practically all of the forest in a region of 50,000 square miles. The Government, as the owner and possessor of that forest, has a monopoly and has advanced the price with each successive sale of lumber until one by one the small mill owners, by reason of the advancing price and the ever-increasing requirement as to clearing up the tops and burning them, have been forced out of the business of lumbering, and we have one company purchasing millions of feet of the Government timber, monopolizing the sale of lumber in that locality and compelled to charge from \$5 to \$7 a thousand more than the small mills charged a few years ago.

But some of our friends say this price is not exorbitant. If it were the Government could not obtain it. The Government obtains this price because it has a monopoly. On the other side of the Big Horn Basin, where a governmental monopoly has not been established, where private owners have purchased timber lands under the timber and stone act and acquired timber lands in other ways, the little mills still sell lumber at about \$12 to \$14 a thousand at the mills; while about the Yellowstone Forest Reserve, under Government sales, the price is from \$18 to \$22. In other words, the private mill owner, cutting his own lumber, is selling it at a profit of about a dollar a thousand stumpage, while this great and glorious Government, for the purpose of swelling the surplus in the Treasury and relieving you folks down east from taxation, charges my constituents from \$5 to \$7 a thousand for lumber more than they would have been compelled to pay had not this Government monopoly been established.

The Pacific coast has this advantage, that it has millions of acres of fine forest lands and no combination there can raise the price above what we would consider a very reasonable price. Everything we produce in the intermountain country we must ship to far-distant markets. Everything we use must be trans-ported a great distance and at high freight rates. If our lo-cality gives us any advantage at all to offset these disadvan-

tages it is in the scrubby forest on our mountain slopes. Along comes the Government in the pursuit of a beneficent purpose, establishes a monopoly, and proceeds to charge a price for forest products that the most soulless private monopoly on the face of the earth would blush to charge. As the price of lumber has raised on the coast and the freight rates to our markets have increased, the Government has put on the thumbscrews, and every time a new contract is to be let the price of stumpage is higher, higher, and the Government becomes the strongest and best ally of the lumber barons. Why, there are reserves in my State where the Government could just as well get \$10 a thousand stumpage as \$5, for these reserves constitute the only source of supply, and the settler must have the lumber; and we anticipate that within another year, if the same policy is pursued that has been in the past, that we will not be paying \$5 per thousand into the National Treasury on every thousand feet of lumber that we use, but ten and twelve; for there is no limit to the price this Government monopoly may compel settlers to pay for those things they must have in regions where the Government owns all the forests.

Now, Mr. Chairman, it certainly was never intended that in the establishment of forest reserves for the protection of the forests from destruction, for the conservation of the water supply, that the Government should use those forest reserves for the purpose of establishing a lumber monopoly, and in the establishment of it to aid, to abet, to encourage, to help and fortify the lumber trust, if there be one. Forest reserves were not established for the purpose of making money for the Government. They were established for the purpose of conserving these forests for the purpose of conserving the water supply, for the purpose of retaining a condition in those regions which would bring about reforestation. The Government could do all this and have sufficient revenue ultimately for the care of the forests and still charge a fair and reasonable price for forest products. Instead of that each inspector who visits our reservation "boosts" the price a little higher, until we have had a monopoly established by the side of which the alleged lumber monopoly on the Pacific coast is a mild-mannered and philanthropic organization.

Mr. WADSWORTH. Mr. Chairman, I insist upon my point

of order.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to proceed for three minutes on this general subject.

The CHAIRMAN. Is there objection? [After a pause.]

The Chair hears none.

Mr. FITZGERALD. Mr. Chairman, if this amendment be ruled in order, I shall ask the committee to consider an amendment to it which I have prepared. It is to add to the proposed provision of the gentleman from Iowa this:

And whenever the Secretary of Agriculture shall determine that the market price of lumber is unreasonable and shall offer lumber for sale under this provision for less than the market price, lumber shall be admitted to the United States free of duty during the period that such sales shall be so made by the Secretary of Agriculture.

Mr. WADSWORTH. I reserve the point of order on that.

Mr. MANN. It has not been reported yet.
Mr. FITZGERALD. I would not expect my colleague to reserve a point of order against that provision, because the residents of his own particular section of my State are suffering from inability to get their lumber at reasonable prices by reason of the tariff. If this lumber trust, as has been pointed out recently in a very able speech in another place, is extorting unreasonable sums from the people, not only should the Government use the lumber in these great forest reserves to prevent extortionate prices being charged, but it should open to the people of this country the lumber from all over the world so as to break down and destroy this cruel and unjust trust.

Mr. LACEY. Will the gentleman permit me to ask him a

Mr. LACEY.

question?

Mr. FITZGERALD. Certainly.

Mr. LACEY. I will ask the gentleman if he does not think it hardly proper to inject a political question into this question, where a legitimate and proper relief can be had in the legisla-

tion now before the committee?

Mr. FITZGERALD. Mr. Chairman, it is not injecting a political question into this matter. The gentleman from Iowa has suggested an amendment to this bill. If the conditions be as he describes, if relief be so imperatively required, then I suggest that, disregarding whatever politics there may be, we meet on the common ground of a desire to benefit the people of the entire country and to relieve them from the exactions of an unholy and cruel trust. I know gentlemen on that side of the House will not invoke the technical rule to prevent the people from having relief from the operation of this monopoly, which has been condemned by everybody familiar with the facts.

Mr. WADSWORTH. I make the point of order against the amendment.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard upon the point of order?

Mr. WADSWORTH. It is new legislation, and not germane. The CHAIRMAN. The Chair is ready to rule.

Mr. LACEY. I concede that the point of order is good, but I trust that the gentleman in charge of the bill, recognizing that it is in the interest of agriculture, will not insist upon it.

The CHAIRMAN (Mr. OLMSTED). It seems to be clear that the proposed amendment seeks to confer upon the Secretary of Agriculture power that he does not now possess; that it changes existing law and is legislation on an appropriation bill, in violation of the rule. The Chair therefore sustains the point of order.

The Clerk read as follows:

And there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$500,000, to be immediately available and until expended, as the Secretary of Agriculture may direct, to construct permanent improvements for the proper and ecanomical administration, protection, and development of the national forests.

I make the point of order on the paragraph. Mr. MANN. Mr. TAWNEY. I reserve the point of order on the paragraph.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. MANN. I wish to make a point of order against the paragraph from line 14 to line 20. I will reserve the point of order if the gentleman desires.

Mr. SMITH of California. I hope the gentleman will reserve

it for a moment.

Mr. MANN. First, it provides that the money shall be appropriated until expended; second, I desire to reserve a point of order against the part providing that he may construct and establish permanent improvements. So far as I am concerned, if those were stricken out of the paragraph I should have no

objection to it. I reserve the point of order.

Mr. WADSWORTH. I stated a few moments ago that the Government had taken over these forest reserves. We are taking care of them, we are policing them, we are preventing trespass on them, and we have now reached the point that has been reached by all the foreign governments that have gone into forestry—a point where we can develop these forests, where we can cut the surplus timber every year and make them finally self-sustaining. That is all there is of it, and this is simply to furnish the Forester with a working capital, exactly as men need a working capital in any business, to be used in building roads, opening up trails, and all that kind of work.

Mr. TAWNEY. Will the gentleman from New York permit

question for information?

Mr. WADSWORTH. As to making the appropriation available until it is expended, he might use all of it this year or he

Mr. TAWNEY. I desire to ask the gentleman from New York if he can give the committee any information as to the relative size of the forests of European governments and the size of our present forest reserves in the United States?

Mr. WADSWORTH. I can not give exact comparisons, but the forest reserves of the United States are equal to all New England, New York, and, I think, part of Pennsylvania in area—127,000,000 acres of land. They constitute a domain.

Mr. TAWNEY. You were making a comparison a moment

ago with regard to foreign countries and the administration of their forest reserves. I want to ask the gentleman if he can give us any idea of the size of the forest reserves of foreign

countries, to which he referred a moment ago?

Mr. WADSWORTH. I have not the figures to make a comparison between the size of the forest reserves in Europe and the size of our forest reserves, but I will state that the forest reserves of the European countries which have them are more than self-sustaining. They all yield handsome revenues to the government, and I have before me here a statement by the Forester, showing his estimates of receipts and disbursements for the next ten years, which shows that in 1917 the estimated receipts will be \$6,000,000 and the estimated expenditures \$4,-900,000, leaving a net surplus of something over a million dollars to be turned into the Treasury of the United States. That arises entirely from the sale of the surplus or what you might call "matured" timber and from grazing on the forest reserves. For instance, he estimates that in 1917 the sales of timber will amount to \$4,500,000 and that the receipts from grazing will be \$1,500,000, making a total of \$6,000,000. Now I will yield to the gentleman.

Mr. MANN. Will the gentleman inform us whether this

amount of money which he has referred to as the estimated receipts in 1917 or any other time—the \$6,000,000—is authorized to be expended by the Secretary of Agriculture without any affirmative action on the part of Congress?

Mr. WADSWORTH. It is.

Mr. MANN. So that if this appropriation goes into effect, giving the Secretary of Agriculture the working appropriation which the gentleman refers to, it will be wholly beyond Congress, and the Forester will absolutely take control of the

Mr. WADSWORTH. The forests and the receipts.

Mr. MANN. And he will run the whole thing on a business basis, according to his plan, without coming to Congress for an appropriation, without asking Congress to decide whether certain improvements should be made or whether certain officials should be employed, but leaving it wholly to him to expend all of the money coming in, the receipts from the sale of forest timber, as he may be pleased.

Mr. WADSWORTH. There is no doubt about it, if this

thing is done the Government goes into the business. They propose to sell timber and to rent pasture. There is no doubt about that. But what else are you going to do with that forest? Other governments have done it and make handsome incomes out of it. It is simply a question for this House to decide whether they want that done or whether they want this vast territory held in idleness. The foresters are required to make annual reports of expenditures to the Congress, and Congress, at any time, can take this up and put upon it any curb they may deem wise

Mr. MONDELL. I want to suggest that the President in his special message to Congress suggested a loan of \$5,000,000 for the purposes for which this \$500,000 is to be used. In other words, to build rangers' cabins, to build roads, to make trails, to put up telephone lines, and to do those things that are necessary for the proper control of the reserve and for the best utilization of the reserves and their products, to protect them from fires, and to provide for the disposition of their products. They need a sum in addition to the regular appropriation, which is used for administrative purposes, for the pay of rangers and like purposes, an additional sum for the purpose of erecting these comparatively inexpensive but necessary permanent ways and structures

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WADSWORTH. Mr. Chairman, I ask unanimous con-

sent that my time may be extended.

The CHAIRMAN. The gentleman from New York asks unanimous consent that his time may be extended. Is there

There was no objection.

Mr. MONDELL. As I was saying, an additional sum is needed for the purpose of erecting these small, comparatively inexpensive, but permanent structures for the protection of the rangers in the discharge of their duties and to enable them to patrol the reserves. Personally I did not think that the Forestry Service could use economically as large a sum as was suggested in the President's message. I believe they can use properly and that they will use economically within the year the sum herein provided.

Mr. MANN. Assuming that that be true, is that any reason why the Forestry Service can not estimate to Congress what they want and the amount they want as well as the Army and Navy does, as well as every other branch of the Government

does?

Mr. MONDELL. Does the gentleman's objection relate to the fact that there is no limitation on the period within which this can be expended?

Mr. MANN. That provides for permanent improvements in a general way without any limitations.

Mr. MONDELL. If there be no special objection to limiting

Mr. WADSWORTH. None at all.

Mr. MONDELL. Then limit it to twelve months.

Mr. MANN. Here is the point: Under this bill the Forester-I don't know that he would-could commence a thousand-different permanent improvements, and every one of those improve-ments would be a work in progress for which an appropriation could be made, and we all know that these appropriations when started are easily obtained and made. Now, I think that we ought to know what the improvements are, and that there ought to be a limitation. I have no objection to giving the Forestry Service \$500,000 to complete improvements within the year, but not to commence them without any limitation.

Mr. MONDELL. I want to call the gentleman's attention to the fact that it would be impossible to complete at once many

of the improvements to be made. For instance, a trail through the forest reserve may run for 20 miles across a mountain range. It may not be entirely completed this year, and yet it is made good enough so that a pack animal may pass along it.

Mr. MANN. The trail can be completed as far as it goes. Mr. TAWNEY. Will the gentleman from Wyoming permit an interruption? Speaking of trails, there are other Departments of the Government that are authorized to make trails, that come to Congress and secure appropriations, but they come with specific estimates as to what the cost of that trail will be. There are other Departments that come to Congress that have authority under the law to put roads in the national parks and in Government reserves. They come to Congress with specific estimates of what it will cost, and they get the appropriation for it. In what respect does the Forestry Service differ from the service in any other Department that would exempt them or would justify Congress in exempting that Department from coming here with a specific estimate for appropriations to make these improvements which they say are necessary in these forest reserves?

Mr. MONDELL. Why, Mr. Chairman, this is a specific estimate.

Mr. TAWNEY. Oh, no; it is not. It is a lump-sum appropriation, to be expended in their discretion. It may be all expended on one improvement.

Mr. MONDELL. Certain classes of improvement.

Mr. MANN. There is no limitation upon the class of im-

Mr. TAWNEY. None at all. Then why can not they get that information and come here to Congress with it, that we may act intelligently as to whether or not the Department is spending more for a given object than in the judgment of Congress

should be expended?

Mr. MONDELL. With my high opinion of the intelligence of the gentleman from Minnesota, and his wide knowledge of these things, I am surprised that he suggests that it would be possible for the Forestry Service, occupying a territory of 106,000 acres, three times the size of the State of New York, to come to Congress and specifically estimate for every trail that it might desire to cut in any one of the 105 forest reserves. Why, it would be utterly impossible to make any such estimate; utterly impossible to estimate where they want rangers' cabins, where they want trails. That is a matter of development.

Mr. WADSWORTH. Further than that, I should say to the gentleman from Illinois, the trails to be built and roads to be built depend greatly upon the demand for timber, and that no man can foresee. They may want it in one reserve or in an-

other reserve or

Mr. MANN. It is not difficult; every other branch of the service does the same thing. The Forester here does not know where the trails are to be made. If he is asked to-day where a trail is to be made, he has no conception of it; he must act upon information which comes to him, and eventually it is the ranger himself, the lowest official in the service, who starts it and gradually that sifts down to the head, and when that gets here they must have information upon which to base their action, and there is no more difficulty in submitting that information to Congress with the request than there is to act upon it. Here is a case a good deal stronger than this case—where we are constructing the Panama Canal. We know exactly what we want and yet we refuse to make appropriations without estimates, and we passed a law requiring the Canal Commission to make estimates in full as far as possible, and they did not even know how they were going to build the canal.

Mr. WADSWORTH. The Forester does not know what he wants from month to month. What he wants will depend upon

the demands made upon him.

They have not found out at Panama whether Mr. MANN. they can build the canal or not.

Mr. WADSWORTH. That is another proposition. I do not care to go into that.

The time of the gentleman has expired. The CHAIRMAN. Does the gentleman from Illinois insist upon his point of order?

Mr. MANN. I insist upon the point of order. Mr. SMITH of California. Will the gentleman reserve his

point of order just for a moment?

Mr. MANN. I am willing to reserve the point of order.

Mr. SMITH of California. Mr. Chairman, the objection I have and which the West and probably the entire country would have to this line of legislation is the fact that it is predicated upon an entirely new policy which I think the country will not support, and that is that the Federal Government is going into a profit-making business. From the beginning of this Government it has been the unvarying policy to give to the people the natural resources of the country as nearly absolutely free as

And now it is boldly announced by the Departmentand I think it is included in the President's messageforests, the grazing lands, the coal mines, and everything that is left in the hands of the Government shall now be converted into a money-making scheme, with the inevitable result, of course, that the burden will fall upon that portion of the country that is to enjoy these public properties, and that is the objection I have. I have no objection to this money being given to the Bureau, and would be glad to see it done, but not with the understanding that it is the beginning of the policy outlined by the Chief Forester, who states in great detail that within so many years he is going to make so much profit out of the lumber business of the country, for, as I say, that is contrary to the doctrine of this nation from its beginning down to the present time.

We appropriate vast sums of money, running into the millions, for the improvement of rivers and harbors, but we never undertake to make any profit out of them or any return to the Treasury. We have given away all of the public lands of the United ury. We have given away all of the public mans of the States. In the time of our great distress, in 1862, it was said, "We absolutely and without price give a farm to any American if he will go and select it;" and that citizen who wants one, if he will go and select it;" and that policy has prevailed in every Department of the Government from its beginning down to the present time, and I merely

TAWNEY. Will the gentleman permit an interruption right there?

Mr. SMITH of California. Yes, sir.

Mr. TAWNEY. I want to add just a word right there, that if from 1862 down to 1896 we had pursued the policy of disposing of our public domain that we are now pursuing-namely, for the development of the West would not be as far advanced as it is at the present time.

Mr. SMITH of California. I have no doubt about that. The policy of the Government, I think, is approved by every man who has made any study whatever of our conditions

Mr. REEDER. I take it this question that is before us now is in the same line of disposing of these public lands. pose of this is to retain the waters of the West so that homes may be made on the desert lands. We gave away these lands for homes, and the same theory is being followed in this as was

always followed by giving away our public lands.

Mr. SMITH of California. The essence of this provision is the new policy announced by the President and by the Forester, that we are going to conduct the remaining national resources on a profit-paying basis. And I say I do not care to have the advantage gained for the West which is contained in this provision go upon such a theory. That is, I do not want it to raise up in after years to plague us in the West, and say that we allowed this entering wedge of legislation to go by without our objection. Of course we would be glad to have the \$500,000 expended in the West, and if it can be expended wisely, and it will be expended wisely, I want it to be done. But I want it to be an appropriation like every other one which the Government makes out of the Federal Treasury—for the benefit of the nation, and not with any view of building up a profit-paying business.

Mr. LEVER. Mr. Chairman, I desire to offer an amendment. Has the Chair ruled upon the point of order raised upon this

proposition?

The CHAIRMAN (Mr. OLMSTED in the chair). The point of order has been reserved pending the discussion. The gentle-man's amendment will be in order later. Will the gentleman from Illinois kindly state his point of order for the benefit of the Chair?

The point of order, Mr. Chairman, is that it is a Mr. MANN.

change of existing law.

The CHAIRMAN. The Chair means that he indicate the portion of the paragraph to which he makes the point.

Mr. MANN. Page 42, lines 14 to 20, inclusive-the entire

Now, I am perfectly willing to have the paragraph remain in, striking out "to be immediately available and until expended," and also "to construct permanent improvements," so as to leave the appropriation "to be used for the proper and economical administration, protection, and development of the national for-

This will give them the money, but it would not commit Congress to a new policy in reference to this subject.

Mr. WADSWORTH. I think that would be satisfactory. I

will accept it in that form.

Mr. TAWNEY. Mr. Chairman, I had reserved the point of order to the entire paragraph. If I withdraw it, it is with the distinct understanding that hereafter if it is proposed to appropriate this money in a lump sum, without the Committee on

Agriculture calling on the Department of Agriculture for some detailed estimate of this expenditure

Mr. MANN. We have an amendment to that effect.

Mr. FIZGERALD. I have an amendment to that effect.
Mr. TAWNEY. Mr. Chairman, I withdraw the point of order.
Mr. MANN. I desire to have the point of order sustained, inserting the rest of the language and leaving out what we ought to leave out.

Mr. DAVIS of Minnesota rose.

The CHAIRMAN. Does the gentleman from Minnesota [Mr.

DAVIS] desire to be heard on the point of order?

Mr. TAWNEY. Mr. Chairman, in view of the agreement between the chairman of the committee in charge of the bill and the gentleman from Illinois [Mr. MANN] I say that I withdraw the point of order as against the entire paragraph.

The CHAIRMAN. The other gentleman from Minnesota [Mr. Davis] rose, and the Chair desired to know whether he de-

sired to heard on the point of order.

Mr. DAVIS of Minnesota. I do not care to be heard upon the point of order, but I would like to ask unanimous consent for three or five minutes to explain the position of the committee, especially in regard to this matter.

Mr. MANN. I will reserve the point of order.

The CHAIRMAN. The gentleman from Illinois reserves the point of order, and the gentleman from Minnesota is recognized for five minutes.

Mr. DAVIS of Minnesota. Mr. Chairman, there has been considerable said concerning Mr. Pinchot, the present Chief Forester, and also the action of the committee in regard to this particular item. I am not prepared to say whether the new departure, as it is called, is wise or unwise. Yet I wish to say this, that Mr. Pinchot gave the committee very complete information concerning our forestry. He informed us as follows: We have nearly \$700,000,000 worth of standing timber on the reservations, which are worth from \$1,300,000,000 to \$1,400,-000,000. Now, as to what we are doing in the line of employees, he gave us this statement-

Mr. CAMPBELL of Kansas. Before the gentleman advances to employees, on the question of the timber that is available, have you information of the character of the timber that we

have?

Mr. DAVIS of Minnesota. I would say that Mr. Pinchot gave us a complete description of this—I would not say from several of these forest reserves. Bear in mind we have a hundred of these reserves, and comprising 127,000,000 acres of land. This is a vast area, and it would be impossible for Mr. Pinchot or any other man, in the brief time since he has had charge thereof, to give anything like a complete description of the various kinds of timber thereon-

Mr. CAMPBELL of Kansas. Well, the question I have in

mind is this

Mr. DAVIS of Minnesota (continuing). And, furthermore, it has only been in Mr. Pinchot's hands a little over a year, so that to get the details on every point that the gentleman asks would be almost impossible.

Mr. CAMPBELL of Kansas. I have not in mind any detail except far enough to know whether or not he stated that tim-

ber is available for milling purposes.

Mr. DAVIS of Minnesota. There are vast quantities of it. Mr. CAMPBELL of Kansas. Is there white pine in any considerable quantity?

Mr. DAVIS of Minnesota. I think there is in the northwest

portion. There is some, but not very much.

Mr. CAMPBELL of Kansas. It has been stated that the white pine of the country was practically exhausted; and that

is the reason that I have asked this question.

Mr. DAVIS of Minnesota. Now, as to the comparative size of our forest reserves, I am not prepared to state that, but Mr. Pinchot stated that we at the present time have only about

820 rangers in the summer and 600 in the winter time, while the Prussian government alone at the present time has 117,000

rangers and 15,000 supervisors in charge.

Now, I wish to say a word in regard to this. The gentleman from Minnesota [Mr. TAWNEY] and the gentleman from Illinois [Mr. Mann] seem to think that Mr. Pinchot came before us without having considered the matter at all. In my judgment that idea should not go before the country in that form. He came before us asking us for a loan of \$5,000,000, and during the discussion of that he said that by the end of 1917 he thought he could get the forest reserves upon a paying basis, and begin to pay back at the rate of half a million dollars a year.

Mr. REEDER. I would like to ask the gentleman about the size of the Prussian reserves compared with our forest reserves.

Was there any comparison made with respect to that?

Mr. DAVIS of Minnesota. It is impossible to do that, because

we did not have the information. Now, I claim this: That Mr. Pinchot stated that he would not need the \$5,000,000 at this time, but that he desired at this time \$2,000,000. was asked him what he was going to do with \$2,000,000 during the coming year. He thereupon presented to the committee a complete, specific detail of how every dollar of that amount was to be expended. For instance, he took up one of these reservations—the Santa Barbara Reservation, in southern California. He says we need telephones, rangers' cabins, fences, etc., and he specified in detail and gave the exact specification of every cabin, every yard of fence, every mile of road, and every telephone that would be built upon every one of these reservations on which he proposed to spend \$2,000,000.

Mr. SMITH of California. And in connection with that idea, he expected to make the industries in the West repay this money.

Now, that is the objection we make to the matter.

Mr. DAVIS of Minnesota. I am not arguing the question of policy. He expected to sell some timber, and to raise large sums from pasturage, and from various other sources.

In other words, it would save the money that was now going to waste, and protect those forests from the great fires, and so forth; but I simply rose here to explain that Mr. Pinchot did not come before us for a lump-sum proposition, but explained in detail how every dollar of it was to going to be expended.

Mr. TAWNEY. Will my colleague permit an interruption? Mr. DAVIS of Minnesota. I certainly will, but not for the

purpose of discussing this policy.

Mr. TAWNEY. You state that he said to the committee that they wanted to put up telephones and lodges and to build Now, did he give you an idea of what those telephone lines would cost?

Mr. DAVIS of Minnesota. I Mr. TAWNEY. How much? He did.

Mr. DAVIS of Minnesota. I can not tell you, because I have not had time to read it, but it is stated in the hearings.

Mr. TAWNEY. Did the committee take that into considera-

Mr. DAVIS of Minnesota. They did. He specified how much each cabin would cost, how much each rod of fence would cost, the character and nature of the fence, whether a two or three wire fence, the character of the country, through some of which he said a man could not travel a mile in four hours unless a trail was built. He exhibited a map of each of the forest reserves, showing exactly where the telephone lines were to be run, where each cabin was to be built, and where each trail was to be made, and where each fence was to be built. He gave specific details, showing that in his judgment \$2,000,000 during the coming year could be profitably expended. I can not say by what process the subcommittee which framed this bill, that was afterwards acquiesced in by the whole committee, cut this appropriation from \$2,000,000 down to \$500,000, but I am bound to presume and do presume that they did not desire to have him enter into this building of roads, cabins, and so forth, to quite as large an extent as he desired. fore, by this amount, if appropriated, he will only enter upon the making of improvements upon the reserves where he deems it now to be of the most importance.

The CHAIRMAN. As the Chair understands the parliamentary situation, the gentleman from Minnesota withdraws his point of order against the whole paragraph, and the gentleman from Illinois makes the point of order-

Mr. MANN. I made the point of order against the whole paragraph, Mr. Chairman. And if the point of order is sustained, I shall offer as an amendment that part of the paragraph which we agreed to a while ago.

Mr. TAWNEY. Reinstating the appropriation.

Mr. MANN. Yes. The CHAIRMAN (Mr. Olmsted). The Chair thinks the point of order well taken. The provision making the appropriation immediately available makes it in the nature of a deficiency appropriation, which should come from another committee—the Appropriation Committee. The provision that it shall be available until expended violates another provision of law that unexpended items shall be covered into the Treasury within a given period, and the construction of permanent improvements as understood by the Chair is not authorized by law, as required by the rule; therefore the Chair sustains the point

Mr. Chairman, I offer as an amendment in lieu of the paragraph stricken out, the following:

And there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$500,000, as the Secretary of Agriculture may direct, for the proper and economical administration, protection, and development of the national forests.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after line 13, page 42:
"And there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$500,000, as the Secretary of Agriculture may direct, for the proper and economical administration, protection, and development of the national forests."

The CHAIRMAN. The question is on the amendment of the

Mr. WADSWORTH. I suggest to the gentleman that he retain the words "to be immediately available." This bill does not go into effect until the 1st day of July, and a good deal of the work will probably need to be started in the early spring.

Mr. MANN. Mr. Chairman, I ask unanimous consent to insert after the word "dollars," as it now reads in line 16, the words "to be expended;" so as to read, "to be expended as the

Secretary of Agriculture may direct."

The CHAIRMAN. Without objection, the amendment of the gentleman from Illinois will be amended as he has just indicated. The Chair understands the gentleman from New York [Mr. Fitzgerald] to offer an amendment to the amendment?

Mr. FITZGERALD. Mr. Chairman, I offer an amendment to the amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert at the end of line 20 the following:
"Provided, That hereafter a detailed estimate of the services herein appropriated for shall be submitted to Congress with the other estimates for the Department of Agriculture."

The CHAIRMAN. The Chair will ask the gentleman from New York whether he intends that as an independent amendment or as an amendment to the amendment offered by the gentleman from Illinois?

Mr. FITZGERALD. As an amendment to the amendment offered by the gentleman from Illinois.

Mr. WADSWORTH. Mr. Chairman, I have no objection to

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York to the amendment offered by the gentleman from Illinois.

The question was taken; and the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from Illinois as amended by the gentleman from New York.

The question was taken; and the amendment was agreed to. Mr. LEVER. Mr. Chairman, I offer the following amendment, which I send to the desk, as a new paragraph to the bill.

The Clerk read as follows:

And the Secretary of Agriculture is hereby authorized and directed, in his discretion, to acquire by purchase, condemnation, gift, or otherwise lands in the White Mountain and Southern Appalachian regions, and to care for, protect, and improve the land so acquired as national forest reserves, subject to all laws governing such reserves, and the sum of \$3,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be available immediately and until expended as the Secretary of Agriculture may direct, to pay the purchase price for land acquired under the terms hereof.

Mr. WADSWORTH. Mr. Chairman, I make the point of

Mr. WADSWORTH. Mr. Chairman, I make the point of order that that is new legislation and is not germane.
Mr. LEVER. Mr. Chairman, I ask the gentleman to reserve

his point of order.

Mr. WADSWORTH. I reserve a point of order.

Mr. LEVER. Mr. Chairman, the amendment which I propose authorizes the Secretary of Agriculture to acquire, by purchase or otherwise, lands in the White Mountain and Southern Appalachian region, and to establish thereon a national forest reserve, which is to be administered subject to the laws governing such The sum of \$3,000,000 is appropriated for this pur-This amendment seeks to accomplish that which it has been found impossible to do in the regular way. I am offering it as a rider to the agricultural appropriation bill because the friends of the proposition have not been able to induce "the powers that be" to permit a consideration of the measure, in the regular way, upon its merits.

The necessity for legislation of this kind arises from the fact that these mountain ranges in which the majority of the rivers of twelve States have their origin are fast becoming absolutely denuded of their timber supply through the aggressive greed of the lumber interests of the country. It is the purpose of this legislation to preserve the forests, in order to conserve the water supply of the States interested in the legislation. We wish to create, as it were, a reservoir which will hold the water as it falls and give it to the streams which feed the rivers, which in turn furnish the power for the innumerable manufacturing enterprises, as nature intended that it should be given. The leaves and foliage from the forest in these mountains, falling to the ground and decaying, in the course of nature, form a sponge

which holds the water and distributes it normally and evenly throughout all seasons of the year.

When the forests become denuded, and they are rapidly becoming so, the inevitable result will be periods of water feasts and famines. The spongy top soil on these ranges will soon be washed off, and when the rains fall the streams will be unduly flooded for a short period, following which will come abnormally low water levels in the streams.

The legislation is therefore necessary to protect and promote navigation in the rivers which have their sources in these mountains, it is necessary in order to protect the water powers along these rivers and the manufacturing establishments dependent upon these water powers, it is necessary in order to protect the agricultural interests along these rivers, it is necessary from every standpoint of wise national policy, and it is of vital interest to twelve great States in this nation, nearly every one of whose rivers have their water supply in these mountains.

We have manufacturing interests amounting to \$150,000,000 which are absolutely dependent for their water power upon rivers fed by the waters of these mountains. That is the testimony which comes to the Committee on Agriculture. In the three States of Georgia, North Carolina, and South Carolina alone the capital invested along rivers having their origin in the Appalachian ranges amounts to \$40,000,000. tal turns out an annual product of \$70,000,000, and upon that capital invested in this way, dependent upon these water powers in these three States alone, 300,000 of our people are dependent for their livelihood. To protect this capital, to protect these thousands of people, is the purpose of this legislation, and can anyone dispute that it is worthy of the consideration of this

It is asserted, and satisfactorily proven, I think, that the losses from floods and freshets in these Southern States alone annually amount to \$18,000,000—six times as much as is sought to be appropriated in this amendment.

That there is a strong sentiment in behalf of this legislation is shown by the fact that twelve great States in this Union, through their legislatures, or through their governors, or through other agencies representing them, have petitioned Congress for the passage of legislation along these lines. The Secretary of Agriculture has repeatedly called attention to it in his annual reports; two Presidents of the United States have indorsed the proposition in their annual messages to this body. dent Roosevelt in numerous public utterances has strongly urged legislative action looking to the preservation of the for-ests in these mountain ranges. The Senate of the United States has passed this proposition in three different bills. Committee on Agriculture has reported it several times, and last year reported a bill involving the purpose of this amendment favorably and unanimously to this body.

Mr. Chairman, of course I recognize that this amendment is not in order, and I have offered it only for the purpose of calling the attention of the House and the country to the great importance of the propositions involved in this amendment. It is not necessary, I think, for me to discuss the merits of the proposition, because it would take too long, and my few minutes would not suffice for a proper presentation of the question.

I have risen for the purpose of asking a question of this House. In view of the fact that the Senate has passed this bill three times; in view of the fact that it has been recommended by two Presidents of the United States; in view of the fact that the great Committee on Agriculture, consisting of eighteen men representing various sections of this country and various phases of thought in this country, agree unanimously to this proposition, I want to ask this House why it is that we can not bring this bill before this body for at least a consideration of it upon its merits, as other bills are considered?

The Washington Post, in an editorial on December 31, has this to say:

[Washington Post, December 31, 1906.]

[Washington Post, December 31, 1906.]

THE IMP OF THE PERVERSE.

There must be something radically wrong when Congress, the President, the people, and the American Forestry Association unite upon the creation of two forest reserves and are still unable to have their will. The Post has received from the secretary of the association a circular setting forth these facts, and imploring the assistance of this paper toward overcoming the obstacle, whatever it is, which stands in the way of enacting the desired legislation. The circular says:

"The bill to establish national forest reserves in the southern Appalachian and White Mountains has reached a crisis. This measure is urged by all friends of the forests; it has unanimously passed the United States Senate; it has been unanimously recommended for passage by the House Committee on Agriculture; the President is strongly for it, and a majority of Members of the House are believed to favor it; yet grave doubt exists as to whether it can come to a vote. If this vital measure is to be saved, there is no time to lose."

This is the second instance which has come to our attention indicating that somewhere, somehow, there is a mysterious influence which defies, thwarts, and laughs to scorn the united will of a great people. The first instance was the case of the ship-subsidy bill. In spite of the

frantic consolidation and cohesion of the populace, the ship-subsidy bill languishes and threatens to expire. What is the hitch? If this malign paralysis can overcome the ship-subsidy and forest-reserve bills, what may happen next? Is there an obscure spirit of inertia somewhere, an imp of the perverse who delights in throttling projects designed for the benefit of the race? If so, let him or it be run to earth. Let the machinery that registers a nation's will be overhauled. There is a screw loose somewhere. It should be discovered before a crisis even more grave than the forest-reserve bill confronts the American people.

The circular of the American Forestry Association is very good so far as it goes. It calls attention to a great crisis and howls for help. But it does not go far enough. It fails to show what obstructs the course of the mighty measure which has been approved by all the people save one. Until we are made acquainted with the nature of the obstacle how can we join in the task of removing it? Let the American Forestry Association think hard and search prayerfully and see if it can not discover where the difficulty lies.

The Post goes on in its mysterious manner to inquire what

The Post goes on in its mysterious manner to inquire what this mysterious influence is, but does not answer its own question. I submit an editorial from the Baltimore News which answers the question of the Washington Post:

[The Baltimore News, January 5, 1907.]

THE FOREST-RESERVE BILL.

[The Baltimore News, January 5, 1907.]

THE POREST-REFEREN BILL.

South Carolina newspapers report a movement among leading citizens and business men in that State in favor of the passage of the Appalachian forest-reserve bill. Governor Heyward is personally assisting the movement, and Mayor Rhett, of Charleston, and other prominent men have signed petitions to Congress urging action. Maryland will dowell to join actively in this movement and unlies with her sister States in bringing every influence to bear in aid of this inestinably important ported to the House by the Committee on Agriculture. With proper-effort now it may be expected that the long agitation in favor of the establishing of this forest reserve will have a successful issue during the present session of Congress.

The pending measure provided for the purchase of an Appalachian Corth Carolina, South Carolina, Georgia, Alabama, and Tennessee, and also a national forest reserve in the White Mountains, comprised within the bounds of New Hampshire. The measure has been long under consideration, and has been indorsed by numerous commercial bodies and scientific associations. In 1909 Congress made an appropriation for advocated, Favorable consideration by Congress was recommended by President McKinley in January, 1901, and also by President Rosevelt in December, 1901. In 1904 the Senate passed a bill for the purpose, but the House took no action on it, and the House is still the sticking-point. The only way of overcoming the hostility of the private introduced to the control of the purpose, and the still and the proposed reserves are to be situated destructive lumbering operations are going on, but the case is particularly urgent as regards the White Mountains. There pulp mills are grinding up the forests at such a rate that their destruction is imminent. When the mountain slopes have been demonderation to the passage of the bill will probably be withdrawn, but the Government will then be obliged to spend many times the sum that would now suffice for t

ary 5, answers this question, and answers it fully, and puts it up to the great Speaker of the House of Representatives, exercising his authority under the rules of the House, no doubt, as the person who is responsible for the failure of this proposition to receive consideration at the hands of Congress, and I

want to tell you that if there is a mysterious influence in this body thwarting the will of the people, as expressed in the petitions of twelve legislatures, in numerous petitions from civic and commercial organizations, in the hearings before the Committee on Agriculture of the House, in the hearings before the Committee on Agriculture of the Senate, which considered this proposition—I want to say to you that if there is such a mysterious influence, that that mysterious influence resides in that little room out yonder. It is the Speaker of the House of Rep-We have gone to him, those of us interested in resentatives. this proposition, governors of great States have gone to him, a committee representing all of the States interested in this proposition have called upon him, and we have-

he CHAIRMAN. The time of the gentleman has expired. Mr. LEVER. I ask unanimous consent to proceed for five

minutes.

Mr. TAWNEY. I object.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to continue his remarks for five minutes. Is there objection?

Mr. TAWNEY. Mr. Chairman, I do not think any Mem-

Mr. LEVER. Let him object; I do not care. If the shoe pinches him, let it pinch.

Mr. WADSWORTH. I would say to the gentleman from Wisconsin that the gentleman from South Carolina has certainly used very little of the time of the committee.

Mr. TAWNEY. I do not think any Member is justified in making a personal assault upon the Speaker of this House or

questioning his policy. Mr. HAUGEN. Mr. Chairman, I would like to ask the gentle-

man a question.

Mr. LEVER. Mr. Chairman, I have but a few minutes. have not taken much time of the committee, and I do not desire to be interrupted.

The CHAIRMAN. Does the gentleman yield? Mr. LEVER. In just one minute, and then I will answer the question of the gentleman from Iowa. I want to say this to the gentleman from Minnesota, that I have no desire at all to make any personal assault upon the Speaker of this House. I have great respect for him personally, as a matter of fact, but I want the House to understand and the country to understand that the mysterious influence in this House-

Mr. HAUGEN. Mr. Chairman, I insist that members of this committee shall not be placed in a false attitude in regard to this bill. I understood the gentleman to state that all the members of this committee voted for the passage of this ap-

Mr. LEVER. No; I did not make that statement. Mr. HAUGEN. I am not in favor of appropriating millions of dollars

Mr. LEVER. You did not hear me. Mr. HAUGEN. For the benefit of a few speculators.

Mr. LEVER. I made this statement, and I call upon the chairman of the committee to bear me out in it, that this bill was reported to this House by a unanimous vote of the Committee on Agriculture. I call upon him to substantiate

Mr. WADSWORTH. There was no vote against it in the committee.

Mr. LEVER. That is all. I want to say to the gentleman from Iowa who has just interrupted me that I have no desire to put him in a false attitude, not at all. I know you are going to vote against it. You vote against four-fifths of the good propositions which come before this House. [Applause.] I desire to say, in answer to the gentleman from Minnesota, the chairman of the great Committee on Appropriations, that he misunderstands my motive; I am not inveighing against the Speaker of the House personally.

Mr. TAWNEY. If the gentleman will permit me, I want to say I was not questioning his motive; I was objecting to his

Mr. LEVER. I want to say to the gentleman I was inveighing against the rules of this House, which puts it in the power of one man to thwart the will of this body and to thwart the will of the people of this country. [Applause on the Democratic side.] And I think if the true sentiment of that side of the House were known that there are a great many of you over there who thoroughly agree with the gentleman from South Carolina. [Applause on the Democratic side.]

Now, Mr. Chairman, it is not my intention to stir up a hornet's nest here. I am content with laying the failure of this legislation to get before this House where it belongs. nothing for this Appalachian forest proposition and White Mountain proposition except a consideration of them upon their favor of the Appalachian forest reserve and White Mountain

merits by this House. I believe that we have at least two-thirds of the Members of the House in favor of the proposition, and it does seem to me that when you can demonstrate a fact of that kind there ought to be some way by which this House might be able to register its will in a manner that is effective. That is all we ask

Mr. MANN. There is a very simple way, if the gentleman

will follow the rules.

Mr. LEVER. A very simple way for the fellows who have got the power, I will say to the gentleman from Illinois, but it is a rough and rocky road for us poor devils on this side of the [Applause on the Democratic side.]

Mr. MANN. Perhaps the gentleman had better increase the ·

Members on that side of the House.

Mr. LEVER. I think we shall do that the next time.

As long as he remains in the minority he ought Mr. MANN. not to lecture the House as to how the House proceeds.

Mr. LEVER. I want to say to the gentleman from Illinois [Mr. Mann], who is a good friend of mine and who has done me many personal favors, that the gentleman from South Carolina is not attempting to lecture the House, but the gentleman from South Carolina reserves his right to be heard upon a proposition in this House, and so long as I stay here I shall reserve to myself that right. [Applause on the Democratic side.]

Mr. MANN. Nobody questions the gentleman's right to be

heard.

Mr. LEVER. Now, Mr. Chairman, as I was saying when I was interrupted, all the friends of this proposition ask is that it be considered upon its merits in this House. Is that too much to ask? We are not begging for this appropriation, none of us are doing that, but we are begging, some of us-ought I to say that?-begging the majority of this House to so change these rules or to so prevail upon that mysterious power as to let us get this simple proposition before the House, where its merits and demerits may be discussed, where it can be examined in an orderly way, and where it can be decided upon by the Mem-That is all there is to it. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Mr. WADSWORTH. Mr. Chairman, I insist upon my point

of order. The matter is not germane.

The CHAIRMAN. The Chair sustains the point of order. Mr. LEVER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. THOMAS of North Carolina. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from North Carolina [Mr. Thomas] offers an amendment, which the Clerk will report.

The Clerk read as follows:

The Clerk read as follows:

That the Secretary of Agriculture be, and he is hereby, authorized and directed to cause a survey to be made of the lands suited to national forest-reserve purposes in the Appalachian Mountains within the States of Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Alabama, and Tennessee, and in the White Mountains in the State of New Hampshire, to be known as the Appalachian Forest Reserve and the White Mountain Forest Reserve, respectively, with a view of determining, first, the number of acres of said lands suited to national forest-reserve purposes; second, the number of acres owned by the national and State governments and by private individuals or corporations; third, the number of acres of said lands covered by timber and cleared; fourth, the number of acres of said lands subject to the mineral land laws of the United States.

Sec. 2. That said survey may be made by the Secretary of Agriculture, with the aid and assistance of the Geological Survey and Bureau of Forestry, or in such other manner as he may determine.

Sec. 3. That for the purpose of carrying out the provisions of this act the sum of \$50,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

Mr. WADSWORTH (before the reading of the amendment

Mr. WADSWORTH (before the reading of the amendment was concluded). Mr. Chairman, I make the point of order against that. Sufficient has developed to show that it is subject to a point of order.

Mr. THOMAS of North Carolina. Mr. Chairman, I ask the gentleman to reserve his point of order and let me have five

Mr. WADSWORTH. I will say that we have taken a very long time in the discussion of this bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. THOMAS of North Carolina. Mr. Chairman, I move to strike out the last word. Now, Mr. Chairman, I have no desire to detain the committee beyond the five minutes' time which I will have under the rules, but I feel it is my duty to the State of North Carolina, which I in part represent, to add my support reserve appropriation. In addition to the various resolutions which have been passed, Mr. Chairman, by the legislatures of the various States, mentioned by the gentleman from South Carolina [Mr. Lever], and the various petitions which have come up to the House of Representatives and the numerous newspaper articles in favor of this appropriation, Representatives in Congress from the States of Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Alabama, Tennessee, and Kentucky, all of whom are interested in the Southern Appalachian forest reserve, met in the Capitol recently and adopted resolutions indorsing the passage of the bill establishing this and the White Mountain reserve, which has been unanimously reported by the Committee on Agriculture of this House. Those resolutions were presented to the Speaker of the House. There is not the slightest disposition on the part of any Member interested in the Southern Appalachian forest reserve, I am sure, in any way improperly or unjustly to criticise the Speaker. I have no such disposition myself, and I have great respect for the Speaker; but I feel it my duty as a southern Representative in every way in my power to urge the passage of this bill, which has behind it not only the unanimous report of the Committee on Agriculture, but the sentiment of the people of those States vitally interested in these forest reserves.

Now, my amendment proposes, in the event that the House of Representatives does not see fit to pass this bill, which has been unanimously reported from the Committee on Agriculture and passed the Senate, that at least we should have a survey of these forest reserves in order to get the facts with reference to the area and the extent of these proposed forest reserves as a basis for further action. One of the objections which has been urged, Mr. Chairman, to the immediate passage of the bill establishing the Appalachian and White Mountain forest reserves, either as a separate bill or as an amendment to the agricultural appropriation bill, as proposed by the gentleman from South Carolina [Mr. Lever], is that the area of land is indefinite and as yet unsurveyed. Now, my amendment proposes that the sum of \$50,000, or so much thereof as may be necessary, be appropriated, to be expended by the Secretary of Agriculture, who is to have the assistance of the Geological Survey and the Bureau of Forestry, for the purpose of mapping out these forest reserves and determining the acreage suited to national forest-reserve purposes, just what cleared lands the proposed reserves contain, what timber lands they contain, what mineral lands, if any, are included, how many acres are owned by corporations and individuals, and then report to Congress. If we can not pass the main proposition this Congress, we who are interested in the Southern Appalachian Reserve and White Mountain Reserve—I should say the the Southern Appalachian Forest Reserve, for I offer my amendment without conference with the Representatives from New England-ask that at least a preliminary survey be made.

I urge that the appropriation be made and that the bill reported from the Committee on Agriculture be passed. But if that can not be done in this Congress, then, at least, we should have a preliminary survey of the proposed forest reserves in which twelve States are interested. The legislature of my own State passed resolutions recently favoring the Appalachian Reserve, and our governor, Hon. R. B. Glenn, in person presented the resolutions to the Speaker.

The advantage and necessity, Mr. Chairman, of the creation of these forest reserves, to my mind, is very clear. I do not think any question of State rights is involved at all. I do not think any question of the Government going into the lumber business is involved. First, the creation of these reserves is a wise public policy. With the increase of the population in this country has come the increase in the consumption of timber, and it has become imperatively necessary that deforestation should be stopped, and there should be timber reserves for the use of the people of the country. The committee say it is in the public interest that these reserves should be held as permanent sources of timber supply. Second, I think the acquisition of these lands by the Government is good business policy, because the timber which would be reserved for the use of the people of the country is increasing in value all the time. western forest reserves, under act of March 3, 1891, are proving profitable to the Government. Third, the creation of these reserves is a necessary policy now or later. The loss of the forest is followed by that of the soil and constantly re-curring floods. The headwaters of many important rivers rise in the Appalachian and White Mountain ranges. The rainfall of both the Appalachian and the White Mountain region is The rainfall heavy, and with the destruction of the forests great torrents of water sweep down from the mountains, which denude the land and convert fertile soil into barren rocks, and therefore it is to the interests of agriculture that deforestation should

cease, and that these destructive torrents should be stopped, which have destroyed in the South \$18,000,000 worth of prop-

Mr. FITZGERALD. Why does not the gentleman state why, if reservations for forest-reserve purposes are needed in the State, that they are not reserved by the State?

Mr. THOMAS of North Carolina. It is not right to expect the State within which these areas lie to reserve them for the benefit of other States. It is impossible, I would state to the gentleman from New York, for States which suffer from conditions arising outside of their own territory to remedy them by their own action. There has been set aside in the West for the same purpose vast areas of forest reserves.

Mr. FITZGERALD. Out of the public domain.

Mr. THOMAS of North Carolina. Out of the public domain, to benefit primarily the people of the West. The interests of the West and the East are too broad to be regarded as sectional, and the benefits proposed here will be national in their character and the expense should be borne by the Government. There are some forests which might be maintained as State reserves—the Adirondacks, for example—but this is wholly within New York.

Mr. JOHNSON. Permit me to suggest to the gentleman that in one day there was from three to five million dollars' worth of property destroyed in my Congressional district by reason of a flood. It came from a region in North Carolina. The State of South Carolina had no jurisdiction over that territory, and we can not protect ourselves by State legislation,

Mr. THOMAS of North Carolina. Yes; that is true. I gave the figures a moment ago that the whole damage in one year caused by floods in the South fed from the Southern Appalachian region was \$18,000,000.

Fourth. The creation of these reserves is important for manu-

The recent rapid manufacturing development, particularly of cotton manufacturing in North Carolina, South Carolina, and Georgia, has been largely due to available water power.

In these three States alone cotton mills operated by water power are now established which have an annual production valued at \$60,000,000.

If deforestation continues it means a loss of water power and great loss to the manufacturing interests of the South and New England

Finally, the Southern Appalachians and White Mountains are the recreation grounds for the whole nation. The balsamic air and picturesque and grand scenery of these regions are unsurpassed in the world. They are great natural blessings which should be guarded and handed down to future generations. [Applause,]

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Kahn having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed without amendment joint resolutions of the following titles:

H. J. Res. 231. Joint resolution authorizing the Secretary of War to sell certain hay, straw, and grain at Fort Assinnibolne;

H. J. Res. 230. Joint resolution continuing the Postal Commission until the close of the present session of Congress.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

BUREAU OF CHEMISTRY.

Salaries, Bureau of Chemistry: One chemist, who shall be chief of Bureau, \$4,500; one chief clerk, \$1,600; one clerk, class 4, \$1,800; two clerks, class 3, \$3,200; four clerks, class 2, \$5,600; one property clerk, \$1,600; seven clerks, class 1, \$8,400; five clerks, at \$1,000 each, \$5,000; one library clerk, \$900; one assistant property custodian, \$900; six clerks, at \$900 each, \$5,400; one engineer, \$1,200; two messengers, at \$440 each, \$1,680; three skilled laborers, at \$720 each, \$2,160; one skilled laborer, at \$720 each, \$2,160; one skilled laborer, three messengers or laborers, at \$480 each, \$1,440; two messengers or laborers, at \$420 each, \$840; in all, \$47,420.

Mr. MONDELL. I move to strike out the last word.

Mr. MACON. I make the point of order on line 25 and pages 42 and 43. There is an increase of salary there of \$1,000.

Mr. WADSWORTH. I admit the point of order is good. point of order strikes out the salary of the Chief of the Bureau of Chemistry, and now I move to insert these words:

One chemist, who shall be Chief of Bureau, \$3,500.

The CHAIRMAN. The Chair sustains the point of order. The Clerk read as follows:

Amend by inserting the words: "One chemist, who shall be Chief of Bureau, \$3,500."

Mr. MANN. Mr. Chairman, I very much regret that the gentleman from Arkansas thought it his duty to make the point of Of course this salary relates to Doctor Wiley, Chief of the Bureau of Chemistry, who under this bill receives an appropriation practically of half a million of dollars for the enforcement of the pure-food law, having already received an appropriation of \$250,000 in the beginning of the year. He has very onerous duties connected with that office, justifying an increase of his salary of \$1,000 or even more. Of course if the point of order is made, it is undoubtedly good.

Mr. MACON. Mr. Chairman, in response to what the gentleman from Illinois has said out of order, I will say, with the indulgence of the House, out of order, that I apprehend that this gentleman, whose salary is proposed to be increased, should be

given the same assistance, by the way, that all these other employees who help him out in his work will be given.

Mr. MANN. That is undoubtedly true; but I think this is very largely his work.

Mr. MACON. Again, sir, I am opposed to this manner of raising salaries.

Mr. MANN. I do not criticise that by any means.

Mr. MACON. I see with every appropriation bill there comes these increases by degrees in the salaries of the various employees of this Government. There is no telling to what extent it will be carried, and I for one will never give my consent to it as long as I am able to rise in my place and object.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from New York.

The question was taken; and the amendment was agreed to. Mr. MONDELL. I move to strike out the last word. Mr. Chairman, before we entirely leave the subject of forest reserves I desire to submit a very few further remarks. It is a very important subject to the western country. We have now in forest reserves an area of over three times the size of the great State of New York. We have of land reserved, with a view of establishing further reserves, an area nearly as large as the State of Indiana. Several gentlemen have called attention to the large number of people employed in the Prussian forest reserves. They have not been able to give the comparative areas. I would call attention to the fact that our forest reserves and reserved forest land cover an area larger than the

entire German Empire.

Now, Mr. Chairman, I am not opposed to the policy of national forest reserves. I believe that, taking into consideration the arid condition of our western country, forest reserves are in the nature of a necessary evil. No one can deny that the forest-reserve policy is a policy of paternalism and centraliza-tion, and a policy which should not be extended in this nation further than is absolutely necessary. In carrying out this policy, I care not how intelligent, how careful, or how patriotic the men may be who are charged with these responsible duties, there must be and there will be the hardship and irritation incident to paternalism. We can not get away from certain tendencies under bureaucracy toward vexatious and oppressive practices, but we of the West object to having the reserves used as a means for largely increasing the cost of the products of the reserves to the people of that region. They should not have been and were not established for the purpose of swelling the surplus in the National Treasury. They should be admin-istered for the general good of the country. The people of that istered for the general good of the country. The people of that region should have the right, under fair and reasonable regulations, and on fair and reasonable terms, to use whatever prodnots the reserves contain.

From the time of the landings at Jamestown and Plymouth Rock down to the present day American citizens have had the right to use the products of the national domain, or did have up to the time of the establishment of these reserves, without In the development of every new region in let or hindrance. the country the pioneer has drawn upon the national forests, upon the grasses of the public lands, without expense, to aid them in the development of their regions, and under this system we have grown and prospered mightily as a people. years ago we inaugurated a new policy in regard to the forests of the West, and I have no quarrel with that policy if carried out in the spirit in which I assume it was conceived, for the benefit, not the oppression, of the people, and with due regard to the interests and needs and rights of the people of the region in which the reserves are situated. The products should be sold at a fair price, and further efforts should be made in the administration of the reserves to make the products of those reserves as easily obtainable by the people of the country as possible, instead of making it difficult for them to utilize those products by vexatious rules and regulations. Mr. Chairman, not only do we pay as high as \$5 a thousand stumpage for dead and live hemlock and jack pine in my State, where the most ex- our national wealth.

acting private individual would consider himself fortunate indeed to obtain one or two dollars' stumpage on his timber, but in addition the Forestry Service enforces a policy as to cutting, piling, and burning brush and chips and pine needles that raises the cost of lumber from one to two and a half dollars a thousand. Day after day and month after month these requirements are more stringent, more difficult to comply with, until on one reserve in my State the operator paying \$5 a thousand for the timber must cut every top and lop into sticks not to exceed 4 to 6 feet in length; must pile them at a given angle, at certain fixed intervals, to suit the æsthetic taste of the forest officer.

A logging crew in Maine or Minnesota or Wisconsin go forth armed with saws and axes and cant hooks and such implements of industry. In my country, under the new regime, they go forth armed with garden rakes and pitchforks, for the purpose of cleaning up chips and pine needles and leaving the rugged mountain forest, hundreds of miles from railroads and the nearest habitation, as clean, tidy, and well kept as the lawns of the Capitol. It is all very lovely were it not a ridiculous and sinful waste of energy and money. This, I say, is the inevitable tendency of paternalism, of bureaucracy. Each and every inspector who goes to that particular cutting on his way to the national park to view the geysers finds it necessary to demand of the operator something not required by his predecessor, in order that he may, for sooth, earn his salary and retain his position in the Service. Now, Mr. Chairman, I do not intend a general and wholesale criticism of the Forest Service. the highest regard and respect for the gentleman at the head of that Service and believe the force generally is faithful and efficient. I believe that in the main they are administering these reserves in a fair and reasonable way, but what I have said illustrates the tendency of this sort of thing, the inevitable effect of bureaucratic government, and it will require all the good judgment of the gentlemen responsible for the Forest Service to correct the faults and abuses which have already resulted from the efforts of ambitious men to advance themselves in the Service and make a reputation by using their authority to oppress by ridiculous and unfair regulation and by wringing from the necessities of the people the last penny possible and to prevent the development of this tendency in the future. And still we see on the other side of the Chamber gallant gentlemen, claiming to uphold the principles of Jeffersonian Democracy, jealous of the rights of their States and localities, demanding that the National Government shall go further in this career of centralization, of paternalism, and socialism, and bureaucracy, and buy from speculative owners in their mountains some worthless lands in order to establish Federal control, where the authority of the State, according to their doctrine, should be supreme. [Applause.]

Mr. Chairman, I move to strike out the last Mr. REEDER. two words. I desire to say a word in regard to the forest-reserve matter. There are two classes of people who are not properly informed as to the objects and results of these forest reserves. Eastern Members do not realize the devastation being wrought in western forests. Western Members do not seem to realize the purpose of these reserves. These forest reserves are not intended to make users pay higher prices for the products of forests. They are intended to preserve the products of the forests, and thus lower prices of their products This is the purpose and will be the effect. In southto users. ern Arizona within a few years ranges for cattle were nearly useless by reason of overpasturage of the range—there was absolutely no grass. Men had to go out of the cattle business because there was no pasture. If those ranges could have been preserved and a reasonable amount of pasturing done, those people would have a great deal more pasture than they have under the present system or under the system that I hope has just passed out of existence. Here we have forest reserves. If we permit this destruction of the forests to continue, which has been going on since we passed the national irrigation law, June 2, 1902, the time will come when a man will pay \$20 for stumpage for any timber he may wish to use, instead of \$5. If we proceed with the policy now being adopted as to our forests, that the gentleman from Wyoming complains of, it will cost something to start with, but the time is not far distant when these same people will be getting all of their timber material a good deal cheaper than they would under the process of permitting everybody to go in and destroy what they choose, and permit all the brush and the choppings and everything to remain so that fires might spread through and destroy the forests.

Hence I say there is a misapprehension upon the part of these people as to what the purpose of forest preservation is and what the result will be. The purpose is that we may conserve We have been ruthlessly destroying it for

the past six or seven years, so much so that a man with reasonable foresight will see the time will soon come when we will have no marketable timber left. Thus it is clear that this policy is for the best interests of the West. At Boise, Idaho, last fall, at the National Irrigation Congress, I stated that the purpose of the forest reserves is to conserve all of the products of value in the forests of the West; that the man who wishes the timber can cut it to the very best advantage for himself, having in view the future, and the man who wishes to pasture the forest reserves will be compelled to pasture it in such a way as not to waste or destroy, so he who desires to get any of the benefits from our public wealth, as represented in these forests in the way of water, in the way of timber, and in the way of pasture can get all that can be had without destroying that which might be more useful in future. Hence I insist that the people from further east ought to look at this matter in this light, and that what is being done in this line is not only to the advantage of those people who are living there, but of vast adadvantage of those people who are fiving there, but of vast advantage to the citizens who are to come after us. These western settlers are entitled to all those products, but they are not entitled to destroy them this year so that the man who comes later can have nothing from them.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Laboratory, Department of Agriculture: General expenses, Bureau of Chemistry: Chomical apparatus, chemicals, laboratory fixtures and supplies, vality to engine and apparatus, gas and electric current, purchase of all necessary office fixtures, supplies, and necessary expenses in conducting investigations in this Bureau, including actual and necessary traveling and other expenses, telegraph and telephone services, for express and freight charges, labor and expert work in such investigations, in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; to continue the collaboration with other bureaus and discuss of the continue of the Government whose heads request the Secretary of Agriculture for such assistance, and for other miscellaneous work; for the employment of additional assistants and chemists, when necessary, and for the rent of buildings occupied by the Bureau of Chemistry; to investigate the composition, adulteration, and false labeling or false branding of foods, drugs, beverages, condiments, and ingredients of such articles, when deemed by the Secretary of Agriculture daylesble, and also Secretary of Agriculture of the composition, adulteration, and false labeling or false for the relative for the composition of the composition

Mr. BARTLETT. Mr. Chairman, I raise the point of order against the words on page 45, line 18, "and to establish standards therefor." I raise the point of order that there is no law to authorize the Secretary of Agriculture to establish a standard.

Mr. CRUMPACKER. Mr. Chairman, I desire also to make some points of order.

The CHAIRMAN. The gentleman from Georgia will have an opportunity to discuss his points of order later. The Chair will entertain his point of order.

Mr. BARTLETT. Does the Chair not desire to hear from me on the point of order that I raised?

The CHAIRMAN. Not at present.

Mr. CRUMPACKER. Mr. Chairman, I desire to make a point

of order against that portion of the paragraph beginning with the word "proof," in line 18, page 44, and including all the balance of that page and down to and including the word "branding," in line 4, page 45; also, another point of order to that part of the paragraph beginning after the word "countries," in line 14, page 45, down to and including the word "therefore," in line 19, page 45. The last clause also embraces the language objected to or against which a point of order was made by the gentleman from Georgia [Mr. BARTLETT]. Mr. Chairman, I think there is no doubt that both of these provisions are subject to a point of order.

The CHAIRMAN. Does the chairman of the committee desire

to be heard?

Mr. WADSWORTH. Mr. Chairman, I am very fast reaching that point where all points of order look alike to me. [Laughter.] Both of these points of order made by the gentleman from Indiana are to language referring to matter that was in the bill last year. That is all I can say about it. If that does not make it law, then they are subject to a point of order.

Mr. MANN. Mr. Chairman, I suggest that the pure-food law

covers all of this question.

Mr. CRUMPACKER. Except, Mr. Chairman, that it does not. I have the pure-food law before me, and I am basing my points of order largely upon that law.

Mr. MANN. Perhaps the gentleman has not examined the

pure-food law very carefully.

Mr. CRUMPACKER. Mr. Chairman, the first provision to which the point of order is made provides an appropriation to enable, among other things, the Secretary of Agriculture to investigate the character of preservatives, coloring matter, and other substances added to food, to determine their relation to digestion and to health and establish the principles which should guide their use, and to publish the results of such investigation when thought advisable, provided that before any adverse publication is made notice shall be given to the owner or manufacturer of the articles in question, who shall have the right to be heard and to introduce testimony before the Secretary of Agriculture or his representative, either in person or by agent, concerning the suitability of such articles for food, as to false labeling of branding, and to publish the result of such investigation.

Mr. Chairman, that is clearly new legislation. It is true that provision was incorporated in the agricultural appropriation bill

that was enacted at the last session of this Congres

Mr. WADSWORTH. And the year before that, too.
Mr. CRUMPACKER. And probably the year before that, too,
it it is coupled with an appropriation. The appropriation is but it is coupled with an appropriation. The appropriation is to enable the Secretary of Agriculture to do certain enumerated things, so there is no room for doubt that it was for the fiscal year only for which the appropriation was made. There is no general legislation authorizing this kind of an investigation, nor the publications provided in this bill, nor the uses for which the investigations shall be made. The pure-food law, on the the investigations shall be made. The pure-lood law, on the other hand, defines expressly what foods and drugs shall be considered adulterated, defines expressly what articles shall be considered misbranded, and the fourth section of that law provides for investigations not exactly of this character, but provides for investigations and publication of results. the section:

That the examination of specimens of foods and drugs shall be made in the Bureau of Chemistry of the Department of Agriculture under the direction and supervision of such Bureau, for the purpose of determining from such examination whether such articles are adulterated or misbranded within the meaning of this act; and if it shall appear from such examination that any such specimen is adulterated or misbranded within the meaning of this act the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it shall appear that any of the provisions of this act shall have been violated by such party then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the result of the analysis or examination of such article, duly authenticated by the analyst making such examination under oath of such officer. After judgment of the court notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

That is a radically different provisions from the provision un-

That is a radically different provisions from the provision under consideration. It authorizes an investigation for the purpose of determining whether the product is adulterated or misbranded within the meaning of the pure-food law, and if the Secretary of Agriculture should conclude that to be the case, notice shall be given to the party from whom the sample was obtained, and he shall be entitled to a hearing, and then the Secretary of Agriculture must certify the result of his investigation to the Department of Justice, and notice of the result shall not be published until after judgment of the court. The provision in this bill authorizes the chief chemist to make the investigation, not for the purpose of determining whether the article is adulterated or misbranded within the meaning of the pure-food law, but for the purpose of determining whether it is adulterated for one purpose and another, whether the product is suitable for food or medicine. The notice provided in the pategraph under consideration may be given after an investigation before the Secretary of Agriculture or some agent of his, and it is a dangerous power to put in the hands of a Department officer, I insist, Mr. Chairman. It is a provision that the Congress declined to incorporate in the pure-food law when the question of pure foods and their investigation was up and thoroughly and exhaustively considered. Provisions of that character were proposed and rejected. I have no doubt that it is subject to the point of order.

Mr. McCALL. May I ask the gentleman a question? The CHAIRMAN. Does the gentleman yield? Mr. CRUMPACKER. I yield to the gentleman from Massa-

Mr. McCALL. As I understand, the effect of this provision is to lodge the review in the Secretary of Agriculture, who made the original examination?

Mr. CRUMPACKER. Yes.

Mr. McCALL. And that the pure-food law contemplated a judicial review in court?

Mr. CRUMPACKER. The pure-food law provides expressly for a review in court before any publication shall be made.

Mr. McCALL. And the object, then, of this act is to allow the Secretary of Agriculture, or possibly his agent, Doctor Wiley, to sit in a review upon his own decision and oust the court of the jurisdiction conferred upon it by the pure-food law.

Mr. CRUMPACKER. That is doubtless the purpose of it,

and it in effect repeals, during the next fiscal year, the pure-food law to that extent. Now, Mr. Chairman, in relation to the next question of order respecting the paragraph:

To enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to ascertain the purity of food products and determine what are regarded as adulterations therein, and to establish standards therefor.

That provision is not contained in any law. It was substantially incorporated in the pure-food law as it passed the House, as I remember, during the last session of Congress. It went to the Senate, and then in conference, after full and careful investigation, the whole provision was eliminated from that bill. There is no authority that authorizes the Secretary of Agriculture in collaboration with the Association of Official Agricultural Chemists or other experts to ascertain the purity of food products and determine what are regarded as adulterations therein, and to establish standards therefor. That provision, as far as I know, is not contained in any general statute, and it was not even in the agricultural appropriation bill of last year.

Mr. WADSWORTH. Yes, it was. Mr. CRUMPACKER. I will qualify my statement by saying it was not in the agricultural appropriation bill last year as it is incorporated in this appropriation bill.

Mr. WADSWORTH. All except the last few words "and to establish standards therefor."

Mr. CRUMPACKER. The clause "and to establish standards therefor" was not even in the agricultural appropriation bill of last year, and the whole clause—the whole appropriation—is so interconnected that if any part is subject to the point of order it must all go out. I think there can be no question that both of these provisions are subject to the point of order, and the one I am discussing now embraces the language to which the gentleman from Georgia made his point of order a moment ago.

The CHAIRMAN. The Chair will hear the gentleman from

Mr. BARTLETT. Mr. Chairman, I agree with the gentleman from Indiana, and think that the portions of the bill to which he has called attention are subject to the point of order. I did not make it myself, because I was content to allow these provisions to go, except the one to which I have called the attention of the Chair and as to which I raise the point of order, and that is that portion which permits the Secretary of Agriculture "to establish standards of food." I do not think that anyone, the chairman of the committee or any member of the

committee having in charge this bill, will dispute the fact that this provision is clearly subject to the point of order. recall that during the consideration prior to its passage of what is alleged to be the "pure-food bill" at the last session the effort was made to enact into law a provision giving the right to the Secretary of Agriculture, in connection with certain other gentlemen known as "the Association of Official Agricultural Chemists," to establish standards of food, and as the bill passed the House it contained such a provision, but the Senate struck it out, and the bill as agreed to in conference did not contain such a provision. I do not desire to discuss the point of order simply for the purpose of being heard. I am satisfied that if the Chair will recall the fact with reference to the law on the subject of authorizing the Secretary of Agriculture to establish standards that he will have no hesitancy in sustaining the point of order. I am satisfied that the gentleman from New York who is in charge of this bill will readily agree that this part of it is subject to the point of order, so clearly so that the Chair ought not to have any doubt about it.

I started to repeat the history of the legislation in reference to the pure-food bill, when I was interrupted, and to state that the bill passed by the House as a substitute for the Senate bill did have a provision in which it permitted and required the Secretary of Agriculture, in connection with the Association of Official Chemists, to establish food standards; but when that bill went back to the Senate the Senate refused to agree to that part as an amendment to its bill, and the bill went to conference on a disagreement between the two Houses, and the conferees, in the report they made, struck out all the provision in the bill as it passed the House permitting or requiring or au-thorizing the Secretary of Agriculture to establish standards for food products. So that we have no law upon the statute books authorizing this appropriation, and no one, I apprehend, is more familiar with that than the gentleman from Illinois [Mr. Mann]. We have no law, as I understand it, authorizing the Secretary of Agriculture to establish standards, and therefore an appropriation therefor is not authorized; nor can we enact such new legislation on this appropriation bill under the rules of the House. In my judgment this provision is clearly subject to the point of order I have made.

Mr. MANN. As to the point of order on the first paragraph, made by the gentleman from Indiana [Mr. CRUMPACKER], it seems to me that he is in error. The provision in the bill is to enable the Secretary of Agriculture "to investigate the character of food preservatives, coloring matter, and other substances added to food, to determine their relation to digestion and to health." Now, the pure-food law provides that a food is adulterated if it contains any added poisonous or other added deleterious ingredient which renders such article injurious to health, and puts upon the Secretary of Agriculture the duty of determining in the first instance whether that provision of the

law is violated.

The CHAIRMAN. Will the gentleman point out to the Chair where that is to be found?

Mr. MANN. I read it from the bill in the first instance. read it from the pure-food law, section 7, fifth under the head of "Adulteration of foods." That clearly contemplates that the Secretary of Agriculture shall determine whether a pre-servative, coloring matter, or other substances added to food is poisonous or deleterious to health, and, if he shall determine that, it is certainly in order for Congress to provide the means by which he shall determine it. I do not regard that the matter is of very great importance, because I understand this bill carries an appropriation for the enforcement of the pure-Will the gentleman from New York [Mr. Wadsfood law. WORTH], the chairman of the committee, inform us whether this item carries an appropriation of \$500,000 for that purpose?

Mr. TAWNEY. Five hundred and four thousand dollars. Mr. MANN. Does this item include the sum of \$500,000 for

the enforcement of the pure-food law?
Mr. WADSWORTH. It does.

Mr. MANN. The sum that is appropriated here?

Mr. WADSWORTH. Yes. Mr. MANN. While, Mr. Chairman, it is clear to me that the first item objected to by the gentleman from Indiana is clearly covered by the pure-food law, the second item probably is not.

The CHAIRMAN. The Chair would like to ask the opinion of the gentleman from Illinois [Mr. Mann] as to these words, beginning in line 21, page 44, "to establish the principles which should guide their use, and to publish the result of such investigations when thought advisable," down to the proviso?

Mr. MANN. "To establish the principles which guide their use" is a question which depends on the matter being deleterious to health. It may be that the matter is deleterious to health

if used in large quantities. It may be that an added substance would not be deleterious to health if used in small quantities, and the Secretary of Agriculture is called upon to determine that under the pure-food law. As to that part of it which reads, "to publish the results of such investigations when thought advisable," I understand that the Secretary of Agriculture has the authority now, under the printing act, to publish the results of investigations made by his Department, in limited numbers. This merely provides a sum of money with which to do it. The authority to print is already conferred on the Department of Agriculture.

The CHAIRMAN. Then as to the proviso. Will the gentleman give the Chair his opinion as to that? Is there anything

new there?

Mr. MANN. That is covered practically by the pure-food law in almost the same language. As to the second provision, where they propose to establish standards, I think there is no doubt

that is subject to the point of order.

Mr. CRUMPACKER. Mr. Chairman, in relation to the first provision, it clearly contains new legislation. It authorizes things which the law does not now authorize. "To establish provision, it clearly contains new legislation. It authorizes things which the law does not now authorize. "To establish the principles which should guide their use" means to guide what use? The use of food. Then "and to publish the results of such investigations when thought advisable" provides a totally different scheme of publication from that contained in the pure-food bill. That bill provides that publications shall not be made until after the judgment of the court, and I think it is so clear that no more time need be occupied in its discussion. it is so clear that no more time need be occupied in its discussion.

Mr. MANN. I beg the gentleman's pardon. There is nothing

in the pure-food bill prohibiting the publication prior to the judgment of the court. The pure-food bill provides that the judgment of the court shall be published.

Mr. CRUMPACKER. It provides that the conclusion of the Bureau of Chemistry shall be published after judgment of the court. Not the judgment of the court is to be published, but the conclusion of the Bureau of Chemistry; and this provision authorizes the publication of the conclusion of the Bureau of Chemistry istry after the Department of Agriculture has decided the question on a kind of ex parte hearing, the kind of hearing that is had by Department officers.

It is so clear I do not feel justified in arguing the matter

The CHAIRMAN. The Chair is unable to find anything in the pure-food law that goes to the extent of the ground covered by this proviso. The proviso is very broad:

That before any adverse publication is made notice shall be given to the owner or manufacturer of the article in question, who shall have the right to be heard and to introduce testimony before the Secretary of Agriculture or his representative, either in person or by agent, concerning the suitability of such articles for food, or as to false labeling

It will be necessary that these words should appear verbatim in order that the point of order would not lie that it was new legislation. The only language that the Chair can find in the pure-food law is-

If it shall appear from any such examination that any such specimen is adulterated or misbranded within the meaning of this act, the Secretary of Agriculture shall cause notice to be given to the party from whom said sample was obtained, and that the party so notified shall be given an opportunity to be heard under such rules and regulations as may be prescribed, etc., and if it appear that the provisions of this act have been violated by such party, then the Secretary of Agriculture shall at once certify the fact to the proper United States district attorney etc. torney, etc.

That is a very different provision from this. Mr. MANN. That is the provision which I had reference to; and if the Chair does not think that covers it, that settles the matter.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CRUMPACKER. As to the other point of order? The CHAIRMAN. The point of order was made on the whole

paragraph.

Mr. CRUMPACKER. Then, in relation to the other point of order, I think it is conceded—that is, beginning on line 14, page

The CHAIRMAN. It seems there can be no question about that being subject to the point of order; and the Chair sustains the point of order.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, at the end of line 5, page 47.

The Clerk read as follows:

After line 5, page 47, insert:
"Provided, That no part of this sum shall be used for the payment of compensation or expenses of any officer or other person employed by any State, county, or municipal government."

Mr. TAWNEY. Now, Mr. Chairman, the purpose of this

amendment is to keep separate and distinct the administration of our national pure-food law and the administration and en-

forcement of our State pure-food laws. Under the national pure-food law the Secretary of Agriculture has unlimited power. He has unlimited discretion in the matter of its enforcement, subject only to the power of Congress through its appropriations to control the general policy he shall pursue in the execution of this law. When before the Committee on Appropriations in support of an estimate of \$250,000 to begin the work of organizing for the enforcement of this law, the Secretary of Agriculture informed the committee that it was his purpose to employ State inspectors; to employ officers of the State for the enforcement of the Federal pure-food law. It is for Congress, therefore, to say whether it shall be the policy of the Federal Government to enter into copartnership with the States in the enforcement of this law or pursue an independent policy. How careful have the States been to keep out of the administration of their domestic affairs the influence of the Federal Government!

Almost every State constitution contains a provision making ineligible any citizen of the State from holding any elective or appointive office in the State who fills or occupies a Federal office. It has always been the policy of the people of the States to keep separate and distinct from Federal administration the conduct of their domestic affairs; and for the same reason the Federal Government should keep separate and distinct the administration of its affairs and the enforcement of its laws from the influence of the State. Without this it will be only a very short time before the Federal Government will be enforcing every State pure-food law in the Union, and we will never know what it is costing the General Government to enforce the national pure-food law. But, Mr. Chairman, there is another reason for opposing the employment of the States' agents in the enforcement of this law. I believe it is absolutely essential for the efficient enforcement of our national pure-food legislation. We can not depend upon State inspectors for the enforcement of this law. Their acquaintance with and the influence of local friends will in many cases result in their overlooking infractions of this law which would otherwise be reported and result in prosecutions and convictions.

I do not believe, Mr. Chairman, that it is good policy or good administration for us to mingle the enforcement of our national

pure-food law with our State pure-food legislation.

When before the Committee on Appropriations Doctor Bigelow and the Secretary were interrogated as to their plan for executing this law. Realizing that we are just about to embark upon an entirely new Federal service, the Committee on Appropriations desired some information as to the plan the Department proposed to follow in the execution of this law, because we knew that under the law the Secretary of Agriculture has absolute and limitless discretion in the policy he may pursue in the enforcement of the law. Doctor Bigelow said:

It is intended to collaborate with the authorities of the States, to work with them, and to take the cases that come from outside States.

Now, collaboration and a copartnership between the State and Federal Government in the matter of enforcing State and Federal legislation, is an entirely different proposition. It is a copartnership that the Secretary of Agriculture proposes with the States to enforce this national pure-food legislation, not collaboration, as he says. I read further from the statement of Doctor Bigelow:

Mr. TAWNEY. To deal with the cases that arise from the sale of food products in violation of this law which have been manufactured in other States and shipped into the State?

Doctor Bigelow. Yes, sir.

Mr. TAWNEY. How do you propose under your policy to cooperate with the States? Have you worked out any line of demarcation between the expenses for this cooperation—what expenses shall be borne by the Federal Government and what expenses shall be borne by the States?

Doctor Bigerow. Just how that shall be worked out has not been planned, but some employees—

Some employees, mark youwill probably be paid in common, and paid a per diem when on the work of the Department of Agriculture, or possibly some employees working as inspectors within the same State will be on our roll and some chemists will be on our roll. At any rate, it is not proposed that any of the employees of this Department shall be paid for time when working on matters of the State.

Mr. Tawner. Have you thought of this: Would it be feasible to require the States or their agents to furnish the Federal authorities information regarding any violations of the Federal law that might come to their attention in the enforcement of the State law?

Doctor Bigelow. That is what they are anxious to do. They are all anxious to do that. They are anxious to omit the prosecution of a citizen of the State who might be protected by a guaranty from the manufacturer, provided the Federal Government would take up the same case and follow it to the manufacturer.

Now. Mr. Chairman. I submit to the committee that inasmuch

Now, Mr. Chairman, I submit to the committee that inasmuch as we are just beginning to appropriate money for the en-forcement of this new pure-food law, creating a new service, that Congress should exercise its right and its power in respect to the policy, or rather in respect to keeping separate and distinct from State administration the administration of our Federal pure-food law. I hope that this amendment will be

Mr. WADSWORTH. Mr. Chairman, I hope the amendment will not be adopted, because I think it will increase the expense of enforcing the pure-food law very materially. In the hearings we had touching this subject we had Doctor Wiley before us, and I will just quote from the hearing to show how he proposes to work in collaboration with the State chemists:

Doctor Wiley. Now, we want a large part of this money for the States. We think we would like to spend an average of \$10,000 in each State of this sum. The Secretary and I talked it over, and we think that would be a pretty fair start. Some of the States will not require that much, but some will, and quite a number of them will want more, and we think an average of \$10,000 will be right, making \$460,000, the sum that we ask for.

The Chairman. Take a State as an example, and tell us how you propose to organize it; take any State that you have in your own mind.

Doctor WILEY. Let me take the State of Indiana, which is the one that I am best acquainted with, being a native of that State.

The Chairman. Very well.
Doctor WILEY. Our idea would be to have Mr. Barnard, the chief chemist in Indiana, take this examination.

He refers to the civil-service examination.

He refers to the civil-service examination.

He is perfectly competent to do this, and we would like to have anybody else who is an executive officer who would like to have it take the examination.

The CHAIRMAN. Who is Mr. Barnard?

Doctor Wiley, He is the State chemist of Indiana and does the work in the execution of the State law. Let him qualify, and then we will pay him \$8 or \$10 a day for the time that he works for us; we will arrange with the State authorities to let him do so. We say to Mr. Barnard, "Here is a case that we want you to examine. You make this examination for us." He will work three or four days for us, and then he will send in a monthly bill stating the time that he has worked. In that way I expect to get in touch with every State.

The CHAIRMAN. You think it would be preferable to pay him by the day for the work done, or a stated salary by the year?

Doctor WILEY. No; by the day. We could not pay a stated salary for the year unless we took his whole time.

The CHAIRMAN. How much would you pay him?

Doctor WILEY. I would pay a man like Barnard \$10 a day.

The CHAIRMAN. For the entire day?

Doctor WILEY. The entire day?

Doctor WILEY. The entire day. He would make a statement of the number of days that he worked. He is a man of high character. Some others I would pay \$5 or \$6. If I could get a man like Winton, of Connecticut, I would be willing to pay him \$20 a day, and he would earn every cent of it.

Now, take that case. Assume that the violation of the law is in Indiana. If he did not employ Mr. Barnard, he would have to send a man from here at the cost of the Government, pay him full time, and probably cover a lot of ground that had already been covered by the State chemist. I oppose the amendment simply on the ground that I think it would almost double the expense of enforcing the pure-food law.

Mr. TAWNEY. I will ask the gentleman whether he thinks

the expense of administering this national pure-food law by Federal officials would exceed the expense of administering, at the expense of the Federal Government, the Federal national pure-food law and the State pure-food laws combined? Mr. WADSWORTH. No; I do not.

Mr. TAWNEY. Then the expense is in favor of my amendment.

Mr. WADSWORTH. But I say under the limitations put upon the provision by the gentleman from Minnesota [Mr. Tawney] I think he will double the national expense, because necessarily a lot of this work, as I said before, has already been gone over by the State chemists in the enforcement of the pure-food laws of the several States. Why go over again with a national chemist?

Mr. CRUMPACKER. I want to ask the gentleman a question as a lawyer.

Mr. WADSWORTH. But I am a farmer.
Mr. CRUMPACKER. It does not make any difference; the gentleman knows the law. Here is a suggestion: The thought came to me that the proposition to have certain administrative officers engaged in the enforcement of the pure-food law, to be under the employment and the authority of the officials of the National Government and of the State government both might lead to serious complications. Now, who is the master? Who will prosecute for violations of duty or of the law? Would it be the Federal Government or the State government?

Mr. WADSWORTH. Does the gentleman mean for any vio-

lation of law by the chemist?

Mr. CRUMPACKER. Yes; in the enforcement of the purefood law, the gentleman says, they shall cooperate with State officers. Now, we have a naturalization law in which we require certain State officers to perform certain official functions, and it is a serious problem among lawyers as to whether the Federal Government would be authorized to prosecute a State

officer, and thereby embarrass to that extent State administration, while he is discharging the Federal functions, for a failto perform that duty as the law required. It seems to me that the objection from a legal standpoint and from the standpoint of the science of government made by the gentleman from Minnesota [Mr. TAWNEY] is tenable. We are to public officers discharging very important duties under two distinct and independent governments. To which are they responsible? To which shall they answer criminally? Which shall have the paramount control?

Mr. WADSWORTH. You will notice that it is proposed to ask them, and they can not act without they do it, to take the civil-service examinations, and then they are in the service

of the National Government.

Mr. CRUMPACKER. Then if they should violate the law of the State the State could not reach them by its criminal laws, and the State would have secondary control.

Mr. WADSWORTH. No; because they are joint servants. They are servants of the State and of the National Government as well.

Mr. CRUMPACKER. There is the complication that I can see might possibly arise. It is an objection that would occur to a lawyer, perhaps, and not to a practical business man.

Mr. HULL. If a man were acting under the control of the Secretary of Agriculture and is criminally negligent, would there be any question as to who would have control in that case?

Mr. CRUMPACKER. No.

Mr. HULL. Then if he has finished with that act and is acting under the State on another line, what would be the difficulty?

Mr. CRUMPACKER. If you could separate the functions,

certainly it would be all right. Mr. MANN. Mr. Chairman, I should dislike very much to see the whole theory of the pure-food law reversed because of an amendment adopted here under the five-minute rule without more mature consideration. From the beginning, from the first bringing in of the pure-food bill, in the report which was made upon that bill, in the statements which were made when the bill was before the House, it has been announced openly and publicly all of the time that it was the expectation that the national pure-food law would be carried into execution in con-nection with the State officials. Here is the situation. An official finds an adulterated article in a drug store or a grocery store. It may be something made within the State. The grocer or the druggist holds a guaranty from the manufacturer. If it is within the State wholly, the State officials must enforce it, but the article may be something made in another State. The druggist or the grocer holds a guaranty from a manufacturer in another State. In that case the prosecution will be, must be, not by the State authorities, but by the national authorities against the manufacturer in the other State. Why should we have two sets of officials to examine the articles in the same grocery store, in the same drug store, in order to determine whether they shall be prosecuted by the State or the national authorities?

I would answer the gentleman by way of-Mr. TAWNEY. Mr. MANN. But I did not ask the gentleman to answer me. Mr. TAWNEY. But the gentleman has asked a question—

because we have two laws, two distinct jurisdictions, one Federal and the other State, and each jurisdiction should enforce

the observance of its own law.

Mr. MANN. And each jurisdiction proposes to enforce the observance of its own law; but the gentleman, who ought to stand for economy, who complained to me a short time ago because the pure-food law perhaps will cost more than he thought it would, will find that if his amendment is adopted it will cost ten times what it is proposed to cost, and what it will cost otherwise if the State officials are obtained to help in its enforcement.

Mr. TAWNEY. On what basis does the gentleman judge today that the citizens of the United States all over this country are going to violate this law? Do you have inspectors for the enforcement of other laws which are passed by Congress?

Mr. MANN. We have a great many inspectors for the enforcement of laws. We have plenty of inspectors in the internal revenue to-day costing a good deal more than the sum appropriated here. For what? To have the law observed. And there will be more chance of violating the pure-food law in one day than there is to violate the internal-revenue law in a month's time. The pure-food law extends throughout the entire United States. There must be some kind of an inspection everywhere, and the proper persons to inspect are the local and State officials. Every State has a pure-food or health office, and why should the General Government send men there in addition to the local health and pure-food inspector? Why not permit him to report the results of his inspection to the national department and let the national office examine these alleged violations of the law?

Mr. OLMSTED. I do not wish to interrupt the gentleman's argument, and I have not heard the amendment, but I simply wanted to offer one suggestion in the line of the gentleman's remarks, and that is that the constitution of Pennsylvania would make it impossible for anyone in the employ of the State and receiving a salary or fees to act on behalf of the Federal Government. Our constitution makes a person holding an office under one government ineligible to place under the order.

Mr. TAWNEY. Every State constitution contains the same provision.

Mr. MANN. Fortunately the State of Pennsylvania has a very good food law and it is well enforced. Now, of course, if this can not be done by the State officials it will not be done. That is a sufficient answer to that proposition, but here is the position. In the city of New York, in the city of Cincinnati, in the city of St. Louis, and many other cities at present are laboratories for the examination of these articles that are alleged to be adulterated. Why can not the National Government pay the people in charge of those laboratories for the examination of the articles which are alleged to be adulterated in interstate commerce instead of setting up a new laboratory side by side? What is the reason for duplicating the work?

Mr. TAWNEY. That is exactly what is proposed by the Department of Agriculture.

Mr. MANN. Oh, I beg the gentleman's pardon.

Mr. TAWNEY. It is the duplicating of laboratories. There are five or six laboratories estimated here in the interior of this country.

Mr. MANN. I beg the gentleman's pardon, it is proposed under this bill to establish a number of new national laboratories, but it is not proposed to establish laboratories in every city in the country where there is one now and—

Mr. TAWNEY. I can name one where it is proposed to establish a Government laboratory where there is a State laboratory

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears-none.

Mr. DRISCOLL. I would like to know if it is the intention of the gentleman or does he expect the Department to have practically all its work done by the State where it may be done locally by the State officer?

Mr. MANN. I understand this is the proposition of the Department, that they will employ probably forty, or such matter, of general inspectors, as far as possible scattered throughout the country. Originally they said one for each State, but it is perfectly manifest that some States do not need an inspector for the State and other States will need more than one; but say there are thirty or forty inspectors, at a salary of \$2,000 a year each, which with traveling expenses—for the inspectors will be on the road most of the time—would probably amount to the sum of \$5,000 a year to an inspector. In addition to that, the Department expects to use three or four or five additional laboratories to the ones which they now have and to employ chemists, at a salary of \$3,000, or such matter, to be in charge of those laboratories, and in addition to that, they have expected to collaborate with the State and local officials in obtaining information in relation to the violation of the law, and where information was furnished to pay them.

The gentleman says that this can not be done. The gentleman forgets that to-day the United States Government pays to the policeman who catches a deserter from the Army or Navy a certain amount of money, and he might well put in the Army appropriation bill that no portion of this money shall be paid to any local official, which would bar the policeman from returning a deserter. But that is the proposition here. Nobody expects to put these men on a high-salaried pay roll.

Mr. TAWNEY. That is given as a reward to the police officers of the municipality or of the States. It is not paid as a salary or as compensation for services.

Mr. MANN. I do not care what he calls it. It is compensa-

Mr. TAWNEY. It is no employment by the Federal Government.

Mr. MANN. Of course it is perfectly out of the question for the Federal Government to obtain the services of the State officers and put them on the pay roll as full-fledged and full-priced officials. That could not be done, because they could not serve both all the time. But a great many of the pure-food inspectors

are not engaged busily all the time, and why can not they serve the National Government in those matters that relate to the duty of the National Government, instead of our employing another inspector to work side by side with the State inspector? I do not know how many thousands, but there are thousands, probably, of inspectors connected with the State or with the local officials. Why should we duplicate all of these when, if we obtain their collaboration—their services so far as we need them—we can enforce the law with very small expense? I do not believe we could enforce the law for \$5,000,000 a year if we do it as the gentleman says.

Mr. WADSWORTH. I simply want to call attention to the fact that in our experimental work in connection with the State experiment stations we do exactly this thing. We advance a little money for the work and we get the benefit of the work done at the experimental station, both in soil and in the climate of the State, and if the amendment offered by the gentleman from Minnesota [Mr. Tawner] should be applied to all the provisions of the bill all that work would have to stop.

Mr. MANN. And, notwithstanding the State constitution of the States of Pennsylvania and of Minnesota and of other States, these officers in charge of the State experiment station used to get \$15,000 and now \$30,000 a year, and much of it they receive as salaries properly, notwithstanding the law and the constitution which the gentleman refers to

constitution which the gentleman refers to.

Mr. FITZGERALD. Mr. Chairman, I hope this amendment will be adopted. In the State and city of New York there is a large force of men employed in the enforcement of the local pure-food law. It is proposed by the Department of Agriculture to employ men, paid much larger salaries by the city and State, in work to be done for the Federal Government, and as the gentleman from New York [Mr. Wadsworth] says, to have these men certify that they have spent entire days in the work of the Federal Government. I have no doubt that any men in the health department of the city of New York who would certify that they had spent entire days in the employ of the Fed-Government, and who accepted compensation for their services, would quickly find themselves out of the employment Men there are paid larger salaries than the Federal Government pays. They have more to do each day than they can reasonably do in a day. They have sufficient to keep them busy, and if they properly perform their duties under the State law known as the "agricultural law," they will have no time to give to the Federal service. The enforcement of this law should be by a distinct and separate force. It will be very easy, and it would be proper, if the State or municipal authorities obtain evidence that a violation of the Federal law has taken place within its jurisdiction, to transmit that evidence to the Federal Government without any additional compensation to the State or municipal officials from the Federal Government. The desire of all of the men employed by the States and municipalities would be to seek opportunities to obtain part of the Federal appropriation in order to increase their compensation and to increase their compensation in that way for doing the very thing required of them by virtue of their employment by the States or municipalities. This appropriation should not be used to enlarge the compensation of the men employed by the States or the municipalities.

Mr. COCKS. I would like to say, for the benefit of the committee, that the plan proposed by the Department seemed to the entire committee to be an entirely feasible and workable plan, notwithstanding the objections made by the gentlemen here.

Mr. TAWNEY. Mr. Chairman, the only objection that the gentleman from New York [Mr. Wadsworth] and the gentleman from Illinois [Mr. Mann] offers to this amendment is that it may result in increasing the cost of administering our Federal pure-food law. I do not recall any of the discussions referred to by the gentleman from Illinois wherein he says it was claimed all along during the consideration of the pure-food law that its enforcement was to be effected by a partnership with the several States of the Union. I imagine that if that proposition had been made as the policy which the Government of the United States was to follow in the enforcement of this law he would have had far more difficulty in securing the passage of the bill than he did have.

Now, Mr. Chairman, I maintain that it does not necessarily follow that if we keep separate and distinct under the control and jurisdiction of ourselves the enforcement of this pure-food law that it would necessarily result in increasing the cost beyond the amount which will be required under the policy of a copartnership with the States. If the policy of the Department of Agriculture is to be carried out, how long will it be before the States will discover that their inspectors, being paid from the Federal Treasury for the enforcement of Federal law, must necessarily discover infractions or violations of State laws? How

long will it be before they will cease to appropriate money for the payment of State inspectors, leaving the entire burden of the enforcement of the State pure-food laws to rest upon the Fed-

eral Government?

Mr. LITTLEFIELD. Is the gentleman from Minnesota aware of the fact that the Government is now paying in many Western States all the expense involved in enforcing the various State laws in connection with the regulation of diseases of cattle, annually aggregating an amount exceeding perhaps thousands of dollars every year?

Mr. TAWNEY. I am aware of the fact, and I am obliged to

the gentleman for calling my attention to it.

Mr. LITTLEFIELD. It is so testified on oath before a committee.

Mr. TAWNEY. I was informed a few days ago by the Member of Congress from Wyoming [Mr. Mondell] that before the Federal Government, through its agents in the Department of Agriculture, came to the State of Wyoming and began the investigation of cattle, sheep, and hogs for the purpose of discovering diseases and eradicating them, the State of Wyoming had not only an efficient law on the subject, but also had a corps of inspectors who were enforcing that law; and to-day the State of Wyoming is not appropriating any money for local inspection, but is relying entirely upon the force of inspectors in that State employed by the Federal Government and paid for out of the Treasury of the United States.

So it will be, Mr. Chairman, with the enforcement of this We are now starting a new service. We knowwe all know-how difficult it is when we once embark upon the work of discharging the duties and performing the functions of a State government by encroaching upon the Federal Treasury purpose of defraying the expense, we all know how hard it is to get away from it. But I maintain that here and now is the time, in respect to the enforcement of this purefood legislation, for Congress to take its stand in favor of the Federal Government performing its functions under the existing law and paying from its own Treasury the entire expense. Then we will know what it is costing the people to enforce our national pure-food legislation.

We will also at the same time give the States to understand that they must not look to the Federal Government or expect it to perform and exercise rights which they reserved to them-

selves, and that they must provide and pay for that exercise out of their own treasury. [Applause.]

Mr. Chairman, I say that it is folly for any Member of this House to say that it is necessary for the Federal Government to go into any copartnership with the States in the enforcement of a Federal law simply because it is more economical to do it. The CHAIRMAN. The time of the gentleman has expired.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I trust that the amendment offered by the gentleman from Minnesota will be adopted. I think it will not require any great amount of reflection on the part of the committee to see that unless it is adopted the enforcement of this law will require an increased expenditure by the National Government and reduced expenditure by the State governments. We all know that the present trend of affairs is toward centralization of power, toward saddling duties which ought to be discharged by the State upon the National Government, and putting upon the National Government the financial burdens of the States. I think as soon as we create this mongrel office, part Federal and part State, that little by little the duties of the State official will diminish and little by little the duties of the Federal official will increase, and as a result the compensation will come more largely from the Federal Treasury than from the State treasury. · And let me repeat the suggestion of the gentleman from Indiana. To what sovereign would this new official owe allegiance? Would he owe it to the National Government or to the State? Is it wise for the States to have in their midst officers who are paid partly from the National Treasury and partly from the State treasury? How long would it be before such a system would lead to confusion in the administration of these two sets of law, national and State? How long would it be before States would experience the baneful results of the pernicious activity of these Federal officials, paid from the Federal Treasury, in the political affairs of the State? I think there is every reason, drawn from experience and from logic, in favor of the passage of this amendment. We were told recently in a public speech that if the States of this nation failed to act in the interest of their people the Federal Government would extend the sweep of its arm and administer the functions of the States. The Federal officer who made that speech failed to tell us who would be the judges of the neglect of the States, and we must conclude that the self-appointed censors of State action will reside here in the city of Washington and be part of the reigning administra-

tion. I do not think that the gentlemen upon this side of the Chamber ought to lend themselves willingly to anything which adds to the powers of the Federal Government by taking away some of the reserved powers of the State governments.

Now, there is every reason why in the administration of this law the officials should be kept apart. Their duties are distinct and they should be separate. The State official has the right to protect the State against contamination in its food supply from every source; not only from foods manufactured within the State and sold there, but from foods manufactured outside of the State and shipped therein for consumption. The duties of the Federal official are quite different from that. He has no right to supervise the sale of food in a State which is manufactured for use within that State, but his duty should be confined to the food which is prepared in the State for export beyond its boundary and the food which is manufactured outside of the State to ship into the State. The very fact that these two laws are different requires their administration by different officials and furnishes the strongest argument why the division between national and State authority should be maintained.

Let us look at the growth of the Departments of this Government for a moment, if we would measure the force of this sweep toward centralized power. Gentlemen who have been here for a long time will remember what little power, comparatively, was exercised by the Department of Agriculture a few years ago and what immense powers it enjoys to-day. Let us look at the new Department of Commerce and Labor and see how its clerks have grown and multiplied and its expenditures along with its clerks. That in itself should give us pause, should warn us to check the tendency of bureaus and Departments of the National Government to encroach upon the powers of the States.

Some men may say this is only a small matter. Of course, it is always a small matter. It has always been in a small way that the liberties of the people have been taken from them. Never is it done by a single act or a single stroke or a single exercise of power, but silently, stealthily, and by small degrees, and if we allow this Department to encroach upon the preserves of the States by small degrees, it will not be long before the last vestige of State rights will have disappeared, and disappeared, I am sorry to say, by sanction of the votes of the gentlemen who sit here as the representatives of the people of the States. [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having resumed the chair, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On January 23:

H. R. 21689. An act to increase the limit of cost of five lighthouse tenders heretofore authorized.

On January 25:

H. R. 23114. An act extending to the subport of Bellingham, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

On January 26:

H. R. 3980. An act granting an increase of pension to Frank G. Hammond; and

H. R. 15769. An act granting an increase of pension to William W. Bennett.

On January 28:

H. R. 24048. An act authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Fort Wright Military Reservation, in the State of Washington, to the Spokane and Inland Empire Railroad Company, its successors and assigns.

On January 29:

H. J. Res. 190. Joint resolution extending protection of second proviso of section 1 of the act of December 21, 1904, to certain entrymen.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question being taken, on a division (demanded by Mr. Williams) there were—ayes 65, noes 29.

Mr. MANN. Tellers, Mr. Chairman.

Tellers were refused, three Members, not a sufficient number, rising in support of the demand.

Accordingly, the amendment was agreed to.

Mr. HAUGEN. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert, page 40, line 13, after the word "plants," the following: "To enable the Secretary of Agriculture to investigate and ascertain the most economic method of producing denatured alcohol; the cost of the manufacturing plants for its production; the relative value of different materials suited for the production of such alcohol, and the practical uses to which such alcohol can be put, and its cost."

Mr. WADSWORTH. Mr. Chairman, I make the point of order against that amendment. I will reserve it if the gentle-

man desires to be heard upon it.

Mr. HAUGEN. Mr. Chairman, at this late hour of the day I will not take up much time in discussing this question. I believe that every member of this committee appreciates the importance of this investigation, but I shall not take up any further time. I had hoped that the gentleman from New York would withhold his point of order.

Mr. WADSWORTH. I have reserved the point of order. The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. WADSWORTH. I make the point of order that it is new

legislation, and it is not germane.

The CHAIRMAN. Does the gentleman from Iowa care to be

heard on the point of order?

Mr. HAUGEN. No; I think it is subject to the point of order. I was in hopes that the gentleman would see the importance of the question and that he would withhold the point of order. I think it is a question that we are very much interested in, and it concerns the agricultural interests of this country.

The CHAIRMAN. The Chair sustains the point of order. Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent that the Clerk change the total there. On account of the point of order raised by the gentleman from Arkansas [Mr. Macon] the total should be \$1,000 less.

The CHAIRMAN. Without objection, the Clerk will change

the total.

The Clerk read as follows:

Total for Bureau of Soils, \$206,980.

Mr. WADSWORTH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Foster of Vermont, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the agricultural appropriation bill, and had come to no resolution thereon.

CODE FOR THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

In compliance with the resolution of the House of Representatives (the Senate concurring) of the 28th instant, I return herewith House bill No. 16944, entitled "An act to amend section 878 of the Code of Law for the District of Columbia." THEODORE ROOSEVELT.

THE WHITE HOUSE, January 29, 1907.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move that the bill, with the accompanying message, be referred to the Committee on the District of Columbia.

The SPEAKER. The question is on the motion of the gentleman from Kansas.

The question was taken; and the motion was agreed to.

## RRIDGE ACROSS MISSOURI RIVER.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24367) to authorize the Interstate Bridge and Terminal Railway Company, of Kansas City, Kans., to construct a bridge across the Missouri River at or near Kansas City, Kans., which I send to the desk and ask to have read.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the Interstate Bridge and Terminal Railway Company, of Kansas City, Kans., a corporation organized under the laws of the State of Kansas, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge, and approaches thereto, across the Missouri River from a point in the county of Wyandotte, State of Kansas, within 1 mile of the intersection of the north and south section lines between sections Nos. 20 and 30, in township No. 10 south, of range No. 25 east, in said county, to some point opposite on the north or left bank of said river in the county of Platte, State of Missouri, or as near thereto as may be selected, said bridge to be for the purpose of the passage of railway trains either by means of single track or double track, and also, at the

option of said company, its successors and assigns, to be used for the passage of wagons, vehicles, street cars, animals, and persons on foot and in vehicles, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following amendments:

In line S, after the word "point," insert the words "to be approved by the Secretary of War;" and after the word "Kansas," in line 9, strike out all of the remainder of that page, all of line 1 on page 2, and the word "county," in line 2; and in lines 3 and 4 strike out the words "or as near thereto as may be selected."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The question is on agreeing to the amendments. The question was taken; and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

### CONVEYING LAND IN ST. AUGUSTINE, FLA.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1726) making provision for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as "The Lines," for school purposes, which I send to the desk, and I ask unanimous consent that the amendment in the nature of a substitute may be read instead of the original bill.

The SPEAKER. The gentleman from Florida asks unanimous consent for the present consideration of the bill which he has sent to the desk, and asks further unanimous consent that the amendment in the nature of a substitute may be read in

lieu of the original Senate bill. Is there objection?

Mr. BENNET of New York. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Florida if this is a part of that military reservation on that island about which a bill was reported from the Private Land Claims Committee last session?

Mr. CLARK of Florida. No; it is not. The SPEAKER. The Chair hears no objection, and the Clerk will read the substitute.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War, upon the condition that the board of public instruction of St. Johns County, Fla., shall lay a suitable drain from a point on Fort Marion Reservation near the city gates to the Matanzas River, said drain to be approved by the Chief of Engineers and the work to be executed under the supervision of the local engineer, be, and he is hereby, authorized to deed to the city board of public instruction and its successors in office so much of the following-described piece or strip of Government land of the city of St. Augustine, Fla., bounded by lines as follows: Commencing at a point N. 63° 9′ W. 132.86 feet from a stone monument on the boundary line of Fort Marion Reservation, distant 20.83 feet east of the city gates and on the production eastward of a line following the north face of said gates; running thence S. 82° 29′ W. 2.393.49 feet, more or less, to a point N. 7° 31′ W. 121 feet from the intersection of the south boundary line of the United States reservation known as "The lines" with the west boundary of Malaga street; thence S. 7° 31′ E. 75 feet; thence N. 82° 29′ E. 2.393.49 feet, more or less; thence N. 7° 31′ W. 75 feet to the point of commencement (courses magnetic, variation 2° 30′ E.), as the said Secretary of Warmay deem sufficient for school purposes: Provided, That said deed shall contain a clause to the effect that whenever said property, or any portion thereof, ceases to be used for school purposes, so much of the same as is not so used shall revert to and become the property of the United States. same as is no United States

Mr. CLARK of Florida. Mr. Speaker, I have two amendments which I wish to offer to the substitute, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert, after the word "lay," in line 6, page 3, the words "and maintain."

Insert, after the word "engineer," in line 9, on page 3, the words "and the United States to have perpetual use of the same for said reservation."

The SPEAKER. The question is on agreeing to the amendments to the substitute.

The question was taken, and the amendments were agreed to. The SPEAKER. The question now is on the third reading of the bill in the nature of a substitute as amended.

The bill was ordered to be read a third time, read the third time, and passed.

## INSURANCE IN THE DISTRICT OF COLUMBIA.

Mr. AMES. Mr. Speaker, I ask unanimous consent for the reprint of the report of the superintendent of insurance of the District of Columbia, etc., being House Document No. 559, Fifty-ninth Congress, second session.

The SPEAKER. The gentleman asks unanimous consent for the reprint of the report indicated by him. Is there objection? There was no objection.

ENROLLED JOINT RESOLUTIONS AND BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, re-ported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

H. J. Res. 230. Joint resolution continuing the Postal Commission until the close of the present session of Congress; and

H. J. Res. 231. Joint resolution authorizing the Secretary of War to sell certain hay, straw, and grain at Fort Assinniboine. The SPEAKER announced his signature to enrolled bills of

the following titles: S. 8014. An act to authorize The National Safe Deposit, Savings and Trust Company of the District of Columbia, to change its name to that of National Savings and Trust Company

S. 7034. An act to incorporate the International Sunday School

Association of America; and

S. 7827. An act permitting the building of a railway bridge across the Mississippi River in Morrison County, State of Minnesota.

FISH-HATCHING AND FISH-CULTURE STATIONS IN THE VARIOUS STATES.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 16015) to establish fish-hatching and fish-culture stations in the various States, and for other purposes, and to refer the same back to the Committee on the Merchant Marine and Fisheries.

The SPEAKER. The gentleman from Ohio asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill indicated and refer the same back to the Committee on the Merchant Marine and Fisheries. Is there objection?

Mr. WILLIAMS. What is the bill?
Mr. GROSVENOR. It is the bill known as the "omnibus fish-station bill," and the purpose of returning the bill to the committee is to make some improvements in the bill.

The SPEAKER. The Chair hears no objection.

Mr. PAYNE. Mr. Speaker, I move that the House do now ad-

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned until to-morrow at 12 o'clock m.

# EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for new construction at Fort Bayard, N. Mex .- to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of D. H. Martin, administrator of estate of Andrew J. Martin, against The United States-to the Committee on War Claims,

and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James B. Hogle, administrator of estate of L. D. Hogle, against The United States-to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of T. C. Cox, administrator of estate of Samuel L. Henderson, against The United States-to the Committee on War Claims,

and ordered to be printed. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mrs. Kate R. Forbes, administratrix of estate of Robert L. Forbes, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Solon D. Moore, administrator of estate of Elihu Farrar, against The United States-to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. Peyton White against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of

Andrew J. Woods against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William J. Porter against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Joseph H. Thompson against The United States-to the Com-

mittee on War Claims, and ordered to be printed.

### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows

Mr. SULLOWAY and Mr. LOUDENSLAGER, from the Committees on Invalid Pensions and Pensions, to which was referred the bill of the Senate (S. 976) granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico, reported the same without amendment, accompanied by a report (No. 6901); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CUSHMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 24760) authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes, reported the same without amendment, accompanied by a report (No. 6904); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 24821) to authorize the Georgia Southwestern and Gulf Railroad Company to construct a bridge across the Chattahoochee River between the States of Alabama and Georgia, reported the same without amendment, accompanied by a report (No. 6905); which said bill and report were referred to the House Calendar.

Mr. ALEXANDER, from the Committee on the Judiciary, to which was referred the bill of the House (H, R. 19752) amending section 10 of the act approved March 3, 1905, providing for an additional division in the seventh district of Illinois and an additional term of court at the city of Quincy, reported the same with amendment, accompanied by a report (No. 6906); which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 24657) to authorize the Albany Railroad Bridge Company or the Chicago and Northwestern Railway Company to reconstruct a bridge across the Mississippi River, reported the same with amendment, accompanied by a report (No. 6908); which said bill and report were referred to the House Calendar.

Mr. ALEXANDER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 21383) providing that terms of the circuit court of the United States for the western district and of the district court of the United States for the northern division of the western district of the State of Washington be held at Bellingham, reported the same with amendment, accompanied by a report (No. 6909); which said bill and report were referred to the House Calendar.

### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the Senate (S. 4685) to reimburse Ella M. Collins, late postmaster at Goldfield, Nev., for money expended for clerical assistance and supplies, reported the same without amendment, accompanied by a report (No. 6902); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4686) to reimburse Garrett R. Bradley, late postmaster at Tonopah, Nev., for money expended for clerical assistance, reported the same without amendment, accompanied by a report (No. 6903); which said bill and report were referred to the Private Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 22210) to cor-

rect the military record of Homer Quick, reported the same without amendment, accompanied by a report (No. 6907); which said bill and report were referred to the Private Calendar.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 1215) to correct the military record of William Fleming, reported the same without amendment, accompanied by a report (No. 6910); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3593) granting an honorable discharge to Joseph P. W. R. Ross, reported the same with amendment, accompanied by a report (No. 6911); which said bill and report were referred to the Private Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows: By Mr. PAYNE: A bill (H. R. 25122) to impose a tax on bay rum brought from Porto Rico into the United States-to the Committee on Ways and Means.

By Mr. RODENBERG: A bill (H. R. 25123) providing for the construction of a bridge across the Mississippi River-to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Washington: A bill (H. R. 25124) amending section 2477 of the Revised Statutes of the United States-to the Committee on the Public Lands.

By Mr. LITTLEFIELD: A bill (H. R. 25125) providing for the binding of Government publications in cloth—to the Committee on Printing.

By Mr. DE ARMOND: A bill (H. R. 25126) to provide for the manufacture and sale by the Government of diphtheria antitoxin—to the Committee on Interstate and Foreign Commerce.

By Mr. McLACHLAN: A bill (H. R. 25127) to amend section 2 of an act entitled "An act relating to the public lands of the United States," approved June 15, 1880—to the Committee on the Public Lands.

By Mr. McGUIRE: A bill (H. R. 25128) to legalize the incorporation of the city of Pawhuska, Osage Indian Reservation, Okla., and for other purposes—to the Committee on Indian Affairs.

Also, a bill (H. R. 25129) directing the President of the United States to appoint a committee to examine certain lands in the Choctaw Nation, Indian Territory-to the Committee on Indian Affairs.

By Mr. COUDREY: A bill (H. R. 25130) to parole United

States prisoners—to the Committee on the Judiciary.

By Mr. KINKAID: A bill (H. R. 25131) for the resurvey of township 27 north, range 16 west, and township 34 north, range 32 west, sixth principal meridian, in the State of Nebraska-to the Committee on the Public Lands.

By Mr. BABCOCK: A bill (H. R. 25132) authorizing changes in certain street railway tracks within the District of Columbia, and for other purposes—to the Committee on the District of Co-Inmbia.

By Mr. CURRIER: A bill (H. R. 25133) to amend and consolidate the acts respecting copyright-to the Committee on Patents.

By Mr. LITTLEFIELD: A joint resolution (H. J. Res. 232) for the condemnation of Government publications in the office of Public Printer and their sale as waste paper, under contractto the Committee on Printing.

Also, a joint resolution (H. J. Res. 233) authorizing the Doorkeeper to condemn or otherwise dispose of accumulation of documents-to the Committee on Accounts.

## PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 25134) granting a pension to A. M. Rea—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 25135) granting an increase of pension to William L. James—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25136) granting an increase of pension to George R. Parker-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25137) granting an increase of pension to -to the Committee on Invalid Pensions,

Also, a bill (H. R. 25138) granting an increase of pension to

John McGinnis—to the Committee on Invalid Pensions.
Also, a bill (H. R. 25139) granting an increase of pension to
George W. Chatfield—to the Committee on Invalid Pensions.
By Mr. BROWNLOW: A bill (H. R. 25140) granting an in-

crease of pension to Joseph H. Wagner-to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 25141) granting an increase of pension to James M. Pettengill-to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 25142) for the relief of Anna K. Carpenter, or her heirs at law-to the Committee on Claims

By Mr. COUDREY: A bill (H. R. 25143) granting an increase of pension to Elizabeth Wolfe-to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 25144) granting an increase of pension to David Conley-to the Committee on Invalid Pensions

By Mr. ENGLEBRIGHT: A bill (H. R. 25145) granting an increase of pension to Charles Henry Weatherwax—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 25146) granting an increase of pension to Nelson Duntz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25147) granting a pension to James to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 25148) granting an increase pension to William B. Rowland-to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 25149) granting an increase of pension to Joshua L. Hayes-to the Committee on Invalid Pensions,

Also, a bill (H. R. 25150) granting a pension to Tilman E. Barns—to the Committee on Pensions.

By Mr. HAYES: A bill (H. R. 25151) granting an increase of pension to B. F. Hamell—to the Committee on Pensions. By Mr. HAUGEN: A bill (H. R. 25152) granting an increase

of pension to James W. Potter-to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 25153) for the relief of the heirs of Francis Griffin, deceased—to the Committee on War Claims.

By Mr. JAMES: A bill (H. R. 25154) for the relief of J. M.

Woolf—to the Committee on War Claims.

By Mr. LITTLEFIELD: A bill (H. R. 25155) granting a pension to Mary A. Rhoades—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25156) granting an increase of pension to Hattie J. Youland—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 25157) granting an increase of pension to Sallie D. Winslow-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25158) granting an increase of pension to Matilda C. Carruth-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25159) granting an increase of pension to William F. Rounds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25160) granting an increase of pension to John O. Tuell-to the Committee on Invalid Pensions. Also, a bill (H. R. 25161) granting an increase of pension to

Charles D. Barnard-to the Committee on Invalid Pensions. Also, a bill (H. R. 25162) granting an increase of pension to

John F. Hatch-to the Committee on Invalid Pensions. Also, a bill (H. R. 25163) granting an increase of pension to James F. Rhodes—to the Committee on Pensions.

Also, a bill (H. R. 25164) granting a pension to Annie M. Rundlet—to the Committee on Invalid Pensions.

By Mr. McKINLAY of California: A bill (H. R. 25165) for the relief of the heirs of Ann H. Cunningham—to the Committee on Claims.

Also, a bill (H. R. 25166) for the relief of Joseph Gallagher,

postmaster at Davisville, Cal.—to the Committee on Claims.

By Mr. McLACHLAN: A bill (H. R. 25167) granting an increase of pension to Levi B. Gaylord—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 25168) for the relief of Peter Van Valer-to the Committee on Military Affairs.

By Mr. PARSONS: A bill (H. R. 25169) granting an increase of pension to Martha E. Sykes-to the Committee on Invalid Pensions.

By Mr. RHODES: A bill (H. R. 25170) granting a pension to John W. McDowell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25171) granting an increase of pension to Israel L. Hohn-to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: A bill (H. R. 25172) granting an increase of pension to B. N. Isaacs—to the Committee on Invalid Pensions.

By Mr. SCHNEEBELI: A bill (H. R. 25173) for the relief of Charles Hafner—to the Committee on Military Affairs.

By Mr. SHERLEY: A bill (H. R. 25174) granting an in-

crease of pension to Henry W. Casey-to the Committee on Invalid Pensions.

By Mr. SMITH of Arizona: A bill (H. R. 25175) granting an increase of pension to James Renshaw-to the Committee on

By Mr. STAFFORD: A bill (H. R. 25176) granting an increase of pension to Gottfried Haferstein-to the Committee on Invalid Pensions

Also, a bill (H. R. 25177) granting an increase of pension to

Henry Hertzer—to the Committee on Invalid Pensions.

By Mr. TYNDALL: A bill (H. R. 25178) granting a pension to Alexander C. Kissee—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 25179) transferring Commander William Wilmot White from the retired to the active

list of the Navy—to the Committee on Naval Affairs.

By Mr. McLACHLAN: A bill (H. R. 25180) authorizing the appointment of Dr. Charles A. Sewall on the retired list—to the Committee on Military Affairs.

Also, a bill (H. R. 25181) granting an increase of pension to William Lordon-to the Committee on Pensions.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 23094) granting a pension to Marcellus How-ser—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1232) granting a pension to John V. Buskirk—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 24722) granting an increase of pension to Michael Oberle—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Emil Nilsson et al., for law governing distillation of alcohol—to the Committee on Ways and Means

Also, petition of railway employees in various portions of the United States, for passage of bill S. 5133 (the sixteen-hour bill)—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Philippine Economic Association, for improvement in banking interests of the Philippine Islands-to the Committee on Insular Affairs.

Also, petition of Nahum J. Bachelder, master of National Grange, Patrons of Husbandry, against the ship-subsidy bill to the Committee on the Merchant Marine and Fisheries.

Also, petition of Takoma Park citizens, for a branch library at Takoma Park—to the Committee on the District of Columbia.

Also, petition of Gutman Kirchiff et al., citizens of Key West, Fla., against enactment of the pending immigration bill—to the Committee on Immigration and Naturalization.

By Mr. ALEXANDER: Petition of the Erie County Bar Association, Buffalo, N. Y., for bill H. R. 13391-to the Committee on the Judiciary.

Also, petition of Bowmansville (N. Y.) Grange, No. 914, for parcels-post law-to the Committee on the Post-Office and Post-Roads.

Also, petition of Buffalo Division, No. 2, Order of Railway Conductors, against bill S. 5133-to the Committee on Interstate and Foreign Commerce.

By Mr. BARCHFELD: Petitions of citizens of Salem, N. J.; Hickman, Ky; Mead, S. Dak.; Union, S. C., and Cecil County, Md., against bill S. 5221, to regulate the practice of osteopathy in the District of Columbia-to the Committee on the District of Columbia.

By Mr. BENNETT of Kentucky: Papers to accompany bills for relief of Noah L. Payne, Paul Gettes, and John McGinnisto the Committee on Invalid Pensions.

By Mr. BINGHAM: Petition of the Siegler Hat Company, of Philadelphia, Pa., for amendments to the law governing distillation of alcohol-to the Committee on Ways and Means.

By Mr. BROWNLOW: Paper to accompany bill for relief of Effie Cawood—to the Committee on War Claims.

By Mr. BURKE of Pennsylvania: Petition of Laughlin Lodge, No. 633, Brotherhood of Locomotive Firemen, for bills S. 5133 and H. R. 9328-to the Committee on Interstate and Foreign Commerce.

By Mr. BURLEIGH: Paper to accompany bill for relief of James M. Parker—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Ohio: Paper to accompany bill for relief of Amos Faust-to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: Petition of the Florida State Board of Trade, for an exposition at Tampa, Fla., in 1908 to celebrate the commencement of work on the Panama Canal— to the Committee on Industrial Arts and Expositions.

Also, petition of the Florida State Board of Trade, opposing restriction of immigration laws-to the Committee on Immigration and Naturalization.

By Mr. COLE: Petition of Cantwell Post, No. 97, Grand Army of the Republic, of Kenton, Ohio, for the McCumber bill (S. 976)—to the Committee on Invalid Pensions.

Also, petition of ex-soldiers of Findlay, Ohio, for the Mc-Cumber bill (service pension)—to the Committee on Invalid Pensions.

By Mr. DALE: Petition of the Consumers' League of Philadelphia, favoring the Beveridge-Parsons bill-to the Committee on Labor.

Also, petition of the Pennsylvania department of agriculture, for increase to \$20,000 of the appropriation for farmers' institutes and agricultural schools—to the Committee on Agriculture.

Also, petition of the Private Commercial School Managers' Association, for revision of the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of Washington Camp, No. 333, and Fred Genter, for the Senate immigration bill—to the Committee on Immigration and Naturalization.

By Mr. DOVENER: Paper to accompany bill for relief of Silas Garrison—to the Committee on Invalid Pensions.

Also, petition of the West Virginia State Grange, for bill H. R. 15346 (public lands for State normal schools of the United States) -to the Committee on the Public Lands.

By Mr. ELLIS: Petition of the Peet Brothers Maufacturing Company et al., for amendment of the laws regulating distillation of alcohol-to the Committee on Ways and Means.

By Mr. FLETCHER: Paper to accompany bill for relief of William A. Edwards—to the Committee on War Claims.

By Mr. FULLER: Petition of the Department of Illinois, United Spanish War Veterans, for honor medals for those who served in Spanish-American war-to the Committee on Military Affairs.

Also, petition of the Parsons Lumber Company, of Rockford, Ill., for an annual appropriation of \$50,000,000 for improvement of waterways-to the Committee on Rivers and Harbors.

Also, petition of Samuel Gompers, president of the American Federation of Labor, for educational test in the immigration bill-to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Petition of Clark W. Stediford and James Jenkinson, favoring the Green and Wilson bills increasing salaries of postal clerks-to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Paper to accompany bill for relief of Mrs. J. L. Boone (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. HEFLIN: Petition of citizens of Mobile, Ala., against the ship-subsidy bill-to the Committee on the Merchant Marine and Fisheries.

By Mr. HENRY of Connecticut: Petition of New Haven Lodge, No. 21, O. B. A., against discriminating legislation in the immigration bill-to the Committee on Immigration and Naturalization.

By Mr. HINSHAW: Petition of the Nebraska house of representatives, favoring a national income tax—to the Committee on Ways and Means.

By Mr. JAMES: Paper to accompany bill for relief of John Wood—to the Committee on War Claims.

By Mr. KAHN: Petition of W. F. Eckert and 11 others, of San Francisco, against employment of Asiatics in the construction of the Panama Canal—to the Committee on Foreign Affairs.

By Mr. LILLEY of Connecticut: Petition of lodges of O. B. A. of New Haven, Conn., and Horeb Lodge, No. 25, I. O. B. B., of New Haven, Conn., against certain discriminating provisions of the immigration bill-to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Paper to accompany bill for relief of S. G. Burdick-to the Committee on Invalid Pensions.

Also, petition of the New York Board of Trade and Transportation, for a law establishing forest reserves in the Appa-lachian and White mountains—to the Committee on Agriculture. Also, petition of Edward Long, of New York, for certain modi-

fication of the pure-food bill—to the Committee on Agriculture.

By Mr. LITTLEFIELD: Petition of citizens of Houlton,
Aroostook County, Me., for the Littlefield-Carmack originalpackage bill—to the Committee on the Judiciary.

By Mr. LOUDENSLAGER: Paper to accompany bill for relief of John V. Buskerk (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Henry Garner-to the Committee on War Claims.

By Mr. NEVIN: Petition of the Dayton Motor Car Company, for legislation governing distillation of alcohol so as to permit farmers to produce alcohol on a small scale—to the Committee on Ways and Means.

By Mr. NORRIS: Petition of the Nebraska house of representatives, for a national income tax as per President's message—to the Committee on Ways and Means.

By Mr. RYAN: Petition of the New York Board of Trade and Transportation, for forest reservations of the Appalachian Mountains and the White Mountains-to the Committee on Agricul-

By Mr. SMITH of Arizona: Paper to accompany bill for relief of Mrs. C. H. Keyes-to the Committee on Invalid Pensions. Also, paper to accompany bill for relief of James R. Boyerto the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: Paper to accompany bill for relief of Marcellus Howser (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. VOLSTEAD: Petition of citizens of Minnesota, for an amendment to bill governing distillation of alcohol so as to benefit small distillers-to the Committee on Ways and Means

By Mr. WALLACE: Paper to accompany bill for relief of Peter Leatherman-to the Committee on War Claims.

# SENATE.

# Wednesday, January 30, 1907.

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Fulton, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### SENATOR FROM OREGON.

Mr. FULTON. Mr. President, I present the certificate of election of Hon. Frederick W. Mulkey, of Oregon, chosen as a United States Senator from the State of Oregon for the unexpired term of John H. Mitchell. I ask that the certificate may

The credentials of Frederick W. Mulkey, chosen by the legislature of the State of Oregon a Senator from that State for the term ending March 3, 1907, being the unexpired portion of the term for which John H. Mitchell, deceased, was elected, were read and ordered to be filed.

Mr. FULTON. The newly elected Senator from Oregon is

present, and I ask that the oath may be administered to him.
The VICE-PRESIDENT. The Senator-elect will present himself at the Vice-President's desk and take the oath prescribed

Mr. Mulkey was escorted to the Vice-President's desk by Mr. Fulton, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

## CREDENTIALS.

Mr. FULTON presented the credentials of Jonathan Bourne, jr., chosen by the legislature of the State of Oregon a Senator from that State for the term beginning March 4, 1907; which were read and ordered to be filed.

Mr. SCOTT presented the credentials of Stephen Benton Elkins, chosen by the legislature of the State of West Virginia a Senator from that State for the term beginning March 4,

1907; which were read and ordered to be filed.

Mr. LATIMER presented the credentials of Benjamin Ryan TILMAN, chosen by the legislature of the State of South Carolina a Senator from that State for the term beginning March 4, 1907; which were read and ordered to be filed.

# FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of the St. Paul Reformed Church, of Woodstock, Va., against The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 1726) making provision for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as

"The Lines," for school purposes, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the

H. R. 24361. An act to amend an act entitled "An act to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charleroi, Washington County, to a point in Rostraver Township, Westmoreland County," approved March

14, 1904; H. R. 24367. An act to authorize the Interstate Bridge and Terminal Railway Company of Kansas City, Kans., to construct a bridge across the Missouri River at or near Kansas City,

Kans.; and H. R. 24747. An act providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 7034. An act to incorporate the International Sunday School

Association of America;

S. 8014. An act to authorize The National Safe Deposit, Savings and Trust Company of the District of Columbia, to change its name to that of National Savings and Trust Company

H. R. 637. An act granting an increase of pension to William H. Bone;

H. R. 676. An act granting an increase of pension to Musgrove E. O'Connor :

H. R. 725. An act granting an increase of pension to George E. Smith; H. R. 742. An act granting an increase of pension to James

Wintersteen ; H. R. 1144. An act granting an increase of pension to Frank-

lin McFalls; H. R. 1150. An act granting an increase of pension to Emma

J. Turner; H. R. 1185. An act granting a pension to Josiah C. Hancock;

H. R. 1252. An act granting an increase of pension to Mary E. H. R. 1337. An act granting an increase of pension to James

B. Evans; H. R. 1512. An act granting an increase of pension to Melvin

T. Edmonds; H. R. 1693. An act granting an increase of pension to Joseph

H. R. 1717. An act granting an increase of pension to George

M. Fowler; H. R. 1723. An act granting an increase of pension to Rutson J. Bullock;

H. R. 1937. An act granting an increase of pension to Joseph B. Williams;

H. R. 2055. An act granting an increase of pension to Joanna

L. Cox; H. R. 2056. An act granting an increase of pension to Lucas Longendycke;

H. R. 2175. An act granting an increase of pension to James W. Bliss, alias James Warren; H. R. 2286. An act granting an increase of pension to Jacob

Miller

H. R. 2399. An act granting an increase of pension to Charles F. Sancrainte: H. R. 2421. An act granting an increase of pension to Daniel

S. Mevis: H. R. 2726. An act granting an increase of pension to John C.

Keach;
H. R. 2764. An act granting an increase of pension to George

L. Robinson; H. R. 2769. An act granting an increase of pension to Ethan

A. Valentine; H. R. 2793. An act granting an increase of pension to Nathan

D. Chapman; H. R. 2826. An act granting an increase of pension to Samuel Prochel;

H. R. 3226. An act granting an increase of pension to John E.

H. R. 3740. An act granting an increase of pension to John G. H. Armistead:

H. R. 3989. An act granting an increase of pension to Hiram T. Houghton;

H. R. 4149. An act granting an increase of pension to Thomp-

H. R. 4151. An act granting an increase of pension to John W. Howard:

H. R. 4166. An act granting an increase of pension to John G. V. Herndon;

H. R. 4346. An act granting an increase of pension to Thomas H. B. Schooling;

H. R. 4351. An act granting an increase of pension to George

H. R. 4670. An act granting an increase of pension to Edward B. Tanner:

H. R. 4673. An act granting an increase of pension to Samuel

H. R. 4692. An act granting an increase of pension to Levi

H. R. 4719. An act granting an increase of pension to Mary J. Trumbull:

H. R. 4833. An act granting an increase of pension to Samuel F. Anderson;

H. R. 5063. An act granting an increase of pension to William G. Miller

H. R. 5172. An act granting an increase of pension to Milton

H. R. 5173. An act granting an increase of pension to Jacob Henninger

H. R. 5174. An act granting an increase of pension to Patrick

H. R. 5187. An act granting an increase of pension to Robert John:

H. R. 5200. An act granting an increase of pension to John F. McBride; H. R. 5209. An act granting an increase of pension to Edward

R. Dunbar H. R. 5595. An act granting an increase of pension to Elisha

H. R. 5648. An act granting an increase of pension to William

H. R. 5729. An act granting an increase of pension to Norman H. Cole;

H. R. 5776. An act granting an increase of pension to Priscilla A. Campbell; H. R. 5801. An act granting an increase of pension to Alger-

non E. Castner H. R. 5803. An act granting an increase of pension to Edwin

L. Roberts H. R. 5829. An act granting an increase of pension to George

Anderson: H. R. 6057. An act granting an increase of pension to Emery

Crawford: H. R. 6060. An act granting an increase of pension to Lorenzo

B. Fish: H. R. 6088. An act granting an increase of pension to James

R. Chapman; H. R. 6145. An act granting an increase of pension to Parris

H. R. 6165. An act granting an increase of pension to Nelson

H. R. 6189. An act granting an increase of pension to Arthur

H. R. 6424. An act granting an increase of pension to George

H. R. 6493. An act granting an increase of pension to Eli Boynton;

H. R. 6519. An act granting an increase of pension to Samuel W. Whybark;

H. R. 6524. An act granting an increase of pension to Amos H. R. 6537. An act granting an increase of pension to William

H. R. 6705. An act granting an increase of pension to William

H. Zachery H. R. 6894. An act granting an increase of pension to Daniel

O. Corbin: H. R. 6920. An act granting an increase of pension to Simon

H. R. 7211. An act granting a pension to James C. Souther-

land: H. R. 7247. An act granting an increase of pension to Lorenzo

Sink: H. R. 7378. An act granting an increase of pension to John L.

Brown; H. R. 7393. An act granting an increase of pension to Ferdi-

nand David: H. R. 7411. An act granting an increase of pension to Tobias Fisher;

H. R. 7417. An act granting an increase of pension to Gibson Helms .

H. R. 7544. An act granting an increase of pension to Gustavus F. E. Raschig;

H. R. 7551. An act granting a pension to Daniel Robb;

H. R. 7555. An act granting an increase of pension to John S. Roseberry

H. R. 7581. An act granting an increase of pension to Emile Cloe

H. R. 7666. An act granting an increase of pension to Joseph C. Mahaffey;

H. R. 7804. An act granting an increase of pension to John Frett, jr.

H. R. 7834. An act granting an increase of pension to Joseph

H. R. 7912. An act granting an increase of pension to James M. Lawder

H. R. 8136. An act granting an increase of pension to Joseph Scroggs H. R. 8159. An act granting an increase of pension to Charles

Leathers H. R. 8247. An act granting an increase of pension to Sarah J.

Littleton:

H. R. 8312. An act granting an increase of pension to Abram Sours

H. R. 8335. An act granting an increase of pension to John T. Harvey

H. R. 8338. An act granting an increase of pension to Isaac S. Doan:

H. R. 8373. An act granting an increase of pension to Patrick Weir:

H. R. 8553. An act granting an increase of pension to Thomas E. Aylsworth;

H. R. 8667. An act granting an increase of pension to Andrew Larick;

H. R. 8668. An act granting an increase of pension to Stephen H. Rogers

H. R. 8683. An act granting an increase of pension to William D. Voris;

H. R. 8732. An act granting a pension to Ellen S. Gifford; H. R. 8915. An act granting an increase of pension to Susan Woolley

H. R. 8925. An act granting an increase of pension to Chester Simpson;

H. R. 8958. An act granting an increase of pension to David Bowen:

H. R. 9024. An act granting an increase of pension to Lewis

H. R. 9090. An act granting an increase of pension to Amasa B. Saxton

H. R. 9100. An act granting a pension to Nancy C. Paine;

H. R. 9212. An act for the relief of Joseph W. I. Kempa, executor of the last will and testament of William J. Grutza, deceased:

H. R. 9113. An act granting a pension to Elizabeth Cleaver; H. R. 9218. An act granting an increase of pension to William T. Blanchard;

H. R. 9250. An act granting an increase of pension to Obediah B. Nations;

H. R. 9278: An act granting an increase of pension to Melville A. Nichols

H. R. 9402. An act granting an increase of pension to Adam S. Van Vorst

H. R. 9403. An act granting an increase of pension to Kate E. Hanna;

H. R. 9673. An act granting a pension to Oliver H. Griffin; H. R. 9816. An act granting an increase of pension to Charles A. Spanogle, alias Andrew C. Spanogle;

H. R. 9921. An act granting a pension to Ann Lytle;

H. R. 10032. An act granting an increase of pension to Octavo Barker

H. R. 10033. An act granting an increase of pension to Samuel

C. Roe; H. R. 10219. An act granting an increase of pension to George

H. R. 10240. An act granting an increase of pension to John H.

H. R. 10317. An act granting an increase of pension to Clarissa A. Frederick

H. R. 10400. An act granting an increase of pension to Thomas

H. R. 10402. An act granting an increase of pension to Albert H. Campbell;

H. R. 10403. An act granting an increase of pension to James

H. R. 10440. An act granting an increase of pension to Amaziah G. Sheppard;

H. R. 10721. An act granting an increase of pension to Harriett

H. R. 10738. An act granting an increase of pension to Thomas

H. R. 10760. An act granting a pension to Libbie A. Merrill;

H. R. 10773. An act granting an increase of pension to George C. Rathbun

H. R. 10916. An act granting an increase of pension to Charles H. Shreeve

H. R. 11141. An act granting an increase of pension to Jesse S. Miller

H. R. 11169. An act granting an increase of pension to Robert

P. Call; H. R. 11174. An act granting an increase of pension to Isaac

H. R. 11232. An act granting an increase of pension to Aaron L. Packer

H. R. 11307. An act granting an increase of pension to Joseph J. Roberts

H. R. 11322. An act granting an increase of pension to Luther H. Starkey

H. R. 11362. An act granting an increase of pension to Nicholas A. Bovee;

H. R. 11562. An act granting an increase of pension to Adam

H. R. 11564. An act granting an increase of pension to James

H. R. 11636. An act granting an increase of pension to Lawrence Hagan ;

H. R. 11701. An act granting an increase of pension to Marvin

H. R. 11708. An act granting an increase of pension to Jesse

H. R. 11869. An act granting an increase of pension to Henry A. Geduldig

H. R. 11959. An act granting an increase of pension to Henry J. Rice

H. R. 12106. An act granting an increase of pension to George W. Reagan

H. R. 12124. An act granting an increase of pension to Howard Brown

H. R. 12152. An act granting an increase of pension to Leonidas E. Mills;

H. R. 12370. An act granting an increase of pension to Mary

E. Randolph: H. R. 12497. An act granting an increase of pension to Allen

M. Haight; H. R. 12523. An act granting an increase of pension to Gancelo Leighton;

H. R. 12554. An act granting an increase of pension to William Larraby

H. R. 12557. An act granting an increase of pension to John

C. Berry H. R. 12574. An act granting an increase of pension to Jacob R. Burkhardt;

H. R. 12676. An act granting an increase of pension to Francis M. Morrison;

H. R. 13053. An act granting an increase of pension to Eli Bunting

H. R. 13054. An act granting an increase of pension to James M. Brown

H. R. 13201. An act granting a pension to Sarah A. Jones; H. R. 13253. An act granting an increase of pension to Robert M. C. Hill :

H. R. 13740. An act granting an increase of pension to Jeremiah Bard ;

H. R. 13805. An act granting an increase of pension to Isaac Gordon:

H. R. 13806. An act granting an increase of pension to John Campbell;

H. R. 13813. An act granting an increase of pension to Samuel

H. R. 13815. An act granting an increase of pension to Christian M. Good;

H. R. 13884. An act granting a pension to Helen Augusta Mason Boynton;

H. R. 13956. An act granting an increase of pension to Alfred Featheringill:

H. R. 13975. An act granting an increase of pension to Thomas H. Primrose

H. R. 14046. An act granting a pension to Jimison F. Skeens:

H. R. 14238. An act granting an increase of pension to William H. Van Tassell;

H. R. 14263. An act granting a pension to Fidelia Sellers;

H. R. 14378. An act granting an increase of pension to Charles Settle:

H. R. 14673. An act granting an increase of pension to David H. Semans

H. R. 14675. An act granting an increase of pension to James Davis:

H. R. 14689. An act granting an increase of pension to Herman G. Weller

H. R. 14690. An act granting an increase of pension to Henrietta Hull:

H. R. 14715. An act granting an increase of pension to Harmon W. McDonald:

H. R. 14767. An act granting an increase of pension to Henry

H. R. 14860. An act granting an increase of pension to William D. Campbell;

H. R. 14862. An act granting an increase of pension to Ann E. White:

H. R. 14884. An act granting an increase of pension to Henry Stauffer

H. R. 14983. An act granting an increase of pension to R. T. Dillard Zimmerman;

H. R. 14985. An act granting an increase of pension to Mary Gramberg

H. R. 14995. An act granting an increase of pension to James H. Bell:

H. R. 15017. An act granting an increase of pension to Joseph Strope

H. R. 15139. An act granting an increase of pension to James P. Mullen:

H. R. 15150. An act granting an increase of pension to John O'Connor :

H. R. 15193. An act granting an increase of pension to Frederick W. Studdiford;

H. R. 15202. An act granting a pension to Henry Peetsch; H. R. 15297. An act granting an increase of pension to Nelson Hanson:

H. R. 15317. An act granting an increase of pension to James B. F. Callon

H. R. 15421. An act granting an increase of pension to Paul Diedrich:

H. R. 15430. An act granting an increase of pension to Oliver

H. R. 15455. An act granting an increase of pension to John D. Brooks H. R. 15463. An act granting an increase of pension to John

Robb, 1st: H. R. 15580. An act granting an increase of pension to James

P Hudking H. R. 15630. An act granting a pension to Sarah Kizer;

H. R. 15631. An act granting an increase of pension to Henry C. Worley H. R. 15790. An act granting an increase of pension to Nicho-

las W. Dorrel; H. R. 15839. An act granting an increase of pension to Mary

J. Burroughs H. R. 15860. An act granting an increase of pension to Sarah

C. Morris; H. R. 15868. An act granting an increase of pension to William H. Scullen;

H. R. 15874. An act granting an increase of pension to Benjamin B. Ream;

H. R. 15890. An act granting an increase of pension to Hiram C. Barney;

H. R. 15980. An act granting an increase of pension to John T. H. R. 16002. An act granting a pension to Theodore T. Bruce:

H. R. 16087. An act granting an increase of pension to Charles W. Foster;

H. R. 16222. An act granting an increase of pension to Napoleon B. Ferrell;

H. R. 16249. An act granting an increase of pension to Thomas Miller

H. R. 16488. An act granting an increase of pension to Charles Hopkins H. R. 16493. An act granting an increase of pension to William

T. Sallee H. R. 16546. An act granting an increase of pension to Louis

F. Beeler H. R. 16895. An act granting an increase of pension to William M. Baker:

H. R. 17094. An act granting an increase of pension to James H. Sperry:

H. R. 17099. An act to authorize the refund of part of fines imposed on the vessels Sotic R, Mathilda R, and Helen R;

H. R. 17172. An act granting an increase of pension to John Short;

H. R. 17484. An act granting an increase of pension to John E. Gillispie, alias John G. Elliott;

H. R. 17486. An act granting an increase of pension to Rudolph Panst:

H. R. 17539. An act granting an increase of pension to Ambrose D. Albertson;

H. R. 17646. An act granting an increase of pension to James M. Sheak:

H. R. 17770. An act granting an increase of pension to Julia P. Grant;

H. R. 17773. An act granting an increase of pension to Carel Lane; H. R. 17810. An act granting an increase of pension to Saul

Coulson;
H. R. 17864. An act granting an increase of pension to Saar.

E. Austin;
H. R. 17958. An act granting an increase of pension to Mary

der Dixon;

H R 17969 An act granting an increase of pension to Charles

H. R. 17969. An act granting an increase of pension to Charles Walrod;

H. R. 17988. An act granting a pension to Edward G. Hausen; H. R. 18031. An act granting an increase of pension to Daniel H. Toothaker;

H. R. 18089. An act granting an increase of pension to Daniel J. Harte;

H. R. 18114. An act granting an increase of pension to Henry B. Parker:

H. R. 18155. An act granting an increase of pension to Frank S. Hastings;

H. R. 18179. An act granting an increase of pension to William G. Baity;

H. R. 18218. An act granting an increase of pension to Joseph L. Topham;

H. Ř. 18242. An act granting an increase of pension to Francis Anderson;

H. R. 18247. An act granting an increase of pension to William Baird;

H. R. 18248. An act granting an increase of pension to John D. Evans;

H. R. 18261. An act granting an increase of pension to John T. Mitchell;

H. R. 18295. An act granting an increase of pension to Joshua B. Casey;

H. R. 18410. An act granting an increase of pension to Andrew J. Cushing;

H. R. 18474. An act granting an increase of pension to Robert Sturgeon;

H. R. 18494. An act granting an increase of pension to Emmagene Bronson;

H. R. 18574. An act granting an increase of pension to Levi Miles;

H. R. 18582. An act granting an increase of pension to Sarah E. Hoffman:

H. R. 18608. An act granting an increase of pension to Mary E. Strickland;

H. R. 18634. An act granting an increase of pension to Mary Sullivan;

H. R. 18637. An act granting an increase of pension to Henry
 L. Sparks;
 H. R. 18758. An act granting an increase of pension to Mary

A. Daniel;

H R 18761 An act granting an increase of pension to Renig.

H. R. 18761. An act granting an increase of pension to Benjaman Bolinger;

H. R. 18771. An act granting an increase of pension to William G. Bailey;

H. R. 18791. An act granting a pension to Michael Bocoskey; H. R. 18797. An act granting an increase of pension to John M. Defoe;

H. R. 18871. An act granting an increase of pension to Emanuel Raudabaugh;

H. R. 18884. An act granting an increase of pension to Weymouth Hadley;

H. R. 19023. An act granting an increase of pension to John T. Lester;

H. R. 19044. An act granting an increase of pension to Samuel

H. R. 19045. An act granting an increase of pension to Mary A. Agey;

H. R. 19048. An act granting an increase of pension to Alfred Branson;

H. R. 19117. An act granting an increase of pension to Mary E. Higgins;

H. R. 19216. An act granting an increase of pension to Theophil Brodowski;

H. R. 19237. An act granting an increase of pension to James Rout;

H.R. 19280. An act granting an increase of pension to Peter J. Williamson;

H. R. 19281. An act granting an increase of pension to Mary J.
 Gillem;
 H. R. 19363. An act granting an increase of pension to Theo-

dore Bland; H. R. 19386. An act granting an increase of pension to Robert

Stewart; H. R. 19412. An act granting an increase of pension to Jeffer-

son K. Smith;

H. R. 19420. An act granting an increase of pension to Eliza A. McKean;

H. R. 19426. An act granting an increase of pension to George N. Griffin;

H. R. 19448. An act granting an increase of pension to Abiram P. McConnell;

H. R. 19479. An act granting an increase of pension to George W. Savage;

H. R. 19490. An act granting a pension to Estelle I. Reed; H. R. 19510. An act granting an increase of pension to Richard.

B. West; H. R. 19541. An act granting an increase of pension to Job F.

Martin; H. R. 19553. An act granting an increase of pension to James Paleorteen.

Robertson; H. R. 19577. An act granting an increase of pension to Mary

L. Patton; H. R. 19579. An act granting an increase of pension to Robert F. Mayfield;

H. R. 19584. An act granting an increase of pension to Joseph B. Pettey; H. R. 19603. An act granting an increase of pension to Jacob

Farner; H. R. 19629. An act granting an increase of pension to Oliver

Morton; H. R. 19639. An act granting an increase of pension to Lucy

A. Kephart;
H. R. 19648. An act granting an increase of pension to Sarah
A. Wilson;

H. R. 19651. An act granting an increase of pension to Joseph
 H. Prendergast;
 H. R. 19661. An act granting an increase of pension to Jacob

McWilliams; H. R. 19672. An act granting an increase of pension to Jacob McWilliams;

H. R. 19672. An act granting an increase of pension to Thomas McDermott;
H. R. 19703. An act granting an increase of pension to Seth

Chase;
H. R. 19708. An act granting an increase of pension to Wil-

liam A. Leffer;
H. R. 19713. An act granting an increase of pension to Mary

H. R. 19715. An act granting an increase of pension to Susan M. Brunson;

H. R. 19716. An act granting an increase of pension to Mary F. Johnson;

H. R. 19722. An act granting an increase of pension to William H. Burns; H. R. 19738. An act granting an increase of pension to Ben-

jamin St. Clair; H. R. 19758. An act granting an increase of pension to Josefita

Montano; H. R. 19762. An act granting an increase of pension to Clara

C. Edsall; H. R. 19807. An act granting an increase of pension to John W. Marean;

W. Marean; H. R. 19818. An act granting an increase of pension to Wil-

liam F. Clinkscales;
H. R. 19858. An act granting an increase of pension to Richard

E. Clapper; H. R. 19871. An act granting an increase of pension to John G. Kean, alias Cain;

H. R. 19872. An act granting an increase of pension to Richard E. Hassett;

H. R. 19873. An act granting an increase of pension to Robert Webb;

H. R. 19885. An act granting an increase of pension to Frank Scherer;

H. R. 19891. An act granting an increase of pension to Edwin D. Bates;

H. R. 19907. An act granting an increase of pension to James Butler;

H. R. 19915. An act granting an increase of pension to Green-leaf W. Crossman;

H. R. 19923. An act granting an increase of pension to Bettie Ferguson;

H. R. 19949. An act granting an increase of pension to Charles Van Ostrand:

H. R. 19963. An act granting an increase of pension to Charles

H. R. 19967. An act granting an increase of pension to Martin L. Ohr:

H. R. 19990. An act granting an increase of pension to Susan F. Christie;

H. R. 19998. An act granting an increase of pension to Eunice

H. R. 20029. An act granting an increase of pension to John B. Maison:

H. R. 20061. An act granting an increase of pension to Caswell York;

H. R. 20064. An act granting an increase of pension to William C. Arnold;

H. R. 20078. An act granting an increase of pension to Walter M. English;

'H. R. 20085. An act granting an increase of pension to Robert Lafontaine;

H. R. 20087. An act granting an increase of pension to Cassia C. Tyler;

H. R. 20088. An act granting an increase of pension to Mary J. Thurmond:

H. R. 20096. An act granting an increase of pension to Theresia Bell;

H. R. 20117. An act granting an increase of pension to Preston J. Michener;

H. R. 20129. An act granting an increase of pension to John Lemly;

H. R. 20146. An act granting an increase of pension to Harriet C. Kenney;
H. R. 20154. An act granting an increase of pension to George

H. R. 20104. An act granting an increase of pension to George

H. R. 20166. An act granting an increase of pension to Sarah Salmon;

H. R. 20198. An act granting an increase of pension to Mary E. Maddox:

· H. R. 20199. An act granting an increase of pension to Joseph N. Cadieux;

H.R. 20219. An act granting an increase of pension to Ellen Downing;

H. R. 20222. An act granting an increase of pension to Henry C. Joseph;

H. R. 20229. An act granting an increase of pension to Jehu F. Wotring;

H. R. 20250. An act granting an increase of pension to Thomas McBride;

H. R. 20269. An act granting an increase of pension to Sarah A. Galloway;

H. R. 20272. An act granting an increase of pension to James L. House:

H. R. 20279. An act granting an increase of pension to Edmund Hostetter;
H. R. 20286. An act granting an increase of pension to Bar-

tholomew Holmes;

H. R. 20292. An act granting a pension to Howard William Archer;

H. R. 20303. An act granting an increase of pension to John Crowley;

H. R. 20327. An act granting a pension to Elizabeth A. Downie;

H. R. 20350. An act granting an increase of pension to Theodore F. Reighter; H. R. 20351. An act granting an increase of pension to Peter

M. Simon; H. R. 20357. An act granting an increase of pension to Jane

H. R. 20357. An act granting an increase of pension to Jane Auldridge;
H. R. 20363. An act granting an increase of pension to Otis E.

H. R. 2008. An act granting an increase of pension to Mary

Wilson;
H. R. 20391. An act granting an increase of pension to Mary

Jane Meldrim; H. R. 20415. An act granting an increase of pension to John H. Krom; H. R. 20424. An act granting an increase of pension to George W. Wheeler;

H. R. 20431. An act granting an increase of pension to John Neumann;

H. R. 20463. An act granting an increase of pension to Nicholas D. Kenny;

H. R. 20571. An act granting an increase of pension to Frederick J. Dowland;

H. R. 20581. An act granting an increase of pension to Nettie G. Kruger;

H. R. 20586. An act granting an increase of pension to Calvin Judson;

H. R. 20587. An act granting an increase of pension to Francis McMahon;
 H. R. 20613. An act granting an increase of pension to Hiram

Steele;
H. R. 20614. An act granting an increase of pension to James

Howardson; H. R. 20683. An act granting an increase of pension to James

Bond; H. R. 20712. An act granting an increase of pension to Sam-

uel W. Searles;
H. R. 20715. An act granting an increase of pension to Charles Ballantyne;

H. R. 20717. An act granting an increase of pension to Adelbert E. Bleekman;

H. R. 20721. An act granting an increase of pension to James O. Pierce;

H. R. 20724. An act granting an increase of pension to Rhoda A. Hoit:

H. R. 20725. An act granting a pension to Hope Martin;
 H. R. 20726. An act granting an increase of pension to Mary

J. Smith;
H. R. 20735. An act granting an increase of pension to Berge

Larsen;
H. R. 20829. An act granting an increase of pension to David
M. Watkins:

H. R. 20844. An act granting an increase of pension to Milton Russell;

H. R. 20851. An act granting an increase of pension to Henry Hamme; H. R. 20852. An act granting an increase of pension to Theo-

dore T. Tate;
H. R. 20896. An act granting an increase of pension to James

F. Henninger; H. R. 20899. An act granting an increase of pension to Charles W. Carpenter;

H. R. 20928. An act granting an increase of pension to Reuben A. George;

H. R. 20955. An act granting an increase of pension to Edward L. Carpenter;

H. R. 20058. An act granting an increase of pension to Darius
 E. Garland;
 H. R. 20962. An act granting an increase of pension to Frank-

lin H. Bailey; H. R. 20964. An act granting an increase of pension to John

H. R. 20965. An act granting an increase of pension to Harvey Sine;

H. R. 21001. An act granting an increase of pension to George Rhodes:

H. R. 21015. An act granting an increase of pension to Evan H. Baker;

H. R. 21019. An act granting an increase of pension to Benjamin F. Fell; H. R. 21033. An act granting an increase of pension to Wil-

liam P. Huff;
H. R. 21045. An act granting an increase of pension to Unity

A. Steel; H. R. 21054. An act granting an increase of pension to William G. Wilson;

H. R. 21058. An act granting an increase of pension to William H. Isbell;

H. R. 21086. An act granting an increase of pension to Jerry Johnson;

H. R. 21119. An act granting an increase of pension to Alexander Roshea:

ander Boshea;
H. R. 21124. An act granting an increase of pension to William B. Crane;

H. R. 21142. An act granting an increase of pension to Joseph Rose;
 H. R. 21148. An act granting an increase of pension to Jacob

A. Graham; H. R. 21162. An act granting an increase of pension to John W. Humphrey;

H. R. 21179. An act granting an increase of pension to Charles Green

H. R. 21185. An act granting an increase of pension to Mary M. Goble:

H. R. 21216. An act granting an increase of pension to Eliza J. McCardel;

H. R. 21228. An act granting an increase of pension to Pleasant Crissip;

H. R. 21302. An act granting an increase of pension to Nico-

laus Kirsch: H. R. 21304. An act granting an increase of pension to Jacob Kohl:

H. R. 21307. An act granting an increase of pension to Samuel

Fauver;
H. R. 21402. An act permitting the building of a dam across the Savannah River at Gregg Shoals;

H. R. 21519. An act granting an increase of pension to Montezuma St. John;

H. R. 21575. An act granting an increase of pension to Calvin

E. Morley; H. R. 21641. An act granting an increase of pension to Levi

Eddy; H. R. 21677. An act to amend an act granting to the Davenport Water Power Company rights to construct and maintain a canal, power station, and appurtenant works in the Mississippi River in Scott County, Iowa

H. R. 21749. An act granting an increase of pension to Annie Reaney

H. R. 21828. An act granting an increase of pension to Noah Perrin:

H. R. 21849. An act granting an increase of pension to John P.

H. R. 21859. An act granting an increase of pension to Simon Stone:

H. R. 22052. An act granting an increase of pension to James A. Meredith:

H. R. 22207. An act granting an increase of pension to William A. Harlan:

H. R. 22265. An act granting an increase of pension to Elizabeth Jane Hancher

H. R. 22280. An act granting an increase of pension to Emily V. Ackley;

H. R. 22281. An act granting an increase of pension to Leonard Tyler

H. R. 22416. An act granting an increase of pension to Barbara E. Schwab ;

H. R. 22424. An act granting an increase of pension to William Faulkner

H. R. 22566. An act granting an increase of pension to Joseph L. Six :

H. R. 22568. An act granting an increase of pension to John H. Christman:

H. R. 22607. An act granting an increase of pension to John T. Hetherlin:

H. R. 22684. An act granting an increase of pension to William Sherk:

H. R. 22717. An act granting an increase of pension to Mary 'A. Brick ;

H. R. 22932. An act granting an increase of pension to Bryngel Severson;

H. R. 22937. An act granting an increase of pension to Edward

Murphy; H. R. 22997. An act granting an increase of pension to Edmond D. Doud :

H. R. 23307. An act granting an increase of pension to Andrew

H. R. 23718. An act to authorize the Chicago, Lake Shore and South Bend Railway Company to construct a bridge across the Calumet River in the State of Indiana;

H. R. 23939. An act to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Calumet River in the State of Indiana

H. R. 24047. An act to authorize Chapter No. 376 of the Daughters of the American Revolution to erect a fountain on the property of the United States at Paducah, Ky.;

H. R. 24111. An act to authorize the Norfolk and Western Railway Company to construct a bridge across the Potomac River at or near Shepherdstown, W. Va.; and

H. R. 24275. An act permitting the building of a dam across the Flint River at Porter Shoals.

# PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the common council of Astoria, Oreg., on behalf of the people of the North-

west, praying for an investigation into the conditions of the coal shortage in that part of the country; which was referred to the

Committee on Interstate Commerce.

Mr. PLATT presented petitions of sundry citizens of Stamford, N. Y., and of the congregations of the Methodist and Baptist churches of Greece, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

Mr. LONG presented a concurrent resolution of the legislature of Kansas, praying for the enactment of legislation to abolish the duty on lumber; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as fol-

Senate concurrent resolution No. 8.

Be it resolved by the legislature of the State of Kansas, to wit,

Be it resolved by the legislature of the State of Kansas, to wit, that—
Whereas the manufacturers' price on white-pine lumber has increased 100 per cent during the past ten years, as shown by the annexed table of prices, and that yellow-pine lumber has increased in like proportions:

	Wholesale price in-	
	1897.	1907.
12-inch No. 1 barn boards. 12-inch common barn boards 10-inch roofing boards 8-inch ship lapboards. 6-inch rough fencing 6-inch siding Common finishing lumber Common sheathing lath Common plastering lath	14.50 13.50 15.00 20.00 20.00 9.00	\$38.00 30.00 28.00 28.00 30.75 30.00 36.00 23.75 5,75

And whereas the increased price of lumber is due in a great measure to the control of the standing pine and its manufacture by a comparatively few men, and is made possible by the tariff prohibiting the importation of manufactured lumber, and in that manner restricting the

tively few men, and is made possible of portation of manufactured lumber, and in that manner restricting the supply; and

Whereas the manufacturers of and holders of lumber have grown immensely wealthy by the reasons above given, until one Frederick Weyerhaeuser's wealth, it is said, equals Rockefeller's; and

Whereas the tariff on lumber adds to the already enormous profit of the wholesalers from \$35 to \$50 a car; and

Whereas the tariff on lumber is a direct tax to the user and works a particular disadvantage to the farmers of Kansas: Therefore, be it Resolved by the senate (the house concurring therein), That our Representatives in Congress be instructed to prepare and introduce a bill abolishing the duty on lumber; and be it

Further resolved, That our Senators and Representatives in Congress be requested to vote for and support such a measure.

And that a copy of these resolutions be furnished each of our Senators and Representatives in Congress by the secretary of the senate.

I hereby certify that the above concurrent resolution originated in the senate and passed that body January 22, 1907.

W. J. FITZGERALD,

President of the Senate.

W. S. KRETSINGEN,

Secretary of the Senate.

W. S. KRETSINGEN,

Secretary of the Senate.

J. S. SIMMONS, Speaker of the house. D. Y. WILSON, Chief clerk of the house.

Mr. LONG presented a concurrent resolution of the legislature of the State of Kansas, praying for the ratification of reciprocal trade treaties with certain countries looking to the admission of agricultural and meat products; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution No. 2.

Be it resolved by the senate of Kansas (the house of representatives

Be it resolved by the senate of Kansas (the house of representatives concurring therein):

First. That our Senators in Congress are hereby instructed and our Representatives in Congress are hereby requested to use all honorable efforts to secure the immediate removal of the tariff upon lumber, and such reduction of the tariff upon iron and steel and the products thereof as will preserve a reasonable protection to American labor and at the same time relieve the American people from the excessive and exorbitant prices now demanded and received by the steel trust and other producers of iron and steel and their products.

Second. Our Senators in Congress are hereby instructed and our Representatives in Congress are hereby requested to use all honorable efforts to secure the immediate enactment of a law giving to the President of the United States authority to conclude such reciprocal trade agreements with foreign countries as shall open for the agricultural products of this country, and particularly beef and pork, those markets now practically closed to them by reason of the tariff war existing between this and foreign countries, said law to provide for the immediate taking effect of such agreement, if any, made by the President of the United States without further action upon the part of Congress or either branch thereof.

Third. Resolved, That a copy of this resolution, signed by the president of the senate and the speaker of the house, and certified by the secretary of the senate and the clerk of the house, be immediately transmitted to each Senator and Representative of the State of Kansas in Congress.

I hereby certify that the above concurrent resolution originated in the senate, and passed that body January 22, 1907.

W. J. Fitzgerald, President of the Senate.
W. S. Kretsinger, Secretary of the Senate.

Passed the house January 23, 1907.

Passed the house January 23, 1907.

J. S. SIMMONS, Speaker of the House. D. Y.WILSON, Chief Clerk of the House.

Mr. SCOTT presented a memorial of the State Grange, Patrons of Husbandry, of West Virginia, remonstrating against the adoption of the House substitute for the Senate ship-subsidy

Mr. KNOX presented a petition of Local Union, Junior Order United American Mechanics, of Dickerson Run, Pa., and a petition of Washington Camp, No. 67, Patriotic Order Sons of American Mechanics, of Dickerson Run, Pa., and a petition of Washington Camp, No. 67, Patriotic Order Sons of American Mechanics, of Dickerson Run, Pa., and a petition of Washington Camp, No. 67, Patriotic Order Sons of American Run and Patriotic Order Run and ica, of Womelsdorf, Pa., praying for the adoption of an educa-tional test to the present Chinese-exclusion law; which were re-

ferred to the Committee on Immigration.

He also presented a memorial of the Liberal Immigration League of New York City, remonstrating against the enactment of legislation to further restrict immigration; which was

referred to the Committee on Immigration.

He also presented petitions of the congregation of the Metho-dist Episcopal Church of Liberty, of the Woman's Christian Temperance Union of Bellevue, of the congregations of the Methodist Episcopal, First Presbyterian, and the First United Protestant churches of Kittanning, and of the congregation of the Grace Methodist Episcopal Church, of Newcastle, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary

He also presented memorials of the Council of Jewish Women of Oil City; O. S. Hersham, of Pittsburg; A. P. Moore, of Pittsburg, all in the State of Pennsylvania, and of the Council of Jewish Women of Seattle, Wash., remonstrating against the adoption of the so-called "low-vitality" or "poor-physique" clause to the immigration bill; which were referred to the Com-

mittee on Immigration.

He also presented petitions of C. P. Hawks, of Slippery Rock; M. Estelle Williams, of Coatesville; B. S. Chanyney, of Philadelphia; E. S. Spencer, of Philadelphia; Sarah A. Steele, of Fairmount Springs, and J. A. Shafer, of Duquesne, all in the State of Pennsylvania, praying for the passage of the so-called "Crumpacker bill," relating to postal fraud orders; which were referred to the Committee on the Judiciary.

Mr. HOPKINS presented petitions of sundry business firms of Decatur, Chicago, Jacksonville, Moline, and Aurora, all in the State of Illinois, praying that an appropriation be made for the preservation of models in the United States Patent Office; which

were referred to the Committee on Appropriations.

He also presented petitions of sundry business firms of Decatur, Chicago, Hoopeston, and Rockford, all in the State of Illinois, praying that an appropriation be made for the construction of a deep waterway from the Great Lakes to the Gulf of Mex-

ico; which were referred to the Committee on Commerce.

Mr. BULKELEY presented a memorial of sundry Hebrew organizations of New Haven, Conn., remonstrating against the enactment of legislation to further restrict immigration; which

was referred to the Committee on Immigration.

He also presented a petition of the Young People's Society of Christian Endeavor of the South Congregational Church of New Britain, Conn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. OVERMAN presented a petition of sundry citizens of High Point, N. C., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. FULTON presented a petition of sundry citizens of Albany, Oreg., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary

Mr. BRANDEGEE presented a memorial of nine lodges of Hebrew-Americans of New Haven, Conn., remonstrating against the enactment of legislation to restrict immigration; which

was referred to the Committee on Immigration.

Mr. CLAPP. I present a memorial of the Eastern Cherokee Indians, praying for the adoption of an amendment to the Indian appropriation bill allowing the amount awarded them under the judgment of the Supreme Court, October term, 1905, I move that the memorial be printed as a document.

The motion was agreed to.

Mr. BURNHAM presented a petition of the Young Women's Christian Association of Colby Academy, New London. N. H.,

praying for an investigation into the existing conditions in the Kongo Free State: which was referred to the Committee on Foreign Relations.

He also presented the petition of Fred W. Barlow and 4 other citizens of Manchester, N. H., and the petition of J. E. Bernier, of Manchester, N. H., praying for the enactment of legislation to modify the present postal fraud-order law; which were referred to the Committee on the Judiciary

Mr. PILES presented petitions of sundry citizens of Vancouver, Marysville, and Seattle, all in the State of Washington, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred

to the Committee on the Judiciary

Mr. DUBOIS presented the petition of C. M. White and 187 other citizens of Bannock County, Idaho, praying that an appropriation be made providing for the irrigation of the Fort Hall lands around Pocatello, in that State; which was referred to the Committee on Indian Affairs.

Mr. DANIEL presented a petition of the Retail Merchants' Association of Portsmouth, Va., and a petition of the Board of Trade of Norfolk, Va., praying for the enactment of legislation providing for a reclassification and increase in the salaries of postal clerks in all first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of G. W. Koiner, of Richmond, Va., and the memorial of R. H. Baker, jr., and sundry other citizens of Norfolk, Va., remonstrating against the enactment of legislation to abolish the Division of Biological Survey in the Department of Agriculture; which were referred to the Committee on Agriculture and Forestry.

Mr. BURKETT presented sundry affidavits to accompany the bill (S. 874) granting an increase of pension to Calvin W. Green; which were referred to the Committee on Pensions.

He also presented a petition of the Commercial Club of Norfolk, Nebr., praying for the enactment of legislation providing for a reclassification and increase in the salaries of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

### REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16886) granting an increase of pension to Eliza-

beth A. Murrey

A bill (H. R. 16506) granting an increase of pension to Kate S. Church

A bill (H. R. 16487) granting an increase of pension to Martha Lavender

A bill (H. R. 16340) granting an increase of pension to William M. Harris;

A bill (H. R. 16283) granting an increase of pension to Archibald H. R. Calvin;

A bill (H. R. 16181) granting an increase of pension to Ann

A bill (H. R. 15965) granting an increase of pension to Stephen Gangwer;

A bill (H. R. 17634) granting an increase of pension to John

A bill (H. R. 17620) granting an increase of pension to Michael Pendergast, alias Michael Blake;

A bill (H. R. 17581) granting an increase of pension to Aquilla Williams

A bill (H. R. 17483) granting an increase of pension to William H. Loyd;

A bill (H. R. 17369) granting an increase of pension to Minor B. Monaghan;

A bill (H. R. 17335) granting an increase of pension to Lewis F. Belden ;

A bill (H. R. 17331) granting an increase of pension to Douglas V. Donnelly; A bill (H. R. 17330) granting an increase of pension to Wil-

liam Tuders

A bill (H. R. 17204) granting a pension to Sarah E. Robey; A bill (H. R. 17058) granting an increase of pension to James H. O'Brien

A bill (H. R. 16813) granting an increase of pension to Charles Brumm;

A bill (H. R. 16698) granting an increase of pension to Henry

A bill (H. R. 16458) granting an increase of pension to Daniel W. Gillam;

A bill (H. R. 18681) granting an increase of pension to William E. Gray;

A bill (H. R. 18383) granting an increase of pension to Frederick Shinaman :

A bill (H. R. 18323) granting an increase of pension to Richard B. Rankin;

A bill (H. R. 18322) granting an increase of pension to Hezekiah James

A bill (H. R. 18042) granting an increase of pension to James H. Sinclair;

A bill (H. R. 18014) granting an increase of pension to Elbridge P. Boyden:

A bill (H. R. 17817) granting an increase of pension to John

A bill (H. R. 17712) granting an increase of pension to Frank J. Biederman; and

A bill (H. R. 17642) granting an increase of pension to Roland M. Johnson.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. Nelson on the 22d instant, authorizing an extension to the Federal building at Duluth, Minn., and proposing to appropriate \$105,000 for the purchase or acquiring of new Federal building site, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. HOPKINS, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 7989) for acquiring a site and the erection of a Federal building for the post-office at Duquoin, Ill., asked to be discharged from its further consideration, and that it be referred to the Committee on Public Buildings and Grounds; which was agreed to.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (H. R. 20605) granting a pension to Mary E. P. Barr, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 20973) granting an increase of pension to Henry Lufft:

A bill (H. R. 20862) granting an increase of pension to August Weber;

A bill (H. R. 20731) granting an increase of pension to Peter Buchmann:

A bill (H. R. 20730) granting an increase of pension to John Carpenter :

A bill (H. R. 20729) granting an increase of pension to Benjamin Lyons;

A bill (H. R. 20728) granting an increase of pension to Ira

A bill (H. R. 20967) granting an increase of pension to Samuel W. Hines:

A bill (H. R. 20966) granting an increase of pension to

A bill (H. R. 20960) granting an increase of pension to Sarah M. Bickford

A bill (H. R. 20931) granting an increase of pension to John

A bill (H. R. 20930) granting an increase of pension to Joseph

A bill (H. R. 20929) granting an increase of pension to Thomas D. King

A bill (H. R. 20887) granting an increase of pension to Emma Walters

A bill (H. R. 20882) granting an increase of pension to Luther

A bill (H. R. 20860) granting an increase of pension to Charles

A bill (H. R. 20859) granting an increase of pension to Henry C. Hughes

A bill (H. R. 20856) granting an increase of pension to Catharine A. Greene

A bill (H. R. 20855) granting an increase of pension to George Hierl, alias George Hill;

A bill (H. R. 20854) granting an increase of pension to Thomas

A bill (H. R. 20842) granting an increase of pension to Henry

A bill (H. R. 20834) granting an increase of pension to Franklin Comstock

A bill (H. R. 20831) granting an increase of pension to James R. Dunlap:

A bill (H. R. 20822) granting an increase of pension to Milton L. Howard;

A bill (H. R. 20821) granting an increase of pension to John L. Newman:

A bill (H. R. 20737) granting an increase of pension to William G. Whitney

A bill (H. R. 20881) granting an increase of pension to Martha Weaverling

A bill (H. R. 20861) granting an increase of pension to Catharine Weigert

A bill (H. R. 20719) granting an increase of pension to James Price:

A bill (H. R. 20689) granting an increase of pension to Francis Doughty

A bill (H. R. 20686) granting an increase of pension to Joshua Jayne

A bill (H. R. 20685) granting an increase of pension to Joseph R. Benham:

A bill (H. R. 20654) granting an increase of pension to William A. Nichols; A bill (H. R. 20647) granting an increase of pension to Domi-

A bill (H. R. 20618) granting an increase of pension to George W Brinton A bill (H. R. 20568) granting an increase of pension to Chester

R. Pitt A bill (H. R. 20558) granting an increase of pension to Mark

W. Terrill; A bill (H. R. 20557) granting an increase of pension to Web-

ster Miller A bill (II. R. 20356) granting an increase of pension to Mary T. Mathis

A bill (H. R. 20291) granting an increase of pension to Emma

A bill (H. R. 20734) granting an increase of pension to Amos

A bill (H. R. 20733) granting an increase of pension to Oscar

A bill (H. R. 20970) granting an increase of pension to Edgar

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills; reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 20244) granting an increase of pension to Alfred Hayward;

A bill (H. R. 20236) granting an increase of pension to William E. Richards;

A bill (H. R. 20224) granting an increase of pension to Philip Hamman

A bill (H. R. 20212) granting an increase of pension to George W. Green A bill (H. R. 20201) granting an increase of pension to Charles

W. Airey

A bill (H. R. 20189) granting an increase of pension to Thomas W. Daniels; A bill (H. R. 20188) granting an increase of pension to John

H. McCain, alias John Croft; A bill (H. R. 20091) granting an increase of pension to John A. Smith:

A bill (H. R. 20079) granting an increase of pension to Richard F. Barret :

A bill (H. R. 20036) granting an increase of pension to Oliver T. Westmoreland:

A bill (H. R. 20000) granting an increase of pension to Thomas R. Elliott

A bill (H. R. 19994) granting a pension to Ritty M. Lane; A bill (H. R. 19976) granting a pension to Nelson Isbill

A bill (H. R. 19969) granting an increase of pension to Henry K. Burger

A bill (H. R. 19943) granting an increase of pension to Edward La Coste;

A bill (H. R. 19869) granting an increase of pension to John

A bill (H. R. 19863) granting an increase of pension to Walter B. Swain A bill (H. R. 19832) granting an increase of pension to George

W. Smith: A bill (H. R. 19770) granting an increase of pension to James

G. Van Dewalker: A bill (H. R. 19706) granting an increase of pension to Almon

Wood : A bill (H. R. 19628) granting an increase of pension to Eliza-

beth Mooney A bill (H. R. 19526) granting an increase of pension to Jud-

son H. Holcomb; A bill (H. R. 19401) granting an increase of pension to Campbell Cowan;

A bill (H. R. 19400) granting an increase of pension to Washington M. Brown :

A bill (H. R. 19384) granting an increase of pension to Susan E. Hernandez;

A bill (H. R. 19294) granting an increase of pension to Francis M. Hatten:

A bill (H. R. 19263) granting an increase of pension to John

A bill (H. R. 19133) granting an increase of pension to Fergus P. McMillan;

A bill (H. R. 18969) granting an increase of pension to Her-

man Hagemiller;
A bill (H. R. 18881) granting an increase of pension to Alexander B. Mott; and

A bill (H. R. 18723) granting an increase of pension to William E. Hanigan.

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (S. 2708) for the relief of B. Jackman, reported it without amendment, and submitted a report thereon.

Mr. McENERY, from the Committee on Public Lands, to whom was referred the bill (H. R. 15242) to confirm titles to certain lands in the State of Louisiana, reported it without amendment, and submitted a report thereon.

Mr. CLAPP. I am directed by the Committee on Indian Affairs to whom was referred the bill (H. R. 22580) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1908, to report it with amendments, and to submit a report thereon.

The VICE-PRESIDENT. The bill will be placed on the Cal-

endar.

Mr. CLAPP. I ask that the hearings before the Committee on Indian Affairs on the Indian appropriation bill be printed as a Senate document.

The VICE-PRESIDENT. If there be no objection, it will be

Mr. HEYBURN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 6649) authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes, reported it without amendment, and submitted a report thereon.

# CHARLES B. BENTLEY.

Mr. HEMENWAY. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 714) for the relief of Charles B. Bentley, to report it favorably without amendment, and I submit a report thereon. I ask for the immediate consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay Charles B. Bentley, postmaster at Warsaw, Ind., \$97, to reimburse him for the loss of key-deposit funds and damage to post-office fixtures through burglars, and for the expense resulting from a due vigilance to apprehend the thieves.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## BILLS INTRODUCED.

Mr. DICK introduced a bill (S. 8215) granting an increase of pension to James W. Lendsay; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DUBOIS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 8216) granting an increase of pension to Theodore

A bill (S. 8217) granting an increase of pension to William Clemens

A bill (S. 8218) granting an increase of pension to John Dav-

A bill (S. 8219) granting an increase of pension to Michael Condon;

A bill (S. 8220) granting an increase of pension to Absalom C. Funkhouser:

A bill (S. 8221) granting an increase of pension to Henry C. Riggs

A bill (S. 8222) granting a pension to Mary Greer Barber; and A bill (S. 8223) granting an increase of pension to Joseph N. Foster.

Mr. OVERMAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 8224) granting an increase of pension to Charles Gunter

A bill (S. 8225) granting an increase of pension to Elizabeth P. Hargrave;

A bill (S. 8226) granting an increase of pension to Franklin B. Carland; and

A bill (S. 8227) granting an increase of pension to John H. Johnson.

Mr. WHYTE introduced a bill (S. 8228) granting a pension to Hester B. Parrish; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FULTON introduced a bill (S. 8229) granting an increase of pension to John W. Gault; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a bill (S. 8230) for the relief of Harold D. Childs; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

He also introduced a bill (S. S231) to legalize the incorpora-tion of the city of Pawhuska, Osage Indian Reservation, Okla,, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

Mr. WARNER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 8232) granting an increase of pension to Charles

E. Collins; and A bill (S. 8233) granting an increase of pension to Joseph

Zumalt.

Mr. KEAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 8234) granting a pension to Georgia L. Burand (with accompanying papers); and

A bill (S. 8235) granting a pension to James Huntington (with accompanying papers).

Mr. KEAN (for Mr. DRYDEN) introduced a bill (S. 8236) granting an increase of pension to Thomas T. Phillips; which was read twice by its title, and referred to the Committee on

Mr. CLARK of Montana introduced a bill (S. 8237) granting an increase of pension to Lydia Irvine; which was read twice by its title, and, with an accompanying paper, referred to the Committee on Pensions.

Mr. BURNHAM introduced a bill (S. 8238) for the relief of William Foley; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 8239) to increase the salary of the deputy naval officer at the port of Boston; which was read twice by its title, and referred to the Committee on Finance.

He also (by request) introduced a bill (S. 8240) to establish Paul Jones Day in the Navy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. PROCTOR introduced a bill (S. 8241) granting an increase of pension to James Kavanagh; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 8242) granting a pension to Ledora J. Weisman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURKETT introduced a bill (S. 8243) granting an increase of pension to John H. Coonrod; which was read twice by its title, and referred to the Committee on Pensions.

## AMENDMENTS TO APPROPRIATION BILLS.

Mr. DICK submitted an amendment relative to the pay and allowances of the professors of mathematics in the Navy, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. DILLINGHAM submitted an amendment proposing to fix the salaries of the chief justice and five associate justices of the supreme court of the District of Columbia at \$7,000 per annum, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. LONG submitted an amendment authorizing the accounting officers of the Treasury Department to reopen and restate the accounts of Charles A. Davidson and Charles M. Campbell, clerks of the United States district courts for Indian Territory, etc., intended to be proposed by him to the general deficiency

appropriation bill; which was referred to the Committee on

Appropriations, and ordered to be printed.

Mr. TALIAFERRO (by request) submitted an amendment proposing to increase the number of surgeons of the police and fire departments in the District of Columbia from four to five, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate \$235,000 for expenses of fog signals, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be

printed.

Mr. RAYNER submitted an amendment relative to an appropriation of \$130,629.67 for expenses incurred in the reconstruction of the Providence Hospital buildings, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

## AGRICULTURAL BANK IN THE PHILIPPINES.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (S. 6249) to provide for the establishment of an agricultural bank in the Philippine Islands; which was referred to the Committee on the Philippines, and ordered to be printed.

### WITHDRAWAL OF PAPERS-BRIDGET E. CHRYSTIE.

On motion of Mr. Nelson, it was

Ordered, That all papers in the files of the office of the Secretary of the Senate relating to the bill S. 4085, Fifty-eighth Congress, granting a pension to Bridget E. Chrystie, be withdrawn, there having been no adverse report on said bill.

### LITTLE CONTENTNEA RIVER (N. C.) SURVEY.

Mr. OVERMAN submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the Little Contentnea River, North Carolina, from the mouth of same to the town of Ridge Springs, in Greene County, N. C., with a view of dredging, cleaning out, and widening the channel, and to submit a plan and estimate for such improvements.

AMENDMENT OF MEAT-INSPECTION LAW.

Mr. BEVERIDGE. Mr. President, I wish to ask the chairman of the Committee on Agriculture and Forestry at what time the Senate may expect that the bill introduced the first day of the present session amending the meat law by putting the cost of inspection upon the packers and requiring a label on the cans will be reported from the committee?

Mr. PROCTOR. Mr. President, I was not aware that the Senator from Indiana [Mr. Beveridee] was urgent for an early report of the bill. It was my impression that he proposed to offer it as an amendment to the agricultural appropriation bill. I do not recall that he has asked the committee for a prompt report. But if the Senator wishes immediate consideration of the bill, I can say to him that the committee will meet within three or four days and will be glad to give him a hearing upon

the bill as a separate measure.

Mr. BEVERIDGE. Mr. President, I wish to say that in making the query I make no criticism whatever of the committee for not earlier reporting the bill. I merely wanted to call the attention of the committee and of the Senate to it. It was a provision in the bill which the Senate unanimously passed last year, and it was the provision over which the contention with the House occurred. To save the whole bill the Senate receded upon these two points, with notice given on the floor at the time that the subject would again be brought forward and pressed.

So far as I am concerned, and I am sure others feel the same way, there is no disposition at all to drop this matter. Indeed, there is a greater disposition to urge it than before. my hand advertisements so large that all the Senate can see them, using the language of the bill: "United States. Inspected and passed under the act of Congress of June 30, 1906." That is the kind of an advertisement which the Senator from Vermont correctly pointed out to the Senate last year would be worth millions of dollars to the meat trust. Yet we are not only giving

them that, but \$3,000,000 a year in cash.

I merely meant by my query not to criticise the committee at all, which, of course, as everybody knows, is one of the most faithful and hardest working committees of this or any other body, but to call attention to the fact, now that so much of the time of the Senate has been consumed in the Brownsville affair, that this matter of amending the meat law along the lines upon which the Senate committee took its position last year will be pressed.

### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce

H. R. 24361. An act to amend an act entitled "An act to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charleroi, Washington County, to a point in Rostraver Township, Westmoreland County," approved March 14, 1904; and

H. R. 24367. An act to authorize the Interstate Bridge and Terminal Railway Company, of Kansas City, Kans., to con-struct a bridge across the Missouri River at or near Kansas

City, Kans.

H. R. 24747. An act providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit was read twice by its title, and referred to the Committee on the Judiciary.

### LAND IN ST. AUGUSTINE, FLA.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1726) making provision for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as "The Lines," for

school purposes.

Mr. HANSBROUGH. I move that the Senate disagree to the House amendment and request a conference upon the disagreeing votes of the two Houses, the conferees on the part of

The motion was agreed to; and the Vice-President appointed Mr. Nelson, Mr. McLaurin, and Mr. Dubois as the conferees on the part of the Senate.

### CHANGES IN DISTRICT STREET-RAILWAY TRACKS.

Mr. GALLINGER. Mr. President, I gave notice that on to-day I would call up Senate bill 6147. The Senator from Montana [Mr. Carter] has suggested to me that he would very much like to proceed this morning with the discussion of the unfinished business. I will ask the Senator if we could make an arrangement whereby at half past 2 o'clock those who are debating the unfinished business will yield to me to call up the bill in which I am interested? I think it will not take very long to consider it.

Mr. CARTER. I certainly will be glad to yield to the Senator

if I have the floor at that time.

Mr. GALLINGER. With that understanding, I will yield to the Senator from Montana.

# SENATOR FROM UTAH.

Mr. BURROWS. Mr. President, with a view of expediting the business of the session I desire to ask unanimous consent of the Senate for the adoption of the following order.

The VICE-PRESIDENT. The proposed order will be read by

the Secretary.

The Secretary read as follows:

It is agreed by unanimous consent that on Wednesday, February 20, 1907, immediately upon the conclusion of the routine morning business, the Senate will proceed to consider the resolution S. Res. 142: "Resolved, That Reed Smoot is not entitled to a seat in the Senate as a Senator from the State of Utah," and that at 4 o'clock p. m. on said day the Senate will proceed to vote upon any amendments that may then be pending or offered, and thereupon the resolution itself, without further debate.

The VICE-PRESIDENT. Is there objection to the order proposed?

Mr. LODGE.

Mr. LODGE. On what day? Mr. BURROWS. The 20th of February. Mr. ALLISON. I think the order should be subject to the consideration of the appropriation bills at that late day.

Mr. BURROWS. Then there would be no object in securing

the order. We certainly ought to have a vote on the resolution before the Congress ends.

Mr. ALLISON. I do not wish to interfere in this matter, but I should think that we might be in a situation then which would require the attention of the Senate to appropriation bills.

Mr. BURROWS. The Senator will bear in mind that this is a privileged matter, subject to call at any time under the rules, and I think it is the general desire on all sides to have it disposed of. In the meantime if debate is desired there will be ample opportunity for it, and at 4 o'clock on the day named the Senate will take a vote on the resolution.

The VICE-PRESIDENT. Is there objection to the proposed

order?

Mr. BEVERIDGE. May I ask the Senator from Michigan whether or not he has conferred with the Senator from Ohio [Mr. FORAKER] about the date proposed?
Mr. BURROWS. I have.
Mr. BEVERIDGE. It is satisfactory to him?

Mr. BURROWS. It is agreeable to him, agreeable to the members of the committee, and to Mr. Smoot himself.

The VICE-PRESIDENT. Is there objection to the order pro-

Mr. FRYE. Mr. President, at this late day in the session, with so many appropriation bills not considered, I think every unanimous-consent agreement should except appropriation bills. The Senator from Maine [Mr. HALE] yesterday made a request of that kind, and said that if he were present he should object. I see that that Senator is not in his seat.

Mr. BERRY. He is in the Chamber.
Mr. FRYE. If he is in the Chamber, I have nothing to say.
Mr. BURROWS. In view of the fact that it is a privileged matter and can be brought before the Senate at any time by a vote, I thought it would expedite business very much to have an hour fixed when the vote should be taken-not to have a long debate, but to have a vote upon the resolution.

Mr. FRYE. Mr. President

The VICE-PRESIDENT. Does the Senator from Michigan yield to the junior Senator from Maine?

Mr. BURROWS. Certainly.

Now that the Senator from Maine has returned Mr. FRYE. to his seat, I will state that I was saying he yesterday indicated that he would object to any unanimous-consent agreement unless the appropriation bills were excepted.

Mr. HALE. I think the chairman of the Committee on Ap-

propriations has already made that suggestion.

The VICE-PRESIDENT. Is there objection to the order?

Mr. ALLISON. I object.

Objection is made. The VICE-PRESIDENT.

Mr. SMOOT. Mr. President— Mr. BURROWS. A moment, Mr. President. Do I understand objection is made?

The VICE-PRESIDENT. Objection is made to the order as

proposed.

Mr. BURROWS. Mr. President, if objection is made, I desire to state that I shall feel it my duty, of course, to press the consideration of this resolution with as much earnestness as its privileged character will permit.

Mr. SMOOT. Mr. President, I hope the Senator from Iowa will withdraw his objection. Personally I should like to have a vote upon this matter at an early date. As to the day which has been suggested, if the Senate thinks that would interfere at all with the consideration of appropriation bills, I shall be glad to have the time for a vote placed at an earlier date.

I will say, in addition, that rather than take any further time of the Seante in this matter, if an earlier date would suit the convenience of the Senate, I should be perfectly willing to let the vote be taken without any further discussion. I hope the Senator from Iowa will withdraw his objection and let the vote

be taken upon the resolution.

Mr. DUBOIS. Mr. President, I hope the Senator from Iowa will allow this matter to be voted on. It has now been before the Senate for almost three years. A day being fixed, not any more time will be consumed. I therefore ask the Senator from Iowa, under the circumstances, in consideration of the impor-tance of the matter and in view of the fact that all concerned

are anxious to have a vote, not to insist on his objection.

Mr. ALLISON. Mr. President, I could not hear the observations of the Senator from Idaho [Mr. Dubois]. I do not wish to interfere with the vote upon this resolution or with its consideration. I know it is an important matter, and I believe it should be disposed of; but it is customary at this stage of the session that appropriation bills, when they are ready for action, should be promptly taken up and disposed of.

As I understand the resolution proposed by the Senator from Michigan, it is practically to occupy the day on the 20th of

February

Mr. BURROWS. Not necessarily. There will be discussion, I presume, and remarks on the matter between now and that date.

Mr. ALLISON. I hope so.

Mr. BURROWS. The order simply provides that at 4 o'clock on the day named a vote shall be taken on the resolution.

Mr. ALLISON. Do I understand that the vote will be taken at 4 o'clock—a specified time?

Mr. BURROWS. At 4 o'clock, as specified in the order.
Mr. ALLISON. And nothing else?
Mr. BURROWS. No.
Mr. ALLISON. That is to say that the question shall be taken up at 4 o'clock and disposed of?

Mr. BURROWS. Certainly. Mr. ALLISON. I supposed the day was to be devoted to

Mr. BURROWS. No; not necessarily.
Mr. ALLISON. Let the order be again read, Mr. President.
The VICE-PRESIDENT. The order proposed by the Senator from Michigan will be again read.

The Secretary read the order proposed by Mr. Burrows, as

It is agreed by unanimous consent that on Wednesday, February 20, 1907, immediately upon the conclusion of the routine morning business, the Senate will proceed to consider the resolution S. Res. 142: "Resolved, That REED SMOOT is not entitled to a seat in the Senate as a Senator from the State of Utah," and that at 4 o'clock p. m. on said day the Senate will proceed to vote upon any amendments that may then be pending or offered, and thereupon on the resolution without further debate.

Mr. ALLISON. To that I object. Mr. BURROWS. I was in error in stating that the resolution was not to be taken up after the conclusion of the routine morning business.

Mr. ALLISON. I thought the Senator must be mistaken.
Mr. BURROWS. Under the proposed Under the proposed order the resolution is to be taken up at the conclusion of the routine morning business. If that is objectionable to the Senator, I have no objection to striking that out, and simply provide that on the 20th day of February, at 4 o'clock, a vote shall be taken on the resolution.

Mr. ALLISON. It is not objectionable to me. I have no objection objection of the resolution of the resolution of the resolution.

jection to interpose to the consideration of the resolution. I know it is a privileged question. I only wish to call attention to the fact that here was a day to be devoted to this subject, and that the usual exception, which is made in all resolutions at this stage of the session as to the consideration of appropriation bills, was not provided for.

I withdraw any objection to the consideration of the order as

the Senator has modified it.

Mr. FORAKER. Mr. President, I suppose there is nothing in that order which will prevent the discussion of the general subject at any time prior to that date.

Mr. BURROWS. Oh, no.

The VICE-PRESIDENT. Is there objection to the adoption

of the order proposed by the Senator from Michigan?
Mr. BACON. I understand the order as present
Senator from Michigan is now up for consideration. I understand the order as presented by the

The VICE-PRESIDENT. It is now up for consideration. Mr. BACON. With the modification suggested by the Senator

from Iowa [Mr. Allison], I have no objection to the adoption of the order.

The VICE-PRESIDENT. The question is on the adoption of the order submitted by the Senator from Michigan [Mr. Burnows] as modified. The order as modified is agreed to.

## ISSUANCE OF LAND PATENTS.

The Senate proceeded to consider the resolution submitted by Mr. Carter January 9, 1907, relating to the issuance of patents on homestead entries, etc.

Mr. CARTER. Mr. President, I can assure the Senate that only a sense of duty could impel me to ask any considerable portion of its time at this late stage in the short session. It is known that adjournment must occur on the 4th of March, and it is likewise well known that the regular business of the session will engross the attention of the Senate for nearly every available hour of the time intervening between this and that date.

I had long hoped, and earnestly hoped, that the subject to which I feel constrained to address myself briefly to-day might not imperatively call for the remarks I feel called upon to make. The serious aspect of the case is presented by the demand for the cooperation of the legislative department of the Government in a policy of the Interior Department which, according to my judgment, is wholly un-American and utterly indefensible—a policy of the Interior Department under which untold hardship has been inflicted upon a large and worthy class of our citizens living beyond the Mississippi River.

The appropriation called for by the Interior Department necessarily involves a complete reversal of the policy of this Gov-ernment, steadily, successfully, and beneficently pursued for nearly fifty years with reference to settlers on the public domain.

The resolution presented by me on the 9th of this month, to which I briefly call the attention of the Senate this morning, reads as follows:

Resolved. That under the homestead laws of the United States a duly qualified entryman furnishing competent evidence of full compliance with said laws and all rules and regulations promulgated by authority thereof is, in the absence of contest or of any charge or evidence of fraud or mistake, legally entitled to a patent for the land embraced in the entry as to which final proof has been so furnished, and no executive officer is authorized to forbid and prevent the issuance and delivery of such patent.

The resolution is called forth by an order of the Secretary of the Interior directed to the Commissioner of the General Land Office, dated on the 18th of December last, and instructing that officer as follows:

That no patent be hereafter issued to public land under any law until by an examination on the ground by a special agent of your Office, or such other officer or agent of this Department as may be designated by the Secretary of the Interior, actual compliance with that law has been found to exist.

This order of the honorable Secretary of the Interior expresses his final estimate of the truth and veracity, the honor and integrity, and the good faith of all the settlers on the public domain of the United States.

It likewise calls into question the good faith of every individual having dealings of any kind, character, or description with the Government of the United States in reference to the public lands. The order is without precedent in the history of the Government. It is without parallel in the history of any government, save as applied to provinces, classes, or individuals suspected of treasonable designs. It is the culmination of a policy unwarranted in fact and founded only on baseless suspicion. The public records demonstrate that the order is not

only needless, but harsh, cruel, and oppressive.

For the last six years sensational reports of evil doings in the public-land States have been emanating from the Interior Department from day to day so sweeping in their scope as to create the impression in other sections that the entire western population is, and has been, engaged in a veritable saturnalia of criminal conspiracy, fraud, and perjury over the whole broad surface of the public domain. Since 1901 insidious interviews and boisterous proclamations have passed from the Interior Department to the public press reflecting upon all those seeking title to public lands. The words "grafters," "land grabbers," "conspirators," "looters of the public domain," and like terms have become a part of the vernacular of the Secretary's office in referring to public-land entrymen of all kinds. The routine work of the land service has been pillaged in quest of items for publication reflecting on individuals and communities. The slightest irregularity savoring of scandal or possible sensation has been diligently exploited before, during, and after investigation. Everyone was indicted and no acquittals were ever recorded in these scandalous reports. The exploitation of evil reports has been a conspicuous feature of the present Secretary's administration. Fraud has been constantly and vociferously shouted from the house tops. Every item or incident colorable by suspicion into sensational appearance has been given wings. Ordinary occurrences have been magnified into the semblance of great events. On the assumption that our settlers are land thieves in the main, the most odious, oppressive, and exasperating treatment has been meted out to them in numerous cases for the last five or six years. Residents of the public-land States no longer enjoy the presumption of innocence, but rather face the presumption of guilt. They are charged with conspiracy to despoil their own States, to limit their future possibilities by oppressing themselves, and with cheating their Government in the interest of grasping speculators. No exceptions are made by the order of December 18.

Should some morbid moral delinquent pay nightly visits to the dens of vice and make morning calls at the police courts in all your splendid eastern cities, and then announce to the world from day to day with loud acclaim that crime and moral leprosy overwhelmed you all, he would, at his pitiable best, play in rosy overwhelmed you all, he would, at his pitiable best, play in your field the part the Secretary of the Interior and his cohorts have played as regards the people of the public-land States for the last six years. Unchecked by contradiction, emboldened by nonresistance from the West, and unmerited applause from other quarters, the Secretary finally violated the legal rights and assailed the veracity and integrity of hundreds of thousands of entrymen on the public domain by and through the brief order complained of. Excluding the timbered area of the Northwest, the people of every locality in the country concerned well knew that as to their locality the oft-repeated charges of the Secretary were unfounded to any justifiable extent; but they supposed, being in possession of the public records, that that official knew of flagrant violations of the law in other sections. If frauds were being perpetrated in the acquisi-tion of public land, the settlers of every locality in the West desired them stopped and the perpetrators punished. As to their several neighborhoods residents generally knew the charges were wrong, whereas all the people outside of the public-land States believed the charges were well-founded, and so believing applauded the Secretary as engaged in a righteous crusade against crime. The fact that every fraudulent transaction complained of was initiated and consummated under the administration of the present Secretary was not given publicity. Few

have stopped to consider the slender basis of the charges made indiscriminately against 15,000;000 of people inhabiting fourteen States and three Territories.

Notwithstanding the expenditure of an excessive amount of money by the present Secretary, the truth remains to be told that the percentage of fraudulent public-land entries for the last eight years, disclosed by investigation, bears about the same annual proportion to the whole number of entries as obtained during each of the preceding forty years. It remains to be shown by the records that the present Secretary of the Interior has been less efficient during his eight years of service in challenging erroneous, improper, or fraudulent land entries than were his four predecessors during the eight preceding years. Even the abuses under the so-called "timber and stone law." which the Secretary might have stopped any day, are shown by the records to have been shamefully exaggerated.

I fully realize that even the President of the United States has been deceived and alarmed by the current, oft-repeated, and uncontradicted reports of the Secretary. The President has not been able to go through the records and into the details of the Interior Department and its operations. Burdened with more work than any of his predecessors have undertaken, the President must accept the statements of his subordinates as

He can not check and countercheck them all.

The President must rely upon the statements of his subordi-If he can not place implicit reliance upon the statements of a Cabinet officer, he is in a deplorable condition indeed. He has relied on the reports of the Secretary of the Interior, as have the people generally outside the States to which his accusations apply. The President and all others misled by the crusade of misrepresentation are clearly free from responsibility, except to hear the truth as told by the Government records, and then to do even-handed justice to an outraged people.

In the name of justice, in behalf of more than 300,000 entrymen on the public domain; in the name of the families dependent upon them, and of their discredited neighbors, who may be witnesses in their behalf, aggregating substantially 2,000,000 people accused and injured, I ask for a hearing from the Senate, the President, and the country on the cold and silent facts as disclosed by the Government records.

Let us begin with the homestead settlers, specially referred to in my resolution. To the twenty-odd thousand entries under other than the homestead laws, and cases contested or protested. I will advert later.

On the 30th of June, 1906, the original and final homestead entries of record in the General Land Office aggregated 285,049, and the number remains substantially unchanged. On the conservative assumption that the family of the homestead settler will average five persons, it follows that 1,425,245 deserving people, young and old, are directly concerned.

The 285,049 homestead entries referred to stand unchallenged and entitled to full faith and credit on the public records. The men, women, and children residing on the homesteads, aggregating in round numbers one and a half million souls, are the home builders of the nation, battling with hard conditions on the firing

line of civilization.

They are the same class of people who felled the trees, grubbed the stumps, and prepared the fertile fields of Ohio; they are the same class of people who turned the sod of Indiana and Illinois; they are the same class of people who gave to the country men of the Lincoln stamp; they are the same class who brought the rolling prairies of Iowa from a state of nature to a state of superb fertility; they are the same people who reduced Kansas and Nebraska and conquered every arable acre under cultivation between the Alleghenies and the Pacific Ocean. For this class of people this hearing is sought. are as honest to-day as when they felled the trees and grubbed the stumps in Ohio; they are as honest to-day as when they cheerfully gave their best manhood in defense of the flag of this They are entitled to the consideration of a fair hearing, and to a just, honest, and fair-minded administration of the laws of this land.

Heretofore, Mr. President, this worthy class of people has been honored by the country and encouraged by the Government. The order I have quoted at once reverses the policy of the Government established in the days of Abraham Lincoln and continued in unbroken line down to the present administration of the Interior Department. The order strikes a deadly blow at the material interests of these people and proclaims them all, without exception, a band of thieves, unworthy of belief under oath as to any transaction with the Government of the United States. Yes, it goes further still, for it discredits the two witnesses required to corroborate the final proof of each entryman, thus announcing the conviction of the Hon. Ethan Allen Hitchcock, Secretary of the Interior, that there are now more than three-quarters of a million citizens of the public-land States living on homesteads and attempting to develop the country in the West who are not worthy of belief under oath; and it is practically asserted by the order that this vast body of men are engaged in a conspiracy involving fraud, perjury, and theft. exception is made. None are worthy of belief, according to the honorable Secretary's most extraordinary order, for no land patent will be issued on the final proof submitted by any of them until a special agent of the Land Office or an officer or agent designated by the Secretary of the Interior makes an examination on the ground to see whether or not they have told the truth about matters of fact so palpable that he who runs may

To those familiar with our land laws and conversant with the trials, tribulations, and experiences of the homestead settler, this order is the very refinement of cruelty and oppression. In this conclusion I think all patriotic men will agree with me when they have become advised of the truth, and those who have heretofore supported this policy of aggression against the settlers will, with the ordinary American sentiment in favor of fair play, speedily and with zeal undertake to right the wrong done these people.

What is the homestead law? What is the procedure under it to acquire title to public land, and what do the Land Office records disclose as to fraudulent entries and practices under this law? Sections 2289, 2290, and 2291 of the Revised Statutes of the United States contain all there is of the homestead law

except the portion relating to fees

I will ask the Secretary to read these three sections, or, what might be better still, I will include them in my remarks, to the end that anyone desiring to know what the homestead law is may have the text of the statute in connection with the remarks I submit.

Mr. President-Mr. KNOX.

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Pennsylvania?

Mr. CARTER. Certainly; I am glad to yield.
Mr. KNOX. I suggest that the sections referred to by the
Senator be read at the desk. I think it would be interesting and informing.

Mr. CARTER.

The VICE-PRESIDENT. The Secretary will read, at the request of the Senator from Pennsylvania, the sections referred to. The Secretary read as follows

The VICE-PRESIDENT. The Secretary will read, at the request of the Senator from Pennsylvania, the sections referred to. The Secretary read as follows:

Sec. 2289. Every, person who is the head of a family, or who has arrived at the age of 21 years, and is a citizen of the United States, or who has filed his declaration of intention to become such, as required by the naturalization laws, shall be entitled to enter one-quarter section or a less quantity of unappropriated public lands, to be located in a body in conformity to the legal subdivisions of the public lands; but no person who is the proprietor of more than 160 acres of land, in any State or Territory shall acquire any right under the homestead law. And every person owning and residing on land may, under the provisions of this section, enter other land lying contiguous to this land, which shall not, with the land so already owned and occupied, exceed in the aggregate 160 acres.

SEC. 2290. That any person applying to enter land under the preceding section shall first make and subscribe before the proper officer and file in the proper land office an affidavit that he or she is the head of a family, or is over 21 years of age, and that such application is honestly and in good faith made for the purpose of actual settlement and cultivation, and not for the benefit of any other person, persons, or corporation, and that he or she will faithfully and honestly endeavor to comply with all the requirements of law as to settlement, residence, and cultivation necessary to acquire title to the land applied for; that he or she is not acting as agent of any person, corporation, or syndicate to give them the benefit of the land entered, or any part thereof, or the timber thereon; that he or she does not apply to enter the same for the purpose of speculation, but in good faith to obtain a home for himself or herself, and that he or she mas not directly or indirectly made, and will not make, any agreement or contract in any way or manner with any person except himself or

Mr. CARTER. The concluding phrases, "as in other cases provided by law," relates merely to departmental procedure,

which is set forth under the heading "Land Patents," on page 85 of the General Land Office circular issued in 1904.

The sections quoted are, with slight amendments, as they appeared in the law when signed by President Lincoln in 1862, and experience has shown that they constitute the wisest and most beneficent body of public-land law ever devised by the genius of man.

The homestead law has been one of the chief inspirations of home life, domestic virtue, State pride, and national patriotism in the West for nearly half a century. Homes, States, counties, cities, yes, and a typical sterling manhood and womanhood are

its imperishable monuments.

The procedure in the Land Office is simple, but effectively arranged to call forth ample if not unerring evidence of comranged to call forth ample it not unerring evidence of com-pliance with the law. After filing, the claimant must reside upon the land continuously for five years. As the public domain is constantly diminishing and nearly all the very desirable claims are taken up, it follows that absence or neglect on the part of a claimant will be quickly taken advantage of by some watchful home seeker. The Government encourages contests against delinquent or dishonest entrymen by giving to any successful contestant who is qualified the preference right to file on the land for thirty days after cancellation of the entry successfully con-This preference right given the contestant makes of every home seeker a vigilant inspector of all the homestead entries in his section of the country. Thus from the very day he files on the land the settler is subject to the keen scrutiny of interested persons anxious to contest his claim if cause be given, Then after the five years' residence and the substantial improvement of his land the claimant is required to prove up. means that he must publish notice of his intention to make final proof for thirty days in the newspaper of general circulation published nearest the land designated by the register of the land office.

At the time and place named in the notice and before the designated official the entryman must appear, accompanied by two of the witnesses named in his notice. The testimony of the claimant and the witnesses is then and there reduced to writing in a public office. They must respond to searching interrogatories prepared by the General Land Office, for the purpose of bringing forth the facts with reference to settlement, improvement, and continuous residence upon the land. Having this purpose in view, fourteen distinct interrogatories must be specifically answered by the claimant himself, and each of the witnesses must separately answer twelve distinct and searching interrogatories, and the answers to each and every one of these must show full and complete compliance with the law by the homestead entryman. The testimony of the witnesses must be taken at the same time and place and before the same officer as claimant's final affidavit. The answers must be full and complete to each and every question asked, and officers taking the testimony are admonished to make no mistake in dates, description of land, or otherwise. Finally the claimant and witnesses may be cross-examined at the pleasure of the Department, its officers, or agents.

In order to bring forth all the essential facts with reference to residence, cultivation, qualification, the General Land Office has prepared fourteen distinct interrogatories upon blanks furnished the land officers. These interrogatories must be specifically, clearly, and unequivocally answered by the claimant. There are twelve searching interrogatories directed to each of his witnesses, and, finally, the land officers or any special agent of the Land Office or the Interior Department may then and there cross-examine the applicant or either of his witnesses. The answers of course must be full, complete, and adequate in order to show the man's right to the certificate or the patent

on the blanks furnished by the Land Office for these final proofs is printed section 5392 of the Revised Statues of the United States, which reads as follows:

## TITLE LXX-CRIMES-CH. 4.

SEC. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than \$2,000, and by imprisonment at hard labor for not more than five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See sec. 1750.)

The homestead final proof is made after more lengthy notice and with as much publicity and regularity of procedure as obtains in the probate of a will disposing of millions in real and personal property under the laws of the several States or the District of Columbia. The unchallenged witnesses to a will

are not discredited by our courts, but it is different in the Interior Department, for the honorable Secretary, by the order of December 18, impeaches all men who appear as claimants or witnesses in land cases. These settlers on the public domain are met, after these solemn proceedings, with a command from the Department of the Interior to repair to their homes and there wait until a special agent comes around to ascertain whether they have lied or not. It seems that the order is framed upon the theory that truth and veracity are below par, even under the solemnity of an oath, when you pass west of the Mississippi River. The Secretary by this order impeaches every claimant who appears at one of these proceedings to prove up. He impeaches every witness who appears. He denounces each and all as unworthy of belief.

The notice required must be shown by affidavit of the publisher to have been published for thirty days, and it must appear clearly that the proof is ample and sufficient before the register and receiver are authorized to pass favorably upon the entry. When the proof is thus favorably passed upon, the case is fully made up under the law, rules, and regulations. The claimant has stood the scrutiny of all his neighbors and of interested and anxious home seekers for five years. He has filed his own sworn statement and the sworn statements of two competent and disinterested witnesses, made in public after thirty days' notice, all showing full and satisfactory compliance with the law. All acts and proceedings have been in the open. Having thus finally and fully complied with the law and produced evidence of such compliance, in accordance with the law and the departmental requirements, the entryman, in the language of the stat-, ute, "shall be entitled to a patent."

Where the final proof has been regularly made, and approved by the Land Office officials, the legal right of the claimant to a patent on the submission of such proofs, in the absence of fraud or mistake charged in the specific case, has been always heretofore recognized by the Interior Department. That right has been affirmed over and over again by the Supreme Court of the United States, and the Department of Justice is on record, through one of its ablest Attorneys-General, in affirmance of the right.

It was held by the honorable Secretary of the Interior in the case of the Kern Oil Company v. Clarke (30 L. D., 556) that-

In the disposition of the public lands of the United States under the laws relating thereto, it is settled law: First, that when a party has complied with all the terms and conditions necessary to the securing of title to a particular tract of land, he acquires vested interest therein, is regarded as equitable owner thereof, and thereafter the Government holds the legal title in trust for him; second, that the right to a patent once vested is, for most purposes, equivalent to a patent issued, and when, in fact, issued patent relates back to the time when the right to it became fixed.

This holding of the Interior Department is sound law, except that in absence of any charge of fraud or mistake the words in the opinion "for most purposes" should be stricken out and the phrase "for all purposes" inserted in lieu thereof. With this amendment, certainly pertinent as far as homestead cases are concerned, the Department but recognizes the law as repeatedly announced by the Supreme Court of the United States.

Would it interfere with the course of the Sen-Mr. FULTON. ator's argument if I were to ask a question?

Mr. CARTER. Not at all.

Mr. FULTON. There is one phase of this matter which the Senator from Montana has not discussed and concerning which I have not been able to ascertain the facts, and that is this: It is proposed to appoint these inspectors or special agents to go out and investigate a man's homestead, ascertain whether or not be has complied with the law, after he has made his final proof. Now, to whom do the agents make report, and does the entryman have any opportunity to meet the report if an adverse one? I have not been able to learn that he is given any such opportunity.

I will say in connection with that, as evidencing how very unjust this order is in its operation, that I have received many letters lately-indeed I have been receiving them all the winter, and for something like a year past perhaps, because practically this system has been in operation in the State of Oregon for the last year or two; all final proof has been suspended-in many cases I get letters from entrymen saying that they have made their proof; that the inspector or agent has been on the land and examined it, and yet they do not know what the report was. They hear nothing from it, and they can get no word whether the entry is approved or not.

The very gross injustice of this proceeding can be understood when it is taken into consideration that these men get no opportunity to cross-examine the agent. He goes out there as the representative of the Department, and really imbued with the idea that it is his duty to find fraud. He makes a report, and

that overcomes the testimony of the homesteader and his witnesses. They have no opportunity to meet him or to see his report or to cross-examine him, although they have been sub-

jected and submitted to cross-examination.

Mr. CARTER. I will endeavor to reach that phase of the

Mr. CARTER. I will endeavor to reach that phase of the matter a little later. The special agency service is in the nature of star-chamber proceedings.

At the present time I should like permission of the Senate to fix the question of the legal right, upon the submission of proof, to the patent, as prescribed by law. Passing from the holding of the Interior Department, I call the attention of the Senate to the views of the Supreme Court of the United States.

In the case of Witherspoon v. Duncan (4 Wallace, 210), the court considered a case wherein it appeared that a portion of the public domain within the limits of the Territory of Arkanwas ceded by treaty to the Cherokee Indians west of the Mississippi, and provision was made by the treaty for the removal of settlers from the lands ceded to the Indians. As indemnity for the loss of improvements, trouble, and expense of removing, each settler was granted the right to take other public land situated in Arkansas in lieu of the land surrendered. A claim based on one of these lieu-land rights was presented to the land office at Little Rock, Ark., with appropriate proofs, and thereupon a certificate of entry was issued for the lieu land in May, 1830. The patent for this land did not issue until 1846. In 1842 the land was listed for taxation under the State laws, and thereafter sold for nonpayment of taxes. The question before the court was the validity of the tax levy and sale. If the lands in question were public lands of the United States, they were not taxable. If regarded as private lands, they were subject to taxation. In disposing of the case the court said:

In no just sense can lands be said to be public lands after they have been entered at the land office and a certificate of entry obtained. If public lands before entry, after it they are private property. \* \* \* But it is insisted that there is a difference between a cash and a donation entry; that the one may be complete when the money is paid, but the other is not perfected until it is confirmed by the General Land Office and the patent issued. \* \* \* If the law on the subject is complied with and the entry conforms to it, it is difficult to see why the right to tax does not attach as well to the donation as to the cash entry. In either case, when the entry is made and certificate given, the particular land is segregated from the mass of public land and becomes private property. In the one case the entry is complete when the money is paid; in the other when the required proofs are furnished. In neither can the patent be withheld if the original entry was lawful.

Again, the Supreme Court in the case of Van Brocklin v. State of Tennessee (117 U. S., 169) said:

And the reason why, after lands have been duly entered at the land office and everything has been done to entitle the party to a patent, they have by long usage confirmed by the decisions of this court been considered, before the patent is actually taken out, as subject to State taxation, in that the lands are in truth no longer public property, but have become private property.

The Supreme Court, in Cornelius v. Kassel (128 U. S., 460-461), said:

When the tract which was subject to entry was purchased and paid for it ceased to be subject to the disposal of the United States. It was not in fact their property. (Carroll v. Safford, 3 Howard. 440-460; Witherspoon v. Duncan, 4 Wallace, 210-218.) The legal title, it is true, was retained by them, but they held it as trustee for the benefit of the purchaser, and they were bound, upon proper application, to issue him patent therefor. If from inadvertence or mistake as to their rights or other cause they afterwards conveyed that title to another, the grantor, with notice, took it subject to the equitable claim of the first purchaser, who could compel its transfer to him. In all cases a court of equity would convert the second purchaser into a trustee of the true owner and compel him to convey the legal title.

From the opinions quoted the law seems to be settled by the decisions of the Supreme Court in harmony with the contention of the pending resolution. This conclusion seems, as previously stated, to have been recognized by the Department of the Interior, and has also been recognized as the settled law by the Department of Justice, for in 1881 the question was submitted by the War Department to Hon. Wayne MacVeagh, Attorney-General, as to the right of the Government to take for military purposes lands covered by an unperfected homestead

In the opinion, which was approved by Acting Secretary Bell, of the Interior Department, the Attorney-General said:

of the Interior Department, the Attorney-General said:

The claim of the settler is initiated by an entry of the land. This is effected by making application at the proper land office, filing the affidavit, and paying the amount required by section 2290, Revised Statutes, and also paying the commissions as required by section 2288, Revised Statutes. It is true a certificate of entry is not then given, the certificate being under section 2291, Revised Statutes, withheld until the expiration of five years from the date of such entry, at the end of which period, upon proof of settlement and cultivation during that period and payment of the commissions remaining to be paid, it is issued; but upon the entry a right in favor of the settler would seem to attach to the land which is liable to be defeated only by failure on his part to comply with the requirements of the homestead law in regard to settlement and cultivation. This right amounts to an equitable interest in the land subject to the future performance by the settler of certain conditions (in the event of which he becomes vested with full and complete

ownership), and until forfeited by failure to perform the conditions it must, I think, prevail, not only against individuals, but against the Government.

In actual practice the register and receiver of the local land office delivers to the claimant a final receipt on submission of the required proof and the payment of the statutory fees. thereupon becomes subject to taxation, and the receipt is held by the State courts sufficient evidence of legal title to sustain an action of ejectment. The final receipt, held by the courts and always regarded heretofore as the equivalent of the patent soon to follow from Washington, is accepted joyously by the man, through whose patience, industry, and self-sacrifice it has been won. The family is now secure in its well-earned home, and the future looks brighter and better. The credit formerly withheld will now be extended to enable the struggling toiler to buy a few cattle or other needed stock, to make the farm more profitable and the labor less exacting. The good wife and children may now hope to enjoy a few of the long-deferred comforts of life, so much needed in and about their humble home.

The accumulated capital of five years' patient endeavor is made available to meet many pressing needs of long standing. The sod roof on the log cabin will soon give way to shingles, and the oldest boy or girl may go away to school. This is as it used to be. But now, under the order of the honorable Secretary of the Interior, all is changed. The claimant and his two witnesses are now a trio suspected of perjury, and under that suspicion they must rest until some special agent finds time to relieve them at the expense of the Federal Government. When the relief may come no one can tell. That it will be tardy experience demonstrates, for the pernicious practice, made universal by the honorable Secretary's order of December 18, has been indulged to a considerable extent for some time. In certain cases, I am informed, the poor settlers have been held in painful suspense for years after final proof, either awaiting arrival of the special agent or waiting to hear from his report. Just picture to yourself the settler and his family on the lonely prairie or in the mountain glen. For five years he has toiled and struggled to maintain himself and those dependent upon him. On the average he has been in debt every day of that time, and his credit being poor the interest rate has been high. The land, fairly earned, is his only capital. In support of his right to a patent he produces proof sufficient to sustain a conviction of murder in the first degree. In the face of all this his right under the law is denied him, and he is sent home from the land office with his witnesses suspected of felony and commanded to await the coming of a special agent or an officer of the Interior Department to clear up the suspicion.

Honor is not confined to Cabinets, nor do special agents appointed at Washington monopolize the sentiment. Waiving denial of the title their toil has fairly won, who can measure the pain these suspected men are doomed to suffer through that chastity of honor which feels a stain like a wound?" plied charge of perjury has been affixed where a badge of honor should have been attached. To all this the torture of suspense is added, for the discredited homesteader has a long period of anxious waiting in store for him. He can not stock the farm, because he has no basis of credit. He dare not make additional improvements, because the special agent may report against him or the land be lost on a technicality. He can only wait; and I understand that some have now been waiting for four years or The pathetic victims of this iniquitous policy could not appeal in vain for sympathy to the bowels of a brute.

We are tardy in demanding to know what overwhelming public necessity cries out for the immolation of so many thousands of innocent victims on the altar of suspicion. The Congress and the country should know. Congress does not intend that its laws shall be executed in a spirit of cruelty or wrath, and the American people, inherently fair and just, need only be informed in order that the potent force of enlightened public opinion may be extended to stay the hand of injustice and oppression.

Measuring my words with care, I say that the order of the honorable Secretary of December 18 last is both unjust and oppressive; and, further still, I here aver that the records of the Interior Department do not furnish justification for the order; but, on the contrary, those records demonstrate that the order is not only unjustified, but clearly indefensible as to homestead settlers

To the record, then, let us appeal. During the last eight years Congress has, by appropriations, placed at the disposal of the honorable Secretary \$1,905,161.20, or, in round numbers, \$2,000,-000, for the payment of special agents and inspectors to oversee public-land entries. During the same period \$4,727,282 were paid to local land officers. The agencies paid these vast sums have all been under control of the Secretary to detect fraud and evasion of the law. On an average thousands of citizens

have annually contested entries at their own expense for the reward of a preference right to enter the land if successful in the contest. With the munificent fund at the disposal of the Secretary, supplemented by the interested efforts of a large body of citizens and the keen vigilance of thousands of others alert for a chance to contest, it will be conceded that all vulnerable entries have been assailed

The pending original and final homestead entries have averaged about 300,000, and the protests by special agents and the contests by individuals have approximately averaged less than

12,000 during each of the last five years.

Mr. NEWLANDS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Nevada?

Mr. CARTER. Certainly.

Mr. NEWLANDS. I will ask the Senator from Montana whether this order applies only to homestead entries?

Mr. CARTER. The order reads: "No patent shall issue under any law."

Mr. NEWLANDS. Will the Senator also state whether or not this order was made under the express direction of the President?

Mr. CARTER. I shall endeavor to reach that part of the discussion. I understand that it was agreeable to the President to have the order issued upon the misrepresentation of the facts by the Secretary of the Interior. I propose to show that the statements of the Secretary to the effect that fraud existed to any appreciable extent were statements made in direct contradiction of the facts as shown by the records of his own office.

Mr. NEWLANDS. I have observed that the Senator is indulging in a very severe criticism regarding the Secretary of the Interior, and it occurred to me that if the Secretary of the Interior acted under the express direction of the President the President himself should not be exempt from criticism.

Mr. CARTER. Mr. President, I accept it as a fact that the President of the United States has relied exclusively for his information upon the representations of his Cabinet officer. propose to show that those representations were false and that they in no considerable degree justify the order. If I succeed in showing that I think the order will be made to conform to

justice and legality.

Mr. WARREN. May I ask the Senator to refer to the figures he gave a moment ago as to the number of patents per year? have the number 12,000 contested claims, but I have not the larger number given.

Mr. CARTER. I am referring in this to the total number of entries and to the numbers put in jeopardy by special agents'

Mr. WARREN. Yes. May I have the total number of entries, please?

Mr. CARTER. There were pending in the General Land Office July 1, 1906:

Original homestead entries	271, 178 13, 871
Total	285, 049
Entries protested by special agents: Original homestead entries Final homestead entries Commuted homestead entries	7, 533 995 1, 798
TotalHomestead entries contested by private individuals	10, 326 1, 668
Total contests and protests	11 994

As the 11,994 entries in controversy are not included in the 285,049, the two totals must be added, as I understand, to accurately show the whole number pending, thus making the aggregate substantially 300,000, as previously stated.

The result is that the combined efforts of a large band of wellpaid Government officers and a still larger body of interested individuals discover flaws and delinquencies in approximately 4 per cent, on an average, of all the entries pending under the homestead law at any given date.

Mr. WARREN. Let me ask how many of the 12,000 cases finally failed and patent denied. Some must have been cleared by the examination of the Office.

Mr. CARTER. The Commissioner of the General Land Office reports that 91 per cent of those challenged are passed to patent after full investigation.

Mr. WARREN. That is what I wanted to find out. Mr. CARTER. I shall reach them. This amounts to about per cent approximately, on an average, of all the entries pending.

This is far below the average defaults of merchants, who

surely do not willfully fail. It is an exceptional record of faithful compliance with the law, when we consider the limited means of this brave-hearted army of honest struggling men. But it is not a surprising record, for are they not moved by high and holy motives? The builder of the home is the builder of an altar. His aims are pure and high. Fraud and falsehood are strangers to his design. But the percentage of the home-steader's delinquencies must be reduced still further by the inexorable logic of the records of the honorable Secretary's office.

On authority of the Commissioner of the General Land Office, I am happy to state that of all the homestead entries suspended on reports of special agents, approximately only 9 per cent are canceled; whereas, after full investigation, 91 per cent are approved for patent. The correct quotient resuting is therefore 9 per cent of 4 per cent of the average of pending homestead entries. This figured out so the primary pupil will understand shows that 4 per cent of 300,000 (the approximate total of average pending homestead entries) equals 12,000 (the number of entries protested and contested by special agents and individuals), and 9 per cent of 12,000 equals 1,080, that being the approximate average of entries canceled. Thus we find about 1 final homestead entry in every 300 is canceled on an agent's protest for failure to strictly comply with the law. The number of original filings canceled because of abandonment, mistake in description, relinquishments, and the like do not belong in the category of fraudulent entries, against which the Secretary's order is directed.

But why pursue the calculation beyond the ridiculous degree to which the figures, given from the Department records, reduce the honorable Secretary. He asks Congress to appropriate an extra \$500,000, to be immediately available, in aid of his insane or malevolent design to discredit and persecute on an average 299,000 homestead settlers, because, forsooth, 1,000 persons offering final proof have been found to fall short of full compliance with all the requirements of the law. This large sum, mark you, is to be in addition to the current appropriation of \$250,000, thereby making \$750,000 to pursue the 1 delin-

quent out of every 300 final homestead entrymen.

As to the homestead entries, the sweeping order of the Secretary and his demand for 500,000 extra dollars to aid in its execution, discloses such ignorance of the facts and of the records of his own Department as to place the order beneath contempt, and leaves its author subject only to pity. ordinates undoubtedly know better, but they must ask for the means to comply with his order, which is their law, and in doing so they necessarily expose its absurdity.

In efficiency and fidelity the General Land Office force is not excelled by any body of public servants in the employ of the

Government.

Mr. HEYBURN. Will the Senator permit me to ask a question pertinent to that point?

Mr. CARTER. Certainly. Mr. HEYBURN. Is it not true that a very large per cent of the small per cent of cancellations are for mistakes and not for fraud?

Mr. CARTER. A very large per cent. There may be mistakes in description of township or range, or the wrong subdivision of a section may be given, and therefore the Office can not issue the patent. The entry may be canceled for any one of a number of irregularities and the cancellation does not show

or imply fraud except now and then.

Mr. President, I have known of these Land Office employees, the clerks at Washington, for many years, and I warrant now that the illegal disposition of public lands through forest-reserve scrip and other devices, would not have occurred during the last eight years if the Secretary of the Interior had allowed the experienced and capable men and women of the General Land Office to execute the law free from his arbitrary and stupid interferences. We would not have heard of the scandals that have occurred in connection with the lieu-land operations in the forest reserves, for I think it is a fact that the Land Office force was arbitrarily overruled and compelled against their judgment deliberately formed to give away millions of acres of the public land to the railroad corporations under that lieuland law which was never intended to apply to a railroad landgrant company at all. But that is alien to the present dis-

What have we reached from a pursuit of the record of homestead entries, followed from the view point of fraud? recapitulate: Out of every 300 entries, on the average one final entry, challenged by a special agent or otherwise, is canceled. During 1904 and 1905 the Land Office tables were elaborated to show the final and commuted homestead entries canceled. That record is so instructive that the Secretary's order must have been issued in ignorance of its story. The average final and

commuted homestead entries in 1904 is shown to be 25,928, and the total cancellations of those classes of entries during that whole year reached the wonderful total of 80. This reaches the bed rack of fractions. Figure for yourself what percentage 80 is of the sum of 25,928, and you will have the fractional per cent, not of fraudulent, but of illegal and defective commuted and final homestead entries for the fiscal year ending June 30, 1904.

In 1905 the commuted and final homestead entries averaged 13,590, and during that year 81 were canceled on agents' protests, charging noncompliance with the law. But the average daily pending cases does not show the total to be taken into account

In 1905 there were 38,802 homestead patents issued, whereas only 81 final entries were found to be defective or fraudulent. What percentage of 38,802 is 81? In other words, there were 38,883 final homestead entries passed to patent in 1905 less only 81, which were found fraudulent or defective. Can anyone conceive effrontery more immeasurable than that, which orders that the 38,802 honest entrymen shall be indefinitely held under odious suspicion, at the sacrifice of vital interests and wounded feelings, while a horde of Government agents make the rounds through weary years, because 81 persons have fallen short of the exacting requirements of an administration of the Interior Department, professionally honest and severely hypercritical? An appeal to reason on such a proposition would be offensive to intelligent men.

On authority of a principle as old as our civilization, it is held to be infinitely better for society that ninety and nine guilty men should go free rather than that one innocent men should be punished. This rule responds to man's innate desire to be just, and it is the outgrowth of his indescribable aversion to the punishment of innocence. Not so with the honorable Secretary of the Interior. With the records of his office showing that for sixteen years past 299 final homestead entrymen have, on the average, proved true and faithful to one delinquent found, the Secretary issues an order casting a most serious imputation upon the 299 honest men, and on the suspicion created delinquent he ordains and directs, by the order issued, that they shall suffer bitter humiliation and indefinite delay pending the arrival at their homes of some special agent,

deputized to find fault and predisposed so to do.

I have heard of an agent reporting an entry for cancellation because the house in which the poor settler had sheltered his family for years was not what the agent thought it should be to show good faith. It was all the house the man could afford while striving for a better one. Yet this great Government, through a special agent, proposed to penalize the property of that struggling man. The Secretary now proposes to subject every settler to the jurisdiction of the special agents. An oath, the strongest link among men, loses its sanctity in the eyes of the Secretary when taken by a settler on the public domain or by witnesses appearing in his behalf. Why not dispense with the oath in dealing with settlers if it is only the special agent's report on which reliance is placed? But why question further? As to the final homestead entries the Secretary's order falls to the ground discredited as a gross absurdity by the incontrovertible records of his own Department. is not only illegal, but, in point of fact, utterly vicious and in-Fair inspection will demonstrate that the order has no just application to any sort of land entry, save in those rare exceptions wherein fraud is charged or suspected on reasonable grounds. The people themselves will always prove the most faithful guardians of righteousness and fair dealing. Keep the Government agencies open to receive complaints and the people will expose fraud, and then the way of the Government is clear.

The people justly place much reliance on the statements of a member of the President's Cabinet, and therefore naturally desire and confidently expect to find justification for his assigned reason for any questioned official action. Hence it might be assumed that, even conceding the demonstration of his error as to final homestead entries, warrant for his order may be found in abuses disclosed under other land laws. While it is difficult to perceive how irregularities arising in the administration of one law can fairly support obvious injustice to a large class of citizens affected by the execution of another law, we may nevertheless profit by a brief summary of the ascertained facts

concerning the operations of all the land laws.

Title to public land may be acquired under the general laws commonly known as the homestead law, the timber and stone act, the desert-land law, the coal-land laws, and the mineralland laws.

Under all these laws public-land entries appear by filings or applications, which are recorded in the General Land Office. The filings of entrymen who fail to comply with the law are

canceled. The vast majority of defaults and resulting cancellations occur before any attempt is made to prove up and obtain patent. Therefore it must be borne in mind in basing computations upon the figures that the aggregate number of cancella-tions in any given year only embraces a very small proportion of the final entries against which the Secretary's order of December 18 is directed.

Figure for yourself an average of 320,000 people starting out to comply with all the various laws referred to, and you can readily understand how a considerable number will fail for any one of an almost infinite variety of causes prior to the time final proof must be made under the law. Death, abandonment, change of purpose, mistake in descriptions, etc., result in perhaps 10 per cent of the original entrymen failing to apply for patent. In running the gantlet for five years it is rather singular that a greater per cent of the homestead settlers do not surrender in the presence of the obstacles that confront them from the very beginning. In the vast majority of cases such failures are brought to the attention of the Department by a letter or suggestion from some one living in the vicinity of the abandoned land.

Upon the receipt of such a communication the General Land Office directs a letter to the entryman at his last known address, citing him to show cause before the register and receiver of the local land office at a given date why his filing should not be canceled. If he fails to appear and show cause at the time and place designated, the land office proceeds without further ceremony to cancel his entry. In this way probably 90 per cent of the aggregate cancellations of original filings are made. The original filings or entries protested by the special agents of the Land Office are usually found in timber regions, where the agent is advised that the entryman may have made the filing for the purpose of cutting the timber. The entryman in such a case is liable to the Government for damages for the timber cut and liable to criminal prosecution as well, his mere original filing being no justification for timber trespass.

Under the various general laws original and final entries were pending in the General Land Office on July 1, 1906, as follows:

Original homestead entriesFinal homestead entries	271, 178 13, 871	005 010
Original desert-land entriesFinal desert-land entries	20, 668 3, 006	
Timber and stone entries Coal-land entries Mineral entries		23, 674 2, 189 346 1, 367
Total		312 625

At the same time there were pending and protested by special agents of the Government entries as follows

Original homestead entries Final homestead entries Commuted homestead entries	1, 798	10, 326
Original desert-land entriesFinal desert-land entries	955 342	10, 320
Timber and stone entriesCoal entries		2, 189 222
Model .		14 094

On the same date entries pending, subject to contest by indi-

48. (CONTROL CONTROL	-1 1441
Homestead entries	1, 668
Desert-land entries	187
Timber and stone land entries	776
	- 11
Mineral-land entries	118
Coal-land entries	16

This seems, at first sight, quite a formidable array, making an aggregate of 14,034 entries of all kinds calling for investigation on protests filed by special agents and pending at the beginning of the current fiscal year.

Let us analyze the figures. With the 2,060 entries contested by individuals the Government is chiefly concerned only as it is under obligation to do justice between individuals contesting for title or right of possession.

The 14,034 cases protested by the Government agents embrace the fraud charges requiring full investigation. At the very outthe fraud charges requiring full investigation. At the very outset we may inquire how truly alarming are the conditions of a service exhibiting 14,034 cases involving alleged fraud, default, or irregularity in a total aggregate of 328,620 land entries. Calculation shows that this number is only a shade over 4 per cent, but the real test is not presented by the number of entries protested, but by the number actually canceled after protest and full investigation.

It will be found on close inspection and accurate analysis that less than 1 per cent of the final entries under any of the laws

turn out to be fraudulent. As to the homestead law we have seen that about one-third of 1 per cent are canceled.

We have all heard much of the great frauds being perpetrated under a cloak of the timber and stone law. particular attention has been called by the Interior Department since 1901, and I submit in all candor that anyone who has read the various sensational statements made, involving charges of fraud under this law, would be led to believe that scarcely, any of the timber and stone entries are made in good faith or are entitled to consideration. I have never regarded the law as making wise provision for the disposition of timbered land, and I think it should be repealed, for the reason that it does not vield the Government an adequate return, nor does it permit of reasonable provision for the protection of the forests. Entertaining these views, I confess that I believed there was some substantial basis of fact behind the reports of frauds practiced under this law. If any credence at all is to be given to the reports of the honorable Secretary, his special attention has been directed to this class of entries for many years. As I have stated, he has had at his disposal since 1900 substantially \$2,000,000 available for the investigation of fraudulent practices under all the land laws, and it is not unreasonable to suppose that he made special efforts to bring to book those seeking to defraud the Government under the timber and stone law.

I made an examination of the records with a view to ascertaining the number of timber and stone entries protested and canceled from 1890 to the close of the fiscal year 1905, and found that from 1890 to 1905, inclusive, over 30,000 timber and stone entries had been protested by special agents of the Government, and of these, after full investigation and hearing, only 498 were canceled. The cancellations prior to 1899, when the present Secretary took charge, were much greater than since his administration began; for instance, since 1899 about 17,542 timber and stone entries have been protested and but a fraction of 1 per cent were canceled. True, about 4,000 are still pending, but on the ratio established it is evident they are merely being held in limbo in the absence of facts sufficient to warrant their cancellation.

It seemed to me, in the light of all that had been said, there must be some mistake in my calculations, and under these circumstances I was as thoroughly surprised as the Senate and the country will be surprised to receive, in response to an inquiry, a letter and a tabulated statement from the General Land Office, reading as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, Washington, D. C., January 11, 1907.

Hon. THOMAS H. CARTER, United States Senate.

United States Senate.

My Dear Senator: In compliance with your request of the 9th instant, I transmit herewith statement showing the number of timber and stone land entries made during the fiscal years ended June 30, 1900, 1901, 1902, 1903, 1904, 1905, and 1906, inclusive, the number cancied during each fiscal year, and the approximate number pending in this Office on July 1, 1906.

Very respectfully, (Signed) W. A. RICHARDS, Commissioner.

Statement of the number of timber and stone land entries made from July 1, 1899, to June 30, 1906, together with number of such entries canceled during said period and the number pending on July 1, 1906.

Fiscal year—	Entries.	Canceled.
1900	2, 385 3, 031 4, 022 12, 249 9, 435 5, 188	1 7 6 25 6 13
1906	5, 037	14

Timber and stone entries pending in the General Land Office on July 1, 1906, 4,000, approximately.

From this table we perceive that since July 1, 1899, 41.347 entries have been made under the timber and stone law, and of these only 72 entries have been canceled. In the year 1900 2,385 entries were made and only 1 entry canceled; in 1901 3,031 entries were made and only 7 entries canceled; in 1902 4,022 entries were made and only 6 were canceled; in 1903 12,249 entries were made and only 25 were canceled; in 1904 9,435 entries were made and only 6 were canceled; in 1905 5,188 entries were made and only 13 entries were canceled; in 1906 5,037 entries were made and of these only 14 were canceled.

During the last fiscal year the Secretary had at his disposal between \$250,000 and \$300,000 with which to employ special agents to probe this alleged seat of festering fraud and corruption, and yet during that year only 14 of the entries were found fraudulent or irregular.

During each of the preceding years, back to July 1, 1899, the

Secretary has been supplied with ample funds to investigate and expose fraudulent timber and stone entries, and under the circumstances we well ask why in all that period only 72 of this class of entries were canceled on the books of the Land Office out of a total of 41,347 entries made.

These figures and facts, from the records of the Interior Department, relating to the operations of the timber and stone law, taken in connection with the vociferous charges of fraud sent forth from the Interior Department in and out of season for years, justifies us in citing the honorable Secretary to show cause why he should not be held guilty, either of willful and deliberate misrepresentation of his own records to the public, or else guilty of utter inefficiency in the administration of the law. He can not escape both charges. His Department has either with his connivance or by his direct utterances misrepresented the facts with reference to the existence of fraud, or he is convicted by the record of delinquency amounting to criminal culpability. If his representations when made were true, why did he not bring the guilty parties forward, cancel their entries, and insist upon their punishment? If he has administered his office honestly and with reasonable intelligence, then it follows that the 72 entries canceled out of over 41,000 entries presented

convicts him of having deceived the public.

Much has been said about fraud in connection with coal-land So much has been said, indeed, that I figure that the readers of our current literature are warranted in the belief that there has been a mighty rush by citizens all over the publicland States to acquire title to coal lands. You would believe that unless the strong arm of the Government is interposed the millions upon millions of acres of coal lands will be taken up before breakfast to-morrow. Finding so many infirmities in reports made in other directions. I have looked up somewhat the coal-land question. I expect to give some attention to this matter a little later, but for the present I desire to incorporate a statement taken from the records of the General Land Office, which shows that since the passage of the law of 1873 only 2,878 coal entries have been made in all the vast region from the Mississippi River to the Pacific Ocean, and from the Canadian line to the Mexican border. In thirty-three years only 2,878 entries have been made. These entries embraced only 406,370.18 acres. The Government has received for less than half a million acres of land \$6,169,854.55. This statement shows that during a period extending over thirty-three years there has been upon an average one coal entry every four days in all the vast region to which I have referred. Of all these coal entries, few have been found fraudulent. Less than one-half of 1 per cent will cover the total number. Of those challenged by the Interior Department, the Commissioner advises me that only 3 per cent are found defective, and that 97 per cent of those challenged are, after full investigation, passed to patent. The statement to which I refer is as follows:

Statement, by fiscal years, of the disposal of coal lands from July 1, 1818, to September 30, 1906, under the act of March 3, 1873 (II Stat., 607).

Fiscal year.	Entries.	Acres.	Receipts.
1874	8	1, 181, 59	\$14, 783, 50
1875	14	1,904.95	22, 249, 50
1876	12	2, 202, 40	32, 024, 00
1877	9	1,115.00	13 500.00
1878	2	200.00	4,000.00
1879	. 2	200.80	2, 416, 00
1880	19	2,947.13	37, 408, 60
1881	49	5, 615, 58	70, 404, 50
1882	56	8,705.96	124, 641, 20
1883	119	19, 361.04	
1884	. 69	8, 118, 73	356, 941, 40
	44		129, 628, 60
1885	77	5, 955, 13	94, 282.80
1886	106	10,146.73	136, 260, 60
1887		15,741.30	210, 513, 50
1888	198	30, 226. 75	484, 843.10
1889	211	31,829.00	554, 549. 70
1890	160	22, 259. 37	358, 099, 50
1871		9, 625. 83	164,940.35
1892	50	6, 326, 66	122, 533, 20
1893	86	12, 288, 84	207, 938, 50
1894	20	2, 705.42	40, 943, 30
1895	- 34	3, 650. 10	71, 402.00
1896	39	4,049.10	78, 782, 00
1897	40	4, 209. 85	56, 895, 90
1898	37	4, 758. 63	88,011.60
1899	55	5,591.93	102, 905, 60
1900	96	12, 192, 67	225, 358, 90
1901	119	14, 355, 91	270, 733.00
1902	182	18, 236, 90	232, 897, 70
1903	282	42, 168, 72	549, 075, 80
1904	197	29, 107, 42	400, 409, 90
1905	171	21, 336, 35	289, 802, 40
1906	261	44, 264, 75	565, 902, 90
July 1, 1906, to September 30, 1906	31	3,789.64	64, 780. 00
Total	2,878	406, 370.18	6, 169, 854, 55

In recent years the coal and mineral entries have been combined in the records of the General Land Office, and it is difficult to get exact figures with reference to coal entries. An Executive order was recently issued withdrawing in Wyoming, Montana, Colorado, New Mexico, Utah, Washington, North and South Dakota, and Oregon 64,193,360 acres supposed to contain This order was made because of the apprehension that the people residing out there will, unless something is done about it, take all of the coal out of the land, burn it up, and charge the settlers too much or monopolize a commodity so easily accessible and so widely diffused! I do not wish at this time to go over the question, but I think the proposition appears semewhat grotesque in the light of the fact that in over thirty-three years less than 407,000 acres have been taken up under the coal-land laws in all the vast region embraced in the public-land States. For the lands thus taken the Government has received the highest price ever charged by any government for coal lands bearing coal of an inferior quality. The land has been sold at from \$10 to \$20 an acre, and the Government has received, as I have suggested, for the land sold over \$6,000,000. If coal lands are entered in the future as they have been in the past in the States I have named, the lands withdrawn will all be entered in from five to six thousand years from now. That is double the time since the Christian era began and then one-half the time added beyond that.

Mr. WARREN. Mr. President, in amplification of what the Senator from Montana says, in the case of Wyoming, which seems to have been considerably in the limelight of late as to coal matters, taking the last eight years for example, we have had less than 20,000-in fact, about 19,000-acres of coal land taken, and the Government right now has over 16,000,000 acres of reserved alleged coal land. The engineers of the State have reported that there are still more coal lands not yet reserved, and at that ratio it will take something over eight thousand years to exhaust what is now reserved by the Government, or a matter of perhaps ten thousand years to exhaust so much as the Wyoming State engineers believe to be underlaid with coal of the public lands of Wyoming.

Mr. CARTER. To that we shall give due attention when the question is brought forward; and the discussion will prove very interesting from a statistical and from an economic point of

I will state here and now the firm conviction in my mind that it is the inherent right of the people living in a State to own the soil of the State, and that they should be permitted to acquire it. It is my belief that it will enervate this country to make it a land of landlords and tenants, however beneficent the landlord may be, or however big and strong. I believe in protecting for the American people that personal initiative which has been at the basis of our majestic progress from the beginning. In this country, by leaving the individual to pursue his way according to his best ability and genius, we have witnessed more progress than the world has ever made in a like space of time or over a like portion of the earth's surface. It is this unhampered individual initiative that has brought forth labor-saving machinery, projected and built railroads across the continent, and that has made this country what it is. I do not wish this initiative made subject to a bureaucratic government. The people can think better for themselves than the officers of any bureau with which I have ever become familiar. But that is a digression.

Now, Mr. President, passing from the coal-land laws, I call attention to the desert-land law briefly. This is the most difficult law of all to comply with, for when a man makes an entry of 320 acres at the land office he has to pay 25 cents an acre in advance to the Government, besides the customary land-office fees. He must then furnish proof of the expenditure of at least \$1 an acre each year in the reclamation of the land. Finally, after the lapse of three years, he must prove that he has fully complied with the law, and, besides, pay an additional dollar per acre, thus paying the Government \$1.25 per acre and expending at least \$3 per acre in the reclamation of the land.

Because of defective titles and litigation in relation to them, because of inability to get the money to carry on the operation of reclaiming the land, it frequently happens that men fail in connection with this kind of a contract with the Government. But notwithstanding, Mr. President, the law has been a beneficent law, and the failures under it to make good on final proof amount to less than 1 per cent of the final entries presented. Of the original entries a large proportion, of course, are canceled because of the failure of the parties to meet all the They surrender and thereby forfeit the 25 cents per acre they have paid, because of inability to pay the balance or to furnish the money necessary to improve the land.

Mr. WARREN. But that carries no fraudulent intent,

Mr. CARTER. That carries no fraudulent intent any more than in the case of a man in the city of Washington who buys a lot and makes an advance payment on the lot, and failing to make the other payments, forfeits his lot and the money he has paid. There is no fraud about it, there is no intent to deceive, and no one is injured except the entryman. The man has simply failed to carry out the contract through inability so to do.

Mr. WARREN. He thereby has lost his right, but the Government has received this 25 cents in money and retains the land.

Mr. CARTER. Of course. There is a good deal of that. I remember in the Western States some years ago, when hard conditions were encountered in one section, it was a standing joke that the Government of the United States was engaged in a gambling business, that it bet the homesteader 160 acres of land against \$18 that he could not live in the country five years, and it was said that the Government generally won. [Laughter.]

As to mineral entries, it is needless to speak at any length.

As to mineral entries, it is needless to speak at any length. In the first place, a mining claim can only embrace 20 acres. When a patent is sought on a placer claim a discovery of gold in such quantities as to justify a reasonable person in prosecuting development must be shown and the claimant is required to expend at least \$500 in improvements and must pay

\$2.50 per acre for the ground.

In the case of a lode claim the applicant must show a discovery of a lead or lode of quartz or other rock in place, with at least one well-defined wall, and the vein matter must disclose the presence of gold, silver, cinnabar, or other valuable metal. At least \$500 worth of work must be done before patent can be obtained, and the character of the improvements must be certified to by a deputy mineral surveyor appointed under authority of the United States to survey the claim. The claimant must likewise pay the Government \$5 per acre for the land when his application for patent is presented. The utmost care is taken with reference to advertising applications for patent by publishing notice in a newspaper published nearest the land and also by posting notice and plat on the claim. Where an issue arises between two claimants, adverse is filed in the land office, and thereafter suit must be commenced in a court of competent jurisdiction to settle the question of title, the judgment of the court being binding upon the Government as to the rights of the contesting parties.

In a statement of protests by Government agents furnished me by the Land Office, covering the years from 1890 to 1905, inclusive, I find that but 631 protests have been filed and that but a very trifling fraction of the total of all applications were

canceled.

The wisdom of our mineral-land laws may be judged by the enormous addition to the nation's wealth contributed by the miners who have explored, located, and developed mines under the laws and the local rules and regulations since 1848. Under the laws, rules, and regulations we see standing to the credit of the prospectors and the miners a superb total of seven billion dollars extorted from the earth and added to the nation's wealth in gold, silver, copper, and lead within nine and forty years

To those who favor leasing and thus destroying the incentive to individual initiative these figures may well be cited for comparison with results attained under any system of governmental

supervision and royalty since the world began.

The Secretary of the Interior proposes to send a special agent of the Land Office or of his Department forth to ascertain before patent issues whether a given mining claim sought to be patented is sufficiently promising to warrant the holding thereof as a mineral claim. He can not have in mind the mere ascertainment of the fact of the expenditure of the required \$500 previous to patent, because an officer of the United States Government—a deputy mineral surveyor—must have certified to such expenditure before the application is presented to the Secretary. The special agent of the Land Office or of the Secretary's office is to determine the value of a mine—is to decide questions upon which learned experts disagree. To decide a question which can only be decided by an infinite amount of human toil, supplemented by the application of scientific principles in the treatment of ores and the extraction thereof from the ground.

Think of Billy Botts, special agent of the Interior Department, passing judgment upon the value of a mine, or the soundness of a man's judgment who has given the highest possible evidence of good faith by the investment of his toil and his means in the development work. It is exasperating to be called upon to argue such an absurd proposition.

In the case of my colleague [Mr. Clark] I believe a number of the most learned experts in the United States pronounced a

certain mining property in Arizona not worth the cost of development. My colleague's judgment was to the contrary, and, pursuing his own judgment, he prosecuted development there to the extent of a moderate fortune and brought forth one of the greatest copper mines on the face of this earth. Now, before you issue a patent will you send down an agent of the Land Office to that Arizona country to look over mines about which men who are well informed disagree so radically? I hope that there is no intention of that kind, and I understand that a modification of this order has been made to avoid that ridiculous conclusion.

Mr. President, to sum the whole matter up finally, it will appear from a critical analysis of the figures and the facts, that not to exceed one-half of 1 per cent of the final homestead entries, less than 1 per cent of the final desert-land entries, less than one-half of 1 per cent of the final timber and stone entries, and less than 1 per cent of the final coal entries are found to be fraudulent, and the percentage of mineral entries tainted with fraud is small indeed. Taking the whole aggregate of percentage together and figuring out from these percentages the average we will find that less than one final entry of public land out of every hundred has been found in all the years to be subject to cancellation on account of fraud, default, or delinquency of any kind. As to the homestead settlers, there is but 1 delinquent substantially in every 300 final entrymen.

In the face of this showing from the records of the Interior Department an order is issued denying to all final entrymen a right which the Supreme Court of the United States has repeatedly recognized and which the Department itself has not heretofore gainsaid. From the day the final entry is made the right of local taxation attaches to the land under the decisions of the Supreme Court; and yet, sir, while bearing the burden of taxation, the 99 blameless men out of 100 in most cases and the 299 men out of 300 in the homestead cases must be denied complete evidence of legal title to their land until some agent of the Land Office or agent of the Interior Department can personally inspect the premises in the many, many thousands of cases.

Before the issuance of this order of December 18 conditions were hard enough, particularly for the homestead settlers. Suspected at every turn in the road of evil design, harassed by special agents and exasperating requirements of the Interior Department, it is not surprising that two honest home seekers left the United States to locate in Canada during the year 1906 to one that filed a homestead entry on the public domain of the United States.

I should like to be possessed of time to go over this strange story of the driving of our own people out of our own country and into the far North, to face a more inclement climate, because of the harsh rules of our own Government in enforcing laws as they never were enforced or sought to be enforced before.

I have here a pamphlet issued by the direction of the minister of the interior at Ottawa, Canada, which proceeds to set forth the happy conditions under which Americans may proceed to the Dominion and there acquire homestead rights and privileges under far better conditions than obtain in the United States. With the permission of the Senate, I will ask to insert at the conclusion of my remarks the homestead rules and regulations of the Canadian government, but in passing will merely say that I am informed that 59,000 Americans filed claims to land in Canada last year in the northwest country, whereas in all our own broad domain only about 25,000 homestead claims were filed. In other words, we are driving the finished product of our citizenship out over the northern border, while we are encouraging the raw material to come through the gates of Castle Garden.

Mr. President, in 1896 only forty-nine Americans—mark the number—forty-nine Americans crossed the Canadian line to settle on public lands.

Mr. CLARK of Wyoming. When was that?

Mr. CARTER. In 1896. In 1906 over 105,000 of as good people as Iowa, Minnesota, North Dakota, Montana, or any part of our country can produce sadly passed from under the flag of the United States and went over across the border and cast their lot in the Dominion of Canada.

We have as good a climate; we have as good soil; we think we have a better Government; we have as fair laws, although more exacting, but we have an administration of those laws inspired by suspicion, which makes their execution the cruelest administration of land laws that has been known in this or any other country.

I will not only insert in my remarks, with the permission of the Senate, the Canadian homestead laws and regulations, but I will likewise insert the data furnished me by the Land Office, on request, upon which the statements of percentages I have made are based. I will not undertake to read at any length from these statements, because I have already trespassed too long on the time of the Senate; but I think the original data may be of some value if left available to those desiring to inquire into the

correctness of the statements made.

Where fraud is charged or evidence of fraud exists, the present machinery is ample to detect, investigate, prosecute, and puesh the guilty. Where fraud is not charged and the existence thereof is not suggested by any fact or circumstance, the men who enter public lands are entitled to the same fair and just treatment accorded to all other citizens engaged in legitimate pursuits. They are entitled to the full benefit of that ancient and beneficent rule of law which holds that all things are presumed to be done legitimately until the contrary is proved and to the further well-established principle that dishonesty is not to be presumed. They are entitled to their rights under the law, and no officer is authorized to issue any order denying or abridg-

To the band of Pharisees who base their claims to personal honesty and public attention on the merciless slandering of nonesty and public attention on the merciless slandering of their neighbors it is useless to submit any question in the expectation of obtaining fair and impartial treatment. He who would establish his own reputation for virtue by pointing to the alleged lack of that quality in others ere long becomes the victim of a confirmed habit of dissimulation. Such an individual will meet law and facts with opprobrious epithets while attempting the local confirmed habit of the proportion of the local confirmed habit. ing to smother the logic of figures beneath an avalanche of innuendo and falsehood. From that class of persons the good peo-ple settling the West need expect neither justice, comfort, nor

support, but only additional insult and injury.

To the honorable writers and the decent press of the country special appeal is unnecessary. The law, the facts, and the fig-ures tell the plain story of the rights and the wrongs of the thousands upon thousands of honest, care-encumbered men and women whose cause I earnestly, but all too feebly, attempt to

I have been with and of these people and witnessed them felling the trees and grubbing the stumps on the Ohio River bottom, I will say to the Senator from Ohio. I was with this band of wanderers when they turned the sod of Illinois and drained the swamps of that great State. I saw them working to reclaim from a condition of nature the great, grand, rolling prairies of Iowa, and I am with them and of them still on the table-lands of the Rocky Mountains. I know of their sense of

honor, probity of character, and integrity of purpose. They are an honest people, and it calls forth every particle

of indignation in my nature to hear any officer of this Government in a seat of power traducing them and charging them with wholesale perjury and fraud, in defiance of law and the plain records of his own office. I have heard of constituencies voting lack of confidence in the government, and before that lack of confidence governments have fallen; but I have never lack of confidence and the search of the s heard before of a government announcing a lack of confidence in the whole people of numerous States and Territories. And yet that is the peculiar condition in which we of the West find ourselves to-day.

It may be inquired why we bring this matter into the Senate? Because an appropriation of \$500,000 is called for to aid in carrying forward an iniquitous policy, not supported by any facts, based only upon suspicion, and that suspicion without founda-I do not wish to see the legislative department of the Government tainted with any kind of participation in this wholesale questioning of the integrity and veracity of the people living beyond the Mississippi.

Mr. President, further still, while asking the legislative department of the Government to withhold its support from this policy, I do hope that having here stated the facts and challenged the records for their support, we may find elsewhere and hereafter a relaxation of these odious rules and a restoration of that confidence in the home builders of the West which they have enjoyed and justified for more than a century.

APPENDIX No. 1.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, Washington, D. C., January 11, 1907.

Hon. THOMAS H. CARTER, United States Senate.

United States Senate.

My Dear Senator: In reply to your request of the 8th instant, I transmit herewith statements showing the entries of public lands pending in this Office, etc., at the close of the fiscal year ended June 30, 1890, and succeeding fiscal years to and including that ended June 30, 1905. A similar report for the fiscal year ended June 30, 1906, was furnished by letter of January 5, 1906.

These statements were compiled from the annual reports. The number of "Contests brought by individuals" and "Entries canceled" during each fiscal year could not be segregated into the different classes of entries, because the annual reports do not so state them. The "Entries canceled" comprise those canceled as the result of contests

by individuals and for fallure to make final proof within the prescribed statutory period, relinquishments, abandonment, etc.

The statement of entries, etc., protested by special agents and pending or canceled, are in addition to the other statements of entries pending and canceled.

Very respectfully,

W. A. RICHARDS, Commissioner.

Statement of the number of entries of public lands pending in eral Land Office at the close of each fiscal year, cancellati from July 1, 1890, to June 30, 1905, inclusive. Entries of public lands pending in the General Land Office July 1, 1890:	the Gen- ons, etc.,
July 1, 1890 :	905 090
Original homesteads	205, 989 29, 100 8, 609 760
Final homesteads Commuted homesteads Soldlers' additional homesteads	8, 609
Soldiers' additional homesteads	760
Indian final homesteadsOriginal desert land	7, 341
Final desert land	800
Final desert land Original timber culture Final timber culture	123, 037
Final timber culture	2, 857 428
Coal Timber and stone	4, 039
Warrant and serin	548
Private cash Graduation cash Act of June 15, 1880	2, 052 6, 096
Graduation cash	6, 096
Indian cash	845
Preemption	68, 134
Mineral	5, 489
Miscellaneous	923
Total	467, 480
Contests brought against entries by individuals and panding	
July 1, 1890	7, 500
Entries canceled during fiscal year ending June 30, 1890	38, 876
In addition, entries protested by special agents were pendin	g July 1,
1890, as follows: Homestead	1, 225
Commuted homestead	453
Preemption	2, 177
Timber cultureTimber and stone	246
Desert land	2, 109 473
Private cash	38
Mineral	47
Coal	70
Total	6, 838
Entries protested by special agents and canceled during fiscal year ending June 30, 1890:	
year ending June 30, 1890:	00=
Homestead	225 27
Preemption	115
Preemption Timber culture Timber and stone	107
Timber and stone	10
The state of the s	0.0
Desert land	36
Desert land	36 520
Total	520
Total Entries of public lands pending in the General Land Office July	520
Total  Entries of public lands pending in the General Land Office July	520
Total  Entries of public lands pending in the General Land Office July 1, 1891: Original homesteads	193, 535 20, 328
Total  Entries of public lands pending in the General Land Office July 1, 1891: Original homesteads Final homesteads	193, 535 20, 328 5, 700
Total  Entries of public lands pending in the General Land Office July 1, 1891: Original homesteads Final homesteads	193, 535 20, 328 5, 700
Total  Total  Entries of public lands pending in the General Land Office July 1, 1891: Original homesteads Final homesteads Commuted homesteads Soldiers' additional homesteads Original desert land	193, 535 20, 328 5, 790 347 7, 468
Total  Total  Entries of public lands pending in the General Land Office July 1, 1891: Original homesteads Final homesteads Commuted homesteads Soldiers' additional homesteads Original desert land Final desert land Original timber culture	193, 535 20, 328 5, 790 347 7, 468
Total  Total  Entries of public lands pending in the General Land Office July 1, 1891: Original homesteads Final homesteads Commuted homesteads Soldiers' additional homesteads Original desert land Final desert land Final desert land Final desert land Final of grant land Original timber culture Final timber culture	193, 535 20, 328 5, 790 347 7, 468 1, 507 118, 748 3, 466
Total	193, 535 20, 328 5, 790 347 7, 468 1, 507 118, 748 3, 466 268
Total	193, 535 20, 328 5, 790 347 7, 468 1, 507 118, 748 3, 486 268 43
Total	193, 535 20, 328 5, 790 7, 468 1, 507 118, 748 3, 466 268 2, 054 43 2, 054
Total	193, 535 20, 328 5, 790 7, 468 1, 507 118, 748 3, 466 268 2, 054 43 2, 054
Total	193, 535 20, 328 5, 790 347 7, 468 3, 466 268 43 2, 054 573 2, 046 6, 061 6, 061
Total	193, 535 20, 328 5, 790 347 7, 468 1, 507 118, 748 3, 466 43 2, 054 43 2, 054 6, 061 294 1, 247
Total  Total  Entries of public lands pending in the General Land Office July 1, 1891: Original homesteads Final homesteads Commuted homesteads Soldiers' additional homesteads Original desert land Final desert land Final desert land Final timber culture Final timber culture Final timber culture Timber and stone Warrant and scrip Private cash Graduation cash Act of June 15, 1880 Indian cash Preemption	193, 535 20, 328 5, 790 118, 748 1, 507 118, 748 3, 466 268 43 2, 054 45, 054 46, 061 1, 247 2, 458
Total  Total  Entries of public lands pending in the General Land Office July 1, 1891: Original homesteads Final homesteads Commuted homesteads Soldiers' additional homesteads Original desert land Final desert land Original timber culture Final timber culture Coal Indian homesteads Timber and stone Warrant and scrip Private cash Graduation cash Act of June 15, 1880 Indian cash Preemption Town site	193, 535 20, 328 5, 790 347 7, 468 1, 507 118, 748 3, 466 268 43 2, 054 573 2, 046 6, 061 1, 247 24, 588 3
Total	193, 535 20, 328 5, 790 347 7, 468 1, 507 118, 748 3, 466 268 43 2, 054 4, 573 2, 046 6, 061 294 1, 247 24, 588 4, 818
Total  Total  Entries of public lands pending in the General Land Office July 1, 1891: Original homesteads Final homesteads Commuted homesteads Soldiers' additional homesteads Original desert land Final desert land Final desert land Original timber culture Final timber culture Coal Indian homesteads Timber and stone Warrant and scrip Private cash Act of June 15, 1880 Indian cash Preemption Town site Mineral Miscellaneous	193, 535 20, 328 5, 790 347 7, 468 1, 507 118, 748 3, 466 43 2, 054 43 2, 046 6, 061 294 1, 247 24, 588 4, 818 1, 774
Total	193, 535 20, 328 5, 790 347 7, 468 1, 507 118, 748 3, 466 43 2, 054 43 2, 046 6, 061 294 1, 247 24, 588 4, 818 1, 774
Total  Total  Entries of public lands pending in the General Land Office July 1, 1891: Original homesteads Final homesteads Commuted homesteads Soldiers' additional homesteads Original desert land Final desert land Final desert land Original timber culture Final timber culture Coal Indian homesteads Timber and stone Warrant and scrip Private cash Graduation cash Act of June 15, 1880 Indian cash Preemption Town site Mineral Miscellaneous  Total	193, 535 20, 328 5, 790 347 7, 468 1, 507 118, 748 3, 466 43 2, 054 573 2, 046 6, 061 294 1, 247 24, 588 4, 818 1, 774
Total  Total  Entries of public lands pending in the General Land Office July 1, 1891:  Original homesteads Final homesteads Commuted homesteads Soldiers' additional homesteads Original desert land Final desert land Final desert land Original timber culture Final timber culture Coal Indian homesteads Timber and stone Warrant and scrip Private cash Graduation cash Act of June 15, 1880 Indian cash Preemption Town site Mineral Miscellaneous  Total  Contests brought against entries by individuals and pending Jul 1, 1891	193, 535 20, 328 5, 790 347 7, 468 1, 507 118, 748 3, 466 268 43 2, 054 573 2, 046 6, 061 1, 247 24, 588 4, 818 1, 774 394, 958
Total  Entries of public lands pending in the General Land Office July 1, 1891: Original homesteads Final homesteads Commuted homesteads Soldiers' additional homesteads Original desert land Final desert land Final desert land Original timber culture Final timber culture Coal Indian homesteads Timber and stone Warrant and scrip Private cash Act of June 15, 1880 Indian cash Preemption Town site Mineral Miscellaneous  Total  Contests brought against entries by individuals and pending Jul 1, 1891 Entries canceled during fiscal year ending June 30, 1891	193, 535 20, 328 5, 790 7, 468 1, 507 118, 748 3, 466 43 2, 054 4, 247 204 6, 061 294 1, 247 24, 588 4, 818 1, 774 394, 958
Total  Total  Entries of public lands pending in the General Land Office July 1, 1891: Original homesteads Final homesteads Commuted homesteads Soldiers' additional homesteads Original desert land Final desert land Final desert land Original timber culture Final timber culture Coal Indian homesteads Indian homesteads Timber and stone Warrant and scrip Private cash Graduation cash Act of June 15, 1880 Indian cash Preemption Town site Mineral Miscellaneous  Total  Contests brought against entries by individuals and pending Jul 1, 1891 Entries canceled during fiscal year ending June 30, 1891 In addition, entries protested by special agents were pendin	193, 535 20, 328 5, 790 7, 468 1, 507 118, 748 3, 466 43 2, 054 4, 247 204 6, 061 294 1, 247 24, 588 4, 818 1, 774 394, 958
Total  Entries of public lands pending in the General Land Office July 1, 1891: Original homesteads Final homesteads Commuted homesteads Soldiers' additional homesteads Original desert land Final desert land Final desert land Original timber culture Final timber culture Coal Indian homesteads Timber and stone Warrant and scrip Private cash Graduation cash Act of June 15, 1880 Indian cash Preemption Town site Mineral Miscellaneous  Total  Contests brought against entries by individuals and pending Jul 1, 1891 Entries canceled during fiscal year ending June 30, 1891 In addition, entries protested by special agents were pendin 1801, as follows:	193, 535 20, 328 5, 790 347 7, 468 1, 507 118, 748 3, 466 268 43 2, 054 573 2, 046 6, 061 1, 247 24, 588 4, 818 1, 774 394, 958 y - 3, 849 - 73, 336 g July 1,
Total	193, 535 20, 328 5, 790 347 7, 468 1, 507 118, 748 3, 466 268 43 2, 054 573 2, 046 6, 061 1, 247 24, 588 4, 818 1, 774 394, 958 y - 3, 849 - 73, 336 g July 1, - 1, 037
Total  Total  Entries of public lands pending in the General Land Office July 1, 1891: Original homesteads Final homesteads Commuted homesteads Soldiers' additional homesteads Original desert land Final desert land Final desert land Original timber culture Final timber culture Coal Indian homesteads Timber and stone Warrant and scrip Private cash Graduation cash Act of June 15, 1880 Indian cash Preemption Town site Mineral Miscellaneous  Total  Contests brought against entries by individuals and pending Jul 1, 1891 Entries canceled during fiscal year ending June 30, 1891 In addition, entries protested by special agents were pendin 1891, as follows: Homestead Commuted homestead	193, 535 20, 328 5, 790 347 7, 468 3, 466 268 43 2, 054 573 2, 046 6, 061 1, 247 24, 588 4, 774 394, 958  y - 3, 849 - 73, 336 g July 1, 1, 037
Total  Total  Entries of public lands pending in the General Land Office July 1, 1891: Original homesteads Final homesteads Commuted homesteads Soldiers' additional homesteads Original desert land Final desert land Final desert land Original timber culture Final timber culture Coal Indian homesteads Timber and stone Warrant and scrip Private cash Graduation cash Act of June 15, 1880 Indian cash Preemption Town site Mineral Miscellaneous  Total  Contests brought against entries by individuals and pending Jul 1, 1891 Entries canceled during fiscal year ending June 30, 1891 In addition, entries protested by special agents were pendin 1891, as follows: Homestead Commuted homestead	193, 535 20, 328 5, 790 347 7, 468 3, 466 268 43 2, 054 573 2, 046 6, 061 1, 247 24, 588 4, 774 394, 958  y - 3, 849 - 73, 336 g July 1, 1, 037
Total  Total  Entries of public lands pending in the General Land Office July 1, 1891: Original homesteads Final homesteads Commuted homesteads Soldiers' additional homesteads Original desert land Final desert land Final desert land Original timber culture Final timber culture Coal Indian homesteads Timber and stone Warrant and scrip Private cash Graduation cash Act of June 15, 1880 Indian cash Preemption Town site Mineral Miscellaneous  Total  Contests brought against entries by individuals and pending Jul 1, 1891 Entries canceled during fiscal year ending June 30, 1891 In addition, entries protested by special agents were pendin 1891, as follows: Homestead Commuted homestead	193, 535 20, 328 5, 790 347 7, 468 3, 466 268 43 2, 054 573 2, 046 6, 061 1, 247 24, 588 4, 774 394, 958  y - 3, 849 - 73, 336 g July 1, 1, 037
Total	193, 535 20, 328 5, 790 7, 468 1, 507 118, 748 3, 466 43 2, 054 4, 294 1, 247 24, 588 4, 818 1, 774 394, 958  y 3, 849 - 73, 336 g July 1, - 1, 037 - 183 - 1, 145 - 2, 217 - 286 - 2, 217
Total  Entries of public lands pending in the General Land Office July 1, 1891: Original homesteads Final homesteads Commuted homesteads Soldiers' additional homesteads Original desert land Final desert land Final desert land Original timber culture Final timber culture Coal Indian homesteads Timber and stone Warrant and scrip Private cash Graduation cash Act of June 15, 1880 Indian cash Preemption Town site Mineral Miscelaneous  Total  Contests brought against entries by individuals and pending Jul 1, 1891 In addition, entries protested by special agents were pendin 1891, as follows: Homestead Commuted homestead Preemption Timber culture Timber cash Mineral	193, 535 20, 328 5, 790 347 7, 468 1, 507 118, 748 3, 466 43 2, 054 573 2, 046 6, 061 294 1, 247 24, 588 4, 818 1, 774 394, 958  y - 3, 849 - 73, 336 g July 1, - 1, 037 - 1, 037 - 2, 217 - 2, 217 - 314 - 314 - 314 - 34, 74
Total	193, 535 20, 328 5, 790 347 7, 468 1, 507 118, 748 3, 466 43 2, 054 573 2, 046 6, 061 294 1, 247 24, 588 4, 818 1, 774 394, 958  y - 3, 849 - 73, 336 g July 1, - 1, 037 - 1, 037 - 2, 217 - 2, 217 - 314 - 314 - 314 - 34, 74
Total  Total  Entries of public lands pending in the General Land Office July 1, 1891: Original homesteads Final homesteads Commuted homesteads Soldiers' additional homesteads Original desert land Final desert land Final desert land Final desert land Original timber culture Final timber culture Coal Indian homesteads Timber and stone Warrant and scrip Private cash Graduation cash Act of June 15, 1880 Indian cash Preemption Town site Mineral Miscellaneous  Total  Contests brought against entries by individuals and pending Jul 1, 1891 Entries canceled during fiscal year ending June 30, 1891 In addition, entries protested by special agents were pendin 1891, as follows: Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land Private cash Mineral Coal	193, 535 20, 328 5, 790 347 7, 468 1, 507 118, 748 3, 466 268 43 2, 054 573 2, 046 6, 061 1, 247 24, 588 4, 818 1, 774 394, 958 y - 3, 849 - 73, 336 g July 1, - 1, 037 - 183 - 1, 145 - 2, 217 - 314 - 39 - 47 - 55
Total	193, 535 20, 328 5, 790 7, 468 1, 507 118, 748 3, 466 43 2, 054 43 2, 054 6, 061 294 1, 247 24, 588 4, 818 1, 774 394, 958  y - 3, 849 - 73, 336 g July 1, - 1, 037 - 1, 145 - 2, 217 - 314 - 314 - 35 - 3, 323 - 5, 323
Total  Entries of public lands pending in the General Land Office July 1, 1891: Original homesteads Final homesteads Commuted homesteads Soldiers' additional homesteads Original desert land Final desert land Final desert land Original timber culture Final timber culture Coal Indian homesteads Timber and stone Warrant and scrip Private cash Graduation cash Act of June 15, 1880 Indian cash Preemption Town site Mineral Miscellaneous  Total  Contests brought against entries by individuals and pending Jul 1, 1891 Entries canceled during fiscal year ending June 30, 1891 In addition, entries protested by special agents were pendin 1891, as follows: Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land Private cash Mineral Coal  Total Entries protested by special agents and canceled during fiscal:	193, 535 20, 328 5, 790 7, 468 1, 507 118, 748 3, 466 43 2, 054 43 2, 054 6, 061 294 1, 247 24, 588 4, 818 1, 774 394, 958  y - 3, 849 - 73, 336 g July 1, - 1, 037 - 1, 145 - 2, 217 - 314 - 314 - 35 - 3, 323 - 5, 323
Total  Entries of public lands pending in the General Land Office July 1, 1891:  Original homesteads Final homesteads Commuted homesteads Soldiers' additional homesteads Original desert land Final desert land Final desert land Final timber culture Final timber culture Coal Indian homesteads Timber and stone Warrant and scrip Private cash Graduation cash Act of June 15, 1880 Indian cash Preemption Town site Mineral Miscellaneous  Total  Contests brought against entries by individuals and pending Jul 1, 1891 Entries canceled during fiscal year ending June 30, 1891 In addition, entries protested by special agents were pendin 1891, as follows: Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land Private cash Mineral Coal  Total Entries protested by special agents and canceled during fiscal ing June 30, 1891:	193, 535 20, 328 5, 790 347 7, 468 1, 507 118, 748 3, 466 268 43 2, 054 573 2, 046 6, 061 1, 247 24, 588 4, 818 1, 774 394, 958 y - 3, 849 - 73, 336 g July 1, - 1, 037 - 183 - 1, 145 - 2, 217 - 314 - 39 - 47 - 55 - 5, 323 year end
Total  Entries of public lands pending in the General Land Office July 1, 1891:  Original homesteads Final homesteads Commuted homesteads Soldiers' additional homesteads Original desert land Final desert land Final desert land Final desert land Original timber culture Final timber culture Coal Indian homesteads Timber and stone Warrant and scrip Private cash Graduation cash Act of June 15, 1880 Indian cash Preemption Town site Mineral Miscellaneous  Total  Contests brought against entries by individuals and pending Jul 1, 1891 Entries canceled during fiscal year ending June 30, 1891 In addition, entries protested by special agents were pendin 1891, as follows: Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land Private cash Mineral Coal  Total  Entries protested by special agents and canceled during fiscal ing June 30, 1891: Homestead Coal  Total  Entries protested by special agents and canceled during fiscal ing June 30, 1891: Homestead	193, 535 20, 328 5, 790 347 7, 468 1, 507 118, 748 3, 466 268 43 2, 054 573 2, 046 6, 061 1, 247 24, 588 4, 774 394, 958 y - 3, 849 - 73, 336 g July 1, - 1, 037 - 183 - 3, 849 - 73, 336 g July 1, - 1, 037 - 1, 145 - 2, 217 - 314 - 39 - 47 - 55 - 5, 323 year end-
Total  Entries of public lands pending in the General Land Office July 1, 1891:  Original homesteads Final homesteads Commuted homesteads Soldiers' additional homesteads Original desert land Final desert land Final desert land Final desert land Original timber culture Final timber culture Coal Indian homesteads Timber and stone Warrant and scrip Private cash Graduation cash Act of June 15, 1880 Indian cash Preemption Town site Mineral Miscellaneous  Total  Contests brought against entries by individuals and pending Jul 1, 1891 Entries canceled during fiscal year ending June 30, 1891 In addition, entries protested by special agents were pendin 1891, as follows: Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land Private cash Mineral Coal  Total  Entries protested by special agents and canceled during fiscal ing June 30, 1891: Homestead Coal  Total  Entries protested by special agents and canceled during fiscal ing June 30, 1891: Homestead	193, 535 20, 328 5, 790 347 7, 468 1, 507 118, 748 3, 466 268 43 2, 054 573 2, 046 6, 061 1, 247 24, 588 4, 774 394, 958 y - 3, 849 - 73, 336 g July 1, - 1, 037 - 183 - 3, 849 - 73, 336 g July 1, - 1, 037 - 1, 145 - 2, 217 - 314 - 39 - 47 - 55 - 5, 323 year end-
Total  Entries of public lands pending in the General Land Office July 1, 1891:  Original homesteads Final homesteads Commuted homesteads Soldiers' additional homesteads Original desert land Final desert land Final desert land Original timber culture Final timber culture Coal Indian homesteads Timber and stone Warrant and scrip Private cash Graduation cash Act of June 15, 1880 Indian cash Preemption Town site Mineral Miscellaneous  Total  Contests brought against entries by individuals and pending Jul 1, 1891 Entries canceled during fiscal year ending June 30, 1891 In addition, entries protested by special agents were pendin 1891, as follows: Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land Private cash Mineral Coal  Total  Entries protested by special agents and canceled during fiscal ing June 30, 1891: Homestead Coal  Total  Entries protested by special agents and canceled during fiscal ing June 30, 1891: Homestead Coal	193, 535 20, 328 5, 790 347 7, 468 1, 507 118, 748 3, 466 268 43 2, 054 573 2, 046 6, 061 1, 247 24, 588 4, 774 394, 958 y - 3, 849 - 73, 336 g July 1, - 1, 037 - 183 - 3, 849 - 73, 336 g July 1, - 1, 037 - 1, 145 - 2, 217 - 314 - 39 - 47 - 55 - 5, 323 year end-
Total  Entries of public lands pending in the General Land Office July 1, 1891:  Original homesteads Final homesteads Commuted homesteads Soldiers' additional homesteads Original desert land Final desert land Final desert land Final timber culture Final timber culture Coal Indian homesteads Timber and stone Warrant and scrip Private cash Graduation cash Act of June 15, 1880 Indian cash Preemption Town site Mineral Miscellaneous  Total  Contests brought against entries by individuals and pending Jul 1, 1891 Entries canceled during fiscal year ending June 30, 1891 In addition, entries protested by special agents were pendin 1891, as follows: Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land Private cash Mineral Coal  Total Entries protested by special agents and canceled during fiscal ing June 30, 1891:	193, 535 20, 328 5, 790 347 7, 468 1, 507 118, 748 3, 466 43 2, 054 573 2, 046 6, 061 1, 247 24, 588 4, 818 1, 774 394, 958 y - 73, 336 g July 1, - 1, 037 - 183 - 3, 849 - 73, 336 g July 1, - 1, 037 - 1, 135 - 2, 217 - 314 - 394 - 394 - 73, 336 g July 1, - 1, 037

Entries protested by special agents, etc.—Continued. Private cash Mineral	2	Entries protested by special agents and canceled during fiscal year ending June 30, 1893:  Homestead Commuted homestead Premotion	
MineralCoal	6 21	Homestead	138
			19
Total	920	Timber culture Timber and stone	96
Entries of public lands pending in the General Land Office July 1, 1892: Final homesteads			50
Final homesteads	5, 075	Private cash Coal	2
Commuted homesteads Soldiers' additional homesteads	1, 515		
Original desert land	7, 290	Total	327
Final desert landOriginal timber culture	107 850	Entries of public lands pending in the General Land Office July 1, 1894: Original homesteads (not given in annual report).	
Final timber cultureCommuted timber culture	1, 882 1, 370	Original homesteads (not given in annual report).	4
Coal	1, 370	Final homesteads	9, 387 1, 598
Indian homesteads	27	Soldiers' additional homesteads	68
Timber and stoneWarrant and scrip	360 327	Soldiers' additional homesteads Original timber culture	93, 636 5, 390
Private cash	327 957	Final timber culture	1, 406 9, 328
Public saleUnder act of March 3, 1887	12	1 Original desert land	9, 328
Under act of March 3, 1887 Under act of June 15, 1880	99	Final desert land Timber and stone Warrant and scrip	856
Indian cashIndian allotments	511 141	Duivota anch	1 486
PreemptionUnder act of September 29, 1890	3, 652	Graduation cash Act of March 3, 1887 Act of June 15, 1880 Act of September 29, 1890 Final Indian homesteads	1, 486 5, 934
derivatives description of the state of the	477 260	Act of March 3, 1887	73
Under act October 1, 1890	2, 635	Act of September 29, 1890	630
Miscellaneous	2, 033	Final Indian homesteads	286
Total		Indian cashIndian allotments	182
10tai	100, 0,02	Preemption Town site and town lots	3, 047
Contests brought against entries by individuals and pending	5	Mineral and coal	1, 319 1, 898
July 1, 1892 Entries canceled during fiscal year ending June 30, 1892	1, 817	Miscellaneous	410
In addition, entries protested by special agents were pending		Total	137, 499
1892, as follows:	, July 1,	Contests brought against entries by individuals and pending	1, 862
Homestead	695	July 1, 1894 Entries canceled during fiscal year ending June 30, 1894	19, 925
Commuted homesteadPreemption		In addition, entries protested by special agents were pending	July 1
Timber culture	177	1894, as follows:	
Timber and stone Desert land	1, 992 70	Homestead	606
Private cash	. 33	Preemption	268
Mineral	41	Timber culture	156
Coal	- 04	Timber and stone	739
Total	. 3, 951	Desert landPrivate cash	120
Entries protested by special agents and canceled during fiscel		Mineral	32
Entries protested by special agents and canceled during fiscal year ending June 30, 1892:		Coal	26
HomesteadCommuted homestead	375	'Total	2, 031
Premption	. 33		
Timber culture	186	Entries protested by special agents and canceled during fiscal year ending June 30, 1894:  Homestead	
Desert land	42	Homestead	124
* Coal	1	Preemption	13
Total	641	Timber culture	91
Entries of public lands pending in the General Land Office July		Desert land	15
1 1009.		Private cash Mineral	1 2
Original homesteads (not given in annual report)	8, 435	Coal	2
Original homesteads (not given in annual report) Final homesteads Commuted homesteads	1, 602	Total	267
Commuted homesteads Soldier's additional homesteads Original timber culture (not given in annual report) Final timber culture Commuted timber culture Original desert land (not given in annual report) Final desert land	. 84		4.02
Final timber culture	2, 420	Entries of public lands pending in the General Land Office July 1, 1895:	
Original desert land (not given in annual report)	2, 420 1, 788	Original homestead	216, 380
		Final homestead Commuted homestead	3, 719 1, 222
('09	777	Soldiers' additional homestead	45
Timber and stone Warrant and scrip	302	Timber culture, final Timber culture, original (not in annual report)	473
Private cash Act of March 3, 1887. Act of June 15, 1880. Act of September 29, 1890. Final Indian homesteads	884	Commuted timber culture	195
Act of June 15, 1880	76	Desert land, final, original (not in annual report)	94 239
Act of September 29, 1890	456	Timber and stoneWarrant and scrip	. 237
			1, 457 5, 443
Indian allotmentsPreemption	498	Graduation in cash	2
Town site	. 7	Act June 15, 1880Public sale	65 24
MineralMiscellaneous	2, 186	Indian homestead	53
		Indian cash	343 153
Total	24, 150	Indian allotment Town site and town lots Act September 29, 1890	24
Contests brought against entries by individuals and pending		Act September 29, 1890	386 447
July 1, 1893 Entries canceled during fiscal year ending July 1, 1893	2, 766	Preemption Mineral and coal	1, 116
	20, 690	Miscellaneous	406
In addition, entries protested by special agents were pending 1893, as follows:	July 1,	Total	232, 523
	476	Contests brought against entries by individuals and pending	
HomesteadCommuted homestead	112	July 1, 1895 Entries canceled during fiscal year ending June 30, 1895	1, 374 26, 754
Preemption	324 221 1, 117	In addition, entries protested by special agents were pending	
Timber and stone	1, 117	1895, as follows:	000
Desert land Private cash	39 12	Homestead	_ 90
Mineral	34	Preemption	180
CV61	44	Timber culture	- 100
Total	2. 379	Timber and stone	586

esert landrivate cash	129 15
lineral	. 9
Total	-
entries protested by special agents and canceled during fiscal year ending June 30, 1895:	. 010
Homestead	212
Preemption	22 174
Timber and stone Desert land	113
Mineral	2
Coal	
Total	548
Intries of public lands pending in the General Land Office July 1, 1896:	
Original homestead 2 Final homestead 2	218, 091 3, 645
Commuted homestead	1, 317
Soldiers' additional homestead Timber culture, final (original not in annual report)	1, 460 189
Commuted timber culture  Desert land, final (original not in annual report)  Timber and stone  Warrant and scrip	178
Timber and stoneWarrant and scrip	63 294
Private cash Graduation cash	1, 392 4, 497
Private cash Graduation cash Act March 3, 1887 Act June 15, 1880	10
Public sale Indian homestead Indian cash	50
Indian cash	668
Indian cash Indian allotment Act September 29, 1890	975 113
Mineral and coal entries	300 770
Miscellaneous	112
Total2	234, 219
Intries canceled during the fiscal year ending June 30, 1896.  In addition, entries protested by special agents were pending 896, as follows:  I tomestead	July 1,
reemption	- 66
imber culture	367 172
rivate cash	- 8
Zoal	. 4
ndian allotment	
Total	1,737
Total	1, 737
Total	445 12 11
Total	445 12 11 237 90
Total	445 12 11 237 90
Total	445 12 11 237 90
Total  Intries protested by special agents and canceled during fiscal year ending June 30, 1896: Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land Total  Entries of public lands pending in the General Land Office July 1, 1897:	445 12 11 237 90 19 814
Total  Intries protested by special agents and canceled during fiscal year ending June 30, 1896:  Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land  Total  Intries of public lands pending in the General Land Office July 1, 1897: Original homesteads	1, 737 445 12 11 237 90 19 814 254, 898
Total  Intries protested by special agents and canceled during fiscal year ending June 30, 1896:  Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land  Total  Intries of public lands pending in the General Land Office July 1, 1897: Original homesteads	445 12 11 12 237 90 19 814 254, 898 4, 783 611
Total  Intries protested by special agents and canceled during fiscal year ending June 30, 1896: Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land  Total  Intries of public lands pending in the General Land Office July 1, 1897: Original homesteads Final homesteads Soldiers' additional homesteads Soldiers' additional homesteads Original timber culture (not in annual report)	445 12 11 237 90 19 814 254, 898 4, 783 611 23
Total  Intries protested by special agents and canceled during fiscal year ending June 30, 1896: Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land  Total  Intries of public lands pending in the General Land Office July 1, 1897: Original homesteads Final homesteads Soldiers' additional homesteads Soldiers' additional homesteads Original timber culture (not in annual report) Final timber culture Commuted homesteads Commuted homesteads Original timber culture	445 12 11 12 237 90 19 814 254, 898 4, 783 611
Total  Intries protested by special agents and canceled during fiscal year ending June 30, 1896:  Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land  Total  Entries of public lands pending in the General Land Office July 1, 1897: Original homesteads Final homesteads Final homesteads Soldiers' additional homesteads Original timber culture (not in annual report) Final timber culture Commuted timber culture Commuted timber culture Original desert land (not in annual report)	445 12 11 237 90 19 814 254, 898 4, 783 611 23 2, 477 98
Total	445 12 11 237 90 19 814 254, 898 4, 783 611 23 2, 477 98 227 104
Total  Intries protested by special agents and canceled during fiscal year ending June 30, 1896:  Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land  Total  Intries of public lands pending in the General Land Office July 1, 1897: Original homesteads Final homesteads Soldiers' additional homesteads Original timber culture (not in annual report) Final timber culture Commuted timber culture Original desert land Timber and stone Coal	445 12 11 237 90 19 814 4783 611 23 27 104 13 231
Total  Intries protested by special agents and canceled during fiscal year ending June 30, 1896:  Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land  Total  Intries of public lands pending in the General Land Office July 1, 1897: Original homesteads Final homesteads Soldiers' additional homesteads Original timber culture (not in annual report) Final timber culture Commuted timber culture Original desert land Timber and stone Coal	254, 898 4, 783 611 237 90 19 814 254, 898 4, 783 611 23 2, 477 98 227 104 13 1, 582 2, 423
Total  Intries protested by special agents and canceled during fiscal year ending June 30, 1896:  Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land  Total  Intries of public lands pending in the General Land Office July 1, 1897: Original homesteads Final homesteads Soldiers' additional homesteads Original timber culture (not in annual report) Final timber culture Commuted timber culture Original desert land Timber and stone Coal	254, 898 4, 783 611 237 90 19. 814 254, 898 4, 783 611 23 2, 477 98 227 104 13 231 1, 582 2, 423 2, 423
Total  Intries protested by special agents and canceled during fiscal year ending June 30, 1896: Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land  Total  Intries of public lands pending in the General Land Office July 1, 1897: Original homesteads Final homesteads Soldiers' additional homesteads Soldiers' additional homesteads Original timber culture (not in annual report) Final timber culture Commuted timber culture Commuted timber culture Coriginal desert land Timber and score Coal Warrant and scrip Private cash Graduation cash Act of March 3, 1887 Act of June 15, 1880 Act of September 29, 1890	254, 898 4, 783 61, 787 814 254, 898 4, 783 611 1123 2, 477 98 227 104 13 1, 582 2, 423 2, 423 2, 423
Total Intries protested by special agents and canceled during fiscal year ending June 30, 1896: Homestead Commuted homestead Preemption. Timber culture Timber and stone Desert land  Total  Entries of public lands pending in the General Land Office July 1, 1897: Original homesteads Final homesteads Soldiers' additional homesteads. Soldiers' additional homesteads. Original timber culture (not in annual report) Final timber culture Commuted timber culture Original desert land (not in annual report) Final desert land. Timber and stone Coal Warrant and scrip Private cash. Graduation cash Act of March 3, 1887 Act of June 15, 1880 Act of September 29, 1890 Public sale Indian homestead	445 12 11 237 90 199 814 254, 898 4, 783 611 23 2, 477 98 227, 104 13 1, 582 2, 423 2, 423 68 68
Total  Intries protested by special agents and canceled during fiscal year ending June 30, 1896; Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land  Total  Intries of public lands pending in the General Land Office July 1, 1897; Original homesteads Commuted homesteads Soldiers' additional homesteads Original timber culture (not in annual report) Final timber culture Original desert land (not in annual report) Final desert land Timber and stone Coal Warrant and scrip Private cash Graduation cash Act of March 3, 1887 Act of June 15, 1880 Act of September 29, 1890 Public sale Indian allotments	254, 898 4, 783 611 237 90 19. 814 254, 898 4, 783 611 23 2, 477 98 227 104 1, 231 2, 423 2, 423 2, 423 2, 423 2, 423 2, 423 3, 231 2, 423 2,
Total Intries protested by special agents and canceled during fiscal year ending June 30, 1896: Homestead Commuted homestead Preemption. Timber culture Timber and stone Desert land  Total  Entries of public lands pending in the General Land Office July 1, 1897: Original homesteads Final homesteads Soldiers' additional homesteads. Original timber culture (not in annual report) Final timber culture Commuted timber culture Original desert land (not in annual report) Final desert land Timber and stone Coal Warrant and scrip Private cash. Graduation cash Act of March 3, 1887 Act of June 15, 1880 Act of September 29, 1890 Public sale Indian homestead Indian allotments Town site Preemption	254, 898 4, 783 611 237 90 19. 814 254, 898 4, 783 611 23 2, 477 98 227 104 13 1,582 2, 423 2, 423 2, 423 2, 423 3, 744 1, 744 1, 266
Total  Intries protested by special agents and canceled during fiscal year ending June 30, 1896:  Homestead Commuted homestead Preemption. Timber culture Timber and stone Desert land  Total  Intries of public lands pending in the General Land Office July 1, 1897: Original homesteads Final homesteads Soldiers' additional homesteads Original timber culture (not in annual report) Final timber culture Commuted timber culture Commuted timber culture Coriginal desert land Timber and stone Coal Warrant and scrip Private cash Graduation cash Act of March 3, 1887 Act of June 15, 1880 Act of September 29, 1890 Public sale Indian homestead Indian allotments Town site	254, 898 4, 783 254, 898 4, 783 611 237 90 19 814 254, 898 4, 783 611 23 2, 477 98 22, 423 56 206 206 68 43 307 444 31 31 31 31 31 31 31 31 31 31 31 31 31
Total Intries protested by special agents and canceled during fiscal year ending June 30, 1896; Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land  Total  Intries of public lands pending in the General Land Office July 1, 1897; Original homesteads Final homesteads Commuted homesteads Soldiers' additional homesteads Original timber culture (not in annual report) Final timber culture Original desert land (not in annual report) Final desert land Timber and stone Coal Warrant and scrip Private cash Graduation cash Act of March 3, 1887 Act of June 15, 1880 Act of September 29, 1890 Public saie Indian cash Indian allotments Town site Preemption Mineral and coal Miscellaneous	254, 898 4, 783 611 237 90 19 814 254, 898 4, 783 611 23 2, 477 104 13 1, 582 2, 423 5 2, 423 68 43 3, 201 3, 744 11 201 3, 744 4, 744
Total  Intries protested by special agents and canceled during fiscal year ending June 30, 1896: Homestead Commuted homestead Preemption. Timber culture Timber and stone Desert land  Total  Intries of public lands pending in the General Land Office July 1, 1897: Original homesteads Final homesteads Soldiers' additional homesteads Original timber culture (not in annual report) Final timber culture Commuted timber culture Original desert land Timber and stone Coal Warrant and scrip Private cash Graduation cash Act of March 3, 1887 Act of June 15, 1880 Act of September 29, 1890 Public sale Indian homestead Indian allotments Town site Preemption Mineral and coal Miscellaneous  Total Contests brought against entries by individuals and pending	254, 898 4, 783 6, 611 123 7, 90 199 814 254, 898 4, 783 6, 611 1, 582 2, 477 104 13, 231 1, 582 2, 423 5, 68 43 3, 744 1266 7, 742 1272, 845
Total  Intries protested by special agents and canceled during fiscal year ending June 30, 1896:  Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land  Total  Intries of public lands pending in the General Land Office July 1, 1897: Original homesteads Final homesteads Soldiers' additional homesteads Original timber culture (not in annual report) Final timber culture Commuted timber culture Commuted timber culture Original desert land Timber and stone Coal Warrant and scrip Private cash Graduation cash Act of March 3, 1887 Act of June 15, 1880 Act of September 29, 1890 Public sale Indian homestead Indian allotments Town site Preemption Mineral and coal Miscellaneous  Total Contests brought against entries by individuals and pending July 1, 1897 Intries canceled during fiscal year ending June 30, 1897	254, 898 4, 783 101 201 191 814 254, 898 4, 783 611 123 2, 477 104 13, 231 1, 582 2, 423 2, 423 2, 423 1, 744 1, 266 205 688 431 3, 744 1, 266 7, 272 1, 272
Total  Intries protested by special agents and canceled during fiscal year ending June 30, 1896: Homestead Commuted homestead Preemption. Timber culture Timber and stone Desert land  Total  Intries of public lands pending in the General Land Office July 1, 1897: Original homesteads Final homesteads Soldiers' additional homesteads Original timber culture (not in annual report) Final timber culture Commuted timber culture Original desert land Timber and stone Coal Warrant and scrip Private cash Graduation cash Act of March 3, 1887 Act of June 15, 1880 Act of September 29, 1890 Public sale Indian homestead Indian allotments Town site Preemption Mineral and coal Miscellaneous  Total Contests brought against entries by individuals and pending	254, 898 4, 783 254, 898 4, 783 211 237 90 19 814 254, 898 4, 783 211 1, 582 22, 477 104 13 231 1, 582 2, 423 26 205 68 43 43 401 12 27 27 27 27 27 27 27 27 27 27 27 27 27

Fimber culture	259
Private cash	- 4
MineralCost	_ 2
Indian allotments	
Entries protested by special agents and canceled during fiscal year ending June 30, 1897:	1,527
year ending June 30, 1897: Homestead Commuted homestead	777
Preemption	8
Timber culture	310 95
Desert landIndian allotments	85 19
Total	1, 301
Entries of public lands pending in the General Land Office	
Talv 1 1808 ·	215, 899
Original homesteads	5, 112
Soldiers' additional homesteads	3, 575
Commuted timber culture	75
Desert land. Timber and stone. Warrant and scrip	05
Private cash	1. 298
Graduation cash Act March 3, 1887 Act June 15, 1880	11
Public sale	68
Public sale Indian homesteads Indian cash Indian allotments	251
. Town site	3, 801 23 57
Town lotAct September 29, 1890	105
Preemption	213
Mineral and coal Lieu selections, act June 4, 1897 Miscellaneous	44 31
	235, 231
Contests brought against entries by individuals and pending July 1, 1898	
Entries canceled during fiscal year ending June 30, 1898:	
Original entriesFinal entries	284
(D-4-1	
Total	17, 204
In addition, entries protested by special agents were pending 1898, as follows:	g July 1,
In addition, entries protested by special agents were pending 1898, as follows:  Homestead  Commuted homestead	g July 1, 1, 231 39
In addition, entries protested by special agents were pending 1898, as follows:  Homestead  Commuted homestead  Preemption  Timber culture	g July 1, 1, 231 39 47 155
In addition, entries protested by special agents were pending 1898, as follows:  Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land	g July 1, 1, 231 39 47
In addition, entries protested by special agents were pending 1898, as follows:  Homestead	g July 1, 1, 231 39 47 155 285
In addition, entries protested by special agents were pending 1898, as follows:  Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land Private cash Mineral Coal	g July 1, 1, 231 39 47 155 285 115 4 13
In addition, entries protested by special agents were pending 1898, as follows:  Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land Private cash Mineral Coal Indian allotments	g July 1, 1, 231 39 47 155 285 115 4 13 8 153
In addition, entries protested by special agents were pending 1898, as follows:  Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land Private cash Mineral Coal Indian allotments Total	g July 1, 1, 231 39 47 155 285 115 4 13 8 153 2, 050
In addition, entries protested by special agents were pending 1898, as follows:  Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land Private cash Mineral Coal Indian allotments Total Entries protested by special agents and canceled during fiscal year ending June 30, 1898:	g July 1, 1, 231 39 47 155 285 115 4 13 8 153 2, 050
In addition, entries protested by special agents were pending 1898, as follows:  Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land Private cash Mineral Coal Indian allotments Total Entries protested by special agents and canceled during fiscal year ending June 30, 1898: Homestead Timber culture	g July 1, 1, 231 39 47 155 285 115 4 13 8 153 2, 050
In addition, entries protested by special agents were pending 1898, as follows:  Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land Private cash Mineral Coal Indian allotments Total Entries protested by special agents and canceled during fiscal year ending June 30, 1898: Homestead Timber culture Timber and stone Desert land	g July 1, 1, 231 39 47 155 285 285 115 4 13 8 153 2, 050 448 174 46 76
In addition, entries protested by special agents were pending 1898, as follows:  Homestead Commuted homestead Preemption Timber culture Timber culture Timber and stone Desert land Private cash Mineral Coal Indian allotments Total  Entries protested by special agents and canceled during fiscal year ending June 30, 1898: Homestead Timber culture Timber and stone Desert land Indian allotments	g July 1, 1, 231 39 47 155 285 115 4 13 8 153 2, 050  448 174 76 86
In addition, entries protested by special agents were pending 1898, as follows:  Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land Private cash Mineral Coal Indian allotments Total  Entries protested by special agents and canceled during fiscal year ending June 30, 1898: Homestead Timber culture Timber culture Timber and stone Desert land Indian allotments	g July 1, 1, 231 39 47 155 285 115 115 3 153 2, 050  448 174 476 86 788
In addition, entries protested by special agents were pending 1898, as follows:  Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land Private cash Mineral Coal Indian allotments  Total  Entries protested by special agents and canceled during fiscal year ending June 30, 1898: Homestead Timber culture Timber and stone Desert land Indian allotments  Total  Firstless of public lands pending in the General Land Office	g July 1, 1, 231 39 47 155 285 115 4 13 8 153 2, 050  448 174 4 766 86 788
In addition, entries protested by special agents were pending 1898, as follows:  Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land Private cash Mineral Coal Indian allotments  Total  Entries protested by special agents and canceled during fiscal year ending June 30, 1898: Homestead Timber culture Timber and stone Desert land Indian allotments  Total  Entries of public lands pending in the General Land Office July 1, 1899: Original homesteads Final homesteads	g July 1, 1, 231 39 47 155 285 285 115 4 13 8 153 2, 050  448 174 4 76 86 788
In addition, entries protested by special agents were pending 1898, as follows:  Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land Private cash Mineral Coal Indian allotments  Total  Entries protested by special agents and canceled during fiscal year ending June 30, 1898: Homestead Timber culture Timber and stone Desert land Indian allotments  Total  Entries of public lands pending in the General Land Office July 1, 1899: Original homesteads Final homesteads	g July 1, 1, 231 39 47 155 285 115 14 13 8 153 2, 050  448 174 76 86 788
In addition, entries protested by special agents were pending 1898, as follows:  Homestead Commuted homestead Preemption Timber culture Timber culture Desert land Private cash Mineral Coal Indian allotments  Total  Entries protested by special agents and canceled during fiscal year ending June 30, 1898: Homestead Timber culture Timber and stone Desert land Indian allotments  Total  Entries of public lands pending in the General Land Office July 1, 1899: Original homesteads Final homesteads Final homesteads Soldiers' additional homesteads Timber culture Commuted timber culture Commuted timber culture	g July 1, 1, 231 39 47 155 285 285 115 4 13 8 153 2, 050  448 174 4 76 86 788  265, 132 5, 593 1, 764 2, 145 76
In addition, entries protested by special agents were pending 1898, as follows:  Homestead  Commuted homestead  Preemption  Timber culture  Timber culture  Timber and stone  Desert land  Private cash  Mineral  Coal  Indian allotments  Total  Entries protested by special agents and canceled during fiscal year ending June 30, 1898:  Homestead  Timber culture  Timber culture  Timber and stone  Desert land  Indian allotments  Total  Entries of public lands pending in the General Land Office July 1, 1899:  Original homesteads  Final homesteads  Commuted homesteads  Soldiers' additional homesteads  Timber culture  Commuted timber culture  Desert land  Timber culture  Commuted timber culture  Desert land  Timber and stone	g July 1, 1, 231 39 47 155 285 285 115 4 13 8 153 2, 050  448 174 4 76 86 788  265, 132 5, 593 1, 764 2, 145 76
In addition, entries protested by special agents were pending 1898, as follows:  Homestead Commuted homestead Preemption Timber culture Timber culture Timber and stone Desert land Private cash Mineral Coal Indian allotments  Total  Entries protested by special agents and canceled during fiscal year ending June 30, 1898: Homestead Timber culture Timber culture Timber and stone Desert land Indian allotments  Total  Entries of public lands pending in the General Land Office July 1, 1899: Original homesteads Final homesteads Final homesteads Commuted homesteads Soldiers' additional homesteads Timber culture Commuted timber culture Desert land Timber and stone Warrant and scrip Private cash Warrant and scrip	g July 1, 1, 231 39 47 155 285 115 4 13 8 153 2, 050  448 174 46 86 788  265, 132 5, 593 1, 764 2, 145 2, 145 2, 145 2, 145 2, 145 2, 121 1078
In addition, entries protested by special agents were pending 1898, as follows:  Homestead Commuted homestead Preemption Timber culture Timber culture Timber and stone Desert land Private cash Mineral Coal Indian allotments  Total  Entries protested by special agents and canceled during fiscal year ending June 30, 1898: Homestead Timber culture Timber culture Timber and stone Desert land Indian allotments  Total  Entries of public lands pending in the General Land Office July 1, 1899: Original homesteads Final homesteads Final homesteads Commuted homesteads Soldiers' additional homesteads Timber culture Commuted timber culture Desert land Timber and stone Warrant and scrip Private cash Warrant and scrip	g July 1, 1, 231 39 47 155 285 115 4 13 8 153 2, 050  448 174 46 86 788  265, 132 5, 593 1, 764 2, 145 2, 145 2, 145 2, 145 2, 145 2, 121 1078
In addition, entries protested by special agents were pending 1898, as follows:  Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land Private cash Mineral Coal Indian allotments  Total  Entries protested by special agents and canceled during fiscal year ending June 30, 1898: Homestead Timber culture Timber culture Timber and stone Desert land Indian allotments  Total  Entries of public lands pending in the General Land Office July 1, 1899: Original homesteads Final homesteads Soldiers' additional homesteads Soldiers' additional homesteads Timber culture Commuted timber culture Desert land Timber and stone Warrant and scrip Private cash Graduation cash Act March 3, 1887 Act June 15, 1880	g July 1, 1, 231 39 477 155 285 115 14 13 8 153 2, 050  448 174 476 86 788  265, 132 5, 593 1, 764 2, 145 2, 145 2, 145 176 213 178 1, 078 1, 078 1, 078 1, 078 1, 078
In addition, entries protested by special agents were pending 1898, as follows:  Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land Private cash Mineral Coal Indian allotments  Total  Entries protested by special agents and canceled during fiscal year ending June 30, 1898: Homestead Timber culture Timber culture Timber and stone Desert land Indian allotments  Total  Entries of public lands pending in the General Land Office July 1, 1899: Original homesteads Final homesteads Soldiers' additional homesteads Soldiers' additional homesteads Timber culture Commuted timber culture Desert land Timber and stone Warrant and scrip Private cash Graduation cash Act March 3, 1887 Act June 15, 1880	g July 1, 1, 231 39 477 155 285 115 14 13 8 153 2, 050  448 174 476 86 788  265, 132 5, 593 1, 764 2, 145 2, 145 2, 145 176 213 178 1, 078 1, 078 1, 078 1, 078 1, 078
In addition, entries protested by special agents were pending 1898, as follows:  Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land Private cash Mineral Coal Indian allotments  Total  Entries protested by special agents and canceled during fiscal year ending June 30, 1898: Homestead Timber culture Timber culture Timber and stone Desert land Indian allotments  Total  Entries of public lands pending in the General Land Office July 1, 1899: Original homesteads Final homesteads Soldiers' additional homesteads Soldiers' additional homesteads Timber culture Commuted timber culture Desert land Timber and stone Warrant and scrip Private cash Graduation cash Act March 3, 1887 Act June 15, 1880	g July 1, 1, 231 39 477 155 285 115 14 13 8 153 2, 050  448 174 476 86 788  265, 132 5, 593 1, 764 2, 145 2, 145 2, 145 176 213 178 1, 078 1, 078 1, 078 1, 078 1, 078
In addition, entries protested by special agents were pending 1898, as follows:  Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land Private cash Mineral Coal Indian allotments  Total  Entries protested by special agents and canceled during fiscal year ending June 30, 1898:  Homestead Timber culture Timber and stone Desert land Indian allotments  Total  Entries of public lands pending in the General Land Office July 1, 1899: Original homesteads Final homesteads Final homesteads Commuted homesteads Soldiers' additional homesteads Timber culture Desert land Timber and stone Desert land Timber diffure Commuted timber culture Desert land Timber and stone Warrant and scrip Private cash Graduation cash Act March 3, 1887 Act June 15, 1880 Public sale Indian homesteads Indian cash Indian allotments Town lofs  Town lofs	g July 1, 1, 231 39 477 155 285 515 4 13 8 153 2, 050  4488 174 46 86 788  265, 132 5, 593 1, 764 2, 145 2, 145 213 178 124 2, 145 1004 100 100 235 3, 130 444
In addition, entries protested by special agents were pending 1898, as follows:  Homestead  Commuted homestead  Preemption  Timber culture  Timber and stone  Desert land  Private cash  Mineral  Coal  Indian allotments  Total  Entries protested by special agents and canceled during fiscal year ending June 30, 1898:  Homestead  Timber culture  Timber culture  Timber and stone  Desert land  Indian allotments  Total  Entries of public lands pending in the General Land Office July 1, 1899:  Original homesteads  Final homesteads  Soldiers' additional homesteads  Timber culture  Commuted timber culture  Desert land  Timber culture  Commuted timber culture  Desert land  Timber and stone  Warrant and scrip  Private cash  Graduation cash  Act March 3, 1887  Act June 15, 1880  Public sale  Indian homesteads  Indian cash  Indian allotments  Town lots  Town site  Act September 29, 1890  Lieu selections, act June 4, 1897	g July 1, 1, 231 39 47 155 285 115 43 138 153 2, 050  448 174 76 86 788  265, 132 5, 593 1, 764 124 2, 145 76 213 178 221 1, 078 1, 004 17 27 130 100 235 3, 130 44 18 141 443
In addition, entries protested by special agents were pending 1898, as follows:  Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land Private cash Mineral Coal Indian allotments  Total  Entries protested by special agents and canceled during fiscal year ending June 30, 1898:  Homestead Timber culture Timber and stone Desert land Indian allotments  Total  Entries of public lands pending in the General Land Office July 1, 1899: Original homesteads Final homesteads Commuted homesteads Soldiers' additional homesteads Timber culture Desert land Timber and stone Desert land Timber and stone Warrant and scrip Private cash Graduation cash Act March 3, 1887 Act June 15, 1880 Public sale Indian allotments Town lots Town lots Town lots Town lots Town lots Town lots Town site Act September 29, 1890 Lieu selections, act June 4, 1897 Preemption Private land claims	g July 1, 1, 231 39 477 155 285 5115 4 133 8 153 2, 050  4488 174 476 86 788  265, 132 5, 593 1, 764 2, 145 2, 145 2, 145 3, 130 10 0 235 3, 130 444 18 141 443 224 3, 107
In addition, entries protested by special agents were pending 1898, as follows:  Homestead Commuted homestead Preemption Timber culture Timber and stone Desert land Private cash Mineral Coal Indian allotments  Total  Entries protested by special agents and canceled during fiscal year ending June 30, 1898:  Homestead Timber culture Timber and stone Desert land Indian allotments  Total  Entries of public lands pending in the General Land Office July 1, 1899: Original homesteads Final homesteads Final homesteads Commuted homesteads Soldiers' additional homesteads Timber culture Desert land Timber and stone Desert land Timber and stone Warrant and scrip Private cash Graduation cash Act March 3, 1887 Act June 15, 1880 Public sale Indian homesteads Indian cash Indian allotments Town lots Town lots Town lots Town lots Town site Act September 29, 1890 Lieu selections, act June 4, 1897	g July 1, 1, 231 39 47 155 285 115 43 138 153 2, 050  448 174 76 86 788  265, 132 5, 593 1, 764 124 2, 145 76 213 178 221 1, 078 1, 004 17 27 130 100 235 3, 130 44 18 141 443

Contests brought against entries by individuals and pending July 1, 1899	In addition, en
Entuing concoled during figeal year ending Inno 20 1899	Homestead entri Commuted home Soldiers' addition
Original entries	Timber culture_
Total 21, 109 In addition, entries protested by special agents were pending July 1, 1899, as follows:	Commuted timbe Timber and ston Desert land
Homesteads 1, 501	Mineral and coa Indian allotment
Timber culture 275	Total
Commuted timber culture         15           Timber and stone         198           Desert land         90	Entries protested year ending J
Private cash 5 Mineral 22	Homestead Commuted 1
Coal 8 Indian allotments 288	Preemption Timber cult
Total	Soldiers' ad Preemption Timber cult Timber and Desert (incl Indian allo
Timber culture 165	Total
Desert 14	Entries of publ
Indian allotments	July 1, 1902 : Original ho
Protein of sublic lands conding to the Consul Yand Office Tule	Final home Commuted Soldier's ad
1, 1900: Original homestead 228, 729	Timber cult Commuted t
Final homestead         8, 658           Commuted homestead         3, 264           Soldiers' additional homestead         149	Desert land Timber and
Soldiers' additional homestead	Warrant an Private cash
Desert land 448	Graduation Act March Act June 1
	Public sale.
Warrant and serip     237       Private cash     1, 565       Graduation cash     748       Act March 3, 1887     20       Act June 15, 1880     3       Public sale     196       Indian homestead     3       Indian cash     441       Indian allotment     31	Indian hom Indian cash Indian allot
Act June 15, 1880	Preemption
Public sale 196 Indian homestead 3	Act September Preemption
	Town site_ Town lot
Town site 12 Town lot 44	Mineral Coal
Preemption 395	Lieu selection Miscellaneou
Town lot	Total
	July 1, 1902
Total 257, 750	Entries canceled Original en
Contests brought against entries by individuals and pending July 1, 1900	Final entrie
Entries canceled during fiscal year ending June 30, 1900: Original entries	In addition, e
Total23, 473	Homesteads
In addition, 598 entries protested by special agents were canceled dur-	Soldier addition
ing the fiscal year ending June 30, 1900, and 2,962 such entries were pending July 1, 1900. The kind of entries (canceled or pending) do not appear in the annual report.	Preemption Timber culture _ Commuted timber Timber and sto
Entries of public lands pending in the General Land Office July 1, 1901: Original homesteads231, 584	Timber and sto Desert Mineral and coa
Final Homesteads 15, 326	Indian allotmen
Commuted homesteads         4, 683           Soldier's additional homesteads         354           Timber culture         423	Total Entries proteste
Commuted timber culture 84	year ending Ju Homesteads
Timber and stone 853 Warrent and scrip 271	Commuted Soldier's ad
Theleaste each	Timber cult Timber and
Frivate cash 7,034 Graduation cash 791 Act March 3, 1887 17 Act June 15, 1880 3	Desert Indian allot
Fullic Sale 1, 554	Total
100att Casti	Entries of public
Town site2	1, 1903: Original ho
Act September 29, 1890	Final home Commuted
Coal	Soldier's ad Timber cult
Lieu selections, act June 4, 1897 3, 610 Miscellaneous 8	Commuted Desert
Total	Timber and Warrant an Private cas
July 1, 1901	Graduation Act March
Entries canceled during fiscal year ending June 30, 1901: Original entries	Public sale Indian hom
Final entries 175	Indian cash Indian allot
Total 26, 032	

In addition, entries protested by special agents were pending 1901, as follows:	July 1,
Homestead entriesCommuted homesteadsSoldiers' additional homesteads	2, 250 123
Soldiers' additional homesteads	325
Preemption	400
Commuted timber culture Timber and stone	182
Timber and stone	4
Indian allotments	1
Total	3, 316
Entries protested by special agents and canceled during fiscal year ending June 30, 1901:	
Homestead entries	562
Homestead entries	10
Preemption	102
Timber and stone Desert (includes original and final)	38
Indian allotments	21
Total	739
Entries of public lands pending in the General Land Office	
July 1, 1902: Original homesteads	248, 576
Final homesteads	17, 025 6, 962
Final homesteads Commuted homestead Soldier's additional homestead	189
Timber culture Commuted timber culture Desert land	1, 181
Desert landTimber and stone	668 1, 944
Timber and stone Warrant and script	421 910
Graduation cash	654
Private cash. Graduation cash. Act March 3, 1887. Act June 15, 1880. Public sale. Indian homesteed	21
Public saleIndian homestead	446
Indian cashIndian allotments	7, 957
Preemption cash Act September 29, 1890	31
Preemption	51 16
Town site	158
Mineral	2, 134 65
Lieu selections, act June 4, 1897 Miscellaneous	4, 185
	251 151
Total	294, 721
Contacts brought against entries by individuals and nanding	294, 721
Contests brought against entries by individuals and pending July 1, 1902	904 791
Contests brought against entries by individuals and pending July 1, 1902.  Entries canceled during fiscal year ending June 30, 1902:  Original entries	294, 721 3, 046 33, 371
Contests brought against entries by individuals and pending July 1, 1902  Entries canceled during fiscal year ending June 30, 1902: Original entries Final entries	294, 721 3, 046 33, 371 185
Contests brought against entries by individuals and pending July 1, 1902  Entries canceled during fiscal year ending June 30, 1902: Original entries  Final entries  Total  In addition, entries protested by special agents, were pend	294, 721 3, 046 33, 371 185 33, 556
Contests brought against entries by individuals and pending July 1, 1902  Entries canceled during fiscal year ending June 30, 1902: Original entries  Final entries  Total  In addition, entries protested by special agents, were pend 1, 1902, as follows:	294, 721 3, 046 33, 371 185 33, 556 ing July
Contests brought against entries by individuals and pending July 1, 1902  Entries canceled during fiscal year ending June 30, 1902: Original entries  Final entries  Total  In addition, entries protested by special agents, were pend 1, 1902, as follows:	294, 721 3, 046 33, 371 185 33, 556 ing July
Contests brought against entries by individuals and pending July 1, 1902  Entries canceled during fiscal year ending June 30, 1902: Original entries Final entries  Total In addition, entries protested by special agents, were pend 1, 1902, as follows: Homesteads Commuted homesteads Soldier' additional homesteads Preemption	294, 721 3, 046 33, 371 185 33, 556 ing July 2, 531 743 15
Contests brought against entries by individuals and pending July 1, 1902.  Entries canceled during fiscal year ending June 30, 1902:  Original entries  Final entries  Total  In addition, entries protested by special agents, were pend 1, 1902, as follows:  Homesteads  Commuted homesteads  Soldier' additional homesteads  Preemption  Timber culture  Commuted timber culture.	294, 721 3, 046 33, 371 185 33, 556 ling July 2, 531 256 743 386
Contests brought against entries by individuals and pending July 1, 1902  Entries canceled during fiscal year ending June 30, 1902: Original entries Final entries  Total  In addition, entries protested by special agents, were pend 1, 1902, as follows: Homesteads Commuted homesteads Soldier' additional homesteads Preemption Timber culture Commuted timber culture Timber and stone	294, 721 3, 046 33, 371 185 33, 556 lng July 2, 531 743 155 386 924
Contests brought against entries by individuals and pending July 1, 1902  Entries canceled during fiscal year ending June 30, 1902: Original entries Final entries  Total In addition, entries protested by special agents, were pend 1, 1902, as follows: Homesteads Commuted homesteads Soldier additional homesteads Preemption Timber culture Commuted timber culture Timber and stone Desert Mineral and coal	294, 721 3, 046 33, 371 185 33, 556 ling July 2, 531 743 155 386 924 101
Contests brought against entries by individuals and pending July 1, 1902  Entries canceled during fiscal year ending June 30, 1902: Original entries Final entries  Total In addition, entries protested by special agents, were pend 1, 1902, as follows: Homesteads Commuted homesteads Soldier' additional homesteads Preemption Timber culture Commuted timber culture Timber and stone Desert Mineral and coal Indian allotments	294, 721 3, 046 33, 371 185 33, 556 ling July 2, 531 133 143 163 163 163 163 163 163 163 16
Contests brought against entries by individuals and pending July 1, 1902  Entries canceled during fiscal year ending June 30, 1902: Original entries Final entries  Total  In addition, entries protested by special agents, were pend 1, 1902, as follows: Homesteads Commuted homesteads Soldier' additional homesteads Preemption Timber culture Commuted timber culture Timber and stone Desert Mineral and coal. Indian allotments  Total  Entries protested by special agents and canceled during fiscal	294, 721 3, 046 33, 371 185 33, 556 ling July 2, 531 743 155 386 924 101
Contests brought against entries by individuals and pending July 1, 1902.  Entries canceled during fiscal year ending June 30, 1902: Original entries Final entries  Total  In addition, entries protested by special agents, were pend 1, 1902, as follows: Homesteads Commuted homesteads Soldier' additional homesteads Preemption Timber culture Commuted timber culture Timber and stone Desert Mineral and coal Indian allotments  Total  Entries protested by special agents and canceled during fiscal year ending June 30, 1902: Homesteads	294, 721  3, 046  33, 371  185  33, 556  ing July  2, 531  743  153  386  924  101  387  474  5, 468
Contests brought against entries by individuals and pending July 1, 1902  Entries canceled during fiscal year ending June 30, 1902: Original entries Final entries  Total In addition, entries protested by special agents, were pend 1, 1902, as follows: Homesteads Commuted homesteads Soldier' additional homesteads Preemption Timber culture Commuted timber culture Timber and stone Desert Mineral and coal. Indian allotments  Total  Entries protested by special agents and canceled during fiscal year ending June 30, 1902: Homesteads Commuted homesteads Commuted homesteads	294, 721 3, 046 33, 371 185 33, 556 ing July 2, 533 257 744 101 38 924 101 38 474 5, 468
Contests brought against entries by individuals and pending July 1, 1902  Entries canceled during fiscal year ending June 30, 1902: Original entries Final entries  Total In addition, entries protested by special agents, were pend 1, 1902, as follows: Homesteads Commuted homesteads Soldier's additional homesteads Preemption Timber culture Commuted timber culture Timber and stone Desert Mineral and coal. Indian allotments  Total Entries protested by special agents and canceled during fiscal year ending June 30, 1902: Homesteads Commuted homesteads Soldier's additional homesteads Timber culture	294, 721 3, 046 33, 371 185 33, 556 ing July 2, 531 15 36 924 101 102 474 474 665 12 665 12 12 12 13
Contests brought against entries by individuals and pending July 1, 1902  Entries canceled during fiscal year ending June 30, 1902: Original entries Final entries  Total  In addition, entries protested by special agents, were pend 1, 1902, as follows:  Homesteads Commuted homesteads Soldier's additional homesteads Preemption Timber culture Commuted timber culture Timber and stone Desert  Entries protested by special agents and canceled during fiscal year ending June 30, 1902: Homesteads Commuted homesteads Soldier's additional homesteads Timber culture Timber and stone Desert Timber and stone. Total	294, 721  3, 046  33, 371  185  33, 556  ing July  2, 531  743  161  386  101  386  474  5, 468
Contests brought against entries by individuals and pending July 1, 1902  Entries canceled during fiscal year ending June 30, 1902: Original entries Final entries  Total  In addition, entries protested by special agents, were pend 1, 1902, as follows: Homesteads Commuted homesteads Soldier' additional homesteads Preemption Timber culture Commuted timber culture Timber and stone Desert Mineral and coal Indian allotments  Total  Entries protested by special agents and canceled during fiscal year ending June 30, 1902: Homesteads Commuted homesteads Soldier's additional homesteads Timber culture Timber and stone Desert Indian allotments	294, 721  3, 046  33, 371  185  33, 556  ing July  2, 533  743  155  386  924  101  387  474  5, 468
Contests brought against entries by individuals and pending July 1, 1902  Entries canceled during fiscal year ending June 30, 1902: Original entries Final entries  Total  In addition, entries protested by special agents, were pend 1, 1902, as follows: Homesteads Commuted homesteads Soldier' additional homesteads Preemption Timber culture Commuted timber culture Timber and stone Desert Mineral and coal Indian allotments  Total  Entries protested by special agents and canceled during fiscal year ending June 30, 1902: Homesteads Commuted homesteads Soldier's additional homesteads Timber culture Timber culture Timber and stone Desert Indian allotments	294, 721  3, 046  33, 371  185  33, 556  ing July  2, 531  743  161  386  101  386  474  5, 468
Contests brought against entries by individuals and pending July 1, 1902  Entries canceled during fiscal year ending June 30, 1902: Original entries Final entries  Total In addition, entries protested by special agents, were pend 1, 1902, as follows: Homesteads Commuted homesteads Soldier's additional homesteads Preemption Timber culture Commuted timber culture Timber and stone Desert Mineral and coal. Indian allotments  Total  Entries protested by special agents and canceled during fiscal year ending June 30, 1902: Homesteads Commuted homesteads Soldier's additional homesteads Timber culture Timber and stone Desert Indian allotments  Total  Entries of public lands pending in the General Land Office July 1, 1903:	294, 721  3, 046  33, 371  185  33, 556  ing July  2, 531  153  163  386  921  5, 468  662  128  683  921
Contests brought against entries by individuals and pending July 1, 1902  Entries canceled during fiscal year ending June 30, 1902: Original entries Final entries  Total In addition, entries protested by special agents, were pend 1, 1902, as follows: Homesteads Commuted homesteads Soldier's additional homesteads Preemption Timber culture Commuted timber culture Timber and stone Desert Mineral and coal. Indian allotments  Total  Entries protested by special agents and canceled during fiscal year ending June 30, 1902: Homesteads Commuted homesteads Soldier's additional homesteads Timber culture Timber and stone Desert Indian allotments  Total  Entries of public lands pending in the General Land Office July 1, 1903: Original homesteads Final homesteads Final homesteads	294, 721  3, 046  33, 371  185  33, 556 ing July  2, 531  16  386  924  474  5, 468  662  70  128  46  63  921  255, 724  15, 386
Contests brought against entries by individuals and pending July 1, 1902  Entries canceled during fiscal year ending June 30, 1902: Original entries Final entries  Total In addition, entries protested by special agents, were pend 1, 1902, as follows: Homesteads Commuted homesteads Soldier's additional homesteads Preemption Timber culture Commuted timber culture Timber and stone Desert Mineral and coal. Indian allotments  Total  Entries protested by special agents and canceled during fiscal year ending June 30, 1902: Homesteads Commuted homesteads Soldier's additional homesteads Timber culture Timber and stone Desert Indian allotments  Total  Entries of public lands pending in the General Land Office July 1, 1903: Original homesteads Final homesteads Final homesteads	294, 721 3, 046 33, 371 185 33, 556 ling July 2, 533 15 380 225 380 662 762 101 281 477 281 662 128 921 255, 724 15, 380 921
Contests brought against entries by individuals and pending July 1, 1902  Entries canceled during fiscal year ending June 30, 1902: Original entries Final entries  Total  In addition, entries protested by special agents, were pend 1, 1902, as follows: Homesteads Commuted homesteads Soldier's additional homesteads Preemption Timber culture Commuted timber culture Timber and stone Desert Mineral and coal Indian allotments  Total  Entries protested by special agents and canceled during fiscal year ending June 30, 1902: Homesteads Commuted homesteads Soldier's additional homesteads Timber culture Timber and stone Desert Indian allotments  Total  Entries of public lands pending in the General Land Office July 1, 1903: Original homesteads Final homesteads Final homesteads Soldier's additional homesteads Final homesteads Final homesteads Commuted homesteads Final homesteads Soldier's additional homesteads	294, 721 3, 046 33, 371 185 33, 556 ing July 2, 533 744 101 388 924 101 101 102 103 104 104 105 105 105 105 105 105 105 105
Contests brought against entries by individuals and pending July 1, 1902  Entries canceled during fiscal year ending June 30, 1902: Original entries Final entries  Total In addition, entries protested by special agents, were pend I, 1902, as follows: Homesteads Commuted homesteads Soldier's additional homesteads Preemption Timber culture Commuted timber culture Timber and stone Desert Mineral and coal. Indian allotments  Total Entries protested by special agents and canceled during fiscal year ending June 30, 1902: Homesteads Commuted homesteads Soldier's additional homesteads Timber and stone Desert Indian allotments  Total  Entries of public lands pending in the General Land Office July 1, 1903: Original homesteads Final homesteads Commuted homesteads Soldier's additional homesteads Final homesteads Commuted homesteads Commuted homesteads Final homesteads Commuted timber culture Commuted timber culture	294, 721  3, 046  33, 371  185  33, 556 ing July  2, 533  - 25, 538  - 101  - 38  - 662  70  128  474  - 101  25, 408  921  255, 724  15, 386  12, 408  15, 386  11, 408  11, 506
Contests brought against entries by individuals and pending July 1, 1902  Entries canceled during fiscal year ending June 30, 1902: Original entries Final entries  Total In addition, entries protested by special agents, were pend 1, 1902, as follows: Homesteads Commuted homesteads Soldier's additional homesteads Preemption Timber culture Commuted timber culture Timber and stone Desert Mineral and coal. Indian allotments  Total  Entries protested by special agents and canceled during fiscal year ending June 30, 1902: Homesteads Commuted homesteads Soldier's additional homesteads Timber and stone Desert Indian allotments  Total  Entries of public lands pending in the General Land Office July 1, 1903: Original homesteads Final homesteads Commuted homesteads Soldier's additional homesteads Timber culture Commuted homesteads Soldier's additional homesteads Timber during fiscal	294, 721  3, 046  33, 371  185  33, 556 ing July  2, 531  185  386  924  474  5, 468  662  70  128  474  663  921  255, 724  15, 386  12, 408  73  1, 606  1, 587  6, 274  6, 274  6, 274
Contests brought against entries by individuals and pending July 1, 1902  Entries canceled during fiscal year ending June 30, 1902: Original entries Final entries  Total In addition, entries protested by special agents, were pend 1, 1902, as follows: Homesteads Commuted homesteads Soldier's additional homesteads Preemption Timber culture Commuted timber culture Timber and stone Desert Mineral and coal. Indian allotments  Total  Entries protested by special agents and canceled during fiscal year ending June 30, 1902: Homesteads Commuted homesteads Soldier's additional homesteads Timber and stone Desert Indian allotments  Total  Entries of public lands pending in the General Land Office July 1, 1903: Original homesteads Final homesteads Commuted homesteads Soldier's additional homesteads Timber culture Commuted homesteads Soldier's additional homesteads Timber during fiscal	294, 721  3, 046  33, 371  185  33, 556 ing July  2, 531  15, 386  101  2474  5, 468  662  70  128  921  255, 724  15, 386  128  921  255, 724  15, 386  15, 408  15, 408  15, 408  15, 408  16, 214  16, 606  17, 886  18, 408  18,
Contests brought against entries by individuals and pending July 1, 1902  Entries canceled during fiscal year ending June 30, 1902: Original entries Final entries  Total  In addition, entries protested by special agents, were pend 1, 1902, as follows: Homesteads Commuted homesteads Soldier's additional homesteads. Preemption Timber culture Commuted timber culture Timber and stone Desert Mineral and coal. Indian allotments  Total  Entries protested by special agents and canceled during fiscal year ending June 30, 1902: Homesteads Commuted homesteads Soldier's additional homesteads. Timber culture Timber and stone Desert Indian allotments  Total  Entries of public lands pending in the General Land Office July 1, 1903: Original homesteads Soldier's additional homesteads Timber culture Commuted homesteads Soldier's additional homesteads Timber culture Commuted timber culture Commuted timber culture Desert Timber and stone Warrant and script Private cash Graduation cash Act March 3, 1887	294, 721  3, 046  33, 371  185  33, 556  ing July  255, 743  166  662  176  128  921  255, 724  15, 386  12, 403  15, 468  11, 387  1, 66, 274  1, 637  1, 637  1, 367
Contests brought against entries by individuals and pending July 1, 1902  Entries canceled during fiscal year ending June 30, 1902: Original entries Final entries  Total In addition, entries protested by special agents, were pend 1, 1902, as follows: Homesteads Commuted homesteads Soldier's additional homesteads Preemption Timber culture Commuted timber culture Timber and stone Desert Mineral and coal. Indian allotments  Total  Entries protested by special agents and canceled during fiscal year ending June 30, 1902: Homesteads Commuted homesteads Soldier's additional homesteads Timber and stone Desert Indian allotments  Total  Entries of public lands pending in the General Land Office July 1, 1903: Original homesteads Final homesteads Commuted homesteads Soldier's additional homesteads Timber culture Commuted homesteads Soldier's additional homesteads Timber during fiscal	294, 721  3, 046  33, 371  185  33, 556 ing July  25, 533  16  38  921  255, 724  15, 386  12, 408  73  1, 600  1, 585  1, 366  1, 37  1, 603  1, 37  1, 603  1, 387  1, 603  1, 387  1, 603  1, 387  1, 603  1, 387  1, 603  1, 387  1, 603  1, 387  1, 603  1, 387  1, 603  1, 387  1, 603  1, 387  1, 603  1, 387  1, 603  1, 387  1, 603

tries of public lands pending, etc.—Continued. Act September 29, 1890	49 5
Town site	109
Mineral	2, 967 301
Coal Lieu selections, act June 4, 1897	5, 404
Miscellaneous	658
ntests brought against entries by individuals and pending	309, 878
tries canceled during fiscal year ending June 30, 1903: Original entries	
Total	41,060 ng July
1903, as follows: ginal homesteads al homesteads dier's additional homestead	3, 022 1, 732 1, 155
sh entries (preemption, commuted homestead, and timber cul- ure) nber and stone filings and final proofs	
ginal timber culture	8, 579 206 47
ginal timber culture al timber culture ginal desert	132
ginal desert ial desert neral applications	15 8
neral and coal entries	17
meral and coal entries  ip locations rest reserve lieu selections remption declaratory statements	14
emption declaratory statementslian allotments	591
The second secon	
Nine hundred and fifty five entries protested by special agen	ts were
nceled during the fiscal year ending June 30, 1903. The kines so canceled does not appear in the Office report for that yes tries of public lands pending in the General Land Office July 1, 1904:	l of en-
Original homestead	272, 926
Original homestead Commuted and final homestead Other cash entries Desert land Timber culture	25, 928
Desert land	2, 565
Timber culture	427 108
Town lot	1, 271
Coal	167
Lieu selections, act June 4, 1897 Miscellaneous	5, 616
Total	323, 025
ntests brought against entries by individuals and pending July 1, 1904	2, 657
tries canceled during fiscal year ending June 30, 1904: Original entries Final entries	
Total	29, 970
y 1, 1904, as follows:	pending
y I, 1904, as follows: mesteads: Original Final Commuted	3, 933 1, 975 1, 807
y I, 1904, as follows: mesteads: Orlginal Final Commuted diers' additional: Applications Entries	3, 933 1, 975 1, 807 2, 501 225
y I, 1904, as follows;  mesteads: - Original Final Commuted  diers' additional: Applications Entries sert land: Original Final Final Final	3, 933 1, 975 1, 807 2, 501 225 196 92
y I, 1904, as follows; mesteads; Orlginal Final Commuted diers' additional; Applications Entries sert land; Original Final nher culture; Original Final	3, 933 1, 975 1, 807 2, 501 225 196 92 248 50
y I, 1904, as follows; mesteads; Original Final Commuted diers' additional; Applications Entries sert land; Original Final nber culture; Original Final ser and stone; Sworn statements	3, 933 1, 975 1, 807 2, 501 225 196 92 248 50 1, 391
y I, 1904, as follows; mesteads; Original Final Commuted diers' additional; Applications Entries sert land; Original Final nber culture; Original Final ser and stone; Sworn statements	3, 933 1, 975 1, 807 2, 501 225 196 92 248 50 1, 391
y I, 1904, as follows; mesteads; Orlginal Final Commuted (diers' additional; Applications Entries sert land; Original Final mber culture; Original Final mber and stone; Sworn statements Cash entries eral applications heral entries	9 pending 3, 933 1, 975 1, 807 2, 501 225 196 92 248 50 1, 391 5, 201 13 131 277
y I, 1904, as follows; mesteads; Orlginal Final Commuted diers' additional; Applications Entries sert land; Original Final nher culture: Original Final nher and stone; Sworn statements Cash entries neral applications neral entries u selections, act June 4, 1897 ian allotments	9 pending 3, 933 1, 975 1, 807 2, 501 225 196 92 248 50 1, 391 5, 201 13 131 27 655
y I, 1904, as follows; mesteads; Orlginal Final Commuted diers' additional; Applications Entries sert land; Original Final mber culture: Original Final mber and stone; Sworn statements Cash entries. meral applications meral applications meral entries meral applications meral entries u selections, act June 4, 1897 min allotments Total  Total	9 pending 3, 933 1, 975 1, 807 2, 501 225 196 92 248 50 1, 391 5, 201 13 131 27 655
y I, 1904, as follows; mesteads; Orlginal Final Commuted diers' additional; Applications Entries sert land; Original Final mber culture: Original Final mber and stone; Sworn statements Cash entries. meral applications meral applications meral entries meral applications meral entries u selections, act June 4, 1897 min allotments Total  Total	9 pending 3, 933 1, 975 1, 807 2, 501 225 196 92 248 50 1, 391 5, 201 13 131 27 655
y I, 1904, as follows; mesteads; Orlginal Final Commuted diers' additional: Applications Entries sert land; Original Final mber culture: Original Final mber and stone: Sworn statements Cash entries leral applications leral applications leral entries u selections, act June 4, 1897 lian allotments  Total  Total  Total  Total  Total  Tries, etc., protested by special agents and canceled during iscal year ending June 30, 1904; Homesteads—	9 pending 3, 933 1, 975 1, 807 2, 501 225 196 92 248 50 1, 391 15, 201 13 131 27 655 18, 445
y I, 1904, as follows: mesteads: Orlginal Final Commuted diers' additional: Applications Entries sert land: Original Final Dier culture: Original Final Dier and stone: Sworn statements Cash entries Leral applications Leral entries Ler	9 pending 3, 933 1, 975 1, 807 2, 501 225 196 92 248 50 1, 391 5, 201 13 131 27 655 18, 445
y I, 1904, as follows: mesteads: Orlginal Final Commuted diers' additional: Applications Entries sert land: Original Final Dier culture: Original Final Dier and stone: Sworn statements Cash entries Leral applications Leral entries Ler	9 pending 3, 933 1, 975 1, 807 2, 501 225 196 92 248 50 1, 391 5, 201 13 131 27 655 18, 445
y I, 1904, as follows; mesteads; Orlginal Final Commuted diers' additional: Applications Entries sert land: Original Final Dier and stone: Sworn statements Cash entries Leral applications Leral entries Leral entr	pending 3, 933 1, 975 1, 807 2, 501 225 196 92 248 653 1, 391 5, 201 13 131 27 655 18, 445
y I, 1904, as follows:  mesteads: Orlginal Final Commuted diers' additional: Applications Entries sert land: Original Final nber culture: Original Final nber and stone: Sworn statements Cash entries seral applications seral entries us selections, act June 4, 1897 ian allotments  Total  Total  tries, etc., protested by special agents and canceled during iscal year ending June 30, 1904: Homesteads— Original Final Commuted Soldiers' additional— Applications Entries Entries	pending 3, 933 1, 975 1, 807 2, 501 225 196 92 248 653 1, 391 5, 201 13 131 27 655 18, 445
y I, 1904, as follows; mesteads; Original Final Commuted diers' additional: Applications Entries sert land; Original Final miser culture: Original Final miser and stone; Sworn statements Cash entries meral applications meral applications meral entries meral applications meral entries  Total  tries, etc., protested by special agents and canceled during iscal year ending June 30, 1904; Homesteads— Original Final Commuted Soldiers' additional— Applications Entries Desert land— Desert land—	pending 3, 933 1, 975 1, 807 2, 501 225 196 92 248 50 1, 391 15, 201 13 131 27 655 18, 445 286 246 237 4 29
y I, 1904, as follows; mesteads: Original Final Commuted diers' additional: Applications Entries sert land: Original Final Dier culture: Original Final Dier and stone: Sworn statements Cash entries Deral applications Leral entries Leral applications Leral entries Leral applications Leral entries	pending 3, 933 1, 975 1, 807 2, 501 225 196 92 248 5, 201 1, 391 5, 201 131 131 27 655 18, 445 26 54 237 4 29 2
y I, 1904, as follows; mesteads; Orlginal Final Commuted diers' additional: Applications Entries Sert land; Orlginal Final mber culture: Original Final ber and stone; Sworn statements Cash entries cash entries meral applications meral applications meral entries tu selections, act June 4, 1897 min allotments  Total tries, etc., protested by special agents and canceled during iscal year ending June 30, 1904; Homesteads— Original Final Commuted Soldiers' additional— Applications Entries Desert land— Original Final Commuted Soldiers' additional— Applications Entries Desert land— Original Final Timber culture—	pending 3, 933 1, 975 1, 807 2, 501 225 196 92 248 50 1, 391 13 131 27 655 18, 445  785 266 54 237 4 29 2
y I, 1904, as follows; mesteads: Original Final Commuted diers' additional: Applications Entries sert land: Original Final mber culture: Original Final mber and stone: Sworn statements Cash entries neral applications neral entries uselections, act June 4, 1897 ian allotments  Total Total Final Final Final Final Final Final Final Commuted Soldiers' additional Final Final Commuted Soldiers' additional Final Timber culture Original Final Final Timber and stone	pending 3, 933 1, 975 1, 807 2, 501 225 196 92 248 50 1, 391 5, 201 131 131 27 655 18, 445 26 54 237 4 29 2 47 5
y I, 1904, as follows; mesteads; Orlginal Final Commuted diers' additional; Applications Entries sert land; Orlginal Final mber culture: Original Final ber and stone: Sworn statements Cash entries neral applications neral applications neral entries u selections, act June 4, 1897 lian allotments  Total  tries, etc., protested by special agents and canceled during iscal year ending June 30, 1904; Homesteads— Original Final Commuted Soldiers' additional— Applications Entries Desert land— Original Final Timber culture— Original Final Timber culture— Original Final Timber culture— Original Final Timber culture— Original Final Timber and stone— Sworn statements	pending 3, 933 1, 975 1, 807 2, 501 225 196 92 248 655 1, 391 131 131 127 655 18, 445 24 20 2 47 5 24
y I, 1904, as follows; mesteads: Original Final Commuted diers' additional: Applications Entries sert land: Original Final mber culture: Original Final mber and stone: Sworn statements Cash entries neral applications neral entries uselections, act June 4, 1897 ian allotments  Total Total Final Final Final Final Final Final Final Commuted Soldiers' additional Final Final Commuted Soldiers' additional Final Timber culture Original Final Final Timber and stone	pending 3, 933 1, 975 1, 807 2, 501 225 196 92 248 50 1, 391 5, 201 131 131 27 655 18, 445 26 54 237 4 29 2 47 5

1.1905   1		
Original homestead	Entries of public lands pending in the General Land Office July	
Commuted and final homestead	1, 1905:	00- 000
Other can   1,173	Commuted and final homestead	13, 590
Desert land	Other cash	7, 172
Town site	Timber and stone	
Indian allotment	Town site	24
Mineral   1, 275	Town lot	
Lieu selections, act June 4, 1897	Mineral	1 975
Miscellaneous   29, 743	Coal	198
Total	Lieu selections, act June 4, 1897	
Contests brought against entries by individuals and pending   July 1, 1905.		
Entries canceled during fiscal year ending June 30, 1905:  Original entries	Total	296, 743
Entries canceled during fiscal year ending June 30, 1905 :   Original entries	July 1, 1905	1.683
Original entries		
Total	Entries canceled during fiscal year ending June 30, 1905:	45 017
Total	Final entries	
In addition, entries, etc., protested by special agents were pending July 1, 1905, as follows:   Original homestead	P 1	10 000
July 1, 1905, as follows:  Original homestead		
Original homestead	In addition, entries, etc., protested by special agents were	pending
Final homestead		4, 830
Commuted	Final homestead	1,898
Timber culture:   Original	Commuted	1,842
Timber culture:         110           Final         85           Simber and stone:         1,25           Sworn statements         2,597           Mineral, applications         19           Mineral entries         142           Soldiers' additional         2,156           Entries         86           Recertifications         56           Substitutions         60           Lieu selections, act June 4, 1897         62           Indian allotments         633           Total         16, 548           Entries protested by special agents and canceled during fiscal year ending June 30, 1905:         16, 548           Entries protested by special agents and canceled during fiscal year ending June 30, 1905:         780           Homesteads—         0 riginal         780           Final         30           Commuted         42           Desert lands—         2           Original         13           Final         2           Original         13           Final         1           Original         13           Final         1           Sworn statements         28           Cash entries	Final	
Final	Timber culture:	***
Timber and stone:   Sworn statements	Original	
Sworn statements		
Mineral applications	Sworn statements	1, 234
Applications	Mineral, applications	2, 597
Soldiers   Additional	Mineral entries	142
Entries   Secretifications   S	Soldiers' additional—	
Recertifications   56   Substitutions   60   Lieu selections, act June 4, 1897   62   Indian allotments   63    Total   16, 548    Entries protested by special agents and canceled during fiscal year ending June 30, 1905 :  Homesteads   780   Final   30   Commuted   42   Desert lands   63   Final   2   Original   63   Final   2   Timber culture   0   Original   131   Final   1   Timber and stone   28   Sworn statements   28   Cash entries   13   Soldiers' additional   398   Entries   12   Recertifications   6   Substitutions   1   Indian allotments   3    Total   1,519    APPENDIX No. 2.  Entries canceled during the fiscal year ending June 30   1890   38,876   1891   73,336   1892   18,401   1893   20,690   1894   19,925   1895   26,754   1896   24,931   1897   25,749   1898   17,204   1899   22,109   1900   23,473   1901   26,032   1902   33,556   1903   41,060   1904   29,970   1905   46,263   Total   238,667   The total of annual cancellations here shown a made up chiefly foreigned parties and or some part of the property and	Entries	
Lieu selections, act June 4, 1897   62     Indian allotments.	Recertifications	56
Total	Substitutions	00
Total	Indian allotments	633
Entries protested by special agents and canceled during fiscal year ending June 30, 1905:    Homesteads		10 710
Homesteads	Total	16, 548
Homesteads	Entries protested by special agents and canceled during fiscal	
Original         780           Final         30           Commuted         42           Desert lands         3           Original         63           Final         2           Timber culture—         131           Original         131           Final         1           Timber and stone—         28           Cash entries         28           Cash entries         13           Soldiers' additional—         308           Applications         6           Entries         12           Recertifications         6           Substitutions         1           Indian allotments         3           Total         1,519           APPENDIX No. 2.           Entries canceled during the fiscal year ending June 30—         3           1890         3           1891         73           1892         18,401           1893         20           1894         19,925           1895         26,754           1896         24,931           1897         25,549           1898         17,204           1899	year ending June 30, 1905:	
Final	Original	780
Desert lands	Final	
Original         63           Final         2           Timber culture—         131           Original         131           Final         1           Timber and stone—         28           Sworn statements         28           Cash entries         13           Soldiers' additional—         398           Applications         38           Entries         12           Recertifications         6           Substitutions         1           Indian allotments         3           Total         1,519           APPENDIX No. 2.           Entries canceled during the fiscal year ending June 30—           1890         38,876           1891         73,336           1892         18,401           1893         20,690           1894         19,225           1895         24,931           1897         25,549           1898         17,204           1899         21,109           1900         23,473           1901         26,032           1902         33,556           1903         41,060           1		42
Final	Original	
Original         131           Final         1           Timber and stone—         28           Sworn statements         28           Cash entries         13           Soldiers' additional—         398           Entries         12           Recertifications         6           Substitutions         1           Indian allotments         3           Total         1,519           APPENDIX No. 2.           Entries canceled during the fiscal year ending June 30—           1890         38,876           1891         73,336           1892         18,401           1893         20,690           1894         19,925           1895         26,754           1896         24,931           1897         25,549           1898         17,204           1898         17,204           1899         21,109           1900         23,473           1901         26,032           1902         33,556           1903         41,060           1904         29,970           1905         46,263           <	Final	2
Final	Original	131
Sworn statements	Final	
Cash entries         13           Soldiers' additional—         398           Applications         398           Entries         1           Recertifications         6           Substitutions         1           Indian allotments         3           APPENDIX No. 2.           Entries canceled during the fiscal year ending June 30—           1890         38,876           1891         73,336           1892         18,401           1893         20,690           1894         19,225           1895         24,931           1897         24,931           1897         25,549           1898         17,204           1899         21,109           1900         23,473           1901         26,032           1902         33,556           1903         41,060           1904         29,970           1905         46,263    Total  Total Properties or many fillings to which the Secretary and appropriate and app	Timber and stone—	90
Soldiers' additional—  Applications   398		13
Entries   12   Recertifications   6   Substitutions   1   Indian allotments   3   3		
Recertifications	Applications	
Substitutions	Recertifications	G
APPENDIX No. 2.	Substitutions	
APPENDIX No. 2.  Entries canceled during the fiscal year ending June 30—  1890	Indian anothents	- 0
Entries canceled during the fiscal year ending June 30—  1890	Total	1, 519
Entries canceled during the fiscal year ending June 30—  1890		
1890.     38,876       1891.     73,336       1892.     18,401       1893.     20,630       1894.     19,925       1895.     26,754       1896.     24,931       1897.     25,549       1898.     17,204       1899.     21,109       1900.     23,473       1901.     26,032       1902.     33,556       1903.     41,060       1904.     29,970       1905.     46,263       Total       Total of annual cancellations here shown are made up chiefly       To tail of annual cancellations here shown are made up chiefly       To tail of annual cancellations here shown are made up chiefly		
1891     73,336       1892     18,401       1893     20,690       1894     19,925       1895     24,931       1897     25,549       1898     17,204       1899     21,109       1900     23,473       1901     26,032       1902     33,556       1903     41,060       1904     29,970       1905     46,263       Total       Total of annual cancellations here shown are made up chiefly of calcipula entries or many fillings to which the Secretary's cardon	Entries canceled during the fiscal year ending June 30—	38 870
1893     20, 530       1894     19, 925       1895     26, 754       1896     24, 931       1897     25, 549       1898     17, 204       1899     21, 109       1900     23, 473       1901     26, 932       1902     33, 556       1903     41, 060       1904     29, 970       1905     46, 263       Total     238, 667       The total of annual cancellations here shown are made up chiefly of civing and religious to which the Sacretary's order	1891	73, 336
1894     19,925       1895     26,754       1896     24,931       1897     25,549       1898     17,204       1899     21,109       1900     23,473       1901     26,032       1902     33,556       1903     41,060       1904     29,970       1905     46,263       Total     238,667       The total of annual cancellations here shown are made up chilefly representations of the shown are made up chilefly representations are made up chilefly representations.	1892	18, 401
1895     26, 754       1896     24, 931       1897     25, 549       1898     17, 204       1899     21, 109       1900     23, 473       1901     26, 032       1902     33, 556       1903     41, 060       1904     29, 970       1905     46, 263       Total     238, 667       The total of annual cancellations here shown are made up chiefly regional artists or many fillings to which the Sacretary's order	1893	19, 925
1897     25, 549       1898     17, 204       1899     21, 109       1900     23, 473       1901     26, 032       1902     33, 556       1903     41, 060       1904     29, 970       1905     46, 263       Total     238, 667       The total of annual cancellations here shown are made up chilefly received and appropriate on many fillings to which the Sacretary's reductions are made up chilefly received and appropriate on many fillings to which the Sacretary's reductions are made up chilefly received and appropriate on many fillings to which the Sacretary's reductions are made up chilefly reductional entires on many fillings to which the Sacretary's reductions are made up chilefly reductional entires on many fillings to which the Sacretary's reductions are made up chilefly reductional entires on many fillings to which the Sacretary's reductions are made up chilefly reductional entires on many fillings to which the Sacretary's reductions are made up chilefly reductional entires on many fillings to which the Sacretary's reductions are made up chilefly reductional entires on many fillings.	1895	26, 754
1898	1896	24, 931
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1900	1899	21, 109
1902		23, 473
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of original entries or mere filings, to which the Secretary's order does not apply, as only final entrymen are applicants for patents. This table is introduced to supply data for efficiency comparisons merely.  By a comparison of the eight years following the advent of the present Secretary upon the scene with the eight years immediately preceding we may determine, by the number of public-land entries of all kinds canceled, something of the much-advertised efficiency and vigilance of the present head of the Department, as compared with the average work of his four predecessors. From 1890 to 1897, inclusive, the average annual cancellation of all classes of entries was 31,058, whereas the average annual cancellations from 1898 to 1905, inclusive, is shown by the record to be 29,834. The average number of entries canceled annually for the whole period of sixteen years is 30,445.  The total number of all classes of entries shown at the close of each fiscal year has varied somewhat during the sixteen-year period, but not to a degree sufficient to materially affect the average of cancellations annually, as compared with the total number of entries.  From this it will be seen that the predecessors of the present Secretary, with much less expense and with infinitely less noise, produced	The total of annual cancellations here shown are made up	-00, 001
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more telling results, if the number of entries canceled by the Department is to be accepted as evidence of vigilance and efficiency in the administration of the land laws. The present Secretary's record for the last eight years shows an annual drop below the line of efficiency aggregating more than 1,000 entries annually, as compared with the cancellations during the preceding eight years. The Land Office figures have not been furnished me for the fiscal year ending June 30, 1906, but 1 doubt if they were incorporated the result would be noticeably modified. It reminds us of the old saying: "An empty wagon makes much noise."

#### APPENDIX No. 3.

Homestead final-proof blanks, printed as exhibit, setting forth substantially the form of proof in all final-entry cases:

Copy of notice to be published for thirty days.

No. 1.—HOMESTEAD.

		min Ori		
1,		, who on	made	homestead ap-
lication No.	for the - (insert "final"	or " commut	nereby give noti	ce of my inten- oof to establish
ay claim to	the land above	described, a	nd that I expend	et to prove my
	-, on	—, 190—,	by two of the	following wit-

[Signature of claimant.]

LAND OFFICE AT -. 190-.

Notice of the above application will be published in the \_\_\_\_\_, printed at \_\_\_\_\_, which I hereby designate as the newspaper published nearest the land described in said application.

Register.

Notice to claimant.—Give time and place of proving up and name the title of the officer before whom proof is to be made; also give names and post-office address of four neighbors, two of whom must appear as your witnesses.

After thus giving public notice, and at the time and place specified therein, the claimant must appear and testify in open court (so to speak) in response to interrogatories appearing on the blank as follows:

HOMESTEAD PROOF-TESTIMONY OF CLAIMANT.

Answer.

Question 4. When was your house built on the land and when did you establish actual residence therein? (Describe said house and other improvements which you have placed on the land, giving total value thereof.)

Answer.

Question 5. Of whom does your family consist; and have you and your family resided continuously on the land since first establishing residence thereon? (If unmarried, state the fact.)

Answer.

Question 6. For what period or periods have you been absent from the homestead since making settlement, and for what purpose; and if temporarily absent, did your family reside upon and cultivate the land during such absence?

Answer.

Question 7. How much of the land have you cultivated each season, and for how many seasons have you raised crops thereon? If used for grazing only, describe fencing, state number and kind of stock grazed, and by whom owned.

Answer.

Question 8. Is your present claim within the limits of an incorporated town or selected site of a city or town, or used in any way for trade and business?

Answer.
Question 9. What is the character of the land? Is it timber, mountainous, prairie, grazing, or ordinary agricultural land? State its kind and quality, and for what purpose it is most valuable.

Answer.
Question 10. Are there any indications of coal, salines, or minerals of any kind on the land? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral

Mnetter the tand purposes.)
Answer.
Question 11. Have you ever made any other homestead entry? (If so, describe the same.)

Answer.

Question 12. Have you sold, conveyed, or mortgaged any portion of the land; and if so, to whom and for what purpose?

Answer.

Question 13. Have you any personal property of any kind elsewhere than on this claim? (If so, describe the same, and state where the same is kept.)

Answer.

Question 14. Describe by legal subdivisions, or by number, kind of entry, and office where made, any other entry or filing (not mineral) made by you since August 30, 1890.

Answer.

Answer.
[Sign plainly with full Christian name.]

In case the party is of foreign birth a certified transcript from the court records of his declaration of intention to become a citizen, or of his naturalization, or a copy thereof, certified by the officer taking this proof, must be filed with the case.

A separate blank is used for each witness, as follows:

HOMESTEAD PROOF-TESTMONY OF WITNESS.

entry of \_\_\_\_\_\_, being called as witness in support of the homestead entry of \_\_\_\_\_\_, testifies as follows:

Question 1. What is your name, age, and post-office address?

Answer.

Question 2. Are you well acquainted with the claimant in this case and the land embraced in his claim?

Answer.

Question 3. Is said tract within the limits of an incorporated town selected site of a city or town or used in any way for trade or busi-

or selected site of a city of town of the character of this land—whether it is timber, prairie, grazing, farming, coal, or mineral land.

Answer.

Question 5. When did claimant settle upon the homestead, and at what date did he establish actual residence thereon?

what date did he establish actual residence thereon?

Answer.

Question 6. Have claimant and family resided continuously on the homestead since first establishing residence thereon? (If settler is unmarried, state the fact.)

Answer.

Question 7. For what period or periods has the settler been absent from the land since making settlement, and for what purpose; and if temporarily absent, did claimant's family reside upon and cultivate the land during such absence?

Answer.

Answer.

Question 8. How much of the homestead has the settler cultivated, and for how many seasons did he raise crops thereon? If used for grazing only, describe fencing, state number and kind of stock grazed and by whom owned.

and by whom owned.

Answer.

Question 9. What improvements are on the land, and what is their value?

Answer.

Question 10. Are there any indications of coal, salines, or minerals of any kind on the homestead? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Answer.

Answer.
Question 11. Has the claimant mortgaged, sold, or contracted to sell any portion of said homestead?
Answer.
Question 12. Are you interested in this claim; and do you think the settler has acted in entire good faith in perfecting this entry?

Answer.
[Sign plainly with full Christian name.]
I hereby certify that the foregoing testimony was read to the witness before being subscribed, and was sworn to before me this — day of 190—, at my office at — , in — County,

(See note on fourth page.)
(The testimony of witnesses must be taken at the same time and place, and before the same officer as claimant's final affidavit. The answers must be full and complete to each and every question asked, and officers taking testimony will be expected to make no mistakes in dates, description of land, or otherwise.)
On the last page of the homstead proof blank appears the following:
I hereby certify that the foregoing testimony was read to the claimant before being subscribed, and was sworn to before me this — day of — , 190—, at my office at — , in — County,

(See note below.)

# TITLE LXX.—CRIMES.—Ch. 4.

Sec. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than \$2,000, and by imprisonment at hard labor not more than five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See sec. 1750.)

FINAL AFFIDAVIT REQUIRED OF HOMESTEAD CLAIMANTS. Section - of the Revised Statutes of the United States.

Section — of the Revised Statutes of the United States.

I. — , having made a homestead entry of the — , section No. — , in township No. — , of range No. — , subject to entry at — , under section No. 2289 of the Revised Statutes of the United States, do now apply to perfect my claim thereto by virtue of section No. — of the Revised Statutes of the United States; and for that purpose do solemnly — that I — a citizen of the United States, that I have made actual settlement upon and have cultivated and resided upon said land since the — day of — , 19—, to the present time; that no part of said land has been alienated, except as provided in section 2288 of the Revised Statutes, but that I am the sole bona fide owner as an actual settler; that I will bear true allegiance to the Government of the United States, and further, that I have not heretofore perfected or abandoned an entry made under the homestead laws of the United States, except — [Sign plainly with full Christian name.]

I. \_\_\_\_\_, of \_\_\_\_, do hereby certify that the above affi-dayit was subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 190\_\_, at my office at \_\_\_\_, in \_\_\_\_ County, \_\_\_\_\_.

APPENDIX No. 4.

Which is 2.12 per cent of the whole number protested and thr
tenths of 1 per cent of the whole number of commuted and final hon stead entries.
Number final desert-land entries 2, 5
Number above entries protested
Total number of above entries canceled during the year
Which is 2.17 per cent of the whole number protested and one-twelf of 1 per cent of the whole number of final desert-land entries.
Timber and stone entries 9, 4
Number of above entries protested 5, 2 Total number of above entries canceled during the year
Which is one-ninth of 1 per cent of the protested entries and of fifteenth of 1 per cent of the whole number of timber and stone entri
Pending at the close of the fiscal year ending June 30, 1905.
Number commuted and final homestead entries 13, 5
Number above entries protested 3, 7
Total number of above entries canceled during the year
Which is 2.17 of the number protested and six-tenths of 1 per confidence of the whole number of commuted and final homestead entries.
Number desert-land entries 2, 0
Number of above entries protested2
Total number of above entries canceled during the year
Which is about 1 per cent of the number protested and about of fifteenth of 1 per cent of the whole number.
Timber and stone entries 5, 1
Number of above entries protested 2, 5
Total number of above entries canceled during the year
Which is about one-half of 1 per cent of the number protested a
about one-fourth of 1 per cent of the whole number.

#### APPENDIX No. 5.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY, Washington, January 12, 1907.

Hon. THOMAS H. CARTER, United States Senate.

Sir: In reply to your verbal request of to-day, I have the honor to transmit the following statement of appropriations for salaries and expenses of certain officers of the Interior Department and Public Land Service for the fiscal years 1900 to 1907, inclusive:

	1900.	1901.	1902.	1903.
Salary, special land inspector Department of the Interior Expenses of same	\$2,500.00 2,000.00	\$2,500.00 2,212.80	\$2,500.00 2,187.20	\$2,500.00 2,000.00
partment of the Interior Expenses of same			10,000.00 6,000.00	10,000.00
Inspectors of surveyors-general and district land offices	6,000.00 7,000.00	6,000.00 7,000.00	6,000.00 14,622.15	6,000.00 7,000.00
Salaries and commissions of regis- ters and receivers	575, 835. 38	589, 000. 00	601, 723. 75	605,000.00
	1904.	1905.	1906.	1907.
Salary special land inspector, De-				100
partment of the Interior Expenses of same Salaries special inspectors, Depart-	\$2,500.00 2,000.00	\$2,500.00 2,000.00	\$2,500.00 2,000.00	\$2,500.00 2,000.00
ment of the Interior Expenses of same	10,000.00 8,056.95	10,000.00 8,000.00	12,500.00 10,000.00	12,500.00 10,000.00
and district land offices Expenses of same	6,000.00 8,050.00	6, 000. 00 7, 000. 00	6,000.00 7,000.00	6, 000. 00 7, 000. 00
ters and receivers	600, 282. 64	600, 272. 23	590,000.00	565, 000. 00
penses			,	10,000.00

The above figures include deficiencies. Respectfully, yours,

J. B. REYNOLDS Acting Secretary.

Appropriations for "protecting public lands, timber, etc.," for fiscal

1900	\$150,000,00
1901	185, 000, 00
1902	165, 000. 00
1903	190, 000. 00
1904	205, 032, 10
1905	250, 000. 00
1906	250, 000. 00
1907	250, 000. 00
m-4-1	1 045 000 10

APPENDIX No. 6.

WESTERN CANADA HOMESTEAD REGULATIONS.

The following is a plan of a township: Each square contains 640 acres; each quarter section contains 160

A section contains 640 acres and forms 1 mile square.

A section contains 640 acres and forms 1 mile square.

Government lands open for homestead—that is, for free settlement—
section Nos. 2, 4, 6, 10, 12, 14, 16, 18, 20, 22, 24, 28, 30, 32, 34, 36.

Canadian Pacific Railway lands for sale: Section Nos. 1, 3, 5, 7, 9,
13, 15, 17, 19, 21, 23, 25, 27, 31, 33, 35.

Sections Nos. 1, 9, 13, 21, 25, 33, along the main line, Winnipeg to
Moose Jaw, can be purchased from Canada Northwest Land Company.

School sections: Section Nos. 11 and 29 are reserved by Government for school purposes.

Hudson Bay Company's land for sale: Sections Nos. 8 and 26.

Any even-numbered section of Dominion lands in Manitoba or the Northwest Territories, excepting 8 and 26, which has not been home-steaded, reserved to provide wood lots for settlers, or for other purposes, may be homesteaded upon by any person who is the sole head of a family, or any male over 18 years of age, to the extent of one-quarter section of 160 acres, more or less.

Entry.—Entry may be made personally at the local land office for the district in which the land to be taken is situate, or if the home-steader desires, he may, on application to the minister of the interior, Ottawa, the commissioner of immigration, Winnipeg, or the local agent for the district in which the land is situate, receive authority for some one to make entry for him. A fee of \$10 is charged for an ordinary homestead entry.

Homestead duties.—Under the present law homestead duties must be performed in one of the following ways, namely:

(1) By at least six months' residence upon and cultivation of the land in each year during the term of three years.

(2) If the father (or the mother, if the father is deceased) of any person who is eligible to make a homestead entry resides upon a farm in the vicinity of the land entered for by such person as a homestead, the requirements of the law as to residence prior to obtaining patent may be satisfied by such person residing with the father or mother.

(3) If the settler has his permanent residence upon farming land owned by him in the vicinity of his homestead, the requirements of the law as to residence may be satisfied by residence upon the said land.

Application for patent should be made at the end of the he law as to residence may be satisfied by residence upon the said land.

Application for patent should be made at the end of the requirements of the law as to residence may be satisfied by residence upon the said land.

Application for pat

Othe Dominion lands agents in Manitoba or the Northwest Territories.

\*\*Deputy Minister of the Interior.\*\*

N. B.—In addition to free grant lands, to which the regulations above stated refer, thousands of acres of most desirable lands are available for lease or purchase from railroad and other corporations and private firms in western Canada.

\*\*Gustoms—Free entries.\*\*—The following is an extract from the customs tariff of Canada, specifying the articles that can be so entered:

Settlers' effects, viz.: Wearing apparel, household furniture, books, implements and tools of trade, occupation or employment; guns, musical instruments, domestic sewing machines, typewriters, live stock, bicycles, carts and other vehicles, and agricultural implements in use by the settler for at least six months before his removal to Canada; not to Include machinery or articles imported for use in any manufacturing establishment or for sale; also books, pictures, family plate or furniture, personal effects, and heirlooms left by bequest: \*Provided\*, That any dutiable articles entered as settlers' effects may not be so entered unless brought with the settler on his first arrival, and shall not be sold or otherwise disposed of without payment of duty until after twelve months' actual use in Canada: \*Provided also, That, under regulations made by the comptroller of customs, live stock, when imported into Manitoba or the Northwest Territories by intending settler, shall be free until otherwise ordered by the governor in council.

Settlers arriving from the United States are allowed to enter duty free stock in the following proportions: One animal of neat stock or horses for each 10 acres of land purchased or otherwise secured under homestead entry, up to 160 acres, and one sheep for each acre so secured. Customs duties paid on animals brought in excess of this proportion will be refunded for the number applicable to an additional holding of 160 acres when taken up.

The settler wills be required to take the following oath:

1. ————————————

lative purposes, nor for the use of any other person or persons whomsoever.

Quarantine of settlers' cattle.—Settlers' cattle, when accompanied by certificates of health, to be admitted without detention; when not so accompanied they must be inspected. Inspectors may subject any cattle showing symptoms of tuberculosis to the tuberculin test before allowing them to enter. Any cattle found tuberculous to be returned to the United States or killed without indemnity. Sheep for breeding and feeding purposes may be admitted subject to inspection at port of entry, and must be accompanied by a certificate, signed by a Government inspector, that sheep scab has not existed in the district in which they have been fed for six months preceding the date of importation. If disease is discovered to exist in them, they may be returned or slaughtered. Swine may be admitted, when forming part of settlers' effects, when accompanied by a certificate that swine plague or hog cholera has not existed in the district whence they came for six months preceding the date of shipment; when not accompanied by such certificate they must be subject to inspection at port of entry. If found diseased, to be slaughtered without compensation.

A. Carload of settlers' effects, within the meaning of this tariff, may be made up of the following-described property for the benefit of actual settlers, viz: Live stock, any number up to but not exceeding ten head, all told, viz, horses, mules, cattle, calves, sheep, hogs; household goods and personal use (second hand); farm machinery, implements, and tools (all second hand); lumber and shingles, which must not exceed 2,500 feet in all, or the equivalent thereof; or in lieu of, not in addition to, the lumber and shingles a portable house may be shipped; seed grain; small quantity of trees or shrubbery; small lot live poultry or pet animals; and sufficient feed for the live stock while on the journey.

B. Less than carloads will be understood to mean only household goods (second hand); wagons or other vehicles, for personal use (second hand); and second-hand farm machinery, implements, and tools. Less than carload lots should be plainly addressed.

C. Merchandise, such as groceries, provisions, hardware, etc., also implements, machinery, vehicles, etc., if new, will not be regarded as settlers' effects, and if shipped will be charged the company's regular classified tariff rates.

D. Should the allotted number of live stock be exceeded, the additional animals will be taken at the ordinary classified rates, over and above the carload rates for the settlers' effects, but the total charge for any one such car will not exceed the regular rate for a straight carload of live stock. (These ordinary tariff rates will be furnished by station agents on application.)

E. Passes.—One man will be passed free in charge of live stock when forming parts of carloads, to feed, water, and care for them in transit. Agents will use the usual form of live-stock contract.

F. Top loads.—Settlers are not permitted, under any circumstances, to load any article on the top of box or stock cars; such manner of loading is dangerous, and is absolutely forbidden.

G. Carloads will not be stopped at any point short of destination for the pur

STOP-OVER PRIVILEGES.

Intending settlers are given the privilege of stopping over at stations where they wish to inspect land. Application should be made to the conductor before reaching station where stop-over is required.

FUEL FOR SETTLERS.

Any homesteader having no timber on his homestead may, on application to the local agent of Dominion lands, get a permit to cut what he requires for building material, fencing, and fuel for use on his homestead.

## CHANGES IN DISTRICT STREET-RAILWAY TRACKS.

Mr. GALLINGER. I ask unanimous consent that the bill (S. 6147) authorizing changes in certain street-railway tracks within the District of Columbia, and for other purposes, be now considered.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent for the consideration of the bill named by him.

Mr. GALLINGER. Mr. President, first, I ought to ask unanimous consent that the unfinished business be temporarily laid

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

The Senator from New Hampshire asks unanimous consent for the present consideration of the bill named by him.

There being no objection, the Senate, as in Committee of the

Whole, resumed the consideration of the bill.

The VICE-PRESIDENT. The bill has heretofore been read as in Committee of the Whole.

Mr GALLINGER. I offer a substitute for the bill, which I ask to have read.

The VICE-PRESIDENT. The Senator from New Hampshire roposes an amendment in the nature of a substitute for the bill, which will be read.

Mr. SPOONER. Will the Senator from New Hampshire

kindly indicate to the Senate to what the bill relates?

Mr. GALLINGER. It provides for the extension of the street railway tracks to the Union Station, and the substitute which I have offered will be read.

The Secretary read the proposed substitute, as follows:

That the City and Suburban Railway of Washington be, and it hereby is, authorized and required to construct a double-track extension of its lines from New Jersey avenue and G street NW. northeastwardly through reservation 77 to existing tracks along G street to North Capitol street, thence southwardly to Massachusetts avenue, thence eastwardly along Massachusetts avenue with such deviation as may be necessary to bring the tracks immediately in front of and adjacent to the main entrance to the Union Station to junctions with the existing tracks at Third and D streets NE, and at the northwest corner of Stanton square.

tracks at Third and D streets NE, and at the northwest corner of Stanton square.

Sec. 2. That the Washington Rallway and Electric Company be, and it hereby is, authorized and required to construct a double-track extension of its line from Delaware avenue and C street NE, northeastwardly along Delaware avenue to Massachusetts avenue, there to connect with the tracks of the City and Suburban Railway of Washington, hereinbefore authorized; also a double-track loop on the Union Station plaza connecting with the four tracks provided for in section 6.

Provided, That existing transfer arrangements between the Washington Railway and Electric Company and the Metropolitan Coach Com-

pany, a corporation of the District of Columbia, shall not be terminated except by authority of Courses; and unless said Metropolitan Coach Company shall within on Courses; and unless said Metropolitan Coach Company shall within on Courses; and unless said Metropolitan Coach Company shall within on the company shall be properly dated and punched as to time limit, and that unless said transfers are so dated and punched the Washington Railway and Electric Company shall not be required to receive them.

SEC. 3. That the Capital Traction Company of the District of Columbia be, and it hereby is, authorized and required to construct a double-track extension of its lines from C street and Delaware avenue the four tracks proving belaware avenue to the plaza, connecting with Union Station, together with a double-track loop passing in front of the station on said plaza, and northwestwardly along Massachusetts avenue to North Capitol street, thence along North Capitol street tracks of the Capital Traction Company at Seventh and K streets NW.

SEC. 4. That the companies hereinbefore named be, and they hereby the proper operation der lines on such streets as may be necessary for the proper operation der lines on such streets as may be necessary for the proper operation der lines on such streets as may be necessary for the proper operation der lines on such streets as may be necessary for the proper operation of the Instruction Company at Seventh and K streets NW.

SEC. 4. That the companies hereinbefore named be, and they hereby the proper operation of the Instruction of the aforesaid street railway lines shall be commenced within six months and completed within eighteen commencement or completion within the Hard.

SEC. 5. That the Construction of the aforesaid street railway lines shall be commenced within six months and completed within eighteen commencement or completion within the Hard.

SEC. 5. That the charts shall be used in common, upon terms determined by the suprement of the policy of the proper of the proper of t

Mr. GALLINGER. Mr. President, it will be remembered that on two former occasions when this bill has been called up for consideration certain Senators made objection to it. The Senator from Montana [Mr. Cabtes] insisted that there ought to be a provision in the bill for a transfer arrangement between the railroad company and the herdic line at Fifteenth and H streets. That has been cured by the insertion of a provision which is satisfactory to the Senator from Montana. So there is no further objection on that point.

Mr. SPOONER. That has been approved by the President? Mr. GALLINGER. Probably so. The Senator from Maine [Mr. HALE] and the Senator from Montana [Mr. Carter] objected to the provision that contemplated a line from Florida avenue and Seventh street down New Jersey avenue to the Union Station, and the property owners and those who occupy houses on that avenue, I think mistakenly, signed a large petition by way of protest. That has been eliminated.

I desire to say that in the substitute I have offered the least

possible trackage construction has been provided for, and think it is well enough for me to say that the Senator from Maine [Mr. Hale], who is greatly interested in all these projects, and is always helpful, has gone over the substitute with great particularity and approves of it.

Mr. President, I wish very briefly to explain precisely what the proposed substitute does. It provides the legislation, and no more, which is absolutely necessary to give the public comfortable access to the Union Station, now nearing completion

and soon to be occupied and used.

By the first section of the substitute the City and Suburban Railway is required to extend its line from New Jersey avenue and G street along G street and North Capitol street past the Union Station to junctions with existing lines at Third and D streets NE. and at Stanton Square, thus giving the business and shopping districts direct communication with the station. This construction means in all about 4,300 feet of single track, the length of double track being less than seven city blocks.

Section 2 requires the Washington Railway and Electric Company to extend its line from Delaware avenue and C street NE. along Delaware avenue to the station front, connecting with the City and Suburban line authorized in the preceding section. This extension of 1,270 feet of single track will give a direct line to and from the Capitol, a little more than three blocks

distant.

The amendment requiring transfers between the Washington Railway and Electric Company and the Metropolitan Coach Company explains itself, and is satisfactory to those who have

advocated that arrangement.

Section 3 gives the Capital Traction Company rights on Delaware avenue from C street to the plaza and the station, so that the cars running on Pennsylvania avenue may have an absolutely necessary connection. This company's construction on the plaza means 570 feet of single track. Furthermore we provide facilities for the Capital Traction Company's passengers from the northern and northwestern portions of the city by requiring a deflection eastward at Seventh and K streets NW., continuing on K street to North Capitol street, and thence over the tracks of the City and Suburban Railway to the station plaza. The total length of these connections is 3,604 singletrack feet, about seven blocks, and this eliminates the proposed occupancy of New Jersey avenue by railroad tracks, to which objection has been made.

Section 4 is essential and self-explanatory. Section 5 sets the time limit; in some instances unnecessary, because the public demands and the natural desire of the companies to do business will hasten construction and operation, so that the margin allowed, while much shorter than is common in legislation, will surely be ample.

Section 6 is a safeguard of existing law, except in the proviso as to the number and location of tracks immediately in front of the main entrance to the station. The proviso is wholly in the interest of the traveling millions who will of necessity use the street cars.

Section 7 is essential and self-explanatory.

Section 8 gives the District Commissioners authority to remove an obstruction which would be a dangerous obstacle to traffic. It is deemed desirable by a number of Senators that the Massachusetts avenue western approach to the station be kept as clear as possible of car tracks and of all highway features likely to interfere with general traffic, which is accomplished.

The remaining sections place upon the railway companies whatever burdens may be by reason of the widening of road-ways or changes of street grades, and give to the District Commissioners the necessary authority to supervise and approve all

From the measure submitted everything has been eliminated as to which there could possibly be any controversy, leaving for future consideration other extensions deemed by some to be desirable. The railroad companies are not urging this measure, but the public interests require it, and the railroads can be depended upon to proceed energetically with construction.

The immediate necessity for haste is, however, with us and not with them. I have been informed that everything that can be done in advance of legislation has been done. Until there is a governing statute they can not order necessary steel, for until the new lines are authorized-by law and by the District Commissioners-no one knows how much of straight track and how much of curves, switches, crossings, crossovers, and other "special work" will be needed. The number of mills turning out this "special work" is very small—not more than three or four in the whole country-and these assert, so I am informed, that they can not guarantee delivery in less than three or four months. Allowing thirty days for construction and the time necessary for the preliminary engineering upon which all meas-

urements and orders must be based, we can not, if this bill is finally approved within a week, expect these lines to be in use much before December 1 of this year. Yet the Union Station In fact. will be doing more or less business within four months. the Baltimore and Ohio is now anxious to get in so that the deep and broad valley now occupied by its tracks may be filled and become, as it will, a large and important section of the plaza and its western and southwestern approaches.

Anyone can therefore see that however expeditious we may be in the matter of legislation, the traveling public must inevitably suffer great inconvenience for a considerable period. Some of us have seen it in sessions past and have striven to prevent such a condition. Prevention is now impossible, but by prompt action we can at least prevent the condition from becoming

intolerable.

In view of these facts, I trust that amendments will not be pressed to the bill and that it may be at once passed by the Senate so that the other House may have an early opportunity to consider it.

With this brief statement, Mr. President, I submit the matter to the candid consideration of the Senate.

Mr. BURKETT. Mr. President, I desire to offer an amend-

ment to the amendment. The VICE-PRESIDENT. The Senator from Nebraska proposes an amendment to the amendment, which will be stated.

The Secretary. It is proposed to add at the end of section 3 the following:

Also a double-track extension of its lines, beginning at Florida avenue and Seventh street NW., southeasterly along Florida avenue to its intersection with east Eighth street, thence in a southerly direction along east Eighth street to its intersection with the said company's tracks at Pennsylvania avenue SE., also a double-track extension beginning at the intersection of Eighth and F streets NE, westwardly on said F street to the Union Station, there to connect by such route as may be approved by the Commissioners of the District of Columbia with the double-track loop hereinbefore mentioned.

Mr. Breeidont thore is your sovieus about the control of the cont

Mr. GALLINGER. Mr. President, there is very serious objection to the amendment to the substitute.

Mr. BURKETT. Then I will explain it.
Mr. GALLINGER. I will give way to the Senator if he desires to make an explanation.

Mr. BURKETT. Mr. President, I will not take much time myself in making a statement, but I desire to have one or two. letters read in connection with this matter.

The amendment is intended to take care of the great northeast section of the city which to-day is very inadequately supplied with street-car facilities. Anyone at all familiar with all the great northeast section of the city knows that it is practically impossible to reach that section of the city by street car. The matter of getting this very identical street car line as outlined in the amendment has been before Congress a great many years. To-day there is practically no objection to the amendment.

The citizens, I may say, so far as I can learn, are unanimously for it. The street car company, which it is provided shall build the line, has agreed to build it. It is ready to build it. The trouble comes, as I understand, and we may as well be plain about it, from the fact that the other street car company does not want this street car company to get into that section of the city. That is the only objection, and if it were not for that, as I think the chairman of the committee will agree, the amendment would go on without any objection.

The only reason why it was not put on is that it would raise some controversy on the part of the other street car company by their filing objections to it, and that sort of thing, and possibly delay the measure. But it occurs to me that the matter might just as well be ironed out now as at any other time. Here is a matter that has been pending a long time, and there are thousands of people in that section of the city who are walking and riding in herdics and buggies and in every other way to down into town, with no street car service, practically speaking. We are providing now for certain street car extensions by this very company, and it occurs to me that the Northeast Citizens' Association is right in its demands that now is the time when this extension should be authorized.

I will say that Doctor Gallaudet, of the Columbia Institution for the Deaf and Dumb, is very anxious about it, and he has written a letter which I will ask the Secretary to read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

THE COLUMBIA INSTITUTION FOR THE DEAF AND DUMB,
KENDALL GREEN,
Washington, D. C., January 28, 1997.

Hon. ELMER J. BURKETT, United States Senate.

United States Senate.

Dear Sir: The officers, students, and employees of this institution have learned with great interest of the amendment which you have pro-

posed in the Senate to Senate bill 6147, this amendment being understood to provide for the construction of a street railway along Florida avenue, passing in front of the grounds of this institution.

The residents of Kendail Green have been hoping for several years that their facilities for reaching the city by street cars might be improved. No street railway passes nearer to Kendail Green than four squares, and in unpleasant weather or in the heat of summer it is no small trial to be compelled to walk the distance of these squares in order to secure a ride in a street car. The proposed line will be most acceptable to the residents of Kendail Green and they earnestly hope that Congress will take action favorably upon this measure at its present session.

Very respectfully, yours,

E. M. Gallaudet, President.

Mr. BURKETT, Mr. President I should like to say hefere.

Mr. BURKETT. Mr. President, I should like to say before I have read the statement which I hold in my hand, as the question has been asked me privately, that the amendment contem-plates the extension of the street car tracks that come down Florida avenue as far as Seventh street and then down Seventh street to Pennsylvania avenue. The amendment provides that they shall extend the tracks along Boundary street, or Florida avenue, over as far as Eighth street NE., then come down Eighth street to Pennsylvania avenue SE., with spur from Eighth street up to the new Union Station, giving the whole northeast section a direct line to the Union Station.

I now ask the Secretary to read a statement which was filed here with reference to this matter, covering the ground quite conclusively.

The VICE-PRESIDENT. The Secretary will read as requested, if there is no objection.

The Secretary read as follows:

The Secretary read as follows:

[Memorial in support of the amendment to Senate bill No. 6147, entitled "A bill authorizing changes in certain street railway tracks within the District of Columbia, and for other purposes."]

About ten years ago the residants in the vicinity of Florida avenue east of Seventh street NW. began to urge the extension of the U street line easterly along Florida avenue to North Capitol street, as provided in its charter. (Act of Apr. 30, 1892, 27 Stat. L., 23.) As this section of the city was at that time sparsely settled the street car company did not build east of Seventh street, except a short spur used for switching purposes.

During the winter of 1897 a petition signed by about 1,000 persons was presented to the railway company asking for the construction of the road as far east as North Capitol street, but as the authority had lapsed by nonuser, although the company was willing to construct the road, the Commissioners of the District declared they were without authority to grant the permit for such construction. During December, 1898, the company's power house at Fourteenth and E streets NW. was destroyed by fire. Since then the company has felt unable until very recently to build this extension.

In October, 1905, the company decided that if authority was obtained for the work it would build the extension along Florida avenue and Eighth street to Pennsylvania avenue SE, and so complete a crosstown car line which had been so earnestly urged for many years by the various citizens' organizations of the District. 'As soon as this decision became known petitions to Congress were circulated along Florida avenue and vicinity, and within a single week about 4,000 persons, patrons of street cars, signed the petitions asking Congress to authorize the desired extension. The petitions were signed by the residents on Florida avenue from Seventh street NW. to Kendall Green, at Eighth and Florida avenue from Seventh street NW. to Kendall Green, at Eighth and Florida avenue from Seventh street

# PRESENT STATUS.

Senate bill 43, which was introduced at the request of the Capital Traction Company, contained a provision for the extension desired by the petitioners and the writers of the letters referred to. This bill was reported favorably, but some amendments relating to taxation were added which, after discussion, caused the bill to be recommitted by the Senate. Meanwhile Senate bill 6147 was introduced by Senator Gallinger, which contained the street car extension formerly reported favorably by the committee, with the exception of the one along Florida avenue and Eighth street. This bill was reported back to the Senate in lieu of the one previously reported, and Senator Hanserough at once offered several amendments to it, including the one providing for the Capital Traction extension herein referred to, with an extension along New Jersey avenue. The amendment now offered relates only to the extension along Florida avenue and leaves New Jersey avenue undisturbed.

Congress should authorize the extension of street car tracks along Florida avenue and Eighth street to Pennsylvania avenue SE., for the following reasons:

Congress should authorize the extension of street car tracks along Florida avenue and Eighth street to Pennsylvania avenue SE., for the following reasons:

1. It will afford the patrons of the Capital Traction Company for one fare to approach the great terminal freight station and freight yards lying immediately north of Florida avenue NE., which can not be reached by this company without such extension.

2. It will afford convenient facilities for one fare to thousands of pupils residing in the territory served by the Capital Traction Company for reaching the Armstrong Manual Training High School, at Second and P streets NW., who can not now reach there without paying two car fares or being subjected to great exposure during inclement weather.

3. It will afford convenient facilities for one fare to thousands of pupils residing in the territory served by the Washington Railway and Electric Company for reaching the McKinley Manual Training and Central High schools without the payment of two fares or being subjected to exposure during inclement weather.

As the Central and the McKinley and Armstrong Manual Training High schools include about two-thirds of all high school students in the District not in the Business High School (which both the car lines now reach), the importance of reasons two and three will be at once seen.

4. It will afford reasonably direct and convenient street-car facilities for one fare for all navy-yard employees residing east of Seventh street and north of Pennsylvania avenue.

5. It will afford reasonably direct and convenient street-car facilities for one fare for fully one-third of the residents of Washington to reach for one fare for fully one-third of the residents of Washington to reach for one fare for fully one-third of the residents of Washington to reach for one fare for fully one-third of the residents of Washington to reach for one fare for fully one-third of the residents of Washington to reach for one fare for fully one-third of the residents of Washington to reach

the Glenwood, Prospect Hill, St. Mary's, and Mount Olivet cemeteries, which many thousands are obliged to visit every year.

6. It will afford direct and convenient street-car facilities for Kendall Green, the only institution of its kind in the United States, with its large number of pupils and instructors, and many visitors, who are always embarrassed by the present lack of facilities to reach this famous Government institution.

7. It will afford the first and only real cross-town street-cay line in the city, and the only north and south line east of the Capitol and north of Pennsylvania avenue. It is simply an extension of the same track in northeast Washington of the present north and south line in southeast Washington.

8. It will afford great convenience to from 35,000 to 50,000 people who must travel over three sides of a square to reach their destination on the other side of it. This applies with great force to persons residing in either north or east Washington who may wish to reach other places in those parts of the city. For example: A person residing on Twelfth, near H street NE, in order to reach any point on Twelfth street near East Capitol must travel west, then south to the East Capitol line, and then east to Twelfth street again, and pay two fares to reach his destination, while if physically able he can walk down Twelfth street in one-third of the time required to travel the three sides of the square. The same is true in going from any point in north Washington as, say, Park road to Eleventh street and Columbia road. Many other illustrations might be given for different parts of the city usually requiring two car fares.

9. This extension is asked for by every citizens' organization through whose territory it passes, and has been approved by the District Commissioners. It was also approved some years ago by the late Senator McMillan.

10. More than 95 per cent of the residents on Florida avenue along

10. More than 95 per cent of the residents on Florida avenue along the proposed route have signed the petition asking for it. Consequently there is practically no opposition to it from residents along the line, as there has been for other proposed routes for a cross-town

line.

line.

11. Florida avenue is especially adapted for a cross-town line, by both geographical location and by its width, and is practically the only street that is so adapted.

12. The Washington Railway and Electric Company is opposing this grant, but has never offered to build a cross-town line in this vicinity. It now proposes a bus line as a substitute, which can in no sense be deemed commensurate with this great public demand, and which could have been put on without legislation at any time that suited the management, but has never been done.

13. This extension to North Capitol street provides a direct route for the Capital Traction Company to the Union Passenger Station by passing over the present tracks on North Capitol street, and thus will leave New Jersey avenue entirely undisturbed as a driveway, if Congress so desires.

gress so desires.

14. We are authorized to say that the Capital Traction Company is ready now to build this extension if empowered to do so by Congress. CONCLUSION.

As this extension will meet so great a public demand, as it has been indorsed by every citizens' organization affected by it, and as the company is ready to build it, why should it not be immediately authorized? This is the question now before Congress. We trust a law will be passed this session providing for the extension along Florida avenue and Eighth street, as above described, and thus meet the needs as well as the wishes of such a large number of the residents of and taxpayers in the District of Columbia.

Respectfully submitted,

A. R. Servey.

President North Capitol and Eckington Citizens' Association,
W. J. Hughes,
Vice-President North Capitol and Eckington Citizens' Association.

Mr. GALLINGER. Mr. President, I had not before seen the document that has been read-Senate Document No. 190-and so am unable to determine the accuracy of the various statements that are made in it. My attention was called to one statement as it was being read, which certainly is not true so far as I am in possession of any information, and that is that the Washington Railway and Electric Company is opposing this grant. No man connected with that company has ever suggested to me anything concerning this proposed legislation.

Mr. President, the bill which is now under consideration has been before the Senate for a long time—since last June—and several attempts have been made to pass it, the chief objection being on the part of certain Senators that we were proposing extensions which were unnecessary because of their undue length. This amendment contemplates the construction of practically a new line of railway in the District of Columbia, and it seems to me a singular circumstance that the Senator from Nebraska, who is a member of the Committee on the District of Columbia, has not during the present Congress offered a bill which would in proper course of time come to that committee and receive the consideration of the committee.

Mr. BURKETT. Does the Senator want an answer? If so, will give it to him.

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Nebraska?

Mr. GALLINGER. With pleasure. Mr. BURKETT. I did not get the permission of the chairman of the committee until last week to introduce this amend-

Mr. GALLINGER. Oh, Mr. President, no member of that committee ever gets the permission of the chairman to do anything. The Senator has the same right the chairman has to offer a bill and send it to the committee. If he had done so, it would have been sent to the Commissioners, and I have no

doubt if it had come back the Senator himself would have been made chairman of a subcommittee, if he desired it, to

give it consideration.

Mr. BURKETT. I will say in seriousness that the matter was not presented to me until last week. I then carried it to the chairman of the committee, for whom every member of the committee has great respect, and asked permission, and obtained it from the committee at our last meeting, to offer it here. I did not want to do anything, I will say to the chairman, as he knows, without acting in harmony with his committee. matter was not brought to my attention until last week.

Mr. GALLINGER. I have no doubt, and I will be entirely frank about this matter, that there ought to be some extension through that territory; there is need of it; but whether or not this amendment is a wise amendment I am utterly unable to say. It does this: It makes an extension from Seventh and Florida avenue NW. to east Eighth street and then to Pennsylvania avenue SE. of 3 miles and 360 feet of railroad track. It makes an extension on F street, a double track, on a street only 34 feet wide, of 2,800 feet, or over half a mile. So, if this amendment is adopted, on a bill which proposes to extend the tracks of existing street railways to the Union Station, we are going to charter the construction of 4 miles of street railway in the District of Columbia.

Mr. CULLOM. In addition?

Mr. GALLINGER. In addition. It is not wise legislation on this bill. It never has had the consideration of the chairman of the committee, certainly, and, I think, not of many members of the committee, before.

Mr. HANSBROUGH. Mr. President-

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from North Dakota?

Mr. GALLINGER. Certainly. Mr. HANSBROUGH. Practically this same amendment offered by the Senator from Nebraska was contained in a bill which I had the honor to report to this body last winter. It was put into that bill after the most careful consideration and upon the petition of some 5,000 people in that section of the

city.

I had the honor at that time to be chairman of the subcommittee on street railroads, and I gave it fullest consideration and so did other members of the subcommittee. The amendment, or what is offered now as an amendment, was placed in the bill that was reported out of the full committee at last

winter's session of the Senate.

So, Mr. President, there has been notice of this amendment,

and it has been before this body heretofore, and also before the Committee on the District of Columbia.

Mr. GALLINGER. Mr. President, the Senator is right, and he is wrong. The Senator knows the history of that proposed legislation, and I am not going to repeat it. It was reported by a majority of 1 when only half of the committee was present, and when there was an entire misunderstanding as to the nature of the bill.

Now, I say for myself, and I assume the responsibility and am willing to take it, that I have never been over a foot of this ground. I do not know whether these streets are proper streets on which to construct a street railway or not. Neither have I seen the numerous petitions the Senator from North Dakota speaks of. He may have them in his committee room; I have never seen them.

Mr. HANSBROUGH. They came through the Senate to the Committee on the District of Columbia, and were referred by that committee, I assume by the chairman of the committee, to the subcommittee on street railroads.

Mr. GALLINGER. Then I will take the responsibility of saying that I should like to see those 5,000 names to those

petitions.

But I want to emphasize the fact that here it is proposed to construct 4 miles of new street railway in the District of Columbia on a bill that proposes to construct, I think, less than half a mile to get to the Union Station. Upon that statement I am ready to submit the matter to the Senate. If the Senate thinks this is a wise thing to do, of course the chairman of the committee will have to submit. But I think it is utterly unwise and that it ought not to be done. If a bill shall be offered in the Senate at the next session (it could not of course receive consideration in the few days that remain of this session) and is sent to the Committee on the District of Columbia proposing to construct a railway in the northeast section of the city, I will give my personal guaranty that it will have every proper consideration, and that if it is thought to be a wise measure

we will then have this extension provided for.

Mr. DANIEL. Mr. President, I regret that we have not fuller information of this subject. It is one in which I have no

interest whatever except to respond to a request made to me by the Northeast Washington Citizens' Association through their president, Mr. Evan H. Tucker. I am not familiar with the subject myself, and had I received his letter earlier than this morning I would have taken occasion better to inform myself.

It seems, however, from what has been stated in the debate, that this matter has been for two sessions before Congress and that the members of the committee are fully able to enlighten the Senate about it. The chairman, who is generally exceedingly attentive to all business in his hands, to whom I have no sort of antagonism whatever, says he has not gone over the ground and does not know about it. The only opportunity for people who live a little aside from the main stream of things to get legislation is on occasions like this, when pertinent matters are being considered, or at least it is their best opportunity to get some attention.

Mr. GALLINGER. Mr. President-

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from New Hampshire?

Mr. DANIEL. Certainly. Mr. GALLINGER. The Senator suggests that this has been before Congress for two years. My impression is, and I think I am absolutely correct, that no bill has ever been offered in the Senate which proposed to build this extension.

Mr. DANIEL. I understood the Senator from North Dakota to say it was reported to the Senate as an amendment to a bill

by the committee.

Mr. GALLINGER. It was.

Mr. DANIEL. It could not have been reported by the committee without the committee considering it, and it was, therefore, a matter duly submitted for the consideration of the committee, duly considered, and duly commended to this body, according to the statement of the Senator from North Dakota,

now concurred in by the Senator from New Hampshire.

Mr. HANSBROUGH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from North Dakota?

Mr. DANIEL. I yield to the Senator.

Mr. GALLINGER. I will engage to the Senator that that

Mr. GALLINGER. I will suggest to the Senator that that bill, immediately after being reported, was recommitted to the

committee by a very large vote of the Senate.

Mr. DANIEL. Then the committee has had since the recommittal, when asked by the Senate to reconsider it, up to the present time. It has had two opportunities to consider this matter and report the pros and cons. I yield to the Senator

from North Dakota for a question.

Mr. HANSBROUGH. I desire to say that two bills were referred to the subcommittee on street railroads at the last session of the Senate, which were, I think, introduced by the Senator from New Hampshire himself. I know, of course, that the Senator can not keep track of all those things, because he is a very busy Senator-one of the busiest Senators in this body-but, if I am not mistaken, one of those bills contained the provision which is now under discussion. It was not put in the bill as an amendment, according to my recollection. I think it was contained in one of the bills that was introduced in this body. I do not recall whether the Senator from New Hampshire introduced it or not, but I am quite sure that it came to the subcommittee in that form.

Mr. GALLINGER. I will say, if the Senator from Virginia will permit me-

Mr. DANIEL. Certainly.

Mr. GALLINGER. I will ascertain the fact about that. I think the Senator is mistaken.

Mr. HANSBROUGH. The fact can be ascertained. I may

be wrong about it, but I think I am right.

Mr. DANIEL. I ask that the letter which I have in my hand

may be read as a part of my remarks.

The VICE-PRESIDENT. The Secretary will read as re-

quested.

The Secretary read as follows:

NORTHEAST WASHINGTON CITIZENS' ASSOCIATION, Washington, D. C., January 29, 1967.

Hon. JOHN W. DANIEL.

Hon. John W. Daniel.

Dear Senator: In behalf of the people who I represent, who have been striving for fifteen years to secure legislation for a cross-town street-car line, I respectfully solicit your support for the inclosed amendment. The eastern section of the city, with a population of 75,000, has no north-and-south line whatever, while the western section has six such lines. The thousands of employees of the navy-yard are unable to ride to the northeast section without first going uptown and then paying another fare to go northeast.

Please pardon me for making this request, but as we citizens of the District have no voice in our government we are compelled to appeal to our lawmakers for needed legislation.

Yours, very truly,

Evan H. Tucker,

EVAN H. TUCKER, President Northeast Washington Citizens' Association.

Mr. DANIEL. Mr. President, I will only observe that a letter of that character, coming from so large and representative a body, appealing to such just considerations, is entitled to the fair and full consideration of this body when it passes upon this matter. I do not make any criticism of the committee. know what immense business they have before them; I make no unpleasant animadversion whatsoever; but the fact is that this matter has not been sufficiently considered to fully enlighten our minds upon this subject.

Mr. BURKETT, Mr. President—

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Nebraska?

Mr. DANIEL. Certainly.

Mr. BURKETT. I should like to ask the Senator in just what particular he now wants information. There is not any question about this being a proper route, I will say, for the street car traffic. We know exactly the only objection there is to it and we know exactly who wants it. It has been before the committee, and after consideration by the subcommittee it was recommended to the full committee, and then by the committee recommended to this body, when there was some discussion on account of a taxation clause. I will say, and I think the chairman will bear me out in it, there was considerable time spent on the discussion of a provision for taxing the railroads, which was an amendment added to it, and after considerable discussion the chairman of the committee moved to recommit the bill and it went back. As I understood at that time, for nothing was said particularly about the other provision, it went back altogether for further investigation upon the taxation amendment proposed to the bill. After it went back to the committee last June this bill was

introduced as a substitute for the old original Senate bill 43, which contained this provision and which had been considered by the subcommittee and the committee. When the new bill was introduced it was referred to another subcommittee, I think, or at least it was brought before the committee by the chairman, and upon fair consideration they recommended that as a substitute. There is no question, I think, about this bill.

Mr. DANIEL. The committee recommended what as a substitute?

Mr. BURKETT. They recommended the bill which is now before us as a substitute.

Mr. DANIEL. Omitting the amendment? Mr. BURKETT. Omitting the amendment. I may say to the Senator that the matter is entirely frank and fair between us, the chairman taking the position that it was better not to encumber this bill with that kind of an amendment. He said here a moment ago that it is a good proposition, probably, although he has not given it personally enough attention to indorse it, but that he does not want to encumber this bill. That He does not want to encumber this bill. is the whole difficulty. There had been sufficient investigation to know that this is a proper route as far back as Senator McMillan's time, I may say. This route around Florida avenue—the natural cross-town street over in this section of the country, to get a north and south line east of the Capitol-has been determined on for years. is not a single foot of north and south line east of this Capitol in the city of Washington.

I say to the Senator I did not want it to go unchallenged that this matter had not been given any investigation. If there is any particular point that has not been covered in the Senator's mind or upon which he wishes information, perhaps some of the Senators who listened to the hearings can enlighten him.

The Senator is giving us information. He has Mr. DANIEL. just given us information that was not before the Senate. He states, for instance, what we are not informed of in any report and which I had not heard stated in any observation that had been made, that this is known and conceded to be a proper route for this railroad. May I ask the Senator, then, what is the objection to putting it in this bill, and how it would encumber the bill to do anything that everybody agrees in? What is the objection to it?

Mr. BURKETT. I will say to the Senator that so far as I am concerned in my judgment there is not any objection to it. I am advocating it. But there were some members of the committee who thought it would encumber this bill to attach to it the building of this additional track out there, as the Senator said; that it is a good deal of trackage; that there would be objection on the part of some other street car line to this company building the track, and it would raise discussion and dispute and possibly delay the bill, and possibly defeat the bill. Mr. DANIEL. May I inquire if any company has objected to

this before the District Committee?

Mr. BURKETT. So far as I know they have not, but there is running all through the thing a general feeling that the other

street car company, whatever its name may be, will object to this company building that car line.

Mr. DANIEL. Would this company object to the other company building that car line?

Mr. BURKETT. I am not advised. They have not the con-

Mr. DANIEL. The Senator is not advised either way?

Mr. BURKETT. The other car line has not the connection. I will say, for Florida avenue. This is an extension of the existing Florida avenue line that runs from Eighteenth street clear down to Seventh street, and then turns down Seventh street, and it contemplates building all around Boundary street, Florida avenue. It is a proper line to build there. It is just a continuation of the present line.

Mr. DANIEL. Mr. President, I am not on the committee, and naturally I am not conversant with what may be the real or supposititious rivalries or competitions of the various companies. So far as we are informed, the Washington and Electric Company has made no objection-no official objection, at least-to this, and so far as we are informed this company has made no objection to the other company coming around that way if it chooses to do so. Some day Congress has got to decide this matter, if the people of the District who wish street car accommodations are going to get them.

Here is a statement undenied that 73,000 people in a large section have not the facilities which they should have for communication with this great city. Is there any difficulty about this company being able and ready to build this line? That is a question which it might be proper to ask. If we require them to do it, are they in a situation in which they can do it? All these questions naturally occur to one who is going into a case which he has not examined.

It is with great diffidence that I say anything, but I think these people ought to be heard, and I think it would be preferable, if agreeable to the Senator from New Hampshire, to have this amendment considered now, to have it considered at this session of Congress with reference to this bill, and to have a full report made to this body, so that it could form an intelli-

gent and considerate judgment.

It seems that this very amendment once had the indorsement of the District Committee and reported it here; that it was referred back to the committee, and that it has been omitted from this bill, or left out in their consideration of this question, for fear that it might raise some trouble. Of course those unconversant with the hearings which they have had and the information which has been conveyed to them can not pass upon it with the intelligence or the fair regard for all considerations which they can, but that strikes me as being the best conclusion of the matter now. If the committee were to agree upon this bill, embrace this matter, and report it back, the probability is that the bill could be passed before the end of the present session.

The more we extend other accommodations to other railroads and to other interests the stronger they are to compete with any interest which might occupy a field on which they have their eyes for the future. It may be that it is a serious question whether the present railroad company, upon which this amendment would impose the duty of building this track, is strong enough to do it, and if that were true it would present a phase of the subject that would require at least very grave considera-

I have stated, Mr. President, all I know about this subject, and I only did that at the instance of the letter which was addressed to me.

While we are upon the subject—
Mr. HANSBROUGH. Mr. President—
The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from North Dakota?

Mr. DANIEL. In a moment, with pleasure. I should like to inquire if this bill makes any charge upon the District of Columbia or upon the Government of the United States?

Mr. GALLINGER. Not at all, I will say to the Senator.

I thought not. Mr. DANIEL. Mr. GALLINGER. Not at all.

Mr. DANIEL. I should like to make another inquiry, as to whether the subject of transfers is fairly and justly encompassed here?

Mr. GALLINGER. The committee has not taken that matter under consideration at all. That is one of the controverted questions that it will require a very considerable time to consider when it is properly before the committee. In reporting in favor of this extension we have not gone into extraneous mat-ters, such as taxation, transfers, construction of new lines, and all those things. As chairman of the committee, I thought they were too serious to be taken up on a matter that was as urgent as this is in order to get these tracks extended to the Union

I do not want to have the traveling public walking two or three squares after the station is opened.

Mr. President, it seems to me, as 73,000 people are walking 4 miles, some other people can wait and walk half

a mile while the 73,000 are trying to get over 4 miles.

Mr. McCUMBER. Mr. President, I should like to get a little information on this subject. The first point on which I desire information is this: How is it that 70,000 people, who have been clamoring for these privileges for several years, have neglected to make their influence sufficiently and strongly felt to get a bill before Congress to be acted upon as an independent meas-Why has this matter been delayed until the closing days of a Congress with no bill having been introduced, and these people suffering for the lack of proper street railway facilities?

This bill, as I understand, was introduced for the sole object of connecting the present existing lines of street railway with the new railway station, and with no other object whatever. It was not intended to go into the subject of the proper place for locating new lines of street railway for the service of the people; and, therefore, anyone interested in a new line would naturally understand that this bill was hardly the appropriate place for legislation concerning it, and that it should not be attached to a bill having for its single object the connection of existing lines with the new station. That is something that I certainly can not understand.

The Senator from Nebraska [Mr. Burkett] has also stated that the objection is an objection on the part of other street railways, so I wish the Senator would also inform us what that objection can be. What business is it of the other street railways, who are not furnishing service to this section of the District, that others might or might not go in there and give the service? If there is any objection of that kind, I think we

are entitled to know exactly what it is.

I certainly am in favor of voting in some manner for proper service for every section of the District; but I do not understand how any company that is not furnishing these facilities can consistently object to some other company, that desires to do so, furnishing them; and if any one of the three or four Senators who have spoken on this subject can give us any light on either of those two propositions, I think we should all of us be glad to hear from him.

Mr. HANSBROUGH. Mr. President, in view of what my colleague [Mr. McCumber] has said, I think I ought to explain that the pending bill, as I understand, contains practically the provision contained in the amendment offered by the Senator from Nebraska [Mr. Burkett]. The Senator from New Hampshire [Mr. Gallinger], the chairman of the committee, has offered a substitute for that bill. That substitute does not provide for the street railway extension sought by the Senator from Nebraska. The bill which came from the committee last year contained this same provision. It was considered by the Committee on the District of Columbia, came here to the Senate, and, after some discussion, it was recommitted to the committee.

Mr. GALLINGER. If the Senator will permit me, I will

Mr. GALLINGER. If the Senator will permit me, I will simply say that the bill for which this is a substitute does not

contain that provision.

Mr. HANSBROUGH. The bill for which the Senator from New Hampshire has offered a substitute, as I understood it, contained a provision of that kind.

Mr. GALLINGER. It does not, I will say to the Senator. Mr. HANSBROUGH. Then it was in the bill of last winter.

The provision which the Senator from Nebraska seeks to have incorporated in the Senator's substitute, was in the bill of last winter, was considered by the Committee on the District of Columbia, considered by the Senate, and recommitted to the committee. So that the Senate has had ample notice of this proposed extension.

One of the street railway systems here, as I understand, oposes the extension because it will get no advantage from it. The other street railway system seeks to make the extension because it would derive advantage from it.

Mr. McCUMBER. If my colleague will pardon me, I will ask what disadvantage will the other street railway companies incur?

Mr. HANSBROUGH. None whatever. Mr. McCUMBER. Then, why should they oppose it because

they get no advantage?

Mr. HANSBROUGH. If my colleague were on the Committee on the District of Columbia he would find many reasons why the street railway companies here oppose legislation which they do not want.

If the Senator will permit me, I will say Mr. GALLINGER. to him that neither of the railway companies nor any person connected with either railway company has ever spoken to me about this extension,

Mr. BURKETT. I would say to the Senator from North Dakota that the question has not been answered as to what this has to do with connecting with the new depot. It does connect with the new depot, and that is the reason why the amendment should be adopted here. It is proposed to run a line down Florida avenue to Eighth street, down Eighth street to F street, and thence to the depot. It does connect the eastern part of the city of Washington and provides the means for the people of that section to get to the terminal. That is why the amendment was offered.

The VICE-PRESIDENT. The question is on the amendment

of the Senator from Nebraska [Mr. Burkett].

The amendment was rejected.

The VICE-PRESIDENT. The question recurs on the amendment in the nature of a substitute proposed by the Senator from New Hampshire [Mr. Gallinger].

Mr. HANSBROUGH. Is the proposed substitute open to

amendment now, Mr. President?

The VICE-PRESIDENT. It is open to amendment.

Mr. HANSBROUGH. Then I offer the amendment which I send to the desk, to be inserted after section 12.

The VICE-PRESIDENT. The amendment proposed by the Senator from North Dakota to the amendment of the Senator from New Hampshire will be stated.

The Secretary. After section 12 it is proposed to insert as a new section the following:

new section the following:

Sec. 12. Every railway company now authorized by law, or which may hereafter be authorized by law, to operate cars on any of the streets, avenues, or highways of the District of Columbia, and all other public-service corporations of said District, including the Chesapeake and Potomac Telephone Company, Potomac Electric Lighting and Power Company, and the Washington Gas Light Company, shall annually pay to the collector of taxes of the District of Columbia, as a franchise tax, in addition to the taxes now imposed upon them by law, an amount equal to 12 per cent of their respective net earnings, which said net earnings shall be ascertained by deducting from their respective gross receipts from all sources only the current repairs and expenses for the same year, excluding interest, dividends, sinking fund, and enlargement of plant: Provided, That on or before the 1st day of August, 1906, the board of assessors of the District of Columbia are hereby authorized and directed to appraise and assess the personal property of all such public-service corporations, and in making such appraisement the said board shall appraise the value of the franchises of each of said companies and include the same in the said personal property appraisement: Provided further, That any of such corporations as may elect so to do may pay to the collector of taxes of the District of Columbia an amount equal to 1½ per cent of said appraised value, as now provided for by law for general taxation of personal property in said District, which shall be in lieu of the 12 per cent per annum tax on net incomes, as above provided, and of the gross earnings tax now provided by law: And provided further, That the real estate of all said street railway companies in the District of Columbia shall be taxed as other real estate, but the tracks thereof shall not be taxed as real estate.

Mr. GALLINGER. Mr. President, I will ask the Senator

Mr. GALLINGER. Mr. President, I will ask the Senator from North Dakota whether he desires to speak to his amendment.

Mr. HANSBROUGH. I do not care to speak at length on the amendment, because a similar amendment was in the bill of last winter and was discussed in the Senate on two or three occasions prior to the recommittal of the bill to the Committee on the District of Columbia. Unless Senators desire some information on the subject I do not care to debate it.

I will say, however, that I think the provision is a very just one. It is the result of very deep research on my part and on the part of at least one other person who is connected with the Government in this Capitol, who is a very accurate and thorough mathematician. He went into this subject as thoroughly as was possible and worked at it many days. I am satisfied that the provision is a just one and that it ought to be incorporated in this bill.

Mr. HALE. Would the Senator object to an amendment to his amendment providing for a general income tax throughout the United States?

Mr. HANSBROUGH. Mr. President, a general income tax is an altogether different branch of legislation, as it seems to me, and raises an entirely different question.

Mr. HALE. I think it does, but I think it would be equally

germane to offer that as to offer the amendment which the Sen-

ator has proposed.

Mr. HANSBROUGH. Does the Senator from Maine pretend to say that an amendment to this bill providing for a right of way for street railroads in Washington is not germane which provides for the taxation of those railroads? And does the Senator from Maine pretend to say that an income-tax amendment would be germane? The Senator is very unhappy in his simile, if I am not mistaken.

Mr. HALE. I suppose the bill in charge of the Senator from New Hampshire has a single object, and that is to adapt the present railway system in the District to communication with the new station-something in which everybody is interested. It does not involve the gas company, nor the electric-light company, nor the telephone company, nor income taxes of any kind upon them. I should say that the wisest thing is to confine the bill to the object sought by the committee and to perfect it on those lines.

When the Senator offers an amendment of the kind he has offered he opens every question which is not involved in the original bill. I do not suppose that we will add to the bill a provision for a general income tax throughout the country; but if we should do so, I do not think the departure from the original bill would be any greater than the adoption of the amendment offered by the Senator would be an innovation on the original bill. I do not offer the amendment. I only made the suggestion to the Senator.

Mr. GALLINGER. I move to lay the amendment on the table.

The VICE-PRESIDENT. The question is on the motion of the Senator from New Hampshire to lay the amendment on the table. [Putting the question.] The "ayes" seem to have it. The "ayes" have it; and the motion is agreed to. The question recurs on the amendment in the nature of a substitute proposed by the Senator from New Hampshire [Mr. Gallinger].

Mr. DANIEL, Mr. President, I ask for the yeas and nays on the motion to lay the amendment of the Senator from North Dakota on the table.

The VICE-PRESIDENT. The Senator from Virginia demands the yeas and nays on the motion to lay the amendment on the table

Mr. BACON. I ask that the amendment be again read. I was out of the Chamber temporarily.

The VICE-PRESIDENT. The Secretary will read the amendment, at the request of the Senator from Georgia.

Mr. GALLINGER. Mr. President, I do not want to be factious about this matter, but it occurs to me that the demand for the yeas and nays came too late. The Chair had made a declaration and then proceeded to put another question to the Senate.

The VICE-PRESIDENT. If the point is raised, the Chair will be compelled to hold that the demand came after the decision, and the Senate had proceeded to other business

Mr. GALLINGER. I do make the point, Mr. President. Mr. HANSBROUGH. I ask the Senator from New Hampshire to withdraw his motion to lay on the table, so that we may

wrote directly on the proposition.

Mr. GALLINGER. I ask that the question be put.

The VICE-PRESIDENT. The question recurs on the amendment in the nature of a substitute proposed by the Senator from New Hampshire.

The amendment was agreed to.

The bill was reported to the Senate as amended. Mr. DUBOIS. Mr. President—

The VICE-PRESIDENT. Is there objection to concurring in the amendment made as in Committee of the Whole?

Mr. DUBOIS. I desire to offer an amendment to the bill. The VICE-PRESIDENT. To the amendment that was agreed

to as in Committee of the Whole? Mr. DUBOIS. Yes; it is to come in before section 8. It can be called "section 71.

The VICE-PRESIDENT. The amendment will be stated.

The Secretary. It is proposed to insert as a new section, to be known as "section  $7\frac{1}{2}$ ," the following:

be known as "section 7½," the following:

That all street railway companies within the District of Columbia, both now and hereafter to be chartered by Congress, shall receive and exchange tickets with each other, and shall also give to passengers free transfers which shall be received by all street railway companies at one intersection and connection with all other street railway lines; and also give to and receive from each passenger paying one cash fare of 5 cents a free transfer good for more than one exchange at one intersection, and good continuously at all intersections with all street railways and from intersection to intersection, within the said District of Columbia; but transfers on tickets or cash fares shall not be good for a round trip.

And every officer or agent of any street railway company and every street railway company, for every violation of the provisions of this section, shall be punished by a fine of not more than \$10 by the police court of the District of Columbia on prosecution by information brought by the corporation counsel or any of his assistants, and any person or corporation interested shall have the right to apply to the supreme court of the District of Columbia for a mandamus to enforce the free transfers by this act provided.

Mr. DUBOIS. Mr. President, that amendment was consid-

Mr. DUBOIS. Mr. President, that amendment was considered by the subcommittee of the Committee on the District of Columbia. I was a member of that subcommittee, and it was unanimously agreed to. My recollection is that it was also unanimously agreed to by the full committee. It seems to me to be a very proper provision and one that ought to be put on this bill.

We are legislating in the interests of the street railway companies, and, in my opinion, the amendment is germane. We are giving them additional facilities, and I think everyone knows that the facilities which they give the public are very inade-

quate. I do not know of any street railway lines in the country that are less adequate than those in Washington. There ought to be some time and some place where we can legislate a little in the interests of the Washington public, and I do not believe there can be any proper objection to this amendment providing for transfers being incorporated in the pending bill.

Mr. GALLINGER. Mr. President, the Senator from Idaho [Mr. Dubois] is quite mistaken when he suggests that the full

committee approved this provision.

The Senator's amendment is foreign to the bill; it has no relevancy to it whatever. It is a question that may properly be considered at some time by the committee, if a bill shall be offered; but I do hope that no serious effort will be made to encumber the pending bill with a provision of that kind.

It has become the fashion of late to decry the street railway service of Washington. I do not agree at all with the gentlemen who make those criticisms. I believe we have got the best street railway system here that there is in this country, if not in the world, and any proper effort that is made to improve it

will certainly receive my cordial cooperation.

The matter of universal transfers is one that is not to be determined off-hand. I have said once or twice before what I am going to repeat, notwithstanding I know that certain Senators have passed it off with a wave of the hand, that this is the only city, so far as I know-I believe there is one other in the country, though I have forgotten which one it is-that requires the street railways to sell six tickets for 25 cents. The difference between the straight 5-cent fare, which I pay in Boston, New York, Baltimore, Philadelphia, and other cities, and six tickets for 25 cents in Washington is over \$400,000 a year, which goes into the pockets of the people of the District of Columbia and the people who visit this capital.

Now, to place another burden upon the street railway companies without any investigation, without any hearing, to my mind is not the right thing to do. So I move to lay the amend-

ment on the table.

Mr. PATTERSON. Mr. President, I ask the Senator from New Hampshire to withhold that motion until I make a statement.

Mr. GALLINGER. Certainly.
Mr. PATTERSON. I do not want the statement made by the Senator from New Hampshire to go unchallenged that this and one other city are the only cities in the United States in which six fares are sold for a quarter. In the city of Cleveland, thanks to Tom Johnson, the street railway company has voluntarily reduced fares to 31 cents, with transfers at nearly all of their cross lines.

Mr. GALLINGER. Not all of them. Mr. PATTERSON. In Detroit about one-half of the street railways of that city charge but 3-cent fares, and lately, at the last election, the street railway company that had been charging 5 cents and that owned practically the entire street railway sys tem of Detroit, asked for a franchise in which it proposed that for six hours in each twenty-four tickets at the rate of eight for 25 cents should be sold—that is, should be sold and used for six hours of the twenty-four, and that during all the rest of the day the tickets bought at the rate of six for 25 cents should be used. I am not certain, Mr. President, but that in several other cities the six-for-a-quarter ticket system prevails.

Mr. GALLINGER. If the Senator will permit me, I think he will search in vain for those several other cities. I should like to ask the Senator if this proposed innovation in the city of Detroit was not submitted to a popular vote, and was voted

down two to one?

Mr. PATTERSON. Yes; and I will state what that meant, Mr. President. There is a fight being made in the city of Detroit for a flat 3-cent fare, good for twenty-four hours in each day, and the street railway company, to combat that, to overcome it, and to settle the controversy, made the proposition to sell eight tickets for a quarter, good for six hours a day, to be used by men and women going to and from their work, and six tickets for a quarter to be used during the rest of the twenty-four hours. The people who are demanding a universal 3-cent fare voted down by a very large majority this very generous proposition upon the part of the street railway company in Detroit.

It was not because the people of Detroit were unwilling to receive such reductions in fare as the railway company voluntarily offered, but because the people of Detroit realized that even such rates are too high, in view of the enormous profits the railway companies in such cities as Detroit are making all over the country

Mr. GALLINGER. Mr. President, the Senator is not as accurate as he usually is. They did not vote it down upon any such ground. I have sent for a letter from the mayor of Detroit which I have in my committee room and which I think can be found. I will read that letter and show the Senator that the people of Detroit voted it down upon an entirely different

ground.

Mr. PATTERSON. Mr. President, my statement was made upon the basis of the Associated Press dispatch that was sent from Detroit giving the result of the city election, the election being held upon the same day that the regular State election I am also inclined to think that the same mayor was overwhelmingly defeated in the city of Detroit because he stood for the propositions advanced by the railway companies and opposed the attitude that was taken by the mass of the people.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. PATTERSON. With pleasure.

Mr. GALLINGER. Did I understand the Senator to say that

the people of Detroit voted down the proposition to reduce the fare on the street railways because it did not reduce them enough?

Mr. PATTERSON. Yes, sir.
Mr. GALLINGER. They were unwilling to take a reduction and so voted?

Mr. PATTERSON. They have got a fight on. The franchises, Mr. President, of the street railway companies of Detroit are about expiring, and the people of Detroit are determined that they shall have something to say as to the provisions of the franchises when they are renewed or extended, and they did not propose, and they do not propose, as the people of no city should be willing to admit, that the street railway companies alone shall be consulted in determining what they shall charge the traveling public for riding.

Mr. GALLINGER. Of course we all agree with the Senator

on that point.

Mr. PATTERSON. Yes; and I have never before heard controverted the statement that that was the real issue in the re-cent election between the people of Detroit and the street rail-

way companies.

Now, Mr. President, I want to say a word with reference to the boast made by the Senator from New Hampshire about the magnificent service of the street railways of the city of Washington. I do not know much about any other line except the line that I have ridden on for two or three winters, and that is the Connecticut avenue line; but I want to say that such a service as that is an outrage. In the mornings and in the evenings, time and time and time again, I have ridden on the cars of that line. I counted upon one occasion seventeen people standing on the front platform and nearly a like number standing on the rear platform, and the interior was crowded as would have been a cattle car before Congress undertook to legislate upon that subject. It seemed to me that if there ever city in which the antistrap hangers' association should be organized—the fundamental doctrine of which is that unless a passenger upon a street car can get a seat he will pay no fareit ought to be organized in the city of Washington.

The cars are good, Mr. President. There is no complaint to be made about the cars that are furnished, and I suppose that the fact that they are operated by underground electric lines is very much to the credit of Congress and very much to the

credit of the railway companies.

Mr. GALLINGER. I should think the Senator ought to take

that into account.

Mr. PATTERSON. But I want to say that they do not commence to furnish the service that the traveling public of Washington is entitled to receive. But, then, this is the history of the dealings of the municipal corporations, as a rule, with the people of all the cities of the country. Until the body possessing the legislative power, whether it be a State legislature or Congress or a city council, shall be controlled and governed by the interests of the people, and not by the interests of the railway companies, we are going to continue to have these impositions placed upon city travel that we find existing in every city of any size in the country.

have no disposition to interfere with this particular bill, but I do not want statements that will affect controversies of this kind in the future and in other localities to go unchallenged.

Mr. GALLINGER. Mr. President, I desire to read the letter I alluded to a moment ago. It is from Hon. George P. Codd, mayor of the city of Detroit, and dated December 10, 1906:

Replying to your letter of the 7th instant relative to the sale of street car tickets in Detroit, would say that for about fifteen days prior to our last election (November 6) the Detroit United Railway, owner and operator of all of our city railway lines, placed on sale in its cars industrial tickets, so called, ten for 25 cents, the same to be used between the hours of 5.30 and 8 a. m. and 4.30 and 6.30 p. m.; at other hours tickets to be sold six for 25 cents were available; single cash fare, as at present, 5 cents.

These fares were in accordance with the provisions of an ordinance prepared by the mayor, submitted by him to the common council, and in turn to the electors for their approval at the election heretofore mentioned. The ordinance was defeated by a vote of approximately 20,000 to 10,000.

I would say in this connection that the rates of fare paid under the existing franchise held by the company are, for about 40 per cent of the track mileage, between the hours of 6 a. m. and 7.30 p. m., eight tickets for 25 cents; during the remainder of the day, six tickets for 25 cents; single fare, 5 cents. For all of the remainder of the lines, which in clude all the principal streets of the city, the fare is straight 5 cents, with no tickets except between the hours of 5 a. m. and 6.30 a. m. and 4.45 p. m. and 5.45 p. m., when so-called "workingmen's tickets," eight for 25 cents, are accepted for fare.

It seems that most of the lines in Detroit are at present getting a straight 5-cent fare, which is a very different proposition even from six tickets for 25 cents. According to my information, Detroit, after a trial for a short time, went back to the 5-cent fare, or at least practically so, although they have for an hour or two in the morning and evening workingmen's tickets at a lower rate.

I meant when I was on my feet to say that it does make a very great difference whether we have overhead wires in our streets, as they have in most other cities, or this magnificent underground system, which costs approximately three times as much. I repeat that while there are strap hangers in Washington, as there are in Boston and in every other city, and always will be as long as street railways are run, in my judgment we have the best street railway system in Washington that there is in the United States. That is my opinion, and I have ridden on them all.

Mr. PATTERSON. The letter of the mayor of Detroit does not controvert the statement I made and which the Senator from New Hampshire intended to controvert. I think he discovers on reading the letter that my position is exactly correct. The letter does not give the reason for defeating the ordinance presented to the people of Detroit by the mayor of Detroit, which provided for eight tickets for a quarter during six hours, or practically a 3-cent fare, for the benefit of workingmen and working women, and six tickets for a quarter during the rest of the twenty-four hours. The people of Detroit voted that proposition down, although it had been put into practical effect by the company in order that the voters of Detroit might have knowledge of what it meant to them. They voted it down by two to one, and, as I stated, the reason they voted it down is because they are struggling in Detroit, as Tom Johnson is struggling in Cleveland, for a 3-cent fare straight. Tom Johnson has about won out.

With reference to the history of the street railway struggle in Detroit let me say this: According to the letter of the mayor, 40 per cent of the street railways in Detroit give ten tickets for a quarter.

Mr. GALLINGER. No.
Mr. PATTERSON. Then eight. Let me have the letter.

Mr. GALLINGER. Certainly.

Mr. PATTERSON. The mayor says:

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prepared by the mayor, submitted by him to the common council and, in
turn, to the electors for their approval at the election heretofore mentioned. The ordinance was defeated by a vote of approximately
20,000 to 10,000.

Now, what do we find there? A voluntary offer by the street railway company of Detroit-

Mr. GALLINGER. No.

Mr. PATTERSON. It must have been, because the street railway companies put these tickets on sale ten for a quarter for fifteen days before election, voluntarily and not as the result of any ordinance.

Mr. GALLINGER. It was in obedience to an ordinance, as the Senator will see, if he will read the letter.

Mr. PATTERSON. No.

Mr. GALLINGER. Ob, yes.
Mr. PATTERSON. They submitted an ordinance making that arrangement permanent, but the railway company had experimented before the election with tickets—ten for a quarter or 2½ cents a ride for six hours of the day, three in the morning and three in the afternoon—in order to bait the voting public to accepting that proposition.

Mr. GALLINGER. Not quite six hours, I will say to the Senator.

Mr. PATTERSON. Six for a quarter, to be used during the rest of the twenty-four hours; ten for a quarter, to be used for six hours. The people of Detroit voted it down because, as I have said, they are fighting for a straight 3-cent fare, and they know they are going to get it. The mayor says further:

I would say, in this connection, that the rates of fare paid, under the existing franchise held by the company, are for about 40 per cent of the track mileage between the hours of 6 a. m. and 7.30 p. m. eight tickets for 25 cents; during the remainder of the day, six tickets for 25 cents; single fare, 5 cents. For all of the remainder of the lines, which include all the principal streets of the city, the fare is straight 5 cents, with no tickets, except between the hours of 5 a. m. and 6.30 a. m. and 4.45 p. m. and 5.45 p. m., when so-called "workingmen's" tickets, eight for 25 cents, are accepted for fare.

Mr. GALLINGER. Will the Senator permit me?

Mr. PATTERSON. Certainly.
Mr. GALLINGER. I suggest to him that the straight 5-cent fare on the remainder of the lines makes a great deal more difference than the small fare during those few hours.

Mr. PATTERSON. That is the condition existing in Detroit.

Mr. GALLINGER. Yes.
Mr. PATTERSON. It is from that condition that the railway company of Detroit desired voluntarily to depart, to eliminate all 5-cent fares practically, because when the people can get six tickets for a quarter and ten tickets for a quarter, only those who do not happen to have a quarter to buy tickets are going to pay 5 cents for a ride. The railway company would continue the old 5 cents' extortion were it not for the fact that the people of Detroit have been educated to the meaning of the extortion as it is practiced there and practiced in nearly every other city of the country by the street-railway com-panies—the same extortion that was practiced in Cleveland until Tom Johnson became its mayor, and he has at last succeeded practically in eliminating it, as the result of a six years' hard, consistent, and persistent fight. In my opinion Washington, next to Denver, is the best street railway city in the world, if there is any city in the world in which a 3-cent fare could be given to the traveling public with a good profit, it is the city of Washington.

I was heartily in favor of the amendment offered by the Senator from North Dakota [Mr. Hansbrough] providing for the payment, in lieu of the tax on gross receipts, of one and one half per cent of the assessed valuation of their property as that value may be discovered. But I realized that it was idle to make a struggle for that now, and I also realize the force of the suggestion made by the Senator from New Hampshire that to a certain extent it was not germane. But, in view of the statement made by the Senator from New Hampshire, I wanted these facts to be brought out clearly and explicitly, because this fight is going to come on in Washington some day and not very far in the future, as it will come on in every other city of magnitude in the United States; and it is going to be with the street railways as it is going to be with the great railroads of the country, that they will either do the right thing by the traveling public or the cities themselves will own and operate the lines and do what is being done in Great Britain and France and Germany and Spain—give the traveling public not 3-cent fares, or 21-cent fares, but 1-cent and 2-cent fares, in proportion to the distance traveled.

Mr. GALLINGER. Mr. President, a single observation. has been stated that it is proper to load down this bill with extraneous matter for the reason that we are in this legislation granting favors to the street railways. That is not correct. The street railways, when they get to the Union Station, will probably not get a single passenger more in a month than they get in going to the two stations under existing arrangements. We compel them to change and extend their tracks at an expenditure, I judge, of about a half a million dollars, for which they will get no return.

The matter of transfers is a very serious one, Mr. President. We will take the Washington Electric Company for an illustration. It is composed of thirteen different companies, I believe. ten or eleven of which were bankrupt a few years ago. They were consolidated, and money was obtained in New York to finance them. If the Senator will look at the market reports to-day, he will find that their 4 per cent bonds are selling at 854, and their stock is way below par. Now, that company will doubtless be a profitable company some time in the future. have no doubt of it. I think they have a splendid chance to develop in the city of Washington and to make some money. They are not making it now. It does seem to me that it would be unwise to impose this additional burden upon that corporation, comprising thirteen street railways, consolidated now, financed by foreign money, paying no dividends on their common stock, their 4 per cent bonds selling at 85½, or thereabout, when we, in the little State of New Hampshire, sell our 3½ per cent city bonds above par.

I move to lay the amendment on the table.

Mr. HANSBROUGH. I hope the Senator from New Hamp-

shire will withdraw his motion, so that I may offer just a few

Mr. GALLINGER. I withdraw it if the Senator wishes to speak briefly

Mr. HANSBROUGH. Mr. President, if the local press is to be relied upon there is a statute requiring these street railway companies to exchange transfers in accordance with the provisions of the amendment offered by the Senator from Idaho [Mr. Dubois]. I myself have not had the opportunity to look up the statute, for I have not had the time. But I have seen it stated in at least two of the newspapers of this city, and have not seen it denied, that there now is a statute compelling a free exchange of transfers, but that Congress, when it enacted that statute, neglected to put a penalty clause therein, and so the street railway companies have refused to obey it simply because there is not a clause in connection therewith under which they might be prosecuted and fined. I do not youch for this at all, but I give it as I have read it in the newspapers.

Mr. GALLINGER. I will suggest to the Senator that I believe when a street railway called the "Capital Railway Company" was chartered, which was a little sore-thumb line across the river here somewhere about half a mile in length, a provision requiring transfers between that company and one of the existing lines in the District was put in the charter. I do not suppose anybody on earth noticed it, as the company which had that provision in its charter went out of existence in a little while. The provision was not for universal transfers by any I move to lay the amendment on the table.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from New Hampshire, to lay on the table the amendment proposed by the Senator from Idaho [Mr. DUBOIS].

The motion was agreed to. The bill was reported to the Senate as amended, and the

amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROTESTANT EPISCOPAL CHURCH OF WASHINGTON.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 6338) to amend section 2 of an act entitled "An act to incorporate the Convention of the Protestant Episcopal Church of the Diocese of Washington," which was, on page 2, line 22, to strike out all after "in" down to and including "securities," line 24, and insert: bonds of the United States, or of the District of Columbia, in first-class State or municipal securities; in first mortgages or first deeds of trust on real estate not exceeding 60 per cent of the value of such real estate or in the first mortgage bonds of any railroad corporation, which has for five consecutive years immediately preceding such invest-ment paid dividends on its common stock.

Mr. GALLINGER. I move that the Senate concur in the

amendment of the House of Representatives.

The motion was agreed to.

IMPERIAL VALLEY AND COLORADO RIVER IRRIGATION PROJECTS.

Mr. FLINT. I ask unanimous consent for the present consideration of the bill (S. 7776) to provide for protecting the interests of the United States on the lower Colorado River, for the establishment of the Imperial Valley and the Colorado River irrigation projects, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Irrigation with an amendment to strike

out all after the enacting clause and insert:

out all after the enacting clause and insert:

That the sum of \$2,000,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Interior to survey, examine, and acquire necessary rights and property, and to construct and maintain such works as may be necessary to strengthen and protect the banks of the Colorado River, and confine its waters within the same, and to prevent the overflow thereof, and in connection with such embankments and works to construct such reservoirs, headworks, canals, and waterways as may be requisite in connection therewith for the irrigation of lands in the Imperial and other valleys adjacent to said Colorado River: Provided. That if, in the construction and maintenance of such works, it is found necessary to enter the Republic of Mexico, authority so to do is hereby granted when the Republic of Mexico, authority so to do is hereby granted when the Republic of Mexico, authority so to do is hereby granted when the Republic of Mexico shall have formally consented to the construction, maintenance, and operation of said works within its territory: And provided further, that such portion of the money hereby appropriated as the President of the United States may deem equitable may be paid to reimburse private parties for money actually expended subsequent to December 20, 1906, in repairing the banks of said river so as to successfully prevent overflow thereof into the imperial Valley.

Sec. 2. That such portion of the cost of the works and maintenance of same provided for in the foregoing section as the Secretary of the Interior may determine to be of direct benefit to any irrigation project shall be by him equitably apportioned to such project as a part of the original cost thereof under the provisions of the act of Congress approved June 17, 1902, and acts amendatory thereof. The amount so apportioned shall be assessed against the lands benefited in conformity with the provisions of said a

Sec. 3. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

Mr. KEAN. I desire to ask the Senator from California when he expects the \$2,000,000 to be returned?

Mr. FLINT. I expect the \$2,000,000 to be returned at the end of ten years from the time the work is commenced under the terms of the bill.

Mr. KEAN. The people have already paid for this land, have they not?

Mr. FLINT. No; the land is all practically public land of the United States.

Mr. KEAN. But it has been assessed once?

Mr. FLINT. They have paid a water tax to a private corporation; none to the Government.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### MANAGEMENT OF PANAMA RAILROAD.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill (S. 6539) to control the direction and management of the Panama Railroad.

Mr. HEYBURN. I call for the regular order. Then I will be willing to yield to the Senator from South Dakota.

Mr. KITTREDGE. I suggest that this bill be permitted to pass, and then the Senator from Idaho can call for the regular

The VICE-PRESIDENT. The Senator from Idaho calls for the regular order.

Mr. HEYBURN. I withdraw the call if this is a bill which it

will take but a moment to pass

The VICE-PRESIDENT. The Senator from South Dakota asks unanimous consent for the present consideration of the bill indicated by him, which will be read for the information of the

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consider-It proposes that the Panama Railroad and all the property and rights thereof, or appurtenant thereto, shall be placed in the charge of the Isthmian Canal Commission, to be managed, used, controlled, and accounted for by the Commission, under the direction of the President of the United States, as other property of the United States connected with the Isthmian Canal is controlled, managed, directed, and accounted for.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

# ISSUANCE OF LAND PATENTS.

Mr. HEYBURN. I call for the regular order, Mr. President. The VICE-PRESIDENT. The Senator from Idaho calls for the regular order. It will be stated.

The Secretary read the resolution submitted by Mr. Carter on the 9th instant, as follows:

Resolved. That under the homestead laws of the United States a duly qualified entryman furnishing competent evidence of full compliance with said laws and all rules and regulations promulgated by authority thereof is, in the absence of contest or of any charge or evidence of fraud or mistake, legally entitled to a patent for the land embraced in the entry as to which final proof has been so furnished, and no executive officer is authorized to forbid and prevent the issuance and delivery of such patent.

Mr. HEYBURN. Mr. President, it is not my intention at this late hour of the day to do more than to present some preliminary remarks upon the pending resolution. I desire to consider it briefly from the standpoint of the President's message, which advises us officially of the order that has been discussed by the Senator from Montana [Mr. Carter] to-day. I refer to the President's message of December 17, in which he advises us, among other things, that he has issued an Executive order directing "the Secretary of the Interior to allow no patent to be issued to public land under any law until by an examination on the ground actual compliance with that law has been found to exist." That is the complete sentence, which it coupled with

I call attention to the fact that Congress has provided by law when and under what conditions a patent shall issue for public lands, and that this is a declaration by the President that he has instructed one of his Cabinet officers to stay the operation of the law of Congress. The United States Supreme Court, as early as 1801, was called upon to pass on the power of the President to make such an Executive order. Congress, at its

first session, enacted a law imposing a certain duty upon the Secretary of the Treasury of the United States. It became the duty of the Secretary of the Treasury, upon the happening of certain things, to execute an instrument, to place the seal of the Government upon it. The President of the United States directed him not to do it for reasons that are set forth in the opinion of the Supreme Court. The question came squarely before the Supreme Court of the United States whether the President could suspend either the execution or the operation of a law merely because the officer directly intrusted with the execution of the law happened to be a member of the President's executive council.

It was undertaken to sustain the act of the President upon the ground that the Secretary of the Treasury, being merely the agent or representative of the President in the execution of the law, the President's command was supreme, and that he had a right to stay his own hand; consequently he had a right to stay that of a Cabinet officer. The Supreme Court held that when Congress cnacted a statute upon a subject, it was from that time on beyond the power of the President to stay the hand of the official to whom Congress delegated the duty of putting the law into execution.

The case came up again about 1825, and the United States Supreme Court reaffirmed the doctrine of the case, which is reported in 1 Cranch, decided in 1801.

Mr. SPOONER. What is the title of the case?
Mr. HEYBURN. The case in Cranch is Marbury v. Madison. The other is the case of Kendall v. The United States, in 12

I would refer to them more in detail, but I think that at least at this late hour it will be sufficient for the purpose to merely state the force and effect of the decisions.

Now, a question is presented to the Senate by a message from the President in which he recites the act. It is not a question to be proven outside of the record at all. He tells us officially that he has made this order and directed the Secretary of the Interior not to execute the existing land laws, because the refusal to issue the patent is equivalent to a refusal to execute any of the preliminary steps that lead up to a patent, for they are futile except that they result in the issuance of a patent. So the Executive order has practically stayed the hand of every homesteader, of every person claiming title to land under any public-land act.

# LEGAL PHASE OF THE PRESIDENT'S MESSAGE FIRST.

It was stated by the Senator from Montana to-day that a subsequent order had relaxed this rule as it affected mining claims. I have not had that subsequent order called to my attention. will examine it between now and the time when I resume the consideration of this question. But I present this legal phase of the President's message first, and with the indulgence of the Senate I will take up each provision of the message, because it is on the table and it is germane to the resolution offered by the Senator from Montana.

I desire to say, Mr. President and Senators, that no question before Congress at this or any other session involves in a larger measure the interests of the people, either as that interest affects their happiness and prosperity or as measured in dollars and cents. The value of the public lands of the United States against which the rights of the settlers are stayed by this order represents hundreds of millions of dollars. The force and effect of this order is directed against our own citizens at home. It is directed against those who are living in that western country to-day, and it is directed against the surplus popution of the East, to whom that land is the only land and the best land of promise in the world to-day. It is the land to which the sons of our ancestors went and bettered themselves because of the opportunities that that new frontier offered to them. It affects us. It affects the people of New England and of the Middle States and of the Southern States as much as it affects the people who are living there kaiting for the right to rsume their efforts to secure a home, because every day every train that goes to the West bears away from this eastern country men who go there for the purpose of taking advantage of those great natural resources.

The march has been unbroken since the earliest settlement on the banks of the Delaware and the Hudson and upon the bays of Massachusetts and the rivers of Virginia. When our ancestors landed upon these shores they started westward almost with the same impulse. I was reading the other day of the conditions that presented themselves to the pioneers who landed at the various points, and the author-and it was a very old work, and a very creditable one—said that the country from Massachusetts to North Carolina was practically one solid dense woodland, that the great majority of it was covered with forests, some of it valuable and some of it of no value.

We are too apt to think that these beautifully cleared and cultivated fields always existed. We are too apt to think that when our ancestors landed there was here and there a woodland patch, with the great majority of the land cleared. It was not so. They had to hew their way from the very margin of the river back, making the little acre plot one year and the larger tract another and pressing the forest ever back before them until

you have the conditions that exist here to-day.

The people who belong to the West, those who are there and those who have a desire to go there, only want an equal chance with those who made this civilization. This Executive order has absolutely destroyed the opportunity of at least one genera-tion to avail themselves of that right. I say one generation, because I want to call your attention to the other declaration in the Executive order that is coupled with that, and which is crystallized in the request that is now before the Committee on Appropriations to give them hundreds of thousands of dollars for the purpose of emphasizing and rendering more odious this Executive order.

I do not desire to be charged with being purposely disrespectful or of attacking the Executive, but I may and I intend to criticise this order in unstinted terms. That is our function, our right, and our duty. This is the phrase coupled with it. will read this paragraph in order that it may be more intelligible. The President says:

I am gravely concerned at the extremely unsatisfactory condition of the public-land laws.

Those land laws have been in force for fifty years. The population of the country where those land laws have been in force in that fifty years has grown to the extent of about 20,000,000 people. The wealth of the country represented by the application of those laws during that time can only be counted in the figures of multiple millions. Yet we find one branch of this great Government gravely concerned at the "extremely unsatisfactory condition" of the laws.

Now, if the concern of the President was as to the extremely unsatisfactory condition of the execution of the laws, he might also be induced to look to the details of the manner of their also be induced to look to the details of the manner of the execution. But we know those laws. They are older than the execution of any man in this body. We know them, and public experience of any man in this body. We know the there is slight ground for complaining of the land laws. never was a more perfect system of settlement, the building up of States, conceived by mortal man than is embodied in those land laws, and I so speak because we have the results before us, and it is not a conjecture, but an experience.

And at the prevalence of fraud under their present provisions-Well, you heard here to-day from the official figures of this Department of the Government, you heard it stated here to-day, and it was a fact, the figures of which I also have before me, that the percentage of fraud, mistake, and misadventure in compliance with the law under the homestead act is less than one-third of 1 per cent. As was said by the Senator from Montana, one might be led to believe from the hue and cry and the newspaper statements that the whole system was honeycombed with fraud; that the honest, true settlement was the exception. Yet we find that out of an expenditure of \$2,000,000 available to the Department for the purpose of detecting and punishing fraud and correcting entries because of fraud we had

eighty-four cases of proven fraud last year. Mr. NEWLANDS, Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho vield to the Senator from Nevada?

Mr. HEYBURN. I do. Mr. NEWLANDS. May I ask the Senator, outside of the question of fraud, whether he thinks the public-land laws as now framed are suited to the economic requirements of the Does he think that they are so guarded as to prevent timber lands and coal lands from falling into the hands of great trusts and combinations? Does he think they are so framed as to permit the proper use of the grazing lands of the

Mr. HEYBURN. Those questions are all presented by this message, and I propose later in the discussion of this subject to take them up in their order. I will say, generally, in answer to the question asked by the Senator from Nevada, that I think the homestead law is as applicable and as beneficial as it was when it was enacted. It is applicable to a certain class of land. It never was applicable to any other classes of land. Consequently wherever that class of lands exists human necessity is the same; the conditions under which men want homes and take them are the same. So the homestead law needs very little changing. It was a better law before it was tinkered with a few years ago, when the commutation clause was framed in the language in which it is now written. I shall have occasion to discuss that later.

The percentage of fraud in the coal entries is so slight as to be not worth mentioning. This fraud exists largely in the imagination. No larger per cent of fraud exists to-day than existed twenty, thirty, or forty years ago.

Mr. NEWLANDS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. Certainly. Mr. NEWLANDS. My question involves considerations entirely outside of the question of fraud. My question was whether these laws have met the economic requirements of the West, so as to prevent monopoly.

Mr. HEYBURN. I would ask the Senator on his suggestion,

what he means by economic conditions or requirements?

Mr. NEWLANDS. So far as the homestead law is concerned, my answer is that that was framed for a humid region, and that almost all the public lands now remaining are in the arid and semiarid region. That law is not suited to the requirements of that region. My next proposition is—

Mr. HEYBURN. Let us deal with that, if the Senator does not object. The homestead law, as I suggested, is applicable to exactly the same class of land as it was made to be applied to at the time of its enactment; and if those same lands still exist, then the law is beneficial.

Mr. SPOONER. To the same class of people. Mr. HEYBURN. To the same class of pe Mr. HEYBURN. To the same class of people. American citizenship has not changed in that time. Its needs are the same and its ambitions are the same. The Senator speaks of that class of lands being exhausted. I can say to the Senator that in the section of the United States I have in mind, where I live when I am at home, those lands are not exhausted by many millions of acres. If there are lands that do not come within the purview of the homestead laws, that are desert, arid, or semiarid, then they come within other laws. As we approach those different subdivisions classified in this message I will take occasion to discuss them, and I will be glad at the time when I take them up to hear any interruption the Senator may desire to make. I want to finish reading this paragraph. The President says:

For much of this fraud the present laws are chiefly responsible.

That is the reference to the prevalence of fraud under the present provisions of the law. Congress has made one great mistake and it is making it every day. It will enact a statute up to a certain point of sufficiency, and then it will say "subject to such rules and regulations as may be made by the Secretary of the Interior," or another officer. We are getting to be too much a Government of rules and regulations. It is my inten-tion at a convenient time to introduce and ask the Senate to pass a resolution calling for a report from each Department of the Government of every rule and regulation that is in force in those Departments.

Now the fraud where fraud exists, or to the extent that it exists, and to which the President refers in this message, is not fraud occurring under the law, but it occurs under rules and regulations, either uncertain in their meaning, difficult to be complied with, or where the parties are under rules and regulations made pursuant to a general grant of power given by Congress which should never have been given.

RULES AND REGULATIONS.

We are quite as competent to make rules and regulations within the statute in this body as any body of executive clerks is to make them, and we have ability enough to do it. We have the ability and the time and the legal obligation to make what are called rules and regulations ourselves.

Now, I will finish reading that paragraph, because no more important message ever came to this body than that. To tell us that men who have spent five years upon their homesteads, expecting that at the end of that time they would receive patents and be able to establish themselves as responsible citizens in a community, that they would have substantial property as a capital with which to do business, the day before they go to the office to receive their muniment of title that the hand of the officials shall be stayed, and they shall be told "until we have an appropriation from Congress that will enable us to send special officers to examine these facts that you have sworn to and that your neighbors have sworn to, we can not give you that patent.

Mr. SPOONER. There is no qualification? Mr. HEYBURN. There is no qualification Mr. HEYBURN. There is no qualification whatever. There is no exception to this refusal. There are 4,000. I have the exact figures. I have an official statement here of the number of patents that are tied up.

Mr. FULTON. There are 52,000 and some.
Mr. HEYBURN. Yes. These figures will probably astonish
Senators as showing the number of entries affected by this

order. I have the exact figures in the shape of a letter from the Commissioner of the General Land Office, and perhaps I had better turn to it. I will give the figures. There are 52,481 land cases pending that are tied up by this Executive order on that day. There are probably that many more by this date, because they are coming in at an average rate of about 104,000 a year. There are of coal entries, tied up by this order, 327; of final desert-land entries there are 2,606 pending in the recorder's office that have been examined, passed upon favorably, reduced to the patent-to the written instrumentneeding only the act of delivery. There are 6,570 patents in that shape that are suspended, tied up by that order.

Mr. SPOONER. Will the Senator allow me to ask him a

question?

Mr. HEYBURN. Certainly.
Mr. SPOONER. I ask it for information only. I have not examined the order at all. Does the Senator intend to be understood as saying that it applies to homestead cases, the entry of agricultural land upon which a person has moved and taken his family, made his improvements, and lived the requisite period and obtained his final certificate?

Mr. HEYBURN. It says so in terms.
Mr. SPOONER. And uncontested by anybody?
Mr. HEYBURN. It says so in terms. Thi This is the lan-

Mr. FULTON. Let me say it not only says so in terms, but it is so administered. My mail is burdened every day with letters of homesteaders who have resided on their lands during the requisite time, made the requisite proof, and yet-Mr. SPOONER. There has been no contest?

Mr. SPOONER. There has been no contest?
Mr. FULTON. No contest; no intimation or contention of fraud. Their patents are withheld.
Mr. CLARK of Wyoming. Will the Senator from Idaho allow me a moment?

Mr. HEYBURN. Certainly.
Mr. CLARK of Wyoming. I am informed and am compelled to believe it is true that under this order thousands of patents which have been already written out in the General Land Office, waiting only to be recorded, have been held up, and the recording force are about to be put at something else.

Mr. HEYBURN. I would say that in the class just referred to of such cases there are 6,570, and in addition to those pending in the recorder's office, which have been approved for patent but that patent has not yet issued, there were 5,531 pending in the special agents' division. Now, that first class of 6,570 has passed the scrutiny of the special agents and of every other class of investigation.

Mr. SPOONER. Will the Senator allow me just a moment? Mr. HEYBURN. Certainly.

Mr. SPOONER. Did the Senator from Wyoming, in speaking of patents which have been made out and only waiting for record, mean to imply by that that the patent has been signed, has been executed, and is only waiting for record?

Mr. CLARK of Wyoming. I am not advised as to that.

Mr. CARTER. If the Senator will permit me, I will say I understand that there are fully 5,000 patents written up, ready for signature, or waiting record only, that were suspended under There is no charge of any kind or character.

Mr. HEYBURN. This is an official letter which I have received in response to my inquiry. I shall detain the Senate but a few minutes more to-day. I call the attention of Senators to it because it is important:

Replying to your verbal request of to-day for information as to how many land cases are affected by the order of the Secretary of the Interior of December 18, 1906—

That is the day after the official order was issued-

which order directed that no patent be hereafter issued to public land under any law until by examination on the ground by a special agent of your office or such other officer or agent of this Department as may be designated by the Secretary of the Interior, actual compliance with that law has been found to exist, I have to advise you that the report for the month ended December 31, 1906, showed 52,481 land cases pending in this office—

That is, the office of the Commissioner of the General Land Office. That does not include those pending in the Secretary's office.

Of this number 1,582 were mineral entries, 327 coal entries, and 2,606 final desert-land entries.

There were pending in the Public Lands Division 23,938 entries, which entries are final five-year and commuted homestead entries and timber and stone entries.

That is, in that branch of the Department.

The percentage of each is not definitely known, and can not be ascertained in time for this report, as I understand you desire it at once. There were also 6,570 entries of all classes pending in the recorder's office which have been approved for patent—

That is the official language-

but patent not issued-

Those patents are signed. They do not go to the recorder's office until they are signed. If you look at the record of a patent you will find that it bears the signature of the President. When you get a certified copy you always get it from the recorder's office to show the signature. So those 6,570 patents have been signed by the Chief Executive or his authorized agent. but patent not issued, and 5,531 entries in the special agents' division under various stages of examination. These entries also embrace all different characters of entries.

That is in the one department.

Mr. SPOONER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. HEYBURN. Yes.

Mr. SPOONER. I suppose the Senator from Idaho does not contend that even after a patent had been signed, if the President had become satisfied, or had been informed in a way which warranted him in the belief, that fraud had been perpetrated on the Government and that the patent ought not to be delivered he would be obliged to deliver it.

Mr. HEYBURN. No; I do not contend that he would be obliged to deliver it at all if there was a specific reason of that

character why he should not.

Mr. SPOONER. If he was satisfied that a state of facts existed under which, if a patent were delivered, the Government could maintain a bill in equity to cancel it for fraud, would he

or in a finite and the equity to cancer it for fraud, would be not be at liberty to withhold it?

Mr. HEYBURN. Entirely so.

Mr. SPOONER. It is not contended in this case, or in any of these cases, that such a condition exists. They have been passed to patent. The officer who participates in the final function makes that statement. If they had been suspended because of irregularities charged or suspected, he would have said so in his report.

Mr. HEYBURN. Of course. Mr. SPOONER. I am very much interested in the Senator's remarks, which are very able and clear; but if a person who was entitled to enter land has entered it under the homestead law, made the requisite improvements, and has even obtained his final certificate, and information is communicated to the Government that he has made that entry under contract to deed it to somebody else, that would be a fraud upon the homestead law which, if a patent had issued, would warrant the Government in filing a bill to set it aside. In such a case I suppose the Sena-tor admits that the President, if the patent had not been delivered, need not deliver it.

Mr. HEYBURN. Undoubtedly.
Mr. SPOONER. But you do not apply your observation to any such case?

Mr. HEYBURN. Not to any such case; but I think the Senator was perhaps not present this afternoon when the Senator from Montana [Mr. Carter] read certain official documents setting forth the percentage of that class of frauds.

Mr. SPOONER. I was present part of the time, Mr. HEYBURN. It was upon that I based my statement that the percentage of canceled entries, not only for fraud but for fraud and mistake combined, was less than one in three hundred in homestead entries, and less than one in a hundred in regard to coal lands or some timber lands.

Mr. CARTER. That was as to final homestead entries.
Mr. HEYBURN. As to final homestead entries.
Mr. SPOONER. But they were not sufficient in number to

warrant this general hold-up.

Mr. HEYBURN. Mr. President, inasmuch as these homestead entries are scattered throughout twenty-one odd States, it is not reasonable to believe that, if the President had been directly and reliably advised that the people in some one of those States were perpetrating a fraud, he ought to have held up the issuance of

patents in all the other States.

Mr. HALE. If the Senator will permit me, I will say that I am interested in what he is saying, and all the more because in some way this matter later will come before the Committee on Appropriations as a matter of appropriation, and I am being educated upon a subject upon which I have not much general information—the public lands. I was going to ask the Senator a question in the line of that asked by the Senator from Wisconsin [Mr. Spooners]. Setting aside what might be true in any given case, even where patents had been signed and sent to the recorder's office, is there anything in this case, in this investigation, that shows what I may call such pervasive fraud or wrong-doing that it affects these thousands of patents; that it puts all of them under a ban, so that, in order to arrest what may be fraud, there has got to be such a general and sweeping exclusion as there has been? What is the ground taken by the Department as a justification for this broad falling of the ax on the heads of these applications?

Mr. HEYBURN. Mr. President, there is no ground that would satisfy the Senator's mind that there was any necessity

for the making of this order.

Mr. HALE. What does the Secretary of the Interior say is the reason for issuing this sweeping and deadly order, which does not affect simply the cases that are marked by distinction as being personally fraudulent, but applying to thousands and thousands of men in a very large territory?

Mr. HEYBURN. We have no way of knowing what the Secretary of the Interior said to the President; but we know what the President said to the Secretary, and said it in this language,

a part of which I have already read:

I am gravely concerned at the extremely unsatisfactory condition of the public-land laws and at the prevalence of fraud under their present provisions.

This is what the President says to us, and that is what he said to the Secretary:

For much of this fraud the present laws are chiefly responsible. There is but one way by which the fraudulent acquisition of these lands can be definitely stopped, and therefore I have directed the Secretary of the Interior to allow no patent to be issued to public land under any law until by an examination on the ground actual compliance with that law has been found to exist.

Congress did not provide for an investigation on the ground. It provided for the facts required to be established being established, as other facts are established, by sworn testimony.

Mr. HALE. And under that they are all held up.

Mr. HEYBURN. Yes; they are all held up. The attempt is made here to substitute a different class of proofs than that provided by the act of Congress to be made as a basis upon which a patent should issue. In other words, to substitute the testi-mony of one man, one agent, who shall go upon the ground for the testimony of two neighbors, who live convenient, to testify to the facts. It is a complete substitution, or an attempt to substitute, a new method of proof for the method provided by Congress. Nobody will contend that the executive department of the Government can do that.

Mr. FULTON. I should like to ask the Senator if even the sworn testimony of these agents is to be substituted? My understanding is that the Department simply requires a report, and that report is made not as a witness. He is not subjected to cross-examination, but he brings in a report that the homesteader has no opportunity whatever to meet. He goes out, under the authority of the Department of the Interior, with the understanding that the continuance of his employment depends upon the

discovery of fraud, as he would call it.

Mr. HEYBURN. Yes; his employment depends on his diligence.

Mr. FULTON. Yes. He makes a report. That report is not submitted to the homesteader. It is simply withheld. The settler does not meet the witnesses against him. He has no opportunity to refute their statements with other testimony.

ortunity to refute their statements with other testimony.

Mr. HEYBURN. That is a very cogent suggestion of the Senator from Oregon. The homesteader does not participate in the investigation by the agent. The proof that he has to submit is under oath—his own testimony and that of two of his neighbors. That covers every possible requisite of the law. Perhaps I should not have used the word "substitute," but it is in effect a substitute, because the Department disregards the proofs, which the law provides shall be sufficient, and substitutes, as a matter of practice, another class of proofs. The agent may go there in the absence of the settler. I feel at lib. the proofs, which the law provides shall be stitutes, as a matter of practice, another class of proofs. The stitutes, as a matter of practice, another class of proofs. I feel at liberty to say that a few weeks since I had a complaint by letter from a man who says that an agent had reported that he had been to his homestead twice and had not found him living there; and he states that on both occasions he was away on business. The agent goes there in the settler's absence and then goes away and makes a report saying, "I visited the homestead of John Jones yesterday; I made an examination, and I found no evidence of residence; I found no one in occupation of the premises." The man interested never sees the agent. There is no one to question or to cross-examine him. He makes his report and files it here. If you write to the Department to ascertain what is the status of a certain entry that is under investigation, you are apt to be told that the report of the examiner is not in; and the practice of the Department, when an examiner goes into the field, is to have him make fifteen or twenty or fifty examinations, but he often does not make a report upon any one of them until he has got his season's work done and comes back to his office. The result is that the title is tied up in the mean-

Mr. President-

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

at that point I desire to call attention to the practice as it is further inflicted upon these people. The report of the special agent is regarded in the Department as confidential, and the homestead entryman whose property is about to be swept away is denied the privilege of inspecting the report or ascertaining the nature of the charge preferred against him. In other cases I have known of favorable reports having been made-and I will venture the assertion to-night that there are hundreds of such pending in the Department—where a favorable report of the special agent has been pigeonholed and disregarded for years, and now the Department will not issue further patents or any evidence of title until in its own sweet pleasure and time it may elect so to do.

Mr. KEAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield

to the Senator from New Jersey?

Mr. HEYBURN. Certainly.

Mr. KEAN. If the Senator from Idaho does not care to go on

further this evening, I will move that the Senate proceed to the consideration of executive business

Mr. HEYBURN. Very well; I will resume my remarks to-

## EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minntes p. m.) the Senate adjourned until to-morrow, Thursday, January 31, 1907, at 12 o'clock meridian.

#### CONFIRMATIONS.

Executive nominations confirmed by the Senate January 30, 1907. MARSHAL.

M. Hubert O'Brien, of Michigan, to be marshal of the United States court for China.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Second Asst. Engineer California Charles McMillan to be first assistant engineer in the Revenue-Cutter Service of the United States, to rank as such from August 22, 1906.

# POSTMASTERS

COLORADO.

Hockley T. Hamill to be postmaster at Georgetown, in the county of Clear Creek and State of Colorado.

Carrie James to be postmaster at Loveland, in the county of Larimer and State of Colorado.

Francis M. Tague to be postmaster at Las Animas, in the county of Bent and State of Colorado.

GEORGIA.

Henry C. Newman to be postmaster at Eastman, in the county of Dodge and State of Georgia.

ILLINOIS.

Carson T. Metcalf to be postmaster at Greenfield, in the county of Greene and State of Illinois.

Peter A. Nelson to be postmaster at Lamont, in the county of Cook and State of Illinois.

William H. Pease to be postmaster at Harvey, in the county of Cook and State of Illinois.

Rollin Waite to be postmaster at McHenry, in the county of

McHenry and State of Illinois.

INDIANA.

George W. Patchell to be postmaster at Union City, in the county of Randolph and State of Indiana.

Thomas Rudd to be postmaster at Butler, in the county of Dekalb and State of Indiana.

Amanda Sullivan to be postmaster at Garrett, in the county of Dekalb and State of Indiana.

KANSAS.

James S. Alexander to be postmaster at Florence, in the county of Marion and State of Kansas.

Nelson M. Cowan to be postmaster at Kensington, in the county of Smith and State of Kansas.

Thomas H. Earnest to be postmaster at Cherryvale, in the county of Montgomery and State of Kansas.

James J. Evans to be postmaster at Hartford, in the county of Lyon and State of Kansas.

James S. Price to be postmaster at Baxter Springs, in the county of Cherokee and State of Kansas.

MASSACHUSETTS

Mr. HEYBURN. Certainly.

Mr. CARTER. Mr. President, if the Senator will permit me, county of Hampshire and State of Massachusetts. Louis L. Campbell to be postmaster at Northampton, in the

Walter L. Shaw to be postmaster at Palmer, in the county of Hampden and State of Massachusetts.

MISSOURI.

Thomas Sharp to be postmaster at Wellsville, in the county of Montgomery and State of Missouri.
Wesley W. Wehrli to be postmaster at Mound City, in the

county of Holt and State of Missouri.

NEW YORK.

Frank R. Utter to be postmaster at Friendship, in the county of Allegany and State of New York.

OREGON.

W. T. Bell to be postmaster at Enterprise, in the county of Wallowa and State of Oregon.

PENNSYLVANIA.

William A. Boyd to be postmaster at Sandy Lake, in the county of Mercer and State of Pennsylvania.

W. D. McGinniss to be postmaster at Emlenton, in the county of Venango and State of Pennsylvania.

PORTO RICO.

Eugenio C. Manautou to be postmaster at Caguas, in the county of Guayama, P. R.

SOUTH CAROLINA.

Thomas B. McLaurin to be postmaster at Bennettsville, in the county of Marlboro and State of South Carolina.

TEXAS

Leander A. Canada to be postmaster at Morgan, in the county of Bosque and State of Texas.

May Harrison to be postmaster at Rising Star, in the county of Eastland and State of Texas.

Theodore Miller to be postmaster at Rusk, in the county of Cherokee and State of Texas.

# HOUSE OF REPRESENTATIVES.

Wednesday, January 30, 1907.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D. The Journal of the proceedings of yesterday was read and approved.

PERSONAL PRIVILEGE.

Mr. MORRELL. Mr. Speaker, I rise to a question of personal privilege. There appeared in yesterday's issue of the Public Ledger-a journal which I have been brought up to venerate, a journal great in the history of Philadelphia, a journal great in its present usefulness and reputation for accuracy and fairness—an article which, while perhaps unintentional, yet practically accuses each and every one of the Members of the Pennsylvania delegation of being supine in their efforts to obtain what was desired by the citizens of Pennsylvania for the improvement of Pennsylvania's waterways, and at the same time lending their best efforts to obtain an appropriation for an improvement in another State. First, let me say that I do not begrudge any sister State obtaining all that she can in the way of appropriations, nor do I consider myself, as I have not heard them discussed up to this time, sufficiently informed to judge of the merit or demerit of different items in the river and harbor bill for improvements outside of the State of Pennsylvania. Mr. Speaker, I would like to have the article now read.

The SPEAKER. The Clerk will read the article.

The Clerk read as follows:

A PENNSYLVANIA ENTERPRISE.

A PENNSTIVANIA ENTERPRISE.

The Cape May harbor of refuge project, for which Congress may give \$1,200,000, is practically a Pennsylvania enterprise. It received its principal backing from Pennsylvanians. The New Jersey Representatives advocated it as a matter of course, but a member of the Rivers and Harbors Committee declared to-day that it was Pennsylvania influence that made the grab possible. It could not be learned whether the relatively huge sum thus poured into the purse of a private corporation accounts for the niggardly Pennsylvania allowance. It is certain that hard work and influence that belonged to Pennsylvania went for the purpose of building up a yachting rendezvous at Cape May. It is true that Pennsylvania Congressmen individually and collectively fell down hard on every project they advocated for their own State. They succeeded splendidly in their efforts to aid the Cape May Real Estate Company. They failed to get the survey for the Delaware, to secure Dam No. 7 in the Ohlo River, essential in a logical development of the Ohlo and of incalculable value to the vast commercial interests of western Pennsylvania, and to secure adequate improvement to the Erie Harbor and its approaches.

Every one of this trio of fallures injures Pennsylvania. The achievement of Pennsylvania Representatives for Cape May actually represents what the delegation can do when it tries. It reveals what a really powerful organization the State has in Congress. It is a basis for the hope that something really might be accomplished by them for their home State if they got time for it.

Mr. MORRELL. Mr. Speaker, I would also—
Mr. PAYNE. Mr. Speaker, I make the point that the gentle-

Mr. PAYNE. Mr. Speaker, I make the point that the gentle-man presents no question of personal privilege, and I am un-

willing that this should be a precedent in that direction. I am perfectly willing to agree that the gentleman should have unanimous consent to make a statement, but I dislike to have it come in as a question of personal privilege, as it does not present one.

Mr. MORRELL. Mr. Speaker, I then ask unanimous consent

that I may make a statement.

Mr. WILLIAMS. How much time does the gentleman desire? Mr. PAYNE. For how long?

Mr. MORRELL. It will take about three minutes.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that the gentleman may have five minutes to make a statement.

The SPEAKER. The gentleman from New York asks unanimous consent that the gentleman from Pennsylvania may have five minutes to make a statement. Is there objection? After

The Chair hears none.

Mr. MORRELL. Now, Mr. Speaker, it was circulated on the floor yesterday and through the halls of Congress that the individual members of the Philadelphia delegation had appeared before the River and Harbor subcommittee advocating this item Now, I want to say, as far as I am concerned, that I personally am wrongfully accused. I never appeared before the general committee of the Committee on Rivers and Harbors, nor have I appeared before the subcommittee of the Committee on Rivers and Harbors, nor have I spoken to any member of a committee or subcommittee advocating any other measure except that which belongs to the State of Pennsylvania. I never knew the existence of such a place as Cold Spring Inlet or harbor, or whatever it is, until my colleague [Mr. Moore] called my attention to it on last Saturday afternoon in Philadelphia. I confess I was surprised yesterday to be told by a prominent Member of the House that it was considered a Pennsylvania enterprise, and that it would be charged up against the State of Pennsylvania. As soon as I learned this, in company with my colleague [Mr. Moore], I immediately sought an interview with the distinguished chairman of the Committee on Rivers and Harbors, who told us that there had been considerable backing from Pennsyl-I then asked vania citizens for the item for Cold Spring Inlet. him whether the granting of this item had affected the amount awarded to Pennsylvania? To which he replied that he "did not think that it had."

Now, what I want to impress upon the minds of the Members of this House is that I had nothing whatsoever to do in any way, shape, or form with urging, directly or indirectly, any appropriation in this bill outside of the items which affected the State of Pennsylvania. In every matter affecting my district or the State of Pennsylvania, I think, my record of the last seven years will show zeal and earnestness of purpose on my part for what was desired. In connection with the improvement of the Delaware River, from the time I first became a Member of this distinguished body, my efforts have been unrelaxing, and have left no stone unturned to obtain what was desired by the people of Philadelphia and the State of Pennsylvania.

The amount carried in the present bill for the Delaware River, double that estimated for by the engineer in charge, and the enlarging of the original scheme by widening, I may safely say, are due to the unremitting efforts of the Philadelphia delegation, and I think that the distinguished chairman of the Committee on Rivers and Harbors is prepared to prove that the statement that "in the meantime not a cog is turning for the Delaware" is, at least, somewhat unwarranted.

# DAM ACROSS THE PEND D'OREILLE RIVER.

Mr. JONES of Washingon. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24760) authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes.

The SPEAKER. The gentleman from Washington [Mr.

JONES asks unanimous consent for the present consideration

of a bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to, and it shall be lawful for, the Pend d'Oreille Development Company, a corporation duly incorporated under the laws of the State of Washington, its successors or assigns, to construct and maintain a dam across the Pend d'Oreille River at a point at or about where Pierwee Creek empties into the Pend d'Oreille River, near the international boundary line in the county of Stevens, State of Washington, at such point to be selected by the said Pend d'Oreille Development Company, its successors or assigns, at the mouth of the said Pierwee Creek, or within 1,000 feet above or below the same, in accordance with the provisions of an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? There was no objection.

The bill was ordered to be engrossed and read a third time,

was read the third time, and passed.
On motion of Mr. Jones of Washington, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS THE CHATTAHOOCHEE RIVER.

Mr. GRIGGS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24821) to authorize the Georgia Southwestern and Gulf Railroad Company to construct a bridge across the Chattahoochee River between the States of Alabama and Georgia.

The SPEAKER. The gentleman from Georgia [Mr. GRIGGS] asks unanimous consent for the present consideration of a bill which the Clerk will report.

#### The Clerk read as follows:

Be it enacted, etc., That the Georgia Southwestern and Gulf Railroad Company, a corporation organized under the laws of the State of Georgia, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Chattahoochee River at or near Steammill, in Decatur County, in the State of Georgia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to have the gentleman explain the bill, giving a brief statement of what the bill seeks to do.

Mr. GRIGGS. It does not seek anything in the world except to build a bridge across the Chattahoochee River.
Mr. PAYNE. I did not hear what it was.
The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Griggs, a motion to reconsider the vote by which the bill was passed was laid on the table.

# ADDITIONAL TERM OF COURT, CITY OF OUINCY, ILL.

Mr. PRINCE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 19752) amending section 10 of the act approved March 3, 1905, providing for an additional division in the seventh district of Illinois and an additional term of court at the city of Quincy, and ask that the amendment be read only, as it is in the nature of a substitute for the bill.

The SPEAKER. The gentleman from Illinois [Mr. PRINCE] asks unanimous consent for the present consideration of a bill and asks that the amendment in the nature of a substitute be read in lieu of the bill. The Clerk will report the substitute.

The Clerk read as follows:

That an additional term of the circuit and district courts in and for said southern district of Illinois shall be held at the city of Quincy on the first Monday of March of each year.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to know what the bill does.

The SPEAKER. Does the gentleman from Illinois [Mr. PRINCE] yield?

Mr. PRINCE. Yes, sir; I yield to the gentleman for a ques-

Mr. MANN. I wanted some information as to what this bill

as. It seems to create a new district.

Mr. PRINCE. The object of the bill is to give an additional term of court at Quincy, Ill. At present there is only one term of court held there.

Mr. MANN. Does it create any additional districts?
Mr. PRINCE. It does not create any additional districts, it does not create any office, and does not create an expense of one cent to the Government.

Mr. MANN. There was a statement made in reference to it

that it created an additional district.

Mr. PRINCE. No, sir; it does not. Mr. MANN. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended as follows:

A bill for an additional term of court at Quincy, Ill.

# ROBERT J. DEWEY.

The SPEAKER laid before the House the bill (H. R. 21043) entitled "An act granting an increase of pension to Robert J.

Dewey," with a Senate amendment.

The Senate amendment was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendment.

The question was taken; and the motion was agreed to.

#### WILLIAM H. MOSER.

The SPEAKER also laid before the House the bill H. R. 19105, an act granting an increase of pension to William H. Moser, with a Senate amendment.

The Senate amendment was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendment.

The question was taken; and the motion was agreed to.

#### SARAH R. HARRINGTON.

The SPEAKER also laid before the House the bill H. R. 21579, an act granting an increase of pension to Sarah R. Harington, with a Senate amendment.

The Senate amendment was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House disagree to the Senate amendment, and request a conference.

The SPEAKER. Is there objection?

There was no objection. The SPEAKER announced the following conferees:

Mr. Loudenslager, Mr. Draper, and Mr. Richardson of Alabama.

## ESTHER A. CLEAVELAND.

The SPEAKER also laid before the House the bill (S. 7099) granting an increase of pension to Esther A. Cleaveland, with a House amendment agreed to by the Senate.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House recede from its amendment.

The question was taken; and the motion was agreed to.

#### FLOYD A. HONAKER.

By unanimous consent reference of the bill (S. 5374) granting a pension to Floyd A. Honaker was changed from Invalid Pensions to the Committee on Pensions.

#### WILLIAM H. FEASTER.

Mr. TAYLOR of Ohio, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of William H. Feaster, H. R. 9677, Fiftyninth Congress, no adverse report having been made thereon.

#### AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. Foster of Vermont in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24815—the agricultural appropriation bill.

The Clerk read as follows:

# BUREAU OF ENTOMOLOGY.

Salaries, Bureau of Entomology: One Entomologist, who shall be chief of Bureau, \$3,500; one chief clerk, \$1,800; four clerks class 2, \$5,600; one artist, \$1,400; three clerks class 1, \$3,600; five clerks at \$1,000 each, \$5,000; one messenger, \$840; one messenger, \$720; in all, \$22,460.

Mr. MACON. Mr. Chairman, I make the point of order to the language "\$3,500," in lines 12 and 13 of page 49. That is an increase of salary

Mr. WADSWORTH. Mr. Chairman, I concede the point of der. That strikes out the provision for "one Entomologist, at \$3,500."

The CHAIRMAN. The Chair sustains the point of order.
Mr. WADSWORTH. I now move to amend by inserting "One Entomologist, who shall be chief of Bureau, \$3,250."

The Clerk read as follows:

Insert in lines 11 and 12 the words "One Entomologist, who shall be chief of Bureau, \$3,250."

The question was taken; and the amendment was agreed to. The Clerk read as follows:

The Clerk read as follows:

Entomological investigations: General expenses, Bureau of Entomology: Promotion of economic entomology; investigating the history and habits of insects injurious and beneficial to agriculture, horticulture, and arboriculture; ascertaining the best means of destroying those found to be injurious, including an investigation into the ravages of insects affecting field crops; investigations of the insects affecting small fruit, shade trees, and truck crops, forests and forest products and stored products; investigation of insects in relation to diseases of men and domestic animals, and as animal parasites; miscellaneous insect investigations, including the introduction of beneficial insects, quarantine work, and the study of fungous and other diseases of insects; for the expenses of insect laboratory, collections, and experimental garden; investigations in apiculture and in silk culture; investigations of insecticides and insecticide machinery; purchase of chemicals, insecticide apparatus, and other materials, supplies, and instruments required in conducting such experiments and investigations; for the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; freight and express

charges and necessary traveling expenses; rent of buildings; for office fixtures and supplies, telegraph and telephone services; gas and electric current; preparing, illustrating, and publishing the results of the work of the Bureau, \$75,000.

Mr. CRUMPACKER. Mr. Chairman, I desire to raise the

point of order against the clause—
Mr. RICHARDSON of Alabama. Mr. Chairman—

The CHAIRMAN. A point of order is being raised.

Mr. CRUMPACKER. I desire to raise the point of order on the clause beginning after the word "products," in line 4, page 50, down to and including the word "parasites," on the same page. Now, I want to make the point of order against the clause, but I desire to do that with the purpose of eliminating from the bill the words "men and," in line 5.

The clause is "investigation of insects in relation to diseases of men and domestic animals and as animal parasites." to get out the words "men and." I want to confine the investigation to insects in relation to domestic animals, not men.

Mr. WADSWORTH. Will the gentleman give a reason for that? It was found that insects are injurious, and the mosquito transmitted the yellow-fever germ. to be investigated by the entomologists? Why ought not they

Mr. CRUMPACKER. The question in my mind is whether I can confine my point of order to the two words.

The CHAIRMAN. The Chair thinks there is no doubt about

that.

Mr. CRUMPACKER. Then I will modify my point of order to apply to the words "men and," in line 5, page 50. I think it is subject to the point of order, because there is no law authorizing the Agricultural Department to investigate insects and parasites in relation to the diseases of men. I think it is a dangerous precedent to establish. It opens the door for the establishment by this Bureau or in this Department of a bureau of human anatomy and physiology, pathology, and therapeutics and the elements of surgery, with which it has nothing to do; and we ought not to start such a bureau in the Agricultural De-It should confine itself to the investigation of subjects relating to agriculture and stock raising, and leave questions relating to medicine and surgery and investigations of insect parasites in relation to human diseases to others. I think the point of order ought to be sustained.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. WADSWORTH. Mr. Chairman, these investigations have been going on for years under the appropriation bill, and have never been objected to, nor has the point of order ever been raised against them. I think it is a part of the work of the entomologist to inquire into insects injurious to man as much as to plants and animals. It was an entomologist, I believe, who discovered the mosquito transmitted the yellow-fever germ.

Mr. CRUMPACKER. That was done by a physician.
Mr. WADSWORTH. Certainly; he was not strictly an entomologist, but was a man who made a great study of those mat-

The CHAIRMAN. Can the gentleman from New York point out any law authorizing this? Mr. WADSWORTH. There is no law authorizing it except

the appropriation bill.

Mr. HAYES. I desire to offer an amendment.
Mr. LACEY. Mr. Chairman, before the Chair makes a decision, the law authorizing the Bureau of Entomology does not say what that Bureau shall do excepting investigate the various insects. That is a part of its duty—
The CHAIRMAN. Will the gentleman produce the law?

Mr. LACEY. Now, if in the investigation it is found that a certain insect does affect animals and the human species, and-

The CHAIRMAN. Has the gentleman from Iowa the law there on hand?

Mr. LACEY. No; I do not have it; but I assume that there is authority for the Bureau of Entomology under existing law. Now, the question-

The CHAIRMAN. The Chair would be glad to have the law pointed out. A lot of these things have grown up without

Mr. WADSWORTH. Mr. Chairman, in the early part of the bill I called attention to the fact that this whole Department has been built up by legislation on appropriation bills. I have been chairman of the Committee on Agriculture for twelve years, and this is the first time that that appropriation has been objected to or the point of order made against it.

I only mention this to show you, as I said yesterday, the un-certain status of legislation on appropriation bills. No one

seems to know exactly what it is or how far it goes.

The CHAIRMAN, When this bill was under consideration

existed with reference to many matters involved in this appropriation bill. The Agricultural Department has grown up very largely without any general legislation. Many of the provisions in the appropriation bill have been there year after year, but nothing in the general law can be found justifying them, and therefore if a Member sees fit at any time to object to them, there is nothing for the Chair to do, in his judgment, but to sustain the point of order.

Mr. WADSWORTH. I hope the gentleman will not understand me as questioning the justice of the Chair or the technical right of the gentleman from Indiana to make the point of

The CHAIRMAN. The Chair finds no law for this appropriation.

Mr. OLMSTED. With the permission of the chairman, I desire to suggest that all the law there seems to be on this subject is section 522 of the Revised Statutes, providing for one entomologist, at a salary of \$2,000 a year.

The CHAIRMAN. That is all the law that the Chair has been able to find, and the Chair sustains the point of order.

Mr. HAYES. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Strike out "seventy-five thousand," in line 22, page 50, and insert in lieu thereof the words "one hundred and thirteen thousand eight hundred."

Mr. HAYES. Mr. Chairman, the purpose of this amendment is to increase the appropriation for entomological work to the amount asked for by the Department. This is a big country, and \$75,000 for entomological investigations does not reach very far. There have been some conferences between the Pacific coast Members of this House and the Department of Agriculture in regard to work that we desire to have done upon the Pacific coast. If this appropriation is cut down as the committee desires to cut it down, it will cut out that work. The State of California has never had any work done for it in this line by the Government, and we feel that we are entitled to it. The State of California maintains entomologists of its own, and I do not wish to detract at all from the excellent work that they have been doing and are doing, but the entomologists connected with the Agricultural Department have a much wider experience; and we want the experience, knowledge, and skill which they possess to supplement the efforts of our own entomologists to deal with insect pests which are new to us. I am advised by the Chief of the Bureau of Entomology that without the full appropriation asked for by the Department not only this, but other very important work will be cut out.

It seems to me that no work of the Department is more necessary or more important than this; and while, as a general rule, I do not object to economies, I feel that this would not, in fact, be an economy. Two years ago the prune orchards of Santa Clara County, Cal., where I live, were attacked by the thrips, which is an insect pest new to us, and I think I speak conservatively when I say that 25 per cent of the crop for that year was destroyed. In some sections it was totally destroyed. Our entomologists did not know how to deal with this, to us, new pest and were helpless. This is one of the things that we desire to have investigated.

Mr. WADSWORTH. Is California so poor that she can not

employ a competent entomologist?

Mr. HAYES. Mr. Chairman, we employ two or three, as I have stated.

Mr. WADSWORTH. I understood the gentleman to say that they were incompetent, and therefore you wanted Government help.

Mr. HAYES. I did not say they were incompetent. They are very competent, but they have not had the wide experience of the entomologists of the Agricultural Department.

Mr. WADSWORTH. If they are competent, they ought to be

able to deal with the subject.

Mr. HAYES. No; not so able to deal with it as the Bureau, because they have not had the wide experience of the Washington officials. These pests are new to them. Now, I will state that the Bureau of Plant Industry, last year for the first time, sent men out to California to assist in combating the pear blight, which bade fair to destroy all the pear orchards of the State of California; and I am glad to be able to state that as a result, I suppose, of the combined efforts of our own entomologists and of the Bureau of Plant Industry that blight has been checked, if not entirely eradicated, so that the pear orchards of California will, we hope, be saved. I say that the few thousand dollars appropriated at the last session of Congress for that purpose was a mere bagatelle, amounting to nothing compared to the value of the results obtained from it. n year ago the Chair indicated how unsatisfactory a condition I believe the same thing will be true if this amendment is

adopted. It is not only in California that there is work which ought to be done, but there are similar needs in other sections of the country. For instance, the rootworm in the grape vineyards in the Central West threatens to destroy the vineyards, and they need somebody who has had experience to combat that pest; and so with the white fly in Florida. should be made to find some way to fight that. In view of the enormous value of the fruit products of California and the Pacific coast, I believe we are entitled to this small appropriation, and I hope the gentleman from New York will not oppose it.

Mr. PAYNE. Mr. Chairman, a moment ago, while the point of order raised by the gentleman from Indiana was under consideration, the broad statement was made that the whole authority of the Department of Agriculture for the study of parasites of domestic animals had grown up out of legislation in appropriation bills; that it was a sort of continuous work, and that there was no other authority. I find in the original act establishing the Department of Agriculture on the 15th of May, 1862, the first section provides:

That there is hereby established at the seat of the Government of the United States a Department of Agriculture, the general designs and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants.

Now, it seems that the last clause of this sentence has struck the average Member of the House of Representativesregard to the propagation and distribution of seeds and plants— and the other comprehensive language, "useful information on subjects connected with agriculture in the most general and comprehensive sense of that word," they have entirely lost sight of.

Again, section 3 says:

That it shall be the duty of the Commissioner of Agriculture to acquire and preserve in his Department all information concerning agriculture which he can obtain by means of books and correspondence and by practical and scientific experiments (accurate record of which experiments shall be kept in his office), by the collection of statistics, and by any other appropriate means within his power.

And that is obscured still further by the clause in relation to the distribution of seeds, which, it seems, has attracted more the attention of the House of Representatives.

Mr. LACEY. I would like to ask the gentleman a question. Mr. PAYNE. Certainly.

Mr. LACEY. I would like to ask the gentleman if the provision authorizing the establishment of the Bureau of Entomology does not give Congress authority to make an appropriation and direct him what to do, providing the investigation was upon the subject of insects?

Mr. PAYNE. I think it fully covers that point. The only way it can cover the point raised by the gentleman from Indiana is to regard the farmers as animals, and for the protection of them the appropriation would be in order. I do not class farmers as animals, and I think the point of order was well decided.

Mr. Chairman, to go a little further than that. In the act passed on the 29th of May, 1884, for the establishment of a Bureau of Animal Industry I find:

That the Commissioner of Agriculture shall organize in his Department a Bureau of Animal Industry, and shall appoint a chief thereof, who shall be a competent veterinary surgeon, and whose duty it shall be to investigate and report upon the condition of the domestic animals of the United States, their protection and use, and also inquire into and report the causes of contagious, infectious, and communicable diseases among them, and the means for the prevention and cure of the same, and to collect such information on these subjects as shall be valuable to the agricultural and commercial interests of the country; and the Commissioner of Agriculture is hereby authorized to employ a force sufficient for this purpose not to exceed twenty persons at one time.

Section 2 provides:

That the Commissioner of Agriculture is authorized to appoint two competent agents who shall be practical stock raisers or experienced men familiar with questions pertaining to commercial transactions in live stock, whose duty it shall be, under the instructions of the Commissioner of Agriculture, to examine and report upon the best methods of treating, transporting, and caring for animals, and the means to be adopted for the suppression and extirpation of contagious pleuro-pneumonia, and to provide against the spread of other dangerous contagious, infectious, and communicable diseases.

And then another section gives permission to the Secretary of Agriculture—or the Commissioner of Agriculture, as he was then—to cooperate with the States to carry out the provisions of this act.

Now, this act is not obscured by the distribution of seeds, and it seems to me there is authority for Congress to appropriate for the purpose of carrying out the part of the act that referred to infectious diseases

Mr. WADSWORTH. Mr. Chairman, I think the point made by the gentleman from Indiana [Mr. CRUMPACKER] referred to an investigation of insects injurious to man.

Mr. PAYNE. That is true, and I so stated, and I thought that point might be well taken; but the statement was made in connection with that that this matter had grown up out of the annual appropriation bill from year to year. Instead of that being true, it is authorized by this law.

Mr. OLMSTED. I was unable to hear the reading of the statute, and ask the gentleman from New York if it is his understanding from the statute he read that it does authorize this appropriation for the investigation of insects in their relation to animals, but not in relation to diseases of man?

Well, it says for farm animals, and I do not Mr. PAYNE.

class man as a farm animal.

Mr. OLMSTED. Then it does authorize it, in the gentleman's judgment, as it stand now relating to farm animals.

Mr. WADSWORTH. Mr. Chairman, in answer to the gentleman from California [Mr. HAYES], I want to call the attention of the committee to the growth of that Bureau in the last ten years. In 1896 and 1897 the appropriation was \$29,500. It remained at that figure until 1899, when it was increased to \$30,700, then to \$33,200, then to \$57,450, then to \$77,450, then to \$82,450, then to \$84,470 then to \$94,610, and this bill carries \$97,460, so that it has more than trebled in ten years. In addition to that, whenever there is an emergency arising, like the cotton-boll weevil in the South and the gypsy moth in New England, we have allowed emergency appropriations in large figures—over \$100,000—and this bill carries for the Bureau of Entomology, for further investigation into the cotton-boll weevil, an item of \$50,000, and \$150,000 for the gypsy moth. Mr. Chairman, in our hearings we developed the fact that this Bureau has twenty-four entomologists at work in Texas and Louisiana on the cotton-boll weevil. I am not a scientist, but I can not imagine, as a business man, how twenty-four entomologists can be kept at work all through the winter months to any advantage when all insects are hibernating. When the gentleman asks for an increase to have an entomologist sent to California to make certain investigations in cooperation with the State entomologists, I do claim that the Department certainly could send some of the men who are now at work in Texas. The other day the gentleman from Pennsylvania [Mr. Bates] went over to the Department and asked them to send an entomologist to the western part of Pennsylvania to investigate a root worm that was attacking the grapevines in that country. The Department already had a man in that section examining some insects that were attacking the apple and peach trees. Yet they said they could not send a man to examine the grape worm without an additional appropriation. To me, as a business man, that seems simply ridiculous.

I do hope that this committee will not grant one dollar more to this Bureau. They have every dollar that they can judiciously use within the year, and if I may be pardoned by the members of this committee for repeating what I have so often said, I hope they will remember this fact in making these appropriations for these scientific bureaus, that this is not the first appropriation, nor will it be the last. These appropriations and these investigations have been going on for years and years and years, and they will go on when we are all dead. The only thing for this committee to decide is how much money can this Bureau expend wisely and judiciously within this year. I hope the amendment offered by the gentleman from California will not prevail.

Mr. BATES. Mr. Chairman, I desire to ask the gentleman from New York [Mr. Wadsworth], the chairman of the committee, if the twenty-four entomologists that are now examining the cotton-boll weevil in Texas are paid for out of the special fund or out of this general fund?

Mr. WADSWORTH. They are in the employ of the Bureau of Entomology and they are paid for from the special fund, from the boll-weevil fund.

Mr. KAHN. Mr. Chairman, I hope the amendment offered by my colleague will prevail. There is such a thing as crippling a department or bureau by not giving enough money at the beginning, so as to enable that department or bureau to carry on its work properly. Take the case of the gypsy moth, to which the gentleman from New York [Mr. Wadsworth] has just alluded. That was a pest that made its appearance in Massachusetts some fifteen or twenty years ago. A professor at Harvard, I believe, was experimenting with these moths with the view of procuring a cheap substitute for the cocoon of the silk worm. A storm arose and blew down the netting which inclosed a few of the caterpillars of this insect pest, and the moth began to spread. It was some years before it attracted much attention, but the first thing that Massachusetts knew the shade trees and the orchard trees of that State were being devastated by that pest. Ultimately the legislature of Massachusetts came to the aid of the people of that State and made an appropriation for the purpose of exterminating the nuisance.

But finally the legislature got tired of appropriating this money annually, and between 1901 and 1905 it made no appropriation. In 1901 the infected region covered only 300 square During the five years which intervened it spread so rapidly that the infected area now covers 3,000 square miles and extends into the States of Rhode Island, New Hampshire, and Maine. Finally they had to come to Congress, and they now ask for an appropriation of \$150,000 to stamp out this pest. Now, it seems to me that an appropriation might have been made giving this Bureau the proper amount of money at the beginning, and in all likelihood the officials of this Bureau would have stopped any spread of this insect pest at the very outset.

There is a pest in Florida at the present time—the "white fly," I believe they call it—which is doing great damage to the orange trees of that section. We have in the State of California probably the largest orange groves in the world. We do not want that fly to be allowed to spread out there and do the injury on the Pacific coast that it is now doing in the other orange-growing sections of the country. We believe that this expenditure of money at this time is in the interest of true economy. It will be much easier to exterminate this "whitefly" pest now, before it has had a chance to spread much far-Otherwise it may become necessary, just as in the case of the gypsy moth, to come to Congress with a request for \$100,000 or \$150,000 to fight this destructive insect. The amendment offered by my colleague is in the nature of an ounce of prevention, which has at all times been considered to be worth more than a pound of cure, and I sincerely hope that it will be adopted.

Mr. WADSWORTH. One thing in answer to the gentleman from California. I turn to the hearings, on page 426, when we had Doctor Howard before us, and I put this question:

The CHAIRMAN. But there is the State of California. Her greatest interest, you might almost say, is in her fruit industry.
Doctor Howard, Yes.

The CHAIRMAN. And I imagine, from what I can get from the data of the Agricultural Department here, that the Agricultural Department is doing more work in the State of California than in any other State in the Union. is doing more work in the State of Camorina in the Union.

Doctor HOWARD. They are doing a great deal.

Description of the Department of t

Mr. Chairman, the Department of Agriculture has undoubtedly entomologists in the State of California to examine the ravages done by other insects, and they will take up this special line of work that the gentlemen from California seem to There is no need for any more money for it.

Mr. SPARKMAN. Mr. Chairman, I sincerely hope that the amendment offered by the gentleman from California will prevail. I feel confident that it will accomplish much good and that no harm will result from it. I can at least speak with confidence as to one item which is embraced within the amend-The proposition is to increase the amount for the Bureau of Entomology some \$38,000. Of that \$38,000, some \$10,000 are to be used for an investigation, or rather for the continuation of an investigation now going on, of the white fly, one of the greatest orange-tree pests that has ever invaded the orange groves of Florida. In the last agricultural bill a provision was inserted providing for the use of \$5,000 of the amount placed at the disposal of the Bureau of Entomology to be used for such an investigation. Under that provision work has been started in that State, but with no definite results as yet. It, however, promises much, and the people there, as well as the Department officials, are very hopeful that an effective remedy will be found for this pest, provided, of course, they are not hampered from a lack of funds. Without this amendment the work will very likely have to stop; but if it is adopted, I am assured that \$10,000, or so much thereof as may be necessary, will be used for the further prosecution of the white-fly investigation.

Now, as I have said, this white fly is one of the greatest enemies with which the Florida orange grower has to deal, and it appears to be spreading over the orange-growing portions of the State. No means of completely destroying this fly has ever yet been discovered once it has found a lodgment in a grove.

Now, it is estimated that an orange grove when once attacked by this fly will only yield one good crop of oranges out of each two or three; so that the damages from this pest may be seen at a glance. It is estimated, for instance, that a normal crop of oranges in Florida for this year would likely amount to 5,000,000 boxes, bringing some six millions or more dollars, but if all the groves were attacked by this insect we should take off at least one-third of this normal yield, causing the orange grower to lose at least \$2,000,000.

Who, then, can say we ought not have the small sum for which we are asking in this amendment, and I have no doubt but that the reasons for adding the residue of the \$38,000 to the amount which this bill carries for the Bureau of Entomology are equally as tenable.

Now, Mr. Chairman, we have \$40,000, I believe, in this bill set aside specifically for the purpose of continuing the boll-weevil investigation; \$150,000 for the Egyptian moth, and other large sums for specific purposes. I have no criticism of the bill to make on this score, as I have no doubt but that great good will come of the expenditure of these sums; but while \$200,000 and upward are being appropriated for these purposes, it would seem that as much as \$10,000 can be spared to investigate, and, if possible, find some means of either destroying the white fly or reducing the injury done by it to a minimum. it has been discovered that a measure of relief can be afforded by spraying the trees with various compounds. Then, too, nature seems to have created some enemies to the insect. parasites feed upon it, and two or three different kinds of fungi have been found destroying it. But these, while promising something, have yet afforded but little relief. So that, among others, it will be the province of the Department of Agriculture to devise, if possible, some means of distributing and utilizing these natural remedies or to discover some artificial means by which the pests can be thoroughly eradicated. I do not think it will require many such appropriations as this to bring about the desired results, but whatever is necessary should be freely given by Congress.

The people throughout the country are interested in the development of the citrus-fruit industry in the two or three States in which it may be carried on, and I feel confident, Mr. Chairman, that no criticism will ever be heard coming from the people against the adoption of this amendment.

The chairman of the committee has informed the House as to the growth of the appropriations for the Bureau of Entomology; how that, in a period of perhaps twenty years, the appropriations have grown from a few thousand dollars until now they are in the neighborhood of some ninety-odd thousands. But Mr. Chairman, is not the question. The question is whether the amount called for by this amendment is necessary. If it is, there should be no hesitancy in voting it, no matter how rapidly expenditures have grown.

I hold in my hand a letter from Doctor Howard, Chief of the Bureau of Entomology, dated since the introduction of this bill, in which he shows very clearly the necessity for the increase, and with the permission of the House I will insert it in the RECORD. I hope, Mr. Chairman, the amendment may be adopted.

The letter is as follows:

United States Department of Agriculture, Bueeau of Entomology, Washington, D. C., January 25, 1907.

Bueeau of Entomology,

Washington, D. C., January 25, 1907.

Hon. Stephen M. Sparkman,

House of Representatives.

My Dear Sie: In response to your telephone request for information regarding the appropriation for the white fly, I hasten to send you the following:

Previous to the beginning of the present fiscal year our knowledge of the white fly was, briefly, that summarized in Farmers' Bulletin 172, copy of which I send you with this. The portion on the white fly occurs on pages 36 to 38.

There was inserted into the appropriation bill last year an item providing that "\$5,600, or so much thereof as may be necessary, shall be used by the Secretary of Agriculture in investigating the insect affecting orange groves, and known as the 'white fly.'" This appropriation became available on July 1 of the present fiscal year, and one of my best assistants, Dr. A. W. Morrill, was selected to conduct the investigation. He immediately proceeded to Florida, and has since been at work, part of the time with a competent assistant. These investigations have excited interest and approbation among the citrus fruit growers, and I hope and expect that they will be continued to the practical advantage of those engaged in the industry.

The Secretary of Agriculture, in his estimates for appropriations for the fiscal year beginning July 1, 1907, asks for an increase to the fund for entomological investigations of the sum of \$38,810, for the purpose of conducting certain new investigations and enlarging the scope of other investigations aiready undertaken. In the House bill reported no part of this increase was made, and there is no mention of the investigations of the white fly. While it would be possible under the lump sum appropriated (which is the same as that of last year) to continue in a small way these white fly investigations, the additional sum recommended by the Secretary of Agriculture in his official estimates is greatly needed for the urgently demanded increase in investigations under way and equally urgently demanded

tions already under way. Yours, very respectfully,

L. O. Howard, Chief of Bureau.

Mr. CRUMPACKER. Mr. Chairman, I believe in the policy of appropriating sufficient amounts of money for the Department of Agriculture to make necessary investigations to discover remedies for insect pests and parasites, to protect the crops and fruits of the country against their ravages, but, after an adequate remedy has been discovered, I believe the Federal

Government ought to leave it to the States to apply the remedy. An investigation shows that in the State of Indiana there are sixty counties out of the ninety-two where the orchards are ravaged by the San Jose scale, and the State legislature is now considering the enactment of an amendment to the existing law providing that the State entomologist shall inspect orchards that may possibly be infected, and, where the orchard is found to be infected, to notify the owner to apply the remedy, and if he fails to do so, the State entomologist is authorized to destroy the orchard and charge the expense to the owner of the property; this expense is to be collected by putting it on the tax duplicate and collecting it in the same manner as other taxes are collected. That proposed law embodies the policy that should be adopted in all the States.

Mr. KAHN. Will the gentleman yield for a moment? Mr. CRUMPACKER. For just a question. I have only a

brief time.

Mr. KAHN. In the State of California the pear blight ravaged the pear orchards of that State, and the Department undertook to carry out the gentleman's proposition, and they found it would not work.

Mr. CRUMPACKER. That is an argument against the policy. If the gentleman will wait until I have finished he may have an opportunity to give the experience of the State of Cali-

fornia upon that subject.

Now, Mr. Chairman, I believe it is the business of the State to apply the remedy. I believe it is proper for the Federal Government to make such tests and such investigations and experiments as may be necessary in order to discover an adequate remedy, but when the remedy has once been discovered, I think the activity of the Federal Government and its responsibility ought to cease and terminate and allow the several States to provide for the application of the remedy. The State of Indiana might as well come to Congress and ask for an appro-The State of priation for twenty-five thousand or fifty thousand, or even a hundred thousand dollars, to assist its fruit growers in ridding their orchards of the San Jose scale, but it is not asking it. do not believe it ought to ask it.

I rose chiefly, Mr. Chairman, to ask permission to incorporate in the Record an editorial published in the Indianapolis News on the 28th instant, on this particular question. The Indianapolis News is one of the cleanest and ablest papers in the entire country, and this editorial discusses the San Jose scale particularly and the remedy proposed in the pending bill before the State legislature, and emphasizes the justice of imposing the burden of the expense upon the men who receive the benefit of the services of the State entomologist. I ask unanimous consent to publish the editorial in the RECORD in connection with my

remarks.

The CHAIRMAN. The gentleman from Indiana [Mr. CRUM-PACKER] asks unanimous consent to extend his remarks in the RECORD and incorporate therein the editorial to which he has referred. Is there objection?

There was no objection.

The following is the editorial referred to:

# AGAINST SAN JOSE SCALE.

The rapid spread of the San Jose scale in Indiana has alarmed fruit growers and horticulturists generally and all have combined to urge the pasage by the present legislature of more drastic protective laws. While these agree that the future of the fruit industry of the State is at stake, they do not agree on the form legislation should assume. Some think that the present law would be adequate with the annual appropriation increased from \$1,000 to \$5,000; others think this statute of little value, and that a successful campaign against the scale and other destructive insects can be waged only by the enactment of a new law providing an entirely different method of attack.

The present law was passed March 1, 1899. It came into being as a defensive rather than an actively offensive measure, for at the time of its passage the San Jose scale was just beginning to appear in Indiana. Only a few counties were affected, and in these the scale was found only on young trees imported from adjoining States. The law, therefore, concerned itself largely with the inspection of nurseries and sought to prevent the introduction of the scale by rigid examination of young stock. Nurserymen were obliged to submit to inspection and to provide themselves with certificates from the State entomologist which declared the young trees to be free from disease and pest. But one clause in this law applies its provisions in part, at least, to the owners of orchards or any trees or shrubs infested by scale or similar destructive insect. It gives the entomologist power to order the owner to spray such trees under pain of penalty for disobedience.

During the eight vears under this law the San Jose scale has steadily

During the eight years under this law the San Jose scale has steadily spread, and to-day over sixty counties are affected, and the pest is beginning to appear in other counties. Orchard values have depreciated everywhere, as the fruit growers have been put to much expense in combating the pest. During these eight years the entomologist, although he has observed the annual enlargement of the affected territory, has recommended no change in the law, and until this year has asked for no increased appropriation. He has conducted the work of nursery inspection, and has made sure that nurseries are unaffected, and recently he has made practical demonstration of the approved methods of spraying. In short, it seems that the law has done all it was intended to do—cleaned up the nurseries—but it has not waged successful warfare against the scale in private orchards.

The blame for this failure is placed on the insufficiency of the appropriation. Still no larger appropriation has been sought until now. And if it is obtained this year and no other change is made in the law, the State entomologist will do on a larger scale what he has already done and what has apparently proved ineffective. He says:

"In case the appropriation is made, I propose to get experienced men to have charge of the work (spraying in different parts of the State). They will have their spraying outfits and not only give demonstrations as to how spraying should be done, but actually do the work in infested orchards. This, of course, will be similar to what the horticultural society has attempted, but on a much more extensive scale. Our work would not be confined to the San Jose scale alone, but would be extended to all kinds of injurious insects."

From this it would seem that the State is to bear a large portion of the burden of cleaning private orchards of scale and other pests. Demonstrations are to be made, it is true, and perhaps are of value, but there are, after all, very few orchard owners in Indiana to-day who do not know thoroughly every detail of spraying. If they fail to spray, it is due not to ignorance of spraying methods, but to carelessness or indifference.

It is for such persons that the new bill makes provision. It does this simply and effectively by declaring the San Jose scale a nuisance. For the quicker eradication of the pest it divides the State into northern, central, and southern districts, and provides for a deputy State horticulturist in each. It empowers this deputy to inspect orchards or trees of any sort on farms or town or city lots anywhere and to order the owner to take the proper steps to eradicate the scale. If, after due warning and proper instruction, the owner fails to follow the advice of the inspector, the affected trees are to be destroyed—by the owner himself or by the deputy and his assistants, who charge for the work and fix the charge against the owner's prope

Mr. SCOTT. Mr. Chairman, I desire to reply briefly to the remarks of the gentleman from Florida [Mr. SPARKMAN]. the current appropriation bill for this year there is a provision that \$5,000, or so much thereof as may be necessary, of the sum appropriated for general expenses shall be used by the Secretary of Agriculture to investigate the insect infecting the orange

groves and known as the white fly.

I desire to call the attention of the committee to the fact that this provision is omitted from the present bill upon the recommendation of the Secretary himself. In the Book of Estimates submitted to the committee this provision is expressly eliminated and attention called to the fact that it is eliminated. This seems to me to indicate very clearly that in the judgment of the Secretary the work needed to be done in that particular field either has been accomplished or will be accomplished at the end of the fiscal year when this special appropriation expires by limitation. If that work is not all done, all that remains to be done can be done within this fiscal year, in the opinion of the Secretary, and can be done under the general

authority conveyed by the appropriation act.

Mr. SPARKMAN. If the gentleman will permit me, I understand that the Secretary recommended that that be left out of this bill because he did not want any diversion of this \$75,000, probably thinking it would be too small to justify any such

diversion.

Mr. SCOTT. No; I would call the attention of the gentleman to the fact that this item was omitted in the estimate. The recommendation that it be omitted was made when the Secretary had no reason to believe that the sum of \$75,000 would be all that would be granted. He made that recom-mendation when he expected that the appropriation would be \$113,810.

Mr. SPARKMAN. Then he may have thought that if the \$113,810 were allowed, he could take care of the white-fly investigation out of that reserve without special direction. At all events, in the letter just mentioned Doctor Howard says that it is necessary and that \$10,000 is needed for the whitefly investigation in addition to the \$75,000. He says, speaking in reference to this investigation:

in reference to this investigation:

There was inserted into the appropriation bill last year an item providing that "\$5,000, or so much thereof as may be necessary, shall be used by the Secretary of Agriculture in investigating the insect affecting orange groves and known as the 'white fly.' This appropriation became available on July 1 of the present fiscal year, and one of my best assistants, Dr. A. W. Morrill, was selected to conduct the investigation. He immediately proceeded to Florida, and has since been at work, part of the time with a competent assistant. These investigations have excited interest and approbation among the citrus-fruit growers, and I hope and expect that they will be continued to the practical advantage of those engaged in the industry. industry.

The Secretary of Agriculture, in his estimate for appropriations for the fiscal year beginning July 1, 1907, asks for an increase to the fund for entomological investigations of the sum of \$38,810, for the purpose of conducting certain new in-

vestigations and enlarging the scope of other investigations already undertaken. In the House bill reported no part of this increase was made, and there is no mention of the investigations of the white fly. While it would be possible under the lump sum appropriated (which is the same as that of last year) to continue in a small way these white-fly investigations, the additional sum recommended by the Secretary of Agriculture in his official estimates is greatly needed for the urgently demanded increase in investigations under way and equally urgently demanded new investigations.

Then he goes on to say that he considers the \$10,000 neces-

sary for the investigation of the white fly.

Mr. SCOTT. I have never heard that particular letter before, but it is of a type that has grown very familiar to the Committee on Agriculture. With all due deference to the distinguished gentlemen who are conducting the work in this Department along scientific lines, I wish to say that it is very easy for any Member of Congress to get an opinion from any one of them that a special appropriation for extending work in his bureau is urgently needed. But the gentleman will concede at once that in a matter of this kind the judgment of the committee and Congress must rule. The Committee on Agriculture considered all this subject very, very carefully. Doctor Howard was before us

The CHAIRMAN. The time of the gentleman has expired. Mr. SCOTT. I would like consent to continue five minutes

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas? [After a pause.] The Chair hears

Mr. SCOTT. Doctor Howard, the Chief of the Bureau, was before the committee and was carefully interrogated as to the work he had been doing, is doing, and what has to be done; and everything that he said was given the attention which it merited by the committee. Yet it was the judgment of the committee that the work of this Bureau could be carried forward satisfactorily with the sum which we have recommended, and I very much hope that this sum will not be increased.

Mr. SPARKMAN. I would like to say to the gentleman that his views of economy are very commendable, no doubt, but I think in this instance a mistake has been made. I believe, as I said before, that a full understanding of this subject would lead to the adoption of the amendment offered by the gentleman from

Mr. SCOTT. The gentleman's argument is very plausible, of course, and it could be made to support a proposition to increase nearly every appropriation that is carried in this bill. I have no doubt-

Mr. SPARKMAN. I happen to be one of the sufferers from the white fly and know something about it. I know, too, that some measure of relief ought to be afforded as soon as possible. The people are very much encouraged at what has already been accomplished, and I hope that nothing will be done by this House to impede the Bureau in the investigations it is now undertaking in Florida.

Mr. SCOTT. The gentleman, of course, recognizes that this appropriation goes in a lump sum, and it is wholly within the discretion of the Secretary of Agriculture to spend it where the need is greatest. It is his custom to meet emergencies where they exist by diversion of the general fund placed at his disposal. I again venture to remind the gentleman that if the urgency in his State were so great, as he no doubt thinks it is. the Secretary would not have recommended the discontinuance of this special appropriation which is carried in the current law for that purpose.

Mr. SPARKMAN. We are told here, in substance, by Doctor Howard that none of that would be used for that purpose. At least there is a very strong intimation to that effect.

Mr. SCOTT. If he makes that statement, it must be because. in his judgment, there is greater urgency in some other part of the country and a greater danger from some other pest.

Mr. SPARKMAN. We want to set him right, because if that is his view he is wrong.

Mr. SCOTT. That is a matter which the gentleman must discuss with the Chief of the Bureau.

Mr. LEVER. Mr. Chairman, the members of the committee have given careful consideration to this very proposition, and we feel that there is no reason for the increase asked for by the gentleman from California. As far as the Florida proposition is concerned, the bill carries ample authority to take care of that work down there. The bill carries ample authority to take care of the work in California, and, as a matter of fact, the Department of Agriculture is doing a great deal of work already in California.

Mr. SPARKMAN. It is not the lack of authority, but it is

the lack of sufficient funds to do the work, of which we complain.

Mr. LEVER. I am coming to that. Now, I feel that the committee report ought to stand. We had Doctor Howard before the committee, we cross-examined him carefully, and we felt satisfied that the amount carried in this bill was sufficient to do the legitimate work of this bill. Now, let me read to you from a statement of Doctor Howard. The chairman of the committee, Mr. Wadsworth, asked this question:

What about this rootworm in grapes in western Pennsylvania, Doctor? Mr. Bates, a Member of Congress, came to see us the other day and said he went down to see you people and that you said you could not do a thing without an additional appropriation; that your plans were all laid and that you could not change them without an additional appropriation. That struck the committee as rather extraordinary—that you had no elasticity to your plans to enable you to meet an emergency or to meet a case like this. What about it?

Doctor Howard. There is, of course, a certain amount of elasticity, and we could meet a certain emergency, but, you see, it is very difficult.

That is the testimony of Doctor Howard, and if this trouble in California is so bad and if this trouble in Florida is so bad. they have the power here and the elasticity in their plans to meet these very cases and cases of that kind. I am usually in sympathy with these increases, but I am confident that there is absolutely no necessity for the increase in this item.

Mr. CLARK of Florida. I want to ask the gentleman from South Carolina if the committee knows better how to distribute this money and how to carry on this work than the Bureau does?

Is that the contention of the gentleman?

Mr. LEVER. In answer to the gentleman's question, I presume his logic would be to allow the Agricultural Department to make its own appropriations and take that power away from

Mr. CLARK of Florida. The gentleman does not answer the question. Now, I will ask him this question: Is the gentleman willing to amend this provision of the bill so as to divert \$10,000 of that money and provide that they shall use that in the investigation and suppression of the white fly.

Mr. LEVER. I have no objection to that at all, as far as I

am concerned.

[Here the hammer fell.]

Mr. BATES. Mr. Chairman, I appeal to the spirit of fairness of the chairman and gentlemen of this committee that if one blight which affects an industry in this country can command twenty-four expert entomologists in one section of the country, the grape interests of northwest Pennsylvania ought to be accorded at least one expert to inquire into the ravages of the grape-root worm, which threatens an entire industry. the honor to represent Erie County, Pa.; and the city of North East is the greatest grape-shipping point in the world. are some \$20,000,000 invested in the grape industry at that particular point. The sandy shores of Lake Erie for mile after mile are planted entirely with grapevines. It is their entire industry, and whatever affects that industry affects all of the people, and if it is wiped out it will injure thousands of families and thousands of homes. I have urged the Department of Agriculture to send an expert there to investigate this grape-root worm, which has decreased the output of this locality some 25 per cent in the last year. I read the answer of the Secretary of Agriculture:

JANUARY 14, 1907.

Hon. ARTHUR L. BATES, House of Representatives.

Sin: I have your favors of January 11 and 12, with accompanying letters from grape growers at North East, Pa., relative to an investigation by the Bureau of Entomology of the grape rootworm and other grape pests in that section, and contents of same have been carefully noted.

noted.

The appropriation I have asked of Congress for the Bureau of Entomology is based on a careful estimate of the funds needed to meet expenses of work in progress or planned, and the entomologist informs me that it will not be practicable to take up new lines of work unless additional funds are provided. If a special appropriation of, say, \$5,000, be made for this work at North East, or if the amount asked for by the Bureau of Entomology be increased by that sum, I shall have pleasure in ordering that the desired investigation be undertaken.

Yours, respectfully,

JAMES WILSON, Secretary,

Now, I will confess, Mr. Chairman and gentlemen of this committee, I for one do not understand why he can not divert one of the examiners, who, I understand, is now, or has been during the past year, in that locality studying the ravages to the peach and apple industries, in order that he may take up this most important work.

But, Mr. Chairman, the one who directs the work-the Secretary of Agriculture, and under him the Chief of the Bureau of Entomology—say they have not sufficient funds to do this.

Mr. WADSWORTH. Will the gentleman from Pennsylvania state the fact that they have at North East, Eric County, a station for the investigation of insect enemies to fruits and shrubs? Mr. BATES. I have already stated, Mr. Chairman and gentlemen, that they have a man who is investigating, as he says, and as Doctor Howard says, a particular line of work, that they have had it under investigation for two or three years, and that this man is engaged still in a particular line of work, and they are not willing to divert him for the purpose we need

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BATES. Mr. Chairman, I ask unanimous consent that I

may have three minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that he may have three minutes more. there objection?

There was no objection.

Mr. BATES. Now, Mr. Chairman, I do not desire to criticise this committee.

Mr. SHERLEY. Will the gentleman allow me to ask him a question?

Mr. BATES. Certainly.

Mr. SHERLEY. I would like to ask the gentleman how large an individual industry there is in this grape-growing country? In other words, is the industry confined to small growers'

Mr. BATES. Both. The farmer with 5 or 10 acres has put every foot of arable land into grapes

Mr. SHERLEY. How many concerns are there?

Mr. BATES. Several thousand heads of families.

SHERLEY. How many concerns are there engaged in the industry on a large scale?

Mr. BATES. Some twenty firms.

Mr. SHERLEY. What are they doing toward investigating the trouble?

Mr. BATES. They are doing all they can; but they are not scientists and specialists, and as a knowledge of science in-creases in this country, we ought to have the benefit of that knowledge in coming to the rescue of the grape growers and agriculturists, and that seems to be a further argument for the increase of this appropriation.

Mr. SHERLEY. Are these large concerns employing scientists to help their business?

Mr. BATES. I do not know that they are. Mr. SHERLEY. The point I am trying to bring out is this, whether or not the concerns engaged in growing grapes are large enough and doing business enough to enable them to appropriate funds from their own private business to investigate this matter.

Mr. BATES. Why, the gentleman from Kentucky I am sure is aware that the expert scientists who know of this subject and have ability to investigate properly the subject are in the employ of these very bureaus. They are the men who are deemploy of these very bureaus.

sirable, but they are not available by private firms,

Mr. SHERLEY. The gentleman from Pennsylvania fails to catch the point. Government aid may be appropriated in certain cases, but is it not proper to inquire and ask where concerns are engaged in work of such a magnitude as to have plenty of capital to control that work that they themselves should undertake the investigation for their own special benefit?

Mr. BATES. Why, Mr. Chairman, I have just stated to the gentleman that they are not scientists and they can not make

these investigations.

Mr. SHERLEY. The gentleman fails again to catch my If these concerns have the means and if the magnitude

of the business warrants it, why can not they establish and pay for a scientific bureau to do the work for their own benefit?

Mr. BATES. I have understood the gentleman perfectly. I have just informed the gentleman from Kentucky that the scientists who are capable of investigating a subject of this kind are not obtainable by private firms. Does the gentleman from Kentucky understand the distinction I make?

Mr. SHERLEY. The gentleman from Pennsylvania is not willing to state to this House that the only scientists capable of doing the work are all employed in the Department of Agricul-Surely the gentleman will make no such statement as that.

Mr. BATES. I am not; but the gentleman well knows that the men who are outside the Department and are capable and willing to be employed in such a work as this are nevertheless employed; their time is all mortgaged to colleges and various State institutions. The gentleman from Kentucky knows that he could not go out and easily obtain a specialist in this particular subject to investigate the grape-root worm itself, which is threatening to devastate a great industry.

The CHAIRMAN. The time of the gentleman from Pennsyl-

vania has again expired.

Mr. BATES. Mr. Chairman, I ask unanimous consent for three minutes more, as I have been interrupted.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent for three minutes more. Is there objection? There was no objection.

Mr. BATES. Mr. Chairman, I desire not to be interrupted again, because I think I understand the point made by the gentleman from Kentucky. The men who are engaged in these enterprises in Erie County, northwest Pennsylvania, desire the best equipped men to investigate this subject. These men are or ought to be employed in the United States Bureau of Entomology. I think they are employed there, and these are the men we desire to give us the benefit of their technical knowledge and experience. This Department of this great Government ought to have, and I believe they do have, the best men for this particular purpose. They are not easy to obtain. I submit, Mr. Chairman, that this industry, if it is wiped out, or if it is seriously impaired, will affect the well-being of a great number of people who have put all their eggs in one basket, who have invested all their capital in one enterprise. I do not understand why the Bureau can not send men under the present appropriations nor do I wish to criticise the committee. I believe the committee is doing the best it can, but I do believe that as these special emergency calls come to the Department and come to the House of Congress from California, from Florida, from Pennsylvania, and different parts of the country, asking for special aid and investigation, it is the part of wisdom on the part of the Department and the Agricultural Committee and this House to respond in a moderate measure and assist wherever they can assist, especially where their assistance is so much desired and needed. I have the letters and petitions here from twenty-two firms of grape growers, representing a great industry in that section, where, in the arable lands of northwestern Pennsylvania on the Lake Erie shores by reason of the delayed frosts in the fall until late October, grapes by the hundreds of thousands of tons can ripen and be shipped to all parts of the world.

Mr. DRISCOLL. Mr. Chairman, the gentleman has said that the grape growers in his locality, even if they would expend the money, could not get any expert to investigate this particular worm. Now, suppose we increase the fund here, where is the Government going to get a man to do just that work that he wants done right away? It seems to me that when he has one stationed up there for another purpose, examining fruits and flowers, he ought to be satisfied and not want to increase

this appropriation for his express benefit.

Mr. BATES. Mr. Chairman, the gentleman has asked no question, and I am obliged to him for his interruption.

The CHAIRMAN. The time of the gentleman has expired. Mr. BATES. I desire to say that there is no station at this point. A traveling expert has merely been investigating other subjects touching the devastation to the peach and apple in-

dustry.

Mr. WADSWORTH. Mr. Chairman, I simply desire to correct the statement of the gentleman from Pennsylvania [Mr. Bates], who says there is no station up there. I read from the Secretary's report:

For the investigation of insect enemies of deciduous fruit trees field stations have been established in the spring of 1906 at Myrtle, Ga., and Northeast, Pa.

Mr. BATES. Mr. Chairman, may I ask the gentleman this question: Are grapevines fruit trees?

Mr. WADSWORTH. No; but entomology is entomology.

Mr. BATES. But I desire to point out that this expert is investigating fruit-tree ravages, and the Department does not recognize grapevines as fruit trees.

Mr. WADSWORTH. Then, under that argument, the gentleman would allow a man in a stable to clean a horse, but would not permit him to curry a mule. [Laughter.]

Mr. BATES. Well, there might be something in that, too; if he was only engaged to clean the horse I would not blame him

if he did not clean the mule. [Applause.] Mr. SIMS. Mr. Chairman, on the 4th day of January, 1907, there appeared in the Washington Post, a newspaper published in this city, an editorial entited "A free-seed proposal," which

A FREE-SEED PROPOSAL.

is as follows:

A FREE-SEED PROPOSAL.

It is now intimated that an effort will be made in Congress to increase the free-seed appropriation instead of abolishing it. The reasoning is ingenious. In the first place, it is argued that the free-seed "graft" is a fixture. Whether the farmers like it or not, Congressmen have long exercised the sovereign privilege of distributing worthless garden seeds to their constituents, and they propose to cling to the ancient right. Now it is suggested that this appropriation be left as it is, and that an additional sum be appropriated for the purpose of procuring and distributing really rare and valuable seeds, as was contemplated when the first free-seed appropriation was made. In this manner, it is said, both Congress and the public will be served, and everybody will be happy.

The whole free-seed business is a disgrace to Congress and a reproach to the farmers of the country. Petitions by the thousand have been filed in both Houses, protesting against making further appro-

priations for such purposes. The seeds distributed are declared to be worthless in many cases. When not actually worthless, they are not rare or valuable, and even if records were kept of the results of their cultivation nothing of value would be ascertained. But it is impossible to induce any considerable number of farmers or others to report the result of their cultivation, upon which to determine the relative value of seeds. The free-seed distribution has been proved to be practically valueless. But it is supposed by some politicians to be politically helpful. This presumption is probably as erroneous as the assumption that science can reap benefit from reports on the cultivation of "garden sass." The farmers of this country long ago passed from the class of hayseeds. They are not to be hoodwinked or "soft-soaped" by the gift of a few seeds. They are far more likely to turn around and vote against a Congressman who places such an estimate upon their intelligence.

against a Congressimal who places against a Congressimal who places are gence.

The proposition to increase the free-seed appropriation in order to carry out the original idea of distributing rare seeds is intrinsically wrong. It would be nothing less than a contribution from the Treasury to the electioneering expenses of Members of Congress—and foolish expenses at that. Let the whole rotten business be pitched overboard and forgotten as quickly as possible.

On yesterday, the 29th day of January, 1907, in the same paper there appeared another editorial entitled "Free-seed distribution," which is as follows:

#### FREE-SEED DISTRIBUTION.

The debate in the House on the subject of free seeds has thrown much new light on a subject that has perhaps been purposely darkened by conflicting interests. It is evident that Members of Congress are trying in good faith to provide for the distribution of valuable tested seeds in response to a genuine demand from all parts of the country. The safeguards which have been thrown about the free-seed distribution during this debate and the probable improvement that will be made during further discussion leave the appropriation free from the objectionable features which caused most of the public condemnation. Nobody, so far as we are aware, is opposed to the distribution of really valuable, tested seeds to bone fide farmers for the purpose of causing two blades to grow where one grew before, or to introduce into this country new and valuable plants. Instead of meeting with public ridicule and protest, Congress will find its action approved if it so contrives its legislation as to secure this result. Abundant evidence is available of the great good accomplished by the Department of Agriculture in this branch of work. Some of the great agricultural and horticultural products of the country are the outgrowth of research and experiment by the Department, followed by widespread distribution of seeds and cuttings.

Congress will doubtless improve the free-seed provision by making certain that the seeds sent to individuals shall be tested and that greater care shall be exercised than heretofore in obtaining reports of the experiments conducted in various parts of the country under varying conditions. If the Government is able to find a new and valuable plant anywhere, the discovery belongs to every farmer in the country, and he should be given an opportunity to avail himself of it if he desires.

In the first editorial I find the following: The debate in the House on the subject of free seeds has thrown much

In the first editorial I find the following:

The whole free-seed business is a disgrace to Congress and a reproach to the farmers of the country. \* \* \* Let the whole rotten business be pitched overboard and forgotten as quickly as possible.

In the second editorial, which I read as a deadly parallel, we find the following:

The debate in the House on the subject of free seeds has thrown much new light on a subject that has perhaps been purposely darkened by conflicting interests. \* \* \* Nobody, so far as we are aware, is opposed to the distribution of really valuable, tested seeds to bona fide farmers for the purpose of causing two blades to grow where one grew before, or to introduce into this country new and valuable plants.

Mr. Chairman, I read this to show how the editorial mind of one of the greatest papers in the country can change while you wait, and, further, as a testimonial from one of the ablest edited papers in the country that Congress does sometimes know a few things and can enlighten even so great a source of information as the Post. [Applause.] I hope that those papers which so industriously copied the first editorial, in which it was charged that Congress had discussed that Congress had discussed the congress and discussed the congress had discussed the congress and discussed the congress and discussed the congress had discussed the congress and discussed th that Congress had disgraced itself and also the farmers, and which demanded that the whole "rotten business" be pitched overboard, will also copy the second editorial. It will show both to the people and to Congress just how much weight should be attached to editorials when they are written on the side of great special interests. The papers are no doubt furnished by those interests with information, or alleged information, bearing only on one side of the question, while the people, having no lobby to represent them and no money to spend on newspapers in having facts published bearing on their side of the question, are often charged with being either grafters or as being too ignorant to really know their own interests.

If the able editor of the Post had read the debates on this question in this House when this bill was considered a year ago, he would have learned that everything in the way of safeguards and tests of seeds was fully disclosed and that nothing really new was developed in the discussion of this measure

at this session.

Mr. CLARK of Florida. Mr. Chairman, I will not detain the House but a moment or two, but I desire to correct one or two misapprehensions that the House may labor under. If I am not correct, these gentlemen on the Committee on Agriculture of course can correct me; but my understanding is, Mr. Chairman, that the Secretary of Agriculture recommended to the committee some \$38,000 more in this item than has been reported. then, the House understanding that, I want to read this letter from Doctor Howard to my colleague [Mr. Sparkman].

In response to your telephone request for information regarding the appropriation for the white fly, I hasten to send you the following:

Previous to the beginning of the present fiscal year our knowledge of the white fly was, briefly, that summarized in Farmers' Bulletin 172, copy of which I send you with this. The portion on the white fly occurs on pages 36-38. There was inserted into the appropriation bill last year an item providing that "\$5,000, or so much thereof as may be necessary, shall be used by the Secretary of Agriculture in investigating the insect affecting orange groves and known as the 'white fly.' This appropriation became available on July I of the present fiscal year, and one of my best assistants, Dr. A. W. Morrill, was selected to conduct the investigation. He immediately proceeded to Florida, and has since been at work, part of the time with a competent assistant. These investigations have excited interest and approbation among the citrus-fruit growers, and I hope and expect that they will be continued to the practical advantage of those engaged in the industry.

The Secretary of Agriculture, in his estimates for appropriations for the fiscal year beginning July, 1907, asks for an increase to the fund for entomological investigations of the sum of \$38,810, for the purpose of conducting certain new investigations and enlarging the scope of other investigations already undertaken. In the House bill reported no part of this increase was made, and there is no mention of the investigations of the winter fly. While it would be possible under the lump sum appropriated (which is the same as that of last year) to continue in a small way these white fly investigations, the additional sum recommended by the Secretary of Agriculture in his official estimates is greatly needed for the urgently demanded increase in investigations. Should this amount be appropriated the Bureau will be able to give more attention to the white-fly problem and to hasten the attainment of practical results.

I want the Hous

I want the House, Mr. Chairman, particularly to hear this last paragraph, because statements have been made that are not exactly in accordance with the facts. Now, he says:

Senator Taliaperro has asked the advice of the Secretary of Agriculture in regard to the desirability of a Senate amendment, and has been told that should an amendment be made appropriating \$10,000 additional to this specific investigation, the money could be well expended, but this sum could not be taken from the standing lump fund of the Bureau without jeopardizing other equally important investigations already under way.

Now, it appears, Mr. Chairman, that unless an addition is made to this appropriation there will be no further investigation along this line, which the Department says has proven so interesting and profitable up to date. Now, Mr. Chairman-

Mr. LEVER rose.

The CHAIRMAN. Does the gentleman from Florida yield? Mr. CLARK of Florida. In just a moment. I want to call attention to a paragraph in a letter which I have received from a very large orange grower in Florida, who says this:

The first amount named-

That is, the amount which they thought would be necessarywas \$20,000, but it was cut down at the suggestion of Secretary Wilson to \$5,000. They have two men at work here now, and doing fine work, too. But they should have not less than \$12,000 for the next

So, Mr. Chairman, the fact is that the Department recom-mended \$38,000 more than this \$75,000. The committee cut out the \$38,000, and that \$38,000 was intended to cover the white fly investigation and the investigation referred to in California. The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Florida. I simply desire to append to my remarks a communication from orange growers of Orange County, Fla., which is here presented:

Hon. Frank Clark, Washington, D. C.

Hon. Frank Clark.

Washington, D. C.

Dear Sir: The board of horticultural commissioners of Orange County, Fla., earnestly request your best efforts in procuring a sufficient appropriation for the continuation of the field work in the white fly district of the State, now going on.

We need, perhaps, not to further call attention to the importance of this work. The Department is aware that a loss of over \$400,000 annually is caused by this pest, and their presence closes the Pacific coast against nursery-stock shipments from the whole Gulf coast of the United States. Florida has special advantages for raising nursery stock, and she has lost this entire trade on account of the white fly.

The appropriation for the present year is sufficient to lay a good foundation for the thorough investigation, and progress is being made. Professor Morrill, of the Department, is here now doing good and efficient work. The needed work for another year can not be done with less than \$12,000, and more could be used to good advantage. These estimates are based on a careful study by this board on the entire situation, and the statements made herein we believe will be fully sustained by the Bureau of Ethnology at Washington. It is especially important that the fund should be available at once.

We therefore most earnestly beg that you give this matter your prompt attention and take such action as you think best in the premises.

Very respectfully submitted.

Very respectfully submitted.

E. H. WALKER, Chairman, THEO. L. MEAD, Secretary, W. L. STORY, JOHN A. SMITH, GEO. H. FERNALD,

Commissioners.

Mr. HAYES. Mr. Chairman, I only desire to consume half a moment. I desire no controversy with the gentleman from New York, but I only desire to say most positively that this Bureau has never spent one dollar in the State of California. I desire further to state, if the Department of Agriculture has spent anything on the horticultural interests of California until last year, when that small appropriation was made to study the pear blight, I do not know of it.

They have never spent any money in California.

Mr. WADSWORTH. I quoted what Doctor Howard said. I do not know.

Mr. HAYES. I do know. I know that none has been spent. I want to say, Mr. Chairman, that the value of the fruit products of California, according to the last census, amounted to \$28,-More than one-half of this value is to be credited to the deciduous fruits of the State. The following small table will show more in detail the facts as to this great industry:

The deciduous fruit interests of California.

Name of fruits and nuts.	Number of trees.	Acreage.	Rank of California with other States.
Apple	2, 878, 169 4, 244, 384	31,868 47,159	Produces 97 per cent of all in United States.
Cherry	686, 891	7,632	Eighth.
****	7, 472, 393	83, 025	Third in number of trees; first in production of fruit.
Pear Plums and prunes	2,512,890 9,823,713	27, 921 109, 152	First, producing more than 50
Almonds	1,601,947	17,799	per cent. First, and produces all in United
			States. Produces all in United States,
Walnuts			10,619,975 pounds.
Total	29, 219, 387	324, 556	20 per cent of total product of United States.

Total number of vines, 90,686,458. Ranks first, and produces three times more than New York, which ranks second.

Total annual value of deciduous fruit products of California, exclusive of vines, according to the census of 1900, \$14,526,786, 20 per cent of all produced in the United States.

Total annual value grapes produced in California, according to census of 1900, \$5,622,825, 35 per cent of all produced in the United States. Total value of canned fruits produced in 1906 in California, according to statement of the California

Canners' Association, about \$25,000,000.

This industry is possibly 25 or even 50 per cent greater today than it was in 1900, and in view of the enormity of the in-terests involved, I think we are entitled to some consideration, especially since we have never had any assistance heretofore. Now, Mr. Chairman, what we ask, so far as California is concerned, is in the spirit of the remarks of the gentleman from Indiana [Mr. CRUMPACKER]. We only ask that these entomologists of the United States help us to find the remedy for our pests. That is all we want. We will apply it, and we will pay the expense of doing so. We only want them to help us to find the remedy, because in some cases our entomologists have not yet been able to find it. Now, Mr. Chairman, I hope that we may have a vote.

Mr. CLARK of Florida. Mr. Chairman, I make the same

request.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from California [Mr. Hayes].

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. HAYES. Division, Mr. Chairman.

The committee divided; and there were—ayes 60, noes 31. Mr. LAMB. Tellers, Mr. Chairman.

Tellers were ordered.

Mr. Hayes and Mr. Lamb took their places as tellers. The committee again divided; and the tellers announcedayes 75, noes 36,

So the amendment was agreed to.

Mr. WADSWORTH (pending the count). I understood that the first vote was in favor of the amendment and those now voting are against it. I am inclined to think that some gentlemen went through here under a misapprehension. Quite a num-ber of gentlemen went through here that voted "aye" when they intended to vote "no."

Mr. JAMES. Mr. Chairman, I desire to offer an amendment. The CHAIRMAN. The gentleman from Kentucky [Mr. James] offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend by inserting, after the word "including," in line 6. page 50, the words:
"Tobacco worms and tobacco insects in the dark-tobacco district of Kentucky and Tennessee."

Mr. JAMES. Mr. Chairman, I merely wanted to say a few words relative to that amendment. The amendment, as the committee will observe, does not seek to-

Mr. WADSWORTH. That is absolutely unnecessary. covered by the powers granted to the entomologists, and if the gentleman from Kentucky will listen I will convince him of that fact. It says:

Entomological investigations: General expenses, Bureau of Entomology: Promotion of economic entomology; investigating the history and habits of insects injurious and beneficial to agriculture, horticulture, and arboriculture; ascertaining the best means of destroying those found to be injurious, including an investigation into the ravages of insects affecting field crops.

Mr. JAMES. Mr. Chairman, the amendment which I have offered to the bill now under consideration reads as follows:

Amend by inserting after the word "including," in line 6, page 50, the words "tobacco worms and tobacco insects in the dark-tobacco district of Kentucky and Tennessee."

I want to say to the gentleman from New York [Mr. Wads-WORTH] that I have read the provisions of the bill, and in my judgment it does not include tobacco worms and tobacco insects. If it does, the Agricultural Department has never so construed it, or, to say the most of it, no part of this appropriation has ever been expended along this line, and as this sum of \$125,000 is to be expended for purposes of this character I do not see any good reason why the people of the dark-tobacco region of Kentucky and Tennessee should not have some benefit from it. The Government has expended thousands of dollars in having scientists make experiments attempting to kill the Mexican cotton boll weevil and prevent its appearance in the Southern States to preserve the cotton crop; this money has been expended in fighting the gypsy and the brown-tail moth in Massachusetts; it has been used in war upon the mosquito, and upon cattle ticks to prevent cattle from catching the southern cattle fever, and this amendment which I have offered directs the attention of scientists and experimenters to the dark-tobacco patch in an effort to discover some way to help the tobacco growers of this region in their fight against the ravages of tobacco worms and tobacco insects.

I want to say, Mr. Chairman, that no more deserving people inhabit this Union than those patient, long-suffering, hardworking farmers of the dark tobacco region of Kentucky and Tennessee. They not only have to fight the ravages of tobacco worms and tobacco insects in crop time, toiling through the field, plant by plant, to pull these worms off with their own hands and till it in order to preserve their crops, but they have a more insidious, a more cowardly, a more destructive foe to meet even than tobacco worms and tobacco insects. foe is the tobacco trust, which attempts to destroy the price of the farmer's tobacco when he brings it to market. This trust has been feeding and fattening on the tobacco growers for the last few years. In all the towns of the dark tobacco region only a few years back there were many purchasers and contending buyers for the farmers' tobacco, but the trust went into this region, bought up all these independent and contending factories and consolidated them, and where once were contending buyers and that rivalry which an open and un-stifled market always gives was transformed into a trust stifled market always gives was transformed into a trust market with idle houses, empty barns, and only one purchaser for the farmers' tobacco. They partitioned off the different counties and sent out their buyers, and one purchaser would not invade another's territory; all of them were acting for the same head. This stifled the law of supply and demand; they fixed absolutely, arbitrarily, the price the farmer had to take for his tobacco. And so this condition continued with the demand for dark tobacco better in foreign countries than it had come the proper of the price of dark tobacco days. ever been before. They forced the price of dark tobacco down to the miserably low sum of not more than \$3.50 per 100 pounds. They were enabled to do this—that is, to organize this tobacco trust—largely by the aid of the Government itself. This Republic, that all our people love, places a tax of 6 cents per pound on the farmers' tobacco, and it can not be sold to the consumer by any person until the tax of 6 cents a pound is first paid to the Government. In this manner the farmer was denied the market he would have for his tobacco if it were not for this tax. The best smoking tobacco in the world is home-spun, or, as we call it, "home-made" tobacco, as it is the best chewing tobacco. And thousands and millions of people all over the South prefer this tobacco to the adulterated manufactured tobacco that is put up in sacks and mixed with other ingredients. But as it is now, the trust is the only purchaser. If this tax of 6 cents per pound were removed from tobacco in the "hand," even a great market in this country would be afforded.

The farmers could sell it by retail to the thousands of people who would use it, and this would destroy the trust, because it would force the trust to pay the farmer a living price for his tobacco. A bill was introduced in the Fifty-eighth Congress providing for the removal of this tax. Hearings were had on this question before the great Committee on Ways and Means, and after a thorough and complete hearing on the whole question a bill was presented to the House taking off the tax of 6 cents per pound upon tobacco in the "hand," and it passed the House without a dissenting vote. It went to the Senate and was referred to the Finance Committee, and there it died. Again, in this Congress, the Fifty-ninth, the same bill was reintroduced, referred to the same committee, presented to the House of Representatives, and of these 386 Members, fresh from the people, not one man could be found who had an objection to urge against the passage of such righteous legislation. Again this bill made its way to the Senate, and the hopes of the farmers were high. They saw, as they thought, the breaking of a new dawn, the realization of their hopes that the Government was going to withdraw its aid from the trust. The bill was referred to the Finance Committee of the Senate, and there it So twice this bill has passed through the House of Representatives, and the Senate has been the rock against which their hope for relief has been wrecked. Why should this tax not be removed? Tobacco is the only thing grown out of the earth by the farmer which he is denied the right to have sold without first paying a tax to the Government. The farmer harvests his wheat and grinds it into flour and sells it; no tax is required; he cuts his cane and grinds it into molasses and sells it; no tax is demanded; he plants his cotton and gins it, and no tax is demanded; he cuts his bemp and makes it into rope; nothing is said about any tax; he takes his corn to the mill and grinds it into meal, and revenue officer holds out no hand de-But tobacco, the hardest of all agricultural manding tax. products to raise, requiring more labor, that of the entire year, is brought to market, and when the farmer goes to have sold this tax is required. This tax is the greatest ally that the trust has, and can anyone urge in common fairness that it is a just The money from the tax upon hand tobacco turned into the Treasury amounts to practically nothing. Therefore as a revenue producer it is of no aid to the Government whatever. Then the only purpose and the only benefit it could possibly be said to have is the benefit to the trust and in denying competition in the purchase of the farmer's tobacco.

The tobacco produced in the dark-tobacco region, for which I offer this amendment, is now sold as export tobacco. These unbearable and awful conditions that have prevailed there have been partially met, but met only by the farmers themselves. They saw the price of their tobacco forced by this trust down to where they could not make meat and bread for their families. have appealed to Congress for remedial legislation by repealing this tax, and that appeal, I regret to say, has been in vain. They knew that tobacco was the most universally used stimulant and narcotic in the world. They knew that as the population of the country increased the demand for tobacco increased. They knew that a radius of 150 miles square in Kentucky and Tennessee constituted the only soil upon the earth which would grow dark tobacco. They knew that the earth which would grow dark tobacco. They knew that the revenues of most of the countries of Europe were derived largely from the tobacco which they grew. They knew that the revenue derived from the sale of this tobacco in European countries was about an average of \$1.28 per pound. They knew that in some of these countries across the sea the governments themselves sold this tobacco and derived their revenues therefrom. They reasoned to themselves that the only hope for them was to organize and pool their tobacco and sell it directly to the foreign countries without consulting the trust. These farmers met and organized and commenced this warfare on the trusts in defense of themselves. They have succeeded to some extent, and, I may say, to a very great extent, in helping themselves. If this great Government would only treat them fairly by removing the tax, the tobacco trust would be destroyed and the tobacco growers of the dark patch would call you blessed. The tax upon this tobacco was originally a war measure. Up to the civil war no tax was on tobacco. The tax was increased to 12 cents a pound during the war with Spain. It was reduced from 12 cents to 6 cents per pound after the war closed, but this gave no relief to the farmer, as the o cents which was taken off only went to the benefit of the trust. The trust, which was selling manufactured tobacco and paying about \$40,000,000 a year to the Government, when the tax was reduced to 6 cents, never lowered the price of tobacco in the slightest degree to the consumer. By this legislation the trust was re-lieved from paying \$40,000,000 a year on tobacco and had to pay only \$20,000,000. Thus it was to their advantage to the sum of \$20,000,000 that the last legislation resulted.

Mr. Chairman, the farmers of my country ask no legislative aid to enhance the price of their tobacco. They are quite aware that manufacturers from whom they have to buy have the prices of their products enhanced by a high protective tariff that shuts out competition and that the amount of this tariff | them, I want this Congress to adopt it. This House has done

is added to the price of the article, and when they purchase these articles, which are the necessaries of life, they are required to pay this tax. Groaning and protesting against this wrong, they loudly proclaim the unrighteousness of a law that is a tax upon their tobacco and which enables the trust to fix the price for which they have to sell. For the manufacturer you place a tariff tax to make his product sell high, for the tobacco farmer you place a tax to make his product sell low. All they want, all they ask, is that they shall be allowed to stand out in that market—which is older than protective tariff, older than the rapacity of the trust, as old as civilization itself—the open market of supply and demand, and be allowed to sell their product. They know, Mr. Chairman, that a bill has just passed the Senate which has for its purpose the giving of \$15,000,000 purely as a gratuity or subsidy to the great shipowners. They know they help to pay this tax. They know it is the people's money, gathered from the cottage and the hut and the home of the people. This is done, as the friends of the measure proclaim, to encourage shipping. They ask no gratuity or subsidy to encourage tobacco growing. They do not ask that you ram your hands into the public Treasury and pull out the gathered taxes of the citizens of this Republic and distribute the money among them. They know such a subsidy, by whatever honeyed phrase disguised, would be by the plutocrats who own the stock in the ship trust denounced as socialism. And yet, Mr. Chairman, I could make out a more righteous case for these men than can, be made out for the ship trust in their fight for a subsidy. Upon the side of the farmers would be their poverty, their hungry families, their ragged children, their thatched roofs, their mortgaged farms, and their wrecked hopes-all would be silent yet eloquent witnesses in their behalf. Those to whom the ship subsidy goes have everything that gold can buy, spend their summers in the cool breezes by the seashore and their winters in the sunny clime of the South.

I would oppose a subsidy to tobacco growers as I oppose a subsidy to shipowners, because the genius of our Government and the spirit on which it is founded and on which it can only be made perpetual is that you shall not take from one citizen for the benefit of another, nor shall you take from a citizen for the benefit of a corporation, nor shall you injure one to aid the other. Yet, Mr. Chairman, under the benign policies that are now in force in this Government the Republican party stands for a tax upon the farmers' tobacco to aid the trust and a tariff tax upon the goods of the manufacturer to aid the manufacturer. It seems to go upon the theory that if you take from the treasury of the people's money to give it to the trust or to a great corporation this they declare to be subsidy or subvention to encourage business. But the fathers of this Republic would call it robbery of the many for the benefit of the few. present policy of the Republican party is continued they will have a new slogan for the campaign of 1908 and will change the stand-pat phrase to the euphonious shibboleth, "Help the rich; the poor can beg;" and this may be supplemented by employing the doctrine "For whosoever hath, to him shall be given, and he shall have more abundance; but whosoever hath not, from him shall be taken away even that he hath." The tobacco growers are willing to go into the fields under the beams of the hot sun and bend over the hills of their tobacco and tend it, and sucker it, and worm it, and cut it, and cure it, and house it. They are willing to sweat and work thirteen months out of the year to raise this tobacco; no subsidy aid do they require. All they ask of you and of this Government is that the heavy hand of governmental taxation which is put on their tobacco and which redounds solely and only to the benefit of the trust be removed and allow them to sell in an unstifled market. Mr. Chairman, I wish it were possible for the Members of this House to know these conditions as I do and to see these people who have been forced to want by reason of the heartless rapacity and conscienceless greed of the tobacco trust.

Mr. DRISCOLL. What bill is that? Mr. JAMES. It is the bill taking the 6-cents-a-pound tax off of leaf tobacco.

Mr. BANNON. Why does not the gentleman include Ohio in that?

Mr. JAMES. I am willing to include Ohio.
Mr. MUDD. And Maryland also?
Mr. JAMES. I will include Maryland, and I will include North Carolina, and I will include any tobacco-growing region in the United States.

Mr. BUTLER of Pennsylvania. Pennsylvania?

Mr. JAMES. I will include Pennsylvania. I drew my amendmend making it applicable to the dark-tobacco region of Kentucky and Tennessee, because of my familiarity and knowledge of conditions there, and if there is any aid that can be given

its duty in the passage of the bill to take the tax off of tobacco, and I hope you will pass the amendment which I have offered. I sincerely trust that the time is not far distant when the Congress of the United States shall pass through both Houses a bill removing this tax from tobacco, divorcing this Government from partnership with the trust, and these glad tidings will be greeted by these sturdy farmers with joyous acclaim. Mr. Chairman, the farmers of the dark-tobacco belt stand under the flag of equal rights to all and special privileges to none. In the swift battle of life they only ask that in this contest for bread for themselves and their wives and children that this Government shall not be against them. They ask that the Government shall be divorced from partnership with this monopoly, and as this Republic can demand of all citizens alike their lives in defense of the flag in time of war, these men believe, and believe sincerely, that in times of peace the same chances and opportunities should, like sunshine, fall upon all alike. With a cause so just these tobacco growers have hoped and prayed for relief. This cause was so righteous that no one dared to come into the open light and oppose it. They knew the powerful opposition they would encounter, the cowardly stealth of greed and gold, and yet they hoped.

Mr. Chairman, I yet entertain the hope that in the remaining days of this session, which are but few, the Senate will enact this bill into law. It is true it is but half a loaf. The farmers should have the right to twist their tobacco and sell it without tax, but under this bill the only right they get is the right to have it sold in the "hand" without tax. Senate enact this bill, and, half a loaf as it is, it will help to overthrow the most heartless band of pirates that ever pillaged or captured, overthrow a meaner set of men than those who gambled for the raiment of Christ, overthrow a crowd of vampires whose greed for money would drive into penury 3,000,000 struggling people. The Bible tells us that when Gideon was thrashing wheat by the wine press to hide it from the Midlanites, into whose hands he had been cast, that an angel of the Lord appeared unto him and said: "The Lord is with thee, thou mighty man of valor." The tobacco growers of the dark-tobacco region have been cast into the hands of the trust without doing any evil, they have been pooling their tobacco to hide it from the trust, they have trod the wine press alone. Let the Senate pass this law and say to the struggling, ragged, oppressed farmers: "Uncle Sam is with you, you mighty men of valor." With the scientist and experimenters discovering of valor." With the scientist and experimenters discovering a way to exterminate tobacco worms and tobacco insects, the Attorney-General's office busy discovering and prosecuting the men who have brought this condition upon this country, placing the stripes of infamy upon them, the tax removed from to-bacco, the trust denied governmental support, supply and demand again the arbiter and king of prices, then, Mr. Chairman,

the people of that trust-cursed, monopoly-oppressed land can My country, 'tis of thee, Sweet land of liberty.

[Applause.]

say, and say truly-

Mr. Chairman, I think the House should adopt this amendment I have offered.

The question was taken; and the amendment was agreed to. Mr. RICHARDSON of Alabama. I offer an amendment to

come in on line 25, page 50.

The CHAIRMAN. The Chair will state to the gentleman from Alabama that that paragraph has not yet been reached. The reading closed with line 23.

Mr. RICHARDSON of Alabama. The Clerk read "\$75,000," and then the amendment came in increasing the amount.

The CHAIRMAN. Well, does the gentleman wish it to come in at the end of line 23?

Mr. RICHARDSON of Alabama. Yes, sir.

The Clerk read as follows:

The Clerk read as follows:

After the word "dollars," in line 23, page 50, insert: "Provided,
That the sum of \$30,000, or so much thereof as may be necessary, shall
be used by the Secretary of the Department of Agriculture for the promotion of economic ornithology and the investigation of the foodhabits of North American birds in relation to agriculture, horticulture,
and forestry, and for the protection and preservation of useful birds,
as provided for under existing law, and to carry into effect the provisions of an act approved May 25, 1900, entitled "An act to enlarge
the powers of the Department of Agriculture, prohibiting the transportation of interstate commerce of game killed in violation of local laws."

Mr. WADSWORTH. I reserve the point of order on that, Mr. Chairman.

Mr. LACEY. Will the gentleman allow me to offer an amendment to that?

The CHAIRMAN. The Chair understands the gentleman from New York to have reserved the point of order.

Mr. LACEY. I will ask the gentleman from Alabama if he will allow me to offer as a substitute the existing law?

The CHAIRMAN. The gentleman from Iowa desires to know if the gentleman from Alabama will yield to propose an amendment to his amendment which has just been read.

I desire to offer the existing appropriation.

Mr. RICHARDSON of Alabama. I do not yield for that purpose at this time.

Mr. Chairman, the reason for offering this amendment in this connection is simply this: I was advised and informed by the chairman of the committee [Mr. Wadsworth] that this paragraph, or this Bureau of Entomology, took care of and provided for the functions and the duties of the Bureau of Biological That being the case, it seemed to me that the point of Survey. order would not be well taken; but, however, the distinguished chairman of the committee further admits there is no provision whatsoever made for the protection or preservation of game, including birds. In other words, Mr. Chairman, I want this committee to understand that if this bill now under consideration becomes a law, that it annuls directly "An act to enlarge the powers of the Department of Agriculture, to prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes;" approved May 25, 1900, and I desire in that connection to read a paragraph or so from the existing law which this bill repeals and annuls by reason of the fact that it makes no appropriation for carrying out the provisions of this act, passed May 26, 1900, as follows:

out the provisions of this act, passed May 26, 1900, as follows:

That the duties and powers of the Department of Agriculture are hereby enlarged so as to include the preservation, distribution, introduction, and restoration of game birds and other wild birds. The Secretary of Agriculture is hereby authorized to adopt such measures as may be necessary to carry out the purposes of this act and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various States and Territories. The object and purpose of this act is to aid in the restoration of such birds in those parts of the United States adapted thereto, where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.

The Secretary of Agriculture shall, from time to time, collect and publish useful information as to the propagation, uses, and preservation of such birds; and the Secretary of Agriculture shall make and publish all needful rules and regulations for carrying out the purposes of this act, and shall expend for said purposes such sums as Congress may appropriate therefor.

That it shall be unlawful for any person or persons to deliver to any common carrier to transport from one State or Territory to another State or Territory, or from the District of Columbia or Alaska, any foreign animals or birds the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds where such animals or birds have been killed in violation of the laws of the State or District in which the same were killed.

Provided, That nothing herein shall prevent the transportation of any dead bird or animals killed during the season when the same may be lawfully captured, and the export of which is not prohibited by law in the State, Territory, or District in which the same were killed.

Mr. LAMB. I was just going to ask the gentleman if he would not withdraw his amendmen

Mr. LAMB. I was just going to ask the gentleman if he would not withdraw his amendment, as it is clearly subject to a point of order, and the object you have in view could be obtained without that.

Mr. RICHARDSON of Alabama. I appreciate the suggestion made by the gentleman from Virginia [Mr. Lamb]. I want to make my remarks and then will discuss the point of order if the same is necessary. I admit that I do not care much to discuss the point of order; but I say, Mr. Chairman, that a law of as much importance as this one I have just read ought not to be repealed and annulled in this way.

Its object and purpose is so plainly wise, proper, and prudent that we ought to maintain it. I have asked the chairman of the Committee on Agriculture if it is not true that the Secreary of Agriculture recommended a 25 per cent increase in the amount appropriated in the last Congress for carrying on the biological surveys. I have not received any answer to that question, and I propound it again to the chairman of this committee if the Secretary of Agriculture did not recommend an increase of the appropriation? Silence gives consent. Instead of that the entire appropriation for the Biological Survey has been stricken out, including this important provision in reference to game. The statute I have read does not invade any State law. It stands, Mr. Chairman, in the same attitude to the State, in principle, theory, and spirit, as the pure-food law that we have passed during the first session of this Congress, and from which we expect such great benefits for the public. As the pure-food law, by creating or authorizing the establishment of standards, is intended to aid any State law that is in force for the preservation of the purity of food, so this Federal statute is intended to aid in the preservation and protection of game. It seems to me totally unwise and unneces sary at this time to strike that down and to make no provision for it, especially as no reason is given in the report of the Committee on Agriculture for its action. The committee has not give us the benefit of the information asked for, whether the Secretary of Agriculture made that recommendation of an in-

crease of the appropriation for the Biological Survey. I am reliably informed that he did make it. Yet it is contended that the preservation of game is such a "scientific" question that it belongs to some other Department than the Department of Agriculture. It does not seem that Congress thought so when it passed this law that I have just read, Mr. Chairman, if I understand the point of order, it is that the proposition must be germane to the subject that it is intended to amend. It must have some connection with it; must be of the same family of subjects provided for in the bill sought to be amended. What is this paragraph here? I call the attention of the Chair to it. It is a very well admitted fact that there is no greater protection to "field crops" when they are planted and when they are germinating than a certain class of birds which destroy the "insects" that interfere with the "field crops." In addition to that, Mr. Chairman, the law that I have read, page 188 of the Statutes at Large, uses this language, which it seems to me brings the amendment that I have offered within the purview of the Entomological Bureau provision:

Injurious to the interests of agriculture or horticulture.

Those are the words of the existing law.

What is the bill that I hold in my hand? Why, it is "to investigate the history and habits of insects injurious and beneficial to agriculture, horticulture, and arboriculture.' contend, Mr. Chairman, that this amendment which I have offered, under these circumstances, is germane to this paragraph. It does not say that \$30,000 shall be unconditionally appropriated, but it says as much thereof as is necessary. reason can be offered why it is not? The report of the committee makes no statement nor gives any facts. It does not say that the Biological Survey was inefficient. It does not say that they had any hearing about it in which witnesses were examined. It does not say that there was a single witness called on the question either of abolishing this Bureau or of taking from the birds the protection that the law ought to give them. I say it is not only a question of great benefit, but it is a question of sentiment, and we ought to take care of the birds.

As I recall it, but a short time since there was a bill passed here to take care of the birds of the District of Columbia, and I yoted for it with a great deal of pleasure. I am thoroughly convinced that a law of this kind is absolutely necessary. Why? There is spreading to-day throughout all the States of the Union a growing sentiment that the birds and the fish and the game ought to be protected. Only a few days since, in my own State of Alabama, a law was passed, with practical unanimity, pro-viding for the preservation and protection of game.

This law, existing as it does to-day, which the Committee on

Agriculture, by refusing to make an appropriation, has repealed, gives Government officials the power, not to go into the States and interfere with the rights of the States, but simply to prevent persons who are shipping birds illegally captured or killed under

State law into other States.

Will the gentleman yield for a suggestion? Mr. RICHARDSON of Alabama. Yes; with pleasure.

I am in hearty sympathy with the gentleman's Mr. LACEY. general proposition, but I should like to call his attention to the fact that the place where he offers this amendment is not the proper place. There are two lines to dispose of yet under the Bureau of Entomology, and then we come to the Bureau of Biology, which has been wholly omitted from the bill. Just at this particular point the gentleman's proposition is not germane, but when we pass to the next two lines I was intending to offer

as a substitute the provision of last year.

Mr. RICHARDSON of Alabama. I am very much obliged to the gentleman for his cooperation and sympathy in this matter, and I believe if the question comes fairly and pointedly before this committee they will never suffer that provision in the Biological Survey with reference to game to be destroyed or un-Now, the reason I offered the amendment at this place was that the chairman of the committee advised me that that paragraph provided for the very thing that I am contending for, and yet there isn't a paragraph nor a word nor a syllable in it that can possibly be construed as protecting game or birds. But, Mr. Chairman, on the suggestion of the gentleman from Iowa [Mr. LACEY], having made the explanation desired to make, I withdraw my amendment as applicable to the paragraph referred to and ask that the amendment apply to the last paragraph of the Entomological Bureau.

The CHAIRMAN. The gentleman from Alabama withdraws his amendment. Without objection, the amendment will be

There was no objection. Mr. RICHARDSON of Alabama. Mr. Chairman, I desire to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Alabama desires to extend his remarks in the Recorp. Is there objection? There was no objection.

### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Olmsted having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Parkinson, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 7998. An act granting an increase of pension to George

N. Julian;

S. 7917. An act to authorize the Interstate Bridge and Terminal Railway Company, of Kansas City, Kans., to construct a bridge across the Missouri River;

S. 7812. An act to amend section 591 of the Revised Statutes of the United States relative to the assignment of district judges

to perform the duties of a disabled judge;

S. 7760. An act to authorize the Albany Railroad Bridge Company or the Chicago and Northwestern Railway Company to reconstruct a bridge across the Mississippi River;

S. 7674. An act to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement;

S. 7427. An act granting an increase of pension to George

L. Danforth: and

S. 7247. An act to provide for the establishment of an immigrant station at New Orleans, in the State of Louisiana, and the erection in said city, on a site to be selected for said station, of a public building.

The message also announced that the Senate had passed with-

out amendment bills of the following titles

H. R. 23927. An act excepting certain lands in Pennington County, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves;

H. R. 22135. An act authorizing the construction of a bridge across the Ashley River, in the counties of Charleston and Colle-

H. R. 21197. An act to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, by extending the provisions of the first section thereof to the port of Brunswick, Ga.:

H. R. 20988. An act to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903; and

H. R. 714. An act for the relief of Charles B. Bentley.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 24538. An act making appropriation for the diplomatic and consular service for the fiscal year ending June 30, 1908;

H. R. 23821. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to bill of the

following title:

S. 1726. An act making provision for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as "The for school purposes, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Nelson, Mr. McLaurin, and Mr. Dubois as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House to bills of the following titles:

S. 7170. An act to amend an act relating to service on foreign corporations, approved June 30, 1902, entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia.'" of Columbia:

S. 6470. An act in relation to the Washington Market Company

S. 5698. An act to regulate the practice of veterinary medicine in the District of Columbia; and

S. 4267. An act to prohibit the sale of intoxicating liquors near the Government Hospital for the Insane and the District almshouse.

The message also announced that the Senate had passed without amendment the following House concurrent resolution:

Resolved by the House of Representatives (the Senate concurring), That there be printed 6,000 copies of the report of the Postal Commission appointed under the provisions of the act making appropriation

for the service of the Post-Office Department, approved June 26, 1906, being House Document No. —, Fifty-ninth Congress, second session, to be accompanied by the testimony taken by the said Commission, together with the accompanying exhibits and digest, 2,000 copies for the use of the Senate and 4,000 copies for the use of the House of Representatives.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 44.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the Little Contentnea River, North Carolina, from the mouth of same to the town of Ridge Springs, in Greene County, N. C., with a view of dredging, cleaning out, and widening the channel, and to submit a plan and estimate for such improvement.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 9577. An act for the relief of Charles H. Stockley; and H. R. 24104. An act transferring Phelps County to the eastern division of the eastern judicial district of Missouri.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk, continuing the reading of the bill, read as follows: Total for Bureau of Entomology, \$97,460.

Mr. RICHARDSON of Alabama. Now, Mr. Chairman, I will offer my amendment again.

The CHAIRMAN. The Chair will suggest the total ought to Without objection, the Clerk will be directed to change the total.

There was no objection.

Mr. LACEY. Now, Mr. Chairman, I offer the following as a substitute for the amendment offered by the gentleman from Alabama.

The Clerk read as follows:

Insert at the end of line 23, page 50, the following:

"BUREAU OF BIOLOGICAL SURVEY.

"BUEAU OF BIOLOGICAL SURVEY.

"Salaries, Bureau of Biological Survey: One biologist, who shall be chief of Bureau, \$3,000; one clerk, class 1, \$1,200; two clerks, at \$1,000 each, \$2,000; one clerk, \$900; one messenger or laborer, \$480; in all, \$7,580.

"Biological investigations: General expenses, biological investigations: For biological investigations, including the geographic distribution and migrations of animals, birds, and plants, and for the promotion of economic ornithology and mammalogy; for an investigation of the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry; for the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; for freight and express charges; for office fixtures and supplies, gas and electric current, telegraph and telephone service; for preparation and publication of reports, and for illustrations, field work, and traveling and other expenses in the practical work of the Bureau, and to enable the Secretary of Agriculture to carry into effect the provisions of an act approved May 25, 1900, entitled 'An act to enlarge the powers of the Department of Agriculture, prohibiting the transportation by interstate commerce of game killed in violation of local laws, and for other purposes,' \$44,420.

"Total for Bureau of Biological Survey, \$52,000."

Mr. CRUMPACKER. Mr. Chairman, I desire to make the

Mr. CRUMPACKER. Mr. Chairman, I desire to make the point of order against the amendment on the ground that it is new legislation and changes existing law.

Mr. BUTLER of Pennsylvania rose.

The CHAIRMAN. For what purpose does the gentleman rise? Mr. BUTLER of Pennsylvania. To ask the chairman of the committee one question.

Mr. WADSWORTH. The gentleman from Indiana has the

Mr. BUTLER of Pennsylvania. Will the gentleman withhold his point of order until I can ask the gentleman from New York one question?

Mr. CRUMPACKER. The point of order is made, and I have no objection to the gentleman asking a question.

Mr. BUTLER of Pennsylvania. I want to ask the gentleman

from New York, chairman of the committee, if this provision offered by the gentleman from Iowa is the legislation of last year?

Mr. WADSWORTH. The amendment offered by the gentleman from Iowa? Yes.

Mr. BUTLER of Pennsylvania. I am referring to the substitute proposed by the gentleman from Iowa.

Mr. WADSWORTH. It is.

The CHAIRMAN. The Chair understood that the gentleman from Alabama withdrew his amendment.

Mr. RICHARDSON of Alabama. I did, Mr. Chairman, withdraw it until the next two lines of the bill were read, and then reoffered it.

The CHAIRMAN. The Chair did not understand that the gentleman from Alabama had reoffered his amendment.

Mr. RICHARDSON of Alabama. I did, Mr. Chairman. Mr. LACEY. And I offered the provision as a substitute for the gentleman's amendment.

The CHAIRMAN. The Chair for the first time understands that the gentleman has reoffered his amendment, and the Clerk will report it.

Mr. LACEY. It has already been read, Mr. Chairman. Mr. CRUMPACKER. And I make the point of order against the amendment.

Mr. RICHARDSON of Alabama. I suppose, Mr. Chairman, I have the right to withdraw the amendment, because the amendment offered by the gentleman from Iowa [Mr. Lacey] is broader and more comprehensive and accomplishes exactly what I desire.

The CHAIRMAN. Does the gentleman from Alabama desire to withdraw his amendment now?

Mr. RICHARDSON of Alabama. I do, for the reasons stated. The CHAIRMAN. Without objection, the amendment offered by the gentleman from Alabama will be withdrawn,

There was no objection.

Mr. LACEY. And now, Mr. Chairman, I offer as an original amendment the substitute which I offered.

Mr. CRUMPACKER. And I make the point of order against the amendment that it is a change of existing law and is new legislation.

Mr. LACEY. In what respect?
Mr. CRUMPACKER. In a good many respects.

Mr. LACEY. If there are any, I would like to know what

they are.

Mr. CRUMPACKER. Mr. Chairman, there is no law authorizing any such investigation as that proposed by the gentleman from Iowa. I do not know of any law, although I have not had time to look up the original statute authorizing an appropriation for the chief of the Bureau of Biology. I do not know of any general statute that creates a bureau of biology or a biological survey. There may be. Now, the amendment providing for general expenses for biological investigation, including geographic distribution and the migrations of animals, birds, and plants, and for the promotion of economic ornithology and mammalogy, I submit are subjects that do not pertain to agriculture. They do

not come within the definition of agriculture.

Mr. Chairman, the original act creating the Department of Agriculture confines the work of that Department to agriculture in its most general and comprehensive sense. It provides for certain bureaus, and I think nowhere does it provide for a bureau of biological survey. I think that is one of the growths, perhaps, that has come up through various appropriation bills. I submit that the investigation here is not agricultural in its nature. It does not have relation to agriculture within the sense of the law. Agriculture has reference in its most comprehensive sense to the growing of grains, vegetables, and fruits from the soil. It has no connection with ornithology or mammalogy. This amendment authorizes independent investigation, including the geographic distribution and migration of animals, birds, and plants for the promotion of economic ornithology and mammalogy. That is its purpose. It does not say it is for the promotion of agriculture, and if the amendment so said it would not bring it within the spirit and the sense of the law. Rather, it is for the investigation of the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry. That particular clause undertakes to connect simply an investigation of the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry. The relation of the investigation to agriculture, horticulture, and forestry is confined to that particular clause of the amendment

For the employment of local special agents, clerks, assistants, and other labor required, etc., collecting, digesting, reporting and illustrating the results of such experiments, and so on.

I make the point that there is no law authorizing the bureau in the first place, nor an appropriation for the chief of the bureau. I make the point further, that the investigation authorized by the amendment is not agricultural in its most comprehensive sense. It belongs entirely to a different division of our scientific research investigation. It belongs more to the natural history than it does to agriculture.

Mr. LAMB. Has the gentleman the organic act?
Mr. CRUMPACKER. I have it here.
Mr. LAMB. That is covered emphatically right there.
Mr. RICHARDSON of Alabama. Let me call it to the gentleman's attention—"or such other birds or animals as the Secretary of Agriculture may from time to time declare injurious to the interests of agriculture or horticulture.'

Mr. CRUMPACKER. Yes, but this amendment does not connect the investigation with agriculture or horticulture at all. Read the first clause. For biological investigations, including the geographical distribution and migration of animals, birds, and plants, for the promotion of economic ornithology and mammalogy. That is not agriculture. It economic ornithology and mammalogy. That is not agriculture. It is for the promotion of

The gentleman is not reading from the law. Mr. LACEY. He is reading from the original organization of the Department of Agriculture. That was enlarged in the year 1900 by the in-sertion of a very broad paragraph indeed, which, if the gentleman will yield a moment, I will call to his attention at this

Mr. CRUMPACKER. In what law? Mr. LACEY. The act of May 25, 1900.

Mr. CRUMPACKER. What act is that? Is it the bird law?

Mr. LACEY. Yes.

Mr. CRUMPACKER. Oh, we have got a good deal of law for various things.

Mr. LACEY. There is a specific law intended to cover this

direct question.

Mr. CRUMPACKER. Read the law.

Mr. LACEY. I had the honor to draw the law, and I think it is broad enough to cover this paragraph, because this paragraph has been put in the appropriation from time to time since this law was enacted for the purpose of carrying out this law. It starts out with the statement that-

The duties of the Department of Agriculture are hereby enlarged so as to include the preservation, distribution, introduction, and restoration of game birds and animals, and that the Secretary of Agriculture is hereby authorized to adopt such measures as may be necessary to carry out the purposes of this act and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various States and Territories; that the object and purpose of this act is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the Introduction of American or foreign birds or animals in localities where they have not heretofore existed, and the Secretary of Agriculture shall from time to time collect and publish useful information as to the propagation, uses, and preservation of such birds, and the Secretary of Agriculture shall make and publish all needful rules and regulations for carrying out the purposes of this act, and shall expend for said purposes such sums as may be appropriated therefor.

Now, under this power has overspiced a Division of Delice of Delice.

Now, under this power he organized a Division of Biology, selected men to carry out the purposes of this act, and an appropriation was made for that purpose. It has been reappropriated, and this is the fourth time that Congress has been called on to make an appropriation to carry out the regulations

that have been made by the Secretary of Agriculture.

That is only a small portion of the act. The Chair, I infer, has the whole act before him, and it is very broad and comprehensive in its terms, and this paragraph now offered by me is the one that has been approved by the Congress heretofore as being authorized by this act. Now, if the gentleman observes, we have already made appropriations for various bureaus which are not specifically authorized by law, and this is the only one that is omitted entirely from the proposed bill, and it is fully and completely authorized by law. Now, I understand from the chairman of the committee that this omission was not made with a view of abandoning the execution of this law, but was made on the suggestion that there might be some duplications that ought to be looked into before the appropriation was made. If the gentleman from Indiana will point out wherein this proposed paragraph is not authorized by the act of 1900 in connection with acts amendatory to the original organic act, I will be glad to hear from him and I have no doubt the Chair would.

Mr. CRUMPACKER. I can do that.

Mr. LACEY. Of course, if this had been authorized by the original act in the Revised Statutes, the act of 1900 would not

Mr. CRUMPACKER. I can very readily do that. I have the act here creating the Department of Agriculture, making provision for various bureaus and divisions, and providing, among other things, that there be a Secretary, chief clerk, a Chemist and an Assistant Chemist, an Entomologist, a Microscopist, a Botanist, a Statistician, a superintendent, but nowhere is there any provision in this law for a Biologist or for a bureau or division of biological survey. The statute the gentleman read from contains no such provision as that. The organic act contains no such provision as that. It can not be, after there is a statute creating a Department and providing for certain subdivisions of the work of administration, specifying what bureaus there shall be, that a subsequent act conferring additional authority upon the Department authorizes him to create new bureaus without providing for heads or chiefs of the bureaus, and I say it would not give him by implication any power to create bureaus and appoint chiefs and chief clerks in any sense of the term. And, furthermore, if the Chair pleases, the purpose and spirit of the amendment is not within the law from

which the gentleman quoted. The object of that law is the preservation of game, birds, and animals. The object of this investigation is to investigate the geographical distribution of animals, birds, and plants and for the promotion of economical ethnology and mammalogy. Where is there any statute authorizing an investigation for those purposes? If the amendment is new legislation in any sense, of course the point of order should be sustained.

The CHAIRMAN. Does the gentleman from Iowa desire to

be heard?

Mr. LACEY. Mr. Chairman, the Secretary is authorized to adopt such measures as may be necessary. The Secretary is authorized to make such rules and regulations," and he can adopt such measures as may be necessary. "publish all needful rules and regulations." Now, Congress has created a new work for the Department of Agriculture, and the only thing the Secretary of Agriculture has done is to give There was no name given it in the act of 1900, but it a name. it is the thing that the Chair is discussing now and not the name by which it goes. The Secretary having adopted that name and having called the officials having charge of this work a Biological Survey, it is not a change of existing law to accept the name which he adopts in describing it in the report of the Department. In short, call it whatever you may, everything that is provided in this proposed amendment, and which the House adopted in the last session, is authorized by the act of 1900, unless, perchance, the question of the name that is given, and that is not the material thing. I will make one further suggestion to the Chair, and that is that this act is perhaps the broadest under which the Secretary has been acting. Ordinarily we have created bureaus by a specific act. This being a new departure, the power was relegated to the Secretary to adopt such measures as might be necessary to carry out the purposes of Congress embraced in the act; consequently we delegated to him that particular power. It is not an enlargement of the act in any way, but merely in furtherance of it and within its

The CHAIRMAN (Mr. OLMSTED). The Chair would ask the gentleman from Iowa where he finds authority for the establish-

ment of the Bureau of Biological Survey?

Mr. LACEY. Well, the authority would be to adopt rules and regulations to carry out those purposes. He has to make a division, at least, and suppose we provide for a division? Then the question would be, What authority has he to make the division? He has authority to enforce this law and make rules and regulations. He has made rules and regulations, and we have approved of them for three successive times by act of Congress. His duties are defined by this law. The names under which he performs these duties are not defined by this law. He might call him a clerk; he might call him a chief of division; might call him a chief of a bureau; but he is nothing more nor less than the man designated to carry out this law under its terms as authorized by act of Congress.

The CHAIRMAN (Mr. Olmsted). The Chair finds that the act of May 25, 1900, is quite broad in its provisions. It de-

clares-

That the duties and powers of the Department of Agriculture are hereby enlarged so as to include the preservation, distribution, introduction, and restoration of game birds and other wild animals. The Secretary of Agriculture is hereby authorized to adopt such measures as may be necessary to carry out the purposes of this act and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various State and Territories. The object and purpose of this act is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.

Then it requires the Secretary to collect and publish information as to their propagation, uses, and preservation; and it distinctly authorizes him to make and publish all needful rules and regulations for carrying out the purposes of the act.

Now, this proposed amendment has two divisions, the first establishes a bureau of biological survey, provides a biologist who shall be the chief of the bureau, with a salary of \$3,000, and provides certain clerks. It establishes a bureau fully officered. The second division, entitled "Biological investigations," appropriates in a lump sum for biological investigations of the character therein set forth in some detail. The Chair finds that "biology," as defined by Webster, has to do with the "origin, structure, development, function, and distribution of animals and plants," and is inclined to think, and would hold, that the second portion of the amendment is supported by authority found in the act of 1900 and therefore in order. But the first division of the amendment, establishing the Bureau of Biological Survey, seems to hamper the discretion which the act of 1900 confers upon the Department of Agriculture. Whether that act confers upon the Secretary of Agriculture au-

thority to establish such a bureau need not be discussed. The proposed amendment does not contemplate its establishment by him, but by Congress. It is the attempted establishment of a new bureau in an appropriation bill without any previous authority of law. The Chair therefore holds that the first division of the amendment is subject to the point of order, and, part of the amendment being so subject, the Chair is compelled to sustain the point of order against the entire amendment.

Mr. LACEY. Mr. Chairman, I will offer the second paragraph, striking out the words "forty-four thousand four hundred and twenty" and inserting "fifty-two thousand" and leaving out the words totally to the bottom of the line. That would leave the second paragraph by itself, and the appropriation the same, without the creation of a bureau.

The CHAIRMAN. The Clerk will report the amendment. Mr. LACEY. Leave the item as it is, \$44,420. I will offer that item just as it is.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Insert, after line 25, page 50, the following:

"Biological investigations: General expenses, biological investigations: For biological investigations, including the geographic distribution and migrations of animals, birds, and plants, and for the promotion of economic ornithology and mammalogy; for an investigation of the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry; for the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; for freight and express charges; for office fixtures and supplies, gas and electric current, telegraph and telephone service; for preparation and publication of reports, and for illustrations, field work, and traveling and other expenses in the practical work of the Bureau, and to enable the Secretary of Agriculture to carry into effect the provisions of an act approved May 25, 1900, entitled 'An act to enlarge the powers of the Department of Agriculture, prohibiting the transportation by interstate commerce of game killed in violation of local laws, and for other purposes,' \$44,420."

Mr. LACEEY Now Mr. Chairman, I will ask the gentleman in

Mr. LACEY. Now, Mr. Chairman, I will ask the gentleman in charge of the bill [Mr. Wadsworth] whether he would not accept the amendment in that form?

Mr. WADSWORTH. Mr. Chairman-

The CHAIRMAN. Just one word. The Chair would suggest to the gentleman from Iowa, in view of the fact that the portion relative to the Bureau has gone out on a point of order, to omit from his amendment the words "practical work of the Bureau."

Mr. LACEY. In what line? Strike out the word "Bureau"

and insert "Department."

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa [Mr. LACKY].

Mr. WADSWORTH. The Committee on Agriculture left the

entire item out of the bill, because in the course of investigation we were informed that there were certain duplications of work going on. Now, I would like the gentleman from Minnesota [Mr. Davis], who made examination, to state to the committee the reason why it was left out and what action we hope for in the Senate?

Mr. DAVIS of Minnesota. Mr. Chairman, the Committee on Agriculture this year had very extended investigations upon nearly everything contained in this bill. Near the close or at the close of the investigation this question of the Biological Survey came up. They had not given it any special investigation other than the investigation that was had one year ago. The committee was then informed that a considerable portion, or at least some portion, of the work that was being done by the Biological Bureau was being duplicated in the Smithsonian Institution and other branches of the Government. That being the case, the committee thought at that time, and they considered some of the questions that have now been argued by the gentleman from Iowa and the gentleman from Indiana, as to the proper place that this work should be done. They therefore decided to omit the entire appropriation for that Bureau at that time. Since then I have seen and personally interviewed the Assistant Secretary of Agriculture, who is particularly interested in this branch, and he informed me no later than yesterday that he thought it advisable for the House at this time to allow the bill to be passed regarding this subject as the committee had seen fit to report it; that an investigation would be had in the Senate when this bill was reported to that branch along that particular line, and particularly along the line as to what particular portion of this work was being duplicated by any of the other bureaus, and that in his judgment it would be wise for the House at this time to pass the bill as the committee had seen fit to report it, and he advised that that course be

Now, Mr. Chairman, the Committee on Agriculture does not desire to strike from the Biological Bureau any of the matters they have seen fit to investigate, or one single item that would be of benefit to the people. But as we are informed that there

was duplication, which I think has been prevalent in some of the bureaus, we had better leave this out of the bill and let that matter be settled by investigation by the Senate committee. still think it would be better if the House would not adopt the amendment, but act as the Secretary of the Agriculture desires. We do not desire to strike one thing that is beneficial; neither do we desire that two or three bureaus should duplicate the

work which ought to be done by one. Mr. SLAYDEN. Mr. Chairman, I do not believe it is a good example which has been suggested or a wise practice to follow to leave to the Senate or any conference committee to do the work which should be done in this House. I believe that if there is any bureau of the Department of Agriculture that has made good by its work, it is this one. I do not know what they may have done in other States, and how much good it may have done along other lines of investigation, but I do believe that what has been demonstrated through the field agents of the Biological Bureau in the State of Texas alone more than justifies the existence of the Bureau and many times over the cost of I have here a list of some thirty birds which have been found to be destructive of the boll weevil. The boll weevil is an insect which in Texas eats up each year probably from five to ten million dollars' worth of cotton. Certainly a very great contribution to the wealth of this country, which goes to bring up and make favorable our trade balances, is worth preserving. Certainly so great a contribution of science toward the preservation of that great industry and its development as this Bureau has made is worthy the attention of this House. I hope that we will not leave to the Senate nor to conference committees the duty of constructing the legislation which we want. There may be duplication in a small degree of the work done in the Biological Survey and Entomological Bureau; but, as my friend the gentleman from Iowa said to me the other day, the Entomological Bureau devoted its study to the insect and the Biological Survey has devoted its study to the wide work of discovering birds that consume the insects. One is studying the birds and the other the insects. I do not believe that the duplication has amounted to much. But if there be duplication, let the Senate take the time and find out wherein that duplication is, and reduce the appropriation and the work of the Bureau,

Mr. CRUMPACKER. Will the gentleman allow me to ask him a question?

Mr. SLAYDEN. Certainly.

so that it will not go on.

Mr. CRUMPACKER. Does the gentleman from Texas have in mind the fact that this bill carries an appropriation of \$190,000 to eradicate the cotton boll weevil in addition to this?

Mr. SLAYDEN. Well, Mr. Chairman, I will say, in reply to the gentleman, I understand it provides for that work, but it is along an entirely different line; and I must say from my own observation, and from information I have received from farmers, there seems to be more hope coming from the work done by the Biological Survey, and more reason to believe that these birds can relieve us from the boll weevil, than anything else done in any other line of the work of discovering a means to eradicate the boll weevil.

Mr. FIELD. What is the bird or birds that the Department supposed destroyed the boll weevil? Is it the American oriole? Mr. SLAYDEN. I understand the oriole is one of thirty.

Mr. FIELD. Did you ever see an oriole in Texas?

Mr. SLAYDEN. I do not know whether I would know an oriole if I saw it. But, Mr. Chairman, I will say that they report thirty different kinds of birds in Texas that do consume the boll weevil.

How about the quail? Mr. FIELD.

Mr. SLAYDEN. I have not looked up that subject, and I \* can not say.

Mr. FIELD. They should also be included in the list.

Mr. SLAYDEN. According to the statement of my colleague, the quail is also a consumer of the boll weevil.

Mr. WADSWORTH. I do not think it is very important whether we put that in or refuse to put it in. It does not make much difference. In any event the Senate will have to amend it, because we have stricken out the salary roll. fore, to expedite the work of the Committee of the Whole, I hope this will be adopted so that we can get along. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. LACEY].

The amendment was agreed to.

Mr. SCOTT. Mr. Chairman, I offer the following amendment. The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert at the end of the paragraph:
"And the Secretary of Agriculture is hereby directed to investigate and report to the next session of Congress to what extent, if any, the

work now being done by the Bureau of Biology is duplicated by any other Department of the Government, and to what extent the work of this Bureau is of practical value to the agricultural interests of the country."

Mr. SCOTT. I think it is unnecessary to argue at any length the propriety of this amendment. It has abundantly appeared here that there is reason to believe that there is a duplication in the Department, and my amendment is intended to bring a report to Congress which will give us an authoritative statement on that question.

Mr. CRUMPACKER. Allow me to make a suggestion to the gentleman. His amendment requires a report as to duplications by any other Department, but it does not include a possible duplication by some other bureau in the same Department. It was said that the Smithsonian had been duplicating work. that in the Department of Agriculture?

Mr. SCOTT. The Smithsonian is not. Mr. CRUMPACKER. Is there any other bureau in the Department that might possibly be duplicating this same work?

Mr. SCOTT. I think not. I think the amendment will bring

the information we desire.

Mr. CRUMPACKER. If the gentleman had said "Department or bureau" it would have covered it, but his amendment may be sufficient.

Mr. SCOTT. I think it is sufficient, and I ask for the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The amendment was agreed to.

The Clerk read as follows:

DIVISION OF ACCOUNTS AND DISBURSEMENTS.

Salaries, Division of Accounts and Disbursements: Chief of Division and disbursing clerk, \$2,750; one Assistant Chief of Division, \$2.500; one auditor, \$2,000; one cashier and chief clerk, \$2,000; one clerk class 4, \$1,800; five clerks class 3, \$8,000; seven clerks class 2, \$9,800; three clerks class 1 (one of whom shall be a stenographer and typewriter), \$3,600; three clerks, at \$1,000 each, \$3,000; one clerk, \$900; two clerks, at \$840 each, \$1,680; three clerks, at \$720 each, \$2,160; one custodian of records and files, \$1,000; one messenger, \$600.

Mr. MACON. Mr. Chairman, I make the point of order against the words "two thousand," in lines 6 and 7 on page 51, being an increase of salary.

Mr. WADSWORTH. I concede the point of order. It is one

of the increases of salary mentioned in the report.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WADSWORTH. In lieu of what has been stricken out,
I move to insert the words "one cashier and chief clerk, \$1,800,"

Mr. FITZGERALD. I want to reserve a point of order against the words "and chief clerk."

Mr. WADSWORTH. I thought the gentleman from Arkansas made the point of order.

Mr. FITZGERALD. He made it on the increase of salary. I did not do that.

The CHAIRMAN. Will the gentleman from Arkansas state his point of order?

Mr. MACON. My point of order is against the words "two thousand dollars," in lines 6 and 7 on page 51. The salary is fixed by law at \$1,800.

The CHAIRMAN. That point is sustained. Now, will the gentleman from New York state the language covered by his point of order?

Mr. FITZGERALD. My point of order is against the words

"and chief clerk." Why is that language inserted?

Mr. WADSWORTH. As I understand it, the point of order is made against the cashier "and chief clerk" in the division of accounts and disbursements.

Mr. FITZGERALD. Yes. Mr. WADSWORTH. The former provision was one cashier, \$1,800. We changed it to one cashier and chief clerk.

Mr. FITZGERALD. Why did you make that change?
Mr. WADSWORTH. Simply at the request of the chief of the division, in order to improve the service. This man now performs the duties of a chief clerk in fact as well as the duties of a cashier.

Mr. FITZGERALD. Will not the next request be to give them a cashier and a chief clerk separately?

Mr. WADSWORTH. Not if one man can do the work. Why make two offices if one man can do the work?

Mr. FITZGERALD. I think I will insist on the point of order, Mr. Chairman.

Mr. WADSWORTH. Very well, I will concede it.
The CHAIRMAN. The point of order is sustained.
Mr. WADSWORTH. Now, Mr. Chairman, I move to insert the following words: "One cashier, \$1,800."
The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert in line 6 the words "one cashier, \$1,800."

The amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. In this particular division there is an increase of At present they have eighteen clerks, and in this seven clerks. provision it gives them twenty-five clerks, an increase of very nearly 40 per cent. I would like to ask the gentleman from New York what occasions this rather remarkable increase in the clerical force in that division?

Mr. WADSWORTH. The gentleman will readily see that by the passage of the meat-inspection bill and the pure-food bill the accounts of the Department are greatly multiplied. This is the division which keeps all the accounts and keeps track of the appropriations. This is a perfectly legitimate increase to take care of the additional work imposed upon the Department by the enactment of these two great measures.

Mr. FITZGERALD. That is perfectly satisfactory, and I

withdraw the pro forma amendment.

The Clerk read as follows:

The Clerk read as follows:

Publications, Department of Agriculture: General expenses, Division of Publications: For the preparation, illustration, publication, indexing, and distribution of documents, bulletins, and reports; for additional assistants, editorial, proof reading, indexing, and other necessary help in the city of Washington and elsewhere; for the pay of artists, draftsmen, and engravers: the purchase of manuscript for publication: for tools, instruments, and artists' materials; for drawings, engravings, photographs, paintings, lithographs, and other illustration work: for electrotypes, and for traveling expenses when necessary; for labor and material required in the distribution of documents, including wagons, harness, and horses, and maintenance of same, and for repairs; for rent of buildings for the storage and distribution of publications; for the pay of watchmen and charwomen; for all necessary office lixtures and supplies; for gas and electric current, telegraph and telephone services, and for such other expenses as may be necessary, \$35,000.

Mr. KENNEDY of Nebraska. Mr. Chairman, I move to strike

Mr. KENNEDY of Nebraska. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee to explain the change in the provisions of this paragraph with reference to the farmers' bulletins. The corresponding paragraph in the old law made specific provisions for these bulle-

Mr. WADSWORTH. That is all done under the printing bureau by a law passed last year. The gentleman will see that in the note in the estimate it says that the item of \$98,750 for the farmers' bulletins has been transferred to the appropriation for printing and binding under an act approved June 30, 1906.

This reduction is only an apparent reduction; the amount is

carried by another bill,

Mr. KENNEDY of Nebraska. As I understand it, then, the distribution of these bulletins will go on as before?

Mr. WADSWORTH. Absolutely the same as it did formerly; there will be no diminution.

The CHAIRMAN. The pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Salaries, Bureau of Statistics: One Statistician, who shall be Chief of Bureau, \$3,500; one Assistant Statistician, who shall be Assistant Chief of Bureau, \$2,500; one editorial assistant, \$2,300; one chief clerk, \$1,800; six clerks class 4, \$10,800; nine clerks class 3, \$14,400; twelve clerks class 2, \$16,800; two clerks, at \$1,300 each, \$2,600; eleven clerks class 1, \$13,200; ten clerks, at \$1,000 each, \$10,000; four clerks, at \$40 each, \$10,000; four clerks, at \$40 each, \$3,360; ten clerks, at \$720 each, \$7,200; six clerks, at \$600 each, \$3,600; two messengers, at \$840 each, \$1,680; in all, \$97,340.

Mr. MACON. Mr. Chairman, I make the point of order against the words "two thousand five hundred dollars" in line 17, page 54. That is an increase of salary.

Mr. WADSWORTH. I concede the point of order, Mr. Chairman. It is one of the increases mentioned in the report.

The CHAIRMAN. The point of order is sustained.
Mr. WADSWORTH. Now, Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert in lines 16 and 17 "one Assistant Statistician, who shall be Assistant Chief of Bureau, \$2,200."

The amendment was agreed to.

The Clerk read as follows:

The Clerk read as follows:

Nutrition investigations: To enable the Secretary of Agriculture to investigate and report upon the nutritive value of the various articles and commodities used for human food, with special suggestions of full, wholesome, and edible rations less wasteful and more economical than those in common use, including special investigations on the nutritive value and economy of the diet in public institutions; and the Secretary of Agriculture is hereby authorized to employ such assistants, clerks, and other persons as he may deem necessary in the city of Washington and elsewhere; and the agricultural experiment stations are authorized and directed to cooperate with the Secretary of Agriculture in carrying out said investigations in such manner and to such extent as may be warranted by a due regard to the varying conditions and needs of the respective States and Territories and as may be mutually agreed upon; and the Secretary of Agriculture is hereby authorized to require said stations to report to him the results of any such investigations which they may carry out, whether in cooperation with the said Secretary of Agriculture or otherwise, \$20,000.

Mr. CRUMPACKER. Mr. Chairman, I desire to make a point

Mr. CRUMPACKER. Mr. Chairman, I desire to make a point of order to the paragraph just read.

The CHAIRMAN. The point of order is sustained. The same paragraph went out last year on a point of order.

The Clerk read as follows:

The Clerk read as follows:

Irrigation and drainage investigations: To enable the Secretary of Agriculture to investigate and report upon the laws of the States and Territories as affecting irrigation and the rights of appropriators and of riparian proprietors and institutions relating to irrigation and upon the use of irrigation waters, at home and abroad, with especial suggestions of the best methods for the utilization of irrigation waters in agriculture, and upon plans for the removal of seepage and surplus waters by drainage and upon the use of different kinds of power and appliances for irrigation and drainage, and for the preparation, printing, and illustration of reports and bulletins on irrigation and drainage, including employment of labor in the city of Washington or elsewhere; and the agricultural experiment stations are hereby authorized and directed to cooperate with the Secretary of Agriculture in carrying out said investigations in such manner and to such extent as may be warranted by a due regard to the varying conditions and needs and laws of the respective States and Territories as may be mutually agreed upon, and all necessary expenses, \$150,000.

Mr. HAUGEN. Mr. Chairman, I desire to make a point of or-

Mr. HAUGEN. Mr. Chairman, I desire to make a point of order against this paragraph. There is no law authorizing the Secretary of Agriculture to investigate as to the laws of the various States and Territories. The same point of order will lie against this as other paragraphs which have been stricken

out. There is no general law for it.

Mr. BROOKS of Colorado. Mr. Chairman, I would like to be heard on that point of order. It may be, and no doubt is, true that the rulings that have been made this afternoon on the various points of order, so far as they apply to the general work of the Department, are correct, although they are rather strict in their application. But I call the attention of the Chair to the fact that we are now dealing with the experiment stations, and whatever is done here under these specific appropriations is done in cooperation with the experiment stations. Now, it is clear that we have the general law organizing the Department and the specific law under which these stations are organized and established, and by the terms of this legislation these proposed items are to be judged.

In the first place, these stations are to be conducted in cooperation with and are a part of the Department of Agriculture, and the primary function of the Department of Agriculture, as prescribed in the act establishing the office of Commissioner of Agriculture in 1862, is "to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word. Then further in the third section of that act it is en-

acted that-

It shall be the duty of the Commissioner to acquire and preserve in his Department all information concerning agriculture which he can ob-tain by means of books and correspondence and by practical and scien-tific experiments, accurate records of which experiments shall be kept in his office.

By the collection of statistics and by any other appropriate means-Mr. Chairman-

within his power.

So much for the general law. But, again, the agricultural experiment stations are incorporated and operated under three specific acts-first, the Wade Act of July 2, 1862, and under this the General Government makes provision for work in connection with colleges in the several States, where the leading objects shall be as provided in section 4 of this act:

Without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life.

That is the Wade Act. The next act is the Hatch Act, which was passed March 2, 1887. This act provides for appropriations of money to establish and maintain experiment stations in connection with colleges established or conducted under the Wade Act. Its purpose, according to its lines in section 1 was:

To aid in acquiring and diffusing among the people of the United States all useful and practical information on subjects connected with agriculture and to promote scientific investigation and experiments respecting the principles and application of agricultural science.

All this is agricultural science, as distinguished from practical agriculture. But, again, section 2 provides "that it shall be the object and duty of such experiment stations to conduct original researches or verify experiments on the physiology of plants and animals," and many other practical experiments and tests, and,

Such other researches or experiments bearing directly on the agricultural industries of the United States as may in each case be deemed advisable, having due regard—

and I call the Chair's especial attention to this languagehaving due regard to the varying conditions and needs of the respec-tive States and Territories.

These experiment stations are those for which we are now legislating.

Now, finally the last expression on this subject is the Morrill Act, of 1890, and if words can be found broader in the English language to define and limit the scope of these agricultural experiment stations and the work of the Department in collaboration therewith, I would like to have the gentleman from Iowa [Mr. HAUGEN] point them out. After setting out how these colleges and experimental stations shall be aided from the Federal Treasury, the language of the Morrill Act goes on as follows, to define to what purposes the moneys thus obtained shall be applied, viz:

To be applied only to instruction in agriculture or mechanical arts, the English language, and the various branches of mathematical, physical, natural, and mechanical science, with special reference to their application in the industries of life and to the facilities for such instruc

These are the institutions in connection with which these experiment stations are established and conducted, as is shown

by section 4 of the Morrill Act.

The Chair will bear in mind first, that this is all under the broad, general powers of the Department to do work connected with "agriculture in the most general and comprehensive sense of that word;" second, that it is in the language of the Hatch Act "having due regard to the varying conditions and needs of the respective States and Territories;" third, it is to agriculture and the mechanical sciences in their broad application to the activities and pursuits of industrial life, and to the assistance of the agricultural population in applying science to the various phases of agriculture that this work is directed.

Will the gentleman from Colorado desist The CHAIRMAN. for a moment. The Chair has no difficulty down to line 7, beginning with the words "and the agricultural experiment stations," etc. Beginning at that point we have a provision which authorizes and directs the experiment station to cooperate with the Secretary of Agriculture in carrying out certain investigations. It would seem to the Chair that the real question involved is whether that is new legislation or a change in

existing law

Mr. BROOKS of Colorado. Whether that which follows or

that which precedes?

The CHAIRMAN. That which follows, which I quoted, "and the agricultural experiment stations are hereby authorized and directed to cooperate with the Secretary of Agriculture in carrying out said investigations," etc. Now, if the law provides now for such cooperation, then there is no need of it here; if the law does not provide for such cooperation, it would seem to the Chair that this would be a change in existing law.

Mr. BROOKS of Colorado. I desire to read from one more section, to which my attention has just been directed, and which I had omitted. This is section 3 of the Hatch Act, and gives to

the Secretary of Agriculture authority

to indicate from time to time such lines of inquiry as to him shall seem most important, and in general to furnish such advice and assistance as will best promote the purposes of this act.

That is again with reference to the agricultural experiment stations, and illustrates the broad powers given to the Department.

Now, referring to the question which the Chair asked, and I want to understand it, I am inclined to think that this language, from the seventh line, on page 64, down through to the language "as mutually may be agreed upon," which I understand the Chair considers obnoxious, is surplusage; but the point of order is made against the whole section, and if a part

goes out it carries the whole.

I do not believe it is necessary for us to say here in Congress that the agricultural stations shall cooperate with the Department, because the organic law of their being provides they shall so cooperate and shall be under the control of the Secretary of Agriculture for that purpose. But referring to that which precedes the lines mentioned by the Chair, the general purpose of this irrigation investigation is connected with agriculture and the economic arts in the highest sense of the term, and that work this bureau is doing has become of the utmost importance to the sections of the country to which it peculiarly relates and that I wish to preserve. Now, if the gentleman will limit the point of order to those few lines suggested by the chairman I have no objection.

Mr. OLMSTED. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Colorado yield

to the gentleman from Pennsylvania?
Mr. BROOKS of Colorado. Certainly.
Mr. OLMSTED. I want to ask the gentleman from Colorado whether, in his judgment, the provision in lines 21, 22, and 23,

"for an investigation and report upon the laws of the States and Territories as affecting irrigation and the rights of appro-priators and of riparian proprietors," is an agricultural experiment?

Mr. BROOKS of Colorado. Oh, indeed, yes; and I am very glad the gentleman asked that question.

Mr. OLMSTED. You must assume that the legislators are all farmers and the bills they pass are agricultural products.

Mr. BROOKS of Colorado. Not at all. I think that question can be very easily answered, but I am not surprised at its This work of investigation is not, as the gentleman suggestion. thinks and other gentlemen might very properly think from the language employed, a legal treatise at all, but it is a dis-cussion of the practical effect of the law as it exists in the several States upon the tangible right of the irrigator to the water in his ditches, and that is very important for us in the locations to which this applies. It is entirely disassociated from an abstract legal discussion. It is truly an investigation, and the results constitute just such information as the Secretary is here authorized-

Mr. OLMSTED. Is not that more to assist these persons in settling their legal rights as proprietors and appropriators,

rather than in connection with agriculture?

Mr. BROOKS of Colorado. No; not necessarily and not hardly primarily; certainly not essentially. I will be very frank to say that some of the reports of this Bureau are classics on irrigation law, and there is no law office in the irrigated districts which would think of being without Mead's Institutes, but the primary purpose is by no means a legal one, and it is not a legal treatise, it is a practical treatise on the application of water to the soil as that is affected and qualified by the various State enactments with respect thereto.

Mr. OLMSTED. Now, why should the Agricultural Department investigate the legal rights of parties under that provision any more than the rights of farmers to have water taken out of the streams running through their farms by water companies in Pennsylvania, which is a very pressing question just

now?

Mr. BROOKS of Colorado. Simply because this refers to irrigation in its relation to the application of the water to the soil by the individual appropriators, not to the abstract legal proposition whether under a particular state of facts A's right is inferior to B's right or B's right is superior to C's. The relation of A. B. and C to each other as appropriators and the agricultural propositions involved are the subject-matter of this work. Mr. Chairman, under the five-minute rule there is hardly time to go into this whole subject, but notwithstanding apparent inconsistency it is true that there are a great many very practical, very distinctly agricultural, questions involved here. As a simple instance, what would be sufficient in one section of the country to satisfy the irrigation requirements of a given area might be utterly insufficient in another section of the country. Now, with that fact as a premise it can be seen that what would be an interference with the use by A of water to irrigate a given amount of land in one section of the country might not be at all an infraction of the use by B in irrigating the same amount of land in another section of the country. This is purely an agricultural proposition, and not a legal question.

The CHAIRMAN. The Chair is prepared to rule.

Mr. HAUGEN. Mr. Chairman, I contend that we had better

leave to the Department of Justice the question of handling the construction of the laws of this country, and, as I have contended before, there is no law authorizing the Secretary to investigate or report on the laws of the States or Territories. The gentleman has failed to point it out.

The CHAIRMAN. It seems to the Chair there can be no question as to the fact that the language "the agricultural experiment stations are hereby authorized and directed to cooperate with the Secretary of Agriculture," and so on, is new legisla-

tion.

Mr. BROOKS of Colorado. The point of order is sustained as to that section, beginning with line 7, on page 64?
The CHAIRMAN. The point of order is sustained and covers

the whole paragraph.

Mr. BROOKS of Colorado. Mr. Chairman, I offer the amend-

ment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Colorado [Mr. Brooks] offers an amendment, which the Clerk will report. The Clerk read as follows:

Irrigation and drainage investigations: To enable the Secretary of Agriculture to investigate and report upon the laws of the States and Territories as affecting irrigation and the rights of appropriators and of riparian proprietors and institutions relating to irrigation and upon the use of irrigation waters, at home and abroad, with especial suggestions of the best methods for the utilization of irrigation waters in agriculture, and upon plans for the removal of seepage and surplus

waters by drainage and upon the use of different kinds of power and appliances for irrigation and drainage, and for the preparation, printing, and illustration of reports and bulletins on irrigation and drainage, including employment of labor in the city of Washington or elsewhere.

Mr. BROOKS of Colorado. And taking up again "all necessary expenses," in line 13.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

And all necessary expenses, \$150,000.

Mr. HAUGEN. Mr. Chairman, I make the point of order against that

The CHAIRMAN. The Chair overrules the point of order.

The question is now on the adoption of the amendment offered by the gentleman from Colorado [Mr. Brooks].

The question was taken; and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. DRISCOLL. Mr. Chairman, I wish to say a few words on a subject which is not especially germane to this particular section, but it is germane to the bill and has been injected into it in the general debate. I refer to a proposed pure-seed law. I listened with much interest to the remarks made last Saturday by the gentleman from Illinois [Mr. Mann] on the subject of adulterated and misbranded seeds. His speech contained very useful information on Kentucky blue-grass seed, Canadian blue-grass seed, alfalfa seed, adulteration of seeds, dead seeds, the dodder plant, the catchfly, and other pernicious enemies to farmers. It would be a valuable document for circulation among seedsmen and farmers, to put them on guard against impositions and fraud. It did not occur to me that he was contemplating the idea of legislating upon the subject until he so indicated in response to a question, and later on offered an amendment to this appropriation bill providing for the inspection by the Treasury Department and the Department of Agriculture of all seeds imported into this country. It appears that the Committee on Interstate and Foreign Commerce, or, at all events, certain members of that committee, are seriously contemplating the idea of enacting a pure-seed law, for the gentleman from Iowa [Mr. Hepburn], chairman of that committee, only the day before yesterday introduced a very long and elaborate bill along the lines of the pure-food bill as a pure-seed bill, and the amendment offered by the gentleman from Illinois [Mr. Mann] is substantially a copy of the tenth section of Mr. Hepburn's bill.

I made the point of order against that amendment not so much because I am opposed generally to new legislation in appropriation bills, which is being done constantly, as for the reason that I am opposed to this particular piece of legislation. I quite agree with the gentleman from Iowa, the chairman of the Committee on Interstate and Foreign Commerce, that if legislation on the subject of pure seeds is necessary at all, it is necessary for the protection of farmers against adulterations in domestic-grown seeds as well as adulterations and misbrands in the case of imported seeds, and it should be brought in as an independent bill for full and careful consideration, and not be rushed through as a rider or amendment to a general appropriation bill. The Members of the House should have notice of it in advance, and there should be time to consider it carefully and deliberately and pass it or reject it on the merits. I therefore insisted on the point of order, and undertake to give a few of the reasons why I am opposed to this legislation.

First. There is no general demand for it. Our farmers and agriculturists throughout the country are well informed. Their granges and other organizations keep abreast of the times and know the needs of their business. The pure-food law was enacted in obedience to a strong and prevailing public sentiment throughout the country. There had been a continuous agitation for it for several years. The demand for it was imperative, and it was passed in obedience to that demand. The same was true with reference to the meat-inspection law after the publication of the Jungle by Upton Sinclair and after the investigation at the instance of the President. Who de-mands the enactment of a pure-seed law? I have not up to date received a letter or postal card advocating such a bill, and I dare say the same is true of a great many of the Members on this floor. And it is safe to say that if such a law were necessary for the protection of our agricultural interests it would be demanded by our agricultural societies and papers.

Second. A pure-seed law is not necessary. What good will What end will it accomplish which may not be accomplished by the present laws of the several States? seedsmen and farmers can take care of themselves and of their business without the enactment of such a Federal law. The pure-food law was defended and justified perhaps on the ground that impure foods were manufactured, advertised, and went

into trade and commerce which were deleterious to health and injurious to human life. The State is always justified in protecting its people from fraud and dangers of that character. The meat inspection law may be defended on the same grounds, for it is in effect a pure-food law. No such argument can be made in support of the pure-seed law. It is not claimed that the health of the people is being impaired, or that the lives of our citizens are being endangered or jeopardized in any way by the planting or sowing of adulterated or even dead seeds. is it claimed that the agricultural lands of our country are being permanently damaged. The substance of the claim and justification of this law are that cheap grades of seeds are sold for high-priced grades. That Canadian blue-grass seeds are sold for Kentucky blue-grass seeds, which are much higher priced in the market That dead seeds are sold for live seeds. That adulterated seeds are sold for pure seeds. That dodder plant seed, catchfly seed, and seeds of other pernicious plants are mixed up with grains and become nuisances to farmers. That farmers and dealers are imposed on and defrauded, and that they pay for what they do not get. Now, the damage in all those cases is monetary damage. It may be measured in dollars and cents. There is no permanent injury or damage, and there is no loss which can not be made good under the law as it is in the several States. Do we need a national seed inspection law or other seed law to protect our farmers against such threatened Certainly not. That trade has regulated and will regulate itself, and the farmer has ample protection under the common law.

The seed jobber or wholesaler is an expert, else he could not continue in his business. He is apt to be a better judge of seeds than the man who would be employed by the Government at a moderate salary. He is interested in the reputation of his house and in the success and expansion of his trade. Honesty is the best policy in the seed as well as in other business, will examine with more care and ability the seeds which he buys and expects to sell to his customers than will the Government expert, because he is naturally interested. The retail dealer is also a judge. It is his life work, his business. He is interested. He is also apt to be a better expert than the Government employee, and he is apt to give the examination of seeds which he buys and sells greater care. He, too, has a reputation to maintain. He will not knowingly buy or sell fraudulent seeds. If he did his business would not last long. If the wholesaler and retailer are honest men the farmers are apt to get what they bargain for, and if they are both crooked and disposed to impose upon him then he has his redress. If he buys and pays for Kentucky blue-grass seed and the crop produced is Canadian blue grass then he has a cause of action against the retailer and also, I think, against the wholesaler, and can recover all the damage he has suffered. So, too, if a farmer bargain for pure seeds and he gets an adulterated article and pernicious weeds, of which the gentleman spoke, or other foul stuff comes up with the crop, he has a cause of action against the seedsmen for damage.

But I do not think there is much of this fraud practiced, and there are but very few mistakes made in this line of business. It would not pay. The imposition would be discovered too promptly. The fraud could not be concealed for long and the damage would be too great. There is every business reason and motive that the seedsman deal honestly with his customers.

The gentleman from Illinois [Mr. Mann] said

But the adulteration or misbranding of seed, while it is not in one way so extensive—and my information leads me to believe that not more than 10 to 20 per cent of the seed which is sold is adulterated—yet 10 to 20 per cent of the seeds sold, if adulterated, is a very large proportion.

That is an adroit statement. It may be inferred from it that from 10 to 20 per cent of the seeds sold are adulterated or misbranded, while the gentleman does not say so. He says that his information leads him to believe that not more than from 10 to 20 per cent are so adulterated or misbranded; but he did not say that his information leads him to believe, or that he does believe, that from 10 to 20 per cent are adulterated or misbranded. I do not believe it. I should want strong proof to convince me of that fact. Some farmers may want adulterated seeds—that is, they may desire a mixture of Canadian blue grass and Kentucky blue grass. If they want it they should have it. In my early days the grass commonly known as "quack" was a terror to some farmers. It has deep roots and wonderful vitality. When it once got a permanent hold on a field it was very difficult to kill it. It certainly was a nuisance and a pernicious enemy to the farmer and the farm. Yet there were farms on which clover or timothy would not grow or prosper, and the owners of such farms sometimes deliberately bought and sowed quack seed. Such a farmer may have been foolish, but I know of no reason why he should be stopped by law. A pure-seed

law, or a seed-inspection law, is unnecessary, and an unnecessary law is a bad law.

Third. Such a law, not being necessary, would be an undue interference with the commercial and business affairs of our seedsmen and farmers, and undue paternalism in a matter which can be easily regulated by the laws of the several States.

The commerce clause of the Constitution would perhaps give Congress jurisdiction to legislate on this subject, as in the matter of pure foods. At all events, I would not venture an opinion on this question. It is being stretched yearly and is in danger of being overworked. It has its uses, but should not be invoked in ordinary business affairs which can otherwise be regulated. The farmers and seedsmen are protected by the common law of the several States, and if perchance they are not, each State may enact a statute for the protection of its own citizens.

The power of the central Government is rapidly increasing relatively to the power of the several States. Almost every new Federal law, and certainly every new appropriation, increases that relative power. Every appropriation for the improvement of rivers and harbors, every appropriation for the isthmian canal, every appropriation for the irrigation of arid lands, every appropriation for the purchase of forest reserves, every appropriation for a national quarantine law, every appropriation for the Army and Navy, every appropriation for rural freedelivery service, every appropriation for the meat-inspection and pure-food laws, and every new Federal law and every appropriation for the enforcement of such law tends to increase the power of the National Government relative to the power of the several State governments. Paternalism and centralization are growing too fast. Let us not help them along by the passage of an unnecessary pure-seed law.

Fourth. A pure-seeds law as outlined in the bill referred to would be expensive. It provides that the Secretary of Agriculture shall make uniform rules and regulations for carrying out the provisions of that law. That may mean a new bureau in the Department. At all events, it will mean a force of clerks, agents, and inspectors throughout the country to see to it that it is obeyed. The present bill carries an appropriation of \$500,000 for the administration of the pure-food law, and the statement was made that if a large part of the work were not done by the officials of the several States and municipal divisions thereof and all the work had to be done by the United States officials it would cost several times that sum. This bill carries an appropriation of \$3,000,000 for the enforcement of the meat-inspection law. Our Treasury is full this year and we do not mind it; but times may not always be so prosperous and the revenue may not always be so abundant, and the expense of executing these several laws may become a burden. We know by experience that the cost of every kind of public service continues to increase. Each bureau and division magnifies the importance of its own work. It wants to spread out with greater jurisdiction and more work and constantly de-mands larger appropriations. The expense of the administration of a pure-seed law will increase from year to year, as in the case of every other law and every other line of public service.

If we are to legislate under the commerce clause of the Constitution for the protection of our people against fraud and imposition, which can only result in monetary damage, then there are many other laws which might be made which are more important, because they are more necessary if the Government undertake to keep all business men honest. Why not enact a pure-clothing law to prevent the sale of shoddy for all wool? Why not enact a pure-silk law to prevent the sale of fabrics made partly of cotton for all silk? Why not have a pure-furniture law to prevent the sale of a bedstead made only a year ago for an antique? That fraud is very much more difficult of detection. Some of our people who have more money and vanity than good sense or good taste like to think that they sleep on a bed on which some fringe of royalty re-clined centuries ago. The new piece of furniture is made to look so much like the old that the imposition is easy and the proof of fraud difficult. It does not grow up or develop within a year, as does the fraud in the case of adulterated seeds. Why not make a law to protect such people from being cheated by foreign frauds and keep the money at home? Why not pass laws to protect every man, woman, and child in the purchase of the thousand and one articles which are bought in the market and which go into interstate and foreign com-We know there are dishonest men in this country, as merce? well as elsewhere, and that they are disposed to get the best of a bargain and cheat and misrepresent and get more than their commodity is reasonably worth. Why not pass a law to regulate all those lines of trade, and create bureaus, and appoint inspectors, agents, and clerks, to the end that all men may be kept honest? We might elaborate those laws and refine them and provide for their execution, so that every man may have a job as inspector, until our system would become so top-heavy that there would be no business to inspect.

In closing, I repeat that a law of this kind is not demanded by the people interested. It is not necessary. It would be an undue extension of Federal power. It would be expensive, and

should not be enacted. The Clerk read as follows:

OFFICE OF PUBLIC ROADS.

Salaries, Office of Public Roads: One Director, who shall be a scientist and have charge of all scientific and technical work, \$2,750; one chief of records, \$1,600; one editorial clerk, \$1,200; two clerks, class 1, \$2,400; three clerks, at \$1,000 each, \$3,000; two clerks, at \$720 each, \$1,440; in all, \$12,390.

Mr. MACON. Mr. Chairman, I make the point of order against the words "seven hundred and fifty dollars," in line 20, page 64, the existing law being a salary of \$2,500. This gives an increase to \$2,750. I make the point of order against

Mr. WADSWORTH. The point of order is conceded, Mr. Chairman. That is another one of the promotions mentioned in the report.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WADSWORTH. I move to amend by inserting "one Director, who shall be a scientist and shall have charge of all scientific and technical work, \$2,500," and then amend the total.

The CHAIRMAN. The gentleman from New York moves to insert \$500 in place of \$750, which were stricken out, so as to make the salary \$2,500.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

The Clerk read as follows:

Public roads: To enable the Secretary of Agriculture to make inquiries in regard to systems of road management throughout the United States; to furnish expert advice on road building; to make investigations in regard to the best methods of road making, and the best kinds of road-making materials in the several States; to investigate the chemical and physical character of road materials; for the employment of local and special agents, clerks, assistants, and other labor required in the city of Washington-and elsewhere; for collating, digesting, reporting, and illustrating the results of such investigations and experiments; for preparing, publishing, and distributing bulletins and reports; for rent and repairs of buildings not to exceed \$2,000; for necessary office fixtures and supplies, apparatus, and materials; telegraph and telephone service, traveling and other necessary expenses, and to enable him to assist the agricultural colleges and experiment stations in disseminating information on this subject, \$57,660.

Mr. SHEPPARD. Mr. Chairman, I offer the following amend-

Mr. SHEPPARD. Mr. Chairman, I offer the following amend-

The Clerk read as follows:

Insert, after the word "States," in line 8, page 65, the following: "to cooperate with the Post-Office Department in suggesting methods for maintenance and improvement of rural-route roads."

Mr. WADSWORTH. Mr. Chairman, I reserve the point of

order on the amendment.

Mr. SHEPPARD. Mr. Chairman, the object of this amendment is simply to authorize the Office of Public Roads to cooperate with the Post-Office Department in making suggestions for the maintenance of rural-route roads. Many of the rural routes are being discontinued on account of the bad condition of the roads; and this cooperation will permit the Good Roads Office to offer suggestions that may prevent their further discontinu-

Mr. WADSWORTH. Let me say to the gentleman that already the Post-Office Department are in consultation with this Bureau on this entire subject.

Mr. SHEPPARD. Certainly; and the object of this amendment is simply to give specific authority and encouragement to this cooperation.

Mr. WADSWORTH. I prefer that that should not be done in is bill. I raise the point of order that it is new legislation.

Mr. SHEPPARD. Mr. Chairman, this amendment does not

confer on the Good Roads Office any additional authority; it does not attempt to extend its jurisdiction, it simply directs its attention more particularly to the roads used as rural routes.

Mr. FIELD. Will my colleague allow me to ask him a ques-

Mr. SHEPPARD. Certainly.

Mr. FIELD. Do I understand your amendment provides that this Bureau shall cooperate with the Post-Office Department in the maintenance of public roads?

Mr. SHEPPARD. No; it only authorizes the Good Roads Office to make suggestions with respect to the improvement of roads that are rural routes.

Mr. FIELD. It does not contemplate their maintenance? Mr. SHEPPARD. No, sir; the object is only to suggest methods of maintenance and improvement.

Mr. FIELD. Why should they cooperate with the Post-Office Department?

Mr. SHEPPARD. Because it has special jurisdiction over rural routes and has a special interest in their preservation.

Mr. WALLACE. Will the gentleman allow me to make a suggestion?

Mr. SHEPPARD. Certainly.
Mr. WALLACE. On the line suggested by the gentleman, I have already gotten information from the Post-Office Department that good roads were very necessary for the permanency of rural routes, and on this information I have been trying to impress on the people on routes in my district to look particularly after the conditions of their roads rather than an increase of carriers' pay. [Applause.]

Mr. SHEPPARD. The object of my amendment is to help

the people preserve their routes. I will say to the gentleman that I am in favor of increasing the pay of the carriers. At

present they are undoubtedly underpaid.

The CHAIRMAN (Mr. OLMSTED). The Chair would ask the . gentleman from New York if there is any authority of law for

the paragraph itself?

Mr. WADSWORTH. I was just about to say to the Chairman that there was no organic law providing for that Bureau of Public Roads at all, and this whole paragraph is subject to the point of order; and if a point of order were made, it would be taken out of this bill.

The CHAIRMAN. The Chair is of the opinion that the whole paragraph of the bill would be subject to the point of order if made; but not having been made, it is in order to perfect the paragraph with an amendment that is germane. Therefore the

Chair overrules the point of order.

Mr. WADSWORTH. Is it too late to make a point of order

against the whole paragraph?
The CHAIRMAN. After an amendment is offered it is too late

Mr. WADSWORTH. I would not do so, but I call attention to the absolutely confusing status of legislation upon an appropriation bill. That is all.

The CHAIRMAN. The question is upon agreeing to the amendment offered by the gentleman from Texas.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SHEPPARD. Division!

The committee divided; and there were—ayes 55, noes 83.

Mr. SHEPPARD. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Texas [Mr. Shep-pard] and the gentleman from New York [Mr. Wadsworth] will take their places as tellers.

The committee again divided; and the tellers reported-ayes 52 noes 109.

Accordingly the amendment was disagreed to.

Mr. WADSWORTH. Mr. Chairman, I suggest that the totals be corrected.

The CHAIRMAN. If there be no objection, the totals will be corrected later.

There was no objection.

The Clerk read as follows:

The Clerk read as follows:

And, hereafter, the Secretary of Agriculture is hereby authorized to make such appointments, promotions, and changes in salaries, to be paid out of the lump funds of the several bureaus, divisions, and offices of the Department as may be for the best interests of the service: Provided, That the maximum salary of any classified scientific investigator in the city of Washington, or other employee engaged in scientific work, shall not exceed \$3,000 per annum. And the Secretary of Agriculture is hereby authorized and directed to pay the salary of each employee from the roll of the bureau, independent division, or office in which the employee is working, and no other: Provided, however, That details may be made from or to the office of the Secretary when necessary and the services of the person whom it is proposed to detail are not required in that office; and he is further authorized and directed to submit to Congress each year a statement covering all appointments, promotions, or other changes made in the salaries paid from lump funds, giving in each case the title, salary, and amount of such change or changes, together with reasons therefor.

Mr. FITZGERALD. Mr. Chairman, I make the point of

Mr. FITZGERALD. Mr. Chairman, I make the point of order against the word "hereafter," in line 1, page 66.
Mr. WADSWORTH. I concede the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk read as follows:

# EMERGENCY APPROPRIATIONS.

Cotton-boll-weevil investigations: For the Bureau of Plant Industry: To enable the Secretary of Agriculture to meet the emergency caused by the continued spread of the Mexican cotton boll weevil in the Southern States by encouraging the diversification of crops, improved cultural methods, breeding of new cottons, and to study the diseases of cotton, \$150,000, or so much thereof as may be necessary, of which sum \$40,000 shall be immediately available. And the Secretary of Agriculture is hereby authorized to expend said appropriation is such manner as he shall deem best, in cooperation with the State experiment stations and practical cotton growers. practical cotton growers.

Mr. FITZGERALD. Mr. Chairman, I make the point of

order against the words, in lines 4 and 5 of page 67, "of which sum \$40,000 shall be immediately available."

Mr. BURLESON. I ask the gentleman from New York to reserve the point of order.

Mr. FITZGERALD. I reserve the point of order against those words.

Mr. BURLESON. Mr. Chairman, I make the request that the gentleman from New York reserve the point of order in the hope that I may prevail upon him to withdraw it. The insect pest, against which this item in the bill is directed, invaded the United States about fourteen years ago. It entered in the extreme southwestern part of Texas. It has traveled northward about 600 miles. It is now extending its operations eastward. It is gradually covering the cotton area. It can now be found in the lower tier of counties in the Indian Territory and in several counties in the southern part of Arkansas. For two years it has been in Louisiana, and can now be found in several parishes of that State. This year has been particularly favorable for the boll weevil, and experienced scientists fear that it will widely extend its operations next season. At this time this pest is hibernating on the banks of the Mississippi River. Department of Agriculture is ready to inaugurate a vigorous warfare against it next year. Careful thought has been given the situation and a plan has been made to resist its progress in all the counties adjoining or abutting the Mississippi River. Mr. Chairman, before the first appropriation was made to make warfare upon this pest it had cost the farmers of Texas who are engaged in raising cotton from \$10,000,000 to \$30,000,000 every year. After they had received the aid of the scientists of the Agricultural Department they knew what steps to take to circumvent it or to measurably protect themselves. I do not want others to suffer the loss Texas farmers suffered. is not particularly interested in the item against which the point of order is made, because it is intended to benefit those where the pest has only recently developed. The counties in Arkansas, in the Territory, and certain parishes in Louisiana are especially interested in it, because there they need to be shown how to fight it.

I will say to the gentleman from New York that the scientists of the Department of Agriculture think it is important and necessary that this provision should remain in the bill, and assurance has been given that it will save the people who are engaged in the production of cotton in the counties which are now being invaded by this pest, and where it will reach next year, millions of dollars. Mr. Chairman, if a few thousand dollars appropriated at this time and made immediately available will accomplish so much good, no technical point should be in-terposed to prevent it. This \$40,000 will help to teach the farmers engaged in the production of cotton how to circumvent this damaging pest. It will enable them to produce from 25 to 40 per cent more cotton than they could without the lessons which can be easily taught by the scientists of the Department of Agriculture and which should be given to them at the most opportune time.

Mr. Chairman, for these reasons, I do sincerely hope the gentleman from New York will not insist upon the point of order. I insist upon this in the interest of those who are to be affected by this weevil next year, and not one person of those seriously menaced resides within the limits of my State. This pest will never be entirely destroyed, but the damage it can do can be largely minimized, but this can only be accomplished by such appropriations as the one to which the point of order is directed. I do not hesitate to say that the American people have benefited a thousand fold by the appropriations which have been made to enable the cotton producers to obtain a fair cotton yield in spite of this weevil. Years ago, when I asked for the first appropriation for this purpose, I spoke for and pleaded for my own people; now I ask that this appropriation be continued for the benefit of those who are just being affected by the ravages of this pest. A few dollars expended at the proper time will save the farmers in the region the weevil is now invading thousands and thousands of dollars. I sincerely hope the gentleman from New York will not press his point of order.

Mr. LEVER. Mr. Chairman, in addition to what the gentleman from Texas has said, I want to call the attention of the gentleman from New York to this state of affairs: Heretofore we have been spending in this work, through the Bureau of Plant Industry, \$105,000 a year. This year we have transferred from the Bureau of Entomology an amount sufficient to make the total of the Bureau of Plant Industry \$150,000, and in doing so we thought that the Bureau of Plant Industry offered a better solution of the boll-weevil problem than we were getting from the work of the Bureau of Entomology. Now, of course, the gentleman understands that the method of dealing with the boll weevil through the Bureau of Plant Industry is to take a

farm and cooperate with some individual, and teach him how to raise this cotton in spite of the boll weevil; and they have accomplished some wonderful results along that line. The gentleman understands, also, that we begin to plant cotton in the South, or begin preparation for it, as early as the 1st of March. We have increased this appropriation for this purpose very largely, because we want to broaden the scope of the work being done by this Bureau. Hence we have made this \$40,000 immediately available in order that the Department may go to work and lay its plans and get its demonstration farms in working order, and in time for the crop for this year. If the gentleman insists upon his point of order, the fund which is intended to initiate additional demonstration and diversified farms—and this seems the only solution of the weevil problem—can not become available in time to be of much service during the present year. We must begin this work, and these funds must be immediately available. Otherwise this work can not begin before the 1st of July, when it is too late to do so. I trust that the gentleman from New York will withdraw his point of order.

Mr. RUSSELL. Mr. Chairman, I concur in what the gentleman from Texas [Mr. Burleson] and the gentleman from South Carolina [Mr. Lever] have said in making the appeal to the gentleman from New York, and I desire to call attention to the fact that this appropriation has the indorsement of the Secretary of Agriculture. I hold in my hand a letter written by Secretary

Wilson in reference to this very matter. The letter is as follows:

DEPARTMENT OF AGRICULTURE, OFFICE OF THE SECRETARY, Washington, December 18, 1996.

Hon. Gordon Russell, House of Representatives.

My Dear Sir: I have your favor of December 13, transmitting copy of a bill which you have recently introduced, having for its object the appropriation of \$50,000, to be expended in an extension of the demonstration work now being carried on in the Southern States where the boll weevil is already at work and where it is likely soon to make its

stration work now being carried on in the Southern States where the boll weevil is already at work and where it is likely soon to make its appearance.

The Department has been spending annually about \$40,000 of the \$105,000 appropriated for meeting the ravages of the boll weevil in this farm demonstration work. The work has been conducted under the direction of the Chief of the Bureau of Plant Industry and is in direct charge of Dr. S. A. Knapp, with headquarters at Lake Charles, La. From all the evidence I have at hand, it would seem that this work has resulted in much practical good in arousing the farmers to the necessity of better cultural methods, the introduction of early maturing crops, and better farm practices generally. I understand that, directly and indirectly, in the neighborhood of 100,000 farmers have been reached by this work during the past season.

Necessarily this work has been confined to regions invaded by the boll weevil and to those just in advance of the pest. The expenditures so far made have been almost entirely for the pay of experienced men who visit the farmers in the regions indicated and point out a way for improved methods of crop growing. With the \$40,000 available a certain extent of territory has been covered each year, and with the additional \$50,000 of course just so much more territory could be reached.

While the item is one not included in my estimates, I think the work, if authorized, would result in benefit to the entire region.

Very truly, yours,

JAMES WILSON, Secretary.

JAMES WILSON, Secretary.

Now, I have also a letter from Doctor Knapp on that subject which I will ask permission to insert in the Record, and he gives it as his opinion that the \$50,000 which I have sought to be made available in the bill which I introduced for this purpose, if it can be had now, would be worth \$5,000,000 for the next year to the cotton planters. Doctor Knapp further shows that the money he then had on hand only enabled him to have one man in sixteen counties for this demonstration farm work, and therefore he could only reach a very small percentage of the farmers. He says that if he can get this fund it will enable him to give the demonstration farm work in every neighborhood of the South now being ravaged by the boll weevil. So, Mr. Chairman, I join in the appeal made by the gentleman from South Carolina and the gentleman from Texas in asking the gentleman from New York not to press the point of order, in view of the fact that the farmers of the South are facing such an impending calamity because of the boll weevil. Experience shows that the only opportunity they have to make a cotton crop is to pursue such methods as will enable them to make the crop before the middle of July. After that time the cotton crop is gathered by the boll weevil and not by the farmer. Now, I am not familiar with the rule that the gentleman invokes; but it strikes me that it is not the proper time to make such application of the rules as will prevent the appropriation of \$40,000 which is provided for in this bill being made immediately avail-

Mr. FITZGERALD. Mr. Chairman, my friends seem to be unnecessarily alarmed. I have no doubt that the work is very important and very necessary, and if it were not possible to obtain in a proper manner the funds required I should be in-clined not to invoke the rule. At the last session of Congress the Revised Statutes were so amended as to prevent the making of deficiencies by Departments. Contingent appropriations were required to be apportioned so that in no part of the year should there be a greater sum expended than in any other part. apportionment is not to be followed the head of the Department is required to waive the apportionment in writing and certify to Congress his reasons for waiving the apportionment.

This agricultural appropriation bill will not become a law until very near the 4th of March. This \$40,000 is a deficiency appropriation for the present year. It should be carried in the general deficiency appropriation act. The general deficiency bill will be a law almost as quickly, if not as quickly, as this particular law. A deficiency appropriation for this purpose should be carried in that bill, and the Secretary of Agriculture should be carried in that bill, and the secretary of Agriculture should be compelled to certify to Congress in writing, as provided by the statutes, his reasons for waiving the apportionment, if he has waived it. It may be that he has not waived it; that he has disregarded the law, as that Department has done on other occasions, and expended the appropriation without any attention whatever to the limitation placed upon his power by Congress. Since this appropriation can be made in ample time, as quickly as if carried in this bill, and under proper supervision and investigation, I believe the point of order should be insisted on.

Mr. RANDELL of Texas. Mr. Chairman, I wish to appeal to the gentleman from New York [Mr. FITZGERALD] on this mat-I believe if he will look at it properly he will not make the point of order. I live in the northern part of Texas. my section and in the section across the river in the Indian Territory—the Red River Valley—which is a great cotton country, there has never been any boll weevil until last year. That was after this appropriation bill for the fiscal year 1907 had passed. Our necessities have arisen since that bill was passed. We need this appropriation, which is in the nature of an urgent deficiency, as the gentleman says; and now I submit to the gentleman that a matter which affects our people to the amount of millions of dollars—a thing to which in itself he is not opposed—should not be jeopardized in this manner by his point of order. Why should it be put over? Why should we be compelled to take our chances on an appropriation to be engrafted on another bill? We need this money now. The cause is just I hope he will not make the point of order. and urgent.

Mr. FITZGERALD. Mr. Chairman, if I did not make this point of order this money would not be available at this time. It will not be available until this bill is enacted into law and it will not be a law until approximately the 4th of March. It should be carried in the proper bill for many reasons.

The CHAIRMAN. The time of the gentleman has expired. Mr. WADSWORTH. Mr. Chairman, I understand the gentleman insists on his point of order. I concede it.

The CHAIRMAN. The Chair sustains the point of order. Mr. NORRIS. Mr. Chairman, I make a point of order against a portion of the paragraph commencing with the word

and," the last word in line 5, page 67, and including the balance of the paragraph. I will reserve the point of order if anyone desires to discuss it.

Mr. WADSWORTH. What point of order does the gentleman make against it?

Mr. NORRIS. That it is new legislation.

Mr. WADSWORTH. That was contained in the bill last year and it is simply directory of an appropriation made by this act. That is not subject to a point of order.

Mr. NORRIS. It simply directs the Secretary of Agriculture as to how he shall expend the money. It is in conflict with the general law on the subject.

The CHAIRMAN. It seems to the Chair that the point of order comes too late.

Mr. NORRIS. I would like to call the attention of the Chair to the fact that there has been no discussion on this paragraph excepting what took place on another point of order, and of covrse the Chair could not entertain two points of order at once. I made my point as soon as the other one was decided.

The CHAIRMAN. The gentleman from New York reserved

his point of order.

The reserving of a point or order, Mr. Chair-Mr. NORRIS. man, to one portion of a paragraph, and discussion upon that, would certainly not preclude the making or the reservation of a point of order against another part of the paragraph; otherwise by making a fictitious point one might very easily prevent the making of genuine and valid points of order against a paragraph or a portion of it.

The CHAIRMAN. The Chair is of the opinion that where a point of order is reserved and the merits of the question involved are discussed in addition to the point of order, that constitutes discussion of the paragraph. In this instance the point

of order was not discussed at all. The merits of the proposition involved in the portion to which the point of order was raised was discussed.

Mr. NORRIS. Then the Chair holds that that kind of a discussion upon the reservation of a point of order would prevent the making of another point of order.

The CHAIRMAN. The Chair so holds. The Clerk will read. The Clerk read as follows:

The Clerk read as follows:

For the Bureau of Entomology: To enable the Secretary of Agriculture to meet the emergency caused by the continued spread of the Mexican cotton boll weevil in the Southern States by further studies of the habits and damage of the pest, the collection of data regarding its status, the study of parasites and diseases, the testing of remedies suggested, and the completion of experiments now under way, \$40,000, or so much thereof as may be necessary. And the Secretary of Agriculture is hereby authorized to expend said appropriation in such manner as he shall deem best, in cooperation with the State experiment stations and practical cotton growers.

Mr. NORPIS, Mr. Chairman, I. make, the point of order

Mr. NORRIS. Mr. Chairman, I make the point of order against the part of the paragraph commencing in line 18 with the word "and," including the balance of the paragraph.

Mr. WADSWORTH. On what ground?
Mr. NORRIS. On the ground that it is new legislation. will reserve it, Mr. Chairman, if some one wants to be heard on the proposition.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Prevention of spread of moths: To enable the Secretary of Agriculture to meet the emergency caused by the continued spread of the gypsy and brown-tail moths, \$150,000, or so much thereof as may be necessary, is hereby appropriated and made immediately available. And the Secretary of Agriculture is hereby authorized to expend said appropriation by establishing a quarantine against such further spread in such manner as he shall deem best, in cooperation with the authorities of the different States concerned and with the State experiment stations.

Mr. FITZGERALD. Mr. Chairman, I make the point of order against the language on page 68 in lines 1 and 2, "to be made immediately available."

Mr. ROBERTS. Will the gentleman reserve his point of

Mr. FITZGERALD. Certainly.

Mr. ROBERTS. Mr. Chairman, after the appeal that was made by the colleagues of the gentleman from New York [Mr. Fitzgerald] on the provision concerning the boll weevil I have little hope that I can persuade the gentleman to withdraw the point of order he indicates in this instance, but I want to point out to the gentleman this, and let the responsibility be upon him. If he desires to get the best results from the expenditure of Government money, I will say to him that every dollar expended now in the gypsy-moth work and to be expended between now and the 1st day of June will produce better results, will go farther toward eradicating this pest than \$5 expended after the 1st of June, by reason of the life habits of the pest. The small appropriation that was made last year has made it neces-sary to ask that this amount be made immediately available if we are to produce the best results in this work, and I take it that the gentleman from New York [Mr. FITZGERALD], with all other members of the committee, is only anzious to see the best results produced from the appropriation of public funds.

Mr. McCALL. Will the gentleman withhold his point of order? Did the gentleman reserve his point of order?

Several Members. Yes.

Mr. McCALL. I trust the gentleman will not make the point of order, because I happen to have some practical experience with the gypsy moth and can testify something as to the habits of that pest. I have an interest in a small tract of land, perhaps of 30 or 40 acres, covered with trees. Last year we spent upon it something like \$3,000, and we will have to go over the work almost entirely this year. It is very necessary to expend this money, and I am inviting the attention of the gentleman from New York especially-

Mr. FITZGERALD. I am unable to hear the gentleman from

Massachusetts, on account of the confusion.

Mr. McCALL. And I will say it is very necessary for the proper expenditure of this money most effectively to have it spent between now and the 1st of July.

Mr. FITZGERALD. Now will the gentleman from Massachusetts yield for a question?

Mr. McCALL. Certainly.

Mr. FITZGERALD. The gentleman from Massachusetts knows this money is not available when this bill passes this House.

Mr. McCALL. I understand that.

Mr. FITZGERALD. And it will not be available until this bill is enacted into law.

Mr. McCALL. And I understand that.

Mr. FITZGERALD. And the gentleman has been in this

House long enough to know that appropriation bills do not become law in the short session until within a few days of adjournment.

Mr. McCALL. It will be about the 4th of March.

Mr. FITZGERALD. Yes; and if this is carried in the proper bill, the general deficiency act, it will be available just as quickly as if it were carried in this bill, which is an improper

place under the rule.

Mr. McCALL. Well, I would say that the appropriation is properly in this bill. Now it seems to me it is standing on rather a small point as between jurisdictions of committees to object in case of a clear emergency to inserting the words "immediately available" in this act. There is no question but that whatever of this money is spent between the 4th of March and the 1st of July will do five times the good it would do if not spent until after the 1st of July.

Mr. FITZGERALD. I have a good deal of confidence in the gentleman from Massachusetts. Is this a particularly urgent

matter?

Mr. McCALL. In my opinion it is.
Mr. FITZGERALD. Will the gentleman explain why the
Secretary of Agriculture did not ask to have it appropriated in the urgent deficiency bill passed last week?

Mr. McCALL. I do not know, Mr. Chairman, what was in the mind of the Secretary of Agriculture, but I was giving some of my experience to the gentleman, which he did not hear. I gave my experience with these gypsy moths. They are absolutely destructive of the trees, and the work must be done soon or it will not do much good to do it during the current year. trust the gentleman will not insist upon the point of order.

Mr. ROBERTS. Mr. Chairman, I want to say to the gentle-man from New York this does not come in the nature of a deficiency appropriation at all. We have a small appropriation under which the Department is working that has been prorated over the fiscal year, and whether or not this takes effect immediately the authorities are still working and have money to work until the 1st day of July. It is only a question of making the \$150,000 we are now appropriating of the utmost possible service, and to do that a large part of the money should be expended at the time of year when the leaves are not on the trees, when the egg clusters of this pest can be readily seen and destroyed. I want to say to the gentleman that it is much destroyed. I want to say to the gentland the say to the say the say that the say to the say th March, as suggested by the gentleman, we will then have several months to work before these egg clusters hatch out, and that is the period when the most efficient work can be done against these pests. With this explanation I hope the gentleman will withdraw his point of order.

Mr. WALLACE. Mr. Chairman, I suppose that next to Na-

poleon the boll weevil is the most illustrious tactician the world has ever known. [Applause.] Now, I shall go no further with him, but I want to state briefly the facts that confront the people of my district and of the district of my friend from Louisiana [Mr. RANSDELL] and districts in Texas. We all join in that. This fact confronts us: The boll weevil has entered the Seventh district of Arkansas. [Applause.] It has entered several counties of that district, and my information is that they came from the next district adjoining, which is the district of my friend Mr. RANSDELL. And my information further is that some came from the southeast corner of Texas. Now, the object is that by cultural and scientific investigation in the very earliest possible time you can meet this tactician and you can accomplish the most effective work. My district runs parallel with the districts of my friends from Louisiana, Mr. Warkins and Mr. RANSDELL, from the Red River, which at this point is approximate to Texas and to the Mississippi River on the east. That is the gateway to the cotton belt of the State of Arkansas. plause.] Now, sir, we are in a condition where we need this money at the very earliest possible time. In view of those cultural conditions and those ideas of agriculture that the Department has sent into our district, establishing demonstration farms and asking for this money for cooperation with the practical farmers there, I do not think, gentlemen, that it ought to be delayed one moment.

The gentleman here says that some of the committee can do . We do not know it, sir. This committee is ready to do it; this House, I believe, is ready to do it, and I do not believe in putting off for another day what you can get to-day. [Applause.]
The CHAIRMAN. Does the gentleman from New York [Mr.
FITZGERALD] insist on his point of order?

Mr. FITZGERALD. I insist on the point of order.

Mr. WADSWORTH. I concede the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Eradicating cattle ticks: For Bureau of Animal Industry: To enable the Secretary of Agriculture to undertake experimental work in cooperation with State authorities in eradicating the ticks transmitting southern cattle fever, \$150,000; of which sum \$25,000 shall be immediately available.

Mr. FITZGERALD. Mr. Chairman, I make the point of order against the language in lines 11 and 12.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

And hereafter the Secretary of Agriculture is hereby authorized to furnish, upon application, prints and lantern slides from negatives in the possession of the Department and to charge for the same a price to cover the cost of preparation, such price to be determined and established by the Secretary of Agriculture, and the money received from such sales to be deposited in the Treasury of the United States.

Mr. FITZGERALD, Mr. Speaker, I make the point of order

against that paragraph.

Mr. WADSWORTH. Mr. Chairman, I concede it. The CHAIRMAN. The point of order is sustained.

The Clerk resumed and concluded the reading of the bill.

Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent that the Clerk be empowered to correct all totals.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. WADSWORTH. Mr. Chairman, I ask unanimous consent to return for a moment to page 14, the meat-inspection portion of the bill.

The CHAIRMAN. The gentleman from New York [Mr. Wadsworth] asks unanimous consent to return to page 14. Is there objection?

There was no objection.

Mr. WADSWORTH. Mr. Chairman, last June, when the meat-inspection legislation was under consideration by Congress, the Chief Executive of the nation saw fit, in a letter addressed to the chairman of the Committee on Agriculture of the House of Representatives, in unmeasured terms, and in language conveying a threat, and in words intimating a doubt as to the sincerity and honesty of purpose of the members of that committee, to condemn the meat-inspection bill reported by the Committee on Agriculture for the consideration of the House.

I send to the desk the Executive's letter, and ask that the

Clerk read it as part of my remarks.

The Clerk read as follows:

THE WHITE HOUSE, Washington, D. C., June 14, 1906.

Washington, D. C., June 14, 1996.

My Dear Mr. Waddenstell: I have gone over your bill very carefully, and not only obtained a report from Mr. McCabe, as I told you I would, but also obtained a report from Mr. Reynolds on it. I am sorry to say the more closely I investigate your proposed substitute the worse I find it. Almost every change is one for the worse; so that it hardly seems necessary for me to enumerate them. Perhaps the amendment as you have now drafted it is not quite as bad as it was when you submitted it to me in the first instance; but it is very, very bad. There seems to be one point in which it is possible that the amendment is even worse than the original amendment, if, as seems likely, there is no provision for making plants accessible at all hours to the inspectors. In any event, I am sorry to have to say that this strikes me as an amendment which, no matter how unintentionally, is framed so as to minimize the chance of rooting out the evil in the packing business. Doubtless it suits the packers, who object to a thoroughgoing inspection, much better than the Senate amendment, and I have no doubt that not only the packers, but their allies in business and those stock growers who are influenced by them, would prefer it. But I am convinced it would in the long run be a heavy blow to the honest stock raiser and the honest packer to adopt these provisions rather than the far better ones contained in the Senate amendment; for, as compared with the Senate amendment, this proposed amendment, which you tell me is that of the majority of the House committee, would hamper in the most grossly improper fashion the Secretary of Agriculture in doing the work which you have appointed him to do, and will prevent even so much of this work as can be done at all from being well and thoroughly done. If the bill should go through in the form that the majority of your committee proposes, it might be that I should sign it as working a certain slight improvement over the present law; but if so, I should accompany it

Mr. WADSWORTH. In justice to the Committee on Agriculture of the House of Representatives I wrote the following answer to that letter, which I send to the desk and ask the Clerk to read as a part of my remarks. The Clerk read as follows:

COMMITTEE ON AGRICULTURE,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., June 15, 1906.

Washington, D. C., June 15, 1906.

My Dear Mr. President: I received your letter last night. You are wrong, "very, very wrong," in your estimate of the committee's bill. It is as perfect a piece of legislation to carry into effect your own views on this question as was ever prepared by a committee of Congress. Every member of the committee is absolutely as honest and sincere as yourself in his desire to secure the passage of a rigid meat-inspection bill. They know the meaning of the English language.

To show you how unreliable the information is upon which you base your opinion of the bill, I call your attention to the following language in your letter:

"There is no provision for making the plants accessible at all hours to the inspectors."

to the inspectors

If you will turn to page 4 of the bill (copy inclosed), line 2, you will find the following words:
"And for the purposes of such examination and inspection said inspectors shall have access at all times to every part of said establish-

ment."

Can the English language be made any plainer?

Turn also to page 6, line 16, and you will find this language:

"The Secretary of Agriculture shall cause an examination and inspection of all cattle, sheep, swine, and goats, and the food products thereof, slaughtered and prepared in the establishments hereinbefore described for the purposes of interstate or foreign commerce, to be made during the nighttime, as well as during the daytime, when the slaughtering of said cattle, sheep, swine, and goats, or the preparation of said food products, is conducted during the nighttime."

Therefore in at least one of the two criticisms you make of the bill you must admit that you are absolutely wrong.

You say:

You say: "Doubtless it suits the packers, who object to a thoroughgoing in

"Doubliess it suits the packers, who object to a thoroughgoing inspection."

I told you on Wednesday night, when I submitted the bill to you, that the packers insisted before our committee on having a rigid inspection law passed. Their life depends upon it, and the committee will bear me out in the statement that they placed no obstacle whatever in our way, but, on the contrary, gave us many valuable suggestions, based upon their practical knowledge of their business.

Your other actual criticism of the amendment refers to the "court-review" clause. The worst that can be said of this clause is that it is perhaps unnecessary—that it is already covered by existing law. I have always been taught to honor the judiciary of my country. I have always been taught to honor the rights of its citizens and to respect the rights of property, and I can not believe that the mere repetition of a provision which guarantees to the citizen the privilege of an appeal to the courts of the land when he believes his property rights are threatened can be justly or properly objected to.

The rest of your letter deals with generalities and a general condemnation of the committee's bill. If you or your advisers will point out specifically wherein it actually fails to accomplish your purpose, I can assure you it will be promptly remedied.

You say further along in your letter:

"And I can not even promise to sign it, because the provisions are so bad that, in my opinion, if they had been deliberately designed to prevent the remedying of the evils complained of, they could not have been worse."

I regret that you, the President of the United States, should feel

been worse."

I regret that you, the President of the United States, should feel justified, by innuendo at least, in impugning the sincerity and the competency of a committee of the House of Representatives. You have no warrant for it.

Very truly, yours,

J. W. Wadsworth.

THEODORE ROOSEVELT,
President of the United States.

Mr. WADSWORTH. As the House well knows, the very bill condemned so severely by the Executive in his letter to the chairman of the Committee on Agriculture, with few amendments in its verbiage, amendments which in no way—and I measure my words—increased its effectiveness, was signed by him on June 30, 1906, and is now the law of the land. In further justice to, and in vindication of, the Committee on Agriculture of the House of Representatives, and in view of all the circumstances and the use that has been made of the Executive's letter, I may be permitted to say, in justice to and in vindication of myself, I offer the testimony of the Secretary of Agriculture, as given by Doctor Melvin, of the Bureau of Animal Industry, the Bureau having in charge the execution of that law. I read from the hearings of that committee on January 9, pages 228 and 243, the testimony of Doctor Melvin.

I now read from page 228 of the hearings:

Doctor Melvin. The general action of the bill has been found to be very effective, and there is no doubt that it has resulted in a great deal of good, and I would not like to endanger it by suggesting

And now from page 243:

Mr. Lever. If you will pardon me a moment, Mr. Chairman, I want to get this clear. We will take Doctor Melvin back a little bit. We had a severe agitation last year about this meat business—the packing business. I want to ask the doctor whether or not, in his opinion, that agitation hurt seriously our export trade in meat and meat products?

Doctor Melvin There is no doubt but what it did for a time

Doctor MELVIN. There is no doubt but what it did for a time Mr. Lever. For a time. Now, I want to ask you this—if this bill prepared by this committee has had any effect whatever in restoring the confidence of our foreign buyers of meat and meat products, and are we beginning to get back on a normal basis in the export of these products?

oducts?
Doctor Melvin. Yes; I-think we are, quite rapidly.
Mr. Lever. Is it your opinion that it is the result of this bill?
Doctor Melvin. Yes.
Mr. Lever. Prepared by this committee?
Doctor Melvin. Yes.

So that after seven months of study of its provisions, during which time many questions arose and had to be settled and many rules and regulations promulgated, and after four months of active enforcement of the bill, the Secretary of Agriculture has not found it necessary to suggest or recommend a single amendment to make it more effective—not one. So far, at least, the bill has been found to be an honest one and an effective one, just as I promised you gentlemen last June on behalf of the Committee on Agriculture, when, without reading it, you passed it under suspension of the rules, it would be. That is all. [Loud and long-continued general applause.]

I now move that the committee rise and report the bill with the amendments to the House, with the recommendation that the amendments be agreed to, and the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Foster of Vermont, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24815, and had directed him to report the same with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the vote will be taken on the amendments in

gross.

A separate vote was not demanded.

The question was taken; and the amendments were agreed to in gross

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. Wadsworth, a motion to reconsider the vote by which the bill was passed was laid on the table.

IMPOSING TAX ON BAY RUM BROUGHT FROM PORTO RICO.

Mr. PAYNE, from the Committee on Ways and Means, reported the bill (H. R. 25122) to impose a tax on bay rum brought from Porto Rico into the United States; which was referred to the Committee of the Whole House on the state of the Union, and, with accompanying report, ordered to be printed.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. COUSINS. Mr. Speaker, I call up the diplomatic and consular appropriation bill, and ask unanimous consent that the House nonconcur in the Senate amendments and ask for a conference

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the diplomatic and consular appropriation bill, disagree to the Senate amendments, and ask for a conference.

Mr. MANN. How many amendments are there?
Mr. COUSINS. I think five.
The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER announced the appointment of the following conferees: Mr. Cousins, Mr. Charles B. Landis, and Mr. How-

### SECOND-CLASS MAIL MATTER.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to call up House resolution 739, reported from the Committee on Post-Offices and Post-Roads. It is a privileged resolution, and I ask for its immediate consideration.

The resolution was read, as follows:

House resolution 739.

Resolved, That the Postmaster-General is directed to report to the House, as early as may be practicable, a statement of the number of pounds and cash receipts from matter of the second class annually from July 1, 1877, to June 30, 1906; also the total cash receipts annually from all other sources for the same period, in such form as to show for each fiscal year the relative per cent of increase or decrease of receipts from matter of the second class to the per cent of increase or decrease or decrease of receipts from all post-office sources.

Mr. MADDEN. Mr. Speaker, I move the passage of the reso-

The question was taken, and the resolution was agreed to.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT CLINTON, IOWA.

The SPEAKER laid before the House the bill (S. 7760) to authorize the Albany Railroad Bridge Company or the Chicago and Northwestern Railway Company to reconstruct a bridge across the Mississippi River, a similar House bill being on the Calendar.

The bill was read, as follows:

An act (S. 7760) to authorize the Albany Railroad Bridge Company or the Chicago and Northwestern Railway Company to reconstruct a bridge across the Mississippi River.

Whereas the Albany Railroad Bridge Company, a corporation, owns, and the Chicago and Northwestern Railway Company, a corporation, has leased and is using, a railroad bridge across the Mississippi River

between the city of Clinton, Iowa, and an opposite point on the main bank in the State of Illinois, and by reason of the age of said bridge and its inadequacy to present conditions and needs it is proposed to en-large such bridge or replace it with a larger and more serviceable struc-ture: Therefore

ture: Therefore

Be it enacted, etc., That said Albany Railroad Bridge Company, or with its consent said Chicago and Northwestern Railway Company, its successors and assigns, are hereby authorized to enlarge said existing bridge across the Mississippi River, with its approaches, or to replace said bridge and its approaches with a new bridge and approaches in the same location as the existing bridge or south of such location and not more than 100 feet therefrom, in accordance with the provisions of the act of Congress entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906; and said enlarged or reconstructed bridge may be maintained and operated as a railroad bridge.

Sec. 2. That this Act shall be null and void unless the work of enlarging or replacing said bridge is begun within two years and is completed within five years from the date of the passage of this Act.

Sec. 3. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Mr. LOWDEN. Mr. Speaker, I move to amend this bill. In section 3, on page 2, line 22, strike out the words "two years" and insert "one year," and strike out "five" and insert "three," which is in accordance with the terms of the bill as reported by the House committee.

The Clerk read as follows:

On page 2, line 22, strike out the words "two years" and insert "one year," and in the same line strike out "five" and insert "three;" so that it will read: "said bridge is begun within one year and completed within three years from the date of the passage of this act."

The question was taken; and the amendment was agreed to. The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. Lowden, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The similar House bill will lie on the table.

#### REPRINT OF REPORT ON LIQUOR BILL.

Mr. CLAYTON. Mr. Speaker, I ask for a reprint of House Report No. 6708, including part 2, the views of the minority, from the Committee on the Judiciary, in regard to the bill to regulate interstate commerce in certain cases, which is known as the "liquor bill."

There was no objection, and it was so ordered.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. McLachlan indefinitely, on account of serious illness in family. RIVER AND HARBOR BILL.

Mr. BURTON of Ohio. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 24991—the river and harbor bill. Pending that motion, I would ask unanimous consent that any Member may have leave to print remarks germane to the river and harbor bill for five days after the bill is disposed of.

The SPEAKER. Is there objection to the request of the gen-

[After a pause.] The Chair hears none. tleman?

Mr. BURTON of Ohio. I would also ask that an arrangement be made as to the disposition of time. So far as the committee is concerned, it has been agreed between the senior Democratic member, the gentleman from Alabama [Mr. Bank-Head], and myself that the control of the time shall rest with

Mr. KEIFER. All the time?

Mr. BURTON of Ohio. For general debate, of course.

Mr. KEIFER. Mr. Speaker, I would like to know what length of time and what opportunity we are to have for general debate.

Mr. BURTON of Ohio. Well, of course, I can not forecast that. I am not asking for a limitation of time.

Mr. DALZELL. Mr. Speaker, I would ask the gentleman whether the senior member of the committee with whom he has agreed is opposed to the bill?

Mr. BURTON of Ohio. No; he is not.

Mr. DALZELL. It is not the custom of the House to put the control of the time for debate entirely in the hands of the

party in favor of the bill.

Mr. BURTON of Ohio. I will state to the gentleman from Pennsylvania that so far no assignments of time have been made. The requests that have been made are almost entirely by those who desire to advocate specific projects, who are indirectly opposed to the bill, opposed to it because the items which they favor are not in it; and it will be my desire to give such time as can be given to all who desire to be heard.

Mr. BARTHOLDT. Would it not be desirable to make an

arrangement as to the time at once, so that the Members who expect to speak may be informed as to when they can take the

floor?

Mr. BURTON of Ohio. I do not think that is practicable. Mr. BARTHOLDT. I want to say, Mr. Speaker, that we have certain objections to some features of this bill. Consequently, as far as part of the bill is concerned, we are opponents of the bill, and possibly a certain amount of time in opposition should be controlled by us. According to an arrangement entered into between the distinguished chairman of the committee and myself and some other gentleman, we were to receive, for the speeches to be delivered on our side, six hours, and I wish that arrangement could be sanctioned by the House at this time, so that we may know what we can expect.

Mr. BURTON of Ohio. I will say that if I have control of the time I shall make every effort to give to the gentleman from Missouri [Mr. BARTHOLDT] and those who, with him, favor two projects six hours. The gentleman from Missouri, however, will realize that that is a very generous apportionment of time, and I would suggest to him and to the House that if those who favor all these projects, which are not in the bill, will get together and agree among themselves and take half the time, it will be extremely gratifying to the committee as

well as to its chairman.

Mr. DALZELL. Mr. Speaker, I want to say to the gentleman from Ohio that I shall probably not want any time myself, and I have no doubt at all that he will be entirely just and generous in the disposition of the time; but what I object to is the establishment of a precedent, unheard of in this House up to this time, of turning over the control of all of the time on both sides to one gentleman. The custom, of course, under such circumstances, is to have the time controlled by the Chairman of the Committee of the Whole, and its seems to me that it would be very unwise for the House to depart from that custom. I repeat what I said; I have no doubt the gentleman from Ohio would be entirely just in his treatment of those who are opposed to the bill, and that I do not know that I should want any time myself.

If the gentleman from Pennsylvania will vield-

Mr. DALZELL. Certainly.

Mr. MANN. Of course the Chairman of the Committee of the Whole, under the rules, can only recognize a man for an hourno less time and no greater time—and for that reason it is often desirable to have some one in control of the time who can give

less than an hour, so that there may be orderly procedure.

Mr. DALZELL. The Chairman of the Committee of the Whole can recognize for a less time, and the occasions are very few when the Committee of the Whole does not allow additional

time on request.

Mr. MANN. He can make an agreement to recognize for less time, but under the rules anybody who obtains the floor from the Chairman of the Committee of the Whole is entitled to one the Chairman of the Committee of the Whole is entitled to one hour's time in general debate, and the Chairman can not limit it. He may refuse to recognize a Member unless he says he will take less time, of course.

Mr. DALZELL. The gentleman from Illinois will not dispute

my proposition that there is no precedent-

Mr. BURTON of Ohio. If the gentleman will kindly yield, that was the method pursued two years ago on this same bill. The time was entirely under the control of the Chairman. That was the method employed, also, in the bill of 1899.

Mr. MANN. I want to say to the gentleman from Ohio that he can reach the same purpose by asking that the time be controlled by himself and the gentleman from Alabama [Mr. BANK-HEAD]. The gentleman from Alabama can then place his time

in the control of the gentleman from Ohio.

Mr. DALZELL. I do not think so. I do not think two parties can be recognized to control the time, both of whom favor the That is not the custom in this House and never has been. If there is a precedent, such as the gentleman from Ohio has just mentioned, it is a bad precedent, and one that ought not to be followed.

Mr. GROSVENOR. I should like to ask my colleague if he intends to proceed with the discussion of the bill to-night?

Mr. BURTON of Ohio. I think not.

Mr. GROSVENOR. Then would it not be wise to go into Committee of the Whole and take up the bill, and then adjourn until merning, with a view of accommodating all these different interests and coming to an agreement before we meet to-morrow?

Mr. BURTON of Ohio. I would suggest that I have no objection to that, except that we desire to make all possible progress.

Mr. GROSVENOR. Will not that be in the interest of prog-

Mr. BURTON of Ohio. The request that the time be controlled by the chairman of the committee is not upon my initiative, but in view of the peculiar situation. A number of Members of the House desire to be heard on behalf of specific projects. It did not seem to be desirable to divide or apportion the time between two persons for that reason, and it was the suggestion of the gentleman from Alabama [Mr. Bankhead] that all control be given to the chairman. The effort has been made to accommodate, as far as possible, those who desire to be

Mr. WILLIAMS. Mr. Speaker, I would have no objection at all to the proposed arrangement except as a precedent of what might follow very much to the damage of the minority party upon the floor, whichever it might be. The gentleman from Pennsylvania [Mr. Dalzell] is mistaken in one thing. He said a moment ago that the time had never been put in the control of two persons each of whom was in favor of the bill. That has very frequently occurred. Agricultural committees and other committees have come in when time was controlled by the chairman of the committee and the senior minority member, both of whom were in favor of the bill reported to the House. There is a precedent for that.

Now, it seems to me that the object sought by the gentleman from Ohio can be equally as well attained if the time is controlled by him and the senior Democratic member on the Rivers and Harbors Committee. If we set the precedent asked for, it might be invoked in case of a political committee later on or a matter in which politics was involved, and in that way the minority might be cut out entirely from the deliberations of this body. It is the precedent I object to, and not this request. I suggest that the gentleman from Ohio modify the request so that the time be controlled jointly by him and by the senior Democrat on the committee.

Mr. BURTON of Ohio. I will state that if that is done ar-

rangements made with the Representatives who advocate the deep waterways must be modified or withdrawn. I am entirely willing and should prefer an arrangement that one-half of the time be controlled by the gentleman from Alabama if he will kindly share with me the responsibility of meeting the demands.

Mr. BANKHEAD. Mr. Speaker, I think it is fair for me to say that the chairman of the Committee on Rivers and Harbors requested me in the outset to divide this responsibility with him. I declined to do it, or rather I insisted that he should take it, as I thought it would be best that the chairman should take control of it after making satisfactory arrangements with the different gentlemen who seek to discuss this question. I have no desire in the world to control and parcel out the time on this bill, for I am in favor of every line in it. But if it is thought best. I am willing to take my share of the responsibility,

although I should greatly prefer that the chairman should do it.

Mr. BURTON of Ohio. Mr. Speaker, I do not desire to make
the request for control by myself if there is any opposition; and
I modify my request so that the time may be equally divided between the gentleman from Alabama [Mr. Bankhead] and myself. I desire to say to the gentlemen to whom I spoke about allotments of time that it will be necessary to modify any promises that I have made.

Mr. MADDEN. Mr. Speaker, I desire to inquire of the chairman of the committee whether, in view of the division of time between the chairman of the Rivers and Harbors Committee and the minority member, the ranking member of the minority, he intends to abrogate the agreement that was entered into between myself and a number of gentlemen who are in favor of projects not reported in the bill and possibly some projects which are reported in the bill?

Mr. BURTON of Ohio. I will state to the gentleman from Illinois that I should still be willing to apportion three hours to the gentlemen from Illinois and Missouri and others who have spoken to me.

Mr. MADDEN. Can we ask the gentleman from Alabama whether he will give us three hours more of his time?

Mr. BANKHEAD. That is a question, Mr. Speaker, I have not been consulted about heretofore.

Mr. MADDEN. I assume, Mr. Speaker, that he would have been consulted about it if he had not yielded his right to consultation.

Mr. WILLIAMS. The gentleman was not yielding up his right. I can object and make one objection of it, but I am simply objecting from a party standpoint. I do not want a precedent started that a Republican chairman shall control all the time.

Mr. MADDEN. We have no objection as to who controls the time if we can get such time as we desire.

Mr. CLARK of Missouri. Mr. Speaker, I would like to make a suggestion to the chairman of the Rivers and Harbors Com-He seems to be confining the discussion on this bill to the bill itself and to the two projects, one popularly known as the Chicago Drainage Canal and the other as the 14-foot

channel from St. Louis to the Gulf. I want to suggest that there are other projects that other people are interested in. For instance, I am interested in one for a 14-foot channel from St. Louis to the Gulf and one from St. Louis to the Falls of St. Anthony, and also one from Alton to Fort Benton. The gentle-man from Pennsylvania is interested in the Pennsylvania project, and we all want to get some sort of a hearing. I do not have much doubt about getting the time that I want myself, because I know I shall get it.

Mr. BURTON of Ohio. Mr. Speaker, I think I may say to

the gentleman from Missouri [Mr. Clark] that all possible effort will be made to give the time. I trust the remarks to be made will not be quite proportionate to the length of the channels that he desires to have improved. [Laughter.]

Mr. CLARK of Missouri. Mine may not be, but by the time they all get a hearing I fancy the remarks will be somewhat elongated.

Mr. KEIFER. Mr. Speaker, I wish to say that if there be a precedent for what is proposed here—that is, that the chairman of the committee shall control all of the time or the chairman of the committee and somebody else who agrees with him shall control all of the time for debate—it is a precedent that ought never to have arisen under any circumstances, and I doubt whether it ever arose knowingly in the House.

Mr. MANN. How about an ordinary appropriation bill?

Mr. KEIFER. It may be that in the apportionment of time when there is an appropriation bill and where it is the purpose to have general debate that sweeps over all the questions of the world and shall not be confined to the bill, some such thing may have happened. But I now rise to say that if there is anything to be inferred by this talk about certain syndicates having six hours' time I want to put in a protest, for I am not in that syndicate, and I want to say that I want to organize one of my own before we get through with this bill.

The SPEAKER. Is there objection?
Mr. GROSVENOR. Mr. Speaker, a parliamentary inquiry.
The SPEAKER. The gentleman will state it.

Mr. GROSVENOR. Mr. Speaker, if the House declines to grant unanimous consent to agree to any division of the time and the House goes into Committee of the Whole House on the state of the Union to consider the bill, is it not a fact that the time will then be controlled by the Chairman of the Committee

of the Whole House on the state of the Union?

The SPEAKER. Under the rules of the House, as the Chair understands it, when the House is in Committee of the Whole House on the state of the Union the Chairman of that committee recognizes gentlemen to speak to the bill, preferring the committee and alternating between those who are in favor of the bill and those who are against the bill. If no one rises against the bill, then it is the practice of the Chairman to recognize the membership of the House outside of the committee, and the Chair will say that under a fair construction of this rule the time has been heretofore divided as nearly as could be equally between those who favor the bill and those who oppose it.

Mr. GROSVENOR. Then all that is necessary to be done is

to object to any agreement.

The SPEAKER. Is there objection? Mr. WILLIAMS. Mr. Speaker, to w

Mr. WILLIAMS. Mr. Speaker, to what request?
The SPEAKER. The gentleman from Ohio [Mr. Burton] has

modified his request and asks that the time for general debate be controlled, one-half by himself and one-half by the gentleman from Alabama [Mr. BANKHEAD], as the Chair understands the gentleman.

Mr. BURTON of Ohio. That is correct.

The SPEAKER. Is there objection to that request?

Mr. BARTHOLDT. Mr. Speaker, unless I can secure a modification of this request to the extent that six hours shall be given to gentlemen representing the deep waterway on the Mississippi and Missouri river improvement questions I shall be bound to object.

The SPEAKER. Objection is heard. The question is on the motion of the gentleman from Ohio that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the river and harbor appropriation bill.

The question was taken; and the motion was agreed to. Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 24991—the river and harbor appropriation bill with Mr. Currier in the chair.

Mr. BURTON of Ohio. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection, and it was so ordered.

Mr. BURTON of Ohio. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Currier, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24991—the river and harbor appropriation bill—and had come to no resolution thereon.

#### ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. R. 86. Joint resolution granting an extension of time to

certain homestead entrymen;

S. 3702. An act for the relief of the Gurley Memorial Presbyterian Church, of the District of Columbia, and for other purposes;

S. 4267. An act to prohibit the sale of intoxicating liquors near the Government Hospital for the Insane and the District almshouse;

S. 5098. An act to regulate the practice of veterinary medicine

in the District of Columbia;

S. 6470. An act in relation to the Washington Market Com-

pany;

S. 7170. An act to amend an act relating to service on foreign corporations, approved June 30, 1902, entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia;'"

S. 7028. An act for the relief of the Allis-Chalmers Company,

of Milwaukee, Wis.; and

S. 7147. An act to amend section 2536 of the Revised Statutes, relative to assistant appraisers at the port of New York, and further defining their powers, duties, and compensation.

# ENROLLED JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolutions:

H. J. Res. 231. Joint resolution authorizing the Secretary of War to sell certain hay, straw, and grain at Fort Assinniboine;

H. J. Res. 230. Joint resolution continuing the Postal Commission until the close of the present session of Congress.

# SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 7247. An act to provide for the establishment of an immigrant station at New Orleans, in the State of Louisiana, and the erection in said city, on a site to be selected for said station, of a public building—to the Committee on Immigration and Naturalization.

S. 7427. An act granting an increase of pension to George L.

Danforth—to the Committee on Invalid Pensions.

S. 7674. An act to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement—to the Committee on Indian Affairs.

S. 7812. An act to amend section 591 of the Revised Statutes of the United States, relative to the assignment of district judges to perform the duties of a disabled judge—to the Committee on

the Judiciary.

S. 7998. An act granting an increase of pension to George N. Julian—to the Committee on Invalid Pensions.

Senate concurrent resolution No. 44.

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the Little Contentnea River, North Carolina, from the mouth of same to the town of Ridge Springs, in Greene County, N. C., with a view of dredging, cleaning out, and widening the channel, and to submit a plan and estimate for such improvements—

to the Committee on Rivers and Harbors.

## ADJOURNMENT.

Then, on motion of Mr. Burron of Ohio (at 5 o'clock and 6 minutes p. m.), the House adjourned.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of

Lydia Dillard against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Assistant Secretary of Commerce and Labor submitting an estimate of appropriation for Detour light station, Michigan—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Rial Foster against The United States—to the Committee on

War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Attorney-General submitting an estimate of appropriation for assistants to United States district attorneys in naturalization proceedings—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of C. H. Corn, administrator of the estate of W. W. Sharp, against The United States—to the Committee on War Claims, and or-

dered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John W. Keller, administrator of the estate of Eliza J. Ricketts, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of C. H. Corn, administrator of estate of John Chitwood, against The United States—to the Committee on War Claims, and or-

dered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for relief of the Northern Commercial Company of San Francisco—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a letter from the Director of the Geological Survey, a recommendation of the repeal of the grant to the Yuma Pumping and Irrigation Company of the right of way across the Yuma Indian Reservation—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for fire control and armament of fortifications—to the Committee on Appropriations, and ordered to be

printed

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for enlargement and construction of buildings at military posts—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting, with a copy of a letter from the Secretary of Commerce and Labor, a revised estimate of appropriation to carry into effect the law relating to the naturalization of aliens—to the Committee on Appropriations, and ordered to be printed.

# REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CURRIER, from the Committee on Patents, to which was referred the bill of the House (H. R. 25133) to amend and consolidate the acts respecting copyright, reported the same without amendment, accompanied by a report (No. 7083); which said bill and report were referred to the Committee of the Whole

House on the state of the Union.

Mr. FRENCH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 24374) to fix the boundaries of lands of certain landowners adjoining the Coeur d'Alene Indian Reservation, reported the same with amendment, accompanied by a report (No. 7089); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 24989) to provide for the commutation for town-site purposes of homestead entries in certain portions of Oklahoma, reported the same without amendment, accompanied by a report (No. 7091); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DALZELL, from the Committee on Ways and Means, to which was referred the bills of the House H. R. 20246 and 21198, reported in lieu thereof a bill (H. R. 25187) to amend "An act to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, etc., under the act of June 13, 1898. and for other purposes," approved June 27, 1902, accompanied by a report (No. 7092); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CONNER, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 25048) for the restoration, reconstruction, and repair of the east front of the Treasury building, Washington, D. C., reported the same without amendment, accompanied by a report (No. 7093); which said bill and report were referred to the Committee

of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 25041) to provide for the creation of additional land districts in the district of Alaska, reported the same with amendment, accompanied by a report (No. 7096); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OVERSTREET of Indiana, from the Committee on the Post-Office and Post-Roads, to which was referred the resolution of the House (H. Res. 739) requesting the Postmaster-General for information on second-class mail matter, reported the same without amendment, accompanied by a report (No. 7085); which said resolution and report were referred to the

Mr. BRADLEY, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. J. Res. 223) relating to the holders of medals of honor, reported the same without amendment, accompanied by a report (No. 7086); which said joint resolution and report were referred to the

House Calendar.

Mr. GRONNA, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 24473) to define the status of certain patents and pending entries, selections, and filings on lands formerly within the Fort Berthold Indian Reservation in North Dakota, reported the same without amendment, accompanied by a report (No. 7094); which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 362) granting an increase of pension to James M. Bullard, reported the same without amendment, accompanied by a report (No. 6912); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 756) granting an increase of pension to Jacob Niebels, reported the same without amendment, accompanied by a report (No. 6913); which said bill and report were

referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1172) granting an increase of pension to Asaph H. Witham, reported the same without amendment, accompanied by a report (No. 6914); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1397) granting an increase of pension to Anna L. B. Walker, reported the same without amendment, accompanied by a report (No. 6915); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1495) granting an increase of pension to John Holley, reported the same without amendment, accompanied by a report (No. 6916); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1511) granting an increase of pension to Marvin F. Barton, reported the same without amendment, accompanied by a report (No. 6917); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1516) granting an increase of pension to Orlando O. Austin, reported the same without amendment, accompanied by a report (No. 6918); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1594) granting an increase of pension to Margaret E. Guthrie, reported the same without amendment, accompanied by a report (No. 6919); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1797) granting an increase of pension to John E. Henderson, reported the same without amendment, accompanied by a report (No. 6920); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2104) granting an increase of pension to Moses Feyler, reported the same without amendment, accompanied by a report (No. 6921); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2259) granting an increase of pension-to Charles Duby, alias Louis Deshemean, reported the same without amendment, accompanied by a report (No. 6922); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2693) granting an increase of pension to Samuel Wise, reported the same without amendment, accompanied by a report (No. 6923); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2780) granting an increase of pension to Daniel N. McCarter, reported the same without amendment, accompanied by a report (No. 6924); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2994) granting an increase of pension to David Harvey, reported the same without amendment, accompanied by a report (No. 6925); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3295) granting an increase of pension to Anna Williams, reported the same without amendment, accompanied by a report (No. 6926); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3319) granting an increase of pension to James E. Croft, reported the same without amendment, accompanied by a report (No. 6927); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3320) granting an increase of pension to Elias H. Parker, reported the same without amendment, accompanied by a report (No. 6928); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3461) granting a pension to Helen L. Woodward, reported the same without amendment, accompanied by a report (No. 6929); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3583) granting an increase of pension to Kate O'Donnell Wood, reported the same without amendment, accompanied by a report (No. 6930); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3681) granting a pension to Sanford H. Moats, reported the same without amendment, accompanied by a report (No. 6931); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3882) granting an increase of pension to Delphine Darling, reported the same without amendment, accompanied by a report (No. 6932); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4033) granting an increase of pension to William Kirkwood, reported the same without amendment, accompanied by a report (No. 6933); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4055) granting a pension to Nancy J. Mullally, reported the same without amendment, accompanied by a report (No. 6934); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4108) granting an increase of pension to Martha M. Lambert, reported the same

without amendment, accompanied by a report (No. 6935); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4113) granting an increase of pension to Dell E. Pert, reported the same without amendment, accompanied by a report (No. 6936); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4509) granting an increase of pension to Anna M. Loomis, reported the same without amendment, accompanied by a report (No. 6937); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4681) granting an increase of pension to William S. Gray, reported the same without amendment, accompanied by a report (No. 6938); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4756) granting an increase of pension to John Kirch, reported the same without amendment, accompanied by a report (No. 6939); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4769) granting an increase of pension to Rosa Olds Jenkins, reported the same without amendment, accompanied by a report (No. 6940); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4813) granting an increase of pension to Samuel Doolittle, reported the same without amendment, accompanied by a report (No. 6941); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4818) granting an increase of pension to George W. Peabody, reported the same without amendment, accompanied by a report (No. 6942); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5021) granting an increase of pension to Margaret Kearney, reported the same without amendment, accompanied by a report (No. 6943); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5023) granting an increase of pension to Ruth E. Olney, reported the same without amendment, accompanied by a report (No. 6944); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5106) granting an increase of pension to John Adshead, reported the same without amendment, accompanied by a report (No. 6945); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5190) granting an increase of pension to Abby L. Brown, reported the same without amendment, accompanied by a report (No. 6946); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5292) granting an increase of pension to Michael J. Sprinkle, reported the same without amendment, accompanied by a report (No. 6947); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5542) granting an increase of pension to Elizabeth S. Reess, reported the same without amendment, accompanied by a report (No. 6948); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5580) granting a pension to Julia A. Vroom, reported the same without amendment, accompanied by a report (No. 6949); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5586) granting an increase of pension to Albert F. Pepoon, reported the same without amendment, accompanied by a report (No. 6950); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5697) granting an increase of pension to George H. McLain, reported the same without amendment, accompanied by a report (No. 6951); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5699) granting an increase of pension to Adelaide D. Merritt, reported the same without amendment, accompanied by a report (No. 6952); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5836) granting an increase of pension to Daniel Loosley, reported the same without amendment, accompanied by a report (No. 6953); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Penslons, to which was referred the bill of the Senate (S. 5854) granting an increase of pension to John W. McWilliams, reported the same without amendment, accompanied by a report (No. 6954); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5886) granting an increase of pension to Anna E. Hood, reported the same without amendment, accompanied by a report (No. 6955); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5912) granting an increase of pension to Nathaniel Green, reported the same without amendment, accompanied by a report (No. 6956); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5991) granting an increase of pension to George F. Ford, reported the same without amendment, accompanied by a report (No. 6957); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6050) granting an increase of pension to Edward W. Galligan, reported the same without amendment, accompanied by a report (No. 6058); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6137) granting an increase of pension to Fannie L. Pike, reported the same without amendment, accompanied by a report (No. 6959); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6139) granting an increase of pension to Eliza Brusie, reported the same without amendment, accompanied by a report (No. 6960); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6143) granting an increase of pension to Thomas J. Northrop, reported the same without amendment, accompanied by a report (No. 6961); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6145) granting an increase of pension to Enoch Bolles, reported the same without amendment, accompanied by a report (No. 6962); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6223) granting an increase of pension to William E. Cummin, reported the same without amendment, accompanied by a report (No. 6963); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6233) granting an increase of pension to George E. Vanderwalker, reported the same without amendment, accompanied by a report (No. 6964) which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6273) granting an increase of pension to William J. Wells, reported the same without amendment, accompanied by a report (No. 6965); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6278) granting an increase of pension to Henry Humble, reported the same without amendment, accompanied by a report (No. 6966); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6325) granting an increase of pension to David A. Edwards, reported the same without amendment, accompanied by a report (No. 6967); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6350) granting an increase of pension to Silas G. Clark, reported the same without amendment, accompanied by a report (No. 6968); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6351) granting an increase of pension to Andrew J. West, reported the same without amendment, accompanied by a report (No. 6969); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6372) granting an increase of pension to Marvin Osgood, reported the same without amendment, accompanied by a report (No. 6970); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6408) granting a pension to Mary Louise McLean, reported the same without amendment, accompanied by a report (No. 6971); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6431) granting an increase of pension to R. Smith Coats, reported the same without amendment, accompanied by a report (No. 6972); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6436) granting an increase of pension to George W. Kelsey, reported the same without amendment, accompanied by a report (No. 6973); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6459) granting an increase of pension to Ellen Carpenter, reported the same without amendment, accompanied by a report (No. 6974); which said hill and report were referred to the Private Calendar

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6532) granting an increase of pension to Joseph Daniels, reported the same without amendment, accompanied by a report (No. 6975); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6571) granting an increase of pension to William I. Ross, reported the same without amendment, accompanied by a report (No. 6976); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6573) granting an increase of pension to John A. Williams, reported the same without amendment, accompanied by a report (No. 6977); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6582) granting an increase of pension to Moses Rowell, reported the same without amendment, accompanied by a report (No. 6978); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6584) granting an increase of pension to John Heath, reported the same without amendment, accompanied by a report (No. 6979); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6587) granting an increase of pension to Marcus M. Currier, reported the same without amendment, accompanied by a report (No. 6980); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6588) granting an increase of pension to Arthur Hathorn, reported the same without amendment, accompanied by a report (No. 6981); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6589) granting an increase of pension to Washington D. Gray, reported the same without amendment, accompanied by a report (No. 6982); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6590) granting an increase of pension to Theron Hamner, reported the same without amendment, accompanied by a report (No. 6983); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6623) granting an increase of pension to Mollie J. Mitchell, reported the same without amendment, accompanied by a report (No. 6984); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6624) granting an increase of pension to Alvin N. D. Kite, reported the same with-

out amendment, accompanied by a report (No. 6985); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6625) granting an increase of pension to Anderson Henry, reported the same without amendment, accompanied by a report (No. 6986); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6633) granting an increase of pension to Benjamin F. Wright, reported the same without amendment, accompanied by a report (No. 6987); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6637) granting an increase of pension to James J. Eubank, reported the same without amendment, accompanied by a report (No. 6988); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6656) granting an increase of pension to Eli M. Skinner, reported the same without amendment, accompanied by a report (No. 6989); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6670) granting an increase of pension to Dana H. McDuffee, reported the same without amendment, accompanied by a report (No. 6990); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6671) granting an increase of pension to Horace P. Marshall, reported the same without amendment, accompanied by a report (No. 6991); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (8. 6687) granting an increase of pension to Henry W. Mahaney, reported the same without amendment, accompanied by a report (No. 6992); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6703) granting an increase of pension to John H. Niblock, reported the same without amendment, accompanied by a report (No. 6993); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6706) granting an increase of pension to James T. Stewart, reported the same without amendment, accompanied by a report (No. 6994); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6708) granting an increase of pension to Columbus B. Mason, reported the same without amendment, accompanied by a report (No. 6995); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pen-

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6710) granting an increase of pension to Thomas P. Way, reported the same without amendment, accompanied by a report (No. 6996); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6722) granting an increase of pension to William Arnold, reported the same without amendment, accompanied by a report (No. 6907); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6732) granting an increase of pension to John Trefry, reported the same without amendment, accompanied by a report (No. 6998); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6733) granting an increase of pension to Anna D. Barnes, reported the same without amendment, accompanied by a report (No. 6999); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6736) granting an increase of pension to Charles H. Tracy, reported the same without amendment, accompanied by a report (No. 7000); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6769) granting an increase of pension to James T. McReynolds, reported the same without amendment, accompanied by a report (No. 7001); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6793) granting an increase of pension to Simon Peter Wallerson, reported the same without amendment, accompanied by a report (No. 7002); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6800) granting an increase of pension to Esther Eldridge, reported the same without amendment, accompanied by a report (No. 7003); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6811) granting an increase of pension to James Carpenter, jr., reported the same without amendment, accompanied by a report (No. 7004); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (8. 6820) granting an increase of pension to Henry M. Bullard, reported the same without amendment, accompanied by a report (No. 7005); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (8. 6823) granting an increase of pension to John H. Holsey, reported the same without amendment, accompanied by a report (No. 7006); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6827) granting an increase of pension to Theodore J. Sweeting, reported the same without amendment, accompanied by a report (No. 7007); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6828) granting an increase of pension to Walter D. Greene, reported the same without amendment, accompanied by a report (No. 7008); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6830) granting an increase of pension to Daniel L. Seavey, reported the same without amendment, accompanied by a report (No. 7009); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6835) granting an increase of pension to George Maybury, reported the same without amendment, accompanied by a report (No. 7010); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6875) granting an increase of pension to Lemuel T. Williams, reported the same without amendment, accompanied by a report (No. 7011); which said bill and report were referred to the Private Calendar

He also, from the same committee, to which was referred the bill of the Senate (S. 6876) granting an increase of pension to Jesse L. Pritchard, reported the same without amendment, accompanied by a report (No. 7012); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6914) granting an interpretable of the Senate (S. 6914) granting an interpretable of the Senate (S. 6914).

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6914) granting an increase of pension to Albert T. Barr, reported the same without amendment, accompanied by a report (No. 7013); which said bill and report were referred to the Private Calendar.

He also, from the same committee to which was referred the bill of the Senate (S. 6915) granting an increase of pension to Samuel G. Healy, reported the same without amendment, accompanied by a report (No. 7014); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6916) granting an increase of pension to Nathan E. Stover, reported the same without amendment, accompanied by a report (No. 7015); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6933) granting an increase of pension to Fredrick Middaugh, reported the same without amendment, accompanied by a report (No. 7016); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6935) granting an increase of pension to William R. Neil, reported the same without amendment, accompanied by a report (No. 7017); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6936) granting an increase of pension to Robert Jenkins, reported the same

without amendment, accompanied by a report (No. 7018); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6937) granting an increase of pension to Michael Rosbrugh, reported the same without amendment, accompanied by a report (No. 7019); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6943) granting an increase of pension to Lewis A. Grant, reported the same without amendment, accompanied by a report (No. 7020); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6947) granting an increase of pension to Charles M. Brough, reported the same without amendment, accompanied by a report (No. 7021); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6948) granting an increase of pension to Albert H. Nash, reported the same without amendment, accompanied by a report (No. 7022); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6957) granting an increase of pension to Hiram Siegfried, reported the same without amendment accompanied by a report (No. 7023); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6958) granting an increase of pension to Keziah Walker, reported the same without amendment, accompanied by a report (No. 7024); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6960) granting an increase of pension to Thomas Ashton, reported the same without amendment, accompanied by a report (No. 7025); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (8, 6963) granting an increase of pension to William B. Sayles, reported the same without amendment, accompanied by a report (No. 7026); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6964) granting an increase of pension to Silas N. Palmer, reported the same without amendment, accompanied by a report (No. 7027); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7053) granting an increase of pension to Solomon Draper, reported the same without amendment, accompanied by a report (No. 7028); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7056) granting an increase of pension to Frederick Carel, reported the same without amendment, accompanied by a report (No. 7029); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7060) granting an increase of pension to John Hager, reported the same without amendment, accompanied by a report (No. 7030); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7062) granting an increase of pension to John Monroe, reported the same without amendment, accompanied by a report (No. 7031); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7063) granting an increase of pension to Timothy Drew, reported the same without amendment, accompanied by a report (No. 7032); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7067) granting an increase of pension to Edmund Fillio, reported the same without amendment, accompanied by a report (No. 7033); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7069) granting an increase of pension to Marshall Johnson, reported the same without amendment, accompanied by a report (No. 7034); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7074) granting an increase of pension to William Jenkins, reported the same without amendment, accompanied by a report (No. 7035); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7075) granting an increase of pension to John S. Lewis, reported the same without amendment, accompanied by a report (No. 7036); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (8, 7094) granting an increase of pension to George B. Drake, reported the same without amendment, accompanied by a report (No. 7037); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7101) granting an increase of pension to Catherine Matimore, reported the same without amendment, accompanied by a report (No. 7038); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7105) granting an increase of pension to Samuel Baker, reported the same without amendment, accompanied by a report (No. 7039); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7119) granting an increase of pension to Charles Boxmeyer, reported the same without amendment, accompanied by a report (No. 7040); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7157) granting an increase of pension to Austin S. Dunning, reported the same without amendment, accompanied by a report (No. 7041); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7161) granting an increase of pension to George A. Tyler, reported the same without amendment, accompanied by a report (No. 7042); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7162) granting an increase of pension to William H. Sheckler, reported the same without amendment, accompanied by a report (No. 7043); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7192) granting an increase of pension to Noah Jarvis, reported the same without amendment, accompanied by a report (No. 7044); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7193) granting an increase of pension to David C. Benjamin, reported the same without amendment, accompanied by a report (No. 7045); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7243) granting an increase of pension to Justus B. Coomer, reported the same without amendment, accompanied by a report (No. 7046); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7246) granting an increase of pension to William H. Berry, reported the same without amendment, accompanied by a report (No. 7047); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7265) granting an increase of pension to John R. McCoy, reported the same without amendment, accompanied by a report (No. 7048); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7293) granting an increase of pension to John White, reported the same without amendment, accompanied by a report (No. 7049); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7294) granting an increase of pension to William P. Pattison, reported the same without amendment, accompanied by a report (No. 7050); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7295) granting an increase of pension to Gabriel Campbell, reported the same with-

out amendment, accompanied by a report (No. 7051); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7335) granting an increase of pension to Charles C. Burt, reported the same without amendment, accompanied by a report (No. 7052); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7337) granting a pension to Henry W. Blair, reported the same without amendment, accompanied by a report (No. 7053); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7339) granting a pension to Julia C. R. Baird, reported the same without amendment, accompanied by a report (No. 7054); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7349) granting an increase of pension to Luke M. Lewis, reported the same without amendment, accompanied by a report (No. 7055); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7350) granting an increase of pension to Richard Dodge, reported the same without amendment, accompanied by a report (No. 7056); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7853) granting an increase of pension to Augusta T. Eichholtz, reported the same without amendment, accompanied by a report (No. 7057); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7358) granting an increase of pension to David Turner, reported the same without amendment, accompanied by a report (No. 7058); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7361) granting an increase of pension to George Downing, reported the same without amendment, accompanied by a report (No. 7059); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7377) granting an increase of pension to Martha J. Collins, reported the same without amendment, accompanied by a report (No. 7060); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7378) granting a pension to Giles M. Caton, reported the same without amendment, accompanied by a report (No. 7061); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7384) granting an increase of pension to Orson B. Johnson, reported the same without amendment, accompanied by a report (No. 7062); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7398) granting an increase of pension to Page G. Potter, reported the same without amendment, accompanied by a report (No. 7063); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (8, 7402) granting an increase of pension to Francis H. De Castro, reported the same without amendment, accompanied by a report (No. 7064); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7428) granting an increase of pension to Helen C. Lettenmayer, reported the same without amendment, accompanied by a report (No. 7065); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7445) granting an increase of pension to Charles J. Freese, reported the same without amendment, accompanied by a report (No. 7066); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7484) granting an increase of pension to Samuel E. Coover, reported the same without amendment, accompanied by a report (No. 7067); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7486) granting an increase of pension to Byron A. Williams, reported the same without amendment, accompanied by a report (No. 7068); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7488) granting an increase of pension to William W. Putnam, reported the same without amendment, accompanied by a report (No. 7069); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7489) granting an increase of pension to Albert C. Wagher, reported the same without amendment, accompanied by a report (No. 7070); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7505) granting an increase of pension to Michael Bogue, reported the same without amendment, accompanied by a report (No. 7071); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7513) granting an increase of pension to Alexander M. Cowgill, reported the same without amendment, accompanied by a report (No. 7072); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7543) granting an increase of pension to Robert B. McCumber, reported the same without amendment, accompanied by a report (No. 7073); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7554) granting an increase of pension to Amelia R. Randolph, reported the same without amendment, accompanied by a report (No. 7074); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7556) granting an increase of pension to Thomas Spanton, reported the same without amendment, accompanied by a report (No. 7075); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 7558) granting an increase of pension to Mary Morgan, reported the same without amendment, accompanied by a report (No. 7076); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7566) granting an increase of pension to John Anslow, reported the same without amendment, accompanied by a report (No. 7077): which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7617) granting an increase of pension to Victor H. Coffman, reported the same without amendment, accompanied by a report (No. 7078); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7623) granting an increase of pension to Sarah A. Kumler, reported the same without amendment, accompanied by a report (No. 7079); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7640) granting an increase of pension to Stephen H. S. Cook, reported the same without amendment, accompanied by a report (No. 7080); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7740) granting an increase of pension to Dwight Simpson, reported the same without amendment, accompanied by a report (No. 7081); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 7744) granting a pension to Josephine Brackett, reported the same without amendment, accompanied by a report (No. 7082); which said

bill and report were referred to the Private Calendar.

Mr. TALBOTT, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 2139) to remove the charge of desertion from the military record of Anton Ernst reported the same without amendment, accompanied by a report (No. 7084); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 21857) to correct the military record of Jacob Rockwell, reported the same

with amendment, accompanied by a report (No. 7087); which said bill and report were referred to the Private Calendar.

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 23630) authorizing the President to nominate and appoint Birchie O. Mahaffey, John A. Cleveland, and Traugett F. Keller as second lieutenants in the United States Army, reported the same with amendment, accompanied by a report (No. 7088); which said bill and report were referred to the Private Calendar.

Mr. ROBERTSON of Louisiana, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 24833) for the relief of the Louisiana Molasses Company (Limited) and the Louisiana Distilling Company, reported the same without amendment, accompanied by a report (No. 7090); which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills and resolution of the following titles were introduced and severally referred, as follows:

By Mr. FREDERICK LANDIS: A bill (H. R. 25182) to amend section 1754 of the Revised Statutes of the United States—to the Committee on Military Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 25183) to provide for the care of orphan Indian children at the Whittaker Home, Pryor Creek, Ind. T.—to the Committee on Indian Affairs.

Pryor Creek, Ind. T.—to the Committee on Indian Affairs.

By Mr. WASKEY: A bill (H. R. 25184) to relieve the Tanana
Mines Railroad in Alaska from taxation—to the Committee on
the Territories.

By Mr. PEARRE: A bill (H. R. 25185) to fix the salary of the United States deputy clerk for the district of Maryland, at Cumberland, Md.—to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: A bill (H. R. 25186) to provide for the establishment of an agricultural bank in the Philippine Islands—to the Committee on Insular Affairs.

By Mr. DALZELL, from the Committee on Ways and Means: A bill (H. R. 25187) to amend "An act to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, etc., under the act of June 13, 1898, and for other purposes," approved June 27, 1902—to the Union Calendar.

approved June 27, 1902—to the Union Calendar.

By Mr. BENNET of New York: A bill (H. R. 25188) to safeguard the running of trains on railroads and railways—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERLEY: A bill (H. R. 25189) to amend section 1537 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901—to the Committee on the District of Columbia.

Also, a bill (H. R. 25190) to amend sections 1, 2, and 3 of an act entitled "An act to prohibit shanghailing in the United States," approved June 28, 1906—to the Committee on the Merchant Marine and Fisheries.

By Mr. CRUMPACKER: A bill (H. R. 25191) for the establishment of a light-house and fog signal at the northerly end of the pier at Indiana Harbor, southerly end of Lake Michigan, Indiana—to the Committee on Interstate and Foreign Commerce.

By Mr. ACHESON: A bill (H. R. 25192) to amend an act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," approved June 27, 1890—to the Committee on Invalid Pensions.

By Mr. MORRELL: A joint resolution (H. J. Res. 234) authorizing the appointment of a commission to collate information and consider and recommend legislation concerning the public utilities in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CASSEL: A resolution (H. Res. 800) providing for a stenographer for the Committee on Accounts during the remainder of the session—to the Committee on Accounts.

By Mr. WILLIAMS: A resolution (H. Res. 801) requesting the Secretary of Commerce and Labor to institute an investigation of the paper trust—to the Committee on the Judiciary.

By Mr. BENNET of New York: A resolution (H. Res. 802) requesting information as to appliances for first aid to the injured in Government buildings—to the Committee on Public Buildings and Grounds.

# PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Maine: A bill (H. R. 25193) granting an increase of pension to William H. Soule—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 25194) granting a pension to Doroteo Duran-to the Committee on Pensions.

Also, a bill (H. R. 25195) granting an increase of pension to John A. Brown-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25196) granting an increase of pension to Nestor Castillo-to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 25197) granting an increase of pension to Frederick Hortin-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25198) granting an increase of pension to Frank Holderby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25199) granting a pension to James L.

Hollingsworth—to the Committee on Invalid Pensions. By Mr. COUDREY: A bill (H. R. 25200) granting a pension to Edward P. Rice-to the Committee on Invalid Pensions.

By Mr. DALE: A bill (H. R. 25201) granting a pension to Robert Thomas Doyle-to the Committee on Pensions.

By Mr. DOVENER: A bill (H. R. 25202) granting an increase of pension to Benjamin F. Dunlap-to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 25203) granting an increase of pension to Dallas Vernam-to the Committee on Invalid Pen-

By Mr. GARDNER of New Jersey: A bill (H. R. 25204) granting an increase of pension to Berdsall Cornell-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25205) granting an increase of pension to James C. Fackenthall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25206) granting an increase of pension to Franklin Tyler—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 25207) granting a pension to Esther Gard—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 25208) granting a pension to Sarah F. Barriger-to the Committee on Pensions

Also, a bill (H. R. 25209) to correct the military record of Alfred W. Jewett Cook—to the Committee on Military Affairs.

By Mr. HUMPHREY of Washington: A bill (H. R. 25210)

granting an increase of pension to Thomas Fauciei-to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 25211) granting an increase of pension to Alphonso Brown-to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 25212) granting a pension to Walter Bourke—to the Committee on Invalid Pensions.

By Mr. McLACHLAN: A bill (H. R. 25213) granting an increase of pension to Samuel D. Hallock-to the Committee on Invalid Pensions.

Also, a bill (H. R. 25214) granting an increase of pension to Robert H. Douglas—to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 25215) granting an increase of pension to R. O. Crawford—to the Committee on Invalid

By Mr. MOON of Tennessee: A bill (H. R. 25216) for the relief of Fred Fox, jr., of Chattanooga, Tenn.-to the Committee on Claims.

By Mr. PEARRE: A bill (H. R. 25217) granting a pension to Elizabeth B. Preston-to the Committee on Invalid Pensions. By Mr. REYBURN: A bill (H. R. 25218) granting a pension

to Emma C. Preston-to the Committee on Invalid Pensions. By Mr. RHODES: A bill (H. R. 25219) granting an increase of pension to Adam Herzinger-to the Committee on Invalid

Also, a bill (H. R. 25220) granting an increase of pension to Francis M. Willis-to the Committee on Invalid Pensions.

By Mr. SMITH of Arizona: A bill (H. R. 25221) granting an increase of pension to Jose M. Jarmillo-to the Committee on Invalid Pensions,

By Mr. SMITH of Illinois: A bill (H. R. 25222) granting an increase of pension to John T. Beem-to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 25223) granting an increase of pension to Job J. Whiteman—to the Committee on Invalid Pensions,

By Mr. THOMAS of Ohio: A bill (H. R. 25224) granting an increase of pension to David C. Smith—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 25225) granting a pension to Mrs. Sardis L. Crissey-to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 25226) granting an increase of pension to William Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25227) granting an increase of pension to Elizabeth S. Hess—to the Committee on Invalid Pensions.

By Mr. WILEY of Alabama: A bill (H. R. 25228) granting a pension to James T. Cloud-to the Committee on Pensions.

By Mr. WILLIAMS: A bill (H. R. 25229) granting an increase of pension to James T. Blair-to the Committee on Pensions.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 1198) granting a pension to Abagail Tharp-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25119) granting an increase of pension to Charles P. McGuirsey-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15452) granting an increase of pension to Solomon Stanfield-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22779) granting an increase of pension to J. C. Baldridge-Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the mayor and common council of the city of Astoria, Oreg., for legislation to relieve the fuel and car shortage in the Northwest-to the Committee on Interstate and Foreign Commerce.

Also, petition of railway employees in various portions of the United States, for bill S. 5133 (the sixteen-hour bill)—to the Committee on Interstate and Foreign Commerce.

Also, petition of J. N. Anderson and other citizens, for an amendment of the free-alcohol law-to the Committee on Ways and Means.

By Mr. ALEXANDER: Petition of Branch No. 3, National Association of Letter Carriers, of Buffalo, for bill H. R. 23579—to the Committee on the Post-Office and Post-Roads.

By Mr. BATES: Petition of H. McCreary, commander of Grand Army of the Republic Post No. 345, of Waterford, Pa., and A. W. Merrick, commander of Grand Army of the Republic Post No. 70, of Corry, Pa., for more liberal allowance of pen--to the Committee on Invalid Pensions.

By Mr. BARCHFELD: Petitions of citizens of Hancock, Me., and Reading, Pa., against bill S. 5221, regulating the practice of osteopathy in the District of Columbia-to the Committee on the District of Columbia,

By Mr. BRICK: Petition of H. Rosenberg et al., of South Bend, Ind., against the immigration bill-to the Committee on Immigration and Naturalization.

By Mr. BURLEIGH: Paper to accompany bill for relief of Stephen A. Chamberlain-to the Committee on Invalid Pen-

By Mr. COUDREY: Paper to accompany bill for relief of Edward P. Rice-to the Committee on Invalid Pensions.

By Mr. DALE: Paper to accompany bill for relief of Robert Thomas Doyle—to the Committee on Invalid Pensions,

By Mr. DAVEY of Louisiana: Paper to accompany bill for relief of Hugh Williams-to the Committee on War Claims.

By Mr. DOVENER: Petition of citizens of Weston, W. Va., against restriction of immigration-to the Committee on Immigration and Naturalization.

By Mr. ESCH: Paper to accompany bill for relief of Dallas Vernam—to the Committee on Invalid Pensions.

By Mr. FLOYD: Petition in the nature of a protest of H. D. Routzorg, relative to bill H. R. 21385 (diverting waters of the White River)—to the Committee on Interstate and Foreign Commerce.

By Mr. FULKERSON: Paper to accompany bill for relief of Henry J. Bomar—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the Burson Knitting Company. of Rockport, Ill., against restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Milo B. Stevens, against the no-attorney-fee clause of the McCumber pension bill-to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of citizens of Pennsylvania, for increase of salaries of post-office clerks-to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of William B. Rowland-to the Committee on Invalid Pensions.

By Mr. GRANGER: Petition of the Hebrew Labor Association, of Providence, R. I., against the immigration bills now pending—to the Committee on Immigration and Naturalization. By Mr. GRONNA: Petition of Camp Henry W. Lawton, Army

of the Philippines, of Grafton, N. Dak., for bill H. R. 1827-to the Committee on Military Affairs, By Mr. GROSVENOR: Papers

in support of bill H. R. 23221—to the Committee on Public Buildings and Grounds.

By Mr. HARDWICK: Petition of E. A. Warwick, secretary of Division No. 180, Order Railway Conductors, of Atlanta, Ga., for bill S. 5133-to the Committee on Interstate and Foreign Commerce.

By Mr. HIGGINS: Petition of the Forestry Commission, for the forest-reservation bill-to the Committee on Agriculture.

Also, petitions of lodges of Hebrew-Americans of New Hampshire and Connecticut, against further restriction of immigration-to the Committee on Immigration and Naturalization.

By Mr. HOWELL of New Jersey: Petition of the Board of Trade of Newark, N. J., against amendment in the river and harbor bill to close drawbridges on Passaic and Hackensack rivers—to the Committee on Rivers and Harbors.

By Mr. KENNEDY of Nebraska: Paper to accompany bill for relief of Beatrice H. Duncan—to the Committee on Invalid Pen-

By Mr. LAFEAN: Papers to accompany bills for relief of Henry R. Klinedinst and Charles Myers (previously referred to the Committee on Claims)—to the Committee on Invalid Pensions.

By Mr. McMORRAN: Petition of citizens of Richmond, Mich., for the Littlefield bill relative to commerce between the States

to the Committee on the Judiciary.

By Mr. McNARY: Petition of the executive council of the Massachusetts State Board of Trade, favoring substitute for bill S. 529 (ship subsidy)—to the Committee on the Merchant Ma-

Also, petition of the Society of Arts of Massachusetts Insti-Technology, for a forest reservation in the White -to the Committee on Agriculture.

Also, petition of the French newspaper publishers of New England, for legislation relative to such postage on foreign papers as shall favor French-American publications-to the Committee on the Post-Office and Post-Roads.

Also, petition of the National German-American Alliance of the United States, against further amendment of the immigration laws-to the Committee on Immigration and Naturalization.

Also, petition of the executive council of the State Board of Trade, for bill H. R. 7053, for postal-note currency—to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: Petition of the Chicago Commercial Association for assignment of the U.S.S. Montgomery as a Chicago

Naval Reserve ship—to the Committee on Naval Affairs.

Also, petition of the Chicago Medical Society, against bill S. 5221, regulating the practice of osteopathy in the District of Co--to the Committee on the District of Columbia.

By Mr. MARTIN: Petition of citizens of South Dakota, for amendment to the free-alcohol law-to the Committee on Ways and Means.

By Mr. MOORE of Pennsylvania; Petition of C. P. Bixler et al., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Philadelphia, Pa., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Frank Schoble & Co., for amendment to the

free-alcohol law—to the Committee on Ways and Means.

By Mr. NEEDHAM: Petition of fruit growers of California, for modification of the Chinese-exclusion act-to the Committee on Foreign Affairs.

By Mr. PADGETT: Papers to accompany bills for relief of Alexander Mackey, Hindley Patton, and John Brown—to the Committee on War Claims.

By Mr. PATTERSON of South Carolina: Papers to accompany bill for relief of Great Salkehatchie Baptist Church—to the

Committee on War Claims. By Mr. ROBINSON of Arkansas: Paper to accompany bill

for relief of B. N. Isaacs—to the Committee on Invalid Pensions. By Mr. SHEPPARD: Petition of citizens of Little River County, Ark., for an appropriation to improve upper Red River—to the Committee on Rivers and Harbors.

By Mr. SMITH of Arizona: Paper to accompany bill for relief of Hermilius Kendall—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of various Jewish lodges and or-

ganizations of New Haven, Conn., against further restriction of immigration—to the Committee on Immigration and Naturaliza-

By Mr. VAN WINKLE: Petition of the Board of Trade of Newark, N. J., against amendment to the river and harbor bill to close drawbridges on Passaic and Hackensack rivers-to the Committee on Rivers and Harbors.

## SENATE.

## Thursday, January 31, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE. The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Kean, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

#### YUMA PUMPING AND IRRIGATION COMPANY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Director of the Geological Survey recommending the repeal of the act granting to the Yuma Pumping and Irrigation Company the right of way for two ditches across that part of the Yuma Indian Reservation lying in Arizona, approved January 20, 1893; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

#### EFFICIENCY OF THE ARTILLERY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting additional estimates of appropriation for the support of the Army for the fiscal year ending June 30, 1908, aggregating \$9,792,057.99, made necessary by reason of the act approved January 25, 1907, to reorganize and increase the efficiency of the artillery of the United States Army; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be

#### REPORT OF CAPITAL TRACTION COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Capital Traction Company, of the District of Columbia, for the year ended December 31, 1906; which was referred to the Committee on the District of Columbia, and ordered to be printed.

#### FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the chief justice of the Court of Claims, requesting that, on account of the discovery of new evidence deemed material in certain French spoliation cases, they be recalled from Congress and remanded to the Court of Claims for further action; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

# FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Maria L. Rodgers, granddaughter of Andrew K. Long, deceased, v. The United States;

In the cause of Marie S. Perrimond, widow of Xavier Perrimond, deceased, v. The United States;
In the cause of Christine I. Owen, Kathleen D. Owen, Albert

T. Owen, and Alfred C. Owen, children of Alfred M. Owen, deceased, v. The United States;

In the cause of Katharine A. Horan, daughter of William Langdon, deceased, v. The United States; and

In the cause of the Methodist Episcopal Church at Keyser, W. Va., v. The United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

## VISITORS TO MILITARY ACADEMY AT WEST POINT.

The VICE-PRESIDENT. The Chair appoints the junior Senator from West Virginia [Mr. Scott] and the senior Senator from Georgia [Mr. Bacon] members of the Board of Visitors on the part of the Senate to attend the next annual examination of cadets at the Military Academy at West Point, N. Y., under the requirements of section 1327 of the Revised Statutes of the United States.

#### CREDENTIALS.

Mr. HOPKINS presented the credentials of Shelby M. Cul-LOM, chosen by the legislature of the State of Illinois a Senator from that State for the term beginning March 4, 1907; which were read, and ordered to be filed.

#### COMMITTEE SERVICE.

Mr. Burkett was, on his own motion, excused from further service upon the Committee on Indian Depredations.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That Mr. BURKETT be appointed to fill the vacancy in the chairmanship of the Committee on Pacific Railroads.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That Mr. Curtis be appointed to fill the vacancy in the chairmanship of the Committee on Indian Depredations.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 7760) to authorize the Albany Railroad Bridge Company or the Chicago and Northwestern Railway Company to reconstruct a bridge across the Mississippi River, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House recedes from its amendment to the bill (S. 7099) granting an increase of pension to Esther A. Cleaveland.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 21043) granting an increase of pension to Robert J. Dewey.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 19105) granting an

increase of pension to William H. Moser.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 21579) granting an increase of pension to Sarah R. Harrington; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Loudenslager, Mr. Drafer, and Mr. Richardson of Alabama managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 24538) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1908; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Cousins, Mr. Charles B. Landis, and Mr. Howard managers at the conference on the part of the House. The message further announced that the House had passed

the following bills; in which it requested the concurrence of the Senate:

H. R. 19752. An act for an additional term of court at Ouincy.

H. R. 24760. An act authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes

H. R. 24815. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908; and

H. R. 24821. An act to authorize the Georgia Southwestern and Gulf Railroad Company to construct a bridge across the Chattahoochee River between the States of Alabama and Georgia.

## ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; they were thereupon signed by the Vice-President:

S. 3702. An act for the relief of the Gurley Memorial Presbyterian Church, of the District of Columbia, and for other pur-

S. 4267. An act to prohibit the sale of intoxicating liquors near the Government Hospital for the Insane and the District almshouse:

S. 5698. An act to regulate the practice of veterinary medicine in the District of Columbia:

S. 6470. An act in relation to the Washington Market Com-

S. 7028. An act for the relief of the Allis-Chalmers Company, of Milwaukee, Wis.:

S. 7147. An act to amend section 2536 of the Revised Statutes, relative to assistant appraisers at the port of New York, and further defining their powers, duties, and compensation:

S. 7170. An act to amend an act relating to service on foreign corporations, approved June 30, 1902, entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia:

H. R. 9577. An act for the relief of Charles H. Stockley:

H. R. 24104. An act transferring Phelps County to the eastern division of the eastern judicial district of Missouri; and

S. R. 86. Joint resolution granting an extension of time to certain homestead entrymen.

#### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a concurrent resolution of the general assembly of the State of Iowa, relative to the calling of a convention to propose the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Association of Cement Users of Ames, Iowa, praying for a continuance of the appropriation to provide for an investigation by the Geological Survey of fuels and structural materials used by the Government; which was referred to the Committee on the Geological Survey.

He also presented a memorial of the Manila Press, of Manila, P. I., remonstrating against the establishment of an agricultural bank in the Philippines; which was referred to the Committee on the Philippines.

Mr. PERKINS presented a petition of sundry citizens of Los Angeles, Cal., praying for the enactment of legislation to limit the effect of the regulation of commerce between the several States and Territories in certain cases; which was referred to the Committee on the Judiciary. He also presented a petition of the State Board of Trade, of

San Francisco, Cal., praying that an appropriation be made for the opening and widening of Oakland Harbor in that State; which was referred to the Committee on Commerce.

He also presented a petition of the State Board of Trade, of San Francisco, Cal., praying that the Government recognize California structural materials in connection with Government work in that State; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the executive council of the California Bankers' Association, of San Francisco Cal., praying for the adoption of certain amendments to the interstate commerce law relative to a uniform bill of lading; which was referred to the Committee on Commerce.

Mr. GALLINGER. I present a letter from G. A. Curtice, of Contoocook, N. H., relative to certain inaccurate statements from those advocating the consolidation of pension agencies. I also present resolutions from the headquarters of the Grand Army Association of Philadelphia and vicinity.

I wish to call attention particularly to these resolutions remonstrating against the abolition of the pension agencies of the country, a provision for which will be found in the pension appropriation bill coming from the House.

I merely want to add, Mr. President, that when the existing agencies were established there were upon the rolls 285,697 pensioners, while on June 30, 1906, there were 985,971 pensioners on the rolls. The Grand Army is of opinion that there is no valid reason for abolishing those agencies. I commend the resolutions to the Committee on Pensions, which has jurisdiction of the

The VICE-PRESIDENT. The letter and resolutions will be referred to the Committee on Pensions.

Mr. GALLINGER presented a memorial of the New Hamp-Audubon Society and a memorial of sundry citizens of Franklin, N. H., remonstrating against the enactment of legislation to abolish the Division of Biological Survey in the Department of Agriculture; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Third Maryland Conference of Charities and Correction, of Baltimore, Md., praying that an appropriation be made for a scientific investigation into the industrial conditions of woman and child workers in the United States; which was referred to the Committee on Education and

He also presented a petition of the Board of Trade of Washington, D. C., praying that a 20 per cent increase be made in the salaries of all employees of the executive and judicial departments of the District of Columbia other than those in classes where salaries have been increased; which was referred to the Committee on Appropriations.

He also presented the petition of Crammond Kennedy, of Washington, D. C., praying that an appropriation be made to pay the claims of D. M. Carman, of Manila, P. I., and of Brooks & Co., of Santiago de Cuba; which was referred to the Committee on Appropriations.

Mr. PLATT presented a petition of sundry citizens of Fort Edward, N. Y., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. DEPEW presented petitions of sundry citizens of Hempstead, Wappinger, Lyons Falls, and Erwin, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. LONG presented a paper to accompany the bill (S. 7476) granting an increase of pension to Oliver S. Boggs; which was

referred to the Committee on Pensions.

He also presented the petition of Jerry M. White, of Kansas, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers;

which was referred to the Committee on Claims.

He also presented a petition of the Civic League and of the Woman's Christian Temperance Union of Winfield, Kans., and a petition of sundry citizens of McPherson, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. STONE presented a petition of sundry citizens of Bowling Green, Mo., and a petition of sundry citizens of St. Louis, Mo., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred

to the Committee on the Judiciary.

He also presented a memorial of Missouri Lodge, No. 22, Independent Order of B'nai Brith, of St. Louis, Mo., remonstrating against the enactment of legislation to further restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of Typographical Union No. 8, American Federation of Labor, of St. Louis, Mo., praying for the enactment of legislation providing for judicial proceedings to determine the right of publications to subsidized rates of postage; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Club of New Franklin, Mo., praying for the enactment of legislation providing for the establishment of a child-labor bureau in the Department of the Interior; which was referred to the Committee on

Education and Labor.

He also presented a petition of the Commercial Club of Jefferson City, Mo., praying that an appropriation be made for the construction of a 14-foot deep waterway from Chicago, Ill., to the Gulf of Mexico; which was referred to the Committee on Commerce.

Mr. CLARK of Montana presented a petition of sundry citizens of Missoula, Mont., praying for an investigation into the existing conditions in the Kongo Free State; which was re-

ferred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Montana, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. CULBERSON presented a petition of sundry citizens of Ennis, Tex., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was

referred to the Committee on the Judiciary.

Mr. FULTON presented petitions of sundry citizens of Roseburg and Saline, in the State of Oregon, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. SCOTT presented a petition of sundry citizens of Ravenswood, W. Va., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which

was referred to the Committee on the Judiciary.

Mr. FRAZIER presented a petition of sundry citizens of Lincoln County, Tenn., and a petition of sundry citizens of Lawrenceburg Tenn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. KEAN presented the petition of Florence Spencer Hunt, executrix of the estate of the late Mordecai Hunt, of Chester, N. J., praying that she be granted certain relief on account of unlawfully collected legacy taxes; which was referred to the

Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union of Haddonfield, N. J., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the

Judiciary.

Mr. HEMENWAY presented a petition of Oliver Short Post, No. 390, Grand Army of the Republic, of Rossville, Ind., praying for the enactment of legislation to pension all honorably discharged soldiers of the war of the rebellion at the rate of \$30 per month; which was referred to the Committee on Pensions.

Mr. MONEY presented a petition of sundry citizens of Tupelo, Miss., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of sundry citizens of Corinth, Me., and a petition of sundry citizens of Fort Fairfield, Me., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred

to the Committee on the Judiciary.

Mr. CULLOM presented a petition of the farmers' institute of Carroll County, Ill., praying for the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Christian County, Ill., praying for the enactment of legislation providing for a national reciprocal demurrage law penalizing railroads for wantonly neglecting to perform their duties as common carriers of freight; which was referred to the Committee on Interstate Commerce.

Mr. CULLOM. I present the petition of Bessie Josephine Lynch, praying that emolument be paid the children of John A. Lynch, late a citizen of the United States, for valuable services rendered by him as the projector and promoter of the International American Conference and the Intercontinental Railway in the interest of closer commercial and friendly relations between the United States and Mexico and the several Republics of Central and South America and the Empire of Brazil. I move that the petition be printed as a document and referred to the Committee on Railroads.

The motion was agreed to.

Mr. BULKELEY presented a memorial of Maier Zinder Lodge, No. 572, Independent Order of B'nai B'rith, of New Haven, Conn., remonstrating against the enactment of legislation to further restrict immigration; which was referred to the Committee on Immigration.

Mr. CARMACK presented the petition of Frank Maloney, of the State of Tennessee, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on

Claims.

He also presented petitions of sundry citizens of Hollow Rock, Savannah, and Sparta, all in the State of Tennessee, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. CLAPP presented sundry petitions of citizens of Preston, Minn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were re-

ferred to the Committee on the Judiciary.

He also presented a petition of the Absentee Shawnee Indians, praying for a settlement of their claim to a certain tract of land in Missouri known as the "Carondelet grant" or the "Cape Girardeau Reserve;" which was referred to the Committee on Indian Affairs.

He also (for Mr. Gamble) presented the petition of Adolph Prensler and sundry other citizens of White, S. Dak., praying for the adoption of a certain amendment to the present denatured-alcohol law; which was referred to the Committee on Finance.

#### REPORTS OF COMMITTEES.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (H. R. 7153) for the relief of David McClelland, for loss sustained at Chickamauga Park, Georgia, January 29, 1904, reported it without amendment, and submitted a report thereon

Mr. ALLEE, from the Committee on Railroads, to whom was referred the bill (S. 3592) permitting the St. Louis, San Francisco and New Orleans Railroad Company (formerly the Arkansas and Choctaw Railway Company), the St. Louis and Oklahoma City Railroad Company, the St. Louis, Oklahoma and Southern Railway Company, and the Oklahoma City and Western Railroad Company, and each or either of them, to sell and convey their railroads and other property in the Indian Territory to the St. Louis and San Francisco Railroad Company, and for other purposes, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (S. 7921) for the relief of George A. Arm-

strong, reported it without amendment.

He also, from the same committee, to whom was referred the amendment submitted by Mr. Burkert on the 15th instant, proposing to appropriate \$140,000 for the acquisition of about 16,000 acres of land adjacent to the military reservation of Fort Robinson, Nebr., intended to be proposed to the sundry civil appro-

priation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5456) granting an increase of pension to Marcellus C. Cash:

A bill (S. 7862) granting an increase of pension to Elias Loughner; and

A bill (S. 7871) granting a pension to Catharine C. Hayes. Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2729) granting an increase of pension to Robert J.

A bill (S. 7222) granting an increase of pension to Sylvester

A bill (S. 4028) granting an increase of pension to Ann H.

Mr. HEMENWAY, from the Committee on Military Affairs, to whom was referred the bill (S. 7188) to remove the charge of desertion from the military record of Martin All, reported it with an amendment.

Mr. BURROWS, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 5169) for the relief of W. B. Sutter, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Finance, to whom was referred the bill (H. R. 5167) for the relief of William H. Stiner & Sons, reported it without amendment.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (H. R. 15594) for the relief of John B. Brown, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3577) for the relief of Barclay H. Warburton; A bill (H. R. 5195) for the relief of the Milburn Wagon Company, of Toledo, Ohio;

A bill (H. R. 8078) for the relief of Miss Bernice Farrell; A bill (H. R. 12009) for the relief of the heirs at law of M. A. Phelps and the heirs at law of John W. Renner;

A bill (H. R. 20168) for the relief of F. Kraut, of Leon Springs, Tex. :

A bill (H. R. 6430) authorizing the Secretary of the Treasury to pay to German M. Rouse informer's fees for certain opium seizures :

A bill (H. R. 4300) for the relief of A. J. Stinson; A bill (H. R. 4299) for the relief of John Stinson;

A bill (H. R. 19493) to reimburse Oscar Fulgham, ex-sheriff of Madison County, Ala., for judgment and costs rendered against him when acting in the service of the United States;

A bill (H. R. 7746) for the relief of Columbia Hospital and Dr. A. E. Boozer;

A bill (H. R. 8365) for the relief of C. A. Berry; A bill (H. R. 11676) for the relief of persons who sustained property damage caused by fire at the Rock Island Arsenal;

A bill (H. R. 1078) for the relief of Hamilton D. South, second lieutenant, United States Marine Corps;

A bill (H. R. 15909) to reward the widow and minor son of Capt. Charles W. Dakin and the widow and minor children of Thomas J. Hennessy, late of the San Francisco fire department, who lost their lives while fighting a fire on board of the United States Army transport Meade;

A bill (H. R. 18865) for the relief of John and David West;

A bill (H. R. 9778) for the relief of Philip Loney; and A bill (H. R. 3268) for the relief of Henry O. Bassett, heir

Opeman Bassett, deceased.

Mr. PILES, from the Committee on Pensions, to whom was referred the bill (H. R. 21529) granting a pension to Charlotte Game, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 21347) granting an increase of pension to Jeannette M. Guiney

A bill (H. R. 21543) granting an increase of pension to Addison Thompson

A bill (H. R. 21524) granting an increase of pension to Elison

A bill (H. R. 21499) granting an increase of pension to Henry A. Weiand;

A bill (H. R. 21496) granting an increase of pension to Samuel B. Davis:

A bill (H. R. 21470) granting an increase of pension to Mary Rebecca Carroll:

A bill (H. R. 21354) granting a pension to Mary Shutler;

A bill (H. R. 21343) granting an increase of pension to James C. Murray

A bill (H. R. 21335) granting an increase of pension to Harvey S. Nettleton;

A bill (H. R. 21332) granting an increase of pension to John R. Smith;

A bill (H. R. 21331) granting an increase of pension to Robert O. Bradley;
A bill (H. R. 21325) granting an increase of pension to George

O. Tibbitts:

A bill (H. R. 21322) granting an increase of pension to Elizabeth Wilson;
A bill (H. R. 21320) granting an increase of pension to Ma-

linda H. Hitchcock : A bill (H. R. 20215) granting an increase of pension to Riley

J. Berkley A bill (H. R. 21612) granting an increase of pension to James

S Hart A bill (H. R. 21606) granting an increase of pension to Felix

G. Morrison; A bill (H. R. 21603) granting an increase of pension to Cal-

vin S. Mullins; A bill (H. R. 21564) granting an increase of pension to Dan-

iel French: A bill (H. R. 21551) granting an increase of pension to Al-

fred E. Lucas A bill (H. R. 21542) granting an increase of pension to Eras-

tus A. Thomas A bill (H. R. 21535) granting an increase of pension to William E. Feeley

A bill (H. R. 21534) granting an increase of pension to Henry

A bill (H. R. 21532) granting an increase of pension to William Dobson :

A bill (H. R. 21497) granting an increase of pension to Mary E. Hobbs A bill (H. R. 21483) granting an increase of pension to George

S. Woods A bill (H. R. 21481) granting an increase of pension to Lucy

Cole: A bill (H. R. 21472) granting an increase of pension to Wiley

H. Jackson: A bill (H. R. 21471) granting an increase of pension to Adaline H. Malone;

A bill (H. R. 21448) granting an increase of pension to Jesse Jackman:

A bill (H. R. 21446) granting an increase of pension to William A. Crum;

A bill (H. R. 21432) granting an increase of pension to Benjamin Bragg:

A bill (H. R. 21428) granting an increase of pension to Cornelius H. Lawrence;

A bill (H. R. 21427) granting an increase of pension to Thomas L. Moody A bill (H. R. 21376) granting an increase of pension to John

W. Stichter:

A bill (H. R. 21375) granting an increase of pension to John S. Cornwell; and A bill (H. R. 21335) granting an increase of pension to John

Mr. HOPKINS, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 7143) directing the Postmaster-General to credit John A. Bingham, late postmaster at Vandalia, Ill., in the sum of \$500 on account of stamps lost by burglary, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 7922) to reimburse Anna B. Moore, postmaster at Rhyolite, Nev., for money expended for clerical assistance, reported it with an amendment, and submitted a report thereon.

Mr. SMOOT, from the Committee on Claims, to whom was referred the bill (S. 1181) to provide for the payment of over-time claims of letter carriers excluded from judgment as barred by limitation, reported it without amendment, and submitted a report thereon.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 21122) granting an increase of pension to Nathan Small;

A bill (H. R. 21113) granting an increase of pension to Emma M. Chamberlin ;

A bill (H. R. 21079) granting an increase of pension to Patrick Kinney

A bill (H. R. 21078) granting an increase of pension to Henry

A bill (H. R. 21077) granting an increase of pension to Andrew M. Dunn;

A bill (H. R. 21061) granting an increase of pension to James

A bill (H. R. 21060) granting an increase of pension to Gottlieb Kirchner

A bill (H. R. 21047) granting an increase of pension to Jesse J. Melton ;

A bill (H. R. 21046) granting a pension to Jesse Harral;

A bill (H. R. 21002) granting an increase of pension to William Wiggins

A bill (H. R. 21000) granting an increase of pension to Mary

A bill (H. R. 21277) granting an increase of pension to Robert Martin;

A bill (H. R. 21274) granting an increase of pension to Jeremiah Buffington A bill (H. R. 21270) granting an increase of pension to Ellen

Sullivan :

A bill (H. R. 21264) granting an increase of pension to David J. Wise:

A bill (H. R. 21258) granting an increase of pension to James Dopp :

A bill (H. R. 21256) granting an increase of pension to William Foster;

A bill (H. R. 21255) granting an increase of pension to Thomas McDowell

A bill (H. R. 21227) granting an increase of pension to Parthena Lasley

A bill (H. R. 21161) granting an increase of pension to Henry J. Rhodes

A bill (H. R. 21157) granting an increase of pension to George C. Peak;

A bill (H. R. 21123) granting an increase of pension to Law-

rence McHugh;
A bill (H. R. 21303) granting an increase of pension to James Edward Bristol;

A bill (H. R. 21283) granting an increase of pension to Frederick De Planque

A bill (H. R. 21281) granting an increase of pension to Catharine Ludwig

A bill (H. R. 21280) granting an increase of pension to Isaac Cain; and

A bill (H. R. 21279) granting an increase of pension to Martin Heiler.

Mr. LA FOLLETTE, from the Committee on Pensions, to whom was referred the bill (H. R. 21808) granting an increase of pension to Levi Mitchell, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 21906) granting an increase of pension to John M. Bruder

A bill (H. R. 21896) granting an increase of pension to George H. Field:

A bill (H. R. 21888) granting an increase of pension to Andrew Canova

A bill (H. R. 21887) granting an increase of pension to James H. Hayman A bill (H. R. 21886) granting an increase of pension to John

Bryant A bill (H. R. 21882) granting an increase of pension to Frank

Breazeale A bill (H. R. 21852) granting an increase of pension to James

M. Eaman A bill (H. R. 21843) granting an increase of pension to Robert

A bill (H. R. 21836) granting an increase of pension to Mary

A bill (H. R. 21837) granting an increase of pension to James

W. Kasson A bill (H. R. 21819) granting an increase of pension to Joseph

A bill (H. R. 21761) granting an increase of pension to John

A bill (H. R. 21724) granting an increase of pension to John D. Martin;

A bill (H. R. 21667) granting an increase of pension to John W. Towle

A bill (H. R. 21651) granting an increase of pension to Jacob B. Butts

A bill (H. R. 21648) granting an increase of pension to Michael Gaus

A bill (H. R. 21644) granting an increase of pension to Sheldon Hes

A bill (H. R. 21636) granting an increase of pension to Elias Miller:

A bill (H. R. 21634) granting an increase of pension to Emma Sickler

A bill (H. R. 21881) granting an increase of pension to Mahala M. Jones

A bill (H. R. 21856) granting an increase of pension to John G. Viall:

A bill (H. R. 21848) granting an increase of pension to Charles W. Arthur

A bill (H. R. 21798) granting an increase of pension to Andrew Spencer

A bill (H. R. 21767) granting an increase of pension to George Young

A bill (H. R. 21630) granting an increase of pension to John F. Yeargin;

A bill (H. R. 21626) granting an increase of pension to Calvin Barker;

A bill (H. R. 21624) granting an increase of pension to Wil-

liam H. Willey; A bill (H. R. 21617) granting an increase of pension to William Miller; and

A bill (H. R. 21615) granting an increase of pension to David

ROBERT D. BENEDICT.

Mr. KEAN. I am instructed by the Committee on Claims, to whom was referred the bill (H. R. 1443) for the payment of Robert D. Benedict for services rendered, to report it favorably without amendment, and I ask for its present consideration. The bill is very short, and it involves only \$250.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Robert D. Benedict, of the Borough of Brooklyn, N. Y., \$250 in full payment and discharge of the claim of said Robert D. Benedict, for legal services rendered by him in a legal proceeding taken by the clerk of the district court of the United States for the southern district of New York, for an injunction to prevent the clerk from being deprived of the necessary accommodations for the records of the court

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. KEAN. I move that the bill (S. 2385) for the payment

of Robert D. Benedict for services rendered, which is now on the Calendar and which is the same bill exactly, be indefinitely postponed.

The motion was agreed to.

## J. J. L. PEEL.

Mr. FULTON. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 1808) for the relief of J. J. L. Peel, to report it favorably without amendment, and I submit a report thereon. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to J. J. L. Peel, of Spokane, Wash., \$1,041.76, being the amount advanced by him for necessary clerk hire and expenses while acting as postmaster at Spokane, Wash.

The bill was reported to the Senate without amendment, or-

dered to a third reading, read the third time, and passed.

#### STURGEON BAY, ILLINOIS.

Mr. HOPKINS. I am directed by the Committee on Commerce, to whom was referred the joint resolution (H. J. Res. 207) declaring Sturgeon Bay, Illinois, not navigable water, to report it favorably without amendment, and I ask unanimous consent for its present consideration.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 8244) to pay to the legal heirs of the late John A. Lynch for valuable services rendered by him as the projector and promoter of the International American Conference and the Intercontinental Railway; which was read twice by its title, and referred to the Committee on Rail-

He also introduced a bill (S. 8245) granting an increase of pension to Gilbert J. George; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (8, 8246) for the relief of John H. Lohman; which was read twice by its title, and re-

ferred to the Committee on Claims.

Mr. PLATT introduced a bill (S. 8247) granting a pension to Harvey McKinney; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 8248) to amend section 2731 of the Revised Statutes, relative to salary of assistant appraisers at the port of New York; which was read twice by its title, and

referred to the Committee on Finance.

Mr. GALLINGER introduced a bill (S. 8249) to authorize the towns of Takoma, Md., and Chevy Chase, Md., to connect their water systems with the water system of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BURROWS introduced the following bills; which were severally read twice by their titles, and referred to the Commit-

tee on Commerce:

A bill (S. 8250) for the establishment of a light-house and fog-signal station at White Shoals, in the Straits of Mackinac, State of Michigan;

A bill (S. 8251) for the establishment of a light-house and fog-signal station at the easterly end of Gull Island, Apostle Group, westerly end of Lake Superior, Wisconsin; and

A bill (S. 8252) to construct and place a light-ship at the easterly end of the southeast shoal near North Manitou Island, Lake Michigan.

Mr. BURROWS introduced a bill (S. 8253) granting an increase of pension to Noah Boothby; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 8254) for the relief of the estate of Isaac Bloom, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. OVERMAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 8255) to carry out the findings of the Court of Claims in the case of Edward J. Gallagher, administrator of Charles Gallagher, deceased; and

A bill (S. 8256) for the relief of the heirs of Charles H. Foy,

deceased (with an accompanying paper).

Mr. CULBERSON. There is quite a demand for copies of Senate bill 7887, introduced by me on the 16th instant, in reference to the shortage of cars engaged in interstate commerce. There are besides some verbal inaccuracies in the printed bill. I therefore reintroduce the bill with the corrections suggested and ask that it be referred to the Committee on Interstate Com-

The bill (S. 8257) to require railroad companies engaged in interstate commerce to promptly furnish cars and other transportation facilities, and to empower the Interstate Commerce Commission to make rules and regulations with respect thereto, and to further regulate commerce among the several States, was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. FULTON introduced a bill (S. 8258) granting a pension to Mary B. Yerington; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 8259) granting an increase of pension to Henry B. Love; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KNOX introduced a bill (S. 8260) granting an increase of pension to Mary B. Siviter; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 8261) for the relief of Christopher Alexander and others; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. DU PONT introduced a bill (S. 8262) authorizing the appointment of Lieut. Col. Harry G. Cavenaugh, United States Army, retired, on the retired list of the Army with the rank of brigadier-general; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CURTIS submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which

was referred to the Committee on Commerce, and ordered to be printed.

Mr. FOSTER submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate \$200 for preparing an index to the report of the French-Venezuelan Claims Commission, intended to be proposed by him to the general deficiency bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BULKELEY submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered

to be printed.

Mr. OVERMAN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PETTUS submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. MALLORY submitted three amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and or-

dered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate \$1,000 for the removal of office building No. 103 from its present location to the hill in the rear of building No. 65, navy-yard, Mare Island, Cal., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. DICK submitted an amendment proposing to appropriate \$4,000 for marking the places where American soldiers fell and were temporarily interred in Cuba and China, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to

be printed.

Mr. KNOX submitted an amendment proposing to appropriate \$3,000 to pay John M. McDowell, of Council City, Alaska, for services rendered in preparing indices of all the records of Council City recording district of the second judicial district of Alaska, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on the Judiciary.

McCUMBER submitted an amendment proposing to appropriate \$4,405 out of the sum allowed to the Eastern Cherokee Indians under the judgment of the Supreme Court, October term, 1905, to those individuals and councilors entitled to the same under resolutions of April 29, 1904, and May 11, 1906, of the permanent council of the Eastern Cherokees, etc., intended to be proposed by him to the Indian appropriation bill; which was ordered to lie on the table and be printed.

Mr. CULBERSON submitted an amendment proposing to

make immediately available \$40,000 of the appropriation of \$150,000 for the investigation of the cotton boll weevil, etc., intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and

Forestry, and ordered to be printed.

Mr. LODGE submitted an amendment providing that officers who now hold the rank of brigadier-general on the active list of the Army, having previously held that rank for three years or more, shall, when retired from active service, have the rank and pay of major-general, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

# INTERSTATE COMMERCE ACT AND AMENDMENTS.

Mr. LA FOLLETTE. The Bureau of Corporations of the Department of Commerce and Labor has prepared and had printed a document reproducing the old interstate-commerce act and the changes made therein by the act of June 29, 1906. The copies of that document have been exhausted, and as it is the best I have seen on the subject, showing as it does in parallel columns the changes made in the old law by the new law, I ask that it may be printed as a public document.

The VICE-PRESIDENT. Is there objection? The Chair

hears none, and it is so ordered.

ESTATE OF MARCUS P. NORTON.

Mr. PLATT submitted the following resolution; which was referred to the Committee on Claims:

Resolved, That the bill (S. 8066) entitled "A bill referring to the Court of Claims for adjudication and determination the claims of the widow and family of Marcus P. Norton and the heirs at law of

others," a bill for the relief of George C. Lewis as one of the claimants under the patents of the said Norton and as agent for the said widow and family of the said Norton and the said heirs at law of others, now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate their findings of fact and law.

#### LORENZO F. HARMON.

Mr. McCUMBER submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to.

Resolved by the Senate (the House of Representatives concurring), that the President be requested to return the bill (S. 1879) entitled An act granting an increase of pension to Lorenzo F. Harmon."

#### HOUSE BILLS REFERRED.

H. R. 19752. An act for an additional term of court at Quincy, Ill., was read twice by its title, and referred to the Committee on the Judiciary

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 24760. An act authorizing the construction of a dam across the Pend d'Oreille River, in the State of Washington, by the Pend d'Oreille Development Company, for the development of water power, electrical power, and for other purposes; and

H. R. 24821. An act to authorize the Georgia Southwestern and Gulf Railroad Company to construct a bridge across the Chattahoochee River between the States of Alabama and Georgia;

H. R. 24815. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908, was read twice by its title, and referred to the Committee on Agriculture and Forestry.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On January 29:

S. 5469. An act to authorize the Secretary of Commerce and Labor to investigate and report upon the industrial, social, moral, educational, and physical condition of woman and child workers in the United States; and

S. 5560. An act for the relief of Matthew J. Davis.

On January 30:

S. 1894. An act for the relief of P. S. Corbett; and

S. 1231. An act to reimburse the Becker Brewing and Malting Company, of Ogden, Utah, for loss resulting from robbery of the United States mails.

## SARAH A. CLAPP.

Mr. CULLOM. I ask leave to call up the bill (H. R. 1738) for

the relief of Sarah A. Clapp.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consid-It proposes to pay to Sarah A. Clapp, formerly Sarah A. Chadwick, the pay and allowances of a surgeon of volunteer cavalry from the 15th day of November, 1861, to December 27, 1861, and the pay and allowances of an assistant surgeon of cavalry from December 27, 1861, to the 25th day of August, 1862, she having served as such surgeon and assistant surgeon for the time mentioned, respectively, in the Seventh Regiment of Illinois Volunteer Cavalry, under her maiden name of Sarah A.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### NYE & SCHNEIDER COMPANY.

Mr. MILLARD. I ask unanimous consent for the consideration of the bill (H. R. 10595) for the relief of Nye & Schneider

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay the sum of \$61.13 to Nye & Schneider Company, of Fremont, Nebr., being an unpaid balance on bill rendered for fuel furnished the United States Government by that company during the years 1893 and 1894 for the purpose of heating the post-office building at Hastings, Nebr.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALFRED BURGESS.

Mr. PLATT. I ask unanimous consent for the considera-tion of the bill (S. 7163) to correct the naval record of Alfred Burgess

terfere with the convenience of Senators. I myself have some bills which I should like to have passed; but the Senator from Maryland [Mr. RAYNER] has given notice that he wants to speak at the end of the routine morning business. He is limited in time, because he has got to get through before 2 o'clock; and while he may not take that time, I feel compelled to object to the consideration of any bill until he gets through.

The VICE-PRESIDENT. Objection is made to the request of

the Senator from New York.

# EXECUTIVE FUNCTIONS AND RESERVED STATE RIGHTS.

Mr. RAYNER. Mr. President, I call up resolution No. 199, which was submitted by me on the 17th of last month, and ask to have read as a substitute for the original resolution the resolution which I now send to the desk.

The VICE-PRESIDENT The substitute resolution sub-

mitted by the Senator from Maryland will be read.

The Secretary read as follows:

Resolved, That in the opinion of the Senate the functions of the Executive should be limited to the performance of the duties assigned to him by the Constitution and by the laws passed in pursuance thereof, and there should be no interference by the Executive with the legislative or judicial departments of the Government, and the legislative, judicial, and executive departments of the Government should be forever kept separate and distinct: And resolved further, That if additional constitutional powers are necessary to carry on the purposes of the General Government, they must be procured by amendments to the Constitution and not by a strained construction of the delegated powers so as to invade the reserved rights of the States.

Mr. RANNER. Mr. President some weeks are necessary.

Mr. RAYNER. Mr. President, some weeks ago a member of the Cabinet, a lawyer of great attainments and profound learning, in an address delivered by him, and that has been given wide circulation in the public press, gave utterance to the fol-

lowing sentiment:

It is useless for the advocates of States' rights to inveigh against the supremacy of the constitutional laws of the United States or against the extension of national authority in the fields of necessary control where the States themselves fall in the performance of their duty. The instinct for self-government among the people of the United States is too strong to permit them long to respect anyone's right to exercise a power which he fails to exercise. The governmental control which they deem just and necessary they will have. It may be that such control would better be exercised in particular instances by the governments of the States, but the people will have the control they need, either from the States or from the National Government, and if the States fail to furnish it in due measure, sooner or later constructions of the Constitution will be found to vest the power where it will be exercised in the National Government.

About a week after this address had been delivered and suffi-

About a week after this address had been delivered and sufficient time for further reflection had elapsed, the distinguished Secretary of State, in answer to comments and criticisms that had been passed upon his remarks, publicly announced that he had no intention of changing a word or an idea that he had expressed upon this occasion.

A DANGEROUS DOCTRINE OF CONSTITUTIONAL CONSTRUCTION.

Speaking now with the utmost deference and respect, and with great admiration for the services that he has rendered in the various public positions which he has occupied and that he has so highly honored, I regard this doctrine thus announced. adhered to, and emphasized as a most dangerous and insidious attack upon the institutions of the country. I would not attach so much practical importance to the address if it were not for the fact that the propositions advanced are being constantly illustrated in the administration of our Government, and therefore they can not be regarded simply as the expression of a sentiment or a theory, but must be taken as they were intended to be taken, as manifesting the purpose of the present Administra-tion to carry this new doctrine of constitutional construction into execution whenever the opportunity or emergency may arise for its exercise.

Let us therefore analyze it and be prepared to meet it as a substantive issue which, for the novelty of its conception, and the unmasked boldness of its pretensions, is without a precedent, and I hope without a following among men of either party who have any desire whatsoever to maintain the autonomy of the States or the inviolable character of our Federal institutions. The sum and substance of this revolutionary idea is this: There are certain powers which the Federal Government can not exercise and which nevertheless may be considered necessary for the welfare of the Union. The States, either separately or by concurrent action, could come to the rescue of the Constitution and enact legislation that would afford full and adequate relief for the want of power in the Federal Government, repeating now the identical language that was used—"the people will have the control they need, either from the States or from the National Government, and if the States fail to furnish it in due measure, sooner or later constructions of the Constitution will be found to vest the power where it will be exercised in the National Government." That Mr. TILLMAN. Mr. President, I dislike very much to in- is to say, that this Government is a government of delegated and

enumerated powers, and beyond these powers entire and absolute sovereignty rests with the States. The delegated powers are not sufficient to cover the field of national necessity. The States must not permit fleir powers to lie dormant; they must supply the deficiency, and if they fail to do this then the legislative, executive, and judicial branches of the Government will supplement the Constitution and so construe and adapt the delegated powers that they will carry with them the dormant powers of the States that they have failed to put into practical operation.

If such a doctrine as this had obtained in the constitutional convention the Constitution would never have been ratified and we would never have had a Constitution of the United States. And if either Congress or the President or the Supreme Court is to undertake this construction now and assume this unlawful prerogative, then it would become absolutely necessary for us to resolve ourselves into a government of inherent power, with unlimited jurisdiction, and with the reserved rights of the States obliterated and extinguished.

THE RESERVED RIGHTS OF THE STATES.

I shall not enter into an academic discussion upon the reserved rights of the States and the imperishable distinction between these rights and the delegated powers of the Constitution. An incessant flood of political literature-volumes upon volumes, adjudications ranging over a century-and the common consent of the American people have settled the question that we can not and we dare not do what is foreshadowed in this address without subverting the foundation upon which this Republic stands. It would be a perfect waste of time for me to roam over the field of judicial history and present to any intelligent assemblage the cardinal distinctions of the Constitution between delegated and reserved powers. The monotony of such an argument would warn me to desist from pursuing it, and its universal acceptance covered and closed forever by the decisions of the Supreme Court admonishes me that the Senate of the United States desires no presentation upon that subject. What we now want is to meet the menace and the threat that the States shall gradually lose their reserved rights, not because they do not exist, but because such a construction shall be placed upon the enumerated powers of the Federal Government that the local laws and customs and usages of the States that their constitutions and their statutes, that the will of their people as expressed in their conventions and legislative assemblages, that their dormant and unexercised powers, that their failure to provide for the welfare of other States and for the general welfare of the Union-must all give way to this new rule of interpretation and construction which declares that whenever there is a proposition that in the opinion of the ruling powers tends to promote the general welfare of the Union, the actual Federal powers shall be enlarged and strained to such an extent that this Government shall no longer be a government of delegated powers, but shall resolve itself into a centralized despotism without any limitation upon its activities, without any inhibition upon its authority, and without any boundary to its jurisdiction.

THE CONSTITUTION DOES NOT CHANGE WITH CIRCUMSTANCES.

Let it not be supposed for a moment that I am opposed to the most complete execution of all Federal powers vested in the Government under the Constitution. I believe, whenever the emergency arises, in the exhaustion of Federal power for the purpose of meeting it, and the Supreme Court of the United States has never besitated to ratify the doctrine first proclaimed by Marshall in McCulloch v. Maryland:

Let the end be legitimate; let it be within the scope of the Constitution, and all means which are apprepriate, which are plainly adapted to that end; which are not prohibited, but consist with the spirit and letter of the Constitution, are constitutional.

When we come to collect taxes, to regulate commerce, to coin money, to restrain the carriers of commerce from extortion and discrimination, to prevent unlawful combinations of centralized wealth from plundering the people, and to exercise every power vested in this Government, I say, as the Supreme Court in unnumbered decisions has declared, that these powers must keep pace with the development of the country, and as it progresses and advances, the subject upon which these powers can operate expands and enlarges so that to-day admittedly the field of their operations has passed beyond contemporaneous construction and covers a territory and a multiplicity of cases that were not and could not have been within the contemplation of the men who framed the Constitution; and every thought that the Secretary has uttered upon this branch of the subject meets with my ready consent, and I proceed with him to the utmost limits of his contention. This is not the point at all upon which We divide upon the point that you can interpolate into the Constitution new powers upon the plea of governmental necessity. I may admit that a uniform divorce law,

referred to by the Secretary, would be highly beneficial to society, but I deny that there is any possible method by which we can work it into the Constitution, and when he refers to a uniform insurance law I may admit that such a plan would be entitled to our serious consideration, but I respectfully challenge him to point me to the clause in the instrument that can

be construed to cover such a grant.

Let me ask in this connection what about the law that would embrace the right of suffrage? There is the practical danger that confronts us. There is an illustration that comes right within this new canon of construction. Each State has its own statutes regulating the suffrages of its citizens, and without infringing upon the amendments, a number of them have provided for an educational test and property qualifications. In this regard a State is not controlled by what other States may require, nor does the welfare of the Union at all enter into its consideration. It is entirely a question of its own welfare and its own environment and its own safety and its own moral and material progress. I do not for a moment contend that the Secretary would deprive the States of this right, but under his new plan of constitutional construction it would be a simple process to accomplish this result. Does it make any difference that in the case of Miner v. Happersett, in 21 Wallace, the Supreme Court has declared that the Constitution of the United States does not confer the right of suffrage upon anyone, and that in a subsequent case, that of The United States v. Cruikshank, in 92 U. S., the Supreme Court, affirming the earlier case, has again declared that the right to vote in the States comes from the States, and that only the right of exemption from the prohibitive discrimination comes from the United States. House of Representatives to-day, adopting this new rule of constitutional construction, can practically repeal these decisions and decline to admit any member into its body from any Southern State that limits its suffrages to the intelligence of its citizens, upon the plea of governmental-or to be more accurate-of party Thus one by one the reserved rights of the States necessity. would fall and away would go the decisions of a century.

In Texas v. White, in 7 Wallace, the Chief Justice declared that the "maintenance of the government of the States is as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National

Government."

In Ex parte Milligan, in 4 Wallace, the Supreme Court rang this clarion note:

The Constitution never yields to treaty or enactment; it neither changes with time nor does it in theory bend to the force of circumstances; its principles can not be set aside to meet the supposed necessities of great crises; no doctrine involving more pernicious consequences was ever invented by the wit of man than that may of its provisions can be suspended during any of the great exigencies of the Government.

All our judicial history rings with one accord upon this theme from the time that Madison declared that the jurisdiction of this Government extends to certain enumerated objects, and leaves to the several States a residuary and inviolable sovereignty over all other objects, and Hamilton declared that all authority of which the States are not explicitly divested in favor of the Union remains with them down to the day when the Supreme Court proclaimed that the Constitution, in all of its provisions, looks to an indestructible union composed of indestructible States.

This new dispensation, therefore, is at utter war with judicial opinion. It makes a mockery of the unbroken line of adjudications upon the subject. It turns the Constitution into a rhapsody of words; and if the heresy is ever to be accepted by the coming generations, we might as well apply the flames to that great edifice of constitutional thought that it has taken over a century to erect, and level it to the earth in all the symmetry of its proportions.

#### THE FRESIDENT OF THE UNITED STATES.

As I said at the beginning, however, Mr. President, I would not have arisen here to-day at all if it were not for the fact that this doctrine of constitutional perversion is being put into practical operation constantly by those for whom the Secretary is speaking, and whose purpose and design he is so clearly upholding and fortifying, and this brings me to the other branch of the resolution.

I would like it understood that I do not intend in anything I may now say to assail the President of the United States. It is my determined purpose not to do so, and I shall extremely regret it if I deviate therefrom. I esteem him too highly in a great many respects, individually and officially, to be influenced in the slightest degree by personal motives, and I propose to treat him with the courtesy and dignity that my position calls for and that his station entitles him to. Those who know me best know that I am not a partisan in politics, and even if the occasion

were present, and fully justified it, I should not make use of this place for the purpose of creating political capital or fomenting party rancor out of any of the facts with which I am about to deal.

I have a great object in view which must not become involved with any element of political bias that would only tend to lower the aspect in which I propose to present it. I am looking to the future and not so much to the present. No journal in the land, if it should honor me by taking any notice of what I am about to say, will charge me, I hope, in my analysis of the President's official methods, in indulging in any criticism that may be objectionable either to him or to that great body of the American people who confide in him and admire him for what he has accomplished for his country. Thus restrained and circumscribed, I shall now proceed to illustrate the proposition that the President of the United States, influenced by honest motives, has nevertheless set an example for future Presidents and future generations that is destructive of our best traditions, that challenges the law, and ignores the limitations of the Constitution, and which, if followed under impulses less sincere and patriotic than his own, would ultimately result in an entire misconception of our form of government upon the part of those who may be called upon to administer it, and would effect a gradual upheaval of the principles that underlie and form the bulwark of our institutions.

THE DIVISION OF LEGISLATIVE, EXECUTIVE, AND JUDICIAL POWER.

The imperishable distinction of executive, legislative, and judicial functions is the basic principle that supports the organic law of this land. If there has been any confusion upon this subject it ought to be cleared up; if there is a growing misapprehension among the people in regard to the power of the Executive it ought to be arrested before it makes any further inroads upon their credulity; if there has been any violation of the plain intent and meaning of constitutional requirements it ought to be exposed, and if the people, as has been claimed, are utterly indifferent as to the methods employed whether unconstitutional or not, provided the accomplishment inures to the advantage of the country, then they ought to be aroused from their lethargy and confronted with the traditions of the

Republic and the genius of our institutions.

The proposition under consideration goes far beyond the President personally, because it relates to our entire conception of executive duty and of governmental distinctions, and my sole object now in entering upon this investigation is to prevent the present interpretation of Executive authority, as far as it lies within my humble power, from becoming without further question or examination a part of the accepted policy of the country. The President is laboring under the honest impression that he is responsible to the country for the legislation of Congress, and that therefore it is his duty to interfere when its proceedings do not comport with his own ideas as to what is best for the interests of the people, and in accordance with this rule he has ignored not the letter, because that can not be done, but the substance and spirit of the plan of a division of governmental functions as embodied in the Constitution. Of course with an Executive who did not have the welfare of the people at heart such an illusion would be fatal to the stability of the In pursuance of this purpose we have now for the first time in our history a Government practically conducted in nearly all of its departments, with the exception of the judiciary—and even there the encroachment is visible—by the Executive and in conformity with his own ideals and standards. His standards and ideals may be right, and I am satisfied that they are in a number of instances, but I believe, with all the sincerity I possess, that the safety and welfare of the Republic is in danger if the blight of such a policy should be allowed by any insidious process to become engrafted upon our institutions. THE TREATY-MAKING POWER

I shall now take as the first instance where there has been a conflict between executive and legislative functions—the treatymaking power of the President and the Senate. Article sec ond of the Constitution provides that the President shall have power by and with the advice and consent of the Senate to make treaties, provided that two-thirds of the Senators present concur. In the Santo Domingo affair the President has evidently made his own treaty. I am not discussing the proposi-tion whether his views and purposes are right or wrong in reference to Santo Domingo. He may be right—a great many persons think that he is. He may have performed a great pub-lic service for the people of that island and for civilization and humanity in the efforts that he has made to extricate them from their difficulties and misfortunes. This is not the point at The charge that I make is that he has accomplished this in violation of the Constitution, and has set an example for his successors which, if followed, would abrogate the provision

that gives this body the right to be consulted in the treatymaking power.

The principal provision of the Santo Domingo treaty relates to the collection of the revenues of the island and their distribution among its creditors. All other parts of the treaty were subordinate to this. What has been done? The treaty has been practically carried into effect without consulting the Senate. The appointment of an American agent as an official of Santo Domingo to collect its customs was simply a cover Under the principles of international law and and an evasion. the comity of nations this Government is morally bound for the proper custody of this fund, and would be liable in case of its waste or loss. After its collection the only act of any consequence that remained to be done was its distribution, and even this has been practically determined upon, I understand, by

settlement with her creditors.

Now, when you add to this the fact that our war ships are in the harbors of the island ostensibly for the purpose of protecting American interests, but in reality protecting the officials of the island against any menace from without, and revolution from within, you have the establishment of a sovereignty or a protectorate without a word from Congress or the Senate sanctioning the same. This is called a modus vivendi, but the phrase modus vivendi has no application to a condition of this sort, and is a perfectly meaningless absurdity in this connec-What is being done is the maintenance of a status quo, but a status quo created by the President at the time of the negotiation of the treaty, and without any warrant of law whatsoever. do not believe that in all the archives of the State Department there can be found any precedent for such a proceeding. Any President could at any time, following this example, make an agreement with any foreign country, uphold it by armed intervention, and then if the Senate declined to confirm his action simply announce that he proposed to maintain the status quo or modus vivendi, as it is erroneously called, and thus practically effectuate a treaty whether the Senate consents or not. What the President has done in reference to Santo Domingo he can duplicate any day with respect to any of the bankrupt and revolutionary Republics of Central or South America. appeal to him for help. He may negotiate a treaty and the Senate may decline to act upon the treaty, and in the meantime he may enter into an agreement with them to collect their customs duties, place them on deposit in an American bank, and in the custody of an American representative, and when Congress or the Senate calls him to account he can, with absolute defiance, announce that the work has been done and that it is the duty of this Government to make a proper division of the funds.

When an appeal comes to him from this quarter he can direct our war ships to protect American interests, and incidentally the party in power or the revolutionists friendly to our intervention, and he can assume control over their custom-houses and maintain a financial protectorate over them without a treaty and without constitutional or legislative sanction. This policy may be all right-perhaps the American people are in favor of this new doctrine; it may be a wonderful accomplishment-Central America may profit by it; it may be a great benefit to us commercially and it may be in the interest of civilization, but as a student and follower of the Constitution, I deprecate the methods that have been adopted, and I appeal to you to know whether we propose to sit silently by and by our indifference or tacit acquiescence submit to a scheme that ignores the privileges of this body; that is not authorized by statute; that does not array itself within any of the functions of the Executive; that vests the treaty-making power exclusively in the President, to whom it does not belong; that overrides the organic law of the land and that virtually proclaims to the country that while the other branches of the Government are controlled by the Constitution, that the Executive is above and beyond it, and whenever his own views or policies conflict with it he will find some way to effectuate his purposes uncontrolled by its limitations.

THE JUDICIARY AND THE EXECUTIVE.

Mr. President, I think that the judiciary ought to be entirely free from executive interference. Every person of intelligence must agree with me upon this proposition. The Executive should never, either by approval or criticism, constitute himself a reviewing power over the decisions of the courts. It is, therefore, my judgment that the criticism by the President of Judge Humphrey with reference to his decision in the case known as the Meat Packers' Case, in the Illinois circuit, was uncalled for and an invasion of his judicial prerogatives. I am inclined to think that the decision was correct and would have been sustained upon appeal if an appeal could have been taken; but right or wrong, it did not come within the functions of the President to reprove the judge or animadvert upon his opinion. We can not tolerate such intrusion upon the rights of the

courts. The courts are not responsible to any President of the United States for their judgments. The exercise of judicial power is just as distinct from the exercise of executive power as is the exercise of legislative power and the Presidents of the future should be told once and forever that when they enter upon this field they are treading on forbidden ground. I can imagine no condition more intolerable than a system under which the judiciary would feel that their judgments and sentences must conform to the wishes of the Executive, and if they are objectionable to him, that they are subject to his censure and reproof. It was this system that for a time brought shame and dishonor upon the administration of the common law, that permitted the guilty to escape and the innocent to suffer and which filled the courts with cruel, servile judges, and made the arm of justice the adjunct of the Crown to fortify the abuses of the tyrant and suppress the liberty of the subject. A judge would have been perfectly justified if he had declined to submit in silence to the rebuke of the Executive. He could well, with calm and dignified defiance, have proclaimed from the bench, I nm a sovereign here; you have no greater right to interfere with me than I have extrajudically to denounce an act of course as assumention. yours as usurpation.

This is the abode of justice, its ground is sacred, and its altar is inviolable. It is like an Anglo-Saxon home, Domus sua cuique tutissimum refugium, in which the poorest man, though it be the humblest hut or the lowliest hovel, "may challenge all the forces of the Crown to enter. It may be frail. Its roof may shake. The storm may enter, but the King of England can not enter. All his forces dare not cross the threshold of the ruined tenement."

FEDERAL AND STATE FUNCTIONS.

There is another act that the Executive should never undertake, and that is to intrude his presence upon the States in the exercise of their sovereign functions. I send now to the desk of the Secretary to be read the report of an incident which the country seemed to treat with entire indifference, but which at the time it occurred surprised and startled me beyond expression.

BOSTON, June 11.

Governor Guild made public to-day a telegram received by him from President Roosevelt, in which the President, after pointing out that he had been requested to interfere with the execution of Charles L. Tucker, declares that, in his judgment, Governor Guild's decision not to interfere with the carrying out of the sentence on Tucker seemed to him entirely sound and commanded his hearty sympathy.

Tucker is under sentence of death this week, probably to-night, for the murder of Mabel Page at Weston, on March 31, 1904. President Roosevelt's telegram follows:

THE WHITE HOUSE,

THE WHITE HOUSE, Washington, June 10.

Governor Curtis Guild, Boston, Mass .:

Governor Curtis Guild, Boston, Mass.:

Have been requested on behalf of certain parties in Boston to interfere with the execution of Tucker, it being alleged that it is my duty so to do inasmuch as I have the power under the Federal laws.

No showing has been made to me that I have such power, but, without regard to this, I desire to state to you that, in my judgment, your decision not to interfere with the carrying out of the sentence of Tucker seems to me entirely sound and commands my hearty sympathy. It seems particularly a case in which there should be no interference with the carrying out of the sentence.

Theodore Roosevell. THEODORE ROOSEVELT.

I never knew a communication of this sort to be sent by a President to the governor of a State since the foundation of the Republic, and, for the President's sake and in his interest, I deeply regret and deplore the occurrence. . What does this mean, and what are we coming to? Certain citizens of Massachusetts had petitioned the President to come to the rescue of a prisoner who had been convicted of a capital crime in the State of Massachusetts, and upon whom sentence was about to be executed. I know nothing of the guilt or innocence of the person; he may have been guilty, or he may have been innocent; if innocent, he is not the first innocent man who has been deprived of his liberty or his life under the laws of the land. What was the President's plain and unmistakable duty in the premises? I am willing to admit that the President in his individual capacity had a perfect right to examine the case, and if he believed that an innocent man had been sentenced to death it would have been his duty and his privilege, not as President, but just as it would have been the duty and privilege of any person, to interest himself in his behalf. I have never known the day when I would not have been willing, if I thought a man had been unjustly convicted, to use every effort to obtain justice for him. I believe there is a law of God and humanity higher and more imperative than the law of the State.

But what did the President do in this case? In an official or quasi official document, headed at the White House, he indites letter to Governor Guild of Massachusetts, who had not written to him at all, in which he intervenes in the proceedings, sympathizes with the governor heartily in carrying out the sentence, and decides that it is a case in which there should be

no interference by the governor, giving practically the official sanction of the President of the United States to the act of the governor of Massachusetts in declining to interfere with the judgment of the court.

would have been in extremely good taste for Governor Guild to have respectfully remitted this telegram to the President with a caution that he did not request the President's opinion in the case, nor the sanction of his high station, to the carrying out of the execution. Now I am not speaking as a party man, and surely, as I have said, I am not actuated by any feeling of hostility toward the President, because there is no one even upon the Republican side of this Chamber who is willing to give him greater credit for the accomplishments he has wrought for the people of this country than I am; but I shall turn now to members of the Republican party upon this floor, and ask them in all candor whether this was not a grave error upon the part of the President. I ask them, if any of them occupied the place the President does would they, solicited or unsolicited, have sent a communication of this sort to the governor of any State in this Union? I will go further than this and appeal to the President himself to reflect upon this incident and give it his serious consideration, and then determine whether as a student of our institutions he would not deprecate and condemn an act of this sort upon the part of any one whatever connected with any department of the Federal administration.

Of course I will admit that there was no technical violation of any provision of the Constitution, but I appeal now not to ignorance, not to drones and idlers slumbering in apathy and indifference, but to the thought and manhood of my countrymen, irrespective of parties, to know whether we can afford to establish a precedent like this or permit it to go unnoticed. In my judgment it involves a most serious proposition. It practically announces that the acts of State officials are subject to the approval or displeasure of the Federal Government; it obliterates the line between the two; it announces to the governor of every State that if he is in doubt about the performance of some act confided to his supreme authority that he can appeal to the President for guidance; it makes the President the arbiter and umpire in controversies beyond the utmost pale of his jurisdiction; it invests the minds of the rising generation who are studying the framework of our institutions and analyzing their delicate combination with an erroneous idea as to their scope and character; it extends the President's influence into spheres of action entirely beyond the province of his allotted and delegated functions; it makes a gaping wound in the heart of the Constitution, and if extended to its logical limit it dispels the doctrine of reserved rights and enumerated powers and makes the functionaries of sovereign States the agents and deputies of Executive dictation.

#### CONGRESS AND THE EXECUTIVE.

We come now to another and a different scene. The pivotal point around which the railroad rate bill revolved for months in this Chamber was the character of review that the courts were to assume under its provisions. One side claimed that the courts should only exercise a constitutional review under the fifth amendment; the other side advocated a full statutory review from the proceedings of the Interstate Commerce Commission.

The President came into the game early. We realize that no fight is thoroughly equipped upon this floor unless the President is in it. He longs for a fight as the hart panteth after the It was a match to the finish between the senior water brooks. Senator from Rhode Island and the President. They stood respectively in the foremost ranks of their profession. tor from Rhode Island was an expert in the ring and had upon many an occasion in this arena been awarded the victor's prize. The President, also, was a dean in the art, and had reached a degree of eminence in his calling that made him a dangerous foe to encounter. It was a most interesting spectacle. The Senator from Rhode Island time and time again went down beneath the ponderous blows of his opponent, but each time he arose like Aurora, the goddess of the dawn, arose from her chariot in the sea. At length science commenced to tell. The Senator from Rhode Island had reserved his strength for the last encounter. The President had changed his tactics so often that he became exhausted and appealed for help. One morning the Senator from Rhode Island appeared in this Chamber with a radiant smile. The President had never penetrated the meaning of that It had lured him like the sirens lure their victims to smile. destruction. The smile indicated that the tournament was over. The Senator from South Carolina looked upon the other side of the Chamber for his promised troops, but they had fled and vanished. An ex-Senator from New Hampshire lay dead upon the field. The President lay entangled in his armor, and his

breastplate and his battle-ax were shattered, and above him waved the pennant of Rhode Island, and the Senator from Rhode Island smiled. If the President had only kept out of this fray it would have assumed an entirely different form and ended in an entirely different way. It was impossible, however, for him to do this. He could not remain quiescent in the White House and observe a great struggle like this progressing without taking part in it. So that he got into it, it really did not make much difference to him upon which side he was enlisted. One day he was upon one side and the next day he was upon the other.

Here we were day after day struggling with questions of constitutional law, as if we really had anything to do with their settlement, laboring under the vain delusion that we had the right to legislate; that we were an independent branch of the Government; that we were one department, and the executive another, each with its separate and well-defined distinctions, imagining these things, and following a vision and a mirage, while the President was at work dominating the legislative will, interposing his offices into the law-making power, assuming legislative rights to a greater extent than he could possibly do if he were sitting here as a member of this body; dismembering the Constitution, and exercising precisely and identically the same power and control as if the Constitution had declared that Congress shall pass no law without the consent of the President; adopting a system that practically blends and unites legislative and executive functions, a system that prevailed in many of the ancient governments that have forever gone to ruin, and which to-day still obtains in other governments, the rebellious protests of whose subjects are echoing over the earth, and whose tottering fabrics I hope are on the rapid road to dissolution.

THE POWER OF THE PRESIDENT

If I were called upon to select the most wonderful exhibition of the President's power that has occurred within my experience, I would take our action upon the canal bill at the close of the last session of Congress. This was an achievement in which his consummate skill in propelling legislation appeared in its most perfect proportions. We had all heard the argument of the junior Senator from South Dakota in favor of a sea-level canal, and its demonstrative facts and unanswerable logic seemed to carry conviction with its presentation.

All at once a wireless message came from the White House. The President had determined that there was either to be a lock canal or that there should be no legislation upon the subject. I can never forget the day upon which the vote was taken. The biography of the President will perhaps some day be written by the senior Senator from Massachusetts. Macaulay said that if Boswell had not been the greatest fool who ever lived, he could not have given to the world the greatest biography that was ever written. This will not apply to the Senator from Massachusetts. He wields a master's hand in biographical literature, and when he writes this biography I hope that he will dwell with glowing emphasis upon this surpassing accom-Napoleon at Austerlitz never turned the scales of fortune with greater celerity of movement or audacity of assault than the President threw into this maneuver. How was it done? What subtle force did he employ in the execution of his plan? The day the vote was taken this Chamber presented a most peculiar aspect. The air seemed laden with some narcotic wafting its somniferous essence over this body. When the roll was called the clerk could hardly hear the responses upon the side of the lock canal, and as the answers came they came in whispered accents and with bated breath. The charm had done its work, the deadly vapor had benumbed our faculties and made us pliant slaves to the master will. Even the senior Senator from Obio who, when his convictions are aroused, has often on this floor displayed the Nemean lion's nerve, fell a victim to the magic power of the love charm that had been concocted at the laboratory of the White House. I would like the Secretary to read a few of the pathetic and funereal passages of the Senator's deliverance upon this occasion.

It shows how the dominating spirit of the President can ride the whirlwind when he has made up his mind to legislate, and how in absolute defiance of the laws of nature he can produce a senatorial vacuum beneath the sweep of his mighty

Mr. FORAKER. Mr. President, I do not care to discuss this question beyond saying something similar to that which has just been said by the Senator from West Virginia.

"I remember, when the proposition was before the Senate some time ago, as to whether we should adopt the Panama or the Nicaragua route, I was greatly influenced in favor of the Panama route, as no doubt many other Senators were by the fact stated at page 11, according to the print I have before me, of Report 783, part 2, Fifty-seventh Congress, first session, where the Interoceanic Canal Committee, or a majority at least of its members—"

Mr. Kittreege. A minority.

Mr. FORAKER. Yes; it was a minority report I was looking to see. A minority of the members of that committee set forth the advantages of the Panama route, as contrasted with the Nicaragua route, and then, after they had enumerated nine specific advantages, they added the following:

"10. It is recognized that

then, after they had enumerated nine specific advantages, they added the following:

"10. It is recognized that a sea-level canal is the ideal. The Panama Canal may be either constructed as a sea-level canal or may be subsequently converted into one. On the other hand, no sea-level canal will ever be possible on the Nicaragua route."

Now, like the Senator from West Virginia, I had remained of the idea ever since until within the last two or three months, when this discussion was commenced, that it was the part of wisdom to build a sea-level canal, and I supposed that would be the result of the investigations that were being made by the committee. I did not have time, because occupied with other work, to follow the hearings before that committee and read the testimony as it was taken and printed from day to day for the benefit of the committee and for the benefit of Senators.

I was therefore somewhat unprepared when, a few days ago, it was insisted that we should settle this matter at this time by voting upon it. I then made a request that there might be further time than was proposed to be given us in order that we might investigate this subject and read the testimony to obtain further information.

But we are to vote, and every Senator must speak for himself in a few minutes. There is no time to investigate further, and I propose, although with some misgiving as to whether that is the wisest thing to do, to follow what has been indicated as the preference of those who have the greatest responsibility with respect to this canal.

As I have intimated before in reference to this matter. I did not

As I have intimated before in reference to this matter, I did not take the floor for the purpose of discussing it. I only took the floor to express the doubt I have and the regret I have that I can not vote as I propose to vote with greater satisfaction to myself.

#### THE CASE OF ADMIRAL SCHLEY.

I come now to an incident which I would prefer not to allude It bears, however, so directly upon the proposition that I am discussing that I think it is my duty to make reference to it. It illustrates in a marked degree, more than any other episode of the present Administration, that in the exercise of his prerogative the President does not feel himself bound by law or precedent whenever he is in pursuit of an object that it is his purpose to accomplish. After the court of inquiry had passed upon the case of Admiral Schley an appeal was taken by the Admiral to the President under the regulations of the Naval Code. There was an enormous record in the case, and it was the duty of the President to decide upon the record and the testimony that it contained. He occupied the same position as the finders of an appellate tribunal do when they are reviewing the decision of an inferior jurisdiction. Assuming now that he had the right to reopen the case and take testimony upon his own motion, he had of course no right to do this except in the presence of Admiral Schley or his counsel, and with their right to cross-examine any witness that was produced. The American bar, or that portion of the bar unacquainted with this pro-ceeding, will hardly believe it until they read it, that the President conducted this appeal in utter disregard of the rights of Admiral Schley, ignoring every principle of common law and statutory procedure, and in violation at least of the spirit of the Constitution, which provides that in all criminal prosecutions "the accused shall be confronted with the witnesses against him and have compulsory process for obtaining witnesses in his favor."

No one can doubt that this was in the nature of a criminal proceeding, although not within the letter of the Constitution. The penalties and punishment attending a decision against the accused were as severe as any that could be inflicted for a violation of any of the laws of his country. The President never gave the admiral the slightest notice that he intended to reopen the case; never confronted him with the witnesses against him; never allowed him any process for obtaining witnesses in his behalf, and never permitted the assistance of any counsel for the defense. In fact, Admiral Schley never received the slightest warning or notice that his case was to be reopened or treated de novo in relation to any of the issues involved.

The most important question in the case was in relation to the command at Santiago on the day of the battle. When the appeal came before the President, he summoned the captains of the squadron and ex parte, without any trial or opportunity, of defense, upon their uncorroborated testimony, which was excluded at the hearing before the court of inquiry, rendered a decision adverse to Admiral Schley upon all the points in controversy. If the admiral had been present either in person or by counsel, or had been allowed to offer any testimony, he could easily have discredited and impeached the evidence against him. Such a trial as this, if it can be dignified by the name of trial, never took place in any civilized country upon the pages of history since the court of star chamber, unfettered by the rules of law, and employed by James I. and Charles I. to arrest the advance of civil and religious liberty, was relegated to infamy and oblivion.

Captain Evans, the principal witness against Admiral Schley, was his bitter and malignant foe. He testified before the President that he considered himself under the command of Admiral

Sampson throughout the battle, and that he would not have heeded any orders from the Brooklyn even if he had received them. The President had before him 50 pages of testimony demonstrating with mathematical accuracy that Admiral Sampson could not possibly have been in command of the battle, as he was over 10 miles distant from the scene of action when the battle began, and never made his appearance until the battle was over, and an hour and a quarter after the last of the ships, the Cristobal Colon, had struck her colors and surrendered.

The proof was overwhelming that the distance at this time between the flagship of Admiral Sampson and the Brooklyn was fully 17 miles, and that Admiral Sampson was not and could not have been in command when the battle took place. If Captain Evans was testifying truthfully when he stated to the President that he would not have heeded any orders from the Brooklyn, the President should have immediately ordered a court-martial in the case, because Admiral Schley was the senior officer of the squadron under the rules of warfare, and under the statutes of the United States, and under its naval regulations when the Spanish ships attempted to escape upon the morning of July 3, and it was the duty of Captain Evans, whether he wanted to do so or not, to heed and follow his

On the morning of July 3, at 10 o'clock, Admiral Sampson signaled to the fleet, "Disregard the motions of the Commander in Chief," and according to the regulations for the government of the Navy of the United States the command from that moment devolved upon Admiral Schley. I shall not enter upon any of the details of this case to any further extent, and I have only adverted to the statement of Captain Evans to show the kind of testimony that influenced the mind of the President and the error that he committed in violation of the cardinal principles of the common law in not permitting Admiral Schley to be confronted by the witnesses who were against him, and who had been summoned by the President to testify to facts that were ruled out at the hearing.

It must be observed that the few officers whose testimony bore against Admiral Schley before the President were his personal enemies, and did not want him to receive any credit for his conduct at Santiago. In fact, long before the battle they had been hostile to him and envious of him. They had stood like "greyhounds in the slips, straining upon the start."

The President says that "this controversy should not be kept alive; to do so would merely do damage to the Navy and the country." It shall, however, be kept alive. The conviction of an innocent man is of more concern and importance to the country than the repose and security of a naval ring, however influential and powerful it may be. Men stood ready in the Senate and House of Representatives to rectify this wrong at the time the President rendered his decision, and were prepared to pass some legislative action that would strike this judgment from the naval records of the country, but the President had said that there should not be any further agitation of this controversy, and thus in his legislative capacity he procured a silent confirmation of the judgment he had rendered in his executive capacity. Let me tell you that the agitation will not cease. The time will come when this case shall be reopened, just as a similar case has recently been reopened in another land, where an innocent man had been hunted to torment and degradation by the scorpions of religious hatred and venom until, to the eternal credit of a liberty-loving people, his sentence reversed, his innocence established, his loyalty vindicated, and his name restored to the roll of honor, he stands to-day exalted by the ordeal through which he has passed, the pride of France and the idol of his countrymen.

Admiral Schley shall be heard. Living or dead, his cause shall be heard. I have never known an injustice of this sort to have been done that the occasion did not arise to redress it. No such melancholy page as this shall blur the annals of our history. It is said that the public opinion of the country is with Admiral Schley and that he has been honored with its verdict. This is true, but it will not suffice. We know that public opinion changes very quickly. It will not do to rely upon it. To-day it sends forth its anathemas of hate, to-morrow it builds its monuments of love. The march to immortality is often amid the poisoned shafts of envy and of malice, and the birthplace of a deathless name is generally amid the ruins of

public opinion.

The public opinion of future ages will not be guided by what the public opinion of this hour is, because it will have no means of ascertaining it except from the record, and the record is against him. Other countries remember and dignify their heroes, but in this case Schley was humiliated by the President's suggestion that he "ought not to have weighed danger,

and that it was his trade to dare greatly for the honor of the

The heroes of antiquity were always worshiped and exalted. Greece inscribed their names and deeds in her temples and upon her shrines. "Such honors Ilion to her heroes paid." To this day there can be seen a representation of the triumphant entry of Titus into Rome upon a marble arch erected in his honor by the Roman senate seventy years after the Christian era. Schley might well exclaim in his retirement to the Republic: "Oh, Ingratitude, thou marble-hearted fiend." But he thinks none the less of his country because of the treatment he has received. 'The man who at Santiago, according to the testimony, stood at an exposed position upon his vessel, with his head erect, when every head was bowed but his, as the enemy's shells were plowing his ship, should not have been thus reproached, and if his own country is cruel and forgetful enough to punish him for his love and sacrifice for her, then I predict that the day will come when at least his countrymen will erect some imperishable memorial whose inscription will not only attest his valorous deeds to all enduring time, but will obliterate the admonition now written upon the naval records of the country that war is a trade, and it was his duty to dare greatly for the honor of the flag, a flag he had carried from the Orient to the Arctic sea, and to whose colors he was as true "as the needle to the pole or the dial to the sun."

THE NEW SCHOOL OF POLITICAL SCRIBES.

Now let us look for a moment at the result of the President's construction of his prerogative. A new sect of political scribes have commenced to edit a revised edition of the Constitution. They call it the unwritten Constitution. They are framing an apocryphal collection of epistles and are promulgating their heresy from academic chairs and lecture platforms. The President is the prophet of this new creed and the Messiah of this strange hallucination. They do not propose to add any additional chapters to the original manuscript, but they insist that under the general-welfare clause, which is simply a repeti-tion of the phrase that was used in the Articles of Confederation, this Government has implied powers not enunciated in the charter. They seem to forget that Hamilton's proposition in the Constitutional Convention which provided that Congress was to have power to pass all laws whatsoever, subject to the Executive veto, and the outline that he communicated to Mr. Madison that the Legislature of the United States shall have power to pass all laws which they shall judge necessary to the common defense and welfare of the Union, were not even referred to the committee, and that it was in the plan presented by Patterson and by Randolph and by Pinckney that there was finally evolved that immortal scheme that can never be recast under the plastic touch of political necromancers and enchanters.

When they approach the executive department the implication becomes unlimited, and under the distribution of Executive power the President can perform all functions not allotted to other branches of the Government.

I know that Congress has enacted a great many laws enabling the President to perform the duties confided to him by the Constitution. It has done this under Article I, section 8, subsection 18, of the Constitution, which provides that-

Congress shall have power \* \* \* to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Hamilton, in discussing this clause of the Constitution, said

The declaration itself, though it may be chargeable with tautology or redundancy, is at least perfectly harmless.

There has been a considerable diversity of opinion upon this point. Chief Justice Marshall illumined the proposition in this manner. He said:

Should Cengress in the execution of its powers adopt measures which are prohibited by the Constitution, or should Congress, under the pretext of executing its powers, pass laws for the accomplishment of objects not entrusted to the Government, it would become the painful duty of this tribunal, should a case requiring such a decision come before it, to say that such an act was not the law of the land. But where the law is not prohibited, and is really calculated to effect any of the objects entrusted to the Government, to undertake here to inquire into the degree of its necessity would be to pass the line which circumscribes the judicial department, and to trend on legislative ground. This court disclaims all pretensions to such a power.

And there I stand. No one at this day would demand a literal construction of the Constitution which would deprive the President of performing functions necessary to carry out the powers that are granted to him; on the contrary, he has the broadest field of discretion within which to adopt and exercise whatever methods are proper for this purpose. What I insist upon and contend for is that he must never abuse his constitutional prerogative by invading the domain of other departments,

and must never, under color of title, assume authority upon subjects that have no relation to his office, and do not in the remotest degree appertain to the performance of his executive functions.

We know that every word of the Constitution is written. know that there is not a line or letter that anyone has the right to insert. The Supreme Court may interpret, it may construe according to the spirit, but it can never add to the text. The Supreme Court may hold that a given act of the Executive is not an interference with legislative functions. It may broaden the right of the President to negotiate a treaty, but if it were ever to decide that the President had a right to conclude a treaty without the constitutional ratification its adjudication would lead either to impeachment or revolution. Every judgment, decree, and order that it renders must be under, and not above and beyond, the Constitution. It can set aside an act of Congress, but it can not abridge or extend the limits of the charter. What the Supreme Court can not do by expression the Executive ought not to be allowed to do by implication.

The President has the right to veto any enactment that we may pass. He has the right, if he chooses to do so, to advise with members in reference to legislation, and to make any suggestions that he may deem proper. This is not a constitutional prerogative, and its propriety has been questioned and assailed, but I am willing within proper bounds to regard it as an incident of his executive functions. One thing he has no right to do, and that is to use the vast public patronage at his disposal to compel obedience to his views. Another thing he has no right to do, and that is to make compacts with the Speaker of the House of Representatives or its committees, to accomplish the legislation that he desires, or prevent legislation. And still another thing he has no right to do, and that is beyond his messages, in which he is given the right at any time to suggest any measure he may deem proper or necessary, to interfere with legislation and to force Congress either to adopt his recommendations or if it rejects them to bring about a breach between the legislative and executive departments that is detrimental to the best interests of the country; that constitutes an assumption of dictatorial power which the people of this Republic, in the course of time, will not submit to, I care not how great the achievement or how much it may conduce to their progress and welfare, or what benefit, advantage, or prosperity we may derive from its accomplishment.

## THE CHAMPION OF THE NEW SCHOOL.

In order to show that I have not at all exaggerated the claims and pretensions of this new school of Executive construction, I want now to refer to some extracts from the address of an eminent lawyer, delivered before the New York State Bar Association, in which the doctrines of this creed are announced in such unmistakable and unambiguous terms that we are no longer left in any doubt or uncertainty as to the evolution and development that we are undergoing upon the cardinal principles of republican government. If the propositions that he maintains reflect the sentiment of the people, then it is safe to say that the Constitution is a thing of shreds and patches, and the Government that it created is as much of a monarchical institution as the Government of Great Britain, or of any other government, with the exception perhaps of those of Russia and Turkey, upon the Continent of Europe.

Listen now for a moment to some of the passages from this delightful dissertation upon the Executive prerogative.

delightful dissertation upon the Executive prerogative.

1. The President is the chief invention of the Constitution, a personal magistrate for a republic. \* \* The conversion of an abstract sovereignty into a concrete sovereign.

2. The executive and magisterial attributes of the Government being invested in the President, it follows inevitably that the President must possess the executive and magisterial attributes of the people, and that the people retain no undelegated attributes or passive sovereignties under the tenth amendment or otherwise.

3. If Southern States abridge the privileges and immunities of Federal negro citizens, the President, on his own initiative, can and should prohibit such action, whether Congress legislates on the subject or not. If Southern States deny the right of suffrage to Federal negro citizens on the ground of race or color, the President, without waiting for penalizing statutes, can and should use every means, civil, military, or both, to stop it.

4. To execute all his omnipotent functions the people have given the President absolute control of an irresistible physical force, the Army and Navy of \$0,000,000 people.

5. Such are the powers of the President, express and implied. They are all plenary. The office and power to execute it are in unqualified language. The power to execute the Constitution is without limitation or restriction. The power to administer the executive sovereignties is complete, and the implied powers are coextensive with the express grants. Hence all the powers of the President are unqualified, plenary, and unlimited.

And now for some of the thrilling climaxes of this remarkable

And now for some of the thrilling climaxes of this remarkable

Thus my ideal of the President coincides with the ideal of the people, a majestic constitutional figure uncontrolled by Congress, unrestrained by the courts, vested with plenary constitutional power and absolute constitutional discretion,

How, then, is it possible for the President to exceed his express constitutional authority? What Federal act can he perform that he may not claim is in execution of his office and its attributes, of the Constitution and the laws, or of his executive powers?

Majesty is another attribute. It inheres in every sovereign, be he Czar or President. Imperium majestasque populi Romani.

The President is invested with an office and the whole of it \* \* \*. Who hath fixed its bounds? Who hath said, Thus far and no farther? No one has determined its illimitable extent; no one can determine it so long as the Republic endures.

And this matchless congloweration of incoherent absurdition

And this matchless conglomeration of incoherent absurdities was delivered, Mr. President, before an assemblage, every man of whom was probably conversant with the authorities and decisions that have consistently placed the brand of judicial condemnation upon this frenzied exposition of executive sovereignty.

#### PERVERSION OF THE CONSTITUTION.

This demonstrates, Mr. President, that the entire trouble arises from the fact that the Constitution is being perverted upon the grant of executive power. Article II of the Constitution says the executive power shall be vested in a President of the United States of America. This does not vest executive power in any greater degree than Article I vests legislative power when it says that all legislative powers herein granted shall be vested in a Congress of the United States, or than Article III vests judicial power except in the Supreme Court of the United

I plant myself upon the proposition that the President derives no authority whatever from this clause. Nearly threequarters of a century ago the greatest political philosophers who ever illustrated the pages of American history settled before ever illustrated the pages of American instory settled before this body this contention so that it has been considered a con-stitutional axiom until the present day. This provision of the Constitution simply relates to the distribution of governmental functions and can not be considered in the light of a grant.

As luminous a constitutional argument as Webster ever made was upon this precise point. The President must derive his authority from the subsequent provisions of the instrument that contain the grant, and the entire grant of power, and which are not in the slightest degree enlarged by the clause that I have quoted. His school of disciples evidently think that I am wrong upon this point and are bewildering the mind of the rising generation upon this proposition. If we were to pass a law here to-day reposing in the President a governmental function beyond the specifications of the Constitution and not necessary for the exercise of any power contained in the speci-fications, the enactment would be void. Now, if the law would be void, what power has the President without the sanction of law to trespass beyond the confines of his prerogative? The President is either the executive officer of the Government. vested with unlimited executive functions, or he is the Executive acting under special and delegated powers. Which is he? Is he the general executive agent of the people, or their immediate representative, as was once claimed by one of his predecessors who also had an erroneous conception of his prerogative, or is he a special agent who shall look to his commission and credentials for his authority? There are unlimited execu-tive acts performed by monarchical rulers, the exercise of which the framers of the Constitution never intended to repose in the President, and therefore they circumscribed his functions.

I am aware that persons who are not familiar with the source of organic power are losing sight of fundamental distinctions and are looking to results and not instrumentalities. I am not surprised at this view, but I am surprised that any men occupying the highest positions in the Government and instructors and text writers upon constitutional law should at this hour justify a doctrine that strikes down at its very altar the oracle of our faith and substitutes for it a worship that is only temporary and that can not possibly continue and endure. The day will come, Mr. President, I predict it-it is bound to come-when this illusion will disappear, when the people will retrace their steps, and as they flee from the pagan temple they will bear upon their shoulders the ark of the covenant and the scroll of

#### the ancient law.

## THE HOPE OF DEMOCRACY.

I am now about to conclude. I do not know that anyone will heed anything that I have said or that when once it is buried among the sepulchral archives of this assemblage that anyone will read the admonition that I have cast upon the tide of thought, but I desired for my own satisfaction to throw out the warning and intimation that I have given so that in the future when these questions are discussed and studied I can feel that I have performed my duty in helping to pioneer the way for the investigation.

I believe that if the Democratic party would take up as its battle cry the reserved rights of the States and the inviolate constitutional distinction of the legislative, the judicial, and the executive departments, that we could rally around the doctrine the intelligent suffrages of our countrymen. These provisions constitute the logic and the philosophy of the instrument. I can not quite agree with Gladstone that the American Constitution is the most wonderful work ever struck off in a given time by the brain and purpose of man. I can not agree with him because we all know that the Constitution was not a spontaneous production, but was the result of compromise and of violent and heated controversy. We know that the conflict in the convention at one stage was so irrepressible and the crisis so serious that it became necessary for Benjamin Franklin, who was not renowned for his piety or celebrated for his devotion, to move that in future the sessions be opened with We also know another fact, and that is, that there never was the slightest division upon the proposition that I have just been arguing and that so soon as the convention was assembled and organized the first formal resolution that was presented reads as follows:

That a national government ought to be established consisting of separate legislative, executive, and judicial departments.

And from that day to the advent of the present Administra-

tion no one has ever doubted the supreme wisdom of this dis tinction. This is the theory toward which every other article in the Constitution gravitates as the center of attraction. this imperishable distinction more than any other provision that the instrument contains that makes the Constitution of the United States now read in every living language and at every university, college, and seat of learning where political science is taught. Not only this, but it is perused with fear and trembling by tyrants upon their tottering thrones. To-day in the Persian palace, in a land which for over two thousand years has been under the dominion of despots, it is an object lesson as the dawn of republican government is breaking over that benighted sphere. It is studied in the camp of the revolutionist and by the glimmering light in the dungeon of the political convict and by exiled philosophers in penal colonies and in Siberian mines, and at this hour it is the subject of meditation and analysis at every place where freemen assemble to assert the rights that God has given them and which it lies not in the power of any man to deprive them of.

I know it is said that the people do not care, if the accomplishment is for their benefit, what the methods are that are employed to reach it, and whether the Constitution is violated The end justifies the means. I do not believe it. I do not believe that the people are in favor of tampering with the Constitution, and, by insidious inroads upon its provisions, paving the way for dictatorial government, At present both parties are cutting loose from its anchorage. The Republican party has in the President a helmsman bold and tactical, who with his chart of aggression and annexation is steering for foreign shores, gamboling on the waves indifferent as to the depths beneath; the Democratic party at the present time, it seems to me, is on the wild and tumultuous sea, with different pilots, all trying to steer it in opposite directions, and if it does not quickly take its bearings I fear that it will gradually drift

toward that bourn from which no traveler ever returns.

Mr. President, this division of governmental power into executive, legislative, and judicial functions is the arch that supports the bridge of the Constitution. Underneath it is the chasm in which every government of antiquity that has ignored this distinction lies buried in wreck and ruin. Touch not the arch; if we do the masonry will crumble and the entire fabric will "haste to swift decay." Keep the keystone inviolate and intact, so that no sacrilegious hand shall blast or hew it down, and the whole majestic structure shall time defy, as rocks resist

the billows and the sky.

Mr. LODGE. Mr. President, the Senator from Maryland
[Mr. RAYNER] referred to me in very complimentary terms,
with the expression of the hope that I might be the President's biographer. I was reminded irresistibly of a story told me by my former colleague, Senator Hoar, who had introduced a bill in which he was deeply interested and which had been referred to Mr. Evarts, the author, I think, of the maxim that "Any question would settle itself if it were left alone long enough." Mr. Evarts took no action on the bill. One day Mr. Hoar met him in the lobby and said: "By the way, Mr. Evarts, I wish when you report that bill you would notify my executors. They would be gentlemen whom I shall be delighted to meet." [Laughter.] I have not any question that the Senator from Maryland and his associates on that side would be delighted to meet the President's biographer.

Mr. RAYNER. I should like to say to the Senator from Massachusetts

Mr. LODGE. I did not interrupt the Senator, and he will oblige me if he will allow me to proceed.

Mr. RAYNER. I would rather read the President's autobi-

ography than his biography by the Senator from Massachusetts. No one thinks more of the President than I do

Mr. LODGE. Mr. President

The VICE-PRESIDENT. The Senator from Massachusetts declines to yield.

Mr. LODGE. I think I might be allowed to finish. I shall have but a few minutes.

The VICE-PRESIDENT. The Senator from Massachusetts will proceed.

Mr. LODGE. I do not intend, Mr. President, to enter upon any defense of the President. None is needed to-day, for I think I have rarely heard a greater tribute to his power, popularity, and success than has been delivered by the Senator from Maryland this morning.

Nor do I desire to discuss the separation of powers among the different departments of the Government. I believe most firmly in the necessity of that great principle. I go, indeed, a little in the necessity of that great principle. I go, indeed, a little further, I think, in that direction than the Senator from Maryland. I not only think the executive should not interfere with the legislative or judicial branches, but I do not think the legislative should interfere with the executive or the judicial.

I share the Senator's reverence for the Constitution. I do not know whether "tyrants read it on their tottering thrones' not, but I know that it has been the great instrument, as interpreted by Marshall and his successors, under which this country

has grown to be a great and powerful nation.

The Senator said-and this is all I desire to refer to-that out of many illustrations he had selected a few to show where the President had invaded the province of other departments of the Government. There were one or two cases where it seemed to me the selection had not been happy and where his statement of the case appeared to me to convey a slightly erroneous im-

In regard to Santo Domingo, the President has made a treaty in the ordinary and usual form and submitted it to the Senate of the United States, where it now is. Those Senators who have introduced in a very novel way party politics and a party caucus into the consideration of our foreign relations are better able to explain than I why that treaty still remains on the Executive Calendar unacted upon. The treaty is here, as I have said, in regular form. The President has made no "modus vivendi" with Santo Domingo nor any arrangement with that Republic. The Republic of Santo Domingo passed a decree for The Republic of Santo Domingo passed a decree for the administration of the customs and asked the President to nominate some officer or some American citizen to take charge of the custom-houses of Santo Domingo pending the consideration of the treaty.

The VICE-PRESIDENT. The Senator from Massachusetts will kindly suspend while the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The Secretary. Table Calendar No. 21, Senate resolution

214, by Mr. Carter.

Mr. CARTER. I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from Massachusetts

will proceed.

Mr. LODGE. In accordance with the request of the Government of the Dominican Republic, an officer was appointed, who has taken charge of those revenues, paying a part of them over to the Government of the island and depositing a portion of them to the credit of the island with a trust company in New York, where they now are. There has been no objection to the arrangement in Santo Domingo, at whose request it was made, and the President has made no agreement with them. He has simply complied with the request made by them formally in a published decree settling the distribution of the revenues while the treaty was pending in the Senate.

The Senator also referred to my State and a telegram of the President to the governor of Massachusetts. case was one which caused great excitement. There was great pressure for the pardon of the convicted men. made to get the President to interfere in that matter. The crime was committed in the State. It was dealt with by the courts of the State. The Federal Government had nothing on earth to do with it. The appeal, however, was made to the President. He declined to interfere on the precise ground that he had no power to interfere in a matter so peculiarly belonging to a State as this conviction in a State court.

Yet the Senator blames him for a refusal to interfere where his power did not permit him to interfere, because he expressed to the governor his approbation of the governor's action. The governor of Massachusetts took that action, as I have said, when there was a great pressure upon him. He did his duty

as he saw it in a fearless and high-minded way, one much to be commended; and the President, who happened to be his personal friend, in declining to interfere expressed his approbation, as any man had the right to express his approbation or disap-

probation of the governor's conduct.

As to the rate law, Mr. President, the Senator described the contest which we had here last winter over that famous measure in beautiful if somewhat mingled metaphors. showed that this encroaching President was defeated, as I understood him. But it appeared to me, Mr. President, that the real trouble in regard to the rate law, which haunts the mind of the Senator from Maryland and his Democratic colleagues, was that the Republican party united to pass the bill in agreement with the President as to the terms in which it should be enacted, and that that caused disappointment to some of our friends of the opposite party, from which they have not yet entirely recovered.

As so much has been said about the President's reaching out for new and extended power, I wish to call attention—and then I shall conclude—to the fact that nothing the President has ever proposed, no policy that he has ever suggested, has gone so far, in my judgment, toward the destruction not only of the Constitution, but of our whole system of government, as the policy advocated in New York by the great leader of the Democratic party-that the Government should own the railroads of the

That, Mr. President, goes much further than a doubtful interpretation or even a violation of the Constitution, for it strikes at the very foundations of State and national governments alike, on which our whole system has been built up. It is not a question as between State and nation. It is a question as to what our government shall be—whether it shall be the limited and free government under which we have lived both in State and nation, and lived in prosperity and power for these hundred years and more, or whether we shall change our whole system of government from top to bottom in State and nation into an open and avowed socialism. The President of the United States, so berated here to-day for having gone beyond his constitutional powers, is an opponent of the ownership of railroads or of all public utilities by government, believing that those should remain within individual and private ownership regulated and supervised by the State. It is from the party to which the Senator belongs that the policy emanates which would take over into the possession of the State and national governments the ownership and absolute control of every railroad in the country.

Mr. WHYTE obtained the floor. Mr. HEYBURN. Mr. President

The VICE-PRESIDENT. Does the junior Senator from Maryland yield to the Senator from Idaho?

Mr. WHYTE. Certainly.

Mr. HEYBURN. By virtue of an understanding, we waived the call of the regular order in order that the senior Senator from Maryland [Mr. RAYNER] might present a matter. I would not be willing to postpone the consideration of the regular order longer than is necessary for the junior Senator from Maryland to present a matter which, if it leads to discussion, I shall ask to have laid aside.

Mr. CARMACK. Will the Senator from Maryland yield to me

for just a word?

Mr. WHYTE. Certainly.

Mr. CARMACK. Mr. President, I wish to say a word in response to what the Senator from Massachusetts [Mr. Lodge] said in reference to the terrible consequences to follow if Mr. Bryan's idea of the government ownership of railroads should The Senator does not seem to remember what the President of the United States himself has said on that subject. The only difference between the President of the United States and Mr. Bryan on that proposition is that Mr. Bryan has said that if government regulation fails government ownership ought to come. The President of the United States has said that if government regulation fails government ownership will have to come. That is the only difference between those two gentlemen on that proposition.

WASHINGTON, SPA SPRING AND GRETTA RAILROAD.

Mr. WHYTE. I ask unanimous consent to call up the bill (S. 3668) to authorize the Washington, Spa Spring and Gretta Railroad Company, of Prince George County, to extend its street railway into the District of Columbia. I was about to call it up the other day when the Senator from Maine [Mr. Hale] made objection to the immediate consideration of any bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its considera-

Mr. GALLINGER. There are amendments.

The VICE-PRESIDENT. The amendments reported by the

Committee on the District of Columbia will be stated in their

The first amendment was, in section 7, page 3, line 15, after the word "when," to strike out "any highway occupied by the company" and to insert "said Bladensburg road;" so as to make the section read:

Make the section rend:

Sec. 7. That the company shall keep the space between its rails and tracks and 2 feet exterior thereto in good condition, to the satisfaction of the Commissioners of the District of Columbia. The pavement of these spaces shall be at least as good as that of the contiguous roadway. The proper authorities shall have the right to make changes of grade and other improvements which they may deem necessary, and when said Bladensburg road is improved the company shall bear the entire expense of improving said spaces to correspond with the remainder of the roadway. The requirements of this section shall be enforceable under the provisions of section 5 of the act providing a permanent form of government for the District of Columbia, approved June 11, 1878.

The amendment was agreed to.

The next amendment was, in section 9, page 4, line 3, after the word "Columbia," to insert "and approved by them, and it shall be the duty of said railroad company to submit such time-table for approval whenever required by said Commissioners, and said company is required to run its cars in accordance with said approved time-table;" so as to make the section read:

SEC. 9. That the cars shall be run as often as public convenience requires, on a time-table satisfactory to the Commissioners of the District of Columbia, and approved by them, and it shall be the duty of said rallroad company to submit such time-table for approval whenever required by said Commissioners, and said company is required to run its cars in accordance with said approved time-table.

The amendment was agreed to.

The next amendment was, in section 13, page 4, line 19, after the word "passenger," to insert "and six tickets shall be sold for 25 cents, each good for the transportation of one passenger over the whole or any part of said line in the District of Columbia;" so as to make the section read:

SEC. 13. That the rate of fare which may be charged for the transportation of passengers over the line of said company within the District of Columbia shall not exceed 5 cents per passenger, and six tickets shall be sold for 25 cents, each good for the transportation of one passenger over the whole or any part of said line in the District of Columbia. e passenge Columbia.

The amendment was agreed to.

The next amendment was, in section 15, page 5, line 7, after the word "before," to insert "August;" and in line 13, after the words "equal to," to strike out "2 per cent per annum thereon for the first five years, 3 per cent per annum thereon for the second five years, and 4 per cent per annum thereafter" and insert "4 per cent per annum thereon;" so as to make the sec-

Sec. 15. That the said company, through its proper officers, shall annually, on or before August 1, make return under oath to the board of personal-tax assessors of the District of Columbia of the amount of its gross receipts in the District of Columbia during the preceding year ending June 30, and shall pay to the collector of taxes of the District of Columbia, at the same time and in the same manner as other personal taxes are paid, an amount equal to 4 per cent per annum thereon, in lieu of other personal taxes; that the real estate of the said company in the District of Columbia shall be assessed and taxed as is other real estate in said District.

The amendment was agreed to.

The next amendment was, in section 19, page 6, line 15, after the word "to," to strike out "and" and insert "or;" so as to make the section read:

Sec. 19. That all the conditions, requirements, and obligations imposed by this act shall be complied with by any of the successors to or assigns of said company within said District.

The amendment was agreed to.

The next amendment was, in section 20, page 6, line 17, after the word "within," to insert "sixty;" in line 18, after the word "deposit," to insert "one thousand," and in line 23, after the word "said," to insert "one thousand;" so as to make the section read:

SEC. 20. That within sixty days from the approval of this act the company shall deposit \$1,000 with the collector of taxes of the District of Columbia, to guarantee the construction of this railroad within the prescribed time, and if this sum is not so deposited this act shall be null and void. If the sum is so deposited and the road is not in operation as herein prescribed, said \$1,000 shall be forfeited to the District of Columbia and this act shall be wold.

The amendment was agreed to.

The next amendment was, in section 22, page 7, line 7, after the word "of," to strike out "from — to" and insert "not the word "of," to strike out "from — to" and insert "not less than twenty nor more than one hundred;" so as to make the section read:

SEC. 22. That each and every violation of the requirements of this act of of the regulations of the Commissioners of the District of Columbia made under the authority thereof shall be punishable by a fine of not less than twenty nor more than one hundred dollars, in the discretion of the court, such fines to be collectible in any court of competent jurisdiction as other fines and penalties are collected in the District of Columbia.

The amendment was agreed to.

The next amendment was, in section 24, page 7, line 20, after the word "shall," to strike out "have like" and insert "take;" so as to make the section read:

SEC. 24. That this act shall take effect from and after the date of its

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RATHBUN, BEACHY & CO.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill (S. 7271) for the relief of Rathbun, Beachy & Co.

There being no objection, the Senate, as in Committee of the Whole, preceded to consider the bill. It proposes to pay to Rathbun, Beachy & Co., of Webster, S. Dak., \$1,000 in full compensation for loss in sale of cattle illegally placed in quarantine by Government inspector at the stock yards in Chicago, Ill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PORT HUDSON FORLORN-HOPE STORMING PARTY.

Mr. BULKELEY. I ask unanimous consent for the present consideration of the bill (S. 6725) to grant medals to survivors and heirs of volunteers of the Port Hudson forlorn-hope storming party.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which had been reported from the Committee on Military Affairs, with an amendment to strike out all after the enacting clause and insert:

strike out all after the enacting clause and insert:

That the Secretary of War is hereby authorized to procure a suitable bronze medal commemorating the organization of the volunteer storming party against the works at Port Hudson, La., organized, pursuant to General Order No. 49, by command of Major-General Banks, commanding the Department of the Gulf, June 15, 1863, and present one of said medals to each of the volunteers of said storming party, or in case of the decease of the volunteer said medal shall be given to his widow or oldest heir: Provided, That such medal shall bear an inscription in suitable language, to be designated by the Secretary of War, giving the name of the volunteer, his company and regiment, and stating in substance that the person to whom this medal was awarded volunteered for said storming party: Provided further, That for the purposes of this act the sum of \$2,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## DAMS ACROSS THE MISSOURI RIVER.

Mr. CARTER. I ask unanimous consent for the present consideration of the bill (S. 7515) to authorize the Missouri River Improvement Company, a Montana corporation, to construct a dam or dams across the Missouri River.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 6, after the word "points," to insert "to be approved by the Secretary of War; in line 8, after the word "five," to strike out "west" and insert "east;" in line 10, after the word "meridian," to strike out "to be determined by them, and approved by the Secretary of War;" and on page 2, line 3, after the word "use," to strike out the following proviso:

out the following proviso:

Provided, That the plans for the construction of said dam or dams and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War: Provided further, That whenever required to do so by the Secretary of War said company, its successors or assigns, shall construct and maintain in connection with said dam or dams a suitable boom or log sluice; that said company, its successors or assigns, shall construct and maintain in said dam or dams suitable fishways, to be approved by the United States Fish Commissioner, and shall obtain and convey to the United States, whenever requested to do so by the Secretary of War, clear title to such land as in his judgment may be required for constructions and approaches to said dam or dams for transferring boats and freight around the same, and shall grant to the United States a free use of water power for operating such construction work; and to insure compliance with these conditions the said company, its successors or assigns, shall execute and deliver to the Secretary of War a proper bond in such amount as may be fixed by him: And provided further, That the said company, its successors or assigns, shall be liable for any damage to private property resulting from the construction and operation of said dam or dams, and appurtenant works, either by overflow or otherwise, and proceedings to recover compensation for such damage may be instituted either in the State or Federal courts.

And insert:

#### And insert:

in accordance with the provisions of the act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

So as to make the section read:

That the consent of the Government is hereby given to the Missourl River Improvement Company, a Montana corporation, its successors or assigns, to construct across the Missourl River at some point or points, to be approved by the Secretary of War, between sections 20 and 21, township 21 north, range 5 east, and the north line of township 24 north, range 8 east, Montana meridian, a dam or dams and canals and appurtenances thereof for water power and other purposes, and in connection therewith a foot bridge or bridges for public use, in accordance with the provisions of the act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

The amendment was agreed to.

The next amendment was, on page 3, after line 5, to strike out section 2, as follows:

Sec. 2. That this act shall be null and void unless the structures herein authorized shall be commenced within one year.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PREVENTION OF CONTAGIOUS DISEASES IN THE DISTRICT.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 16868) for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebro-spinal meningitis, and typhoid fever in the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### T. J. H. HARRIS.

Mr. TILLMAN. Mr. President, I have three or four House bills concerning matters to which no one will object, which I now ask to have considered. I first ask unanimous consent for the present consideration of a bill (H. R. 6417) for the relief of T. J. H. Harris.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to T. J. H. Harris, of Union, S. C., \$341.55, that being the balance due him for services rendered the United States in enumerating the population of Union County, S. C., in the year 1860.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF BENJAMIN F. PETTIT.

Mr. TILLMAN. I now ask unanimous consent for the present consideration of the bill (H. R. 9132) for the relief of the legal representatives of Benjamin F. Pettit.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay the legal representatives of Benjamin F. Pettit, of Spartanburg, S. C., \$146.97, for services rendered the United States in carrying the mails in 1860 and 1861.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF CHARLES D. SOUTHERLIN.

Mr. TILLMAN. Mr. President-

Mr. SCOTT. I trust the Senator from South Carolina will allow some other bills which have been awaiting consideration to be now considered.

Mr. TILLMAN. I will say to the Senator that I shall be done in a minute. The bills for which I ask consideration are House bills and have been waiting for a long time.

Mr. SCOTT. The Senator, I trust, will give some other House bills an opportunity to be considered.

Mr. TILLMAN. I shall be through in a moment. Mr. SCOTT. Very well.

Mr. TILLMAN. I now ask unanimous consent for the present consideration of the bill (H. R. 9131) for the relief of the legal representatives of Charles D. Southerlin.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay the legal representatives of Charles D. Southerlin, of Greenville, S. C., \$537.52 for services rendered the United States in carrying the mails in 1860 and 1861.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### T. B. STACKHOUSE.

Mr. TILLMAN. One more bill and I am done, Mr. President. I now ask unanimous consent for the present consideration of the bill (H. R. 6418) for the relief of T. B. Stackhouse, a deputy collector of internal revenue for the district of South Carolina during the fiscal year 1894 and 1895.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to T. B. Stackhouse \$72.32, being the balance due for necessary traveling expenses as deputy collector of internal revenue for the district of South Carolina for the fiscal year ended June 30, 1895.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMERICAN REGISTERS FOR STEAMERS MARIE AND SUCCESS.

Mr. DEPEW. I ask unanimous consent for the present consideration of the bill (H. R. 7014) to provide American registers for the steamers Marie and Success.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Commissioner of Navigation to cause the foreign-built steamers Marie and Success, wrecked in the waters of Cuba and the Isthmus of Panama, respectively, and purchased and wholly owned by the Merritt & Chapman Derrick and Wrecking Company, of New York City, incorporated under the laws of the State of West Virginia, to be registered as vessels of the United States whenever it shall be shown to the Commissioner of Navigation that the repairs on each of the vessels amount to three times the actual cost of each of the wrecks to the owner.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ESTATE OF CAPT. CHARLES E. BUSSELL.

Mr. CULBERSON. I ask unanimous consent for the present consideration of the bill (H. R. 10015) for the relief of the estate of Capt. Charles E. Russell, deceased.

Mr. HEYBURN. Mr. President, I should like to inquire of the Senator from Texas as to whether or not this is a brief bill, and whether there will be any opposition to it?

Mr. CULBERSON. It is a very short bill, I will state to the Senator from Idaho.

Mr. HEYBURN. And there is no opposition to it?
Mr. CULBERSON. None that I have ever heard of. The bill has passed the House.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to the estate of Capt. Charles E. Russell, deceased, \$721.86, that being the amount due for money disbursed by him while serving as quartermaster, Eighth United

States Infantry, he having died in the service May 26, 1902, before he had time to prepare a proper settlement with the United States Government, which settlement was being prepared at the time of his death.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## FORT BERTHOLD INDIAN RESERVATION, N. DAK.

Mr. HANSBROUGH. I ask unanimous consent for the present consideration of the bill (S. 7495) to define the status of certain patents and pending entries, selections, and filings on lands formerly within the Fort Berthold Indian Reservation in North Dakota.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that all patents heretofore issued on entries and selections made without fraud under any of the laws providing for disposal of the public lands, on lands formerly within the Fort Berthold Indian Reservation, in North Dakota, which were opened to settlement by the President's proclamation dated May 20, 1891, pursuant to the provisions of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1892, and for other purposes," approved March 3, 1891, shall have the same effect, and all pending entries, selections, or filings embracing such lands made prior to November 14, 1906, shall be disposed of in the same manner and under the same restrictions and limitations as if the lands included in such patents, entries, selections, or filings had been subject to disposition under the general provisions of the public-land laws.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALEXANDER PLACE AND POPLAR STREET, DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 19568) vacating Alexander place and Poplar street in the subdivision of a part of a tract called Lincoln, District of Columbia, and vesting title in the present owner.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Commissioners of the District of Columbia to abandon Alexander place

and that portion of Poplar street dedicated to the District of Columbia in the subdivision of a part of Lincoln, recorded in book county 18, page 35, of the records of the surveyor's office, the area so abandoned to revert to the present owner of all the lots in the subdivision.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BRIDGES ACROSS TUG FORK OF BIG SANDY RIVER,

Mr. SCOTT. I ask unanimous consent for the present consideration of the bill (H. R. 23219) to authorize Majestic Collieries Company, of Eckman, W. Va., to construct a bridge across Tug Fork of Big Sandy River about 2½ miles west of Va., a station on the Norfolk and Western Railway.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SCOTT. I also ask unanimous consent for the present consideration of the bill (H. R. 24109) to authorize the Norfolk and Western Railway Company to construct sundry bridges across the Tug Fork of the Big Sandy River.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, in section 1, on page 1, line 10, after the word "as," to strike out the word "the" and insert "may be selected by;" and in line 11, after the word "Company," to strike out "may deem suitable for the passage of its road, over the said Tug Fork of the Big Sandy River in the States of West Virginia and Kentucky and in the States of West Virginia and Virginia" and insert "and approved by the Secretary of War;" so as to make the section read: read :

That the Norfolk and Western Railway Company, a corporation organized under the laws of the State of Virginia, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate bridges and approaches thereto across the Tug Fork of Big Sandy River at such points where the same forms the boundary line between the States of West Virginia and Kentucky or the boundary line between the States of West Virginia and Virginia, as may be selected by said company and approved by the Secretary of War, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

## LYMAN BALLOU.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill (H. R. 23889) authorizing the Secretary of the Interior to issue deed of conveyance to Lyman Ballon to certain lands in Custer County, S. Dak.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to issue a deed of conveyance to Lyman Ballou, of the town of Buffalo Gap, Custer County, S. Dak., to the following-described lands, to wit: The north 100 feet of lot 1 in block 7 of the original town of Buffalo Gap; also all that part of the southeast quarter of the southwest quarter of section 29 in township 6 south, of range 7 east of the Black Hills meridian. bounded and described as follows, to wit: Beginning at the intersection of the north line of Pine street with the west line of Second street, running thence east on the north line of Pine street 80 feet; thence south on the east line of Second street 80 feet; thence west on the south line of Pine street 80 feet; thence north on the west line of Second street 80 feet to the place of beginning, as said streets are laid down and described on the plat of the town of Buffalo Gap, on record in the office of the register of deeds of Custer County, S. Dak., all in the town of Buffalo Gap, Custer County, S. Dak.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. McCUMBER. Mr. President, I suggest the want of a

The VICE-PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators

answered to their names:

ackburn andegee alkeley arkett arnham arrows armack arter	Clapp Clark, Mont. Hemenway Clay Crane Culberson Curtis Depew Dick	Flint Frazier Frye Fulton Gallinger Clark, Wyo. Heyburn Kean Kittredge	Knox Latimer Long McCrear; McCumbo McLauri; Mallory Millard Money
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Morgan Overman Patterson Tillman Whyte Stone Sutherland Taliaferro Perkins Smoot Spooner

VICE-PRESIDENT. Forty-seven Senators have answered to their names. A quorum is present.

#### ISSUANCE OF LAND PATENTS.

The Senate resumed the consideration of the resolution submitted by Mr. Carter on the 9th instant, as follows:

Resolved, That under the homestead laws of the United States a duly qualified entryman furnishing competent evidence of full compliance with said laws and all rules and regulations promulgated by authority thereof is, in the absence of contest or of any charge or evidence of fraud or mistake, legally entitled to a patent for the land embraced in the entry as to which final proof has been so furnished, and no executive officer is authorized to forbid and prevent the issuance and delivery of such patent delivery of such patent

Mr. HEYBURN. Mr. President, yesterday when I concluded my remarks I was considering the special message of the President of the United States, which was sent to the Senate on December 17, relative to the public lands of the United States and their disposal. I was particularly considering that portion of the message which advised the Senate that the President had suspended the operation of the public-land laws and had directed that the Secretary of the Interior should issue no more patents under any land laws until certain conditions were complied with. I had discussed, first, the right of the President to make this order, and had cited to the Senate the decisions of the Supreme Court of the United States to the effect that the operation of a law can not be suspended by an Executive order of the President of the United States or of any other officer of the United States. I had discussed the situation in which this Executive order left the homesteaders upon the public lands of the United States and had drawn the attention of the Senate to the number of persons affected by this order and the manner in which the order did affect their rights.

My attention was called during the discussion of this question to a subsequent order that has been made by the President of the United States, under date of January 25, 1907. This order being only five days old, it had not been called to my attention, This order and it was suggested that it afforded the relief necessary against some of the objections which I urged to the Executive order. have sent for and have a copy of it before me. I find that it does not in any measure meet the next objection that I had intended to urge to the message.

#### MINING CLAIMS.

I had about concluded the presentation of the facts in regard to homesteaders and was proceeding to take up the question of the mineral lands of the United States when the suggestion came to me that it would not be necessary to consider that phase or portion of the message of December 17 because of the subsequent order of January 25. I find that the order of January 25 affords no adequate relief from the onerous conditions and results of the message of December 17. In the message of December 17 it is provided:

I have directed the Secretary of the Interior to allow no patent to be issued to public land under any law until by an examination on the ground actual compliance with that law has been found to exist. For this purpose an increase of special agents in the General Land Office is urgently required; unless it is given, bona fide would-be settlers will be put to grave inconvenience, or else the fraud will in large part go on. Further, the Secretary of the Interior should be enabled—

This is the part-

to employ enough mining experts to examine the validity of all mineral-land claims, and to undertake the supervision and control of the use of the mineral fuels still belonging to the United States.

## MINERAL CLAIMS.

I direct the attention of the Senate to that part of the message I have read which refers to mineral claims or includes the location of mining claims, which constitute that portion of the wealth of the country-gold, silver, copper, lead, cinnabar, and that class of metals. I can not conceive of such entire lack of information in regard to the character, the nature, and the necessities surrounding the location of mining claims as to prompt such a declaration. I say it with all due respect to the intention of the President to send no message to the Congress that would not be justified, at least according to the judgment of a portion of the people.

The proposition that the location of a prospector or miner shall be subjected to the scrutiny of an "expert," sent out by any Department of the Government, or from any source whatever, before that claim shall be recognized as having a legal status entitling the owner to possession and the right of development is beyond comprehension. The history of mining should have taught those who are responsible for such a declaration that it was not only impracticable, but that it would result in a complete stagnation of the mining interests of the country. The mines that in this day and in the days past have produced the

hundreds of millions of dollars which have been added to the wealth of this country were condemned by the experts of the mining or so-called "mining" world, one after another, until it has become a matter of jest and of ridicule to talk about having the opinion of an expert.

Mr. CARTER. Mr. President-

The PRESIDING OFFICER (Mr. Knox in the chair). Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly.
Mr. CARTER. While the Senator is dwelling upon the output of the mines, I desire to suggest for the RECORD the fact that under our mining laws and regulations as existing since 1848 so happy has been the result that from gold, silver, copper, and lead mines we have produced over \$7,000,000,000, added from the mines to the national wealth under the existing system.

Mr. HEYBURN. The product of the mines of the United States in gold and silver has established and maintained the money standard of the world for more than half a century. Without it the world could not have maintained the financial basis of the great nations of the earth to-day, nor could they maintain it. It has supplied the basic principle of finance not only in this country, but in others. Without the product of the mines of the United States in the past and in the future the financial system of the world would have to be changed. It enabled this country to resume specie payment. It furnished a basis of money values at a time when the credit of this nation was subject to the vicissitudes of internal strife. This interest not only has thus contributed to the financial stability of the country, but it employs vast capital and labor at remunerative wages-wages that have not an equal in any other occupation on earth. I am speaking of the precious metals. I can include within that the great copper mines of the world, which have contributed to the development and establishment of the great electrical industry of the world and maintain it to-day and without which it could not be maintained. The mines of that little country embraced within the Pacific coast States to-day maintain the basis upon which the great electrical industries of the world rest.

I pass these questions of economics. They can not be disregarded in considering the importance of the mining industry; but at this time I have it in mind rather to discuss the rights of individuals than the relation which this great industry of combined mining bears to the prosperity of the country.

DEVELOPMENT OF THE MINES OF THE COUNTRY.

Congress enacted laws to promote the development of the mines of the country thirty-five years ago; yes, first in 1866, which gave to a citizen of the United States or a person who had declared his intention to become a citizen of the United States the right to go upon the unappropriated public mineral lands of the United States and select for himself a limited area for his own use and benefit, making the condition precedent simply that he should discover mineral-bearing rock in place before making the location, so far as lode claims are concerned; that he should discover gold in the gravel before making the location, if a placer claim, so far as placer claims are concerned, placer claims being the auriferous gravel of the country bearing this metal, and lode claims being ledges of rock in place in the solid formation of the earth. Congress gave that right absolutely upon the discovery of mineral-bearing rock in place. The only prerequisite to the taking of title was the discovery of mineral-bearing rock in place.

Now, the executive department of the Government would subject the judgment of the prospector to the inspection and approval of an expert. The United States Supreme Court in the case of Harrington v. Chambers settled the question as to what Congress meant when it said that a prospector might make a location whenever he had discovered mineral-bearing rock in place which, in the judgment of the locator, was sufficient to justify him in expending his time and labor in developing the prospect, not in the judgment of some other person, but in the judgment of the prospector. It was attempted in that case, as it has been in others, to interpolate the word "reasonable" in determining the judgment of the prospector. It was contended that it must be such a showing of mineral in the rock as would justify a reasonable man, or a man in the exercise of reasonable judgment, in making the selection; in other words, that it was not the judgment of the prospector that was to determine it, that it was the judgment of some other person than the man who was going to expend his labor and his money upon it.

For years that matter was contested in the courts. Recorded in the decisions not only of State supreme courts, but of the courts of the United States, you will find many decisions with varying conclusions, but in the case of Harrington v. Chambers Supreme Court of the United States said that it was a matter which must rest entirely upon the judgment of the locator; that Congress had based the right upon conditions sufficiently onerous to insure against men locating mining claims and doing the necessary work required by the statute except where they offered some promise of becoming mines.

PROSPECTOR HAS MORE AT STAKE THAN ANYBODY ELSE.

No expert, so far as I know, has ever discovered a paying mine or a prospect that became a paying mine in the history of the United States. No great mine, no prospect that has developed into a great mine, has ever met with the approval of the experts who examined it. I speak not only from the record conceded to represent the facts and the experience, but I speak from a personal observation of nearly thirty years. saw the great mines of Leadville condemned out of hand by the experts from Nevada and California. I saw them afterwards, notwithstanding the blight of the disapproval of those gentlemen, produce hundreds and hundreds of millions of dollars. I saw the mines of Idaho, in the great Coeur d'Alene country, condemned by the experts of Leadville and other parts of Colorado and California and Montana, and I have lived in their midst while they have produced more than \$400,000,000 in And yet we are confronted with the proposition that before the prospector, who has more at stake than anybody else, shall have a patent his claim shall be examined by a socalled expert. The prospector has at stake his labor and what little capital he has, generally consisting of the pack on his back. He is solicitous to find something that will make him and relieve him against his poverty. Is it likely that he will trifle away his time upon something which in his judgment, at least, does not justify him in locating and developing?

Congress passed in a few sections of a statute a law that was complete in itself, which provided every detail necessary for the exercise of the right of the prospector and miner. The courts construed the law both as to the location, the development, and the necessary steps to be taken to obtain a patent to the claim. The Department in its industry and within the spirit of this order have formulated regulations, accumulating every day, which have resulted in embarrassing the prospector, in embarrassing and adding to the expense of the man who seeks to obtain the title of the United States to a mining claim until to-day the courts are mostly engaged in determining how much of the law is statutory law and how much of it is regulations

and rules of the Department.

Now, this order proposes to send, to examine on the ground—
it says "on the ground"—an expert wherever application is
made for a patent. Just realize for a moment what that means.
The mines lie up in the mountains, oftentimes where the snow
covers the ground for six months in the year, where it is found
necessary in the fall to equip the mines for a siege against the
weather of six or seven months; where men go in in the fall
and are not seen again in the haunts of civilization until
spring, when the snows are off. During those periods the
owners take advantage of the lull in the outside labor connected with the mines to patent their claims.

The law requires that before an application for a patent is filed you must first apply to the United States surveyor-general of the State for an order directed to some mineral surveyor of the United States, authorizing him to make a survey of that plane. That is generally done during the months of the year when the snow is off. It takes some time to perform that part of the work. Then those notes go to the surveyor-general's office, accompanied by plats, made by the deputy mineral surveyor, in triplicate. It requires some time to work up the field notes and make the plat. In the surveyor-general's office they receive attention according to the rush of business in that office, and generally by the time the summer weather is past, the winter approaching, the party finds himself ready to make his application for a patent.

Then, if he has secured the approval of the surveyor-general to his plat and field notes, he files those, together with an abstract of his title, affidavits that the applicants and locators are citizens of the United States, proof that \$500 has been expended in labor and improvements upon the claim, and not only that it has been expended, but how it has been expended. This proof must be certified by the United States deputy mineral surveyor who has surveyed the claim. He gives the length of the tunnel or the depth of the shaft, character of the ledge, and discovery, or whatever the work may consist of, which is described not in general terms, but specifically. This goes in with the application for a patent, and every one of those facts and statements is sworn to.

Then the register of the United States land office where the application is filed advertises in the paper designated, which must be the paper published nearest the claim, a copy of the application for a patent, which gives every detail as to the location and the compliance and the ownership of the claim, so

that the world is fully advised. In addition to that, an official copy of the application for patent is posted upon the claim in a conspicuous place, ordinarily at the point where the work is being conducted. In addition to that, an official copy of the application is posted in the United States land office, in that room where everybody goes to see who is applying for lands of the United States.

That would seem to be an adequate protection against any surreptitious obtaining of title to the lands of the United States. The plat made by the United States deputy mineral surveyor shows upon its face not only a statement of what the work consists of, but a picture of it, drawn upon the plat. It is on the plat posted in the land office. It is on the plat filed with the application for a patent. Now, where is the opportunity for fraud?

COST OF DEVELOPING A MINING CLAIM.

It is then up to the land officers to determine whether or not that showing constitutes a compliance with the law, such as authorizes the issuance of a patent by the United States Government to the applicant for the mining claim. He has expended on it not only \$500, but he must expend on it as much more as represented by the years during which he must expend in labor and improvements not less than \$100 a year; and in a majority of the cases where applications for patent for mining claims are made the expenditure amounts to more than \$5,000, and often vastly more than that. And yet it is deemed necessary to advise the Congress that an Executive order has been issued prohibiting the completion of the title to these applicants who have performed every act and against whom no protest is filed until the claims can be examined on the ground by an ex-There is not an average of more than six months in the year when the expert, if he were ever so competent, could make an examination of the average claim because of its location and of the weather and of the conditions that surround it.

The average expert comes from where? From the Department in Washington. What test is to be applied to this expert to determine whether or not his judgment or his opinion should weigh more in determining the rights of the parties than these precautionary measures that come, not unofficially or in a careless manner, but through the most careful provision guarding

against any possible fraud?

Yet we are told that here in the recorder's office in the city of Washington these claims that have passed even the scrutiny of the Department of the Interior and the General Land Office and the surveyor-general and the local land office are to be held up, and are now held up and suspended until Congress shall make the appropriation that has been asked to provide these experts to examine them. How many would it take? How many experts, think you, would it take to examine the mining claims that are suspended? There were 1,582 suspended mining claims on the 1st day of this month. They accumulate probably at the rate of at least half that many per month. How many experts would it take to go upon the ground and examine those 1,582 claims, and how long would it take to examine them in the snows of winter in the mountains, because mines are nine times out of ten back in the rugged mountains? How soon could these experts be put to work were we to-morrow to make the appropriation necessary for their employment? How soon could they be put into the field to do this work, and how long would it take them to do it?

I say, after having given the matter some consideration, that were Congress to-morrow to provide for the appointment of these experts and the fund to pay them, before the necessary number of experts could be placed in the field a full year would elapse. There would not be a report on a single mine in the United States under twelve months if we were to do it to-morrow; and we will not do it at all, as a matter of fact.

But in the meantime this order is being enforced. The resolution of the Senator from Montana, to which resolution my remarks are addressed, is directed against that order; and we are here to criticise that order, to inquire as to the wisdom of the making of that order. That is our purpose. Does Congress have any higher function to perform during this session than that of protecting these citizens of the United States in the rights that we have undertaken to bestow upon them? Congress, with due respect to its own prerogative and its own dignity and its constitutional obligation, stand by and see the law that it has enacted stayed by the hand of an Executive who, under the Constitution, is bound to execute the will of Congress, whose highest duty it is to execute the will of the people as represented by our enactments? It seems to me that the subject is one which should thoroughly appeal to the interest and attention of every Member of this body and of Congress.

Just a word now as to the provision that was supposed to re-